

WATER PERMIT NO. 2905-2

Name of Applicant: **Troy M Best**

Address: **601 East 7th Street, Winner SD 57580**

Phone: **605-842-5885**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **400**

Source of Water Supply: **Surface**

Water to be used for: **Irrigation**

County: **Tripp**

Type of Waste Disposal System:

Location: **Approx. 15 miles northwest of Winner**

PRIORITY

Date Received: **02-17-26**

Application/License Fee: **\$1,450.00**

Corrected Application Received: **02-19-26**

Period of Annual Use: **June 1 – October 31**

Remarks: **Using a dam to hold water and then pumping onto the crop**

Diversion Point: **Approx. center of the N 1/2 Sec 6-T101N-R76W**

Land to be Irrigated: **E 1/2 SW 1/4, E 1/2 Sec 1-T101N-R77W; S 1/2 SE 1/4 Sec 36-T102N-R77W; S 1/2 SW 1/4 Sec 31-T102N-R76W; NW 1/4 Sec 6-T101N-R76W**

	36		31	
	1		6	

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **02-24-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2905-2

Date of first receipt of application February 17, 2026.

Date of return to applicant for corrections, amendments or changes February 18, 2026.

Date of receipt of corrected application February 19, 2026.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2905-2 to Troy M. Best, 601 East 7th Street, Winner SD 57580, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2905-2 appropriates 1.78 cubic feet of water per second (cfs) from one dam located in the approximate center of the N 1/2 Section 6-T101N-R76W for irrigation of 400 acres located in the E 1/2 SW 1/4, E 1/2, SE 1/4 NW 1/4 Section 1-T101N-R77W; S 1/2 SE 1/4 Section 36-T102N-R77W; SW 1/4 Section 31-T102N-R76W; NW 1/4 Section 6-T101N-R76W. The permit captures surface runoff and diverts water from Dog Ear Creek at a rate of 0.56 cfs to the existing dam (7 acre surface area) to maintain water levels during the irrigation season. This site is located in Tripp County, approximately fifteen miles north-northwest of Winner SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – October 31.
3. The date from which applicant may claim right is February 17, 2026.
4. The date of approval of Permit No. 2905-2 is May 26, 2026.
5. One-fifth of the construction is to be completed on or before November 26, 2028.
6. All construction is to be completed on or before May 26, 2031.
7. Water is to be put to beneficial use on or before May 26, 2035.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. During the period from April 1 through October 31, diversions from Dog Ear Creek into the dam are authorized only when flow at the USGS Gaging Station No. 06452000-White River near Oacoma is at least 20 cfs. In addition, this permit does not authorize diversion of water from Dog Ear Creek into the dam after June 15 of each calendar year, nor at any time when the stream flow is low, unless written orders have been issued by the Chief Engineer. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. The irrigation intake on Dog Ear Creek must be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment and the intake screen is 1/4-inch diameter or 3/16-inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.

(continued)

3. Water Permit No. 2905-2 authorizes an impoundment with a storage capacity of up to 49 acre-feet of water at the normal pool elevation and sufficient water annually to maintain the water level to the primary outlet elevation. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
4. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the lands authorized by this water permit for the purpose of inspecting works and determining if the irrigation system is operating.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year reporting the amount of water used for irrigation.

WATER MANAGEMENT BOARD

By: Adam Mathiowetz
Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

07/14/2026
date



RECEIVED

FEB 18 2026

FORM 2: Application for irrigation in South Dakota
(type or print)

OFFICE OF
WATER

Mail to:

SD DANR, Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 2905-2 Hydrologic Unit 10140 204Basin White - lowerNewspaper Winner AdvocateDaily Press & Dakotan
(office use only)

PAID

FEB 17 2026

Ck# 12195

Rec't# _____

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Troy M Best

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 601 East 7th St. Winner SD 57580
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-842-5885 Email bestsd@gwtc.net

2. Amount of water claimed 1.78 *CFS or 800 **GPM 49 ***AF Total Acreage 400 ~~7~~ 7 acres
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Dam

4. Location of point of diversion one dam in NW 1/4 and NE 1/4 section 6-101N-76W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Tripp

5. County or counties where water will be used Tripp County

6. Annual period during which water is to be used June 1st - October 1st

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>6-101-76 Sec 1-T101N-R77W</u>	<u>40200</u>	<u>102-76-31</u>	<u>40</u>
<u>6-101-76 Sec 31-T102-R76W</u>	<u>40</u>	<u>101-77-1</u>	<u>40</u>
<u>6-101-76 Sec 36-T102N-R77W</u>	<u>40</u>	<u>101-77-1</u>	<u>40</u>
<u>36-102-36 Sec 6-T101N-R76W</u>	<u>40120</u>	<u>101-77-1</u>	<u>40</u>
<u>101-77-1</u>	<u>40</u>	<u>101-77-1</u>	<u>40</u>

8. Give a description of the project. (Attach sheet if more space is needed)

using a dam to hold water and then pumping it onto crop field

I, Troy Best Troy Best, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

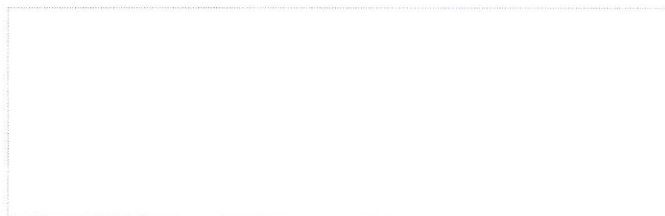
3. Dugout Information

- a) Surface Dimensions 7 Acres Depth Average 7 feet
- b) Depth to water (ground surface to water level) Average 7 feet

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard 4 feet
- c) Crest Width 30 feet
Crest Length 300 feet
- d) Height 21 feet
- e) Primary Outlet Capacity 1000 GPM
If pipe, diameter 24"
- f) Secondary Spillway Capacity 10,000 GPH
Spillway Width 10 feet
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream 2.5H:1V
Downstream 2H:1V
- h) Area of Impoundment 7 Acres
- i) Storage 49 Acre Feet
- j) Drainage Area Above Dam 600 Acres



Parcel
Map

Sold
Land

Land for
Sale

Community

Pricing

Help

More

Log
In

Sign
Up

Parcels

For Sale

Sold Land

Community

Custom - Draw

Enter a county, township, city, or address



State



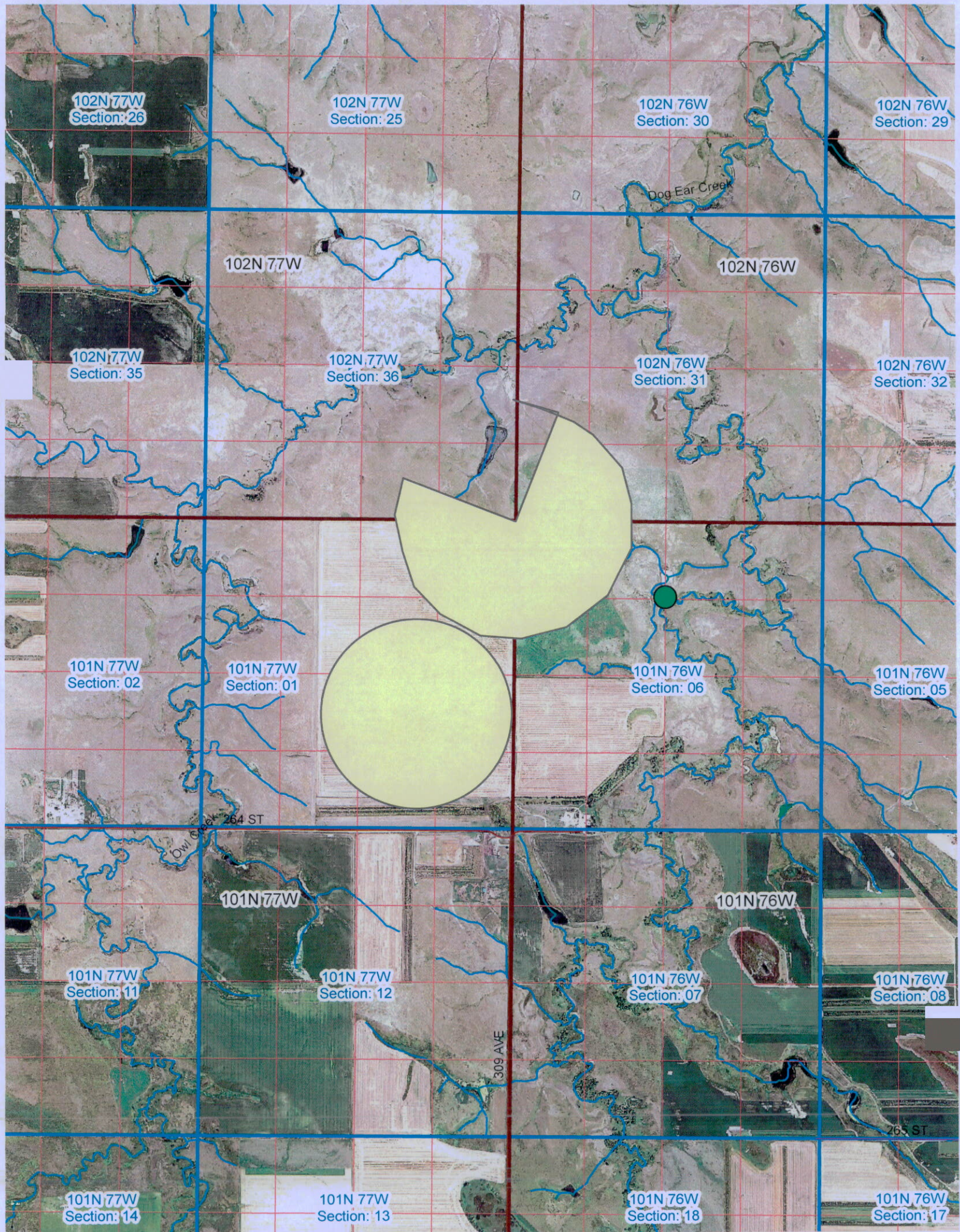
Showing all Parcels.

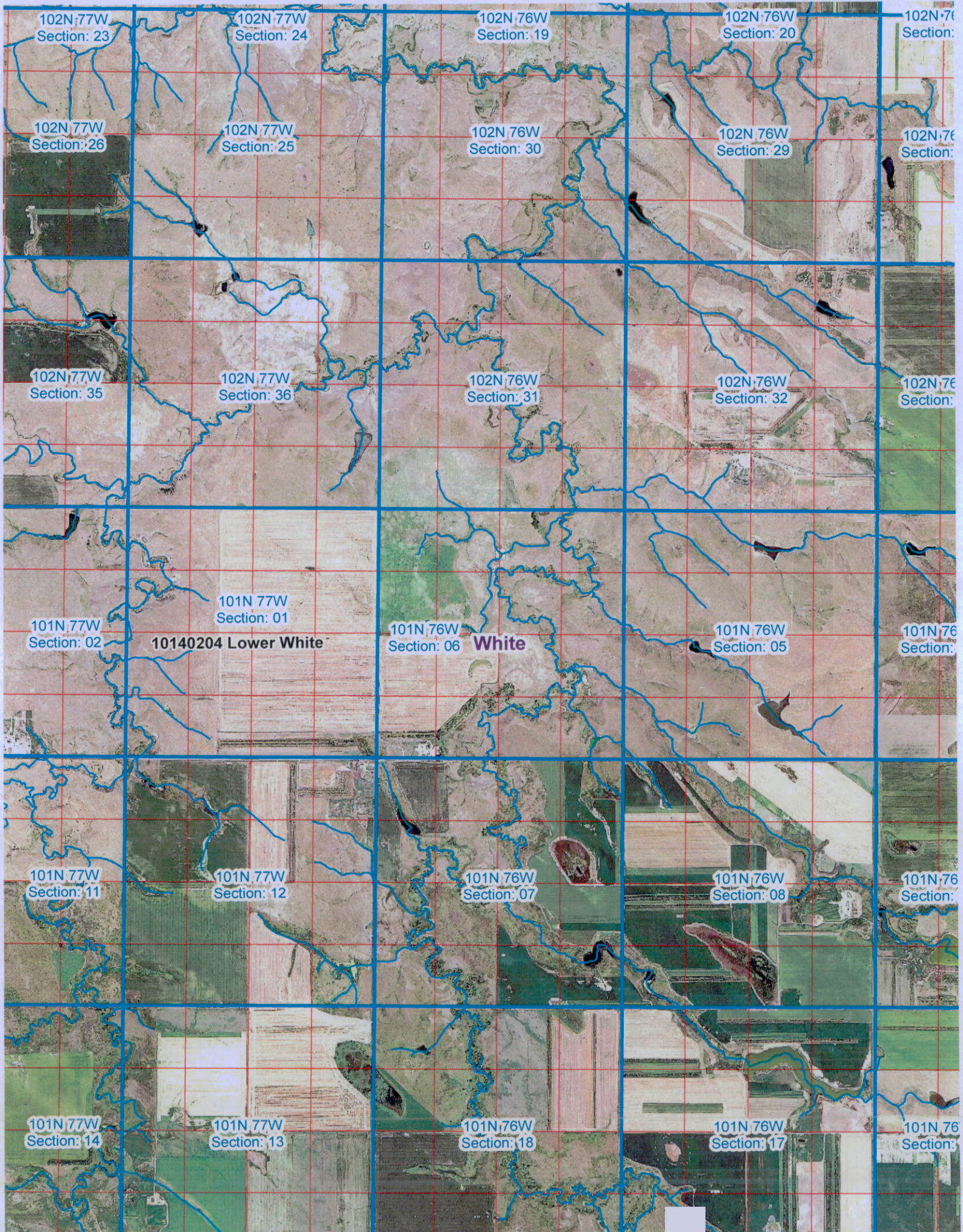
0 FIELDS

Get Full Report



Marion Best 30924 264th St. Witten SD, 57584





102N 77W
Section: 23

102N 77W
Section: 24

102N 76W
Section: 19

102N 76W
Section: 20

102N 76W
Section: 21

102N 77W
Section: 26

102N 77W
Section: 25

102N 76W
Section: 30

102N 76W
Section: 29

102N 76W
Section: 28

102N 77W
Section: 35

102N 77W
Section: 36

102N 76W
Section: 31

102N 76W
Section: 32

102N 76W
Section: 33

101N 77W
Section: 02

101N 77W
Section: 01

10140204 Lower White

101N 76W
Section: 06

White

101N 76W
Section: 05

101N 76W
Section: 04

101N 77W
Section: 11

101N 77W
Section: 12

101N 76W
Section: 07

101N 76W
Section: 08

101N 76W
Section: 09

101N 77W
Section: 14

101N 77W
Section: 13

101N 76W
Section: 18

101N 76W
Section: 17

101N 76W
Section: 16

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date February 17, 2026

RECEIVED OF Troy M Best 601 East 7th Street Winner SD 57580

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2905-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1250.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2905-2</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>1450.00</u>

By Adam Mathewson
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2905-2, Troy M Best**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2905-2, Troy M. Best, 601 East 7th St, Winner SD 57580.

The Acting Chief Engineer is recommending APPROVAL of Application No. 2905-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. During the period from April 1 through October 31, diversions from Dog Ear Creek into the dam are authorized only when flow at the USGS Gaging Station No. 06452000-White River near Oacoma is at least 20 cfs. In addition, this permit does not authorize diversion of water from Dog Ear Creek into the dam after June 15 of each calendar year, nor at any time when the stream flow is low, unless written orders have been issued by the Chief Engineer. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. The irrigation intake on Dog Ear Creek must be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment and the intake screen is 1/4-inch diameter or 3/16-inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
3. Water Permit No. 2905-2 authorizes an impoundment with a storage capacity of up to 49 acre-feet of water at the normal pool elevation and sufficient water annually to maintain the water level to the primary outlet elevation. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
4. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the lands authorized by this water permit for the purpose of inspecting works and determining if the irrigation system is operating.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year reporting the amount of water used for irrigation.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

6. This Permit does not authorize the inundation of land by the reservoir created by the dam not owned by the holder of the permit. A flood easement is required for inundation of any lands not owned by the holder of the Permit.
7. Any future reconstruction, major alteration, major repair or decommissioning (controlled breach) of the dam that would fall under Administrative Rule of South Dakota (ARSD) Chapter 74:02:08 Safety for Dams will require plans and specifications to be approved by the Chief Engineer of the Water Rights Program prior to construction per ARSD Chapter 74:02:08 Safety for Dams.

See report on application for additional information.

Adam Mathiowetz, PE
Acting Chief Engineer
May 4, 2026

Report to the Chief Engineer on
Water Permit Application No. 2905-2
Troy Best
May 4, 2026

Water Permit Application No. 2905-2 proposes to appropriate water at a maximum annual diversion rate of 1.78 cubic feet per second (cfs) from one existing dam located in the approximate center of the N ½ Section 6- T101N-R76W for the irrigation of 400 acres located in the E ½ SW ¼, E ½, SE ¼ NW ¼ Section 1-T101N-R77W; S ½ SE ¼ Section 36-T102N-R77W; SW ¼ Section 31-T102N-R76W; NW ¼ Section 6-T101N-R76W. The application also proposes to capture surface runoff and divert water from Dog Ear Creek at a rate of 0.56 cfs to the existing dam (7 acre surface area with 49 acre-feet normal storage). This site is located in Tripp County approximately 15 miles north-northwest of Winner, SD.

Water Sources: surface runoff, unnamed tributary to Dog Ear Creek and Dog Ear Creek

South Dakota Codified Laws (SDCL) and Administrative Rule of South Dakota (ARSD)
SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will address availability of unappropriated water and potential for unlawful impairment to existing rights that are pertinent to this application.

ARSD Chapter 74:02:08

Administrative Rule of South Dakota (ARSD) Chapter 74:02:08 provides the minimum design standards for dams above the heights and storages specified in ARSD 74:02:08:01(7).

Construction may not begin on a new dam as defined by ARSD 74:02:08:01(7) until plans and specifications have been approved by the Chief Engineer and a water permit application, if needed, has been approved.

Review of the Water Source

This application proposes to capture surface runoff from a dam on an unnamed tributary creek of Dog Ear Creek and divert water from Dog Ear Creek at a rate of 0.56 cfs to this dam. The United States Geological Survey's (USGS) National Hydrography Dataset (USGS, 2025a) classifies both of these creeks as intermittent. Intermittent streams are streams that flow only when they receive water from rainfall runoff or springs, or from some surface water source such as melting snow (USGS, 2013). The confluence of the unnamed tributary creek of Dog Ear Creek on which the dam for this application is located and Dog Ear Creek is 0.36 stream miles

downstream of the dam. The applicant indicated that the dam is approximately 21 feet in height with approximately 4 feet of freeboard and a surface area of approximately 7 acres. Using the general equation to estimate normal storage of a dam, surface area (in acres) times dam height to spillway (in feet) (dam height minus free board) times 0.4 (constant use to represent the upstream end of a reservoir is typically shallower than the upstream end) result in an estimated normal storage for the dam of approximately 47.6 acre-feet ($7 \text{ acres} \times ((21 \text{ feet} - 4 \text{ feet}) \times 0.4)$), which is similar to the applicant's estimate of 49 acre-feet for the dam's storage.

Dog Ear Creek is located within the White River basin. The headwaters of Dog Ear Creek are in south central Tripp County, and the creek flows in a generally northern direction with Mud and Hollow Creeks along with several other unnamed tributaries discharging into the creek before it eventually confluences with the White River at the northern border of Tripp County. The confluence of Dog Ear Creek and the White River is approximately 7.2 linear miles north of the diversion point for this application. The headwaters area of Dog Ear Creek and several of its larger tributaries like Mud and Hollow Creeks are along the northern edge of the Ogallala Formation (Filipovic, 2004). Filipovic (2004) shows some degree of groundwater movement toward the northern edge of the formation in this area, which could contribute baseflow via seepage to the creek.

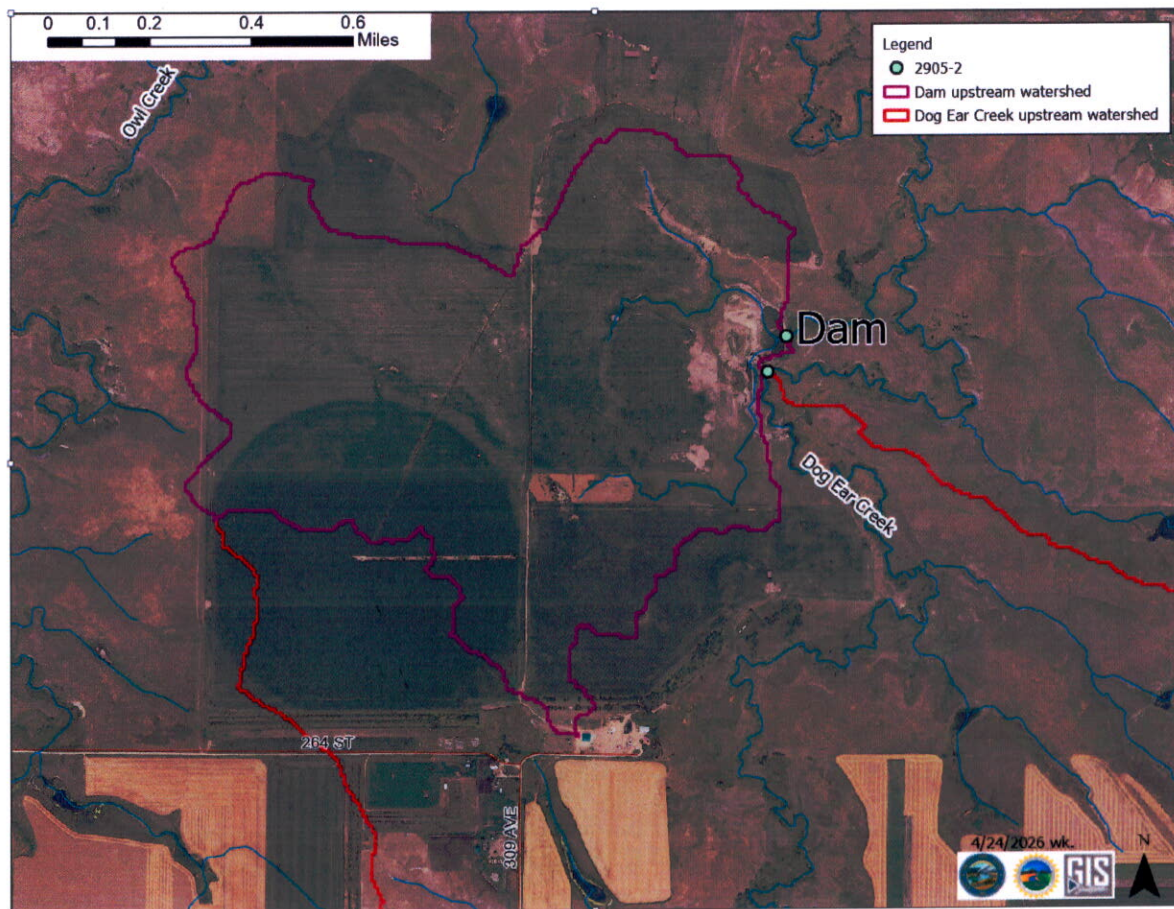


Figure 1: Drainage area upstream of dam and dam location in relation to Dog Ear Creek (USGS, 2025b)

Water Availability

The watershed area above the dam location was estimated to be 550 acres or 0.86 square miles based using the USGS StreamStats application (USGS, 2025b). The drainage area above the diversion point on Dog Ear Creek was estimated to be 165 square miles or 105,600 acres. These watershed areas are shown in Figure 2. No USGS stream gaging is available for this unnamed tributary to Dog Ear Creek or Dog Ear Creek (USGS, 2026a).

The soils in the dam watershed are primarily in hydrologic soil group C (USDA-NRCS, 2022). Land use in the dam watershed is primarily straight row crops (MRLC, 2024; USDA, 2025). The curve number (or soil cover complex number) for straight row crops in good hydrologic condition the curve number is 85 for soils in hydrologic soil group C and for poor condition is it 88 (USDA-NRCS, 1986). A higher curve number means greater runoff occurs when estimating annual yield, and so a curve number of 85 will be used to yield a more conservative estimate of water availability. The soils in the Dog Ear Creek drainage area are approximately 70% hydrologic soil group D and 30% hydrologic soil group A (edge of the Ogallala in the head waters area) (USDA-NRCS, 2022). Land cover in the Dog Ear Creek drainage area upstream of the diversion point for this application appears to be primarily row cultivated crops (mostly soil group D area) with some pasture/hay use (mostly soil group A area) (MRLC, 2024; USDA, 2025). For soils in hydrologic group D with good hydrologic condition row cultivated crops, the curve number is 89 and for soils in hydrologic group A with good hydrologic condition pasture the curve number is 39 (USDA-NRCS, 1986). Doing a weighted average results in a curve number of 74 for the watershed.

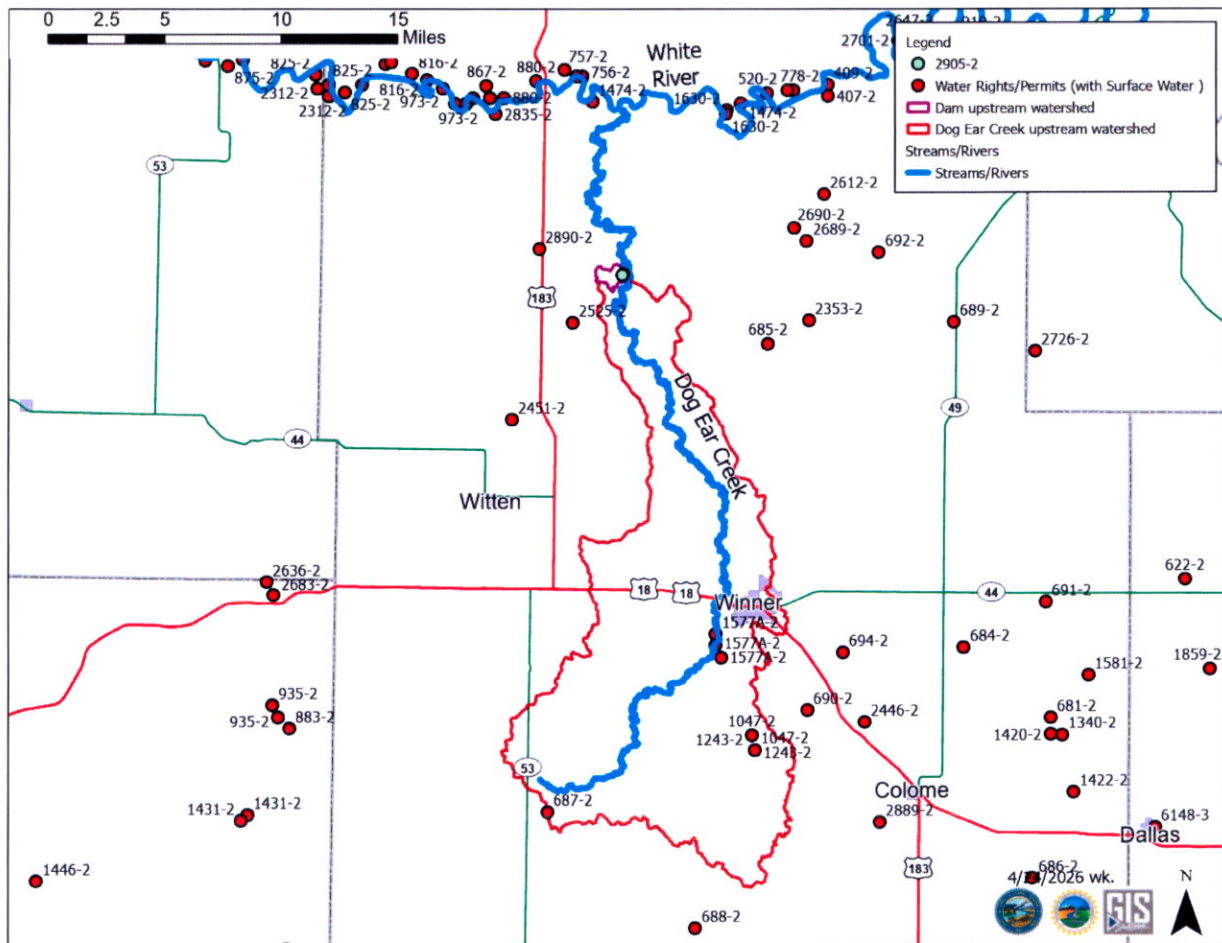


Figure 2: Dog Ear Creek drainage area above the diversion point for this application and water rights/permit with a surface water component within the extent of the map (Water Rights, 2026a; USGS, 2025a). Note, no water/rights exist on Dog Ear Creek between the diversion proposed by this application and the White River.

The NRCS annual surface yield method for South Dakota was used to estimate annual surface yield for the drainage area upstream of the dam location and the drainage area upstream of the proposed diversion point on Dog Ear Creek (USDA-NRCS, 1984). This NRCS method estimates the volume of runoff which is expected to be exceeded for a twelve-month period at certain annual probabilities using contributing drainage area, soil cover complex number, and watershed location (USDA-NRCS, 1984). For example, the 80 percent exceedance estimate has an 80 percent chance of being exceeded each year. The annual surface yields for the drainage area at the percent chances of exceedance provided by the NRCS method are presented in Table 1 for the dam and Table 2 for Dog Ear Creek. Isogram 2½ from the NRCS annual yield method was used for both watersheds, however these watersheds are both near the western edge of the area of the state that corresponds to this isogram, where the method transitions to a different isogram representing drier conditions. This means the annual yield estimates from this method could be slightly on the high side for these watersheds. Additionally, this method does not

account for losses in transmission, withdrawals, evaporation from storage, or seepage from groundwater into the creek.

Table 1: Estimated Total Annual Yield of Surface Runoff of the Dam Watershed (USDA-NRCS, 1984)		
Percent Chance of Exceedance	Total Runoff (acre inches per acre)	Total Runoff (acre-feet/year)
80	0.7	32.1
50	1.6	73.3
20	3.1	142.1
10	4.4	201.7

Table 2: Estimated Total Annual Yield of Surface Runoff of the Dog Ear Creek Drainage Area (USDA-NRCS, 1984)		
Percent Chance of Exceedance	Total Runoff (acre inches per acre)	Total Runoff (acre-feet/year)
80	0.15	1,320
50	0.43	3,784
20	1.55	13,640
10	2.50	22,000

In addition to irrigation use, other main annual water losses from the reservoir will be likely due to evaporation and seepage. Using data from 1956 to 1970, NOAA (1982) provided annual free water surface evaporation data for the contiguous United States. Utilizing NOAA (1982), the estimated annual free water surface evaporation for the proposed dam site is 47 inches per year (approximately 3.92 ft per year). Average annual precipitation from 1991 to 2020 in the Winner, SD area (approximately 15 miles to the south of the proposed dam site) is 23.17 inches per year (1.93 feet) (US Climate Data, 2026). So net loss between direct precipitation and evaporation is 1.99 feet. Based on the reservoir information (surface area of 7 acres), estimated net loss between evaporation and direct precipitation at normal pool is approximately 13.9 acre-feet per year. Information is not available to estimate losses to seepage from this dam.

Based on the annual surface runoff yield estimates, during drier to average conditions the watershed above the dam will not provide sufficient runoff to fill the dam from dry and the applicant will likely need to pump water from Dog Ear Creek to assist with filling the dam. To put this into a frame of reference of a 10-year period, on average, enough annual runoff to fill the reservoir to normal storage from dry is estimated to occur about 5 years out of a 10-year period. These estimates are not a guarantee of what will occur in any given 10-year period, but an on average, over time estimate. This application is seeking to irrigate 400 acres. Generally, in South Dakota, center pivot irrigation use averages less than 10 inches per acre per year, which results in an estimated conservative demand for this application of 333 acre-feet per year. However, the

limited normal storage in the dam (49 acre-feet) this application proposes to irrigate out of will likely limit average annual usage under this application, if approved, to a lower amount.

The annual surface runoff yield estimates indicate that it is likely that on average sufficient runoff occurs between the dam watershed and diversion point drainage area on Dog Ear Creek to support the request of this application. During dry to average years, pumping out of Dog Ear Creek into the dam reservoir will likely be needed to maintain the water level of the dam reservoir for irrigation.

Potential for Unlawful Impairment

There are no water rights/permits on Dog Ear Creek between the diversion and dam site and the White River (Water Rights, 2026a). The existing water right holders for Dog Ear Creek are all upstream of the site for this application. These users are shown in Figure 2 and summarized in Table 3 (Water Rights, 2026a). Given this lack of water rights/permits between the proposed diversion for this application and the confluence of Dog Ear Creek and the White River, this application, if approved, is not expected to unlawfully impair existing appropriative users.

Permit No.	Permit Holder	Use	Priority Date	Source	Rate (cfs)	Acres	Storage (acre-feet)	Average Use 2015-2025 (acre-feet)	Comments
1047-2	Virgil Novotny	Irrigation	12/22/1970	Ogallala well & dam* on tributary to Dog Ear Creek	1.56	130	520	200	reports irrigation from dam (well & surface water split unknown)
1243-2	Novotny Bros	Irrigation	02/11/1975	Ogallala well & dam* on tributary to Dog Ear Creek	0.73	51	520	0	pumps from well to dam so only groundwater reported
1577A-2	James Fisher	Irrigation	03/01/1977	Dog Ear Creek & Mud Creek	0.86	60	n/a	0	either sufficient moisture or no water available

*the two rights 1047-2 & 1243-2 use the same dam

Review of the 2025 aerial imagery and Location Notices on files with the Water Rights of the area between the diversion point and dam site for this application, and the White River, indicate land use is generally for pasture with few to no Location Notice sized dams or dugouts directly on Dog Ear Creek (USDA, 2025; Water Rights, 2026d). However, most of the tributaries to the creek downstream of the site for this application typically have one or more Location Notice sized dams or dugouts on or directly adjacent to the tributary. It is unknown if this dam has a low-level outlet to bypass low flows. However, a low flow bypass requirement for downstream domestic use is recommended as a qualification.

Distribution of streamflow in South Dakota varies seasonally. An example of typical distribution in this area is shown in Figure 3, by using the available statistical data (1981-2026) for USGS Gage No. 06464100 Keya Paha River near Keya Paha, SD. This gage is located approximately 32 linear miles to the southeast from the diversion site for this application. Figure 3 shows day of year mean (average) of daily mean discharge values for USGS Gage No. 06464100. Peak flows typically occur early March to mid-June annual and then after mid-June flows quickly drop off for fall and winter. The water rights summarized in Table 3 do not have set cutoff dates, just the typical domestic use takes priority over appropriative use qualification.

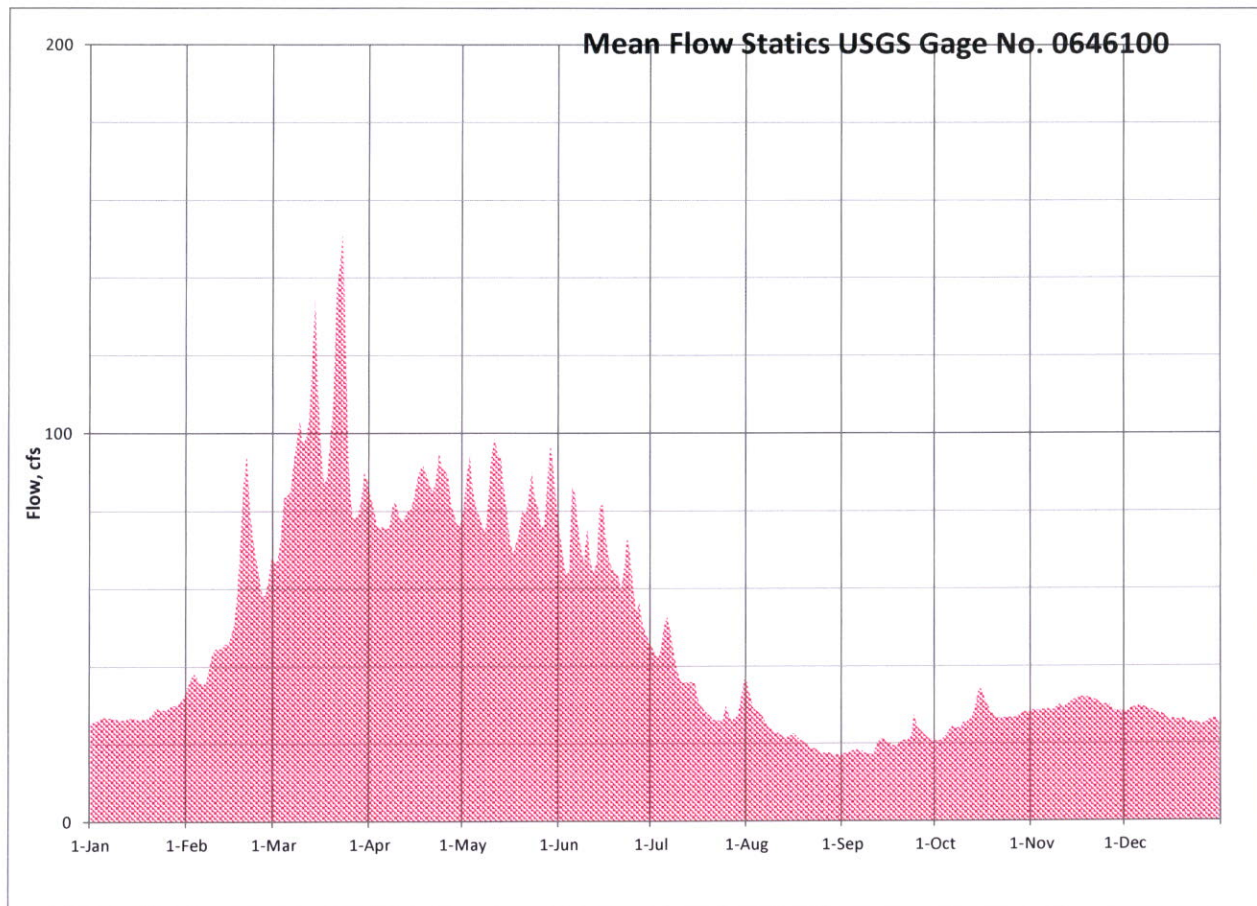


Figure 3: USGS Gage No. 06464100 Keya Paha River near Keya Paha, SD day of year mean (average) of daily mean discharge values with a calculation period of 1981-10-01 through 2026-04-26 (USGS, 2026b). Note this is to illustrate streamflow distribution for this region of SD.

In examining recent water permit applications to actively (pump out of rather than fill a dam for in place livestock or fish and wildlife use) divert from rivers and creeks (i.e. White River, Ponca Creek, or Keya Paha) in this region of South Dakota, they typically received a late spring to early summer cutoff date each calendar year to protect domestic users (including livestock watering) in addition to the low flow bypass requirement (Water Rights, 2026a). Therefore, a June 15 of each calendar year cutoff date is recommended for the diversion out of Dog Ear Creek to fill the dam.

Since Dog Ear Creek is a tributary of the White River and there are senior water right holders on the White River downstream of the confluence with Dog Ear Creek, out of an abundance of caution a cutoff could be tied to the White River for divisions out of Dog Ear Creek. The standard cutoff would be diversions from Dog Ear Creek into the dam are authorized only when flow at the USGS Gaging Station No. 06452000-White River near Oacoma is at least 20 cfs during the irrigation season.

Safety of Dams

Pursuant to ARSD 74:02:08:01(7) a dam for the purposes of the State's Safety of Dam requirements as:

"Dam," for the purpose of this chapter an artificial barrier, including appurtenant works, which impounds or diverts water and which is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or has an impounding capacity at maximum water storage elevation of 50 acre-feet or more. A barrier is not considered a dam for the purpose of this chapter if the height does not exceed 6 feet regardless of storage capacity or if the storage capacity at maximum water storage elevation does not exceed 15 acre-feet regardless of height;

Based on the information provided with the application, the dam is approximately 21 feet in height with a surface area of approximately 7 acres. Using the **general equation** to estimate maximum (top of dam) storage of a dam, surface area (in acres) times dam height times 0.4 (constant use to represent the upstream end of a reservoir is typically shallower than the upstream end) result in an estimated maximum (top of dam) storage for the dam of approximately 58.8 acre-feet. This would make the structure large enough that it will need to comply with the requirements of the South Dakota Safety of Dams Rules (by 8.8 acre-feet of storage); however, the amount over is within the possible range of error for this equation given the available information. Additionally, the applicant indicates the dam was not designed by an engineer, and that the dimensions for the application were taken after repair and reservoir cleanout of the original dam that had failed at this location and it was his intent to keep the dam small enough to stay below needing to comply with the Safety of Dam Rules. However, based on the information provided by the applicant this dam is subject to the State's Safety of Dams Rules. Therefore, an attempt will still be made with the information available on the structure to estimate if the dam has the spillway capacity required under the Rules for a structure of this size and hazard.

Under the size classification of ARSD 74:02:06 this would be a small sized dam. In reviewing the downstream area using the 2025 areal imagery (USDA, 2025), the hazard potential classification that best matches this dam is category 3. A category 3 dam is defined by ARSD 74:02:08:01(5) as:

"Category 3 dam," a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss;

Pursuant to ARSD 74:02:08:07 and 74:02:08:07.01 this dam needs to have a spillway design flood of the 25-year, 24 hour storm (4% annual exceedance probability flood). Using the

USGS Streamstats Application to estimate peak-flow statistics for the watershed above the dam the peak flow for the inflow design flood is 619 cfs (USGS, 2025b). The applicant indicated a primary outlet capacity of 1,000 gpm (2.23 cfs) and a secondary spillway capacity of 10,000 gph (0.37 cfs). However, this rate seems unlikely given the applicant indicates a secondary spillway width of 10ft. If it were 10,000 gpm that would be 22.3 cfs, which seems slightly more plausible. Based on the available information for the dam, the dam does not appear to be able to pass the required design flood.

Future downstream development can change downstream hazard classifications. If that occurs, dam owners are required to bring the dam into compliance with the new classification. During the licensing inspection, it should be determined if the existing dam falls under the Safety of Dams Rules, if the dam does fall under the Rules, any future reconstruction, major alteration, major repair, or decommissioning (controlled breach) of the dam will require plans and specifications to be approved by the Chief Engineer of the Water Rights Program prior to construction. Additionally, based on the available information, if the dam is not already subject to the State's Safety of Dams Rules further enlargement of the dam will likely get it to that point and need plans and specifications review by the Water Rights Program.

Additional Considerations

The applicant indicated the reservoir for the dam has been recently enlarged beyond its historic size. However, a map showing the area inundated by the repaired and enlarged reservoir was not provided. According to the Administrative Rules of South Dakota (ARSD), a map shall be submitted as part of a water permit application. ARSD 74:02:01:07 (4) states:

"For a proposed water diversion from a reservoir, show the water line at the outlet elevation and at maximum pool, the lands inundated and their owners, and the capacity of the reservoir at the outlet elevation."

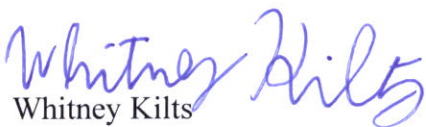
A map as described by ARSD 74:02:01:07 (4) was not provided with this application, but using aerial imagery, the applicant indicated a seven-acre surface area and County plat information (First District, 2026) indicates the inundated area is likely limited to the applicant's property. However, if any area flooded by the reservoir created by the dam is to be outside of the applicant's property, the applicant will need to obtain a flood easement for that area.

Conclusions

1. Water Permit Application No. 2905-2 proposes to appropriate water at a maximum annual diversion rate of 1.78 cubic feet per second (cfs) from one existing dam located in the approximate center of the N $\frac{1}{2}$ Section 6- T101N-R76W for the irrigation of 400 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1- T101N-R77W; S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36-T102N-R77W; SW $\frac{1}{4}$ Section 31-T102N-R76W; NW $\frac{1}{4}$ Section 6-T101N-R76W. The application also proposes to capture

surface runoff and divert water from Dog Ear Creek at a rate of 0.56 cfs to the existing dam (7-acre surface area).

2. During drier to average conditions the watershed above the dam will not provide sufficient runoff to fill the dam from dry and the applicant will likely need to pump water from Dog Ear Creek to assist with filling the dam and during average conditions the combination should provide sufficient water on an annual basis for this application.
3. Approval of this application is not expected to unlawfully impair existing water rights/permits or domestic users with the qualifications recommended in this report.
4. If the application is approved, qualifications are recommended to protect downstream domestic use and existing users with prior water rights.
5. During the licensing inspection, it should be determined if the existing dam falls under the Safety of Dams Rules, if the dam does fall under the Rules any future reconstruction, major alteration, major repair, or decommissioning (controlled breach) of the dam will require plans and specifications to be approved by the Chief Engineer of the Water Rights Program prior to construction. Additionally, based on the available information, if the dam is not already subject to the State's Safety of Dams Rules, further enlargement of the dam will likely get it to that point and need plans and specifications review by the Water Rights Program. Further, based on information provided by the applicant, the dam does not comply with spillway capacity requirements for a small-size, category 3 dam even if the dam is subject to Safety of Dams Rules.



Whitney Kilts

Natural Resources Engineer III

SDDANR-Water Rights Program

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- Water Rights. 2026a. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Report on Water Permit Application No. 2905-2

Water Rights, 2026b. Irrigation Use Data. SD DANR-Water Rights Program, Joe Foss Building,
Pierre, South Dakota.

Water Rights. 2026d. Location Notices. SD DANR-Water Rights Program, Joe Foss Building,
Pierre, South Dakota.

Rodriguez, Rachel

From: bestsd@gwtc.net
Sent: Thursday, February 19, 2026 2:40 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Good afternoon:

Yes, the total acreage to be irrigated is 400 acres. There are 200 acres in Section 1-101N-77W. There are 40 acres in Section 31-102N-76W. There are 40 acres in Section 36-102N-77W. There are 120 acres in Section 6-101N-76W.

To confirm, the location of the dam is the green dot, Section 6-101N-76W.

Please let me know if you need anything else.

Thank you!

Troy Best

On 2026-02-18 14:00, Rodriguez, Rachel wrote:

Good morning,

In looking over your application, I see a few issues:

- No. 2, total acreage is 7, but the land description section has 400 acres. Please see the attached map and confirm that the area outlined in yellow is the proposed irrigation area, as I will need to include all the Sections 1, 36 31 and 6 for the public notice description. In addition, I need you to confirm the location of the dam, as indicated in green on the map in Section 6.

Once I receive your response, I will begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Troy Best

DATE: 3/24/2026

RE: Application No. 2905-2

COMMENTS:

I called Mr. Best to follow up on the attached e-mail. He indicated one pivot went in in 2024 and one in 2025, and they were only run one to two rotations to make sure they worked before he paid the installers. There are no engineering plans for the dam; they just went in and fixed, cleaned out, and enlarged an old existing dam that had washed out. The channel between the dam drainage and Dog Ear Creek doesn't divert Dog Ear, it is just to help limit erosion on the dam since Dog Ear is close to the downstream side of it. He would also like to pump out of Dog Ear Creek into the dam at 250 gpm in the future.

Whitney Kilts
Natural Resources Engineer

From: Kilts, Whitney
To: "bestsd@gtwc.net"
Cc: Mathiowetz, Adam; Dewell, Amanda
Subject: RE: Questions on your water permit application
Date: Monday, March 23, 2026 3:58:00 PM
Attachments: image001.png
image001.png
image001.png

Greetings Mr. Best,

I will attempt to call tomorrow to follow-up verbally. But I also wanted to check-in by e-mail. Before a recommendation on a water permit application can be made a Water Rights Program staff engineer has to review water availability and unlawful impairment to domestic users and existing water right holders. Answers to several of the below questions are needed before a staff engineer can begin their review of your water permit application. If you don't respond in a timely manner to the below questions, your permit application will have to be put on hold until you respond.

Thanks,



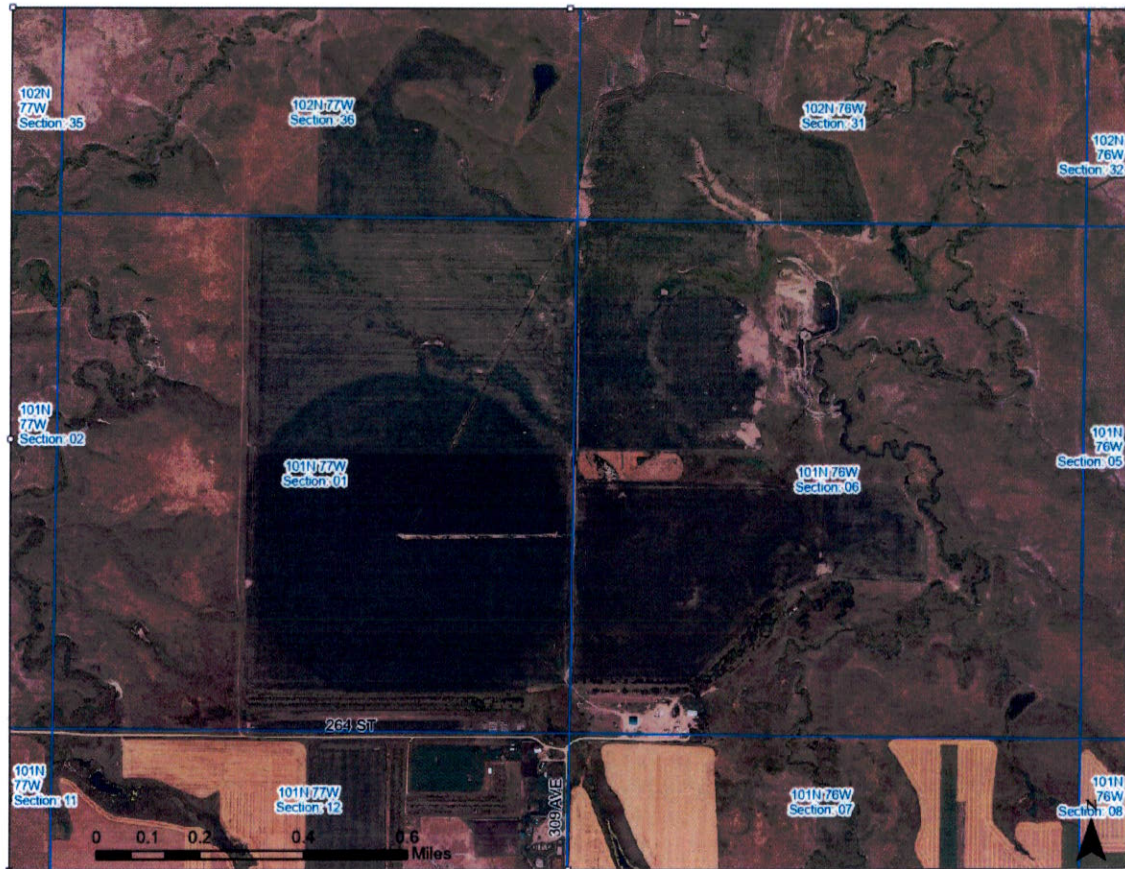
Whitney Kilts
Office of Water-Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
dnr.sd.gov

From: Kilts, Whitney
Sent: Friday, March 13, 2026 10:57 AM
To: bestsd@gtwc.net
Cc: Mathiowetz, Adam <Adam.Mathiowetz@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Questions on your water permit application

Greetings Mr. Best,

We have started looking at your application for a water permit and have some follow-up questions.

- Based on the 2025 NAIP imagery (included below, first image), it appears this system may have already been constructed, sometime between 2023 and 2025. What was the date of construction?
- Also based on the 2025 NAIP imagery this system (south pivot) was possibly used for irrigation in 2025. If so, this would have been done without proper permitting. What was the estimated water use for 2025 and if used for irrigation in 2024 also, what was the estimated water use in 2024?
- Based on the information, provided on Form 2A and the standard equation used to estimate maximum (top of dam) storage for a dam (maximum storage (in acre-feet)=surface area (in acres)*(dam height (in feet))*0.4), this estimated maximum storage for the dam is 58.8 acre-feet (7*21*.4). Therefore, based on the information provided on Form 2A this dam is subject to the State's Safety of Dams Rules. please provide the plans and any other associated design information for the dam so the structure can be reviewed for compliance with the State's Safety of Dams Rules (<https://sdlegislature.gov/Rules/Administrative/74:02:08>). Or provide information showing the dam is below the size and storage for which compliance with the State's Safety of Dams Rules is required. (In general, a structure is a dam if the height to the dam crest is greater than or equal to 25 feet and the storage at the dam crest (not at the spillway elevation) is greater than 15 acre feet or if the height to the dam crest is greater than 6 feet and the storage at the dam crest (not at the spillway elevation) is greater than or equal to 50 acre feet. The height of the dam is the difference in elevation between the natural bed of the watercourse or the lowest point on the toe of the dam, whichever is lower, and the crest elevation of the dam.)
 - Note: Based on a review of past aerial imagery the dam is visible breached in 2021 on the imagery, therefore the dam does **not** qualify for an exemption to spillway capacity, since the dam was breached and rebuilt after October 27, 1986.
- In reviewing the 2023 and 2025 imagery, a new excavation appearing to divert water from Dog Ear Creek into the dam is visible in the 2025 imagery (second image below). In order to adequately identify the water source and review water availability for this application we need to know if all flow from Dog Ear Creek is being diverted into the dam, are only high flows from spring runoff and storm events diverted into the dam, or is some other criteria used to decide when water is diverted out of Dog Ear Creek? And is there a headgate or any other structure used to manage diversion from Dog Ear Creek into the dam?





Thank you,



Whitney Kilts
Office of Water-Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

May 5, 2026

Troy M. Best
601 East 7th Street
Winner SD 57580

Dear Mr. Best:

Water Permit Application No. 2905-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Winner Advocate printed in Winner (Ph # 605 842-1481) and the Daily Press & Dakotan printed in Yankton (Ph # 605 665-7811). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Acting Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 2905-2 to Appropriate Water

Notice is given that Troy M Best, 601 East 7th Street, Winner SD 57580, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one dam located in the approximate center of the N 1/2 Section 6-T101N-R76W for irrigation of 400 acres located in the E 1/2 SW 1/4, E 1/2, SE 1/4 NW 1/4 Section 1-T101N-R77W; S 1/2 SE 1/4 Section 36-T102N-R77W; SW 1/4 Section 31-T102N-R76W; NW 1/4 Section 6-T101N-R76W. The application also proposes to capture surface runoff and divert water from Dog Ear Creek at a rate of 0.56 cfs to the existing dam (7 acre surface area) to maintain water levels during the irrigation season. This site is located in Tripp County, approximately fifteen miles north-northwest of Winner SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2905-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 26, 2026.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 26, 2026.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 5, 2026 12:34 PM
To: tori.vellek@yankton.net
Subject: 2905-2 Troy Best - Public Notice
Attachments: 2905-2 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 13, 2026.

Troy M Best, 601 East 7th Street, Winner SD 57580, 605-842-5885, bestsd@gwtc.net has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Winner Advocate <winneradvocate@hotmail.com>
Sent: Tuesday, May 5, 2026 2:27 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] 2905-2 Troy Best - Public Notice

Got it!

Thank you,

Kirstin

*Note Address Change

Winner Advocate

325 S Monroe St. Ste. 119

Phone: (605) 842-1481

Fax: (605) 842-1979

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 5, 2026 12:33 PM
To: winneradvocate@hotmail.com <winneradvocate@hotmail.com>
Subject: 2905-2 Troy Best - Public Notice

Attached is a notice to be published on May 13, 2026.

Troy M Best, 601 East 7th Street, Winner SD 57580, 605-842-5885, bestsd@gwtc.net has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Dan Bechtold

of said county being first duly sworn, on oath says that he is the Editor of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly and has been published within said county for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

106 Lines
Notice of Application No. 2905-2
Troy Best

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 week(s), on the day of each week on which said newspaper was regularly published to wit:

5-13-26

That the full amount of the fees for the publication of the *annexed notice is \$ 40.03

Dan Bechtold
Subscribed and sworn to before me this 13th
day of May 2026

Jennifer J Duffy
Notary Public
County of Tripp, South Dakota

My Commission Expires 3-29-27



NOTICE OF APPLICATION NO. 2905-2 to Appropriate Water

Notice is given that Troy M Best, 601 East 7th Street, Winner SD 57580, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one dam located in the approximate center of the N 1/2 Section 6-T101N-R76W for irrigation of 400 acres located in the E 1/2 SW 1/4, E 1/2, SE 1/4 NW 1/4 Section 1-T101N-R77W; S 1/2 SE 1/4 Section 36-T102N-R77W; SW 1/4 Section 31-T102N-R76W; NW 1/4 Section 6-T101N-R76W. The application also proposes to capture surface runoff and divert water from Dog Ear Creek at a rate of 0.56 cfs to the existing dam (7 acre surface area) to maintain water levels during the irrigation season. This site is located in Tripp County, approximately fifteen miles north-northwest of Winner SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2905-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 26, 2026.

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above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 26, 2026.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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523 E CAPITOL AVE
PIERRE SD 57501-3182

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MAY 21 2026

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WATER

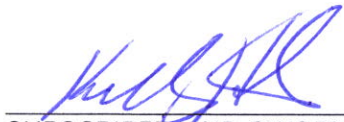
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 13th DAY OF May, 2026
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$52.16 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 05/13/2026

FILED ON: 05/13/26



SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF May, 2026



NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 12/15/2029

RECEIVED

MAY 21 2026

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 2905-2 to Appropriate Water

Notice is given that Troy M Best, 601 East 7th Street, Winner SD 57580, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one dam located in the approximate center of the N 1/2 Section 6-T101N-R76W for irrigation of 400 acres located in the E 1/2 SW 1/4, E 1/2, SE 1/4 NW 1/4 Section 1-T101N-R77W; S 1/2 SE 1/4 Section 36-T102N-R77W; SW 1/4 Section 31-T102N-R76W; NW 1/4 Section 6-T101N-R76W. The application also proposes to capture surface runoff and divert water from Dog Ear Creek at a rate of 0.56 cfs to the existing dam (7 acre surface area) to maintain water levels during the irrigation season. This site is located in Tripp County, approximately fifteen miles north-northwest of Winner SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2905-2 because 1) there is reasonable probability that there is unappropriated water available for the applicants proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineers recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 26, 2026.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and

mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 26, 2026.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$52.16 and can be viewed free of charge at www.sdpublicnotices.com

Published May 13, 2026

RECEIVED

MAY 21 2026

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 5, 2026 3:43 PM
To: bestsd@gwtc.net
Subject: 2905-2 Troy Best - Public Notice
Attachments: 2905-2 Rec.pdf; 2905-2 Ltr.pdf; 2905-2 PubNotice.pdf

Good afternoon,

Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 14, 2026

Troy M. Best
601 East 7th Street
Winner SD 57580

Dear Mr. Best:

Enclosed is Water Permit No. 2905-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 2905-2

Name of Applicant: Troy M Best

Date of Posting:

Date of Removal: 7/14/2026

Amanda Dewell, Permitting Administrator

7/14/2026

Date

Subscribed and sworn to before me, a notary public, this 14th day of July, 2026.

Notary Public - South Dakota
My commission expires **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)

