

WATER PERMIT NO. 8939-3

Name of Applicant: **Brandon Ritter**

Address: **30489 115th Street, Mound City SD 57646**

Phone: **605-955-3554**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **280**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Campbell**

Type of Waste Disposal System:

Location: **Approx. 10 miles south of Herreid**

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

Application/License Fee: **\$1,250.00**

Corrected Application Received:

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

Remarks:

Diversion Point: **NW 1/4 NW 1/4 Sec 5-T125N-R76W**

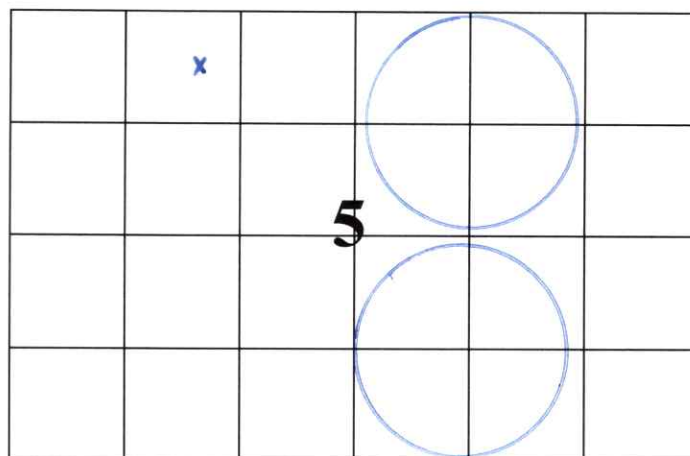
Land to be Irrigated: **E 1/2 Sec 5-T125N-R76W**

Depth of Well: **300**

Well Driller: **Dakota Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **03-14-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8939-3

Date of first receipt of application March 10, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8939-3 to Brandon Ritter, 30489 115th Street, Mound City SD 57646, 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. 8939-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 300 feet deep) located in the N 1/2 NW 1/4 Section 5 for irrigation of 280 acres located in the E 1/2 Section 5; all in T125N-R76W. This site is located approximately three miles south of Mound City 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. 8939-3 is June 2, 2025.
5. One-fifth of the construction is to be completed on or before December 2, 2027.
6. All construction is to be completed on or before June 2, 2030.
7. Water is to be put to beneficial use on or before June 2, 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. 8939-3 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. The proposed well authorized by Permit No. 8939-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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



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>8939-3</u> Hydrologic Unit <u>10130106</u>
	Basin <u>W Missouri Coteau</u>
	Newspaper <u>Pollock Prairie Pioneer</u>
	<u>American News</u> (office use only)

RECEIVED
MAR 10 2025
Water Rights
Program

Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit Brandon Ritter

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

Mailing Address 30489 115 st Mound city SD 57646
(Address) (City) (State) (Zip Code)

Phone 6059553554 Mobile 6053800022 Email brritter@valleytel.net

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 280
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply N 1/2 NW 1/4

4. Location of point of diversion north center of northwest quarter section 5-125N-76W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Campbell

5. County or counties where water will be used Campbell

6. Annual period during which water is to be used May-September 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
northeast qtr 5-125N-76W	140		
southeast qtr 5-125N-76W	140		

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

one well providing water for two center pivots

I, Brandon Ritter Operator/owner, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)



Drilling new well(s)



Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Dakota Well Drilling
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 300 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

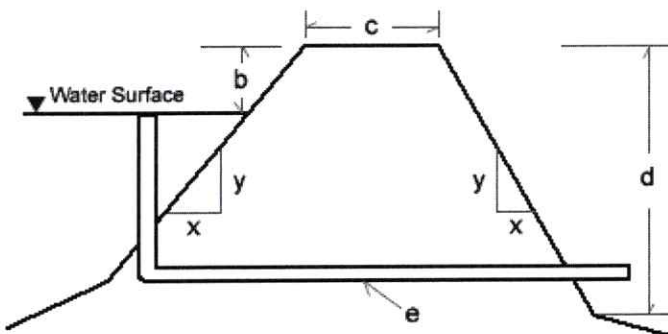
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



RECEIVED

MAK 11 2025

Water Rights
Program

Well
X

AIF.

134.05 HEL

2B NAB LS
45.05 AC

AIF.

2
117.00 T 954
HEL



220

0170

4
141

5
143

0 345 690 1,380 Feet

ion Land Unit

Tract Boundary
PLSS

n-Cropland
opland

Determination Identifiers
stricted Use

Wht Spr Gr Corn Yel Gr
Soy Com Gr Sunfl Oil Gr
All Grass All

2020 Program Year
Map Created March 18, 2019

Farm 443

126N 76W
Section: 30

126N 76W
Section: 29

126N 76W
Section: 28

126N 76W
Section: 31

126N 76W
Section: 32

126N 76W
Section: 33

125N 76W
Section: 06

10130106 West Missouri Coteau

125N 76W
Section: 05

Lake Oahe

125N 76W
Section: 04

125N 76W
Section: 07

125N 76W
Section: 08

125N 76W
Section: 09

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 14th, 2025

RECEIVED OF Brandon Ritter 30489 115th Street Mound City SD 57646

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

Fee for Application for Permit No. <u>8939-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</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>8939-3</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>1250.00</u>

By

Mark Mayr
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. 8939-3, Brandon Ritter**

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. 8939-3, Brandon Ritter, 30489 115th Street, Mound City SD 57646.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8939-3 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. 8939-3 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. The proposed well authorized by Permit No. 8939-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 13, 2025

Report to the Chief Engineer on
Water Permit Application Nos. 8939-3 & 8940-3
Brandon Ritter
May 8, 2025

Water Permit Application No. 8939-3 proposes to appropriate water for irrigation of 280 acres at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) from one well (approximately 300 ft deep) completed into the northern portion of the Grand aquifer. The proposed well location is the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5 and the proposed acres for irrigation are in the E $\frac{1}{2}$ Section 5; all in T125N-R76W. This site is in Campbell County located approximately three miles south of Mound City, SD.

Water Permit Application No. 8940-3 proposes to appropriate water for irrigation of 280 acres at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) from one well (approximately 300 ft deep) completed into the northern portion of the Grand aquifer. The proposed well location is the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 and the proposed acres for irrigation are in the W $\frac{1}{2}$ Section 11; all in T125N-R76W. This site is in Campbell County located approximately five and one-half miles southeast of Mound City, SD.

Aquifer: Grand aquifer (northern portion)

The Grand aquifer lies in a bedrock valley formed by erosion caused by the preglacial ancient Grand River (Christensen, 1977 and Hamilton, 1982). The aquifer is composed of stratified sand, gravel, and silt from the outwash and alluvium of the preglacial Grand River and can contain thin beds of silty clay (Hamilton, 1982 and Koch, 1970). The Grand aquifer sharply increases in thickness from its margins to the deepest part of the bedrock channel in which it lies, with its greatest thicknesses occurring in the deepest areas of the bedrock channel (Hamilton, 1982). Koch (1970) refers to this aquifer as deep-glacial aquifer and estimates an average thickness of 100 feet in Campbell County. In Campbell County, depths to the top of the aquifer range from 150 feet near Pollock to 300 feet in southeastern Campbell County (Koch, 1970). Hamilton (1982) documents an average thickness of 50 feet for the aquifer in McPherson, Edmunds, and Faulk Counties with a maximum thickness of 175 feet occurring in southwestern McPherson County near the deepest area of the bedrock channel in which the aquifer lies. Water movement varies locally within the aquifer (Hamilton, 1982). This aquifer is primarily under confined conditions (Water Rights, 2022a). Water in some areas of the Grand aquifer has medium sodium hazard and a high salinity, which would indicate the potential need for special management when utilizing the Grand for irrigation purposes (Koch, 1970; Hamilton, 1982; and Water Rights, 2022b).

Kilts (2019) reviewed the delineation of the Grand aquifer by Hedges et al. (1982) in Edmunds and Faulk Counties utilizing the updated drilling and mapping from the first occurrence of aquifer materials maps in Faulk and Edmunds Counties. The first occurrence of aquifer materials maps in Faulk (Rich, 2008) and Edmunds (Rich, 2010) Counties indicated the Grand aquifer consists of at least three separate portions (Kilts, 2019). The well location for this application is located in the northern portion of the Grand aquifer shown in Figure 1. Kilts (2019) used the first occurrence of aquifer materials maps in Faulk (Rich, 2008) and Edmunds (Rich,

2010) and Hedges et al. (1982) for McPherson, Campbell, and Walworth Counties to map the approximate extent of the northern portion of the Grand aquifer. The estimated areal extent of the northern portion of the Grand aquifer is summarized in Table 1. The SDGS project page for the First Occurrence of Aquifer Materials mapping lists additional work in Campbell and McPherson Counties as, in progress, and Walworth County, as planned (SDGS, 2025b). Since the additional drilling and study needed to produce these maps are multi-year projects and, in these counties, there is a greater presence of shallow aquifers overlying the Grand, which would be mapped as the first occurrence of aquifer material rather than the Grand aquifer, it will likely be many years until sufficient additional data is available to further refine the extent of the Grand aquifer in these counties.

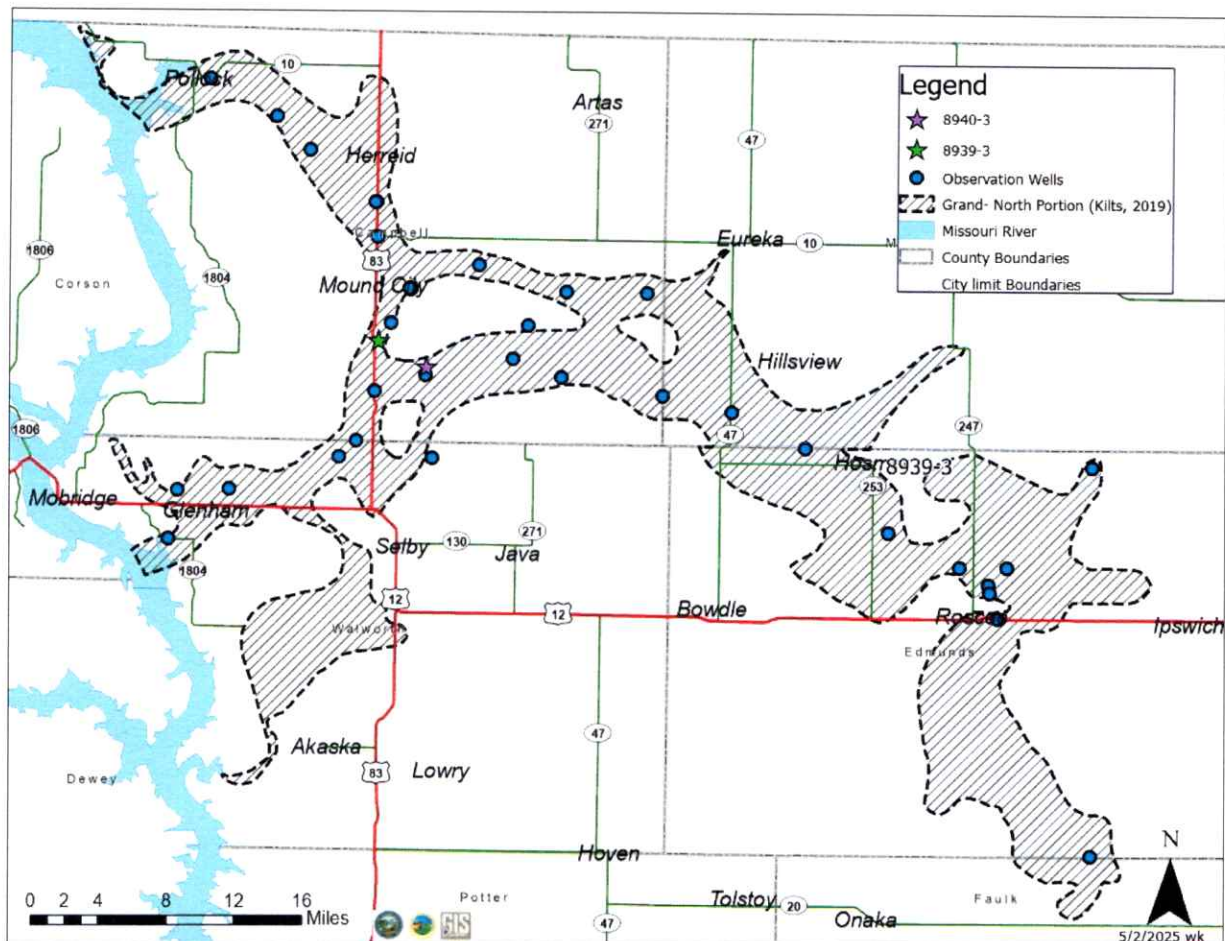


Figure 1: Approximate delineation of the northern portion of the Grand aquifer by Kilts (2019) based on Hedges et al. (1982), Rich (2008), and Rich (2010), the proposed well sites for these applications, and the location of currently monitored Water Rights observation wells completed into the northern portion of the Grand aquifer (Water Rights, 2025a)

Table 1: Estimated Area of the Northern Portion of the Grand aquifer as shown in Figure 1

County	Acres	Source
Campbell	97,900	(Hedges et al., 1982) -report text
McPherson	44,200	(Hedges et al., 1982) -report text
Walworth	67,200	(Hedges et al., 1982) -report text
Edmunds	144,039	estimated from (Rich, 2010)
Faulk	7,282	estimated from (Rich, 2008)
Total	360,621	

The applications indicated test holes had been drilled for both well locations, but the test hole logs were not included with the application and have not been received by the Water Rights Program at the time of this report. There is sufficient existing data in the area to determine the aquifer that these applications are proposing to appropriate water from. Based on the proposed well depths (300 ft) and locations, the target aquifer for these applications is the northern portion of the Grand aquifer. Based on well completion reports and observation wells in the area of the proposed well sites for these applications, the aquifer is expected to be under confined conditions at both the proposed wells sites for these applications (Water Rights, 2025a: 2025c). The completion report for observation well CA-78E located approximately 1.26 miles north-northeast of the proposed well location for Application No. 8939-3, indicates aquifer material from 230-246 feet below grade with water levels ranging from 25 to 81 feet below grade. The completion report for observation well CA-78I located approximately 0.47 miles south of the proposed well location for Application No. 8940-3, indicates aquifer material from 256 to 320 feet below grade with water levels ranging from 71 to 144 feet below grade.

South Dakota Codified Law (SDCL)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Grand aquifer in South Dakota.

Water Availability

Water Permit Application Nos. 8939-3 and 8940-3 proposes to appropriate water from the Grand aquifer for irrigation use. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires, “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and the

application is for a water distribution system defined in SDCL 46-1-6 (17), the Board need not consider the recharge/withdrawal issue. The Grand aquifer is not older or stratigraphically lower than the Greenhorn Formation and this application is not for a water distribution system, as defined in SDCL 46-1-6 (17). Therefore, the withdrawal/recharge issue must be considered.

Observation Wells

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

The Water Rights Program currently has 40 observation wells in the observation wells identified as being completed into the Grand aquifer, of which, 36 are completed into the same portion of the Grand aquifer that this application proposes to appropriate water from. Several of these wells have not been measured for the last couple of years due to iron bacteria issues (which fouls measuring equipment resulting in erroneous readings) or only have a couple of readings since they are new wells that will eventually replace older wells. This review of observation well data will focus on observation wells with more than five years of readings that do not have iron bacteria issues.

The hydrographs for the nearest two wells to each of the proposed well sites for these applications are shown in Figure 2. Observation wells CA-78E and CA-78K are located approximately 1.26 miles north-northeast and 2.97 miles south respectively of the proposed diversion point for Application No. 8939-3. Observation wells CA-78I and CA-78K are located approximately 0.47 miles south and 3.34 miles southwest respectively of the proposed well location for Application No. 8940-3.

In general, water levels in the observation wells for the aquifer rise during wet periods and gradually decline during dry periods, demonstrating the aquifer responds well to climatic conditions. Around a third of the observation wells in the aquifer show localized fluctuations in artesian head pressure during the irrigation season. The magnitude of seasonal fluctuations vary based on proximity to high-capacity irrigation wells in the aquifer. However, the observation wells in the aquifer with seasonal fluctuations generally show recovery after the end of the irrigation season. This behavior can be seen in the three hydrographs shown in Figure 2. Several of these do show a slight decrease in water levels outside of the irrigation season in recent years, due to the recent dry conditions and the artesian head pressure in the vicinity of newer pumping equilibrating to the newer pumping. This can be seen in the hydrograph for observation well CA-78E. The exceptions are ED-2000A and ED-80B (hydrographs not shown due to distance from the proposed well sites). ED-2000A shows a declining water level over its period of record which is likely due to localized conditions in the aquifer; potentially due to pumping from two nearby water rights and area aquifer boundaries. ED-80B has been flooded and underwater multiple times, so there is some uncertainty as to how representative of the aquifer this observation well is. Ultimately, the observation wells in the aquifer indicate that natural conditions dominate the aquifer, and that recharge to and natural discharge from the aquifer exceeds pumping. Since recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available for these applications.

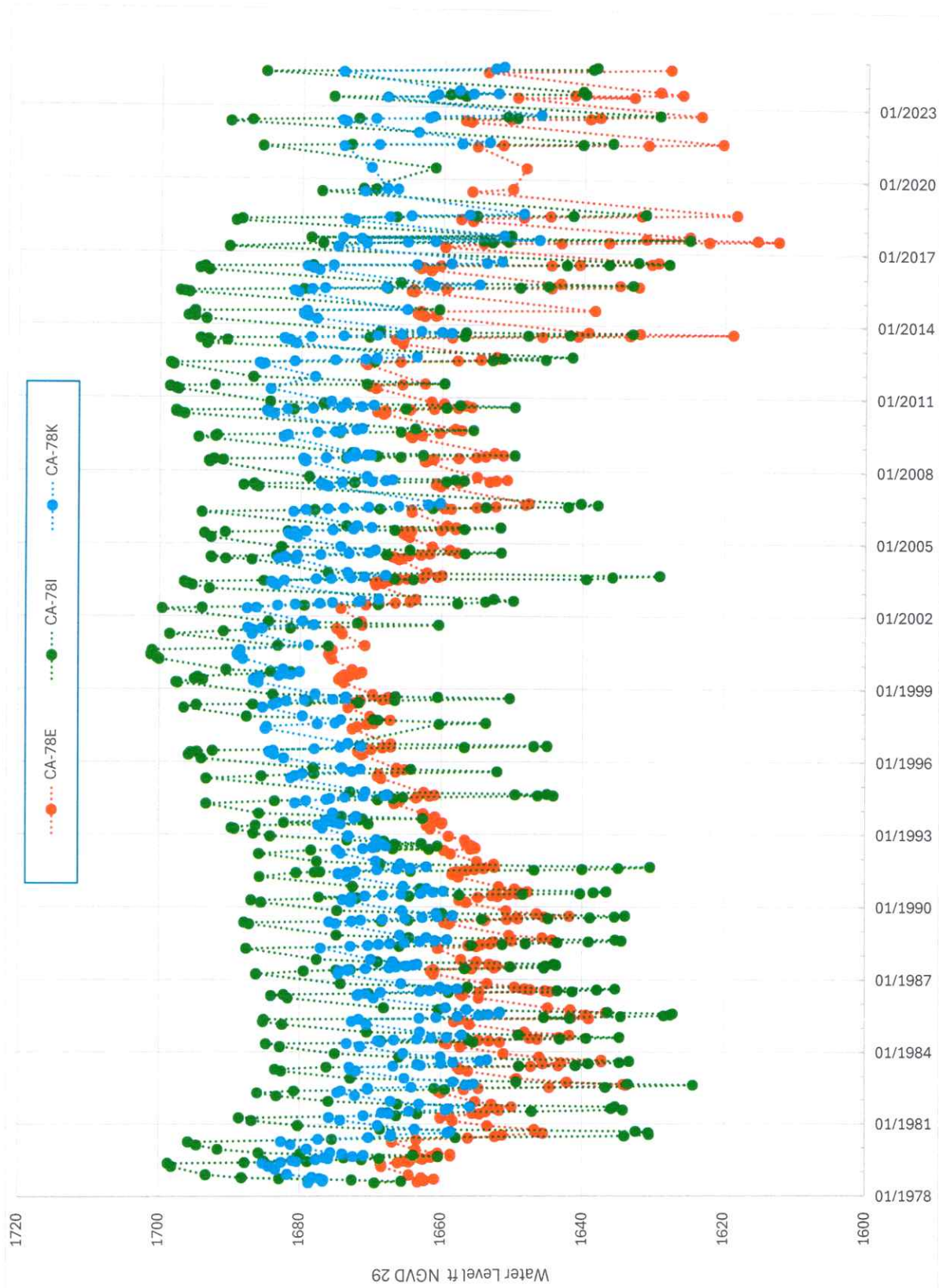


Figure 2: Hydrographs for nearby observation wells monitoring the Grand aquifer (Water Rights, 2025a)

Hydrologic Budget

Recharge

Recharge to the aquifer is from infiltration of water through overlying sediments and from the Oahe Reservoir when the water level in the reservoir is above the potentiometric surface of the aquifer (Koch, 1970). Koch (1970) also indicates there is potential for discharge from the Selby aquifer to percolate downward and recharge this aquifer. Based on observation well analysis, Hedges et al. (1985) estimated recharge to unconfined portions of the Grand aquifer at approximately 4.0 inches per year. However, there is currently no estimate available for the unconfined area of the aquifer, and the data that is available indicates the aquifer is primarily under confined conditions over most of its extent. For confined aquifers, Hedges et al. (1985) recommends utilizing a range of recharge rates from 0.15 to 0.60 inches per year for management and development programs to estimate recharge. By applying the general recharge range for a confined aquifer to the area of the northern portion of the aquifer (360,600 acres), recharge is estimated to be between approximately 4,508 to 18,030 acre-feet per year, with the middle of this range being 11,269 acre-feet per year.

Withdrawal

Discharges from the aquifer are the result of natural discharge, discharge to the Oahe Reservoir when the water level in the reservoir is below the potentiometric surface of the aquifer, and withdrawals from wells (Hamilton, 1982; Koch, 1970). Well withdrawals can be split into irrigation and non-irrigation uses. Withdrawals for domestic wells are not considered a significant portion of the hydrologic budget for the aquifer. In the northern portion of the Grand aquifer, there are currently 12 water rights/permit for non-irrigation use and 37 water rights/permits for irrigation.

Although it is currently identified in the Water Rights database as being completed into the Grand aquifer, Water Right No. 2769-3 for the City of Onaka is unlikely to be completed into any portion of the Grand aquifer. The wells for Water Right No. 2769-3 are located about eight miles outside the area of the Grand aquifer as mapped by Hedges et al. (1982) and are not located in the bedrock channel in which the aquifer lies (Christensen, 1977; Tomhave and Schulz, 2004), therefore estimated average annual water use for Water Right No. 2769-3 will not be included in the hydrologic budget for the northern portion of the Grand aquifer.

Non-irrigation water rights/permits, and the estimated average annual water use associated with those water rights/permits are summarized in Table 2. The Water Rights Program estimates average water use by non-irrigation appropriations limited by instantaneous diversion rate to be less than 60% of full time pumping at the permitted diversion rate. For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal, and it is assumed that future use permits will be fully developed. The municipalities of Pollock, Herreid, Mound City, and Glenham are all connected to rural water (Drinking Water Program, 2025 and SDARWS, 2025). Water use by these municipalities is accounted for under the rural water system's usage, and the wells for these municipalities are maintained for emergency use (e.g. backup or fire protection). The City of Roscoe obtained approximately 79 percent of its water from a rural water system in 2024 (Drinking Water Program, 2025). The City of Hosmer obtained approximately 90 percent of its water from a rural water system in 2024 (Drinking Water

Program, 2025). Average annual water use for the Cities of Roscoe and Hosmer from the Grand aquifer was estimated by using 60% of full time pumping at the permitted diversion rate; however, actual use by these municipalities from the Grand aquifer may be less than estimated due to their connection to a rural water system. Water Right No. 7841-3 held by Herreid Concrete is required to report annual water use to the Water Rights Program, and average annual reported water use for Water Right No. 7841-3 from 2013 to 2024 is 9.73 acre-feet per year (Water Rights, 2014-2025). This indicates that current average annual water use from the Grand aquifer by Water Right No. 7841-3 is much less than the annual limit on the water right. Therefore, estimated average annual use by non-irrigation permits in the northern portion of the Grand aquifer is estimated to be less than 1,137 acre-feet per year.

Table 2: Estimated Average Annual Water Use From Non-irrigation Water Rights in the Northern Portion of the Grand Aquifer (Water Rights, 2025b; SDARWS, 2025; and Drinking Water Program, 2025)						
Permit No.	Name	Use	Status	Rate (cfs)	Annual Limit (acre-feet)	Estimated Average Annual Use (acre-feet)
7841-3	HERREID CONCRETE INC	IND	LC	1.39	282	n/a
7184-3	JENSEN ROCK & SAND INC	IND	LC	0.67	20	n/a
6185-3	BLUMENGARD COLONY	COM&DOM&LCO	LC	0.667	n/a	289.7
6111-3	BLUMENGARD COLONY	COM & LCO	LC	0.45	n/a	195.5
6012-3	WEST POLLOCK ASSOCIATION	COM	LC	0.035	n/a	15.2
5417-3*	HERREID	MUN	LC	1.17	n/a	0
5366-3*	POLLOCK	MUN	LC	0.78	n/a	0
4914-3*	ROSCOE	MUN	LC	0.5	n/a	217.2
4144-3*	MOUND CITY	MUN	LC	0.22	n/a	0
3998-3*	GLENHAM	MUN	LC	0.12	n/a	0
1705-3*	HOSMER	MUN	LC	0.27	n/a	117.2
778-3*	POLLOCK	MUN	LC	0.56	n/a	0
Total					1136.8	
LC- water right, COM-commercial, LCO-livestock confinement operation, IND- industrial, DOM- domestic, MUN- municipal					*Connected to rural water	

The Water Rights Program collects and maintains irrigation data from across the state. Reported irrigation pumping from the northern portion of the Grand aquifer from 1979 to 2024 is shown in Figure 3. The average reported irrigation pumping for this time period is approximately 2,566 acre-feet per year, and the average reported irrigation pumping for 2015 to 2024 is 3,909 acre-feet per year. Since irrigation permits in the Grand aquifer have generally increased since the 1980s and 1990s, the average annual reported irrigation from 2015 to 2024 will be used to estimate irrigation use from reporting irrigation water rights/permits.

Several water permits don't have reported usage reflected in Figure 3. Water Permits No. 8091-3 and 8092-3 have not been constructed based on their 2024 irrigation questionnaire and are past their construction deadline of October 14, 2020, therefore are subject to cancellation, therefore water use for Permits No. 8091-3 and 8092-3 is estimated as zero acre-feet per year (Water Rights, 2025d). Still within their five-year construction period and not yet constructed as of the 2024 irrigation questionnaire are Water Permit Nos. 8429-3 (60 acres), 8829-3 (130 acres), and 8840-3 (340 acres). Estimated average annual irrigation use for these permits is less than one acre-foot per acre, resulting in an estimate average annual use of 530 acre-feet per year. Therefore, estimated average annual irrigation usage for the northern portion of the Grand aquifer is less than 4,439 acre-feet per year.

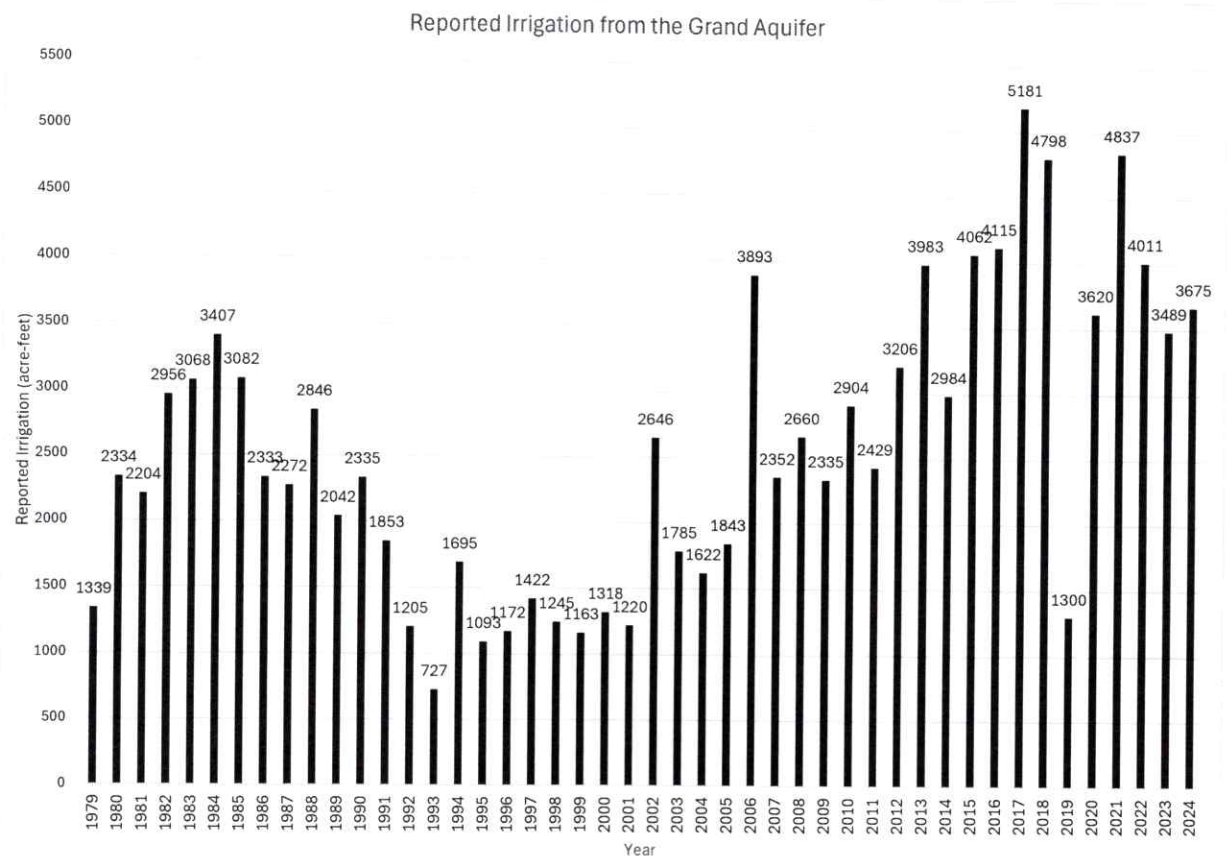


Figure 3: Reported irrigation data for Grand aquifer (Water Rights, 2025d)

Balance

The estimated average annual recharge to the aquifer is between 4,508 to 18,030 acre-feet per year, with the middle of this range being 11,269 acre-feet per year. The estimated average annual withdrawals from the northern portion of the Grand aquifer are estimated to be less than 5,576 acre-feet per year (1,137 non-irrigation; and 4,439 irrigation) Estimated average annual use associated with these applications, if approved, is less than 560 acre-feet per year, resulting is a total estimated average annual withdrawal of 6,136 acre-feet per year. The total estimated average annual withdrawal is still 5,133 acre-feet below the middle of the estimated recharge range. Unless there is information to suggest otherwise, the Water Rights Program has historically used the middle of the estimated recharge range when evaluating recharge versus withdrawals from an estimated hydrologic budget. Therefore, the hydrologic budget indicates water is available from the aquifer for appropriation.

Potential for Unlawful Impairment of Existing Water Rights

Water rights/permits appropriating water from the Grand aquifer in the area of the proposed well locations for this application are shown in Figure 4 and summarized in Table 3. The nearest water right/permit to the proposed well location for this Application No. 8939-3 is Water Permit No. 8798-3 for irrigation located approximately 2.47 miles to the south. The nearest water

right/permit to the proposed well location for this Application No. 8940-3 is Water Right No. 3803-3 (held by the applicant) for irrigation located approximately 0.59 miles to the south. The nearest water right/permit to the proposed well location for Application No. 8940-3 not held by the applicant is Water Right No. 3170-3 located approximately 1.20 miles to the southwest.

The nearest domestic well on file likely completed into the Grand aquifer to the proposed well location for Application No. 8939-3 is located approximately 3.1 miles to the south-southwest completed in 1992 (Water Rights, 2025a). The nearest domestic well on file to the proposed well location for Application No. 8940-3 likely completed into the Grand aquifer was completed in 1978 and is located approximately 1 mile to the southwest (Water Rights, 2025a). The location of domestic wells is based on the information provided by the well driller on the water well completion report. It is possible there are other domestic wells completed into the Grand aquifer in the area of the proposed well sites that are not on file with the Water Rights Program.

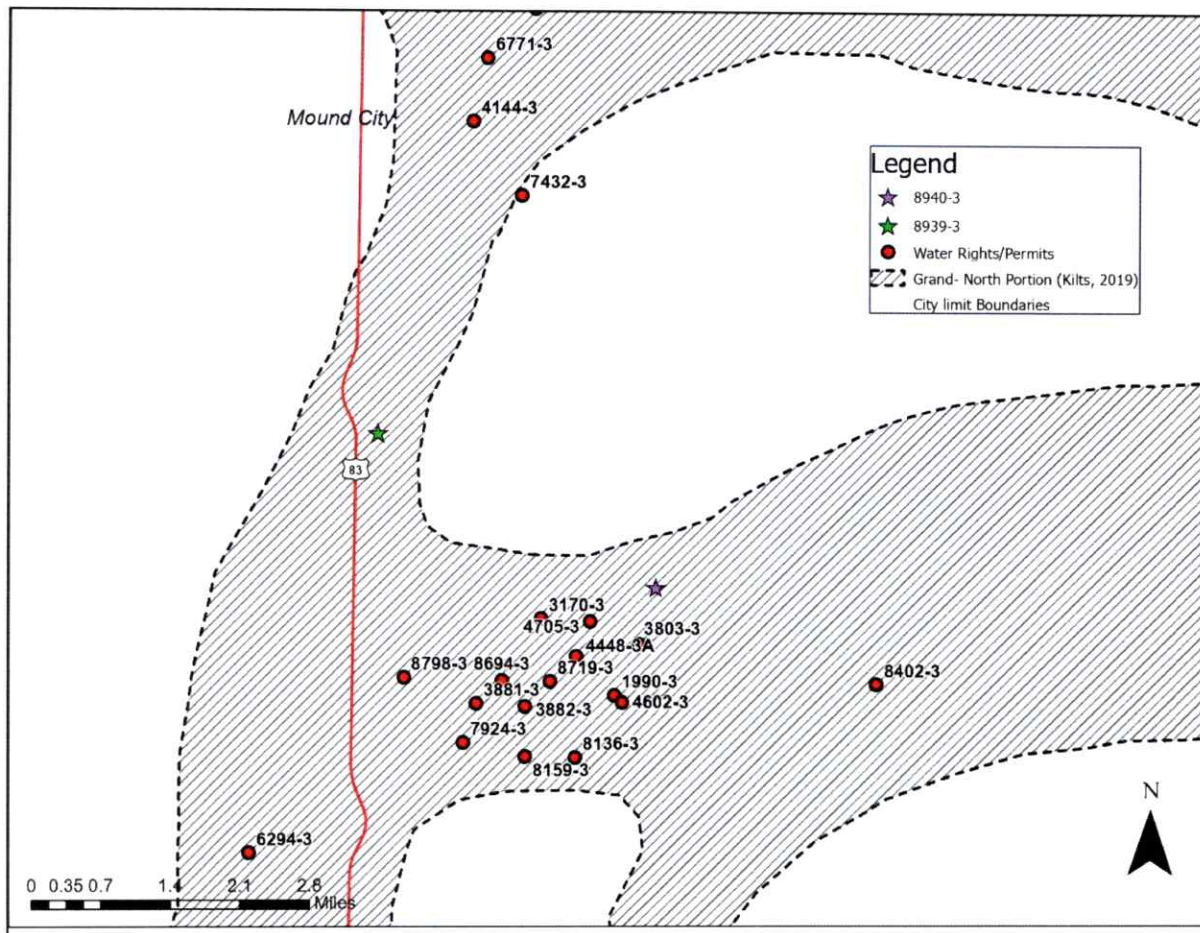


Figure 4: Location of the proposed wells for these applications and diversion points for nearby water rights/permits currently authorized to appropriate water from the Grand aquifer (Water Rights, 2025b).

Report on Application Nos. 8939-3 & 8940-3

Permit No.	Name	Priority Date	Status	Use	Rate (cfs)	Acres
1990-3	KENNETH BROCKEL	08/22/1973	LC	IRR	1.93	132
3881-3	LACEY LAND LLC	02/18/1976	LC	IRR	2.00	268
3170-3	SCOTT & ROSANNE LOHMAN	10/21/1976	LC	IRR	2.23	264
6771-3	RANDY GEFFRE	02/28/1977	LC	IRR	1.89	256
3882-3	LACEY LAND LLC	03/04/1977	LC	IRR	2.00	268
3803-3	BRANDON RITTER	03/21/1977	LC	IRR	1.78	264
4144-3	TOWN OF MOUND CITY	09/06/1977	LC	MUN	0.22	n/a
4448-3A	BRANDON RITTER	11/09/1979	LC	IRR	1.89	132
4602-3	KENNETH R BROCKEL	11/09/1979	LC	IRR	1.89	136
4705-3	BRANDON RITTER	04/02/1981	LC	IRR	1.78	264
6294-3	LAZY TV RANCH	01/29/2002	LC	IRR	1.88	132
7432-3	HCM SCHAFFER INC	09/14/2012	PE	IRR	3.56	320
7924-3	BRANDON RITTER	11/15/2013	PE	IRR	2.00	270
8136-3	LACEY LAND LLC	03/05/2015	LC	IRR	1.78	272
8159-3	LACEY LAND LLC	05/18/2015	LC	IRR	1.78	78
8402-3	ROGER VOLZKE	06/24/2019	PE	IRR	3.33	240
8694-3	LACEY LAND LLC	12/28/2022	PE	IRR	0.89	32
8719-3	LACEY LAND LLC	01/30/2023	PE	IRR	2.00	268
8798-3	DON & DENNIS MITZEL	09/08/2023	PE	IRR	178	160

LC-license, PE-permit, IRR-irrigation, MUN-municipal

Since the aquifer is under confined conditions in the area of the well location for this application, some amount of drawdown from pumping could occur. The exact amount of drawdown as the result of pumping due to this proposed diversion cannot be quantified without aquifer testing. Since this application is for irrigation use, any drawdown is expected to be seasonal in nature. The nearest observation wells CA-78I and CA-78E (hydrographs Figure 3) have historic seasonal drawdown from other irrigation water rights/permits in the area of the observation wells (Water Rights, 2025a; Water Rights, 2025b). At their lowest point over their periods of record, CA-78I (August 2017) and CA-78E (July 2017) still had approximately 113 feet and 150 feet of artesian head pressure respectively (Water Rights, 2025a). There is not a history of substantiated well interference complaints in the Grand aquifer in Campbell County (Water Rights, 2025e).

In the past, the Water Management Board has recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. The Water Management Board has promulgated rules that allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Board has defined an adversely impacted domestic well 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.” In the case of Water Permit Application No. 2313-2 for the Coca-Cola Bottling Company of the Black Hills, the Water Management Board adopted findings that noted that if the increased costs or decreased production as a result of the impacts of legitimate users of artesian head pressure could be considered an adverse impact, it would conflict with SDCL 46-1-4 (Water Rights, 1995). SDCL 46-1-4 requires the water resources of the state be put to beneficial use to the maximum extent of which they are capable. While some domestic well owners may need to lower their pumps to account for seasonal fluctuations in artesian head pressure, there is a hundred plus feet of artesian head pressure in the

aquifer (even at the lowest water level of record) in the area of the proposed well locations for these applications; pumping from this application, if approved, is not expected to drawdown water levels to the point of domestic users with adequate wells becoming adversely impacted by drawdown. Considering the best reasonably available information, there is reasonable probability that this application, if approved, will not unlawfully impair existing water rights/permits or domestic users with adequate wells.

Conclusions

1. Water Permit Application 8939-3 proposes to appropriate water for irrigation of 280 acres at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) from one well (approximately 300 ft deep) completed into the northern portion of the Grand aquifer. The proposed well location is the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5 and the proposed acres for irrigation are in the E $\frac{1}{2}$ Section 5; all in T125N-R76W.
2. Water Permit Application No. 8940-3 proposes to appropriate water for irrigation of 280 acres at a maximum instantaneous diversion rate of 1.78 cubic feet per second (cfs) from one well (approximately 300 ft deep) completed into the northern portion of the Grand aquifer. The proposed well location is the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 and the proposed acres for irrigation are in the W $\frac{1}{2}$ Section 11; all in T125N-R76W.
3. Based on a review of the hydrologic budget for the northern portion of the Grand aquifer and the observation well information for the aquifer, there is a reasonable probability that water is available in the northern portion of the Grand aquifer for the applicant's proposed use as required by SDCL 46-2A-9.
4. There is a reasonable probability that these applications, if approved, will not unlawfully impair existing water rights/permit holders or domestic users with adequate wells.


Whitney Kilts
SD DANR-Water Rights Program

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Report on Application Nos. 8939-3 & 8940-3

Water Rights. 2025c. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2025d. Irrigation Questionnaire Database. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2025e. Campbell County Complaint File. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 16, 2025

Brandon Ritter
30489 115th Street
Mound City SD 57646

Dear Mr. Ritter:

Water Permit Application Nos. 8939-3 and 8940-3 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 Prairie Pioneer printed at Pollock SD (Ph # 605 889-2320) and the American News printed at Aberdeen 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 recommendations of the Acting Chief Engineer and reports on the applications 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 NOS. 8939-3 and 8940-3 to Appropriate Water

Notice is given that Brandon Ritter, 30489 115th Street, Mound City SD 57646, has filed two applications to appropriate water from the Grand Aquifer for irrigation purposes.

Application No. 8939-3 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 300 feet deep) located in the N 1/2 NW 1/4 Section 5 for irrigation of 280 acres located in the E 1/2 Section 5; all in T125N-R76W. This site is located approximately three miles south of Mound City SD.

Application No. 8940-3 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 300 feet deep) located in the NW 1/4 SW 1/4 Section 11 for irrigation of 280 acres located in the W 1/2 Section 11; all in T125N-R76W. This site is located approximately five and one-half miles southeast of Mound City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application Nos. 8939-3 and 8940-3 with qualifications 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 recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations shall allege that these applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Acting Chief Engineer. A petition opposing the applications 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 recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 2, 2025.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 June 2, 2025.

If the applicant does not contest the recommendations of the Acting Chief Engineer and no petition to oppose the applications are received, the Acting Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the

applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, May 16, 2025 8:52 AM
To: Rodriguez, Rachel
Cc: BrRitter@valleytel.net
Subject: [EXT] 11326271 RE: 8939-3 and 8940-3 Brandon Ritter - Public Notice
Attachments: Order_Confirmation_Liners - 2025-05-16T094913.542.pdf

Hello!

Please find your order confirmation and proof of ad attached.

Your notice is set to run in the Aberdeen American on 5/22. The order cost is \$56.62 which includes an affidavit that will be sent 7-10 business days after the last day of the notice printing. Please email before 8am on Tuesday with any changes.

A bill will be sent.

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

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

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: Friday, May 16, 2025 9:13 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennnews.com>
Subject: 8939-3 and 8940-3 Brandon Ritter - Public Notice

Attached is a notice to be published on May 22, 2025, in the American News.

Brandon Ritter, 30489 115th Street, Mound City SD 57646, 605-955-3554, BrRitter@valleytel.net has been notified to contact you to authorize publication and arrange for payment.

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

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



Order Confirmation

Not an Invoice

Account Number:	559570
Customer Name:	Ritter Brandon
Customer Address:	Ritter Brandon 30489 115TH STREET MOUND CITY SD 57646
Contact Name:	Ritter Brandon
Contact Phone:	6059553554
Contact Email:	
PO Number:	

Date:	05/16/2025
Order Number:	11326271
Prepayment Amount:	\$ 0.00

Column Count:	2.0000
Line Count:	89.0000
Height in Inches:	9.8000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	05/22/2025 - 05/22/2025	Public Notices
ABD aberdeennews.com	1	05/22/2025 - 05/22/2025	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
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 16, 2025 8:13 AM
To: aan-legals@aberndeennews.com
Subject: 8939-3 and 8940-3 Brandon Ritter - Public Notice
Attachments: 8939-3 & 8940-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 22, 2025, in the American News.

Brandon Ritter, 30489 115th Street, Mound City SD 57646, 605-955-3554, BrRitter@valleytel.net has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 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: Thursday, May 15, 2025 8:09 AM
To: pioneer@valleytel.net
Subject: 8939-3 & 8940-3 Brandon Ritter - Public Notice
Attachments: 8939-3 & 8940-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

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



Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF CAMPBELL, ss.

I, Marjorie E. Schaffer, being first duly sworn, on oath says, that she is the bookkeeper of the Prairie Pioneer, a weekly newspaper published in Pollock, County of Campbell, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Ritter files applications to appropriate water

Brandon Ritter

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

1- Prairie Pioneer: 5/22/2025

That the full amount of the fees for the publication of the annexed notice is \$51.03

Marjorie E. Schaffer

Subscribed and sworn to before me this 5/22/2025

Lori Cox

Lori Cox, Notary Public
State of South Dakota

My commission expires January 2, 2031



Ritter files applications to appropriate water

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Application No. 8940-3 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 300 feet deep) located in the NW 1/4 SW 1/4 Section 11 for irrigation of 280 acres located in the W 1/2 Section 11; all in T125N-R76W. This site is located approximately five and one-half miles southeast of Mound City SD.

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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 recommendations with qualifications, the applications, and staff reports 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.

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The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 June 2, 2025.

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Published once at the total approximate cost of \$51.03 and can be viewed free of charge at www.sdpublicnotices.com

-052225

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

05/22/2025

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 05/22/2025

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: 11326271

Customer No: 559570

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NOS. 8939-3 and 8940-3
to Appropriate Water

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Application No. 8939-3 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 300 feet deep) located in the N 1/2 NW 1/4 Section 5 for irrigation of 280 acres located in the E 1/2 Section 5; all in T125N-R76W. This site is located approximately three miles south of Mound City SD.

Application No. 8940-3 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Grand Aquifer (approximately 300 feet deep) located in the NW 1/4 SW 1/4 Section 11 for irrigation of 280 acres located in the W 1/2 Section 11; all in T125N-R76W. This site is located approximately five and one-half miles southeast of Mound City SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application Nos. 8939-3 and 8940-3 with qualifications 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 recommendations with qualifications, the applications, and staff reports 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 these applications or recommendations shall allege that these applications, 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 applications, or other matter concerning the applications 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 applications with BOTH the applicant and Acting Chief Engineer. A petition opposing the applications 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 recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 2, 2025.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 June 2, 2025.

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

Published on May 22, 2025 at the total approximate cost of \$56.62 and may be viewed free of charge at www.sdpublicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 16, 2025 10:14 AM
To: BrRitter@valleytel.net
Subject: 8939-3 & 8940-3 Brandon Ritter - Public Notice
Attachments: 8939-3 & 8940-3 Rec.pdf; Letter.pdf; 8939-3 & 8940-3 PubNotice.pdf; AmericanNews Info.pdf

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

Let me know if you have questions. Please 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

Brandon Ritter
30489 115th Street
Mound City SD 57646

Dear Mr. Ritter:

Enclosed are Water Permit Nos. 8939-3 and 89040-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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
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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.: 8939-3

Name of Applicant: Brandon Ritter

Date of Posting: 5/19/2025

Date of Removal: 6/11/2025



Ron Duvall, Engineer III

6/11/2025

Date

Subscribed and sworn to before me, a notary public, this 14th day of June, 2025.



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

(SEAL)





3803-3
4448-3A
4705-3

7924-3
8939-3
8940-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: BRANDON RITTER, 30489 115TH ST, MOUND CITY, SD 57646

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3803-3, 4448-3A, 4705-3, 7924-3, 8939-3 & 8940-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3803-3, 4448-3A, 4705-3, 7924-3, 8939-3 & 8940-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3803-3, 4448-3A, 4705-3, 7924-3, 8939-3 & 8940-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SRTHOZ**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.