

WATER PERMIT NO. 8937-3

Name of Applicant: **Thomas Wheeler**

Address: **16633 416th Avenue, Raymond SD 57258**

Phone: **605-532-4454**

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

Total Acres: **40**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Clark**

Type of Waste Disposal System:

Location: **Approx. 10 miles northwest of Clark**

PRIORITY

Date Received: **03-10-25**

Application/License Fee: **\$700.00**

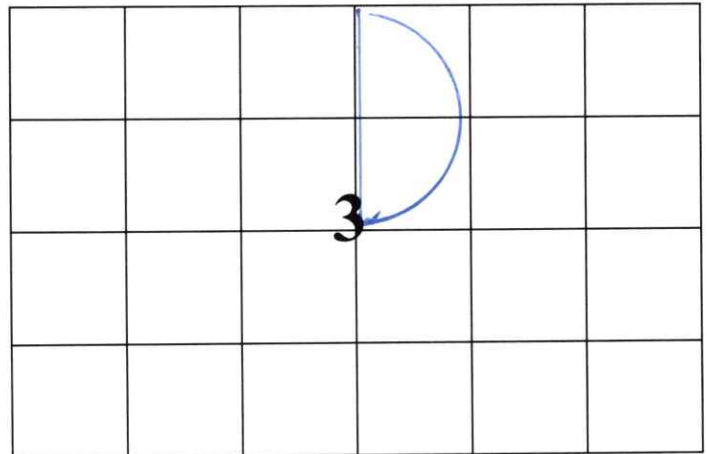
Corrected Application Received:

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

Remarks: **Adding 40 additional acres to what is authorized by WR 6507-3, with no increase to the rate of diversion.**

Diversion Point: **NW 1/4 NW 1/4 Sec 3-T117N-R59W**

Land to be Irrigated: **W 1/2 NE 1/4 Sec 3-T117N-R59W**



Depth of Well: **175**

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **03-11-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8937-3

Date of first receipt of application March 10, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8937-3 to Thomas Wheeler, 16633 416th Avenue, Raymond SD 57258, 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. 8937-3 authorizes irrigation of an additional 40 acres. Water Right No. 6507-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Altamont Aquifer (175 feet deep) located in the approximate center of the NW 1/4 Section 3 for irrigation of 133 acres located in the NW 1/4 Section 3; all in T117N-R59W. This permit authorizes irrigation of an additional 40 acres located in the NW 1/4, W 1/2 NE 1/4 Section 3-T117N-R59W using the existing well, with no increase to the rate of diversion. This permit, and Water Right No. 6507-3 will authorize a total of 1.78 cfs for irrigation of 173 acres. This site is located approximately ten miles northwest of Clark 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: May 1 – September 30.
3. The date from which applicant may claim right is March 10, 2025.
4. The date of approval of Permit No. 8937-3 is May 27, 2025.
5. One-fifth of the construction is to be completed on or before November 27, 2027.
6. All construction is to be completed on or before May 27, 2030.
7. Water is to be put to beneficial use on or before May 27, 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. 8937-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

6/11/25
date



RECEIVED

MAR 10 2025

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

OFFICE OF
WATER

PAID

MAR 10 2025

Ck# 1349

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8937-3</u> Hydrologic Unit <u>1016006</u> Basin <u>James</u> Newspaper <u>Clark County Courier</u> <u>Public Opinion</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. _____
(Use predates Mar 2, 1955)

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

Left the diversion point as is but moved the center of the tower to the east and added a corner tower to gain 40 acres

1. Name to Appear on Irrigation Permit Thomas Wheeler

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

Mailing Address 16633 416th Avenue Raymond SD 57258
(Address) (City) (State) (Zip Code)

Phone 605-532-4454 Mobile 605-233-1003 Email 1984thomaswheeler@gmail.com

2. Amount of water claimed N/A *CFS or N/A **GPM N/A ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater 1 well authorized by WR No. 6507-3

4. Location of point of diversion 1 existing well - NW 1/4 NW 1/4 Sec 3-T117N-R59W
(example - 3 wells in SW 1/4 NE 1/4 section T2-T104N-R53W)

County Clark

5. County or counties where water will be used Clark

6. Annual period during which water is to be used May 1 - 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
<u>NW 1/4 Sec 3-T117N-R59W</u>	<u>22.5</u>	<u>NE 1/4 Sec 3-T117N-R59W</u>	<u>22.5</u>
<u>NW 1/4 Sec 3-T117N-R59W</u>	<u>22.5</u>	<u>NE 1/4 Sec 3-T117N-R59W</u>	<u>22.5</u>
<u>NW 1/4 Sec 3-T117N-R59W</u>	<u>40</u>		
<u>NW 1/4 Sec 3-T117N-R59W</u>	<u>40</u>	<u>W 1/2 NE 1/4 Sec 3-T117N-R59W</u>	

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

Added approx 40 additional acres to what was authorized by WR No. 6507-3, with no increase to the rate of diversion.

I, Thomas Wheeler, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 1/2 Depth 191'
- b) Casing Type PVC Diameter 12" Thickness 1/2"
- c) Screen Type stainless steel Diameter 12" Thickness 1/4"
- d) Gravel Pack Pea Rock Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 135'
- f) Depth to Water (ground surface to water level) 40.5'
- g) Distance to nearest existing domestic well:
- On applicants property 4000 ft On property owned by others 5000 feet

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 _____

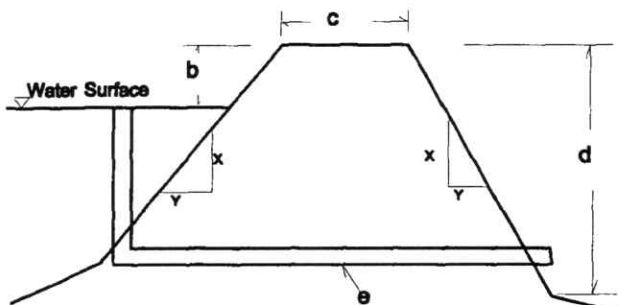
3. Dugout Information

- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIVED

MAR 10 2025

OFFICE OF
WATER

118N 59W
Section: 34

166th St

166th St

6507-3

415th Ave

416th Ave

117N 59W
Section: 03

167th St

167th St

117N 59W
Section: 10

118N 59W
Section: 28

118N 59W
Section: 27

118N 59W
Section: 26

118N 59W
Section: 33

118N 59W
Section: 34

118N 59W
Section: 35

117N 59W
Section: 04

10160006 Middle James

James

117N 59W
Section: 03

117N 59W
Section: 02

117N 59W
Section: 09

117N 59W
Section: 10

117N 59W
Section: 11

415A AVE

416 AVE

415A AVE

185 ST

166 ST

167 ST

168 ST

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 10th, 2025

RECEIVED OF Thomas Wheeler 16633 416th Avenue Raymond SD 57258

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

Fee for Application for Permit No. <u>8937-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>8937-3</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>700.00</u>

By

SK

Mark Mayhew
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8937-3, Thomas Wheeler**

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. 8937-3, Thomas Wheeler, 16633 416th Avenue, Raymond SD 57258.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8937-3 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. 8937-3 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. 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
May 07, 2025

Report to the Chief Engineer
On Water Permit Application No. 8937-3

Thomas Wheeler

May 2, 2025

Water Permit Application No. 8937-3 proposes to irrigate 40 acres using an existing well authorized by Water Right No. 6507-3. Water Right No. 6507-3 authorizes a maximum instantaneous diversion rate of 1.78 cubic feet of water per second (cfs) from one well completed into the Altamont aquifer (175 feet deep) located in the approximate center of the NW $\frac{1}{4}$ of Section 3 for the irrigation of 133 acres located in the NW $\frac{1}{4}$ of Section 3; all in T117N-R59W. Water Permit Application No. 8937-3 proposes to irrigate 40 additional acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 3-T117N-R59W using the existing well with no increase to the rate of diversion. If approved, Water Permit Application No. 8937-3 and Water Right No. 6507-3 will collectively authorize a maximum instantaneous diversion rate of 1.78 cfs for the irrigation of 173 acres. The site of interest is located in Clark County approximately ten miles northwest of Clark, SD.

AQUIFER: Altamont (A)

HYDROGEOLOGY:

The Altamont aquifer is a catch-all name for glacial-origin discontinuous basal aquifers generally in the northeastern portion of South Dakota that do not fit into another named aquifer (Mathiowetz, 2021; Water Rights, 2025c). Hedges and others (1982) estimated the Altamont aquifers collectively underly in excess of 1,672,800 acres in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, and collectively contain in excess of 7,197,360 acre-feet of recoverable water stored in the aquifers. In Clark County, Hedges and others (1982) estimated the Altamont aquifer to underly approximately 537,200 acres and contain approximately 3,326,400 acre-feet of recoverable water stored in the aquifer.

Hamilton (1986) identified six major glacial aquifers in Clark County. The aquifers were classified based on elevation. The three aquifers of higher elevation were classified as Prairie Coteau aquifers 1, 2, and 3, and the three aquifers of lower elevation were classified as Altamont aquifers 1, 2, and 3 (Hamilton, 1986). The Altamont 1 aquifer is between the elevations of 1,450 and 1,500 feet above NGVD29 and exists in east-central Clark County, the Altamont 2 aquifer is between the elevations of 1,360 and 1,500 feet above NGVD29 and is extensive throughout the county, and the Altamont 3 aquifer is between the elevations of 1,260 and 1,360 feet above NGVD29 (Hamilton, 1986). Based on the approximate elevation and location of the well proposed to be used by Water Permit Application No. 8937-3, the existing well for this application is completed into the Altamont 2 aquifer as defined by Hamilton (1986).

The Altamont 2 aquifer is a buried glacial outwash aquifer that is comprised of coarse sand, gravel, and sandy silt (Hamilton, 1986). The thickest sand and gravel deposits occur in outwash



channels that may be at least one mile wide (Hamilton, 1986). Hamilton (1986) estimated the Altamont 2 aquifer to underly approximately 630 square miles, or 403,200 acres in Clark County, and contain approximately 3.23 million acre-feet of recoverable water stored in the aquifer. On average, the Altamont 2 aquifer is approximately 30 feet thick, and the depth to the top of aquifer materials ranges from 10 to 480 feet below the ground surface (Hamilton, 1986). Groundwater in the Altamont 2 aquifer moves in several directions in the northeastern part of the aquifer due to varying altitudes of aquifer material deposition and the deposition pattern creating preferential flow paths, but the general direction of groundwater movement in the Altamont aquifer is to the west (Hamilton, 1986). Hamilton (1986) notes the Altamont 2 aquifer is hydrologically connected to the Altamont 3 aquifer near the western part of Clark County and the Altamont 1 aquifer near the center of the county.

For water management purposes, the Altamont aquifer has not been subdivided into management units by the SD DANR-Water Rights Program and the Water Management Board. Historically, water availability has been reviewed for the entire Altamont aquifer when considering a new water permit application (Water Rights, 2025c). However, more recent reviews by the Water Rights Program have examined availability in the aquifer on a more localized scale. For Clark County, the DANR-Water Rights Program has not historically differentiated between units and instead considers all of the deeper and hydrologically connected outwash deposits in Clark County as the Altamont aquifer. However, this report will briefly address the estimated average annual recharge and withdrawal rates to and from the Altamont 2 aquifer in Clark County.

There is not a water well completion report on file for the existing well proposed to be used (Water Rights, 2025c and 2025d). Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Altamont 2 aquifer within approximately two miles of the existing well site have saturated aquifer thicknesses ranging from approximately 10 to 40 feet, with the depth to the top of aquifer materials ranging from approximately 60 to 105 feet below the ground surface, and static water levels at the time of well completion varying from approximately 0 to 65 feet below the ground surface (Water Rights, 2025d). The Altamont 2 aquifer is expected to be confined near the existing well site based on the well completion reports on file for nearby wells completed into the aquifer, and lithologic logs on file for nearby observation wells (SDGS, 2025; Water Rights, 2025b and 2025d).

Figure 1 displays the location of the existing well proposed to be used by this application, all of the Altamont aquifer future use permits, water rights/permits, and observation wells (Water Rights, 2025b and 2025c).

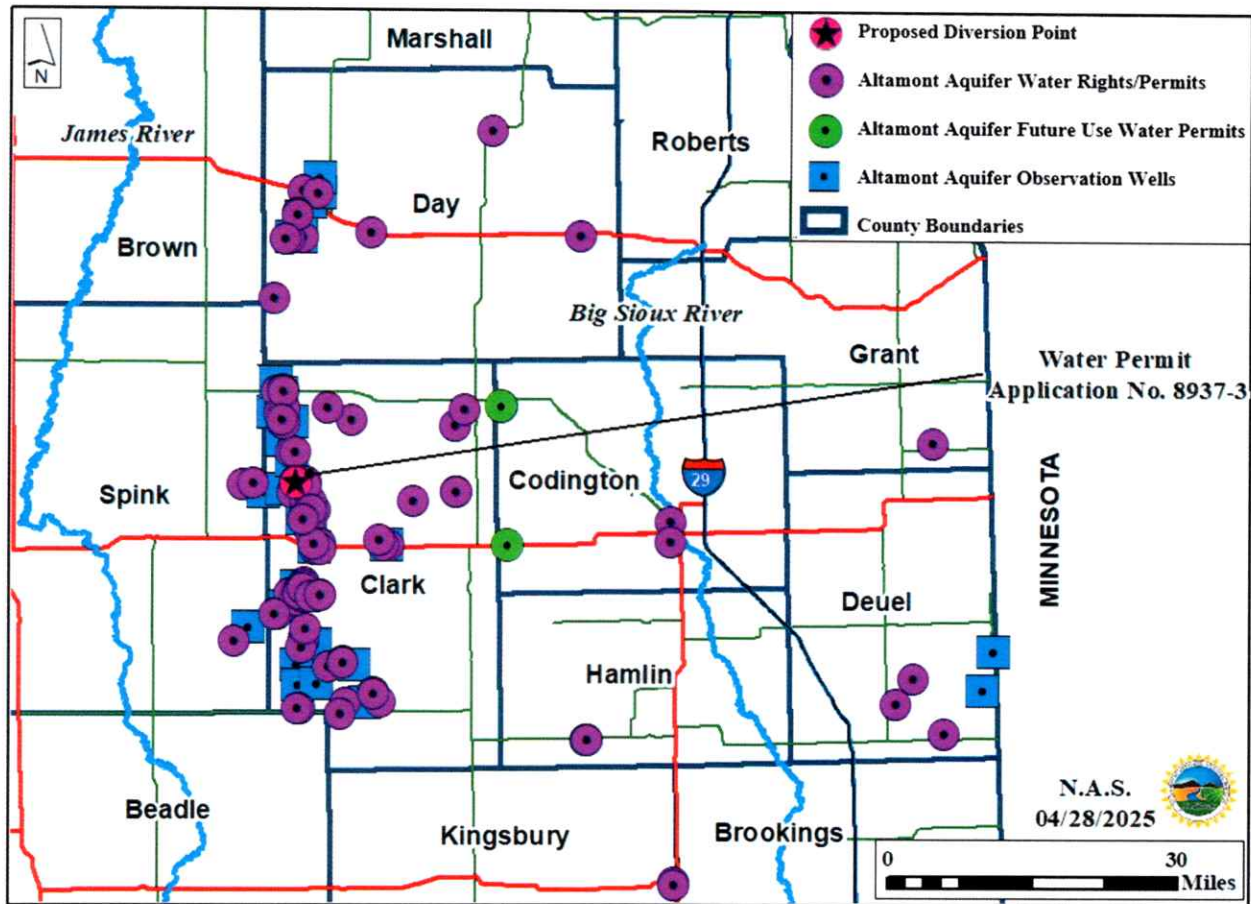


Figure 1. Location of the existing well proposed to be used by Water Permit Application No. 8937-3 (Water Rights, 2025d), the Altamont aquifer future use permits, water rights/permits, and observation wells (Water Rights, 2025b and 2025c)

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 Altamont aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8937-3 proposes to appropriate water from the Altamont 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 Altamont 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 Altamont aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Altamont aquifer in Clark County is primarily through the infiltration of precipitation and lateral groundwater inflow from other counties (Hamilton, 1986). Using observation well analysis, Hedges and others (1985) estimated the average annual recharge rate to the unconfined portion of the Altamont aquifer to be 2.2 inches per year. However, the Altamont aquifer is primarily confined over its entire extent, and the extent of the unconfined portion of the aquifer has not been delineated.

For confined aquifers, Hedges and others (1985) recommended recharge rates of 0.15 to 0.60 inches per year for use by management and development programs. Since the Altamont aquifer is primarily a confined aquifer, the recommended recharge range for confined aquifers will be used to assess the hydrologic budget of the Altamont aquifer. In Clark County, the estimated range of average annual recharge based on the aquifer’s areal extent of 537,200 acres determined by Hedges and others (1982) is 6,715 to 26,860 acre-feet per year (Table 1). For the Altamont aquifer in its entirety, the estimated range of average annual recharge based on the aquifer’s areal extent of 1,672,800 acres determined by Hedges and others (1982) is 20,910 to 83,640 acre-feet per year (Table 1).

Hamilton (1986) estimated a recharge rate of 1.5 inches per year due to the infiltration of precipitation to the Altamont 2 aquifer in Clark County. Using a recharge rate of 1.5 inches per year applied over the aquifer’s areal extent of 403,200 acres determined by Hamilton (1986) results in the average annual recharge rate to the Altamont 2 aquifer to be approximately 50,400 acre-feet per year (Table 1) (Hamilton, 1986).

Table 1. Estimated average annual recharge rates to the Altamont aquifer in Clark County and its entirety (Hamilton, 1986; Hedges et al., 1982 and 1985)

	Areal Extent (in Clark County) (estimated acres)	Areal Extent (entire Altamont aquifer) (estimated acres)	Recharge Rate (inches/year)	Avg Annual Recharge Rate (in Clark County) (acre-feet/year)	Avg Annual Recharge Rate (entire Altamont aquifer) (acre-feet/year)
Hedges et al. (1982 and 1985) - Altamont Aquifer	537,200	1,672,800	0.15 to 0.6 (confined aquifers)	6,715 to 26,860	20,910 to 83,640
Hedges et al. (1985) and Hamilton (1986) - Altamont 2 Aquifer	403,200		0.15 to 1.5	5,040 to 50,040	

Lastly, by applying the lower recharge rate of 0.15 inches per year determined by Hedges and others (1985) over the estimated areal extent of 403,200 acres determined by Hamilton (1986), the likely minimum annual recharge rate to the Altamont 2 aquifer in Clark County is approximately 5,040 acre-feet per year.

Discharge

Discharge from the Altamont aquifer in Clark County is primarily through groundwater outflow to other counties and well withdrawals (Hamilton, 1986; Water Rights, 2025d).

Currently, there are 77 water rights/permits authorized to appropriate water from the Altamont aquifer, plus two future use permits reserving water from the Altamont aquifer (Water Rights, 2025c). The permits reserving water from the Altamont aquifer are Future Use Permit Nos. 4052-3 (held by the Town of Henry) and 4054B-3 (held by the Town of Wallace) (Water Rights, 2025c); however, both communities are on rural water and likely maintain their wells for standby purposes so full development of these permits is unlikely (Drinking Water Program, 2025; Water Rights, 2025c). Regardless, for the purpose of estimating average annual withdrawals from the Altamont aquifer, the two future use permits are assumed to be fully developable for a total of 881 acre-feet per year (Water Rights, 2025c).

Table 2 summarizes the 29 non-irrigation water rights/permits authorized to appropriate water from the Altamont aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. Eight municipal water rights were identified as being connected to a rural water system and likely maintain their wells for standby purposes (Drinking Water Program, 2025; Water Rights, 2025c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year on Table 2. Overall, the average annual withdrawal rate for the Altamont aquifer non-irrigation water rights/permits is approximately 2,716 acre-feet per year (Table 2) (Water Rights, 2025c). For the Altamont aquifer non-irrigation water rights/permits within Clark County, the average annual withdrawal rate is approximately 1,040.6 acre-feet per year (Table 2) (Water Rights, 2025c).

Table 2. Summary of the non-irrigation water rights/permits authorized to appropriate from the Altamont aquifer with estimated annual use determined by their respective diversion rate or annual volume (Drinking Water Program, 2025; Water Rights, 2025c)

Permit No.	Name	Status	County	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet/year)	Estimated Use (acre-feet/year)
451-3	City of Brandt	LC	DU	MUN	0.13		0*
1490-3	Town of Revillo	LC	GT	MUN	0.41		0*
1651-3	Town of Andover	LC	DA	MUN	0.11		0*
1718A-3	Ray Kasel LLC	LC	CK	IND	0.77	81	81
1913-3	City of Arlington	LC	KG	MUN	1.13		0*
3101-3	City of Waubay	LC	DA	MUN	0.56		243.3
4049-3	Town of Roslyn	LC	DA	MUN	0.26		0*
4054A-3	Town of Wallace	LC	CD	MUN	1		0*
4127-3	Town of Garden City	LC	CK	MUN	0.1		43.4
4320-3	City of Bristol	LC	DA	MUN	0.3		0*
4498-3	Town of Garden City	LC	CK	MUN	0.06		26.1
4861-3	City of Clark	LC	CK	MUN	0.6		0*
5461-3	Northern Border Pipeline	LC	CK	IND	0.056		24.3
5483-3	Carpenter Café	LC	CK	COM	0.01		4.3
5544-3	Duane I Pietz	LC	CD	COM	0.03		13
5626-3	Oak Valley Farms Inc	LC	CD	COM	1.56		677.7
6062-3	Hillcrest Hutterian Brethren	LC	CK	COM/DOM/LCO	0.133		57.8
6741-3	Alliance Family Farms LLC	LC	CK	COM/LCO	0.178		77.3
6998-3	Riverview LLP	LC	CK	COM/LCO	0.89		386.6
7099-3	Lamont Feedlot	PE	CK	COM/LCO	0.062		26.9
8309-3	Otter Tail Power Company	PE	DU	IND/COM	0.22	12.3	12.3
8318-3	Fawn Lamb	LC	CK	COM	0.022		9.6
8376-3	Husky Farms LLC	LC	CK	COM/LCO	0.267	76.72	76.72
8414-3	Geronimo Energy	PE	CK	COM	0.011	1	1
8504-3	Redstone Farms RE LLC	LC	CK	COM/LCO	0.056	40.5	40.5
8570-3	Windy Ridge Hutterian Brethren	PE	CK	COM/LCO	0.11	55	55
8644-3	Riverview LLP	LC	HM	COM/LCO	1.33	519	519
8665-3	Tri R LLC	PE	CK	COM/LCO	0.223	130	130
8896-3	Jogchum Andringa	PE	DU	COM/LCO	0.330	210	210
LC: Licensed Water Right; PE: Water Permit; MUN: Municipal; COM: Commercial; DOM: Domestic						TOTAL:	2,716
IND: Industrial; LCO: Livestock Confinement Operation *Identified as being connected to a rural water system							
CK: Clark; CD: Codington; DA: Day; DU: Deuel; GT: Grant; HM: Hamlin; KG: Kingsbury							

Currently, there are 48 irrigation water rights/permits appropriating water from the Altamont aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for all the Altamont aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 2,474 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 2,644 acre-feet per year (Table 3) (Water Rights, 2025a). For the Altamont aquifer irrigation water rights/permits within Clark County, the average annual withdrawal rate (from 1979 to 2023) is approximately 1,862 acre-feet per year (Table 3) (Water Rights, 2025a), and from 2014 to 2023 is 2,311 acre-feet per year.

Table 3 lists 51 irrigation water rights/permits as reporting in 2023, but this includes four water rights/permits that have been incorporated into other water rights since 2023 – resulting in only 47 active water rights/permits on the summary as being active today (Water Rights, 2025a and 2025c). Additionally, Water Permit No. 8845-3 was approved (to irrigate 40 acres) in 2024 and was not included on the 2023 Irrigation Questionnaire summary – resulting in 48 active water rights/permits at this time (Water Rights, 2025c).

Generally, irrigators in eastern 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, an application rate of one foot of water per acre per year will be used to estimate the annual withdrawal rate for this irrigation water right. Therefore, Water Permit No. 8845-3 is estimated to withdraw approximately 40 acre-feet per year (Water Rights, 2025c). Using the sum of the average annual withdrawals rates from 2014 to 2023 plus the estimated use from Water Permit No. 8845-3, the average annual withdrawal rate for Altamont irrigation permits in Clark County is approximately 2,351 acre-feet per year, and 2,684 acre-feet per year for the Altamont aquifer in its entirety.

There are domestic wells completed into the Altamont aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Altamont aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Altamont aquifer.

Hydrologic Budget Summary

For the Altamont aquifer in its entirety, the estimated range of average annual recharge to the Altamont aquifer is 20,910 to 83,640 acre-feet per year (Hedges et al., 1982). The estimated average annual withdrawal rate from the entire Altamont aquifer totals approximately 6,321 acre-feet per year: non-irrigation: 2,716 acre-feet/year; irrigation (2014 to 2023): 2,684 acre-feet/year; Future Use Permits: 881 acre-feet/year; Water Permit Application No. 8937-3 (if approved, assuming one foot of water per acre application rate): 40 acre-feet/year.

In Clark County, the estimated average annual withdrawal rate from the Altamont aquifer totals approximately 3,432 acre-feet per year: non-irrigation: 1,040.6 acre-feet/year; irrigation (2014 to 2023): 2,351 acre-feet/year; Water Permit Application No. 8937-3 (if approved, assuming one foot of water per acre application rate): 40 acre-feet/year. For the Altamont 2 in Clark County, the likely minimum annual recharge rate to the Altamont 2 is approximately 5,040 acre-feet per year (Hamilton, 1986).

Although average annual withdrawals were not specifically estimated for Hamilton's (1986) Clark County Altamont 2, the average annual withdrawal rate from the Altamont aquifer water rights/permits in Clark County are less than the lowest estimated value for average annual recharge of 0.15 inches per year determined by Hedges and others (1985) over the estimated areal extent of 403,200 acres determined by Hamilton (1986).

Based on the hydrologic budget for the Altamont aquifer in its entirety and specifically in Clark County, there is a reasonable probability unappropriated water is available from the Altamont aquifer to supply the proposed appropriation.

Table 3. Reported historic irrigation use from the Altamont aquifer in South Dakota and only in Clark County (Water Rights, 2025a)

Year	No. of Altamont Aq Permits (in SD)	Volume Pumped in SD (acre-feet/year)	No. of Altamont Aq Permits (in Clark Co)	Volume Pumped in Clark County (acre-feet/year)
1979	49	3,060	24	1,473
1980	50	3,712	25	2,329
1981	56	3,699	30	2,690
1982	43	2,428	24	1,226
1983	41	3,601	26	2,671
1984	45	2,301	27	1,810
1985	44	2,639	27	1,917
1986	43	1,797	27	1,436
1987	41	3,892	25	2,453
1988	39	5,074	24	3,308
1989	39	4,751	24	3,316
1990	39	6,188	24	2,023
1991	39	2,131	25	1,622
1992	39	1,107	24	858
1993	40	52	25	42
1994	39	984	25	580
1995	39	410	25	286
1996	39	2,005	25	1,321
1997	39	644	25	357
1998	37	1,188	23	826
1999	38	1,333	24	1,171
2000	39	2,274	26	1,996
2001	38	2,109	25	1,616
2002	38	3,570	25	2,695
2003	39	2,878	26	2,286
2004	44	1,955	30	1,766
2005	44	2,365	30	2,190
2006	44	3,684	31	3,336
2007	46	2,652	33	2,144
2008	48	1,946	36	1,660
2009	47	843	34	720
2010	45	1,027	36	888
2011	45	1,058	36	981
2012	47	3,158	38	2,727
2013	51	2,383	42	1,978
2014	54	2,106	46	1,778
2015	52	1,755	44	1,503
2016	51	3,577	44	3,194
2017	53	2,930	44	2,581
2018	53	3,648	44	3,156
2019	53	128	45	123
2020	53	2,460	45	1,984
2021	53	3,585	45	3,000
2022	55	3,052	46	2,750
2023	51	3,199	42	3,046
Min	37	52	23	42
Max	56	6,188	46	3,336
Avg (1979 to 2023)	45	2,474	32	1,862
Avg (2014 to 2023)	53	2,644	45	2,311

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 31 observation wells completed into the Altamont aquifer (Water Rights, 2025b). The four closest observation wells to the well the applicant proposes to use are CK-78D (approximately one mile southeast), CK-78B (approximately 1.5 miles southwest), CK-78C (approximately 1.5 miles southwest), and CK-76D (approximately 2.3 miles northwest) (as shown in Figure 3) (Water Rights, 2025b). The hydrograph for these observation wells is displayed in Figure 2 (Water Rights, 2025b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing and were adjusted by each of the well casings respective stickup height to reflect from the ground surface.

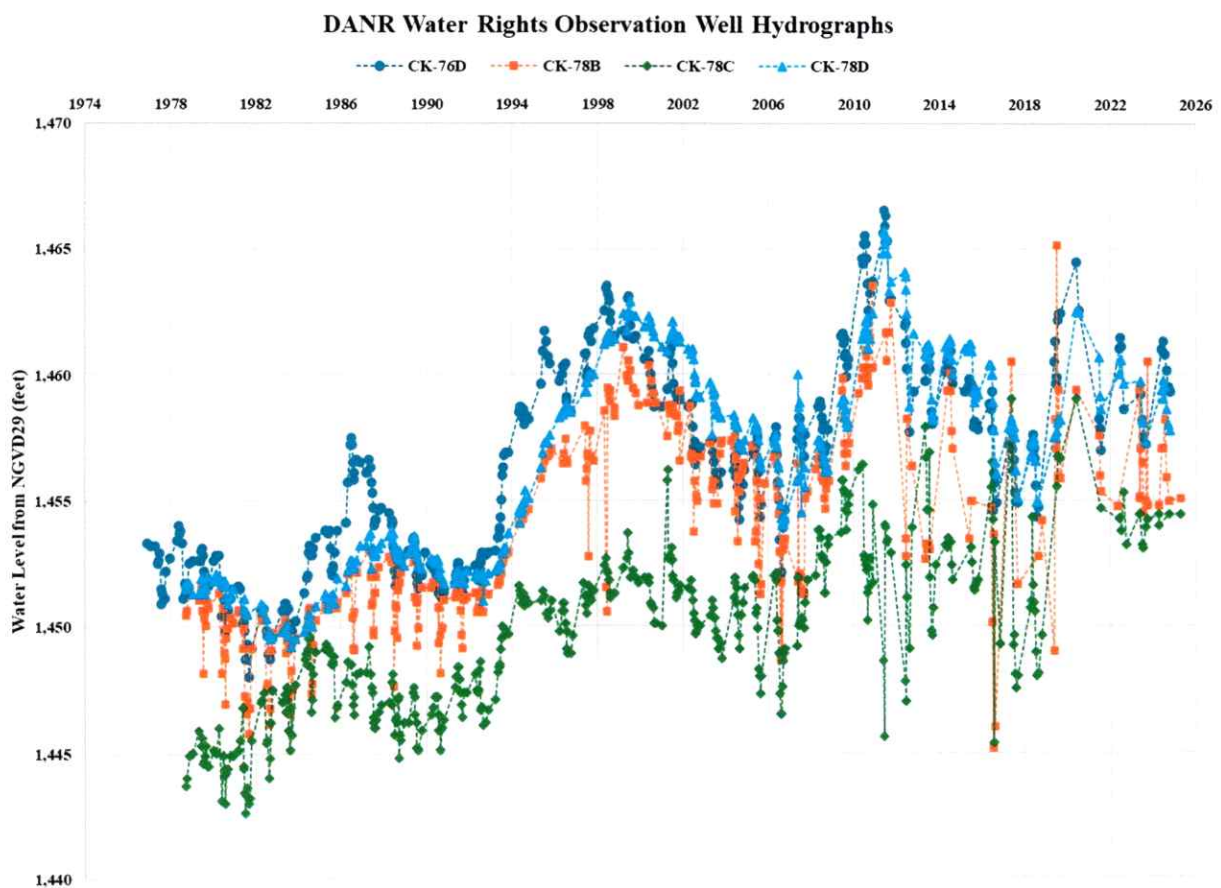


Figure 2. Hydrograph for observation well CK-78B, CK-78D, CK-76C, and CK-78C (Water Rights, 2025b)

The hydrographs in Figure 2 were compared to the other hydrographs for observation wells completed into the Altamont aquifer also near the applicant's existing well site and each have similar trends; therefore, the four observation wells used for this analysis are generally representative of the Altamont 2 aquifer near the applicant's existing well site.

The hydrographs for the observation wells display stable water levels with many hydrographs showing rising water levels over their respective periods of record. The hydrographs for the Altamont aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly 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 and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Altamont aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 77 water rights/permits authorized to appropriate water from the Altamont aquifer (Water Rights, 2025c). The closest water right/permit (not held by the applicant) to the existing well site is Water Right No. 3198A-3, which is held by JV Kennealley. The diversion point for Water Right No. 3198A-3 is located approximately 1.1 miles southwest of the existing wells site for this application (Table 4) (Figure 3) (Water Rights, 2025c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Altamont aquifer, with the closest domestic well on file (not held by the applicant) located approximately one mile southwest of the existing well site (Water Rights, 2025d). There could potentially be other domestic wells completed into the Altamont aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program. 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.

Table 4. Water rights/permits authorized to withdraw water from the Altamont aquifer within approximately five miles of the existing well site, as shown in Figure 3 (Water Rights, 2025c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)
3198A-3	JV Kennealley	LC	IRR	261	1.88
3464-3	Robert Meier	LC	IRR	264	2
4643-3	Darin & Heather Johannsen	LC	IRR	132	1.88
4805-3	Eric & Robert Meier	LC	IRR	70	1
6356-3	Robert Meier	LC	IRR	90	1.11
6426-3	Thomas Wheeler	LC	IRR	256.5	2.22
6442-3	Louis Fritz	LC	IRR	268	3.56
6507-3	Thomas Wheeler	LC	IRR	133	1.78
6578-3	Louis Fritz	LC	IRR	135.5	1.78
6560-3	Louis Fritz	LC	IRR	124	1.78
7271-3	Louis Fritz	LC	IRR	136.5	1.78
7966-3	Dwight & Mark Noethlich	LC	IRR	130.8	1.78
7968-3	Dwight & Mark Noethlich	LC	IRR	134	1.78
8784-3	Chad Fritz	LC	IRR	88.5	1.78

LC: Licensed Water Right; IRR: Irrigation

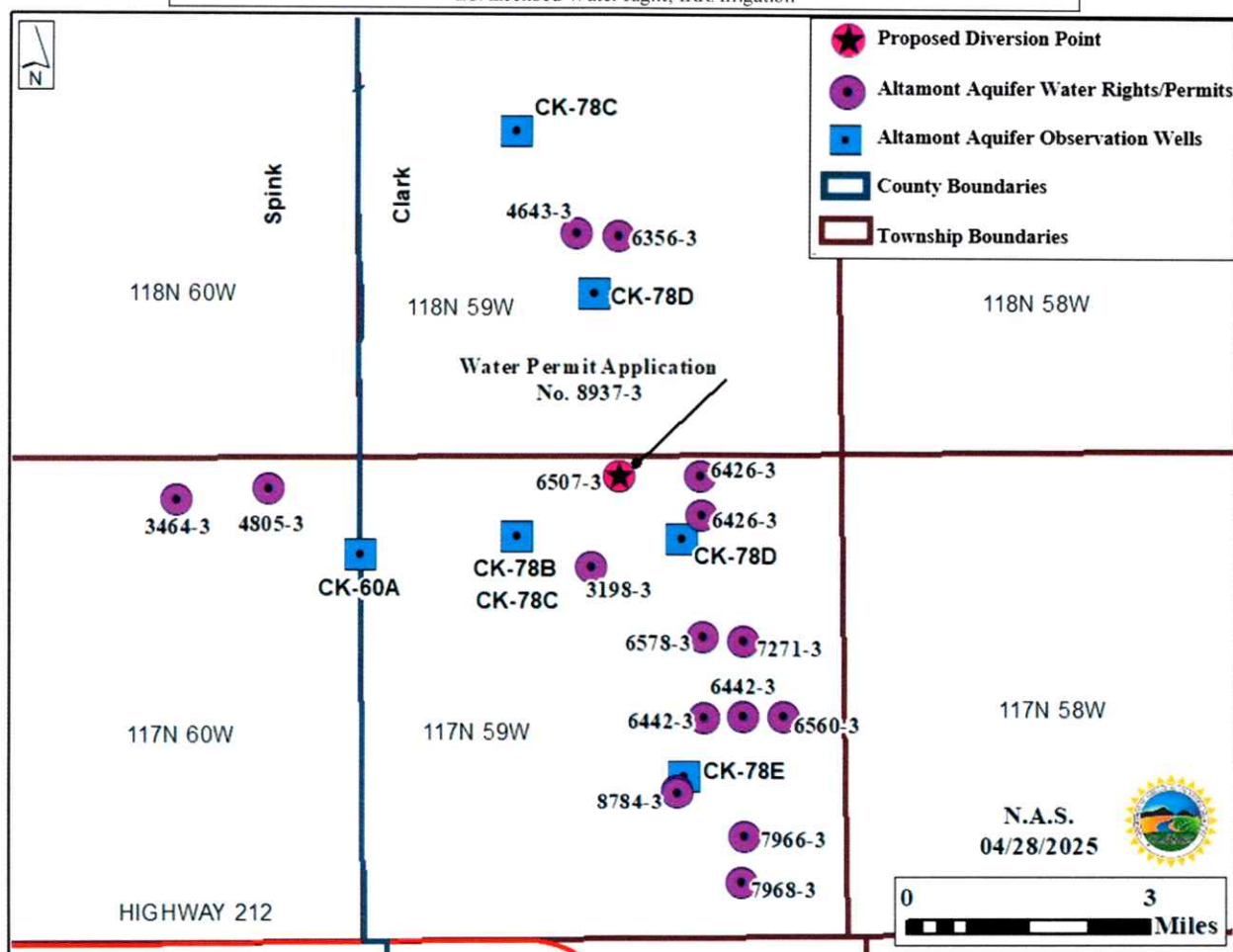


Figure 3. Location of the existing well proposed to be used by Water Permit Application No. 8937-3 with the Altamont aquifer water rights/permits and observation wells within approximately five miles (Water Rights, 2025b and 2025c)

In Clark County, the Altamont aquifer is primarily confined with some variation in depth to the top of the aquifer and saturated aquifer thickness (SDGS, 2025; Water Rights, 2025c and 2025d). Based on the nearby well completion reports on file and the lithologic logs on file for nearby observation wells, the Altamont 2 aquifer is expected to be confined at the existing well site (SDGS, 2025; Water Rights, 2025b and 2025d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Altamont aquifer in western Clark County near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well CK-78E (approximately 3.8 miles southeast of the existing well) has seven high-yield irrigation wells within approximately two miles of it (Water Rights, 2025b and 2025c). The drawdown from pumping can be seen on the hydrograph for CK-78E, along with the aquifer returning to pre-pumping conditions between irrigation seasons (Figure 4) (Water Rights, 2025b). The lithologic log on file for CK-78E noted the well was drilled 90 feet deep, has a casing stickup height of 2.5 feet, with the top of aquifer approximately 77 feet below the ground surface (SDGS, 2025). The lowest recorded static water level on the hydrograph is approximately 67 feet below the top of well casing (shown on Figure 4), which indicates there was still about 12 feet of artesian head pressure in CK-78E even during drier periods when high-yield irrigation wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (Water Rights, 2025b).

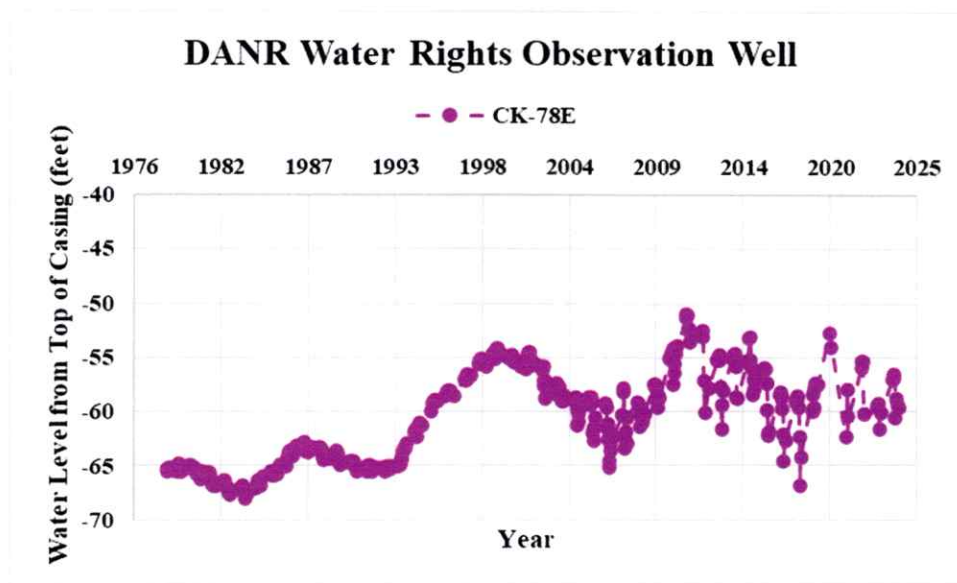


Figure 4. Hydrograph for observation well CK-78E (Water Rights, 2025b)

In Clark County, the Altamont 2 aquifer has an average saturated aquifer thickness of approximately 30 feet (Hamilton, 1986). At the existing well site, the saturated aquifer thickness is likely to range between approximately 10 to 40 feet (Water Rights, 2025d). A saturated aquifer

thickness of 10 feet would not allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer. Therefore, to be considered an adequate well with less than 20 feet of saturated thickness, the inlet of the pump would need to be placed as near as practical to the bottom of the saturated aquifer to qualify as an adequate well under ARSD 74:02:04:20(6). While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions could occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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 Altamont aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness of the Altamont aquifer in Clark County, and the artesian head pressure in wells completed into the Altamont aquifer near the existing well location, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Additionally, the existing well proposed to be used has been in place and is presumed to have been in use since roughly 2004 without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2025d and 2025e). Therefore, there is a reasonable probability that any

interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

Aquifer History in Clark County

There have been several controversies regarding springs and well interference involving the Altamont aquifer in Clark County that are summarized in detail in two reports authored by previous Water Rights Staff Engineer Ken Buhler (Buhler, 2012 and 2014). The most recent of these controversies was in 2004 and involved Water Right No. 6560-3 which has its respective diversion point located approximately 3.6 miles southeast of the existing well proposed to be used by this application (Water Rights, 2025c). During the Water Management Board hearing for the issuance of Water Right No. 6560-3, interveners expressed concern over the possible impacts the proposed irrigation withdrawal may have on domestic water supplies that were dependent on discharge from a fen or spring. A qualification was included on Water Right No. 6560-3 directing the permit holder to control their withdrawals so that there is not a significant reduction in the flow of water of the fen. That qualification was also included with Water Permit Nos. 7462-3 and 8784-3, held by Chad Fritz, which authorizes an increase in the diversion rate authority from the existing wells (Water Rights, 2025c). At this time, no unlawful impairment has been reported and there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference between adequate wells completed into the Altamont aquifer (Water Rights, 2025e).

In 1975, a complaint occurred involving a spring in Clark County where the spring was located within the radius of influence of the irrigation well authorized by Water Right No. 2489-3 (Buhler, 2014; Water Rights, 2025c). Nevertheless, except for the 1975 complaint, any complaints and concerns about pumping from the Altamont aquifer interfering with area springs have been unsubstantiated (Buhler, 2014; Water Rights, 2025c).

Springs with the Altamont aquifer as a water source are typically the result of downward sloping terrain along the edge of the Coteau Des Prairies incising area aquifers. Small fluctuations in the water levels of the incised aquifers could influence the discharge from springs. In examining the hydrographs of Altamont observation wells near to the well proposed to be used for this application (Figures 2 and 4), there are fluctuations in the water level of the aquifer ranging between approximately 15 to 25 feet over their respective periods of record (Water Rights, 2025b). Given the amount of water level fluctuation in the aquifer and the lack of documented interference of springs because of pumping from the Altamont aquifer since 1975, adverse impacts to these springs are not anticipated from the proposed diversion. The existing well proposed to be used by this application is located on the downslope of the western slope of the Coteau (Martin et al., 2004). No additional diversion rate authority is requested by Water Permit Application No. 8937-3 and approval of the application is not expected to have any impact on the area springs.

CONCLUSIONS:

1. Water Permit Application No. 8937-3 proposes to irrigate 40 acres using an existing well authorized by Water Right No. 6507-3. Water Right No. 6507-3 authorizes a maximum instantaneous diversion rate of 1.78 cfs from one well completed into the Altamont aquifer (175 feet deep) for the irrigation of 133 acres.
2. Water Permit Application No. 8937-3 proposes to irrigate 40 additional acres using the existing well with no increase to the rate of diversion. If approved, Water Permit Application No. 8937-3 and Water Right No. 6507-3 will collectively authorize a maximum instantaneous diversion rate of 1.78 cfs for the irrigation of 173 acres. The site of interest is located in Clark County approximately ten miles northwest of Clark, SD.
3. Based on the hydrologic budget and observation well data, there is a reasonable probability that unappropriated water is available from the Altamont aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8937-3 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.
5. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

Nakaila Steen

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

Reviewed by:

Adam Mathiowetz

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.**

May 8, 2025

Thomas Wheeler
16633 416th Avenue
Raymond SD 57258

Dear Mr. Wheeler:

Water Permit Application No. 8937-3 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 Clark County Courier printed at Clark SD (Ph # 605 532-3654) 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

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. 8937-3 to Appropriate Water

Notice is given that Thomas Wheeler, 16633 416th Avenue, Raymond SD 57258, has filed an application for a water permit to irrigate an additional 40 acres. Water Right No. 6507-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Altamont Aquifer (175 feet deep) located in the approximate center of the NW 1/4 Section 3 for irrigation of 133 acres located in the NW 1/4 Section 3; all in T117N-R59W. This application proposes to irrigate an additional 40 acres located in the NW 1/4, W 1/2 NE 1/4 Section 3-T117N-R59W using the existing well, with no increase to the rate of diversion. This application, if approved, and Water Right No. 6507-3 will authorize a total of 1.78 cfs for irrigation of 173 acres. This site is located approximately ten miles northwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8937-3 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. 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 27, 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 27, 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.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 7, 2025 2:09 PM
To: Clark Courier
Subject: 8937-3 Thomas Wheeler - Public Notice
Attachments: 8937-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 14, 2025.

Thomas Wheeler, 16633 416th Avenue, Raymond SD 57258, 605-532-4454 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 7, 2025 2:12 PM
To: legals@thepublicopinion.com
Subject: 8937-3 Thomas Wheeler - Public Notice
Attachments: 8937-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 14, 2025.

Thomas Wheeler, 16633 416th Avenue, Raymond SD 57258, 605-532-4454, 1989thomaswheeler@gmail.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



Affidavit of Publication

State of South Dakota

§

NOTICE OF APPLICATION NO. 8937-3 to Appl

County of Clark

Notice is given that Thomas Wheeler, 16633 416th Avenue, Raymond, S.D. 57258 has filed an application for a water permit to irrigate an additional 40 acres. Water Right No. 6507-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Altamont Aquifer (175 feet deep) located in the approximate center of the NW 1/4 Section 3 for irrigation of 133 acres located in the NW 1/4 Section 3; all in T117N-R59W. This application proposes to irrigate an additional 40 acres located in the NW 1/4, W 1/2 NE 1/4 Section 3-T117N-R59W using the existing well, with no increase to the rate of diversion. This application, if approved, and Water Right No. 6507-3 will authorize a total of 1.78 cfs for irrigation of 173 acres. This site is located approximately ten miles northwest of Clark, S.D.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8937-3 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. 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 informa-

tion, 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, S.D. 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 27, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on

Paulson of said county, being first duly sworn, says that she is the publisher of the **Clark Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a personal knowledge of all the facts therein that said newspaper is a legal newspaper with a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and is printed wholly or in part in an office located at said place of publication; that the

Water Rights Program

A copy of which taken from the paper in which same was published, is attached to this sheet, and made a part of this Affidavit, was published in said newspaper at least once in each week for

One

issue week(s), on the day of each week on which said newspaper was regularly published, to

May 14, 2025

full amount of the fees for the publication of the indexed notice is

\$47.24

Karli Paulson

Subscribed and sworn to before me this

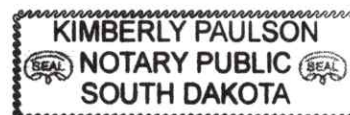
23rd day of May, 2025

Kimberly Paulson

RECEIVED

MAY 29 2025

OFFICE OF
WATER



Notary Public
Clark County, South Dakota

My Commission expires: 04/27/2029

Appropriate Water

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 27, 2025.

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Published once at the
approximate cost of \$47.24
and can be viewed free of charge
at www.sdpublicnotices.com

5-14-25

KIMBERLY J. HUNTER
NOTARY PUBLIC
SOUTH DAKOTA

Affidavit of Publication

State of South Dakota

NOTICE OF APPLICATION NO. 8937-3 to Appropriate Water

Notice is given that Thomas Wheeler, 16633 416th Avenue, Raymond, S.D. 57258 has filed an application for a water permit to irrigate an additional 40 acres. Water Right No. 6507-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Altamont Aquifer (175 feet deep) located in the approximate center of the NW 1/4 Section 3 for irrigation of 133 acres located in the NW 1/4 Section 3; all in T117N-R59W. This application proposes to irrigate an additional 40 acres located in the NW 1/4, W 1/2 NE 1/4 Section 3-T117N-R59W using the existing well, with no increase to the rate of diversion. This application, if approved, and Water Right No. 6507-3 will authorize a total of 1.78 cfs for irrigation of 173 acres. This site is located approximately ten miles northwest of Clark, S.D.

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Published once at the approximate cost of \$47.24 and can be viewed free of charge at www.sdpublicnotices.com

5-14-25

Narke Paulson

Subscribed and sworn to before me this

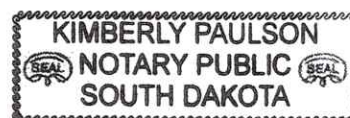
23rd day of May, 2025

RECEIVED

MAY 29 2025

OFFICE OF
WATER

Kimberly Paulson



Notary Public
Clark County, South Dakota

My Commission expires: 04/27/2029

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Thomas Wheeler
Thomas Wheeler
16633 416th AVE
Raymond SD 57258-6619

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:

05/14/2025

and that the fees charged are legal.
Sworn to and subscribed before on 05/14/2025

Legal Clerk

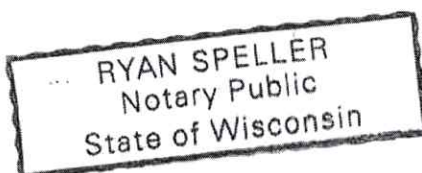
Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$56.62	
Tax Amount:	\$0.00	
Payment Cost:	\$56.62	
Order No:	11303320	# of Copies:
Customer No:	1531259	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NOTICE OF
APPLICATION
NO. 8937-3 to
Appropriate Water

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Published May 14, 2025 at the total approximate cost of \$56.62 and may be viewed free of charge at www.sdpublicnotices.com
11303320

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, May 7, 2025 3:18 PM
To: Rodriguez, Rachel
Cc: 1989thomaswheeler@gmail.com
Subject: RE: [EXT] 11303320 8937-3 Thomas Wheeler - Public Notice
Attachments: 11303320.pdf

Please find your order confirmation and proof of ad attached.

Your ad is set to run in Public Opinion on 5/14/25 with a cost of \$56.62

The total cost includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. **Please reply by 5 pm, Friday, May 9, 2025 to cancel or with any changes for the ad.** You will receive an invoice in the mail.

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 with 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 advise otherwise.

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

*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.

Thanks,

Diana Tope
Public Notice Representative



Office: 844-254-5287

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

Order Confirmation
Not an Invoice

Account Number:	1531259
Customer Name:	Thomas Wheeler
Customer Address:	Thomas Wheeler 16633 416Th AVE Thomas Wheeler Raymond SD 57258-6619
Contact Name:	Thomas Wheeler
Contact Phone:	(334) 277-9472
Contact Email:	1989thomaswheeler@gmail.com
PO Number:	

Date:	05/07/2025
Order Number:	11303320
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	178.0000
Height in Inches:	19.5100

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	05/14/2025 - 05/14/2025	Public Notices
WAT thepublicopinion.com	1	05/14/2025 - 05/14/2025	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	\$56.62
Tax Amount	\$0.00
Service Fee 3.99%	\$2.26
Cash/Check/ACH Discount	-\$2.26
Payment Amount by Cash/Check/ACH	\$56.62
Payment Amount by Credit Card	\$58.88

Order Confirmation Amount	\$56.62
----------------------------------	----------------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 7, 2025 3:36 PM
To: 1989thomaswheeler@gmail.com
Subject: 8937-3 Thomas Wheeler - Public Notice
Attachments: 8937-3 Rec.pdf; 8937-3 Ltr.pdf; 8937-3 PubNotice.pdf; Watertown Inf.pdf

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

Thomas Wheeler
16633 416th Avenue
Raymond SD 57258

Dear Mr. Wheeler:

Enclosed is Water Permit No. 8937-3 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.: 8937-3

Name of Applicant: Thomas Wheeler

Date of Posting: 5/12/2025

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)



8937-3

RECEIVED

JUN 18 2025

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEOFFICE OF
WATERDate 6-14-25TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Thomas Wheeler

(name)

16633 416th Ave

(address)

Raymond SD 57258

(city, state, zip)

605-233-1003

(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. 8937-3 states that the water use system is to be constructed by May 27th 2030, and water is to be put to beneficial use by May 27-2034.

(date)

(date)

The water use system was completed on May 5th 2024.

(date)

Applying the water to beneficial use was completed on June 2nd 2024.

(date)

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

Jerrell

(signature)

