

WATER PERMIT NO. 8928-3

Name of Applicant: **Promises Kept LLLP**

Address: **46884 267th Street, Sioux Falls SD 57106**

Phone: **605-310-5553**

Amount of Water Claimed: **1.97 cfs**

Total Acres: **240**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Hamlin**

Type of Waste Disposal System:

Location: **Approx. 3 miles southeast of Castlewood**

PRIORITY Date Received: **01-27-25**

Application/License Fee: **\$1,150.00**

Corrected Application Received: **02-10-25**

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

Remarks:

Diversion Point: **NW 1/4 NE 1/4 Sec 17-T114N-R51W**

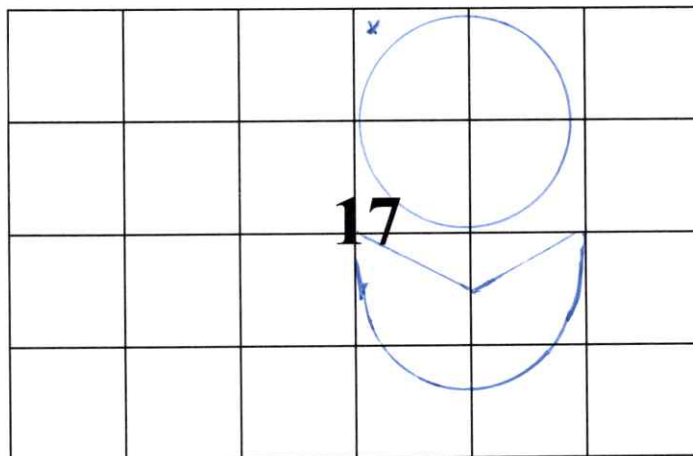
Land to be Irrigated: **E 1/2 Sec 17-T114N-R51W**

Depth of Well: **230**

Well Driller: **Steffl Drilling & Pump Inc.**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **02-11-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8928-3

Date of first receipt of application January 27, 2025.

Date of return to applicant for corrections, amendments or changes January 28, 2025.

Date of receipt of corrected application February 10, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8928-3 to Promises Kept LLLP, 46884 267th Street, Sioux Falls SD 57106, 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. 8928-3 appropriates 1.97 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (approximately 230 feet deep) located in the NW 1/4 NE 1/4 Section 17 for irrigation of 240 acres located in the E 1/2 Section 17; all in T114N-R51W. This site is located approximately three miles southeast of Castlewood 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 – October 31.
3. The date from which applicant may claim right is January 27, 2025.
4. The date of approval of Permit No. 8928-3 is May 12, 2025.
5. One-fifth of the construction is to be completed on or before November 12, 2027.
6. All construction is to be completed on or before May 12, 2030.
7. Water is to be put to beneficial use on or before May 12, 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 well approved under Water Permit No. 8928-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Based on the proximity of the well approved under this Permit to wells authorized for nearby senior water right holders and declining water levels in observation well HN-2016A, the Water Management Board retains jurisdiction of Water Permit No. 8928-3 to manage use of water from this aquifer. If water use under this Permit begins to unlawfully impair senior water right holders or domestic water users with adequate wells, then either a shutoff order or curtailment of water use under this Permit may be necessary.
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

6/11/25
date



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JAN 27 2025

OFFICE OF
WATER

PAID

JAN 27 2025

Ck# 6754

Rec't# _____

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8928-3</u> Hydrologic Unit <u>10170 201</u>
	Basin <u>Big Sioux</u>
	Newspaper <u>Castlewood Hamlin Co. Republican</u> <u>Public Opinion</u> (office use only)

Application for Permit to Appropriate Water for Irrigation

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

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

lambkotaacres@hotmail.com1. Name to Appear on Irrigation Permit Promises kept LLP

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

Mailing Address 46884 267th St Sioux Falls SD 57106
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-310-5553 Email Jeanollerich@yahoo.com

2. Amount of water claimed 1.97 *CFS or 885.5 **GPM ***AF Total Acreage 240
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1 well in East 1/2 Sec 17-114N-51W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hamlin5. County or counties where water will be used Hamlin6. Annual period during which water is to be used 4/1-10/31

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

Land Description	Acres	Land Description	Acres
<u>East 1/2 Sec 17-114N-51W</u>	<u>240</u>		

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

2 center pivots to irrigate approximately 240 acres.

I, Jason Lamb Jean M. OLLERICH OWNER Tenant, the applicant, certify under
Name of Person Title (if applicable) 605-881-5936

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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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 Steffl Drilling & Pump Inc
(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) 230' Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest domestic well on applicant's property Unknown Property owned by others Unknown

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)

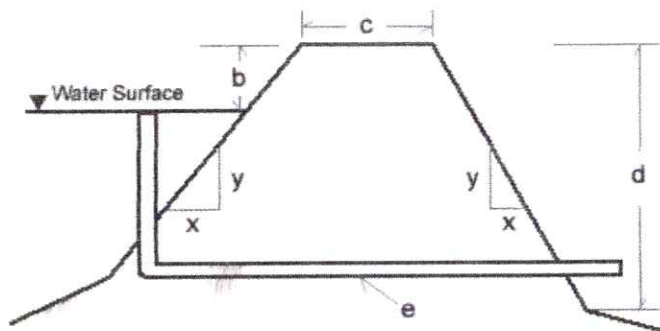
Upstream

Downstream

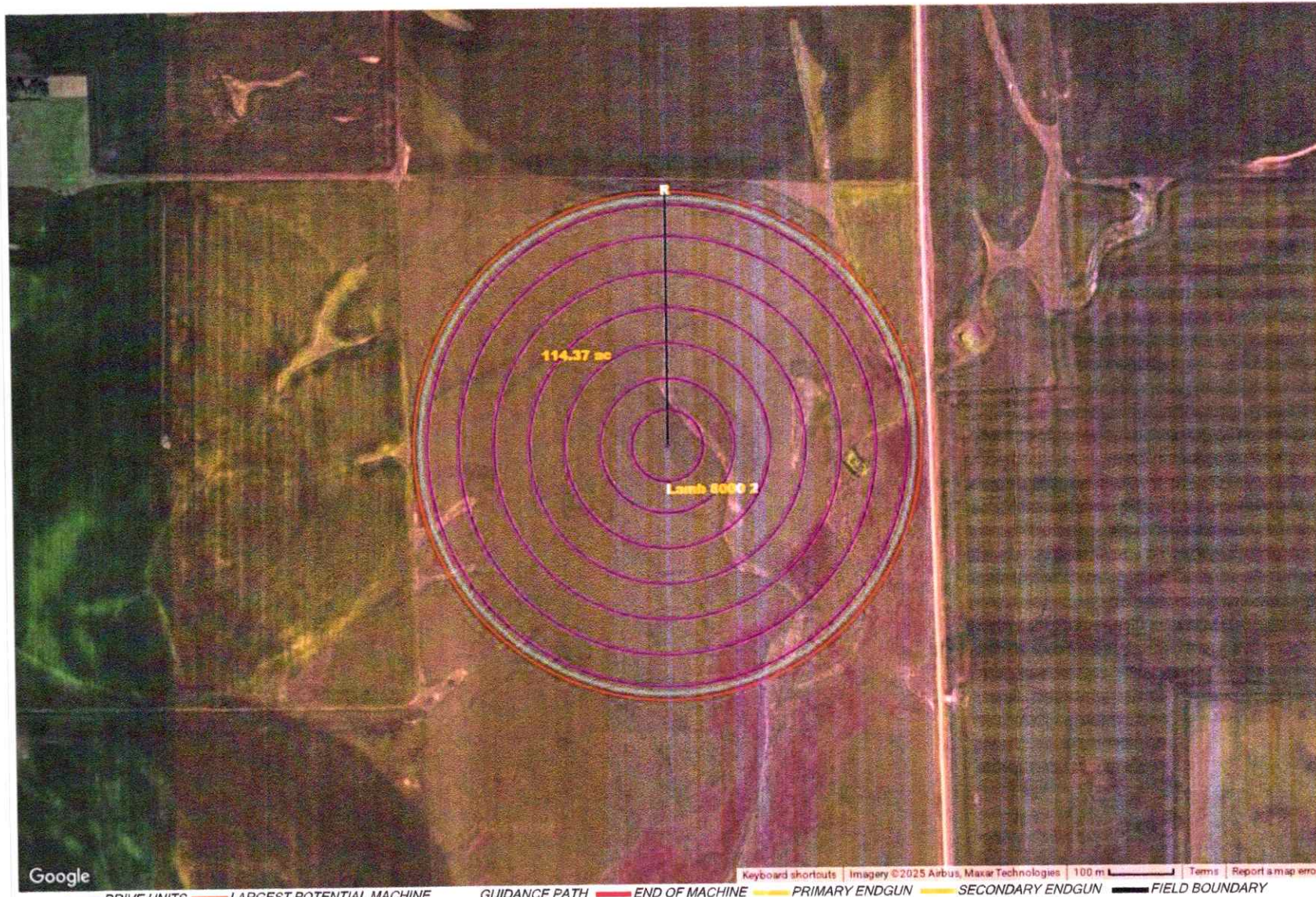
h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres

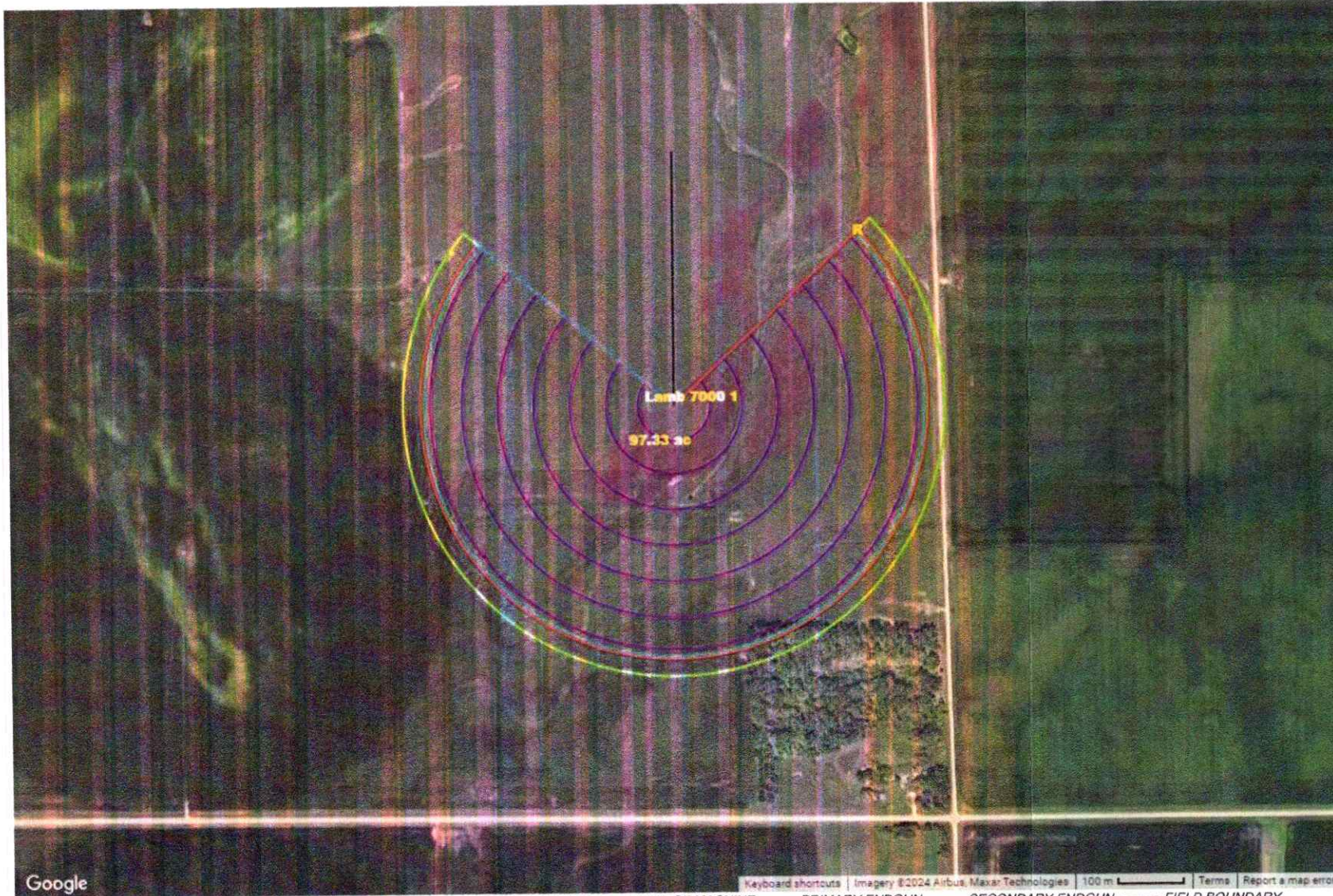


Map Summary Report - Lamb 8000 2



FARMERS IMPLEMENT & IRR. - 3023 Hwy 14 Bypass, Brookings, SD, 57006, United States

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JAN 27 2025
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WATER



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JAN 27 2025
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WATER



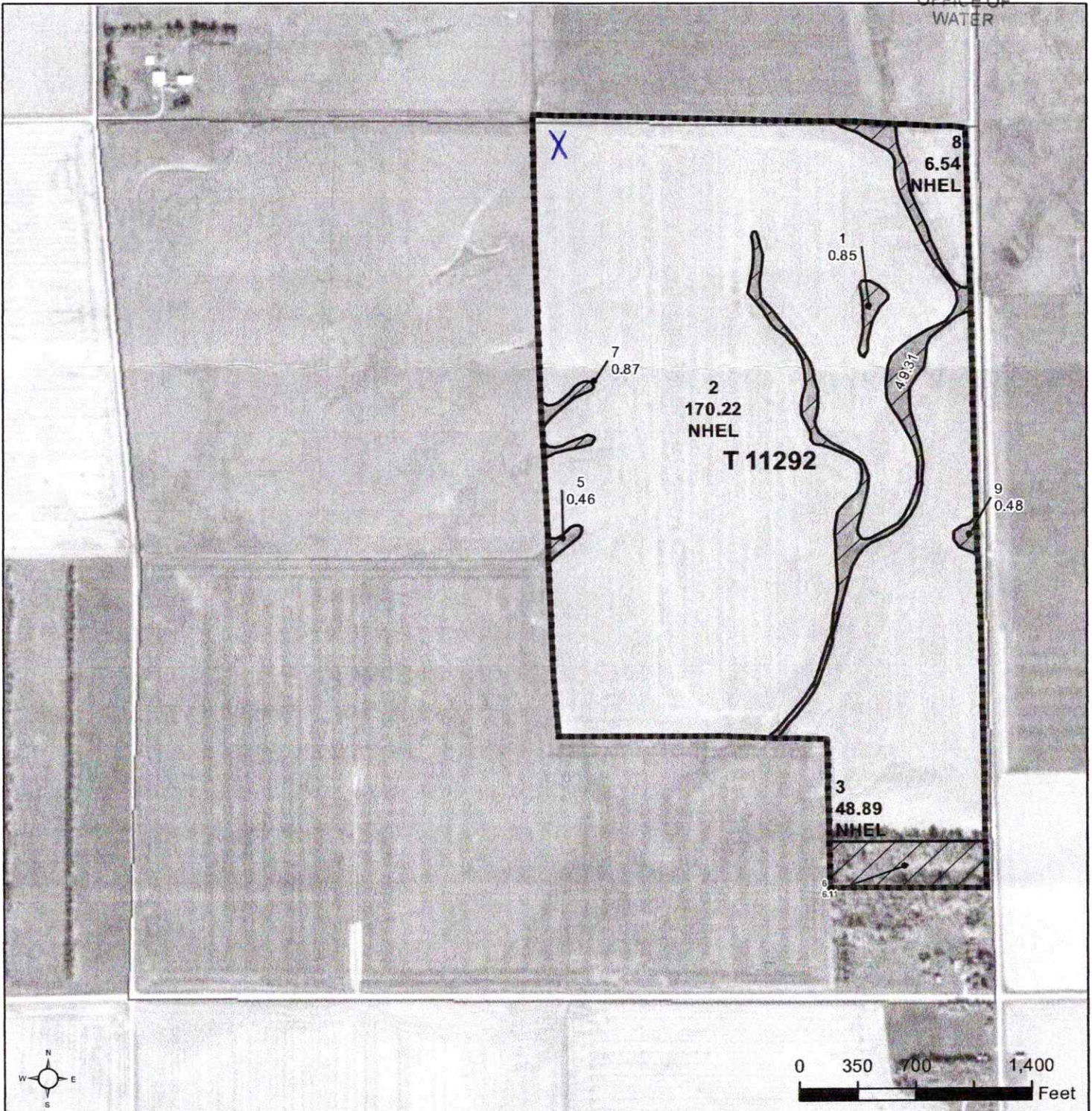
United States
Department of
Agriculture

Clark County, South Dakota

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JAN 27 2025

OFFICE OF
WATER



Common Land Unit

- Non-Cropland
- Cropland

- Tract Boundary
- PLSS

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

Unless otherwise noted,
crops listed below are:

Non-Irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non

Producer Initial _____
Date _____

2024 Program Year

Map Created May 16, 2024

Farm 4889

17-114N-51W-Hamlin

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA

114N 51W
Section: 06

114N 51W
Section: 05

114N 51W
Section: 04

114N 51W
Section: 07

114N 51W
Section: 08

114N 51W
Section: 09

114N 51W
Section: 18

10170201 Upper Big Sioux

114N 51W
Section: 17

Big Sioux

114N 51W
Section: 16

10170202 Middle Big Sioux

114N 51W
Section: 19

114N 51W
Section: 20

114N 51W
Section: 21

114N 51W
Section: 22

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2024

Location <u>NW</u> $\frac{1}{4}$ <u>NE</u> $\frac{1}{4}$ Sec <u>17</u> Twp <u>114</u> Rg <u>51</u>		Well Owner: <u>JERRY OLLERICH</u>	
County <u>HAMLIN</u>		Business Name: <u>PROMISES KEPT LLLP</u>	
GPS Coordinates		Address: <u>46884 267TH ST</u>	
Lat: <u>44 41 18.60N</u>		City, State, Zip: <u>SIOUX FALLS, SD 57106-7000</u>	
Lon: <u>96 58 36.90W</u>			
Please mark well location with an "X" on section grid			
Well Completion Date <u>11/19/2024</u>			
Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>2000</u> ft. from <u>SEPTIC</u> (identify source)			
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Monitoring Well ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole ☐ Dewatering Well ☐ Geothermal ☐ Other _____		WELL LOG:	
METHOD OF DRILLING: ROTARY			
CASING DATA: ☐ Steel ☒ Plastic ☐ Other			
If other describe _____			
PIPEWEIGHT	DIAMETER	FROM	TO
LB/FT	12 IN	0 FT	190 FT
LB/FT	12 IN	230 FT	237 FT
LB/FT	IN	FT	FT
GROUTING DATA:			
Grout Type	No. of Sacks	Grout Weight	From
HS BENT	12	Lb/gal	0.0 Ft
PACK		Lb/gal	180.0 Ft
Describe grouting procedure <u>TREMIE</u>			
SCREEN: ☐ Perforated pipe ☒ Manufactured			
Diameter	12	Inches	Length
Material	<u>STAINLESS STEEL</u>		
Slot Size	100	Set From	190.0 Feet to 230.0 Feet
Other information			
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? <u>CHLORINE</u>			
☐ No, Why Not? _____			
Lab sample sent to for water quality analysis			
		STATIC WATER LEVEL <u>37.0</u> 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?	
		WELL TEST DATA:	
		☒ Pumped Describe: <u>SUBMERSIBLE</u>	
		☐ Bailed ☐ Air	
		☐ Other	
		Pumping Level Below Land Surface	
		<u>55.8</u> Ft. After <u>14.5</u> Hrs. pumped <u>885.5</u> GPM	
		_____ Ft. After _____ Hrs. pumped _____ GPM	
		If pump installed, pump rate: _____ GPM	
		REMARKS	
		<u>IRR WELL (TH #4)</u>	
		This well was drilled under license # <u>463</u>	
		And this report is true and accurate.	
		Drilling firm: <u>STEFFL DRILLING & PUMP INC</u>	
		Signature of License Representative: _____	
		Signature of Well Owner or Equitable Property Holder: _____	
		Date: _____	

Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501

RECEIVED

JAN 27 2025

OFFICE OF
WATER

Owner: Promises Kept LLLP

Tested by: Brandon S & Cadin T

Date: 11-26-24

Well Information:

Length of Casing: 190'

Length of Screen: 40'

Total Well Depth: 230'

Static Water Level: 37'

Pump Capacity: _____

Unique Well# : IRR Well (TH4)

GPS: 44 41 19.93N 96 58 36.87

Totalizer: Start: 21143500 End: 21911200

Motor HP 40 Voltage 460

Motor MFG: FE

Pump Model & MFG: 800

GPM 885.47 PWL 55.75 HRS 14hrs 27min

TIME	GPM	PWL	TOTALIZER	SAND	COMMENTS
11/26/24					
1:53pm		37	21143500		Start Pump
1:54pm	800	43.00			
1:55pm		44.45			
1:56pm		45.01			
1:57pm	840	45.30			
1:58pm		45.52			
1:59pm		45.75			
2:00pm		45.90			
2:01pm		45.90			
2:02pm		46.01			
2:03pm	840	46.17			Totalizer: 21151900
2:08pm		46.53			
2:13pm	860	46.95			Totalizer: 21160700
11/27/24					
4:20am		55.75			Shut Down
					Generator not running when arrived
9:50am					Recovery = 43.00
					Totalizer: 21911200 - 21143500 = 767700
					1:53pm - 4:20am = 867 min
					767700 ÷ 867 = 885.47

The data stated above is representative of the time spent pumping at the capacities stated. Deviation from either time spent pumping or capacity or both could change the outcome of these results.

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JAN 27 2025

OFFICE OF
WATER



South Dakota Secretary of State
SHANTEL KREBS

Return To: JAMES R MYERS PC
PO BOX 1085
SIOUX FALLS, SD 57101

From: Secretary of State Shantel Krebs
Corporations Division

Filing Date: 08/31/2016

Re: Promises Kept, LLLP (DP002934)
Amendment

The documents on behalf of Promises Kept, LLLP have been received and filed. Attached is the Certificate along with a receipt for the filing fee of \$125.00. Below is a summary of the transaction.

Remitter	Address	Amount Paid
JAMES R MYERS PC	PO BOX 1085 SIOUX FALLS, SD 57101	\$125.00
Total:		\$125.00

Description	Invoice Date	Qty	Receipt #	Subtotal
Amendment	08/31/2016	1	451119	\$125.00
Total:				\$125.00

Filed this 31st day of Aug 2016
Filing Fee: \$125.00
SD LLP
Shantel Krebs
SECRETARY OF STATE

**CERTIFICATE OF
LIMITED PARTNERSHIP**

RECEIVED

AUG 22 2016

S.D. SEC. OF STATE

RECEIVED

AUG 31 2016

S.D. SEC. OF STATE

The undersigned, for purposes of forming a limited partnership pursuant to SDCL 48-7-201, hereby certify:

1. The name of the limited partnership is Promises Kept Limited Partnership.
2. The street address of the office required to be maintained in the State of South Dakota is 46884 267th Street, Sioux Falls, SD 57106.
3. The South Dakota Registered Agent Name is James R. Myers, whose street and mailing address 230 S. Phillips Avenue, Suite 300, Sioux Falls, SD 57104.
4. The name and business address of the general partner is:

Jean M. Ollerich, 46884 267th Street, Sioux Falls, SD 57106
5. The name and address of the limited partner is the Ollerich Special Spousal Trust, 46884 267th Street, Sioux Falls, SD 57106.
6. The latest date upon which the limited partnership is to dissolve is December 31, 2066.

We declare under penalty of perjury that the contents of the above statement are accurate.

Dated this 19th day of August, 2016.

Jean M Ollerich
Jean M. Ollerich, General Partner

Ollerich Special Spousal Trust

By *Jean M Ollerich*
Jean M. Ollerich

and *Jerald W. Ollerich*
Jerald W. Ollerich
CO-TRUSTEES

THIS DOCUMENT WAS PREPARED BY:
James R. Myers
Myers Billion, LLP
230 S. Phillips Avenue, Suite 300
Sioux Falls, South Dakota 57104
Phone: (605) 336-3700/Fax: (605) 336-3786

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 28th 2025

RECEIVED OF Promises Kept LLLP C/O Jason Lamb 46884 267th Street Sioux Falls SD 57106

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

Fee for Application for Permit No. <u>8928-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>950.00</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>8928-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>1150.00</u>

By Eric Grosland
Chief Engineer

Sec

Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, April 15, 2025 12:04 PM
To: nina247@hotmail.com
Subject: Promises Kept LLLP_Application No. 8928-3

Nina,

Mark Mayer, the Director of the Office of Water (acting Chief Engineer) is recommending approval of your application; however, there are some concerns for well interference due to the close proximity of the neighbor's well, which is used under a senior water right. Due to this concern and readings in nearby observation wells, the application is proposing to be approved with a few qualifications. One of which would allow for the Water Management Board to issue "shut off orders" in years where your well is hindering the operations of senior water right users. A shut off order is not the same as having your permit taken away, but it would prevent you from exercising the permit during certain times of the year. This would be expected in years of extreme drought.

Rachel will reach out to you very soon to set up Public Notice of Application No. 8928-3.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



Water Rights Program - File Documentation

NAME: Promises Kept LLLP – Jean Ollerich

ADDRESS: 46884 267th Street, Sioux Falls SD 57106

DATE: February 10, 2025

RE: Water Permit Application for Irrigation

COMMENTS:

I received a call from Jean Ollerich, the owner Promises Kept LLLP regarding the Secretary of State website and authorized partners. She stated that she would like to come into the office and sign the application. Jean came into the office and signed the application, she also said that she was aware that Jason Lamb was going to irrigate 240 acres. She also said that Jason paid the fees and would also pay for the public notice.

She asked for a copy of the application, so I ran upstairs and made a copy for her. I told her I would copy her on the email regarding the public notice process to keep her in the loop.

Rachel Rodriguez

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, January 28, 2025 11:35 AM
To: 'jeanollerich@yahoo.com'
Subject: Water Permit Application

Good morning,

I am in receipt of your water permit application. However, there is one issue:

- A review of the Secretary of State's corporation website finds Promises Kept LLLP listed. The tenant signed the application. However, DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Promises Kept LLLP on all matters involving the water permit application.

Once the issue is corrected, I can begin processing your application.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8928-3, Promises Kept LLLP**

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. 8928-3, Promises Kept LLLP, 46884 267th Street, Sioux Falls SD 57106.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8928-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8928-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Based on the proximity of the well approved under this Permit to wells authorized for nearby senior water right holders and declining water levels in observation well HN-2016A, the Water Management Board retains jurisdiction of Water Permit No. 8928-3 to manage use of water from this aquifer. If water use under this Permit begins to unlawfully impair senior water right holders or domestic water users with adequate wells, then either a shutoff order or curtailment of water use under this Permit may be necessary.
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
April 10, 2025

Report to the Chief Engineer
On Water Permit Application No. 8928-3
Promises Kept LLLP

April 11, 2025

Water Permit Application No. 8928-3 proposes to divert water at a maximum instantaneous diversion rate of 1.97 cubic feet per second (cfs) from one well completed into the Prairie Coteau aquifer (230 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17 for the irrigation of 240 acres located in the E $\frac{1}{2}$ of Section 17; all in T114N-R51W. The site of interest is located in Hamlin County approximately three miles southeast of Castlewood, SD.

AQUIFER: Prairie Coteau (PCO)

HYDROGEOLOGY:

The DANR-Water Rights Program recognizes buried glacial outwash deposits that are not in contact with bedrock or surficial materials between the approximate altitudes of 1,550 to 1,800 feet on the Prairie des Coteau, as the Prairie Coteau aquifer (Thompson, 2001; Water Rights, 2025a, 2025b, and 2025c). Hanson (1994) delineated an approximate Prairie Coteau aquifer boundary in Grant and Codington Counties, and Thompson (2001) studied the aquifer in Roberts County and within the former boundaries of the Lake Traverse Reservation. Thompson (2001) concluded the Prairie Coteau aquifer is not a continuous aquifer but instead consists of many disconnected glacial outwash deposits of sand and gravel, of which the depth and thickness can vary widely (SDGS, 2025; Thompson, 2001; Water Rights, 2025c). These outwash deposits have been collectively grouped under a single aquifer name due to their similarities (Thompson, 2001; Water Rights, 2025b, 2025c, and 2025d).

In Deuel and Hamlin Counties, the discontinuous outwash deposits of the Prairie Coteau aquifer collectively underlie approximately 698,880 acres and contains an estimated 5,000,000 acre-feet of recoverable water in storage in total (Kume, 1985). The Prairie Coteau aquifer ranges from 4 to 144 feet thick, with an average thickness of 47 feet (Kume, 1985). In Hamlin County, the Prairie Coteau aquifer commonly overlies the Altamont aquifer and underlies the Big Sioux aquifer or other local glacial outwash aquifers (Kume, 1976). The Prairie Coteau aquifer is generally under confined conditions (Kume, 1985; Water Rights, 2025d).

Near the existing well site, this outwash deposit of the Prairie Coteau aquifer is generally overlain by glacial till and the Brookings management unit of the Big Sioux aquifer and generally underlain by glacial till and the Altamont aquifer (Kume, 1976 and 1985; Hedges et al., 1982; Water Rights, 2025b, 2025c, and 2025d).

A water well completion report was submitted with Water Permit Application No. 8928-3 for the existing well proposed to be used. The report lists, "Topsoil" from 0 to 1 foot below the ground surface, "Clay, brown, hard" from 1 to 50 feet, "Clay, blue, hard" from 50 to 76 feet, "Clay, blue, sticky/hard" from 76 to 190 feet, "Sand/gravel, brown, med" from 190 to 229, and "Clay, blue, hard" from 229 to 237 feet (Water Rights, 2025d). The well was screened in "Sand/gravel,

brown, med” from 190 to 230 feet and had a static water level of approximately 37 feet below the ground surface at the time of the well completion (November 19, 2024). This indicates there was approximately 150 feet of artesian head pressure in the well at the time of the completion. The elevation of the ground surface at the existing well site is approximately 1,733 feet above mean sea level (fmsl) (NGVD29) and the top of Prairie Coteau outwash deposit is at approximately 1,543 fmsl (USGS, EROS, 1999). Based on the submitted well completion report, and the well completion reports and lithologic logs on file for nearby observation wells with the DANR-Water Rights Program, the Prairie Coteau is confined at the existing well site (SDGS, 2025; Water Rights, 2025d).

The existing well is completed into an outwash deposit of the Prairie Coteau aquifer that was analyzed by looking at nearby test hole and water well completion reports on file (Water Rights, 2025d), historical lithologic logs from the South Dakota Geological Survey (SDGS) (SDGS, 2025), and elevation data (NGVD29) (USGS, EROS, 1999). Within one mile of the applicant’s well, this outwash deposit ranges from approximately 1,530 to 1,550 fmsl and varying from approximately 30 to 40 feet thick (SDGS, 2025; USGS, EROS, 1999; Water Rights, 2025d). This thickness agrees with the areal extent and thickness of the Prairie Coteau aquifer in Deuel and Hamlin Counties map in Kume (1985). The potentiometric surface elevation or static water level in this outwash deposit generally ranges from approximately 25 to 35 feet below the ground surface (Water Rights, 2025d).

Limited subsurface information is available to complete a reasonable delineation of this particular deposit of the Prairie Coteau aquifer. There is likely a hydrogeologic connection between the aquifer deposit used by Water Right No. 7988-3 (located in Section 9-T114-R51W approximately 1.2 miles east of the existing well site) and this application’s outwash as the wells are withdrawing from the Prairie Coteau aquifer at a similar elevation and the aquifer performance test performed for Water Right No. 7921-3, as discussed below, shows the likely extent of this aquifer extends at least that far. However, the limited information on file (well completion reports, test hole logs, and lithologic logs) between the wells makes it problematic to determine the aquifer extent with certainty (SDGS, 2025; Water Rights, 2025d).

An aquifer performance test was completed and submitted with Water Right No. 7921-3 around July of 2014 (Water Rights, 2025c). Given a series of wells that Summit Envirosolutions, Inc. contends are completed into the same portion of the Prairie Coteau aquifer, a seven-day aquifer pump test was conducted at a continuous flow rate of 730 gallons per minute (gpm) with measurement of water levels in these wells. The wells used for drawdown observations were located 100, 6,025, and 10,480 feet from the proposed production well (PW1 for 7921-3) and are referred to in the text as TW1, JC1, and CC4, respectively. The production well used for pumping is referred to as PW1 and is within 100 feet of TW1. TW1, PW1, and JC1 are approximately 100 to 12,450 feet away from this application’s (8928-3) existing well site (as shown in Figure 1).

The aquifer performance test identified a domestic well (acknowledged as CC4) (located 12,370 feet or 2.3 miles northeast from the existing well site) that is completed into the outwash deposit of the Prairie Coteau aquifer. The total drawdown in CC4 at the end of the aquifer pump test was

approximately 9 feet at a distance of two miles from the production well for Water Right No. 7921-3. Given the measured drawdown and recovery in each of these wells, Summit calculated the cone of depression or radius of influence to be approximately 11.4 miles. Given the lack of inflections in the declining water level curve measured during the pump test, it was presumed that the boundaries of the outwash deposit were not encountered during this test in the direction of nearby domestic well (CC4). Assuming the outwash deposit is at least as large as a circle with an 11.4-mile radius (261,300 acres) and using Hedges and others' (1985) recharge rate for confined aquifers of 0.15 to 0.6 inches per year, an average annual recharge rate range of 3,266 to 13,065 ac-ft/yr was calculated. During the test, water was pumped from this portion of the aquifer at a rate of 730 gallons per minute (gpm) for seven days, totaling approximately 7,358,400 gallons or 22.6 acre-feet of water. The engineering analysis completed for the pump test contends that under normal conditions, the pumping for Water Right No. 7921-3 would not be expected to occur for more than four days of each week for the 16-week growing season. Under these conditions, the average annual withdrawal rate would be approximately 311 acre-feet per year. This rate equates to 11.79 inches per acre applied annually over the entirety of the 316.5 acres authorized to be irrigated. When analyzing the irrigation questionnaires (from 1980 to 2023) for the region, it is reasonable to assume that the amount of water applied per acre will be less than one acre-foot per year (Water Rights, 2025a), an estimate of 311 acre-feet per year for the entire 316.5 acres is reasonable, if not conservative. Water Right No. 7921-3 proposed to divert water at a rate of 2.44 cfs (1,100 gpm). Given that the recovery time of three weeks was significantly longer than any period of non-pumping on an average year during the irrigation season, and that four days of continuous pumping at 1,100 gpm withdraws approximately 86% of the amount of water withdrawn during the test, it is possible that water levels will steadily decline in this portion of the aquifer during the growing season as a result of pumping. However, well logs submitted with the initial report show that artesian head is approximately 166 feet above the top of the water bearing formation. It was noted it was not expected that water levels will decline at this magnitude during a single growing season.

The conclusions of this test include, there was an 'adequate groundwater supply' to supply the proposed appropriation for Water Right No. 7921-3 at that time, well interference with domestic wells should not occur in excess of that observed during the test based on the aquifer test data, and an observation well was installed near the production well in 2016 to monitor groundwater withdrawals from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2025b and 2025c). There appears to be over 180 feet of available drawdown at CC4, where almost 9 feet of drawdown (or 5% of the available drawdown) was observed during the test in a well located approximately two miles northeast of the pumping well. If observed in the future, well interference may need to be mitigated by lowering pumps in affected wells.

Figure 1 displays a map of the existing well site with the nearby Prairie Coteau aquifer water rights/permits and observation well, and the well completion reports on file (Water Rights, 2025b, 2025c, and 2025d).

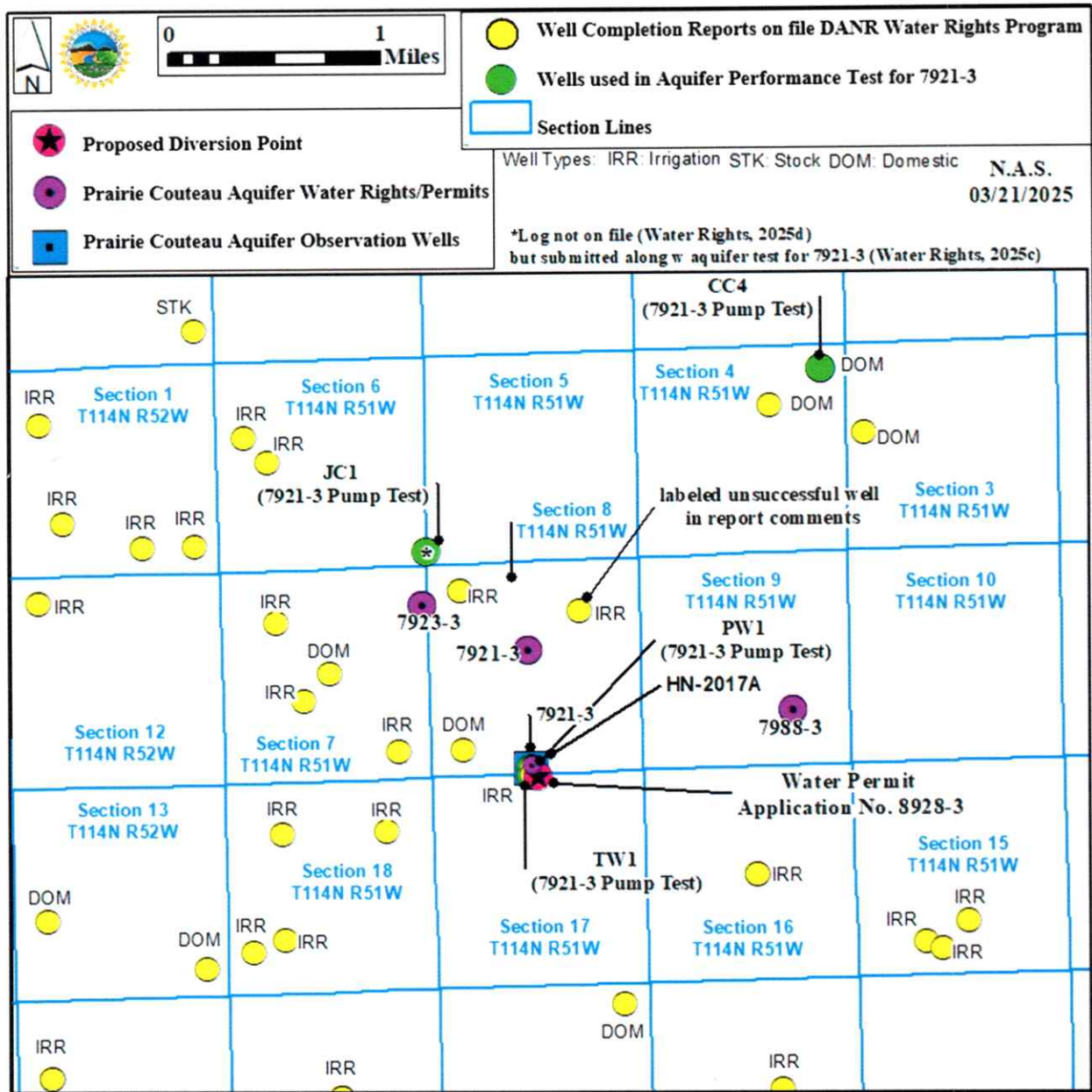


Figure 1. Location of the existing well site for Water Permit Application No. 8928-3 with the nearby Prairie Coteau aquifer water rights/permits and observation well, and the well completion reports on file (Water Rights, 2025b, 2025c, and 2025d)

South Dakota Codified Law (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 Prairie Coteau aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8928-3 proposes to appropriate water from the Prairie Coteau aquifer. The probability of unappropriated water being available from the 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Prairie Coteau aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Prairie Coteau aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Prairie Coteau aquifer is primarily through direct infiltration of precipitation and subsequent percolation of rainfall and snowmelt where the aquifer is at or near the ground surface. Additional recharge may occur by leakage through the overlying till and the Brookings management unit of the Big Sioux aquifer, or other overlying smaller glacial aquifers (Hedges et al., 1982; Kume, 1976 and 1985).

From the aquifer performance test completed for Water Right No. 7921-3, assuming the outwash deposit is at least as large as a circle with an 11.4-mile radius (261,300 acres) and using Hedges and others' (1985) recharge rate for confined aquifers of 0.15 to 0.6 inches per year, an average annual recharge rate range of 3,266 to 13,065 acre-feet per year was calculated (Water Rights, 2025c).

Discharge

Discharge from the Prairie Coteau aquifer is primarily through well withdrawals (Water Rights, 2025d), and possibly through leakage to hydrologically connected aquifers (such as the underlying Altamont aquifer or the overlying Big Sioux: Brookings aquifer near the existing well site) (Kume, 1985). Currently, there are two water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer (as shown in Figure 1) – Water Right Nos. 7921-3 and 7988-3 both authorized for irrigation use (Water Rights, 2025c). Water Right No. 7921-3 is authorized for the irrigation of 267 acres from two wells completed into this outwash deposit of the Prairie Coteau aquifer. Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The reported use for Water Right Nos. 7921-3 and 7988-3 is shown and averaged from 2020 to 2024 once the

wells were being utilized on Table 1 (Water Rights, 2025a). The average annual withdrawal rate for these water rights is approximately 352.6 acre-feet per year based on the permit holders reported use (Water Rights, 2025a).

Table 1. Reported historic irrigation use for Water Right Nos. 7921-3 and 7988-3 (Water Rights, 2025a)

Year	7921-3 Reported Pumpage (acre-feet/year)	7988-3 Reported Pumpage (acre-feet/year)
2019	0	0
2020	171.43	124.11
2021	263.13	145
2022	236.98	169.13
2023	189.1	168.48
2024	171.43	124.11
Avg (2020 to 2024)	206.4	146.2

Generally, irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for this application - Water Permit Application No. 8928-3 proposing to irrigate 240 acres.

From Figure 1, nearby Water Right No. 7923-3 currently identified as withdrawing from the Prairie Coteau aquifer, is expected to either be withdrawing from another outwash deposit at a separate elevation from the proposed outwash for this application, or the Big Sioux: Brookings aquifer (USGS, EROS, 1999; Water Rights, 2025c and 2025d).

In the outwash deposit of the Prairie Coteau aquifer being considered for this application, there are no domestic wells on file with the DANR-Water Rights Program (Water Rights, 2025d); however, the aquifer performance test identified one domestic well (acknowledged as CC4) (not on file with the Water Rights Program) that is completed into the outwash deposit of the Prairie Coteau aquifer. Since the introduction of rural water systems, many domestic wells are likely no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget for the Prairie Coteau aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to this outwash deposit of the Prairie Coteau aquifer ranges between approximately 3,266 to 13,065 acre-feet per year. The mid-range of the average annual recharge rate to this outwash deposit of the Prairie Coteau aquifer is approximately 7,987.5 acre-feet per year. Currently, there are two water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2025c). The average annual withdrawal rate for these water rights is approximately 352.6 acre-feet per year based on the permit holders reported use (Water Rights, 2025a). If approved, and assuming one

foot of water per authorized acre, the estimated average annual withdrawal rate for Water Permit Application No. 8928 -3 is approximately 240 acre-feet per year.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon 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 average annual recharge of the aquifer.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors one observation well completed into this outwash deposit of the Prairie Coteau aquifer (Water Rights, 2025b). The observation well is HN-2016A (located approximately 0.05 miles (280 feet northwest) from the existing well site) (as shown in Figure 1) (Water Rights, 2025b). The hydrograph for this observation well is displayed in Figure 2 (Water Rights, 2025b). The data points utilized to construct the hydrograph are measurements of the static water level in the observation wells from the top of the well casing.

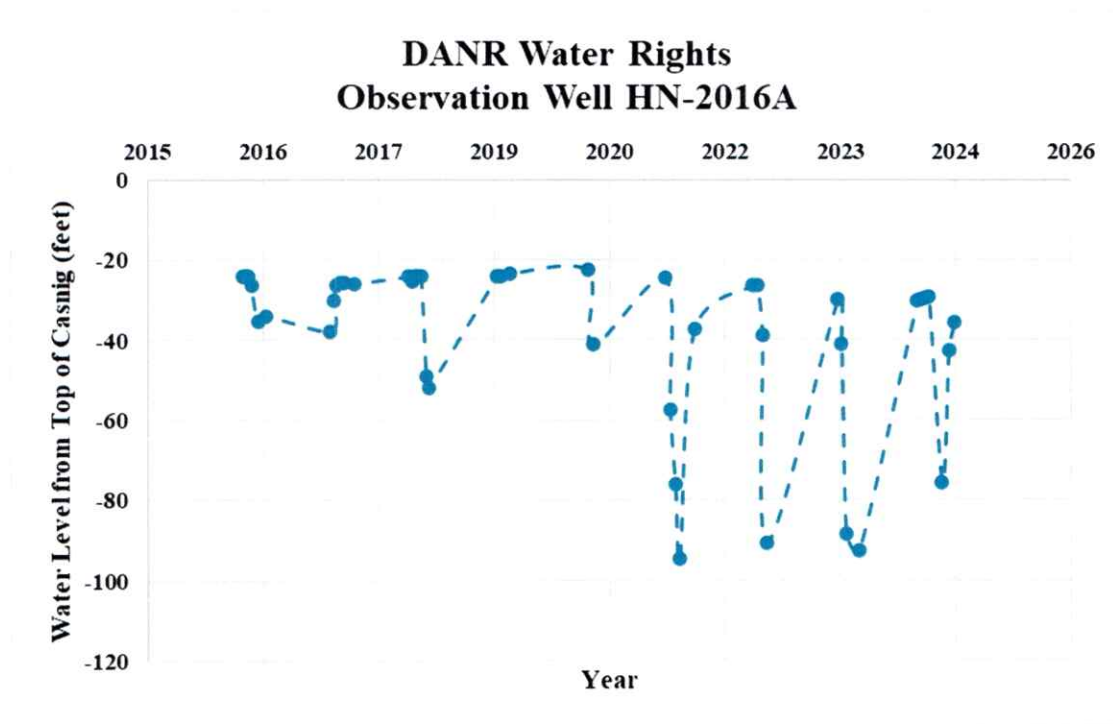


Figure 2. Hydrograph for observation well HN-2016A (Water Rights, 2025b)

The hydrograph for this observation well displays a decreasing water level over the respective period of record. While aquifer recovery is occurring after pumping has ceased for the irrigation season from this outwash deposit of the Prairie Coteau aquifer, there is still approximately ten feet of decline from when the observation well was drilled in 2016 to the most recent seasonal reading measured in the observation well on October 29, 2024. There is approximately five feet

of decline for the first reading of the year, May and early June, across the available years, 2016 to 2024. The first measurement of the year is typically before the start of the irrigation season and generally represents the static conditions of the aquifer when there is minimal pumping and especially minimal appropriative pumping. Lower water levels throughout the year are representative of the fact that nearby pumping lowers the artesian head pressure of the aquifer within the respective drawdown cones of the pumping wells and not representative of over pumping the aquifer. One of the wells for Water Right No. 7921-3 is approximately 110 feet away from HN-2016A and thus, has significant impacts on the water level in HN-2016A while the irrigation well is pumping (Water Rights, 2025b and 2025c).

The recent decline in water level could be caused by a number of factors or a combination of the factors: 1) artesian head pressure decline to account for increased pumping that has yet to stabilize into equilibrium; 2) recent predominantly drought conditions in this area (2021 to present) lowering water levels in the last few years (Hamlin County Conditions, 2025); and/or 3) average annual withdrawals exceeding average annual recharge. While there is a limited period of measured readings from this observation well, the decline in yearly first measurement started becoming noticeable in 2021 when regular drought conditions began occurring in Hamlin County.

WATER AVAILABILITY SUMMARY:

Review of water availability based on the hydrologic budget is dependent on the “areal extent” as determined using information from the aquifer performance test conducted for Water Right No. 7921-3 and estimated recharge based on a broad estimate of recharge to buried-confined aquifers, 0.15 to 0.6 inches per year, from Hedges and others (1985). Considering there is limited lithologic data directly supporting the distance-drawdown data and thus the “areal extent” of this deposit of the Prairie Coteau aquifer as determined by the aquifer performance test conducted for Water Right No. 7921-3, significant weight should be given to the observation well data (Water Rights, 2025b and 2025c).

Observation well HN-2016A was installed as a qualification requirement of approval for Water Right No. 7921-3 to allow the Water Rights Program to monitor and evaluate this particular deposit of the Prairie Coteau aquifer (Water Rights, 2025b and 2025c). The hydrograph for observation well HN-2016A (see Figure 2) shows an approximate five-foot decline in recent years, 2021 to present, for the first measurement of the year. The first measurement of the year, if taken before irrigation pumping starts, is generally representative of the static conditions in the aquifer. As stated above, there are a number of possibilities. The most likely cause of the recent declines is the recent drought conditions (Hamlin County Conditions, 2025).

Based on the available information, it appears there is a reasonable probability that unappropriated water may be available from this outwash deposit of the Prairie Coteau aquifer for the proposed appropriation. However, due to the significant number of estimates and assumptions in the hydrologic budget, it may be prudent to defer this application for at least two years to continue monitoring the water levels in HN-2016A to determine if the water levels, particularly the earliest measurements, are stabilizing or if there is continued decline.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are two water rights/permits authorized to appropriate water from this outwash deposit of the Prairie Coteau aquifer (as shown in Figure 1) – Water Right Nos. 7921-3 and 7988-3 (Water Rights, 2025c). The diversion points for Water Right No. 7921-3 are located approximately 0.06 miles (350 feet) north-northwest and 0.6 miles (3,050 feet) north-northwest respectively of the existing well proposed to be used for this application (Water Rights, 2025c). The diversion point for Water Right No. 7988-3 is located approximately 1.25 miles (6,575 feet) northeast of the existing well proposed to be used for this application (Water Rights, 2025c).

In the outwash deposit of the Prairie Coteau aquifer being considered for this application, there are no domestic wells on file with the DANR-Water Rights Program (Water Rights, 2025d). There could potentially be domestic wells completed into the Prairie Coteau aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program, such as, the domestic well referenced in the aquifer performance test for Water Right No. 7291-3. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

The Prairie Coteau aquifer is under confined conditions at the existing well site based on the submitted well completion report, and the water well and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2025; Water Rights, 2025b and 2025d). Since the Prairie Coteau aquifer is confined near the existing well site, drawdown can extend some distance from the pumping well but the exact drawdown behavior of a well cannot be known without an aquifer performance test. There has been an aquifer performance test conducted for nearby Water Right No. 7921-3 but not for the applicant's well (Water Rights, 2025c). Furthermore, the observation well completed into this outwash deposit of the Prairie Coteau aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping (Water Rights, 2025b).

Observation well HN-2016A (approximately 280 feet northwest of the existing well site has one high-yield well (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately 250 feet of it (Water Rights, 2025b and 2025c). The lithologic log on file for HN-2016A noted the well was drilled 228 feet deep below the ground surface, had a casing stick up height of approximately 1.5 feet above the ground surface, and the top of aquifer at approximately 199 feet below the ground surface (SDGS, 2025; Water Rights, 2025b). The lowest recorded static water level on the hydrograph (displayed in Figure 2) is approximately 95 feet below the top of the well casing, which indicates there was still approximately 100 feet of artesian head pressure in HN-2016A even during drier periods when high-yield wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (Water Rights, 2025b).

Additionally, from the aquifer performance test for Water Right No. 7291-3, there appears to be over 180 feet of available drawdown at CC4, where almost 9 feet of drawdown (or 5% of the available drawdown) was observed during the test in a well located approximately two miles

northeast of the pumping well. If observed in the future, well interference may need to be mitigated by lowering pumps in affected wells.

Within a half mile of the existing well site, the Prairie Coteau aquifer has a saturated aquifer thickness ranging from approximately 30 to 40 feet (Water Rights, 2025d). This would generally allow for enough thickness for a pump inlet to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). In Grant and Hamlin Counties, there have been no substantiated complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Prairie Coteau aquifer (Water Rights, 2025e). There have been several complaints of potential well interference in Codington County, one in Day County, and one in Roberts County (Water Rights, 2025e). These complaints were primarily due to several large-capacity wells pumping in a small area resulting in a cone of depression around the diversion points, creating localized drawdown during times of pumping. However, investigations of these complaints by Water Rights staff engineers concluded only the artesian head pressure was impacted due to pumping and that there was no unlawful impairment of adequate wells (Water Rights, 2025e).

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 without the necessity of maintaining artesian head pressure for domestic 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 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 Prairie Coteau aquifer at their location. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the estimated saturated thickness of the Prairie Coteau aquifer near the well completion report submitted by the applicant, the artesian head pressure in observation wells and appropriative user’s wells completed into the Prairie Coteau aquifer near the existing well site, and the lack of substantiated well interference complaints from the Prairie Coteau aquifer in the area, any drawdown created

from the proposed diversion may not cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Due to the close proximity of the applicant's well to one of the wells authorized by Water Right No. 7921-3, approximately 350 feet, the potential the proposed appropriation may cause unlawful impairment is elevated (Water Rights, 2025c). However, development of this application is not expected to cause unlawful impairment to existing appropriative water rights with adequate wells or adequate domestic wells. This is primarily based on how observation well HN-2016A reacts to the pumping occurring under Water Right No. 7921-3 and how much artesian head pressure is left above the aquifer even during the late irrigation season (Water Rights, 2025b). Continued monitoring of HN-2016A is critical. It may be prudent to require installation of another observation well as part of deferment or approval of this application with the location of the observation well not between this existing well proposed to be used by this application and wells authorized by Water Right No. 7921-3.

CONCLUSIONS:

1. Water Permit Application No. 8928-3 proposes to divert water at a maximum instantaneous diversion rate of 1.97 cfs from one well completed into the Prairie Coteau aquifer (approximately 230 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17 for the irrigation of 240 acres located in the E $\frac{1}{2}$ of Section 17; all in T114N-R51W. The site of interest is located in Hamlin County approximately three miles southeast of Castlewood, SD.
2. Based on the available information, it appears there is a reasonable probability that unappropriated water may be available from this outwash deposit of the Prairie Coteau aquifer for the proposed appropriation. However, due to the significant number of estimates and assumptions in the hydrologic budget, it may be prudent to defer this application for at least two years to continue monitoring the water levels in HN-2016A to determine if the water levels, particularly the earliest measurements, are stabilizing or if there is continued decline.
3. Due to the close proximity of the Water Permit Application No. 8928-3's existing well to one of the wells authorized by Water Right No. 7921-3, the potential the proposed appropriation may cause an unlawful impairment is elevated. However, development of this application is not expected to cause unlawful impairment to existing appropriative water rights/permits with adequate wells or adequate domestic wells. This is primarily based on how observation well HN-2016A reacts to the pumping occurring under Water Right No. 7921-3 and how much artesian head pressure is left above the aquifer even during the late irrigation season.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:


Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 22, 2025

Promises Kept LLLP
c/o Nina Lamb
46884 267th Street
Sioux Falls SD 57106

Dear Ms. Lamb:

Water Permit Application No. 8928-3 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 Hamlin County Republican printed at Castlewood SD (Ph # 605 793-2293) and the Public Opinion printed at Watertown SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

cc: Jeanollerich@yahoo.com

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

NOTICE OF APPLICATION NO. 8928-3 to Appropriate Water

Notice is given that Promises Kept LLLP, 46884 267th Street, Sioux Falls SD 57106, has filed an application for a water permit to appropriate 1.97 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (approximately 230 feet deep) located in the NW 1/4 NE 1/4 Section 17 for irrigation of 240 acres located in the E 1/2 Section 17; all in T114N-R51W. This site is located approximately three miles southeast of Castlewood SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8928-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, 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 12, 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 12, 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_

Order Confirmation

Not an Invoice

Account Number:	1527880
Customer Name:	Promises Kept LLLP
Customer Address:	Promises Kept LLLP 46884 267Th ST Nina Lamb Sioux Falls SD 57106-7000
Contact Name:	Nina Lamb
Contact Phone:	
Contact Email:	
PO Number:	

Date:	04/22/2025
Order Number:	11250815
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	158.0000
Height in Inches:	17.3200

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	04/30/2025 - 04/30/2025	Public Notices
WAT thepublicopinion.com	1	04/30/2025 - 04/30/2025	Public Notices

Order Confirmation Amount

\$50.82

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, April 22, 2025 12:35 PM
To: Rodriguez, Rachel
Cc: nina247@hotmail.com
Subject: [EXT] 11250815 RE: Promises Kept LLLP - Public Notice
Attachments: Order_Confirmation_Liners - 2025-04-22T133211.913.pdf

Hello!

Please find your order confirmation and proof of ad attached. Please note that prepayment is required.

Your ad is set to run in the Public Opinion on 4/30. The total cost is \$50.82 which includes an affidavit that will be sent 7-10 business days after the last day of the ad printing. Please email before 8am on Monday with any changes.

Please call 844-254-5287 by 8am on Monday **for PAYMENT of the ad in order to run.** Anyone who answers can help you. Please reference ad# 11250815.

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.

In the future, be on the lookout for access to our online self-serve ad portal to conveniently place future legal notices.

Thank you!
Kerri Furnace
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

*NOTE: We are not legally trained, and it is your responsibility to make sure your ad meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not compliant with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, April 22, 2025 12:25 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Cc: nina247@hotmail.com
Subject: Promises Kept LLLP - Public Notice

Attached is a notice to be published on April 30, 2025, in the Public Opinion.

Promises Kept LLLP, c/o Nina Lamb, 46884 267th Street, Sioux Falls SD 57106, 605-310-5553,
nina247@hotmail.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.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, April 22, 2025 11:25 AM
To: legals@thepublicopinion.com
Cc: nina247@hotmail.com
Subject: Promises Kept LLLP - Public Notice
Attachments: 8928-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 30, 2025, in the Public Opinion.

Promises Kept LLLP, c/o Nina Lamb, 46884 267th Street, Sioux Falls SD 57106, 605-310-5553, nina247@hotmail.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: Tuesday, April 22, 2025 11:15 AM
To: LeeAnne Dufek
Subject: Promises Kept LLLP - Public Notice
Attachments: 8928-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 30, 2025, in the Hamlin County Republican.

Promises Kept LLLP, c/o Nina Lamb, 46884 267th Street, Sioux Falls SD 57106, 605-310-5553 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



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MAY 05 2025

OFFICE OF
WATER

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Republican

printed and published in Castlewood

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

April 30, 2025

Cost of Printing \$40.36

LeeAnne Dufek
(Signature)

Owner
(Title)

5-1-2025
(Date Signed)

NOTICE OF APPLICATION NO. 8928-3 TO APPROPRIATE WATER

Notice is given that Promises Kept LLLP, 46884 267th Street, Sioux Falls SD 57106, has filed an application for a water permit to appropriate 1.97 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (approximately 230 feet deep) located in the NW 1/4 NE 1/4 Section 17 for irrigation of 240 acres located in the E 1/2 Section 17; all in T114N-R51W. This site is located approximately three miles southeast of Castlewood SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8928-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, 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 12, 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 12, 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 April 30, 2025, at total cost of \$40.36 and may be viewed online at www.sdpublicnotices.com

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

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MAY 05 2025

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

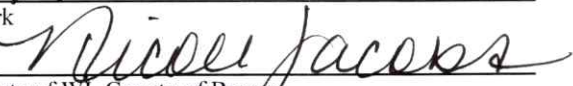
The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

04/30/2025

and that the fees charged are legal.
Sworn to and subscribed before on 04/30/2025



Legal Clerk



Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost: \$50.82

Tax Amount: \$0.00

Payment Cost: \$50.82

Order No: 11250815

of Copies:

Customer No: 1527880

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8928-3
to Appropriate Water
Notice is given that
Promises Kept LLLP,
46884 267th Street, Sioux
Falls SD 57106, has filed an
application for a water
permit to appropriate 1.97
cubic feet of water per
second from one well
completed into the Prairie
Coteau Aquifer (approx-
imately 230 feet deep)
located in the NW 1/4 NE
1/4 Section 17 for irrigation
of 240 acres located in the
E 1/2 Section 17; all in
T114N-R51W. This site is
located approximately
three miles southeast of
Castlewood SD.

Pursuant to SDCL 46-2A-2,
the Acting Chief Engineer
recommends APPROVAL
of Application No. 8928-3
with qualifications because
1) unappropriated water is
available, 2) existing
domestic water uses and
water rights will not be
unlawfully impaired, 3) it
is a beneficial use of water,
and 4) it is in the public
interest as it pertains to
matters within the regula-
tory authority of the Water
Management Board. The
Acting Chief Engineer's
recommendation with qual-
ifications, the application,
and staff report are avail-
able 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 Capi-
tol, Pierre SD 57501" or
call (605) 773-3352. The
applicant's mailing
address is given above. If
contesting the Acting Chief
Engineer's recommenda-
tion, the applicant shall
also file a petition. A peti-
tion filed by either an
interested person or the
applicant must be filed by
May 12, 2025.

RECEIVED

MAY 05 2025

OFFICE OF
WATER

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 12, 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 on April 30, 2025 at the total approximate cost of \$50.82 and may be viewed free of charge at www.sdpublicnotices.com

RECEIVED

MAY 05 2025

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, April 22, 2025 12:46 PM
To: nina247@hotmail.com
Cc: Jean Ollerich
Subject: Promises Kept LLLP - Public Notice
Attachments: 8928-3 Rec.pdf; 8928-3 Ltr.pdf; 8928-3 PubNotice.pdf; PublicOpinion Info.pdf

Good afternoon,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 11 2025

Promises Kept LLLP
c/o Jason Lamb
46884 267th Street
Sioux Falls SD 57106

Dear Mr. Lamb:

Enclosed is Water Permit No. 8928-3 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.: 8928-3

Name of Applicant: Promises Kept LLLP, c/o Jason Lamb

Date of Posting: 4/28/2025

Date of Removal: 6/11/2025



Ron Duvall, Engineer III

6/11/2025

Date

Subscribed and sworn to before me, a notary public, this 11th day of June, 2025.



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

(SEAL)



8928-3

RECEIVED

SEP 09 2025

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date August 24, 2025

TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Promises Kept LLP
(name)
46884 267th Street
(address)
Sioux Falls, SD 57106
(city, state, zip) 605-310-9505
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8928-3 states that the water use system is to be constructed by
May 12, 2030 (date), and water is to be put to beneficial use by May 12, 2034 (date).

The water use system was completed on July 24, 2025 (date).

Applying the water to beneficial use was completed on July 25, 2025 (date).

You may schedule an investigation so that the water license may be issued.

Jean M Ollerich
(signature)
General Partner
PK LLP

7-98





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 9, 2025

8928-3

Promises Kept LLLP
c/o Jason Lamb or Jean Ollerich
46884 267th St
Sioux Falls SD 57106

Dear Mr. Lamb or Ms. Ollerich:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in, reporting that you are completed with the water use system authorized by Permit No. 8928-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
(605) 773-3352
Amanda.Dewell@state.sd.us