

**Do Not License
This Is A
Temporary
Water Permit**

WATER PERMIT NO. 8923-3

Name of Applicant: **Jon Bunkers**

Address: **46085 240th Street, Chester SD 57016**

Phone: **605-270-2440**

Amount of Water Claimed: **No Add'l**

Total Acres: **80**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Lake**

Type of Waste Disposal System:

Location: **Approx. 3 miles west of Chester SD**

PRIORITY Date Received: **12-30-24**

Application/License Fee: **\$750.00**

Corrected Application Received: **01-21-25**

Period of Annual Use: **June 1 – September 30**

Remarks: **Adding 80 additional acres and using existing wells from Temp Permit 8580-3, no additional water**

Diversion Point: **NE 1/4 Sec 18-T105N-R51W**

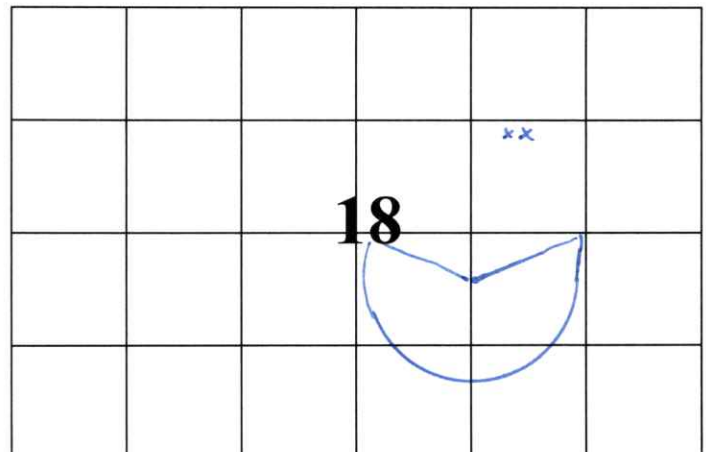
Land to be Irrigated: **SE 1/4 Sec 18-T105N-R51W**

Depth of Well: **60**

Well Driller: **Putzke Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **01-21-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
TEMPORARY USE WATER PERMIT NO. 8923-3

Date of first receipt of application December 30, 2024.

Date of return to applicant for corrections, amendments or changes January 10, 2025.

Date of receipt of corrected application January 21, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Temporary Use Water Permit No. 8923-3 to Jon Bunkers 46085 240th Street, Chester SD 57016, 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. Temporary Use Water Permit No. 8923-3 authorizes irrigation of an additional 80 acres. Temporary Use Water Permit No. 8580-3 authorizes the diversion of 1.34 cubic feet of water per second (cfs) from two wells completed into the Big Sioux: Northern Skunk Creek Aquifer (60 feet deep) located in the NE 1/4 Section 18 for irrigation of 130 acres located in the NE 1/4 Section 18; all in T105N-R51W. This permit authorizes irrigation of an additional 80 acres located in the SE 1/4 Section 18-T105N-R51W from the existing wells, with no increase to the rate of diversion. Temporary Use Water Permit Nos. 8580-3 and 8923-3 authorize a combined total of 1.34 cfs for irrigation of 210 acres. This site is located approximately three miles west of Chester 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: April 1 – September 30.
3. The date from which applicant may claim right is December 30, 2024.
4. The date of approval of Permit No. 8923-3 is April 28, 2025.
5. One-fifth of the construction is to be completed on or before October 28, 2027.
6. All construction is to be completed on or before April 28, 2030.
7. Water is to be put to beneficial use on or before April 28, 2034.
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. The City of Madison, Kingbrook Rural Water System and Big Sioux Community Water have priority right to this water under future use withdrawal permits. This permit is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to these prior rights if, or when, the future use permit holders fully develop their reserve water supply. The permit may be subject to cancellation when the water reserved under these future use permits is put to beneficial use. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of this temporary use permit.
2. The wells approved under Temporary Use Water Permit No. 8923-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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 irrigation in South Dakota
(type or print)

RECEIVED

DEC 30 2024

**OFFICE OF
WATER**

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8923-3</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 for Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 8580-3
(Use predates Mar 2, 1955)

Description of amendment/correction: Adding 80 acres to permit with no increase of water, will operate on rotation.

1. Name to Appear on Irrigation Permit Jon Bunkers

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

Mailing Address 46085 240th ST Chester SD 57016
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-270-2440 Email _____

2. Amount of water claimed No Add'l *CFS or 600 **GPM _____ ***AF Total Acreage 210 80
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 2 wells in NE 1/4 Sec 18 105N 51W

4. Location of point of diversion _____
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Lake

5. County or counties where water will be used Lake

6. Annual period during which water is to be used June - September April - Sept 30

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
NE 1/4 NE 1/4 18 105-51	16	NE 1/4 SE 1/4 18 105-51	32
SE 1/4	39	SE 1/4	8
SW 1/4	40	SW 1/4	8
NW 1/4	35	NW 1/4	32

New
80
acres
←

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

Adding 80 acres in the SE 1/4 18 105-51 with no additional water, will use the 2 existing wells.

I, Jon Bunkers, owner, 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)

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DEC 30 2024

OFFICE OF
WATER

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 2 Provide copy of log(s), if available. Drilled by Putzke Drilling

For either existing or proposed wells:

- c) Well Depth (required) 60 Depth to Top of Water Bearing Material 42 Depth to Water from Surface 20
- 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

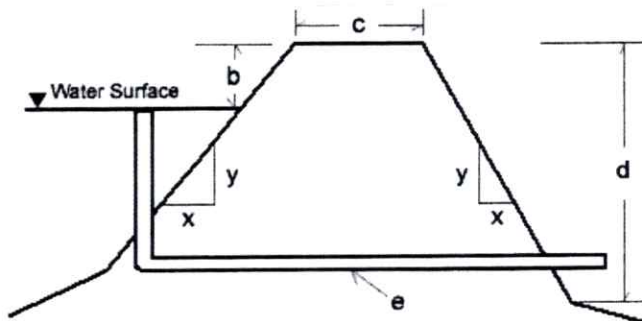
3. Dugout Information

- 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

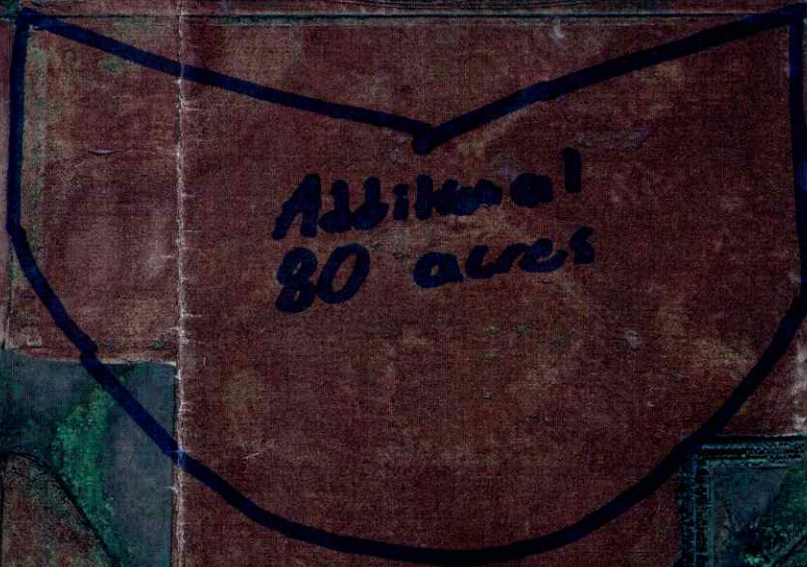
Additional Acres

Write a description for your map.

Legend



Current Well



Additional 80 acres

North Buffalo Creek

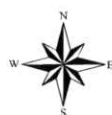
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DEC 31 2024
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WATER



2000 ft

Google Earth

Image © 2024 Airbus



0 500 1,000 2,000 3,000 4,000 Feet



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

105N 51W
Section: 07

105N 51W
Section: 08

10170203 Lower Big Sioux

Big Sioux

105N 51W
Section: 18

105N 51W
Section: 17

105N 51W
Section: 19

105N 51W
Section: 20

SOUTH DAKOTA WATER WELL COMPLETION REPORT

1st well state

11-02

Location NE $\frac{1}{4}$ $\frac{1}{4}$ Sec 18 Twp 05 Rg 51

Well Owner: Dale Buwkens

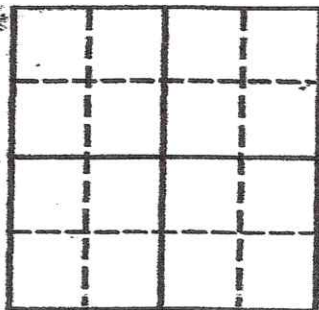
Business Name: _____

Address: 24007 461st Ave

City, State, Zip: Chester S.D. 57016

County Lake

North



Please mark well location with an "X"

Well completion Date 6-22-2024

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

None (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>DR21 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>57 FT</u>	<u>17.5 IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Grout DP 10</u>	<u>10</u>	<u>LB/ft</u>	<u>0 R</u>	<u>20 R</u>
		<u>LB/ft</u>	<u>R</u>	<u>R</u>

Describe grouting procedure Run 1" Trimie line. Pumped w/ Grout machine

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12 inches Length 20 Feet

Material PVC

Slot Size 100 Set From 37 Feet to 57 Feet

Other information Gravel Pack

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallons of Chlorine

☐ No, Why Not? Pumped

Lab sample sent to for water quality analysis _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Yellow clay	2	30
Sand-clay	30	37
Sand + Gravel	37	56
Blue Clay	56	57

STATIC WATER LEVEL

20 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in? _____

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WELL TEST DATA:

☒ Pumped Describe: _____

JUL 29 2024

☐ Bailed

☐ Other

OFFICE OF WATER

Pumping Level Below Land Surface

50 Ft. After 5 Hrs. pumped 375 GPM

 Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm: Dave Petzke Well Drilling & Repair, Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

523 E Capitol Ave. Pierre SD 57501

Please return WHITE COPY to: DENR Water Rights

SOUTH DAKOTA WATER WELL COMPLETION REPORT

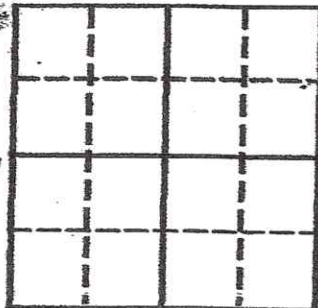
11-02

Location NE 1/4 1/4 Sec 18 Twp 95 Rg 51

County

Lake

North



Please mark well location with an "X"

Well completion Date

6-27-2024

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

None (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT DIAMETER FROM TO HOLEDIAMETER
DR-21 LB/FT 12 IN 0 FT 60 FT 17.5 IN
LB/FT IN FT FT IN
LB/FT IN FT FT IN

GROUTING DATA:

Grout Type No. of Sacks Grout Weight From To
Grout DF 12 lb/gal 0 R 20 R
lb/gal R R

Describe grouting procedure Run Trimec line Pump
w/ Grout machine

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 20 Feet
Material PVC
Slot Size 100 Set From 40 Feet to 60 Feet
Other information Arquell Pack

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallon or chlorine
☐ No, Why Not? Pumped
Lab sample sent to for water quality analysis

Well Owner:

Dale Bunkers

Business Name:

Address:

54007-461st Ave

City, State, Zip:

Chester S.D. 57016

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>30</u>
<u>Sandy Clay</u>	<u>30</u>	<u>38</u>
<u>Sand / Gravel</u>	<u>38</u>	<u>60</u>
<u>Blue Clay</u>	<u>60</u>	

STATIC WATER LEVEL

20

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

RECEIVED

WELL TEST DATA:

☒ Pumped Describe:

JUL 29 2024

☐ Bailed

☐ Other

OFFICE OF
WATER

Pumping Level Below Land Surface

50

R. After 5

Hrs. pumped

375

GPM

R. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

4139

And this report is true and accurate.

Drilling firm: Dave Putzke well Drilling & repair, Inc

Signature of License Representative:

Dave Putzke

Signature of Well Owner or Eligible Property Holder:

Date:

523 E Capitol Ave.

Pierre SD 57501

Please return WHITE COPY to: DENR Water Rights

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 21st 2025

RECEIVED OF JD Farms LLC for Jon Bunkers 46085 240th Street Chester SD 57016

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

Fee for Application for Permit No. <u>8923-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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. _____	\$ _____
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>750.00</u>

By Eric Gronlund
Chief Engineer

su



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

PAID

JAN 21 2025

Ck# 6336

Rec't# _____

January 10, 2025

Jon Bunkers
46085 240th Street
Chester SD 57016

Dear Mr. Bunkers:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Lake County. To complete the application, the following is required.

- The application fee for irrigation of 80 acres is \$750.00. To pay via credit card, please call our fiscal office at 605-773-5559. Please note that there is a transaction fee associated with a credit card payment. Or you may pay via check, payable to SD Water Right Program, mail to DANR – Water Rights Program, 523 East Capitol Ave, Pierre SD 57501.

Once I receive payment, I can begin processing your application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

RECEIVED

JAN 21 2025

OFFICE OF
WATER



**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. 8923-3, Jon Bunkers**

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. 8923-3, Jon Bunkers, 46085 240th Street, Chester SD 57016.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8923-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until holders of future use permits fully develop water reserved from their future use permit, 2) the proposed diversion can be developed as a temporary use permit without unlawful impairment of existing 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 City of Madison, Kingbrook Rural Water System and Big Sioux Community Water have priority right to this water under future use withdrawal permits. This permit is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to these prior rights if, or when, the future use permit holders fully develop their reserve water supply. The permit may be subject to cancellation when the water reserved under these future use permits is put to beneficial use. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of this temporary use permit.
2. The wells approved under Water Permit No. 8923-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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. 8923-3
Jon Bunkers
March 21, 2025

Water Permit Application No. 8923-3 proposes to irrigate 80 acres located in the SE ¼ Section 18-T105N-R51W in Lake County from existing wells authorized under Temporary Use Water Permit No. 8580-3 with no increase in diversion rate. Temporary Use Water Permit No. 8580-3 authorizes the diversion of a up to 1.34 cubic feet of water per second (cfs) from two wells completed into the Big Sioux: Northern Skunk Creek aquifer (approximately 60 feet deep) located in the NE ¼ Section 18 for the irrigation of 130 acres located in the NE ¼ Section 18; all in T105N-R51W. This application, if approved, and Temporary Use Water Permit No. 8580-3 will authorize a combined total of 1.34 cfs for irrigation of 210 acres. This site is located approximately three miles west of Chester, SD.

Aquifer: Big Sioux: Northern Skunk Creek

Hydrogeology and Aquifer Characteristics

Hansen (1986) called the aquifer that this application proposes to appropriate water 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. 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. 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.

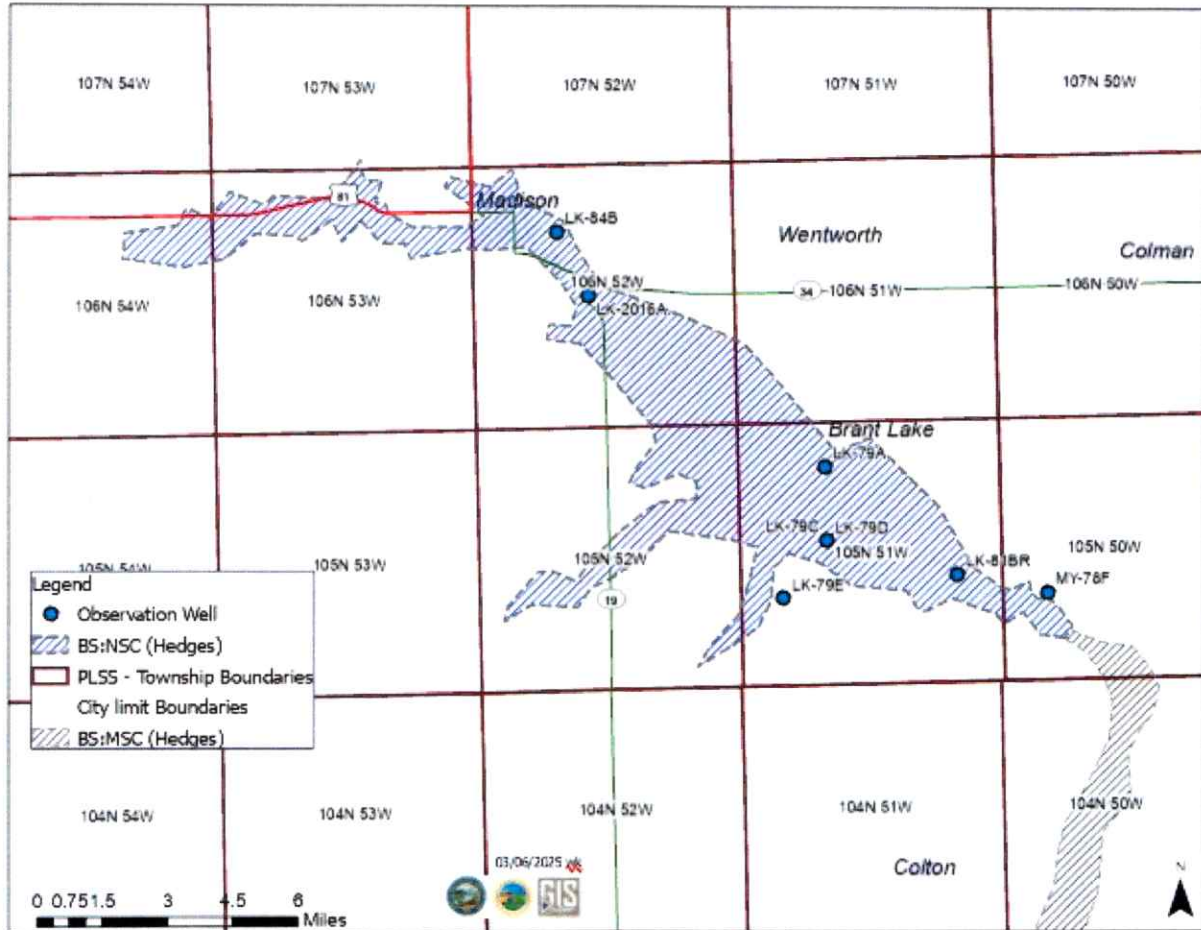


Figure 1: Hedges et al. (1982) delineation of the approximate extent of the Big Sioux: Northern Skunk Creek and the Big Sioux: Middle Skunk Creek and observation wells (Water Rights, 2025c)

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).

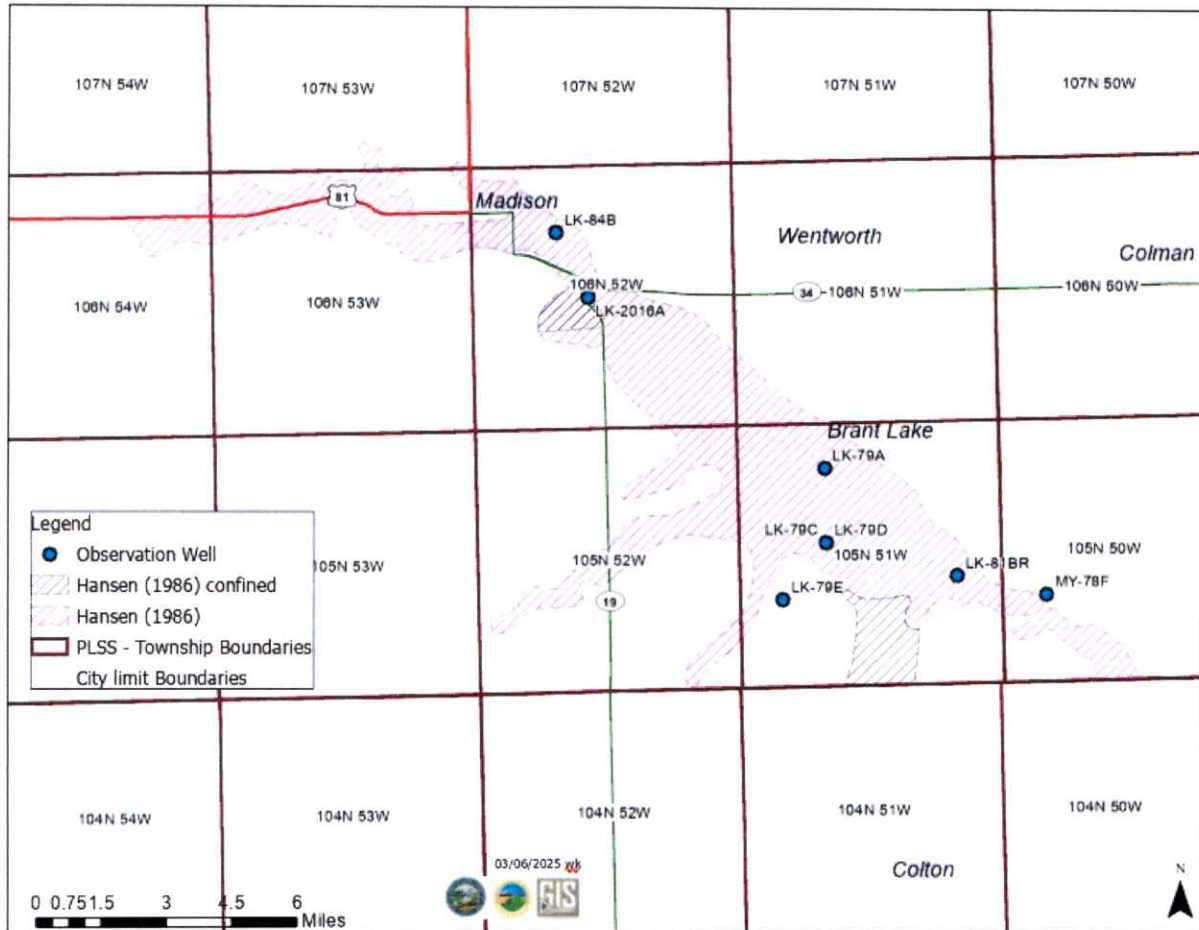


Figure 2: Hansen's (1986) North Skunk Creek aquifer and Water Rights (2025c) observation wells

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.

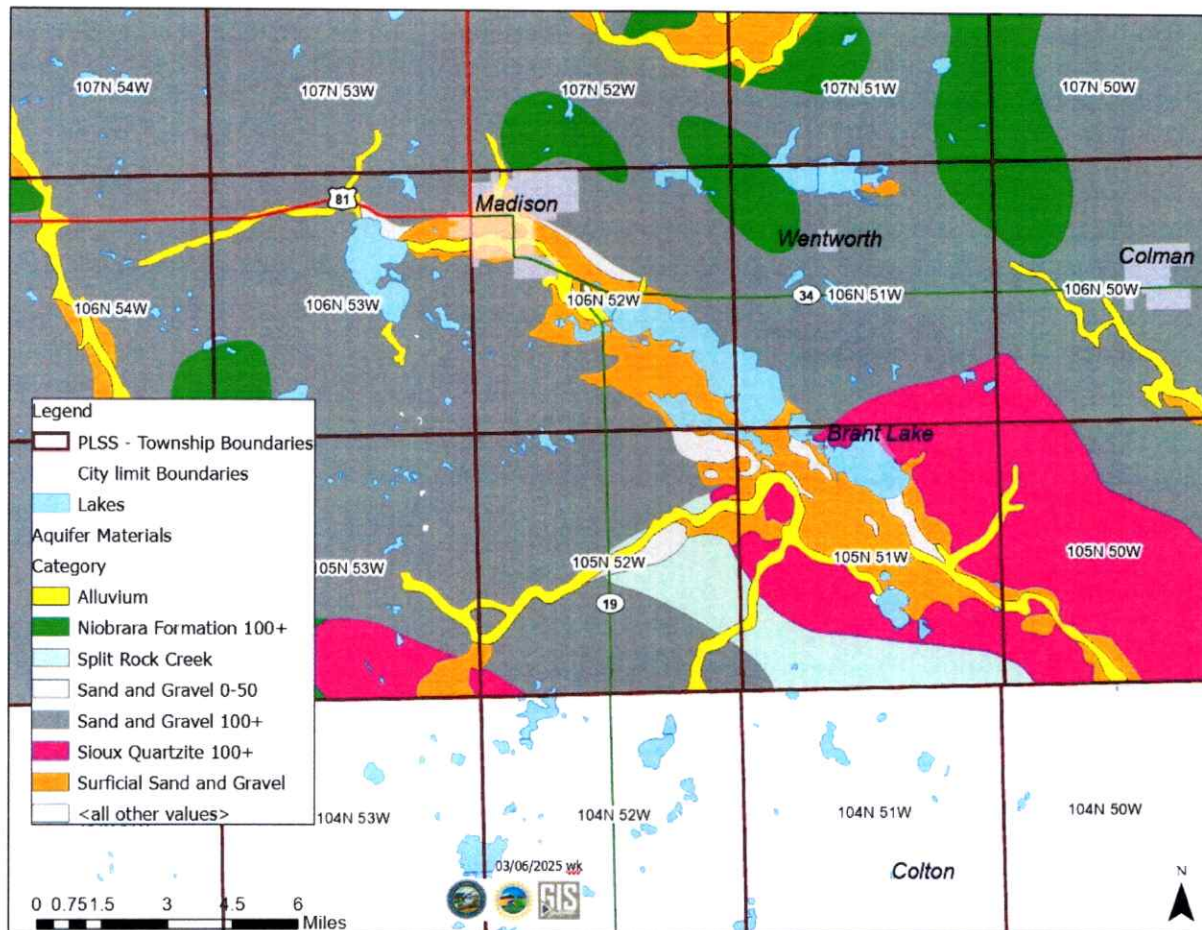


Figure 3: First Occurrence of Aquifer Materials Mapping in the Area of the Big Sioux: Northern Skunk Creek Aquifer (Jensen, 2002a and 2002b)

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. While significant additional drilling or study in this area in the future will likely result in minor updates to extent of the aquifer and the presence of Lakes Madison, Herman, and Brant limit 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.

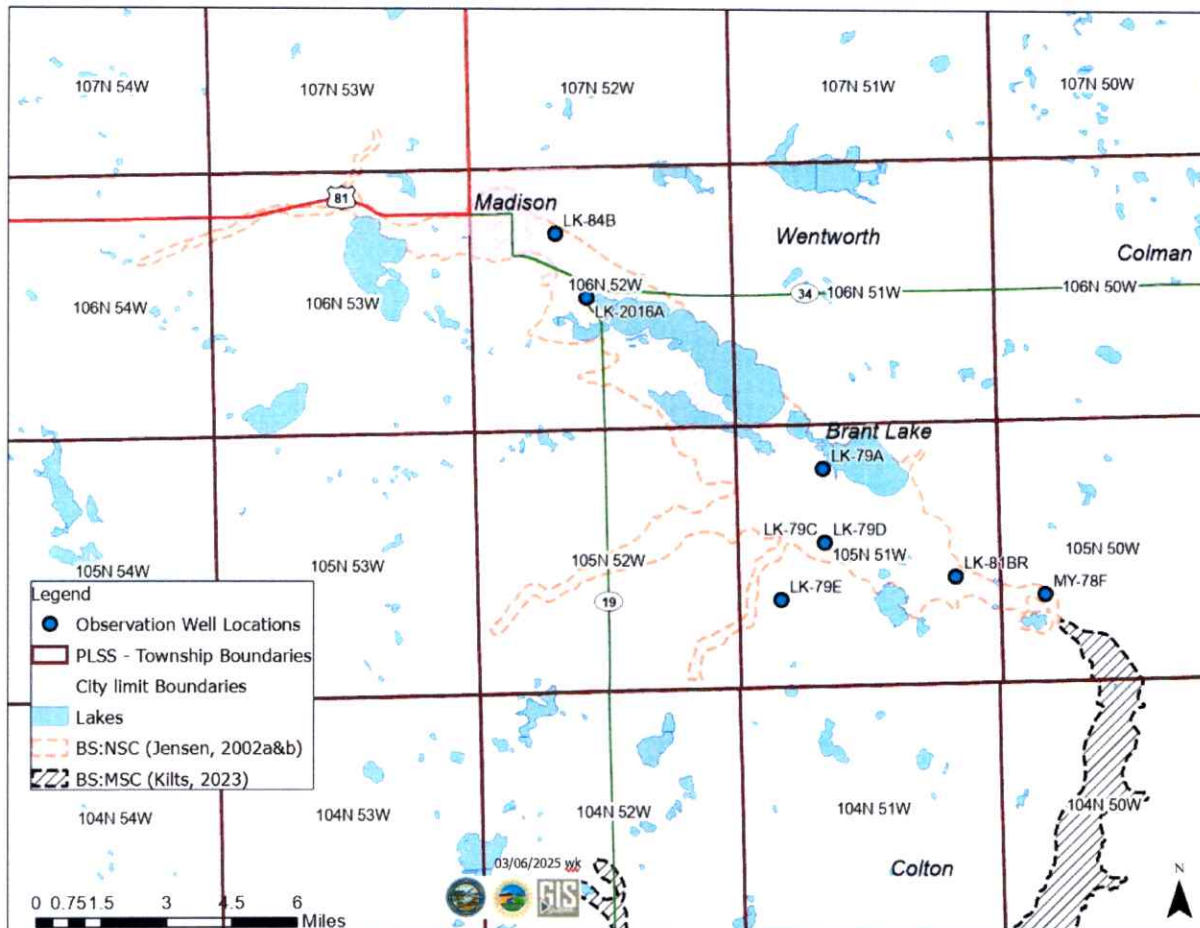


Figure 4: Outline of the alluvium, surficial sand and gravel, and sand and gravel from Jensen (2002a and 2002b) in the area of the Big Sioux: Skunk Creek aquifer (Kilts, 2023; Water Rights, 2025c)

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 makeup 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 is hydraulically connected to the Big Sioux: Middle Skunk Creek, Lakes Madison, Herman, and Brant, and Skunk Creek (Hansen, 1986; Kilts, 2023).

The well completion reports for the existing wells authorized under Temporary Use Permit No. 8580-3 are on file with the Water Rights Program. At the time of well completion (well completion report submitted in 2024), the static water level in both wells was 20 feet below grade (Water Right, 2025a). Based on the provided geologic and well construction information, the sand and gravel of the aquifer is from 37 to 56 feet below grade and 38 to 60 feet below grade in the two wells. Based on this information, the aquifer at the well locations is under confined conditions.

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.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Big Sioux: Northern Skunk Creek aquifer in South Dakota.

SDCL 46-5-39 and SDCL 46-5-40

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.

Pursuant to SDCL 46-5-40 the Chief Engineer must give at least six months’ notice prior to the cancellation of a temporary use permit. The temporary use permit may not be cancelled prior to the time at which facilities are constructed and water put to beneficial use by the entity holding the future use permit.

Water Availability

Water Permit Application No. 8923-3 proposes to appropriate water from the Big Sioux: Northern Skunk Creek aquifer for irrigation use. 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 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 not for a water distribution system, as defined in SDCL 46-1-6 (17). Therefore, the withdrawal/recharge issue must be considered.

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 (5689A-3) by Big Sioux Community Water System to place 360 acre-feet per year of water reserved by Future Use Permit No. 5689-3 to beneficial use 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 is by Big Sioux Community Water System 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. Since Application No. 5689A-3 has not yet been approved, the 360 acre-feet per year the application is seeking to place to beneficial use is still included as part of Future Use Permit No. 5689-3 for this budget.

Report on Water Permit Application No. 8923-3

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

The 2003 to 2022 annual withdrawals information from four water distribution systems collectively holding or have 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) for well locations collectively accounting for 12 non-irrigation use rights/permits was compiled by Settje and Mathiowetz (2024). 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). 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, 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 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

Report on Water Permit Application No. 8923-3

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						TOTAL:	7189

*Connected to a rural water system, **Big Sioux Community Water ***No increase in annual volume

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.

Report on Water Permit Application No. 8923-3

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.

Report on Water Permit Application No. 8923-3

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 rate for crop irrigation have been quantified typically are below ten inches per acre (Water Rights, 2025b). Applying that to the acres this application proposed to irrigate (80 acres) results in an estimated average annual water use for this application, if approved, of less than 67 acre-feet per year.

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, 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 to support the proposed use by this application as a temporary use permit pursuant to SDCL 46-5-39.

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 appropriative 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 appropriative 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 take 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 appropriative 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 is shown in Figure 4. The nearest observation wells to the wells for this application are LK-79D and LK-79C located approximately 1.2 miles to the southeast. Figure 5 shows the hydrographs for all eight observation wells in the aquifer.

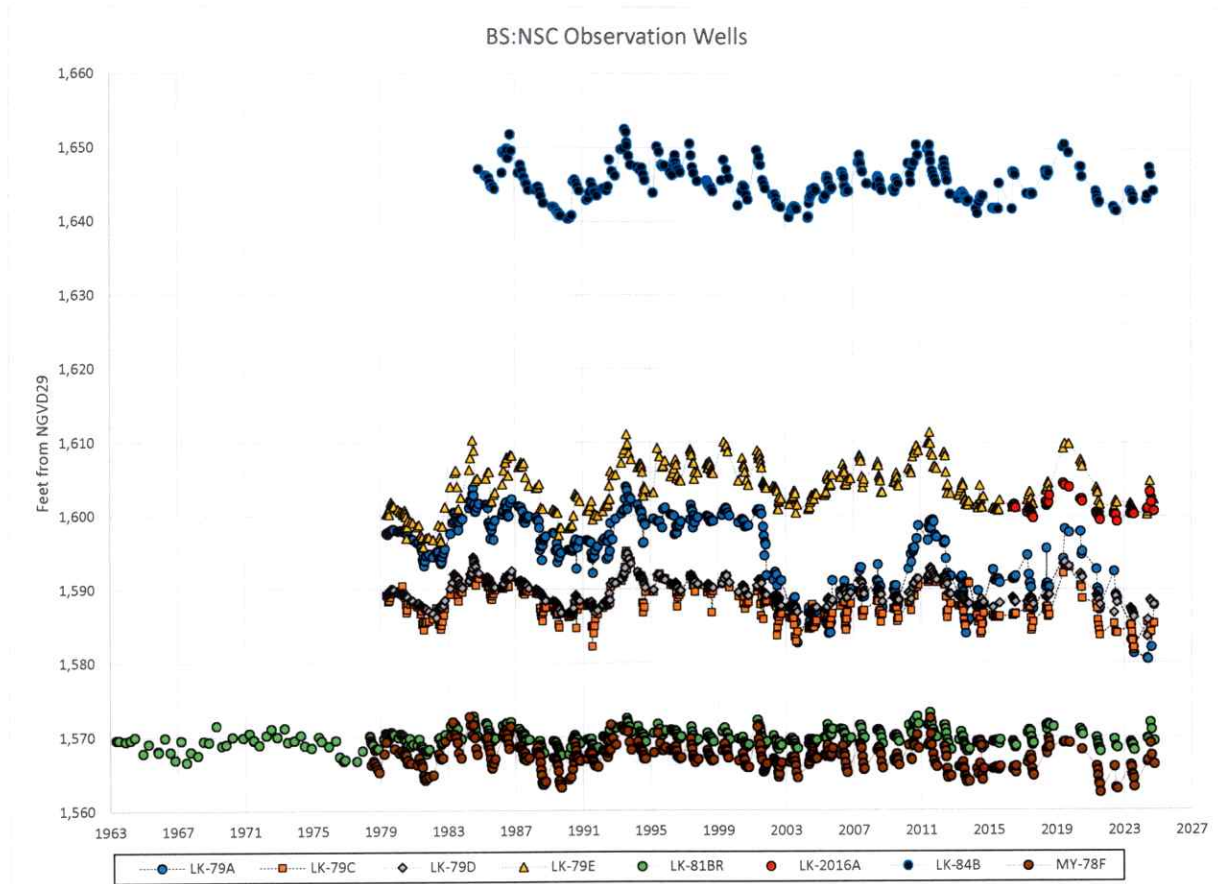


Figure 5: Big Sioux: Northern Skunk Creek Observation Wells (Water Rights, 2025c)

The hydrographs for the observation wells generally display stable water levels over most their respective periods of record, with the exception of LK-79A. In 2001, there was a drop of approximately 10 ft 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 is likely also contributed to the 10 ft drop in the measured water level. The log for LK-79A indicates that a 10 ft till (clay) lens within the gravel of the aquifer (5-13 feet below grade and 23-51 ft 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).

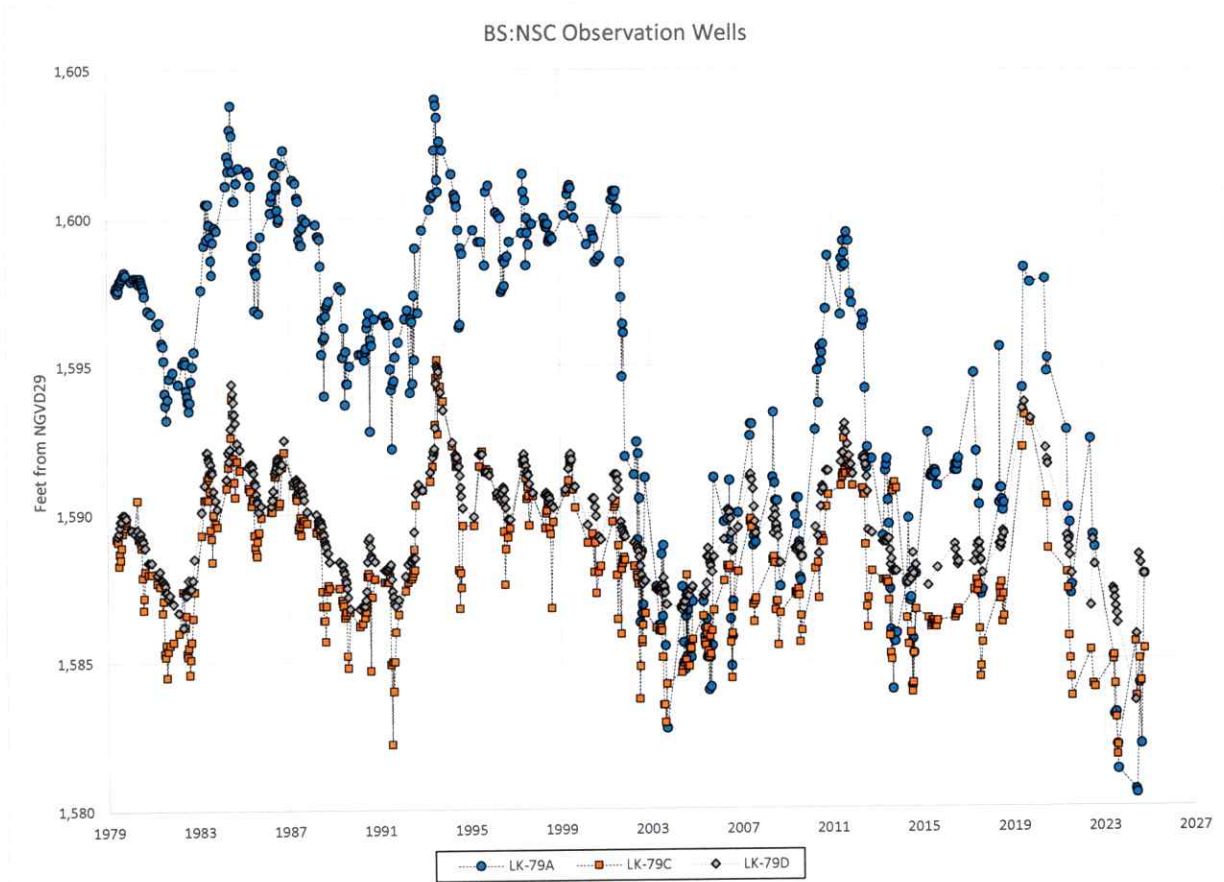


Figure 6: Select Big Sioux: Northern Skunk Creek Observation Wells (Water Rights, 2025c)
Note vertical scale is different than Figure 5.

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 existing permitted wells that this application proposes to utilize is Water Right No. 5151-3 located approximately 0.84 miles to the southeast (Water Rights, 2025b). The nearest domestic well on file to the existing wells for this application is for Howard Pershing completed in 1991 located 0.76 miles to the southwest (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 well sites that are not on file with the Water Rights Program.

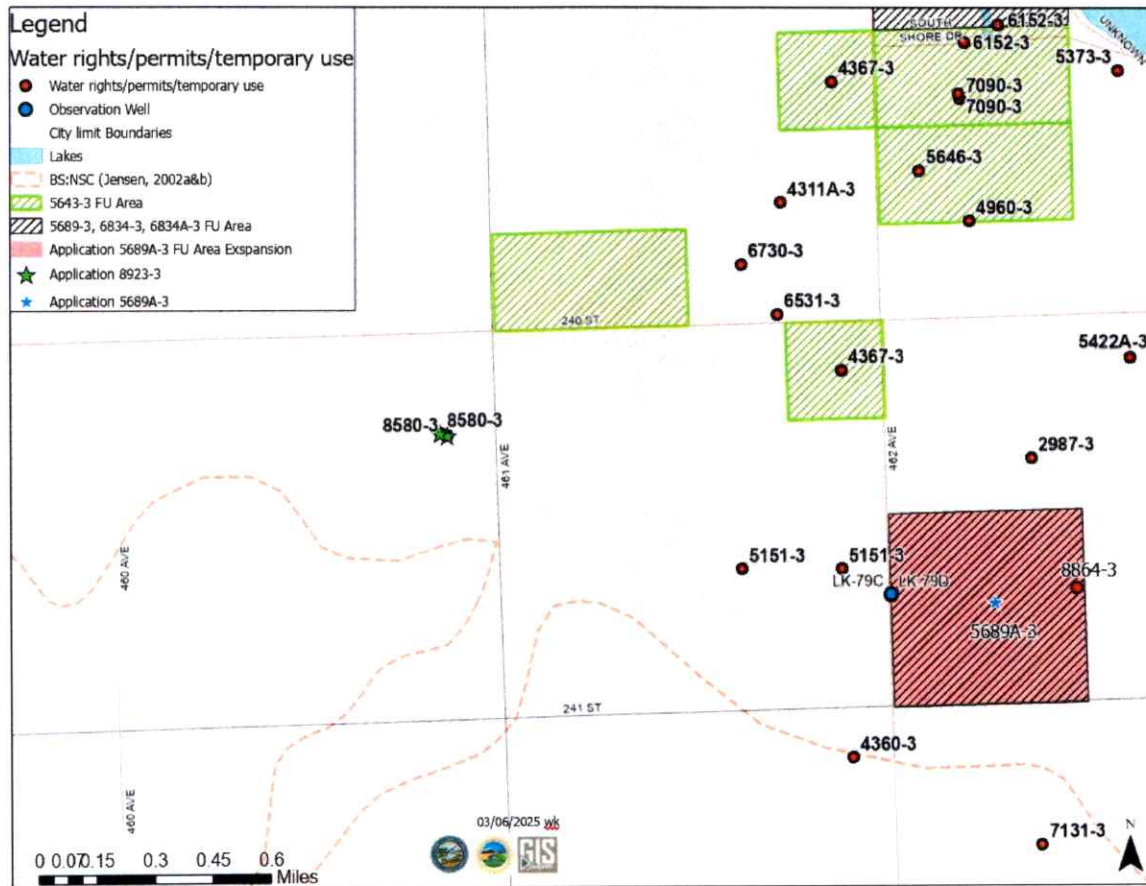


Figure 7: Water right/permits, temporary use permits, applications, and observation wells in the vicinity of this existing wells (green stars) for Temporary Use Permit No. 8580-3 this application proposes to use (Water Rights, 2025b & 2025c)

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 existing wells this application proposes to use. 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 an almost entirely unconfined aquifer, it is important to have the discussion of artesian head pressure as a means of delivery. However, it is more realistic to think of the aquifer as unconfined. Measurable drawdown as the result of pumping in an unconfined aquifer 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 No. 8864-3 is located approximately 1.7 miles east-southeast of the nearest well 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 to 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 diversion point for Water Right No. 4453-3 is located approximately 1.5 miles north-northwest of the existing wells this application proposes to use (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 No. 8923-3 proposes to irrigate 80 acres located in the SE ¼ Section 18-T105N-R51W in Lake County from existing wells authorized under Temporary Use Water Permit No. 8580-3 with no increase in diversion rate.
2. Temporary Use Water Permit No. 8580-3 authorizes the diversion of a up to 1.34 cfs from two wells completed into the Big Sioux: Northern Skunk Creek aquifer located in the NE ¼ Section

18 for the irrigation of 130 acres located in the NE ¼ Section 18; all in T105N-R51W. This application, if approved, and Temporary Use Water Permit No. 8580-3 will authorize a combined total of 1.34 cfs for irrigation of 210 acres.

3. 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 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 temporary use permits per SDCL 46-5-39.
4. Based on the hydrologic budget and observation well data, there is a reasonable probability that sufficient water is available at the current level of average annual appropriative pumping for this application to be approved as a temporary use permit out of water reserved for future use pursuant to SDCL 46-5-39.
5. Based on the current hydrologic budget for the 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.
6. 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

References

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Report on Water Permit Application No. 8923-3

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- Water Rights. 2025d. County Complaint Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2025e. Water Rights Irrigation Reporting Data. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2025f. Water Rights Non-irrigation. Reporting Data. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota.



**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

Jon Bunkers
46085 240th Street
Chester SD 57016

Dear Mr. Bunkers:

Water Permit Application No. 8923-3 for irrigation 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. 8923-3 to Appropriate Water

Notice is given that Jon Bunkers, 46085 240th Street, Chester SD 57016, has filed an application for a water permit to irrigate an additional 80 acres. Temporary Use Water Permit No. 8580-3 authorizes the diversion of 1.34 cubic feet of water per second (cfs) from two wells completed into the Big Sioux: Northern Skunk Creek Aquifer (60 feet deep) located in the NE 1/4 Section 18 for irrigation of 130 acres located in the NE 1/4 Section 18; all in T105N-R51W. This application proposes to irrigate an additional 80 acres located in the SE 1/4 Section 18-T105N-R51W from the existing wells, with no increase to the rate of diversion. This application, if approved, and Temporary Use Water Permit No. 8580-3 will authorize a combined total of 1.34 cfs for irrigation of 210 acres. This site is located approximately three miles west of Chester SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8923-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until holders of future use permits fully develop water reserved from their future use permit, 2) the proposed diversion can be developed as a temporary use permit without unlawful impairment of existing 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 April 28, 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 April 28, 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.



Order Confirmation

Not an Invoice

Account Number:	1523529
Customer Name:	Jon Bunkers
Customer Address:	Jon Bunkers 46085 240Th ST Chester SD 57016-7402
Contact Name:	Rachel Rodriguez
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	04/01/2025
Order Number:	11195101
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	181.0000
Height in Inches:	19.8300

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	04/17/2025 - 04/17/2025	Public Notices
SFA argusleader.com	1	04/17/2025 - 04/17/2025	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	\$62.49
Tax Amount	\$0.00
Service Fee 3.99%	\$2.49
Cash/Check/ACH Discount	-\$2.49
Payment Amount by Cash/Check/ACH	\$62.49
Payment Amount by Credit Card	\$64.98

Order Confirmation Amount	\$62.49
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Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, April 1, 2025 4:38 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11195101 8923-3 Jon Bunkers - Public Notice
Attachments: 11195101.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on April 17. The order cost is \$62.49 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: Tuesday, April 1, 2025 12:18 PM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11195101 8923-3 Jon Bunkers - Public Notice

Attached is a notice to be published on April 17, 2025, in the Argus Leader.

Jon Bunkers, 46085 240th Street, Chester SD 57016, 605-270-2440, has been notified to contact you to authorize publication and arrange for payment. The applicant did not provide an email address.

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,



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

Bill to
Department of Agriculture and Natural Resources

Invoice number CFC1A06D-0042
Notice ID ofY9wfdZJ7RaDHBXZuKW
Publisher Madison Daily Leader
Date of issue Apr 1, 2025
Date due Jun 1, 2025
Amount due \$56.09

Description	Qty	Unit price	Amount
04/17/2025: Public Notice Notice	1	56.09	56.09

=== Notes ===

Notice Name: Public Notice 8923-3 Jon Bunkers
Order Number: MDL000856

Net Subtotal \$56.09

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/b4czSYc687CcKeG6nWOg/pay>

Amount due \$56.09

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-0042 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/b4czSYc687CcKeG6nWOg/pay>

Questions? Visit help.column.us

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, April 1, 2025 12:17 PM
To: Stephanie Dickey
Subject: 8923-3 Jon Bunkers - Public Notice
Attachments: 8923-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 17, 2025, in the Madison Daily Leader.

Jon Bunkers, 46085 240th Street, Chester SD 57016, 605-270-2440, has been notified to contact you to authorize publication and arrange for payment. The applicant did not provide an email address.

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: Tuesday, April 1, 2025 12:18 PM
To: legals@argusleader.com
Subject: 8923-3 Jon Bunkers - Public Notice
Attachments: 8923-3 public.short_final.docx; FORM8.FRM.doc

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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



AFFIDAVIT OF PUBLICATION

Rachel Rodriguez
Water Rights Program
Rachel Rodriguez,
523 E Capital Ave
Pierre SD 57501

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APR 22 2025

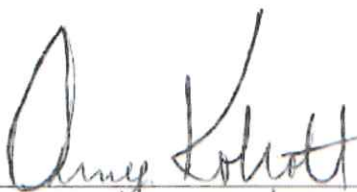
Water Rights
Program

STATE OF WISCONSIN, COUNTY OF BROWN

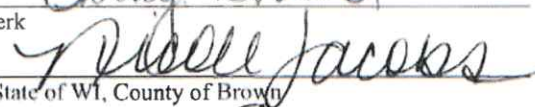
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/17/2025

and that the fees charged are legal.
Sworn to and subscribed before on 04/17/2025



Legal Clerk



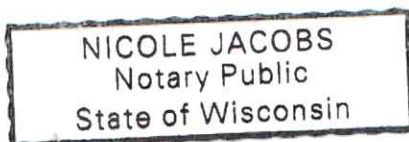
Notary, State of WI, County of Brown
8-21-26

My commission expires

Publication Cost:	\$62.49	
Tax Amount:	\$0.00	
Payment Cost:	\$62.49	
Order No:	11195101	# of Copies:
Customer No:	1523529	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NOTICE OF
APPLICATION NO. 8923-3
to Appropriate Water

Notice is given that Jon Bunkers, 46085 240th Street, Chester SD 57016, has filed an application for a water permit to irrigate an additional 80 acres. Temporary Use Water Permit No. 8580-3 authorizes the diversion of 1.34 cubic feet of water per second (cfs) from two wells completed into the Big Sioux: Northern Skunk Creek Aquifer (60 feet deep) located in the NE 1/4 Section 18 for irrigation of 130 acres located in the NE 1/4 Section 18; all in T105N-R51W. This application proposes to irrigate an additional 80 acres located in the SE 1/4 Section 18-T105N-R51W from the existing wells, with no increase to the rate of diversion. This application, if approved, and Temporary Use Water Permit No. 8580-3 will authorize a combined total of 1.34 cfs for irrigation of 210 acres. This site is located approximately three miles west of Chester SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8923-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until holders of future use permits fully develop water reserved from their future use permit, 2) the proposed diversion can be developed as a temporary use permit without unlawful impairment of existing 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

RECEIVED

APR 22 2025

Water Rights
Program

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 April 28, 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 April 28, 2025.

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Published once at the total approximate cost of \$62.49 and may be viewed free of charge at www.sdpublicnotices.com.

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APR 22 2025

Water Rights
Program

APR 18 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 8923-3 Jon Bunkers

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 17, 2025

NOTICE ID: ofY9wfdZJ7RaDHBXZuKW

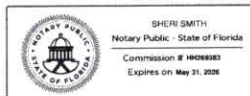
PUBLISHER ID: MDL000856

NOTICE NAME: Public Notice 8923-3 Jon Bunkers

That \$56.09 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: 04/18/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

NOTICE OF APPLICATION

NO. 8923-3 to Appropriate Water Notice is given that Jon Bunkers, 46085 240th Street, Chester SD 57016, has filed an application for a water permit to irrigate an additional 80 acres. Temporary Use Water Permit No. 8580-3 authorizes the diversion of 1.34 cubic feet of water per second (cfs) from two wells completed into the Big Sioux: Northern Skunk Creek Aquifer (60 feet deep) located in the NE 1/4 Section 18 for irrigation of 130 acres located in the NE 1/4 Section 18; all in T105N-R51W. This application proposes to irrigate an additional 80 acres located in the SE 1/4 Section 18-T105N-R51W from the existing wells, with no increase to the rate of diversion. This application, if approved, and Temporary Use Water Permit No. 8580-3 will authorize a combined total of 1.34 cfs for irrigation of 210 acres. This site is located approximately three miles west of Chester SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8923-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until holders of future use permits fully develop water reserved from their future use permit, 2) the proposed diversion can be developed as a temporary use permit without unlawful impairment of existing 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 April 28, 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 April 28, 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 17, 2025
MDL000856

RECEIVED

APR 18 2025

Water Rights
Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 20 2025

Jon Bunkers
46085 240th Street
Chester SD 57016

Dear Mr. Bunkers:

Enclosed is Temporary Water Permit No. 8923-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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**

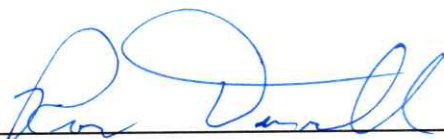
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8923-3

Name of Applicant: Jon Bunkers

Date of Posting: 4/15/2025

Date of Removal: 5/20/2025

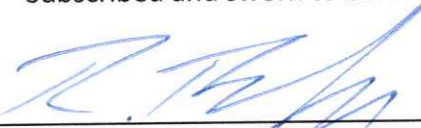


Ron Duvall, Engineer III

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)

