

WATER PERMIT NO. 5689A-3Name of Applicant: **Big Sioux Community Water System**Address: **23343 479th Avenue, Egan SD 57024** Phone: **605-997-2098**Amount of Water Claimed: **360 AF** Total Acres: **N/A**Source of Water Supply: **Groundwater**Water to be used for: **RWS** County: **Lake**

Type of Waste Disposal System:

Location: **10 miles southeast of Madison****PRIORITY** Date Received: **01-16-25** Application/License Fee: **\$1,050.00**Corrected Application Received: **N/A** Period of Annual Use: **January 1 – December 31**Remarks: **Amending 5689-3 to include portions of SW 1/4 Sec 16-T105N-R51W and placing 360 AF to beneficial use.**Diversion Point: **NE 1/4 SW 1/4 Sec 16-T105N-R51W**Land to be Irrigated: **N/A**Depth of Well: **Lacey Well Drilling**Well Driller: **77.5**

Remarks:

Type of Map: **aerial**

			16		

Reviewed and the Number Assigned on: **01-16-25**By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5689A-3

Date of first receipt of application January 16, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5689A-3 to Big Sioux Community Water System, 23343 479th Avenue, Egan SD 57024, 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. 5689A-3 amends Future Use Permit No. 5689-3 to expand the future use area to include portions of the SW 1/4 Section 16-T105N-R51W and to construct and place to beneficial use 360 acre-feet of water annually at a maximum pump rate of 0.89 cubic feet of water per second from one well to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 77.5 feet deep) in the NE 1/4 SW 1/4 Section 16-T105N-R51W. Water will serve rural water system users in Lake County, including Dakota Ethanol and the Brant treatment plant. The proposed well site is located approximately 7 miles south of Wentworth SD.
2. The water appropriated shall be used for rural water system use purposes and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 5689A-3 is May 5, 2025.
5. The date from which applicant may claim right is May 18, 1992.
6. One-fifth of the construction is to be completed on or before November 5, 2027.
7. All construction is to be completed on or before May 5, 2030.
8. Water is to be put to beneficial use on or before May 5, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 5689A-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Water Permit No. 5689A-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Northern Skunk Creek Aquifer.

(continued)

4. Water Permit No. 5689A-3 authorizes a total annual diversion of up to 360 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

5/20/25
date



FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED

JAN 16 2025

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>5689A-3</u> Hydrologic Unit <u>10170203</u> Basin <u>Big Sioux</u> Newspaper <u>Madison Daily Leader</u> <u>Sioux Falls Argus Leader</u> (office use only)
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Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐
☒
☐

Municipal
Rural Water System
Domestic (over 18 gpm)

☐
☐
☐

Water Distribution System
Commercial
Industrial

☐
☐
☐

Recreational
Fish & Wildlife
Other

☐
☐

Institutional
Geothermal

Type of Application:
(check one)

☐
☒
☒

New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
Place to Beneficial Use Water Reserved by Future Use Permit No. 5689-3
Amendment/Correction to Permit No. 5689-3

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

5689-3 identifies the FU area as N 1/2 NW 1/4 Sec 9-T105N-R51W - amend 5689-3 FU area to include portions of the SW 1/4 Sec 16-T105N-R51W

1. Name to Appear on Water Permit Big Sioux Community Water System

Mailing Address 23343 479th Ave Egan SD 57024
(Address) (City) (State) (Zip Code)

Phone 605.997.2098 Mobile 605.864.7996 Email bigsioux@bigsiouxews.com

2. Amount of water claimed 0.89 *CFS or 400 **GPM and 360 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply groundwater (BS:NSC)

4. Location of point of diversion 1 well - NE 1/4 SW 1/4 Sec 16-T105N-R51W County Lake
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No

If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Lake

6. Annual period during which water is to be used Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

1 well to provide water to Dakota Ethanol and Brant Treatment Plant

I, Jason Johnson General Manager, 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.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Lacey Well Drilling
(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) 77.5' 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

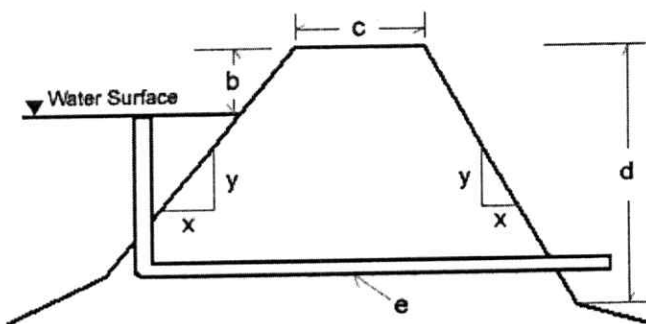
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

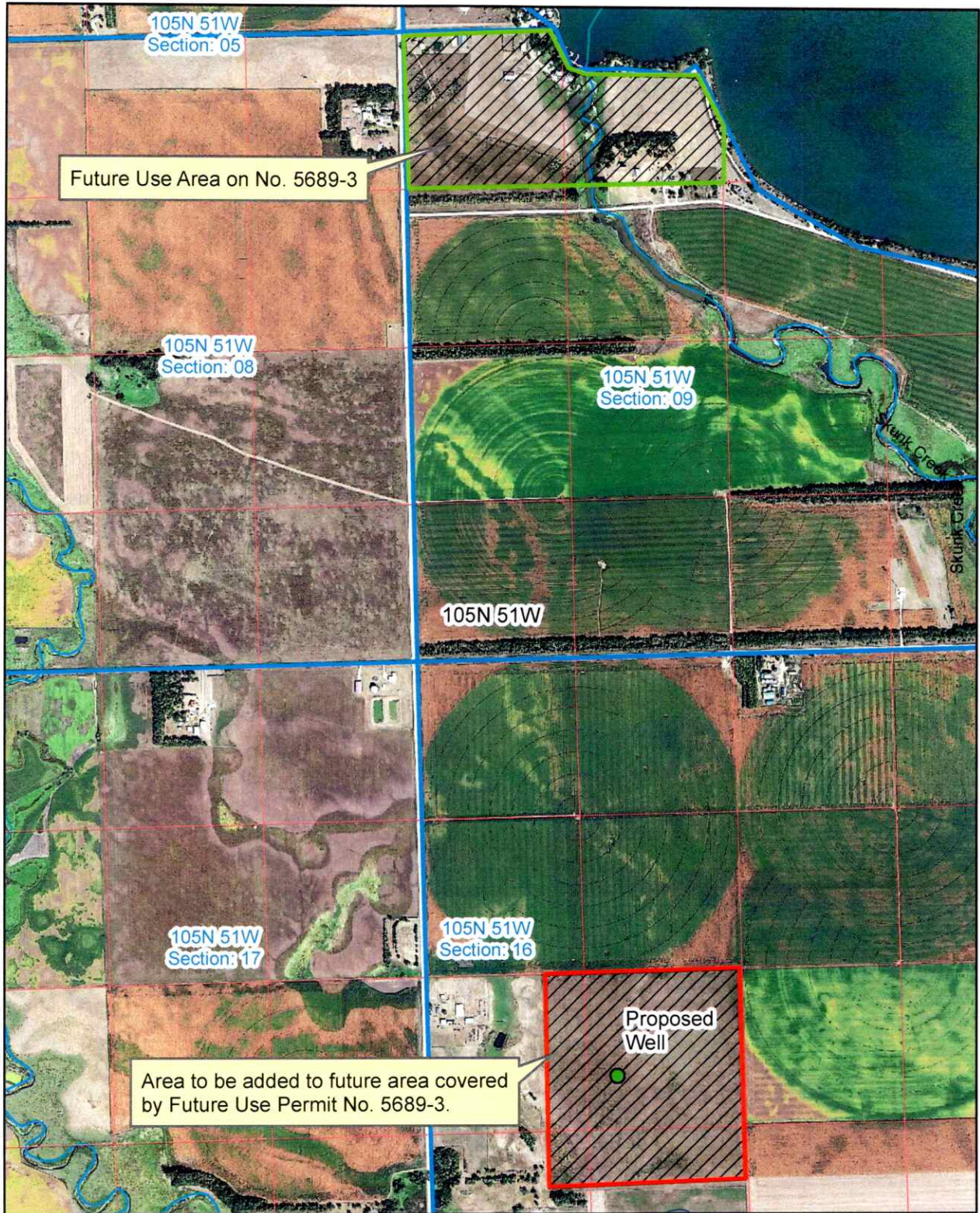


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Scale: 1 inch = 1,250 feet

1,750

Feet



DANR
SOUTH DAKOTA

Completed by:

Ron Duvall

Ron Duvall, Engineer
SD DANR, Water Rights Program

Date:

Application No.

Water Test
by Lacey Drilling, Trent, SD .
February 27th 2006.

Test Hole # 1.
Lake County, South Dakota.
Legal Location: NE SE NE SW Sec. 16, T.105N, R. 51W.
Elevation 1615

Feet
0-2 Topsoil
2-30 Sand, brown, medium to coarse, dry to 25'.
30-37 Clay, brown (till ?)
37-72 Sand & Gravel, medium to coarse sand, fine to coarse gravel.

Static WL 28.8' below land surface.

Jim Lacey
SD #111

1616

1500

1600

4

EXISTING WELL NO. 1
BRANT LAKE WTP (BSCW)

WATER TREATMENT PLANT SITE
EXISTING BRANT LAKE WTP
(5 ACRES)

BRANT LAKE

LOCATION OF SITE
FOR FUTURE WATER
USE PERMIT

1608

1620

1620

9

1600

Skunk

1610

STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE BIG SIOUX COMMUNITY WATER, EGAN, SOUTH DAKOTA, I DID PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION AND THAT I DID SURVEY AND LOCATE THE SITES FOR WHICH APPLICATION FOR AN APPROPRIATIVE FUTURE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FOR RURAL WATER SUPPLY PURPOSES IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 14th DAY OF May, A.D. 19 92.

Daryl C. Englund
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 14th DAY OF May, A.D. 19 92.

Doris C. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-2-97

DORIS C. BROWN
NOTARY
PUBLIC
SEAL
SOUTH DAKOTA

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
REG. NO. 2846
DARYL C. ENGLUND
SOUTH DAKOTA

BIG SIOUX COMMUNITY WATER
BOX 158
EGAN, SOUTH DAKOTA

EXHIBIT 1
APPLICATION FOR FUTURE
USE WATER RIGHT

MOODY COUNTY, SOUTH DAKOTA
N1/2 NW1/4 SEC. 9 T105N R51W



5689-3



105N 51W
Section: 05

105N 51W
Section: 04

105N
Section

105N 51W
Section: 08

105N 51W
Section: 09

105N 51W
Section: 10

105N 51W
Section: 17

10170203 Lower Big Sioux

Big Sioux

105N 51W
Section: 15

105N 51W
Section: 16

105N 51W
Section: 20

105N 51W
Section: 21

105N 51W
Section: 22

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 16th 2025

RECEIVED OF Big Sioux Community Water System 23343 479th Avenue Egan SD 57024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</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>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>1050.00</u>

By Eric Ironlund
Chief Engineer

SK

Gronlund, Eric

Subject: FW: [EXT] Water application

From: Jeff <jeff@bigsiouxcws.com>
Sent: Wednesday, January 22, 2025 10:29 AM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Jodi <Jodi@bigsiouxcws.com>
Subject: [EXT] Water application

Ron please don't advertise our water application until after April 1st .
I will be in touch.
Thanks Jeff



**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. 5689A-3, Big Sioux Community Water System**

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. 5689A-3, Big Sioux Community Water System, 23343 479th Avenue, Egan SD 57024.

The Acting Chief Engineer is recommending APPROVAL of Application No. 5689A-3 because 1) Future Use Permit No. 5689-3 reserved the water for future use by the Big Sioux Community Water System, 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. The well approved under Water Permit No. 5689A-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Water Permit No. 5689A-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Northern Skunk Creek Aquifer.
4. Water Permit No. 5689A-3 authorizes a total annual diversion of up to 360 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
March 31, 2025

Report to the Chief Engineer
On Water Permit Application No. 5689A-3
Big Sioux Community Water System
March 28, 2025

Water Permit Application 5689A-3 is to amend Future Use Permit No. 5689-3 to expand the future use area to include portions of the SW ¼ Section 16-T105N-R51W. Future Use Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet per year for future use in the N ½ NW ¼ Section 9-T105N-R51W. Subject to approval of the expanded future use area, then construct and place to beneficial use 360 acre-feet of water annually reserved by Future Use Permit No. 5689-3 at a maximum pump rate of 0.89 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Northern Skunk Creek aquifer (approximately 77.5 feet deep) in the NE ¼ SW ¼ Section 16-T105N-R51W. Water will be used for rural water system purposes in Lake County, including supplying Dakota Ethanol and the Brant treatment plant. The proposed well site is located in Lake County approximately 7 miles south of Wentworth, SD. The location for the proposed future use expansion area is approximately 1.25 miles south of the current future use area for Future Use Permit No. 5689-3.

Aquifer: Big Sioux: Northern Skunk Creek

Hydrogeology and Aquifer Characteristics

Hansen (1986) called the aquifer that this application proposes to place water to beneficial use from the North Skunk Creek aquifer. Prior to the publication of Hansen (1986), the Water Rights Program adopted the naming convention and aquifer management units from Hedges et al. (1982) of Big Sioux: Northern Skunk Creek (BS:NSC), Big Sioux: Middle Skunk Creek (BS:MSC), and Big Sioux: Southern Skunk Creek (BS:SSC). For consistency, the naming conventions from Hedges et al. (1982) which have been historically used by the Program will be used for this report on the Big Sioux: Northern Skunk Creek aquifer.

There are three main references available to estimate the approximate aquifer extent of the Big Sioux: Northern Skunk Creek. Hedges et al. (1982 and 1985) which mapped major aquifers in eastern South Dakota and also subdivided aquifer into management units (for the purposes of managing water) based on six general criteria. The six criteria from Hedges et al. (1982) are (1) thinning and/or constriction of the aquifer or management unit, (2) facies change from high to low permeability of aquifer material, (3) change from water-table to artesian conditions and vice versa, (4) ground-water divide, (5) ground-water discharge point such as stream or lake, and (6) presence of a streamflow gaging station. The Hedges et al. (1982) delineation of the approximate extent of the North Skunk Creek aquifer is shown in Figure 1. Hedges et al. (1982) southern extent of the aquifer appears to have been based on a constriction in the width of the aquifer materials. A Buhler (2009) report provided the basis for the aquifer being considered as fully appropriated used the Hedges et al. (1982) delineation. The application corresponding with the Buhler (2009) report was ultimately withdrawn, however the Buhler (2009) information appeared before the Board as part of the contested case hearing for Temporary Use Permit No. 7131-3.

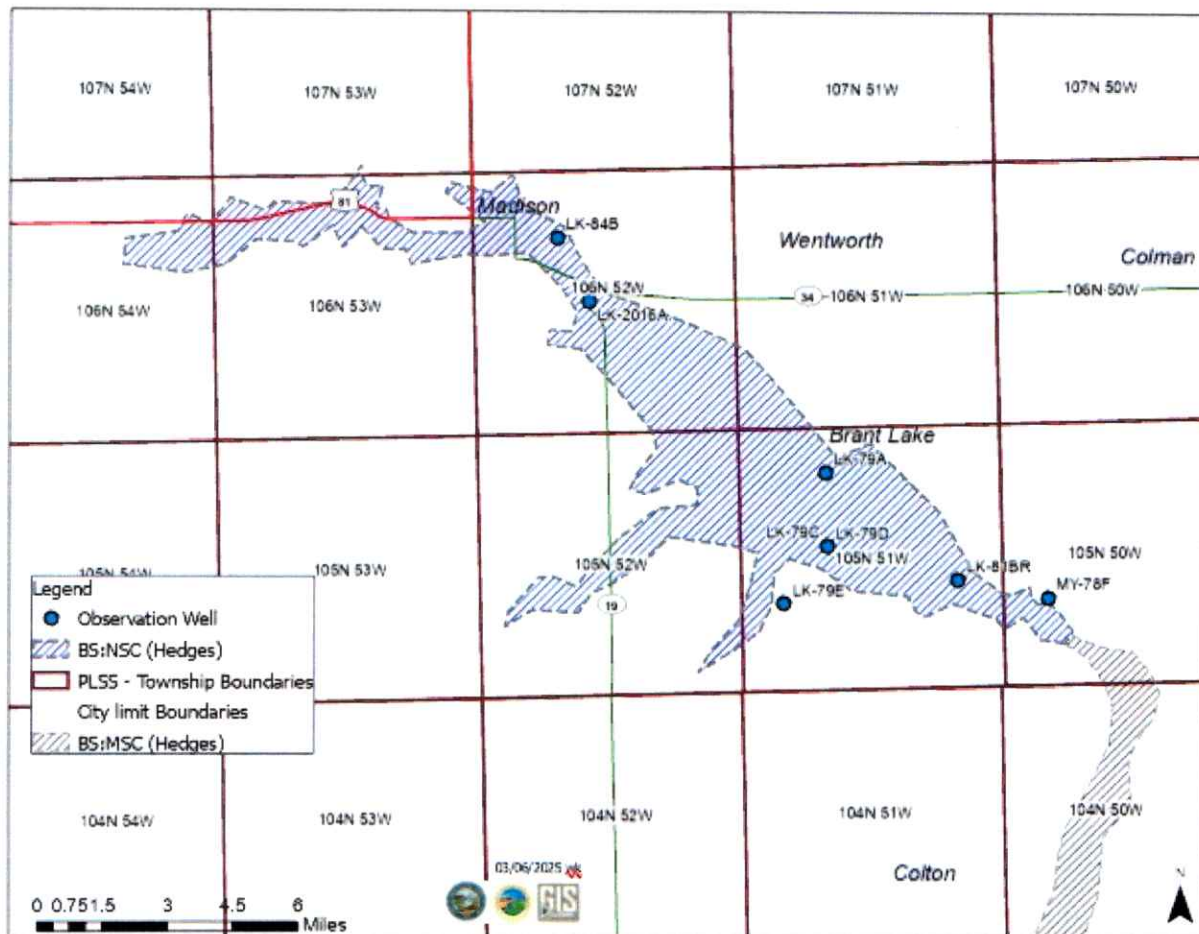


Figure 1: Hedges et al. (1982) delineation of the approximate extent of the Big Sioux: Northern Skunk Creek and the Big Sioux: Middle Skunk Creek and observation wells (Water Rights, 2025c)

Hansen (1986) studied the water resources of Lake and Moody County and mapped the approximate extent of aquifers in those counties without the inclusion of the management units from Hedges et al. (1982 and 1985), which was typical of this series of county level water resource reports produced by the United State Geological Survey. The extent of Hansen's (1986) North Skunk Creek aquifer is shown in Figure 2 including the confined portion of the aquifer. Localized confined conditions can still be encountered outside of the confined area mapped by Hansen (1986) (Water Rights, 2025a; 2025b; 2025c). The Hansen (1986) mapping appeared before the Water Management Board as part of the contested case for Water Permit No. 8864-3 (Water Rights, 2025b).

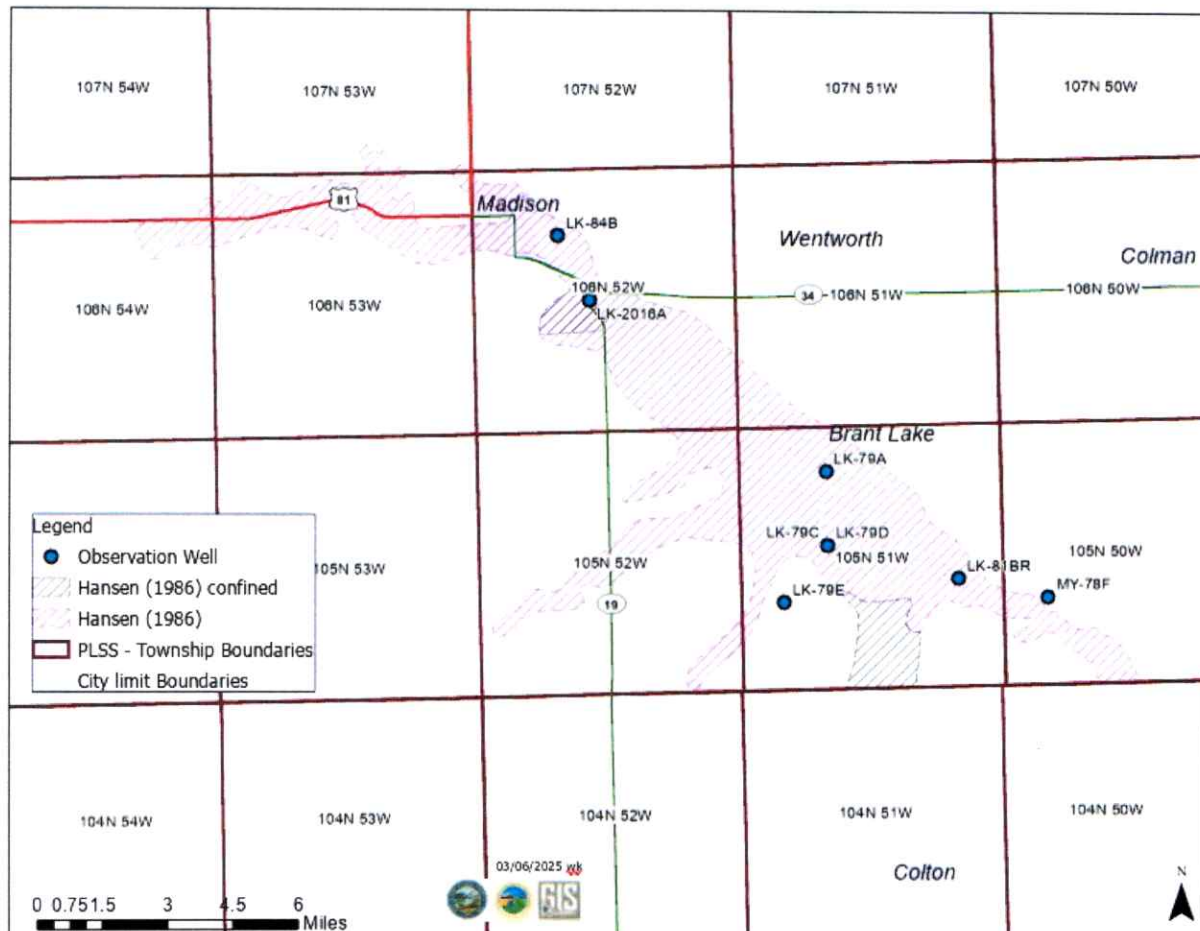


Figure 2: Hansen's (1986) North Skunk Creek aquifer and Water Rights (2025c) observation wells

Jensen (2002a and 2002b) produced aquifer materials maps rather than true aquifer maps, meaning that the mapped surface to near surface aquifer materials might not be saturated to the point of yielding water to wells (acting as an aquifer) year-round or during drier climatic periods (especially along the edges of the aquifer). The areas of Lake and Moody Counties from Jensen (2002a and 2022b) that include the Big Sioux: Northern Skunk Creek aquifer area shown in Figure 3.

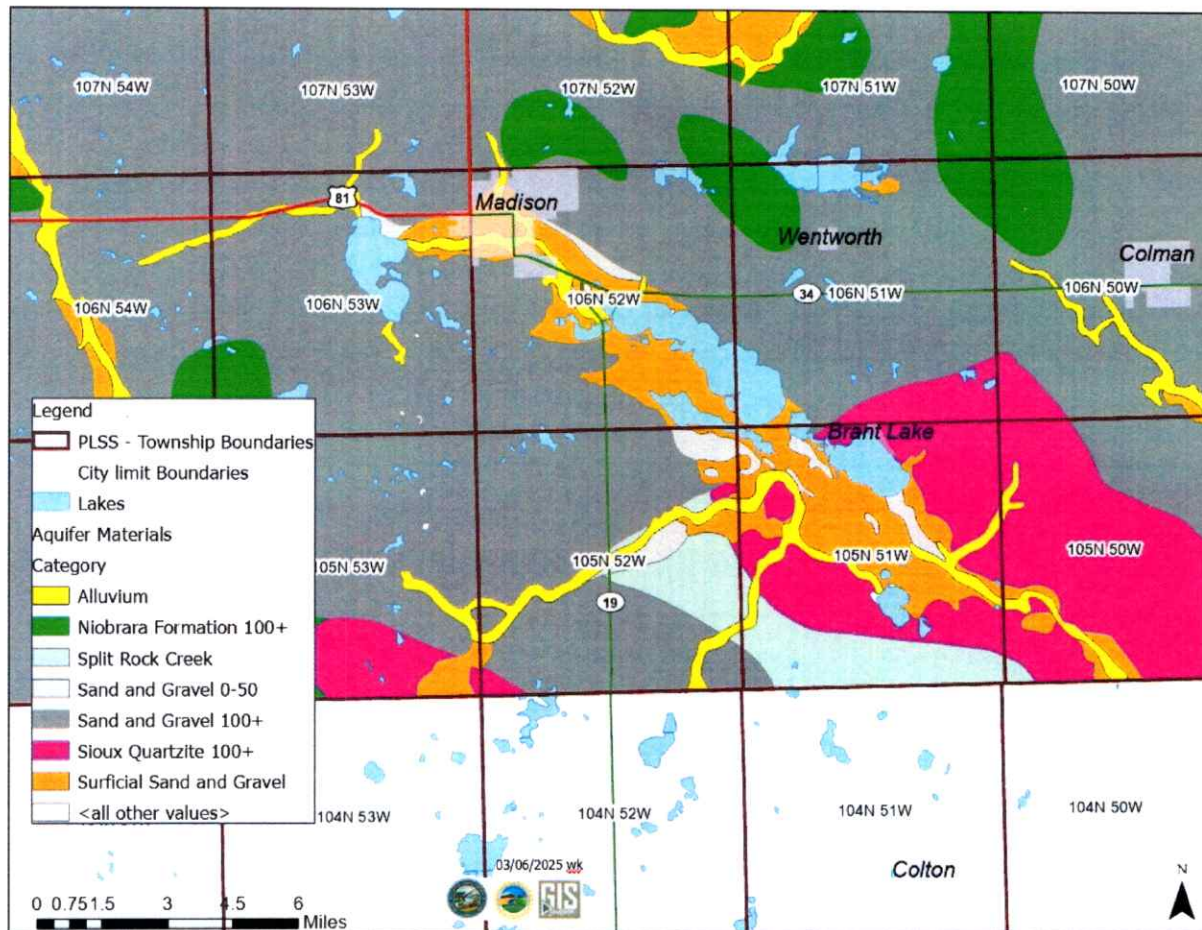


Figure 3: First Occurrence of Aquifer Materials Mapping in the Area of the Big Sioux: Northern Skunk Creek Aquifer (Jensen, 2002a and 2002b)

The presence of a notable constriction in the aquifer materials in Moody County in the southwest part of T105N-R50W support the Hedges et al. (1982) line between the Northern and Middle management units being located in the area. Kilts (2023) also placed the line between the management units in this location when reviewing the extent of the Big Sioux: Middle Skunk Creek aquifer. Additionally, Jensen (2002b) suggests the Hansen (1986) confined area in the south central portion of T105N-R51W might be sand of the Split Rock Creek Formation (which would be a different aquifer) rather than glacial outwash sands; however, geologic information in this small area is limited (SDGS, 2025; Water Rights, 2025a). Jensen (2002a and 2002b) also suggests part of the aquifer west of Madison may be narrower than previously mapped. Applying Jensen (2002a and 2002b) and Kilts (2023) to the work of Hedges et al. (1982) and Hansen (1986) results in the estimated aquifer extent shown in Figure 4. In considering Figure 4, observation well LK-79E maps outside of the estimated aquifer area. The aquifer at observation well LK-79E is under confined conditions, suggesting that Figure 4 might not capture some of the confined areas of the aquifer within its extent. Significant additional drilling or study in this area in the future will likely result in minor updates to extent of the aquifer. However, the presence of Lakes Madison, Herman, and Brant limits the presence of wells and test holes in several areas. Ultimately, the best currently available information put the extent of the aquifer in range of the areas summarized in Table 1.

The confined area south of Madison mapped by Hansen (1986) is approximately 767 acres in extent and is generally within the extents shown in Figures 1 and 4, which results in an estimated unconfined area for the aquifer ranging from 22,313 to 27,250 acres.

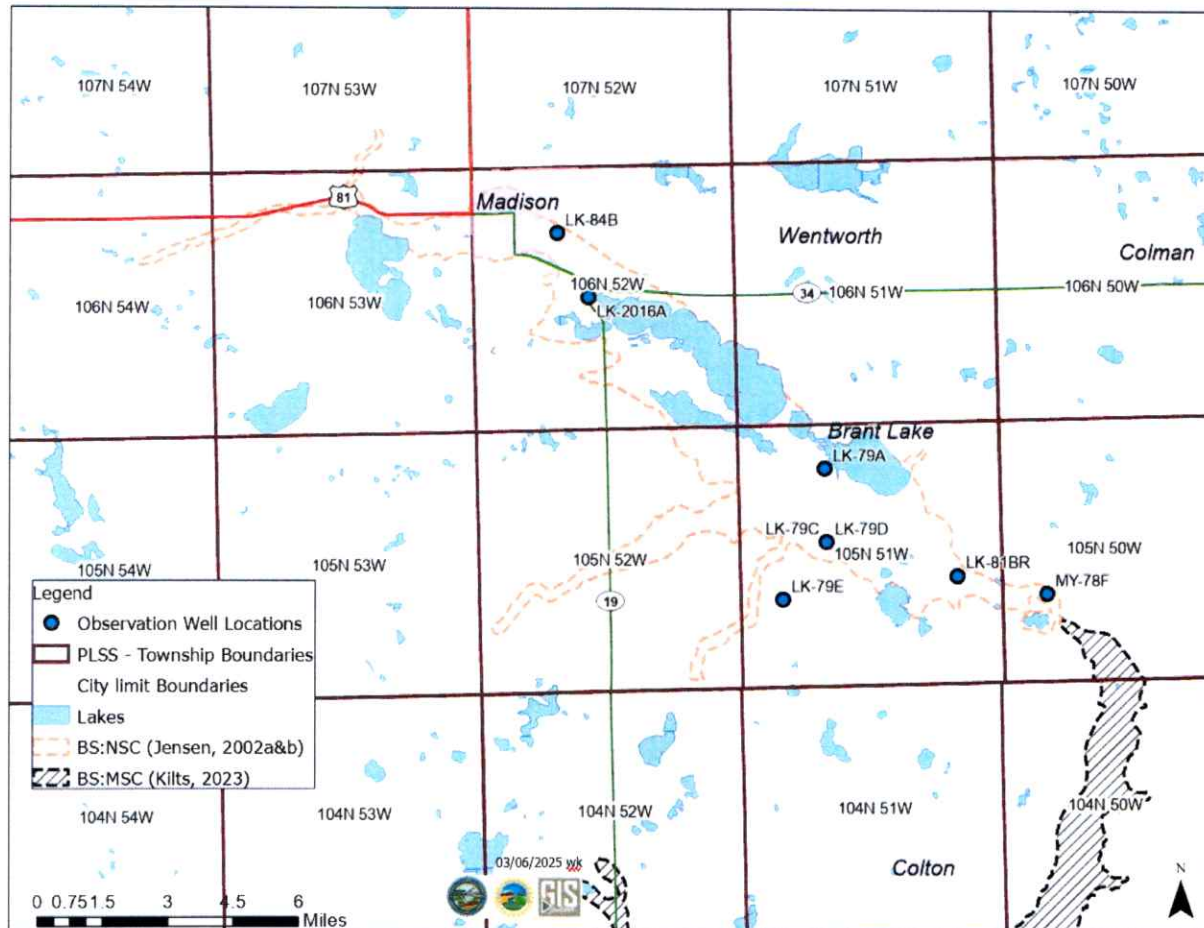


Figure 4: Outline of the alluvium, surficial sand and gravel, and sand and gravel from Jensen (2002a and 2002b) in the area of the Big Sioux: Skunk Creek aquifer (Kilts, 2023; Water Rights, 2025c)

Table 1: Estimated Areal Extents of the Aquifer

Source	Confined Area (acres)	Unconfined Area (area)	Total (acres)
Hedges et al (1982)	no distinction	no distinction	25,400
Hansen (1986)	3,470	27,250	30,720
Jenson (2002a) and Jenson (2002b)	no distinction	no distinction	23,080

The Big Sioux: Northern Skunk Creek aquifer is a Quaternary age, surficial, glacial aquifer located primarily in Lake County and extends into Moody County. The aquifer make-up ranges from a poorly sorted, sandy gravel to a well sorted sand and gravel (Hansen, 1986). Hansen (1986)

estimated the average thickness of the aquifer at 39 feet with a maximum thickness of 73 feet. This aquifer is primarily under unconfined (water table) conditions (Hansen, 1986). The direction of ground water movement is generally towards the southeast (Hansen, 1986). The aquifer has a notable hydrological connection to the Big Sioux: Middle Skunk Creek, Lakes Madison, Herman, and Brant, and Skunk Creek (Hansen, 1986; Kilts, 2023).

The test hole information from a 2006 test hole in the area was submitted with this application. The test hole indicated, in feet below grade, topsoil 0-2 feet, sand 2-30 ft (dry to 25 ft), clay 30-37 ft, and sand and gravel to 37-72 ft. The well for Water Permit Application No. 8864-3 is located approximately 0.22 miles east of the proposed well location for this application was completed in October 2023 (Water Rights, 2025b). The well had a static water level of 34 feet below grade (Water Rights, 2025b). The report indication in feet below grade was top soil 0-1, clay 1-6, gravel 6-32, sandy clay 32-40, sand & gravel 40-56, clay 56-57, sand 57-64, gravel 64-79, and clay/total depth 79 (Water Rights, 2025b). The well was screened from 57.5 to 77.5 feet below grade (Water Rights, 2025b). While typically this aquifer is under unconfined conditions, the geology, water level, and well completion for Water Permit No. 8864-3 show there could be localized confined conditions at the well due to the screen placement being below a clay lens. At the well site for this application the aquifer could be under unconfined conditions, locally confined conditions, or transition between the two depending on water level fluctuations and final well completion, since the test hole indicated the presence of a clay lens within the aquifer.

South Dakota Codified Law (SDCL)

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 that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that 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 as defined by SDCL 46-2-9 and 46-2-11.”

SDCL 46-2A-10

Pursuant to a reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest.

SDCL 46-5-39

Pursuant to SDCL 46-5-39, temporary appropriations may be authorized from undeveloped future use permits using the permitting procedure of SDCL Chapter 46-2A. A future use permit is a permit reserving water for contemplated future needs upon a showing of availability of unappropriated water and future need, which can be issued to entities identified in SDCL 46-5-38, such as municipalities or nonprofit rural water supply companies.

SDCL 46-5-38.1

Pursuant to SDCL 46-5-38.1 Water Management Board approval of an application to appropriate water for future use is a reservation of a definite amount of water with a specified priority date and is not a grant of authority to construct the works or to put the water to beneficial use. Before the time that the holder of a future use permit initiates construction of the works and puts water to beneficial use, the holder shall file an application for a water permit pursuant to the procedure contained in SDCL Chapter 46-2A. If the holder of the future use permit is granted a water permit to develop only a portion of the water reserved by the future use permit, the holder shall apply for and receive an additional water permit, or permits, before developing and using the remaining water reserved in the future use permit. Permits for future uses shall be reviewed by the Board every seven years and are subject to cancellation if the board determines that the permit holder cannot demonstrate a reasonable need for a future use permit.

Water Availability

The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires, “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and the application is for a water distribution system defined in SDCL 46-1-6 (17), the Water Management Board need not consider the recharge/withdrawal issue.

The Big Sioux: Northern Skunk Creek aquifer is not older or stratigraphically lower than the Greenhorn Formation and this application is for a water distribution system, as defined in SDCL 46-1-6 (17). However, this application seeks to put to beneficial use water previously appropriated by Future Use Permit No. 5689-3, which was reviewed for water availability during its issuance in 1992 and has been accounted for in the hydrologic budget of the aquifer since its issuance. This report will address the potential for unlawful impairment of existing domestic water uses and water rights within the Big Sioux: Northern Skunk Creek aquifer in South Dakota. However, a review of water availability in the aquifer for the information of the Chief Engineer and the Water Management Board will be conducted.

Hydrologic Budget

Recharge

Recharge to the Big Sioux: Northern Skunk Creek aquifer is primarily through the infiltration of precipitation and seepage from surface water (Hansen, 1986). Lakes Madison, Herman, and Brant and Skunk Creek recharge the aquifer when water level elevation in the surface water source is higher than the water level elevation in the aquifer (typically spring and early summer) and the aquifer discharges to surface water when the water level elevation in the aquifer is higher than the water level elevation of the connected surface waters (typically late summer and early fall) (Hansen, 1986; Water Rights, 2025b).

Hedges et al. (1985) used observation well analysis to estimate an average annual recharge rate to the Big Sioux: Northern Skunk Creek aquifer of 3.1 inches per year. Buhler (2009) used

additional years of observation well data to update the estimated average annual recharge rate to the unconfined portion of the aquifer to approximately 3.82 inches per year. Due to the inclusion of additional years of data, the Buhler (2009) rate will be used for this budget. Based on the estimated unconfined area range of 22,313 to 27,250 acres, this results in an estimated average annual recharge of 7,103 to 8,674 acre-feet per year using the recharge rate from Buhler (2009).

Discharge

Discharge from the aquifer is mainly through evapotranspiration where the aquifer is at or near ground surface, outflow to Lakes Madison, Herman, and Brant and Skunk Creek, and well withdrawals (Hansen, 1986; Water Rights, 2025b). There is also a minimal amount of groundwater outflow to the Big Sioux: Middle Skunk Creek aquifer.

Currently, there are 36 water rights/permits, six future use permits, and six temporary use permits authorized to appropriate water from this aquifer with one pending application (Application No. 8923-3 to irrigate 80 acres from existing wells with no increase in diversion rate) and one application approved by the Water Management Board after a contested case hearing, but within the timeframe for an appeal to be filed (Water Permit Application No. 8864-3). Water Permit Application No. 8864-3 held by Big Sioux Community Water System, is to put 300 acre-feet of water per year to beneficial use from Future Use Permit Nos. 6834-3 and 6834A-3. Since this application has been approved by the Board, it will be included with the non-irrigation portion of the budget and not the future use portion of the budget. Table 2 summarizes the amount of water reserved by the six future use permits from this aquifer. The 360 acre-feet per year this application is seeking to place to beneficial use is still included as part of Future Use Permit No. 5689-3 for this budget.

Table 2: Future Use Permits from the Big Sioux: Northern Skunk Creek Aquifer (Water Rights, 2025b)	
Future Use Permit Holder and Permit	Amount of Reserved Water (acre-foot per year)
City of Madison (747-3)	1,033
Kingbrook Rural Water System Inc (5643-3)	425
Big Sioux Community Water (5689-3, 6834-3, 6834A-3)	360
Total	1,818

Settje and Mathiowetz (2024) compiled the 2003 to 2022 annual withdrawals information from four water distribution systems collectively holding or having legal agreements with landowners (Water Right Nos. 7117-3 and 8387-3 held by David and Chrysella Daniels are for rural water use by Big Sioux Community Water) collectively accounting for 11 non-irrigation use rights/permits. This information is reproduced in Table 3, along with the 2023 and 2024 reported annual withdrawals from Big Sioux Community Water, Kingbrook RWS, and City of Madison (Chester Sanitary District is not required to report annual withdrawals to the Program). Water Permit Application No. 8864-3 is not reflected in Table 3, since it will be issued until 2025. The reported withdrawals in Table 3 are only provided to show historical use. The transition of Chester Sanitary District to Big Sioux Community Water in 2017 with wells being maintained for standby proposes (Settje and Mathiowetz, 2024) and recent applications by Big Sioux Community Water to put to beneficial use water reserved in future use permits, indicates historical water use by these systems

is not the best estimate (for the purposes of this report) for average annual withdrawals for these systems.

Table 3: Annual Withdrawals from the Big Sioux: North Skunk Creek for the Four Major Water Systems with Permits from the Aquifer (Settje and Mathiowetz, 2024 and Water Rights, 2025f)

System	Chester Sanitary District	Big Sioux Community Water	Kingbrook RWS	City of Madison
Year	(acre-feet)	(acre-feet)	(acre-feet)	(acre-feet)
2003	62.52	622.12	648.45	510.68
2004	56.47	711.46	640.08	195.97
2005	66.1	748.64	653.58	342.54
2006	51.18	777.55	664	713.59
2007	49.15	741	695.95	622.92
2008	41.71	690	647.1	614.03
2009	30.6	698.9	606	600.81
2010	30.76	727.91	620.22	765.48
2011	29.69	694.49	662.23	683.84
2012	36.55	752	677.23	629.98
2013	35.73	903.41	619.65	491.63
2014	34.98	804.65	644.81	473.02
2015	34.63	764.06	640.42	588.41
2016	35.93	742.18	662.86	626.05
2017	14.63	587	727.73	510.49
2018	n/a	661.41	723.14	398.59
2019	n/a	768.03	667.16	396.89
2020	n/a	762.6	727.12	382.1
2021	n/a	1,414.9	737.68	374.54
2022	n/a	1,004	740	401.04
2023	n/a	613.3	709.7	481.2
2024	n/a	820.6	698	483.3
Min	14.63	587	606	195.97
Max	66.1	1414.9	740	765.48
Average	40.7	773.2	673.3	513.1

The 19 water rights/permits for non-irrigation use are summarized in Table 4. Table 4 also includes average annual estimated withdrawal from the aquifer for each water right/permit. As a standard method, the Water Rights Program has estimated average water use by non-irrigation appropriations limited by an instantaneous diversion rate by assuming they pump at 60% of full time at the respective permitted diversion rate (Water Rights, 2025b). For water rights/permits limited by an annual volume full use of the annual volume is estimated. Chester Sanitary District

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and the Shipwreck Inn have both connected to rural water; therefore, their average annual use will be estimated at zero acre-feet per year (Settje and Mathiowetz, 2024; Friedeman, 2025). The actual use under Water Right No. 5168-3 is likely much less than estimated, since the industrial portion for the sand and gravel operation was abandoned prior to 2009 and in 2010 the only remaining use was for commercial use for an office and pottery studio (Water Rights, 2025b). A qualification on the licenses for Water Right Nos. 4311A-3 and 6730-3 reads, “Water Right or Permit Nos. 5429-3, 5646-3, 4311A-3, 6531-3, and 6730-3 authorize a total annual diversion rate of 1,041 acre-feet of water.” During licensing, No. 5429-3 was incorporated into Water Right No. 6730-3. Water Right No. 6730-3 is ultimately for an increase in maximum instantaneous diversion rate and additional diversion points with no increase to authorized annual volume.

Table 4: Estimated Average Annual Withdrawal from the Big Sioux: North Skunk Creek Aquifer for Non-irrigation Permits (Water Rights, 2025b)

Permit No.	Name	Status	Use	Priority Date	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Annual Estimated Use (acre-feet/year)
371-3	City of Madison	LC	MUN	12/15/1956	0.310		135
372-3	City of Madison	LC	MUN	12/15/1956	0.260		113
1079-3	City of Madison	LC	MUN	11/10/1960	2.700		1173
1453-3	City of Madison	LC	MUN	11/10/1960	0.780		339
4311A-3	Kingbrook RWS INC	LC	RWS	06/26/1978	1.150	266	266
4367-3	Kingbrook RWS INC	LC	RWS	01/09/1979	3.000		1303
4943-3	Big Sioux Community Water	LC	RWS	01/26/1983	0.440		191
5168-3	Hilde Pipe & Gravel	LC	IND, DOM	12/18/1987	0.910		395
5646-3	Kingbrook RWS INC	LC	RWS	03/19/1992	1.000	425	425
5688-3	Shipwreck Inn	LC	COM	01/01/1940	0.022		0*
6040-3	City of Madison	LC	MUN	11/10/1960	1.670	600	600
6046-3	Chester Sanitary District	LC	MUN	02/04/1998	0.786		0*
6152-3	Big Sioux Community Water	LC	RWS	09/30/1999	0.500	360	360
6510-3	City of Madison	PE	MUN	11/10/1960	0.780	339	339
6531-3	Kingbrook RWS INC	LC	RWS	02/27/1990	1.050	350	350
6730-3	Kingbrook RWS INC	LC	RWS	06/05/2006	0.670		***
7117-3	David & Chrysella Daniel	LC	RWS**	02/19/2009	0.890	600	600
8387-3	David & Chrysella Daniel	LC	RWS**	03/19/2007	0.670	300	300
8864-3	Big Sioux Community Water	AP	RWS	03/19/2007	0.670	300	300
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; DOM: Domestic; GEO: Geothermal; IND: Industrial; MUN: Municipal; RWS: Rural Water System; AP: Application *Connected to a rural water system, **Big Sioux Community Water ***No increase in annual volume						TOTAL:	7189

The 17 irrigation water rights currently authorized to appropriate water from the Big Sioux: Northern Skunk Creek aquifer are summarized in Table 5. Table 5 also includes the average reported irrigation for each right and the years of reporting data for each water right. The total average irrigation for these water rights is 910 acre-feet per year.

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Table 5: Average Reported Irrigation Use Per Currently Authorized Irrigation Water Right in the Big Sioux: Northern Skunk Creek (Water Rights, 2025e)

Permit	Last Name	Priority Date	Status	Rate (cfs)	Acres	Average Reported (acre-feet)	Years Reporting	Comments
611-3	KAPPENMAN	05/07/1959	LC	2.23	194	67.42	46	
1268-3	WENK TRUST	04/07/1966	LC	0.9	143	0.00	46	only irrigated 1 year; reported sufficient moisture all others
1328-3	MARTIN	12/07/1966	LC	2.5	176	89.02	46	
2987-3	ALVERSON	08/31/1976	LC	1.44	128	79.99	46	
3072-3	ANDERSON	10/12/1976	LC	3.85	270	68.54	46	
4133A-3	MARTIN	08/26/1977	LC	1.11	80	54.55	46	
4360-3	MULLER	12/15/1978	LC	1.44	128	39.62	46	
4453-3	BROWN	11/19/1979	LC	1.56	126	70.68	45	
4960-3	ALVERSON	04/01/1983	LC	2	188	95.09	39	
5151-3	MARTIN	07/20/1987	LC	1.03	72	50.46	37	
5373-3	ALVERSON	11/03/1989	LC	0.62	43	28.46	34	
5422A-3	ALVERSON	02/26/1990	LC	1.78	198	72.75	34	
5695-3	GASPAR	01/11/1991	LC	1.57	110	58.24	32	
6055-3	LAKES GOLF COURSE	02/23/1998	LC	0.54	38	48.53	27	golf course
6833-3	LONGACRE FARMS INC	03/19/2007	LC	0.94	66	32.18	18	
7090-3	ALVERSON	01/09/2009	LC	0.56	45	22.19	16	
7116-3	DANIEL	02/19/2009	LC	1	86	32.55	15	
Total						910		

Due to the relatively low diversion rate of domestic wells and the development of rural water systems over a large portion of the area where the Big Sioux: Northern Skunk Creek aquifer is located, withdrawals from domestic wells are assumed to be a negligible portion of the hydrologic budget.

Temporary Use Permits per SDCL 46-5-39

There are five future use permits reserving 1,818 acre-feet of water from the Big Sioux: Northern Skunk Creek (Table 2). Pending Water Permit Application No. 5689A-3 proposes to put to beneficial use 360 acre-feet from Future Use Permit No. 5689-3. If Application No. 5689A-3 is approved, the remaining volume in future use reservation for the aquifer will be 1,458 acre-feet per year. There have been six temporary use permits approved to appropriate water from this aquifer pursuant to SDCL 46-5-39 (Water Rights, 2024c). Currently, there is not a method contained in South Dakota codified law or administrative rule for turning a temporary use permit, issued out of water reserved by future use under SDCL 46-5-39, into a regular water right.

Table 6 summarizes the six temporary use permits, their average reported use, and years reporting. For Permit No. 7331-3 the deadline for construction of works has passed with no development of the permit. Typically, this would result in cancellation due to non-construction; however, SDCL 46-5-40 specifies a temporary use permit may only be cancelled for the water reserved for future use being placed to beneficial use. Therefore, Temporary Use Permit No. 7131-3 will be kept on the record but is not eligible to be developed and is not receiving an irrigation questionnaire.

Table 6: Estimate Average Annual Water Use for Temporary Use Permits in the Big Sioux: Northern Skunk Creek Aquifer

Permit	Last Name	Priority Date	Rate (cfs)	Acres	Average Reported (acre-feet)	Years Reporting
Irrigation						
7131-3	ALVERSON	05/01/2009	0	0	not developed	
7275-3	ANDERSON	10/14/2011	0	60	23.47	13
7915-3	PARK	10/17/2013	1.11	66	17.61	11
7956-3	GASPAR	01/23/2014	1.11	84	52.59	11
8580-3	BUNKERS	01/10/2022	1.34	130	63.29	3
Total				340	157	
Non-irrigation						
Permit	Last Name	Priority Date	Rate (cfs)	Estimate Annual Use	Method	
7829-3	East River Electric Coop	04/12/2013	0.13	56.5	60% of pump rate	

Standard Water Rights' non-irrigation methodology for permits limited only by diversion rate was used to estimate average annual water use for Temporary Use Permit No. 7829-3 (60% pumpage of diversion rate annually). For irrigation, the average reported yearly use was used to estimate use. Although Temporary Use Permit No. 8580-3 only has three years of reporting, the reported water use is similar enough to other water rights in the area irrigating a similar number of acres that the three-year reported average will be used for this budget. Collectively, the estimated average annual withdrawal by temporary use permits from this aquifer is 213.5 acre-feet per year. Aquifers in eastern South Dakota for which average application rates for crop irrigation have been quantified are typically below ten inches per acre (Water Rights, 2025b). Water Permit Application No. 8923-3 is proposing to irrigate 80 acres from two existing wells with not increase in diversion rate, if approved, has an estimated average annual water use of less than 67 acre-feet per year (Kilts, 2025).

Balance

The estimated average annual recharge is 7,103 to 8,674 acre-feet per year and estimated average annual withdrawals are 9,917 acre-feet per year (irrigation: 910 acre-feet, non-irrigation: 7,189 acre-feet, future use: 1,818 acre-feet, temporary use permits are accounted for within the future use reservation). Based on this budget, water is not available to support additional appropriations from this aquifer. SDCL 46-5-39 allows for the issuance of temporary use permits out of water reserved for future use. If Application No. 5689A-3 is approved, the remaining volume in future use reservation for the aquifer will be 1,458 acre-feet per year. Average annual use for the current temporary use permits is 213.5 acre-feet per year. Therefore, there is sufficient undeveloped water reserved for future use for the temporary use permits pursuant to SDCL 46-5-39 to remain in effect and to supply the appropriation requested by Application No. 8923-3.

For perspective, if the average annual withdrawal estimate used just the reported average use for the four water systems in Table 3, then the estimated average annual appropriate withdrawals would be 5,123 acre-feet per year (future use: 1,818, irrigation use: 910, non-irrigation use: 395, reported non-irrigation use: 2,000.3 (Chester: 40.7, Big Sioux: 773.2, Kingbrook: 673.3, and Madison: 513.1)). However, as noted previously due to ongoing development, average annual withdrawals of these systems will likely increase beyond the historically reported use.

Given the ongoing development and increasing demand for water in this area of the state, in order to put water to maximum beneficial use going forward in this aquifer, the uncertainties in the hydrologic budget will need to be reduced. To help reduce the uncertainty in the hydrologic budget any appropriate users currently not required to report annual withdrawals from the aquifer could have their water rights/permits or temporary use permits amended to add a qualification to require annual reporting. The Water Rights Program bases hydrologic budget on average annual withdrawals and it takes several years to accumulate sufficient reporting data to establish an average annual withdrawal from reporting data. It is recommended based on the current hydrologic budget for this aquifer, consideration be given to amending all water rights/permits and temporary use permits from this aquifer not currently required to report water use annually to add a qualification requiring annual reporting of withdrawals from the Big Sioux: Northern Skunk Creek aquifer. This should include appropriate users connected to rural water systems, since wells for rural water connected entities are still occasionally used at a much reduced rate for things like lawn or park watering, construction water projects, or city maintenance shops.

Observation Wells

In determining the availability of unappropriated water for a permit application, Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge.

The Water Rights Program currently monitors eight observation wells completed into the aquifer. The location of these observation wells are shown in Figure 4. The nearest observation wells to the well for this application are LK-79D and LK-79C located approximately 0.27 miles to the west. Figure 5 shows the hydrographs for all eight observation wells in the aquifer.

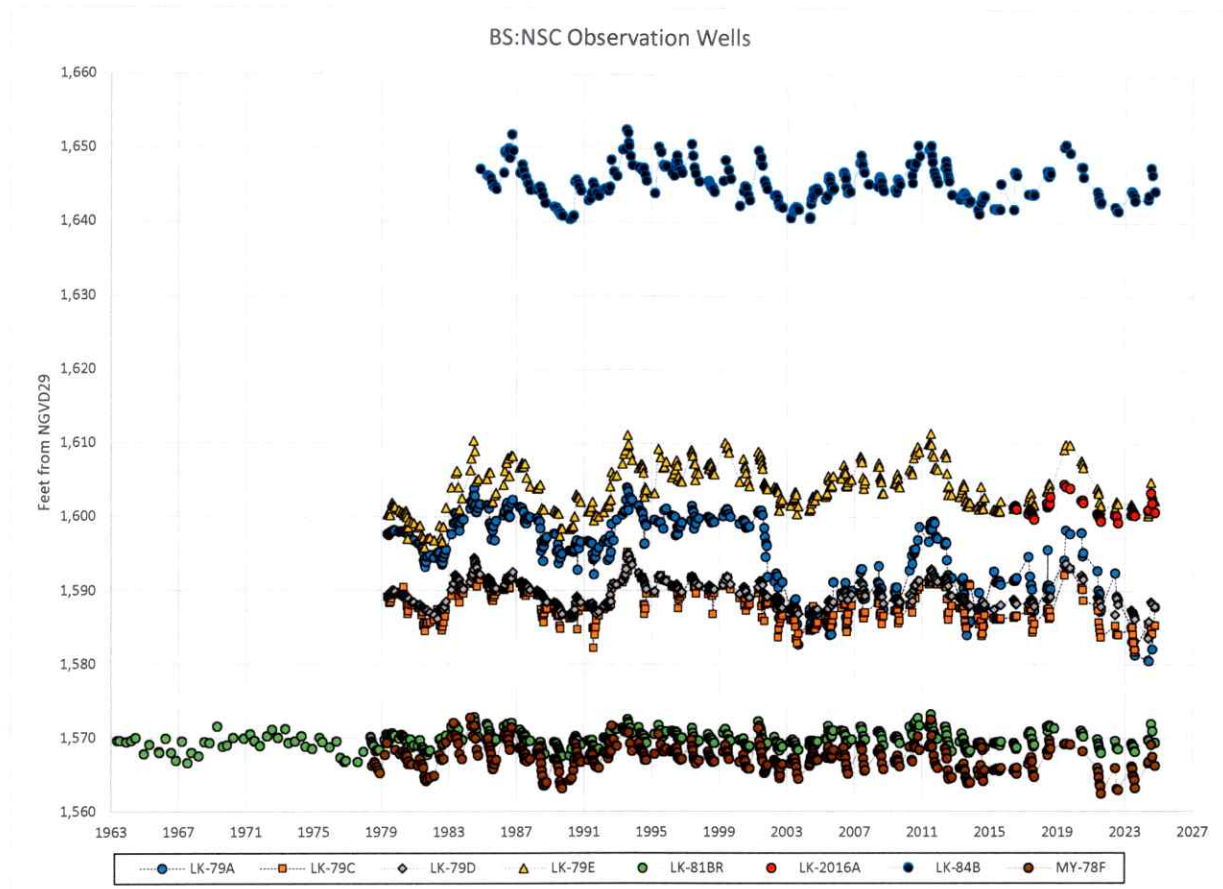


Figure 5: Big Sioux: Northern Skunk Creek Observation Wells (Water Rights, 2025c)

The hydrographs for the observation wells generally display stable water levels over most of their respective periods of record, with the exception of LK-79A. In 2001, there was a drop of approximately 10 feet in the water level of LK-79A, which then stabilized as the aquifer equilibrated following a replacement well for Water Right No. 6152-3, Big Sioux Community Water, being located closer to the observation well. The exact geology at the location of LK-79A and well construction likely also contributed to the 10 feet drop in the measured water level. The log for LK-79A indicates that a 10 feet till (clay) lens within the gravel of the aquifer (5-13 feet below grade and 23-51 feet below grade) and that the observation well is screened into the lower gravel only (Water Rights, 2025c). In instances like this, the till lens can act as a confining layer for the lower gravel and water level can respond to pumping with some characteristics more typical of a confined aquifer. This means that for the extent of the clay/till lens, the water levels for wells completed into the lower gravel may have a higher rate of drawdown in response to pumping than if the clay/till lens was not present. Once the water level drops below the bottom of the clay/till lens, the rate of drawdown in response to pumping would be expected to decrease and be more typical of an unconfined aquifer. When these conditions occur at a well site, the aquifer at the well site is often described as locally confined. LK-79A was under confined conditions prior to 2001, after the water levels equilibrated, the well was barely confined to slightly unconfined. In general,

when a well goes from confined to unconfined, the rate of drawdown in response to pumping will decrease.

The difference a clay or till lens can make in the response of water levels to pumping on a localized scale can be seen in the hydrographs for LK-79D and LK-79C. These observation wells are both completed into this aquifer and are within approximately 20 feet of each other. LK-79D is completed into the aquifer above a till lens and LK-79C is completed into the aquifer below a till lens (Water Rights, 2025c). Figure 6 shows the hydrographs for just observation wells LK-79A, LK-79C, and LK-79D at a reduced vertical scale. In Figure 6, the greater drop in water levels in the locally confined LK-79C in response to pumping compared to LK-79D which is under unconfined conditions. In the instance of LK-79C and LK-79D, a lithologic log located approximately 0.51 miles to the northeast of the observation wells (or approximately 0.37 miles northeast of the proposed well site for this application) indicates the till lens is not present at that location (SDGS, 2025).

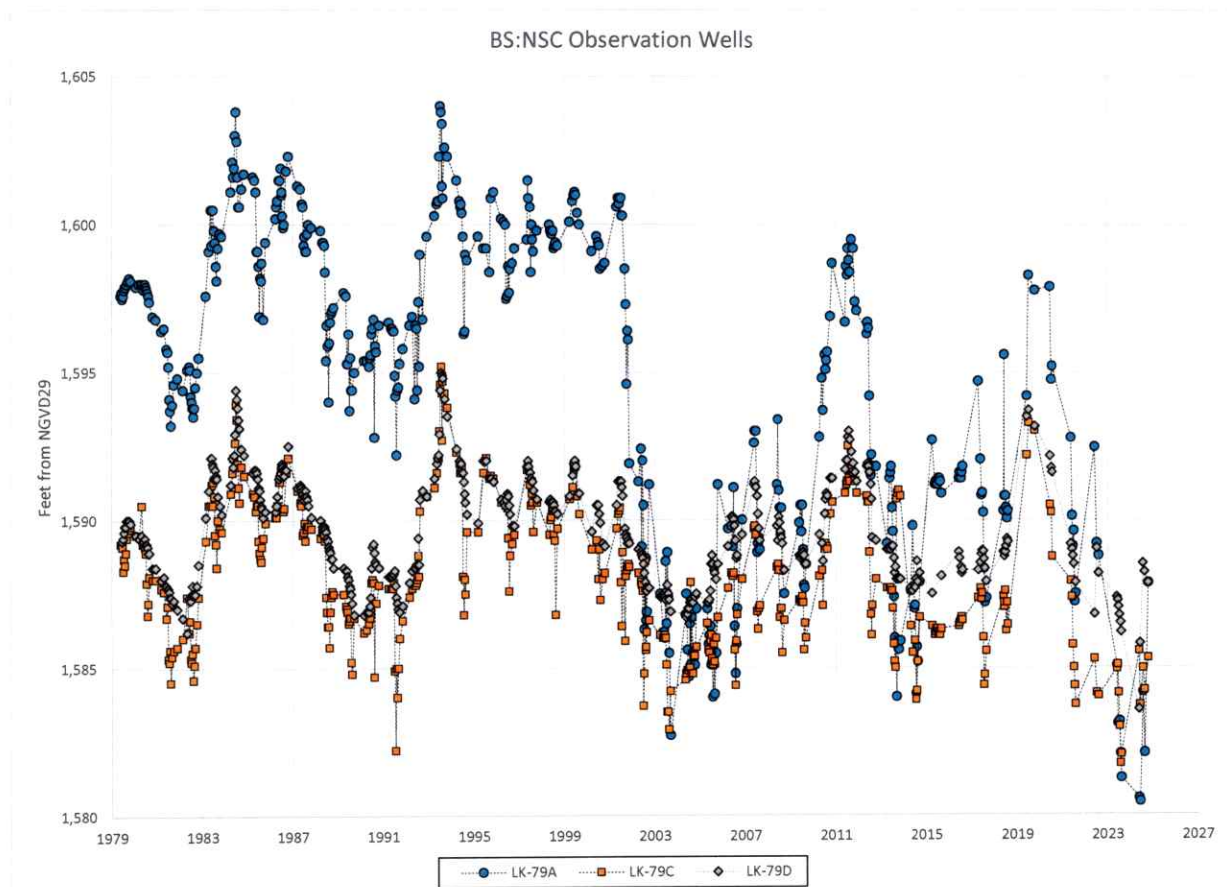


Figure 6: Select Big Sioux: Northern Skunk Creek Observation Wells (Water Rights, 2025c)
Note vertical scale is different than Figure 5.

The hydrographs for LK-79A, LK-79C, and LK-79D do show some recent declines in the water levels. This can be attributed to the recent drought conditions and the close proximity of the observation wells to high-capacity wells (a well with an authorized diversion rate greater than 0.2 cfs). Aquifer-wide water levels have generally remained at a steady to slightly increasing elevation

over the period of record, indicating that on an aquifer-wide basis, withdrawals (even with the increase in appropriative withdrawals) have not exceeded recharge. The hydrographs for the aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to the natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the Big Sioux: Northern Skunk Creek aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate that the current level of average appropriative pumpage from the aquifer does not exceed average recharge to the aquifer.

Potential for Unlawful Impairment

Figure 7 shows area water rights/permits (including temporary use permits) currently authorized to appropriate water from the Big Sioux: Northern Skunk Creek aquifer, which are summarized in Table Nos. 2, 4, 5, and 6. The nearest water right/permit to the proposed well site for this application is Water Permit No. 8864-3 located approximately 0.22 miles to the east is held by Big Sioux Community Water System (Water Rights, 2025b). The nearest water right/permit not belonging to the applicant is Water Right No. 2987-3 for irrigation located approximately 0.4 miles to the north (Water Rights, 2025b). The nearest domestic well on file to the proposed well site for this application is for Robert Jarman completed in 1996 located 0.72 miles to the northeast (Water Rights, 2025a). The locations of domestic wells are based on the location provided by the well driller on the water well completion report. It is possible there are other domestic wells completed into the Big Sioux: Northern Skunk Creek aquifer in the area of the applicant's proposed well site that are not on file with the Water Rights Program.

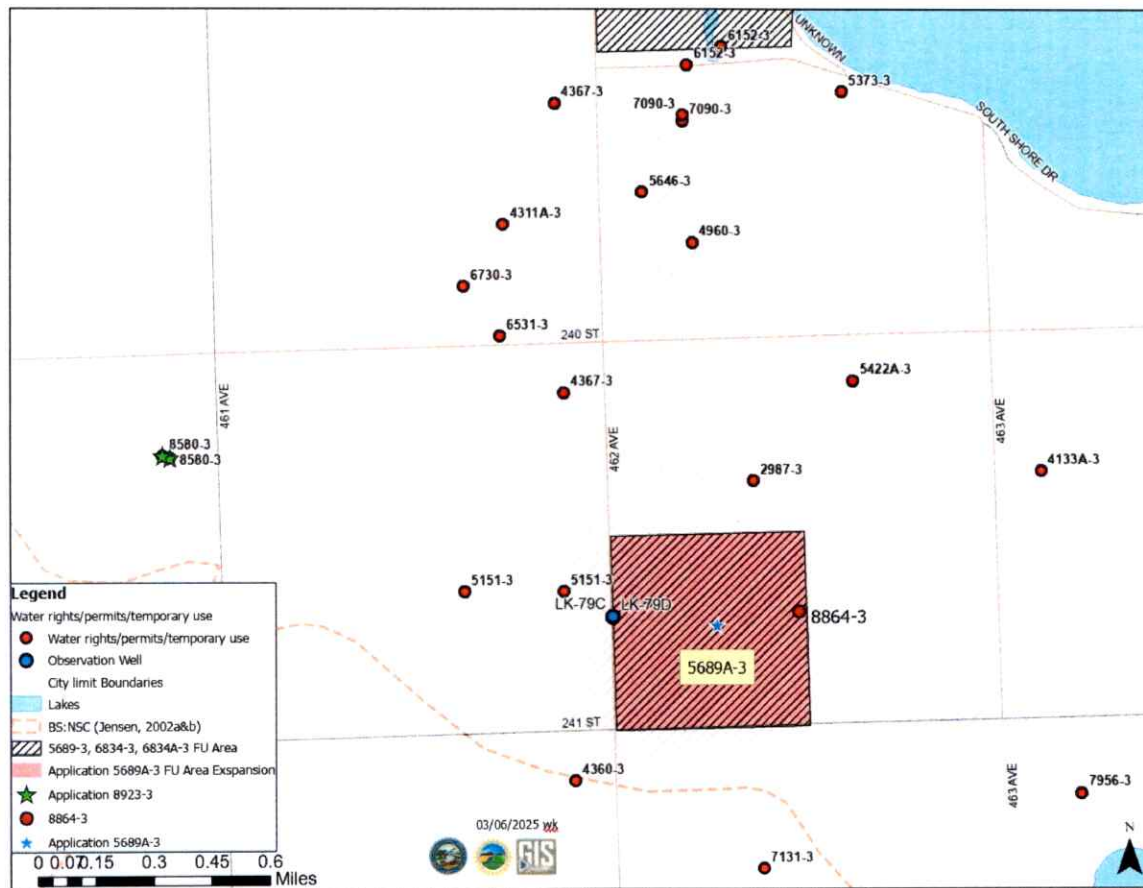


Figure 7: Water right/permits, temporary use permits, applications, and observation wells in the vicinity of the proposed well location for this application (blue star) (Water Rights, 2025b & 2025c)

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The aquifer is expected to be under locally confined conditions at the proposed wellsite for the application. The exact amount of drawdown a pumping well will cause in an aquifer cannot be known without an aquifer performance test. The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for

delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the aquifer at their location. Since this is a locally confined area within a generally unconfined aquifer, it more realistic to think of the aquifer as unconfined. In an unconfined aquifer, measurable drawdown as the result of pumping typically does not extend far from the pumping well.

In some locations the Big Sioux: Northern Skunk Creek aquifer can be relatively thin, with a limited amount of saturated thickness. While long term average annual withdrawals would not exceed average annual recharge to the aquifer, short term conditions may occur when withdrawals exceed recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If this occurs for an extended period of time, such that the saturated thickness is reduced to the extent that the water rights/permits can no longer pump at their developed or “historically established” rates, this may be considered an adverse impact. If short term conditions occur when withdrawals exceed recharge, the water source would need to be managed to prevent any unlawful impairment. There is not a history of substantiated well interference complaints in this aquifer (Water Rights, 2025d).

The last water permit application (No. 8864-3) from this aquifer was contested, but ultimately approved by the Water Management Board. The diversion point for Water Permit Application No. 8864-3 is located approximately 0.22 miles east of the well site for this application. The petitioner in the contested case indicated that during the last few years their irrigation system (Water Right No. 4453-3) cannot maintain pressure, but no complaint had ever been filed with the Water Rights Program and no information was presented during the hearing to indicate if the petitioner’s well met the definition of an adequate well in ARSD 74:02:04:20(6) (Water Rights, 2025b). The location of the future use expansion proposed by this application is further from Water Right No. 4453-3 than the area currently authorized by Future Use Permit No. 5689-3 (Water Rights, 2025b). The proposed diversion point for this application is located approximately two miles south-southeast of Water Right No. 4453-3 (Water Rights, 2025b).

Ultimately, unlawful impairment of adequate domestic wells or in adequate wells having prior water rights as a result of this application is not expected based on the currently available information. However, out of an abundance of caution, a qualification on this permit, if approved, is recommended that water withdrawals under this permit be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Conclusions

1. Water Permit Application 5689A-3 is to amend Future Use Permit No. 5689-3 to expand the future use area to include portions of the SW $\frac{1}{4}$ Section 16-T105N-R51W. Then to construct and place to beneficial use 360 acre-feet of water annually reserved by Future Use Permit No. 5689-3 at a maximum pump rate of 0.89 cfs from one well to be completed into the Big Sioux: Northern Skunk Creek aquifer in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16-T105N-R51W.

2. Placing water to beneficial use that was appropriated and reserved by Future Use Permit No. 5689-3 is subject to approval of the future use area expansion.
3. If Application No. 5689A-3 is approved, the remaining volume in future use reservations for the aquifer will be 1,458 acre-feet per year. Average annual use for the current temporary use permits is 213.5 acre-feet per year. If this application is approved, the total remaining water reserved for future use will still be sufficient to supply the temporary use permits per SDCL 46-5-39.
4. Based on the current hydrologic budget for the aquifer and ongoing development in the area of this aquifer, it is recommended to the Chief Engineer that consideration be given to amending all water rights/permits and temporary use permits from this aquifer not currently required to report water use annually to add a qualification requiring annual reporting of withdrawals from the Big Sioux: Northern Skunk Creek aquifer.
5. Existing water rights with adequate wells and domestic users with adequate wells are not expected to be unlawfully impaired by drawdown due to pumping by this application, if approved. Out of an abundance of caution, a qualification on this permit, if approved, is recommended that water withdrawals under this permit be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



Whitney Kilts
Natural Resources Engineer III
SDDANR-Water Rights Program

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Report on Water Permit Application No. 5689A-3

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**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.**

April 2, 2025

Big Sioux Community Water System
c/o Jodi Johanson
23343 479th Avenue
Egan SD 57024

Dear Ms. Johanson:

Water Permit Application No. 5689A-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Daily Leader printed at Madison SD (see attachment for contact information) and the Argus Leader printed at Sioux Falls SD (see attachment for contact information). 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 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 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. 5689A-3 to AMEND WATER PERMIT 5689-3 AND PLACE WATER TO
BENEFICIAL USE

Notice is given that Big Sioux Community Water System, 23343 479th Avenue, Egan SD 57024, has filed an application to amend Future Use Permit No. 5689-3 to expand the future use area to include portions of the SW 1/4 Section 16-T105N-R51W and to construct and place to beneficial use 360 acre-feet of water annually at a maximum pump rate of 0.89 cubic feet of water per second from one well to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 77.5 feet deep) in the NE 1/4 SW 1/4 Section 16-T105N-R51W. Placing the water to beneficial use that was appropriated and reserved by Future Use Permit No. 5689-3 is subject to approval of the future use area expansion. Water will be used for rural water system purposes in Lake County including supplying water to Dakota Ethanol and the Brant treatment plant. The proposed well site is located approximately 7 miles south of Wentworth SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 5689A-3 because 1) Future Use Permit No. 5689-3 reserved the water for future use by the Big Sioux Community Water System, 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 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 Ron Duvall 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 5, 2025.

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 5, 2025.

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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 2, 2025 9:54 AM
To: Stephanie Dickey
Subject: 5689A-3 Big Sioux Community Water System - Public Notice
Attachments: 5689A-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2025, in the Madison Daily Leader.

Big Sioux Community Water System, c/o Jodi Johanson, 23343 479th Avenue, Egan SD 57024, 605-997-2098, bigsioux@bigsiouxcws.com 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, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 2, 2025 9:55 AM
To: legals@argusleader.com
Subject: 5689A-3 Big Sioux Community Water System - Public Notice
Attachments: 5689A-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2025, in the Argus Leader.

Big Sioux Community Water System, c/o Jodi Johanson, 23343 479th Avenue, Egan SD 57024, 605-997-2098, bigsioux@bigsiouxcws.com 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, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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





Column Software PBC
PO Box 208098
Dallas, TX 75320-8098
help.column.us

Bill to
Department of Agriculture and Natural Resources

Invoice number CFC1A06D-0043
Notice ID BY7Iu2Nqgf6RaVnCCwsp
Publisher Madison Daily Leader
Date of issue Apr 2, 2025
Date due Jun 1, 2025
Amount due \$56.80

Description	Qty	Unit price	Amount
04/24/2025: Public Notice Notice	1	56.80	56.80

=== Notes ===

Notice Name: Public Notice 5689A-3 Big Sioux Community
Order Number: MDL000858

Net Subtotal \$56.80

Tax 0.00

=== How to pay this invoice ===

Column Software PBC accepts online payment via credit or debit card, or ACH bank transfers. Please click here to pay online:
<https://www.column.us/invoices/DBSd0T3tMRivQlBaICmT/pay>

Amount due \$56.80

Please note that, once paid, the merchant name on your billing statements will be Column Software PBC.

Select organizations may also pay via check. Checks will result in processing delays and should not be used if your notice requires upfront payment. Please pay the exact amount due, write your invoice number CFC1A06D-0043 on the memo, include a printed copy of your Invoice PDF, make the check payable to Column Software PBC, and mail to the address above.

Pay here: <https://www.column.us/invoices/DBSd0T3tMRivQlBaICmT/pay>

Questions? Visit help.column.us

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, April 2, 2025 10:11 AM
To: Rodriguez, Rachel
Cc: bigsioux@bigsiouxews.com
Subject: RE: [EXT] 11196788 5689A-3 Big Sioux Community Water System - Public Notice
Attachments: 11196788.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on April 24. The order cost is \$63.36 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

If you would like to utilize our online self-serve ad portal to place your legal notices in the future, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thank you!

Brittany Grady
Public Notice Representative

 | 
Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, April 2, 2025 9:55 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11196788 5689A-3 Big Sioux Community Water System - Public Notice

Attached is a notice to be published on April 24, 2025, in the Argus Leader.

Big Sioux Community Water System, c/o Jodi Johanson, 23343 479th Avenue, Egan SD 57024, 605-997-2098, bigsioux@bigsiouxews.com 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, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

Order Confirmation
Not an Invoice

Account Number:	1464995
Customer Name:	Big Sioux Community Water System
Customer Address:	Big Sioux Community Water System 23343 479Th AVE Egan SD 57024-6438
Contact Name:	Rachel Rodriguez
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	04/02/2025
Order Number:	11196788
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	184.0000
Height in Inches:	20.1600

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	04/24/2025 - 04/24/2025	Public Notices
SFA argusleader.com	1	04/24/2025 - 04/24/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$63.36
Tax Amount	\$0.00
Service Fee 3.99%	\$2.53
Cash/Check/ACH Discount	-\$2.53
Payment Amount by Cash/Check/ACH	\$63.36
Payment Amount by Credit Card	\$65.89

Order Confirmation Amount	\$63.36
----------------------------------	----------------



South Dakota

GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/24/2025

and that the fees charged are legal.
Sworn to and subscribed before on 04/24/2025

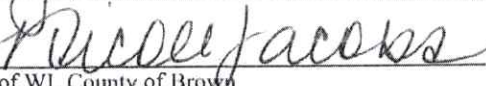
RECEIVED

MAY 01 2025

**Water Rights
Program**



Legal Clerk



Notary, State of WI, County of Brown

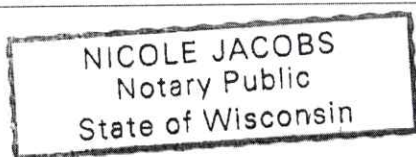
8-21-26

My commission expires

Publication Cost:	\$63.36	
Tax Amount:	\$0.00	
Payment Cost:	\$63.36	
Order No:	11196788	# of Copies:
Customer No:	1464995	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NOTICE OF
APPLICATION NO.
5689A-3 to AMEND
WATER PERMIT 5689-3
AND PLACE WATER TO
BENEFICIAL USE

Notice is given that Big Sioux Community Water System, 23343 479th Avenue, Egan SD 57024, has filed an application to amend Future Use Permit No. 5689-3 to expand the future use area to include portions of the SW 1/4 Section 16-T105N-R51W and to construct and place to beneficial use 360 acre-feet of water annually at a maximum pump rate of 0.89 cubic feet of water per second from one well to be completed into the Big Sioux Northern Skunk Creek Aquifer (approximately 77.5 feet deep) in the NE 1/4 SW 1/4 Section 16-T105N-R51W. Placing the water to beneficial use that was appropriated and reserved by Future Use Permit No. 5689-3 is subject to approval of the future use area expansion. Water will be used for rural water system purposes in Lake County including supplying water to Dakota Ethanol and the Brant treatment plant. The proposed well site is located approximately 7 miles south of Wentworth SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 5689A-3 because 1) Future Use Permit No. 5689-3 reserved the water for future use by the Big Sioux Community Water System, 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 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 Ron Duvall 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

RECEIVED

MAY 01 2025

Water Rights
Program

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 5, 2025.

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 5, 2025.

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Published once at the total approximate cost of \$63.36 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

MAY 01 2025

**Water Rights
Program**

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

India Johnston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Madison Daily Leader, a newspaper printed and published in the City of Madison, County of Lake, State of South Dakota, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached.

The advertisement headed

Public Notice 5689A-3 Big Sioux Community printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES: April 24, 2025

NOTICE ID: BY7lu2Nqgf6RaVnCCwsp

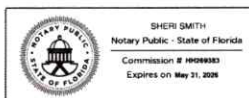
PUBLISHER ID: MDL000858

NOTICE NAME: Public Notice 5689A-3 Big Sioux Community

That \$56.80 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

India Johnston

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 04/24/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

**NOTICE OF APPLICATION
NO. 5689A-3 to AMEND
WATER PERMIT 5689-3
AND PLACE WATER TO
BENEFICIAL USE**

Notice is given that Big Sioux Community Water System, 23343 479th Avenue, Egan SD 57024, has filed an application to amend Future Use Permit No. 5689-3 to expand the future use area to include portions of the SW 1/4 Section 16-T105N-R51W and to construct and place to beneficial use 360 acre-feet of water annually at a maximum pump rate of 0.89 cubic feet of water per second from one well to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 77.5 feet deep) in the NE 1/4 SW 1/4 Section 16-T105N-R51W. Placing the water to beneficial use that was appropriated and reserved by Future Use Permit No. 5689-3 is subject to approval of the future use area expansion. Water will be used for rural water system purposes in Lake County including supplying water to Dakota Ethanol and the Brant treatment plant. The proposed well site is located approximately 7 miles south of Wentworth SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 5689A-3 because 1) Future Use Permit No. 5689-3 reserved the water for future use by the Big Sioux Community Water System, 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 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 Ron Duvall 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 5, 2025. 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 5, 2025. 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.
Date: April 24, 2025
MDL000858



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 20 2025

Big Sioux Community Water System
c/o Jodi Johanson
23343 479th Avenue
Egan SD 57024

Dear Ms. Johanson:

Enclosed is Water Permit No. 5689A-3 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,

Mark Mayer, PE
Director of Office of Water

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**

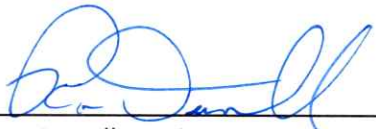
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 5689A-3

Name of Applicant: Big Sioux Community Water System, c/o Jodi Johanson

Date of Posting: 4/22/2025

Date of Removal: 5/20/2025



Ron Duvall, Engineer III

5/20/2025

Date

Subscribed and sworn to before me, a notary public, this 20th day of May, 2025.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

