

WATER PERMIT NO. 8953-3

Name of Applicant: Ross and Annette Ulmer

Address: 39060 113th Street, Frederick SD 57441

Phone: 605-380-9317

Amount of Water Claimed: 1.78 cfs

Total Acres: 155

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Brown

Type of Waste Disposal System:

Location: Approx. 6 miles northwest of Columbia

PRIORITY Date Received: 04-03-25

Application/License Fee: \$1,050.00

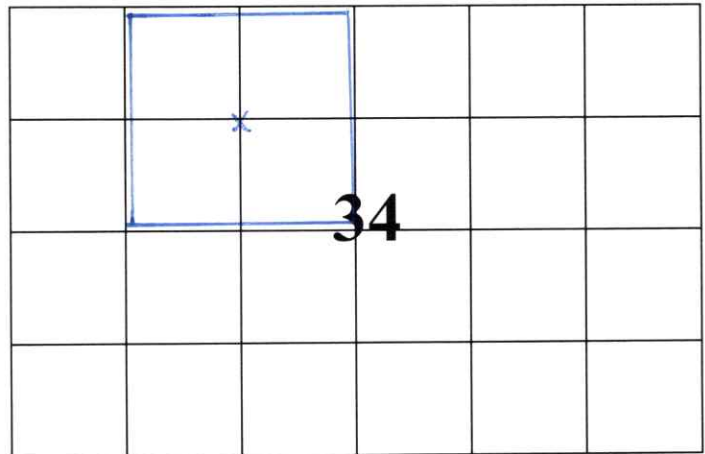
Corrected Application Received: 04-25-25

Period of Annual Use: June 1 – September 30

Remarks:

Diversion Point: Center of NW 1/4 Sec 34-T126N-
R63W

Land to be Irrigated: NW 1/4 Sec 34-T126N-
R63W



Depth of Well: 90

Well Driller: M & W Drilling

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 04-25-25

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8953-3

Date of first receipt of application April 3, 2025.

Date of return to applicant for corrections, amendments or changes April 4, 2025.

Date of receipt of corrected application April 25, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8953-3 to Ross and Annette Ulmer, 39060 113th Street, Frederick SD 57441, 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. 8953-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Elm: Northern Brown Aquifer (approximately 60 to 90 feet deep) located in the approximate center of the NW 1/4 Section 34 for irrigation of 155 acres located in the NW 1/4 Section 34; all in T126N-R63W. This site is located approximately six miles northwest of Columbia 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: June 1 – September 30.
3. The date from which applicant may claim right is April 3, 2025.
4. The date of approval of Permit No. 8953-3 is July 25, 2025.
5. One-fifth of the construction is to be completed on or before January 25, 2028.
6. All construction is to be completed on or before July 25, 2030.
7. Water is to be put to beneficial use on or before July 25, 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. 8953-3 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. 8953-3 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

9/5/2025
date



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

PAID

APR 03 2025

Ck# 2326

Rec't# _____

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8953-3</u> Hydrologic Unit <u>10160003</u>
	Basin <u>James R</u>
	Newspaper <u>American News</u>
	(office use only)

Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit Ross and Annette Ulmer
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
- Mailing Address 39060 113th St Frederick SD 57441
(Address) (City) (State) (Zip Code)
- Phone _____ Mobile 605-380-9317 Email ulmermin@icloud.com
2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 155
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ELM Aquafire approx. center NW 1/4
4. Location of point of diversion 1 well 400' from center field to west
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 of SE34 126-63 County Brown
5. County or counties where water will be used Brown
6. Annual period during which water is to be used June' - Sept³⁰
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. 34-T126N-R63W</u>	<u>155</u>		

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

I, Ross Ulmer Land 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 ma w drilling
(if yes, please provide copies of logs)
- b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Enclosed

For either existing or proposed wells:

- c) Well Depth (required) 90' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 30'
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

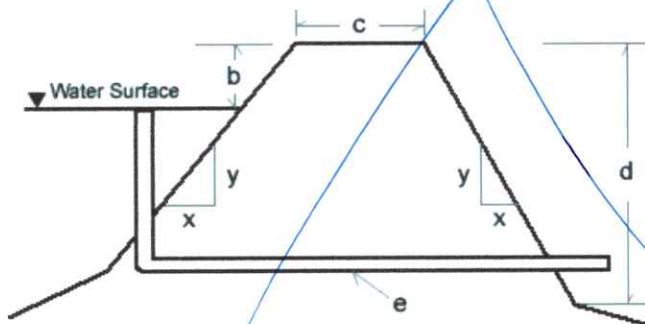
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____



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

126N 63W
Section: 21

126N 63W
Section: 22

126N 63W
Section: 23

116 ST

126N 63W
Section: 28

391 AVE

126N 63W
Section: 27

126N 63W
Section: 26

117 ST

well

10160003 Upper James

James

126N 63W
Section: 33

126N 63W
Section: 34

126N 63W
Section: 35

118 ST

RECEIVED

5 2025

Water Rights
Program

125N 63W
Section: 04

125N 63W
Section: 03

RECEIVED

APR 25 2025

Water Rights
Program

125N 63W
Section: 02

125N 63W
Section: 09

125N 63W
Section: 10

125N 63W
Section: 11

119 ST

126N 63W
Section: 21

126N 63W
Section: 22

126N 63W
Section: 23

116 ST

126N 63W
Section: 28

391 AVE

126N 63W
Section: 27

126N 63W
Section: 26

117 ST

126N 63W
Section: 33

10160003 Upper James

James

126N 63W
Section: 34

126N 63W
Section: 35

118 ST

125N 63W
Section: 04

125N 63W
Section: 03

125N 63W
Section: 02

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location _____ 1/4 _____ 1/4 Sec _____ Twp _____ Rg _____

County

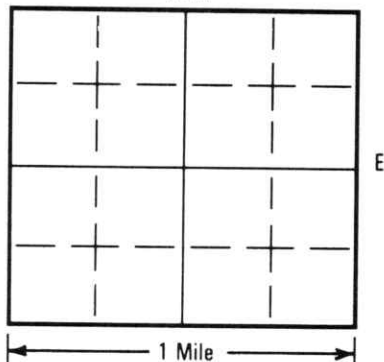
North

Brown

Please mark well location with an "X"

45.68697 W98.40924

Well Completion Date

10-24-24

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	<u>4 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>WYO-BEN</u>	_____	_____ lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure 1 1/4 Tremie to 60 ft - Grout to surfaceSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: Chlorine

Laboratory sent to for water quality analysis

_____ NO, Why Not? _____

Well Owner: Ross Ulmer

Business Name: _____

Address: 35060 113 St.
Frederick, SD 57441

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top</u>	<u>0</u>	<u>2</u>
<u>Rocky</u>	<u>2</u>	<u>5</u>
<u>Med-course brown sand</u>	<u>5</u>	<u>20</u>
<u>Med gray sand - some coarse</u>	<u>20</u>	<u>25</u>
<u>Fine - med gray sand</u>	<u>25</u>	<u>34</u>
<u>Coarse gray sand to</u>	<u>34</u>	<u>44 1/2</u>
<u>Coarse gravel</u>		
<u>Gray silty clay</u>	<u>44 1/2</u>	<u>100</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 434

And this report is true and accurate.

Drilling firm M & W Drilling

Signature of License Representative:

Wayne Doty

Signature of Well Owner or Equitable Property Holder:

Date: 12-09-24

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location _____ 1/4 _____ 1/4 Sec _____ Twp _____ Rg _____

County

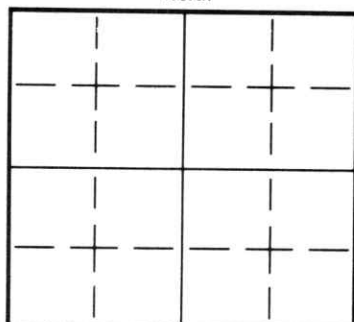
North

Brown

Please mark well location with an "X"

45, 6868098, 41135

Well Completion Date

10-24-24

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	<u>4 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>WYO-Ben</u>	_____	_____ lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure 1 1/4 Tremie to 60 ft - Grout to SurfaceSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Rosa UlmerBusiness Name: 3Address: 35060 113th
Frederick, SD 57441

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top</u>	<u>0</u>	<u>2</u>
<u>Clay & Rocks</u>	<u>2</u>	<u>18</u>
<u>Gray clay & rocks</u>	<u>18</u>	<u>34</u>
<u>Fine - med gray sand</u>	<u>34</u>	<u>39</u>
<u>Med - Course gray sand</u>	<u>39</u>	<u>59</u>
<u>Rock</u>	<u>59</u>	<u>60</u>
<u>Gray Clay</u>	<u>60</u>	<u>100</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 434

And this report is true and accurate.

Drilling firm M & W Drilling

Signature of License Representative:

Wayne Doty

Signature of Well Owner or Equitable Property Holder:

Date: 12-09-24

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 3rd, 2025

RECEIVED OF Ross and Annette Ulmer 39060 113th Street Frederick SD 57441

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

Fee for Application for Permit No. <u>8953-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8953-3</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>1050.00</u>

By Mark Mayle
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. 8953-3, Ross and Annette Ulmer**

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. 8953-3, Ross and Annette Ulmer, 39060 113th Street, Frederick SD 57441.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8953-3 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. 8953-3 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. 8953-3 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
July 2, 2025

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8953-3
ROSS & ANNETTE ULMER
JUNE 27, 2025

Water Permit Application No. 8953-3 proposes to irrigate 155 acres at a maximum instantaneous diversion rate of 1.78 cubic feet of water per second (cfs) from one well (approximately 60 to 90 feet deep) to be completed into the Elm: Northern Brown aquifer. The well is to be located in the approximate center of the NW ¼ Section 34 with the land to be irrigated located in the NW ¼ Section 34; all in T126N-R63W in Brown County. This site is located approximately six miles northwest of Columbia, SD.

AQUIFER: Elm: Northern Brown (E:NB)

Aquifer Characteristics:

The Elm: Northern Brown aquifer is comprised of surficial quaternary aged glacial outwash and alluvium ranging from silt to coarse gravel within Brown County (Emmons, 1990; Water Rights, 2025f). The Elm aquifer has been further divided into the Northern Brown and Southern Brown management units (Hedges et al., 1982). The Elm: Northern Brown aquifer underlies approximately 187,200 acres all located within Brown County. The aquifer seemingly extends into North Dakota, where it's being called the Ellendale and Guelph aquifers (Farmer, 2018). This report will only address the aquifer within South Dakota.

The outwash and alluvium comprising the Elm: Northern Brown aquifer can be up to 113 feet thick but is typically much less with an average of 32 feet (Emmons, 1990; Water Rights, 2025d and 2025f). The outwash may contain several thin layers of till or clayey and silty outwash layers (SDGS, 2025; Water Rights, 2025d and 2025f). The aquifer is found under unconfined conditions and confined conditions outside of the flood plains of the various rivers and streams overlying it (Emmons, 1990; Water Rights, 2025d and 2025f). Water levels range from 4 to 50 feet below land surface (Koch and Bradford, 1976; Water Rights, 2025d and 2025f). Groundwater movement is generally from the northwest to the southeast (Koch and Bradford, 1976).

Two test hole logs were submitted with this application. The Elm: Northern Brown aquifer was encountered from 34 to 59 feet below grade in one test hole and from 5 to 44.5 feet below grade in the other test hole. Nearby domestic wells and Water Rights Program observation well data indicate the aquifer can be unconfined but is more likely to be confined with artesian head pressures ranging from 0 to 20 feet above the top of the aquifer (Water Rights, 2025d and 2025f). Figure 1 is a map of the approximate areal extent of the Elm: Northern Brown aquifer (Hedges et al., 1982), Water Rights Program observation wells currently labeled as completed into the Elm: Northern Brown aquifer (Water Rights 2025d), future use areas, and the proposed well site for this application. Note, the future use area for Future Use Permit No. 192-3 states "... from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-124N-R63W..." Where the floodplain along the river fans out southeast of Sec. 31-T125N-R63W, a buffer of 0.5 miles was used to set an approximate boundary for the alluvium by using the first occurrence of

aquifer materials map to the northwest of Sec. 31-T125N-R63W and selecting only alluvium from the map (Jensen, 2010).

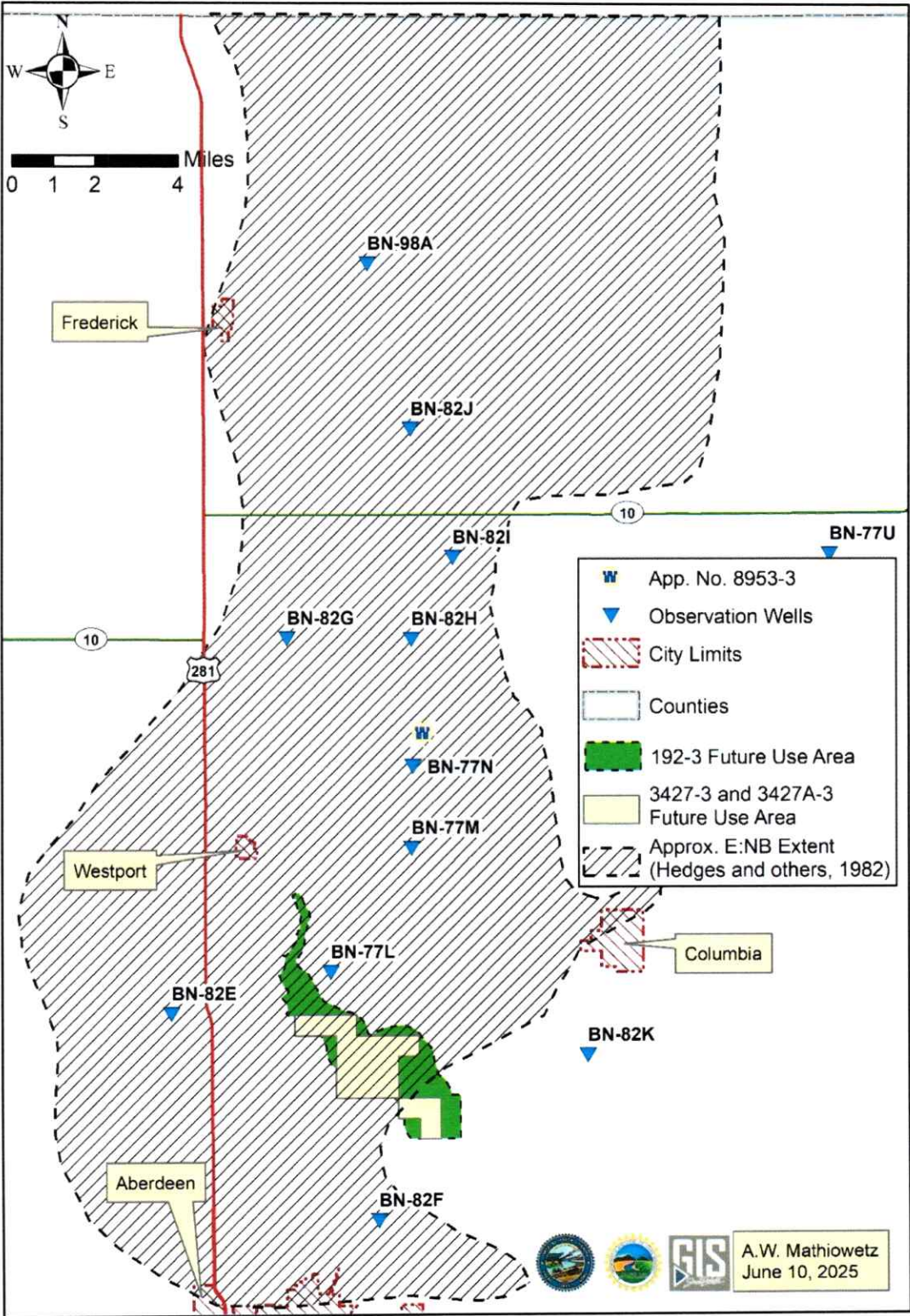


Figure 1- Map of approximate areal extent of the Elm: Northern Brown aquifer with observation wells, future use areas, and Application No. 8953-3 (Water Rights, 2025d and 2025e)

APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL):

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 Elm: Northern Brown aquifer.

This application proposes to appropriate water from the Elm: Northern Brown aquifer. The probability of unappropriated water 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 Greenhorn Formation is a Cretaceous aged Formation. The Elm: Northern Brown is a quaternary aged formation and thus, younger and stratigraphically above the Greenhorn Formation (Fahrenbach et al, 2010). Furthermore, the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, the balance between recharge to and withdrawals from the Elm: Northern Brown aquifer must be considered for this application.

Hydrologic Budget:*Recharge:*

The Elm: Northern Brown aquifer is recharged through infiltration of precipitation and snowmelt, where the aquifer is at or near land surface, and possibly from leakage from surface water sources when the head on the surface water body is above the potentiometric surface of the aquifer (Emmons, 1990; Koch and Bradford, 1976). Hedges et al. (1985) estimated recharge to the Elm: Northern Brown aquifer to be 0.06 inches per year using flow-net analysis. Hedges et al. (1985) noted recharge rates calculated using flow-net analysis are suspect and conclusions based upon that method are questionable. For comparison purposes, Hedges et al. (1985) calculated a recharge rate of 0.42 inches per year for the Elm: Southern Brown aquifer using flow-net analysis. However, the Elm: Southern Brown aquifer has a higher ratio of unconfined to confined aquifer areal extent (Water Rights, 2025d and 2025f). The Elm: Southern Brown aquifer is generally hydrologically similar to the Elm: Northern Brown aquifer and thus can be used for broadly comparative reasons.

Emmons (1990) developed a model for the entire glacial aquifer system in the northern portions of Brown County. The Elm: Northern Brown aquifer and the sandy lake deposits that are common in Brown County were lumped together into a single layer resulting in an average steady-state

recharge of 4.3 inches per year. This significant difference between Hedges et al. (1985) and Emmons (1990) is primarily due to the inclusion of the more permeable sandy lake deposits and the stratigraphic position of those deposits at or near land surface with less overlying confining material.

Marini et al. (2012) developed another model that considered a portion of the glacial aquifer system in Brown County, north of Aberdeen. The model estimated the recharge to the aquifer using a soil-water balance method and determined a mean annual recharge rate of 1.56 inches per year for the period of 1979-2009. This model also included the sandy lake deposits with the Elm: Northern Brown aquifer due to the hydrologic connection between the units. Table 1 shows the estimated average annual recharge using the various recharge rates. It is most likely the average annual recharge is between the Hedges et al. (1985) and the Marini et al. (2012) recharge rates.

Table 1- Estimated average annual recharge rates to the Elm: Northern Brown aquifer

Source	Rate (in/yr)	Avg. Annual Recharge (ac-ft/yr)
Hedges et al. (1985)	0.06	936
Emmons (1990)	4.3	67,080
Marini et al. (2012)	1.56	24,336

Discharge:

Discharge from the Elm: Northern Brown aquifer occurs through well withdrawals, evapotranspiration where the aquifer is at or near land surface, seepage and evaporation from gravel pits, outflow to sandy lake deposits, seepage to the Middle James aquifer, and seepage to the Elm River and Foot Creek (Emmons, 1990; Koch and Bradford, 1976; Water Rights, 2025e and 2025f). Currently, there are 25 water rights/permits withdrawing water from the aquifer and 3 future use permits reserving water from the aquifer (Water Rights, 2025d).

Table 2 shows the historical reported pumping from the Elm: Northern Brown aquifer by the City of Aberdeen from 2005 through 2023. The City of Aberdeen has four water rights that in part withdraw or completely withdraw from the Elm: Northern Brown aquifer, Water Right Nos. 3009-3, 5476-3, 6546-3, and 6725-3 (Water Rights, 2025d). Currently, only Water Rights Nos. 6546-3 and 6725-3 are required to report pumping but the city has reported pumping from the Elm: Northern Brown aquifer from all these water rights (Water Rights, 2025c). Water Right No. 3009-3 authorizes withdrawals from “groundwater” (the Elm: Northern Brown aquifer), the Elm and Maple Rivers, and the Willow Creek and Elm River Dams (Water Rights, 2025d).

The average annual reported pumpage by the City of Aberdeen from the Elm: Northern Brown aquifer is 856.1 ac-ft per year. This will be used for the hydrologic budget of the aquifer as shown in the non-irrigation estimated average annual withdrawals shown in Table 3. Table 3 shows the permitted volumes and 60% full time pumping estimate for the City of Aberdeen are much greater than the reported pumpage. Typically, the Water Rights Program assumes water rights/permits limited by an annual volume will develop up to the full volume especially when the reported pumpage is showing continual increases. In this case, the annual volume pumped from the Elm: Northern Brown aquifer is trending downward. The 60% full time pumping estimate is based on pumping at the maximum permitted diversion rate for 60% of the time when there is no permitted

volume for water rights/permits. Both the above-described methods for estimating water use by non-irrigation water rights/permits are standard methodologies developed and used by the Water Rights Program and have been accepted by the Water Management Board in the past.

Table 2- Reported withdrawals from the Elm: Northern Brown aquifer by the City of Aberdeen under Water Right Nos. 3009-3, 5476-3, 6546-3 and 6725-3 (Water Rights, 2025c)

Year	Elm: Northern Brown aquifer reported withdrawals (ac-ft/yr)
2023	515.9
2022	417.9
2021	120.7
2020	835.4
2019	1,548.7
2018	1,200.5
2017	547.6
2016	600.5
2015	549.1
2014	669.1
2013	603.5
2012	860.8
2011	1,083.0
2010	1,203.7
2009	1,212.8
2008	1,121.2
2007	1,133.9
2006	1,262.3
2005	780.0
Avg.	856.1

Table 3 shows the non-irrigation permits including estimated average annual withdrawals and the future use permits with their respective annual reservation. The Town of Frederick purchases water from another water distribution system and is assumed to pump a negligible amount of water. The estimated average annual non-irrigation withdrawal from the Elm: Northern Brown aquifer is 1,016.9 ac-ft/y (Water Rights, 2025c and 2025e). There are three future use permits, all for the City of Aberdeen, reserving a combined 5,647 ac-ft/yr (Water Rights, 2025e). Combined, non-irrigation water rights and future use permits account for 6,663.9 ac-ft/yr from the Elm: Northern Brown aquifer (Water Rights, 2025c and 2025e).

Table 3- Elm: Northern Brown aquifer non-irrigation water rights and future use permits including estimated average annual withdrawal volume (Water Rights, 2025c and 2025e)

PERMIT NO.	NAME	PRIORITY DATE	STATUS	USE	CFS	PERMITTED VOL. (ac-ft/yr)	60% VOL. (ac-ft/yr)	EST. AVG. VOL. (ac-ft/yr)
1888-3	ARC SPEI I LLC	10/05/1971	LC	COM	0.36	n/a	156.5	156.5
4307A-3	TOWN OF FREDERICK	01/01/1934	LC	MUN	0.4	n/a	n/a	0*
4307B-3	TOWN OF FREDERICK	05/03/1977	LC	MUN	0.1	n/a	n/a	0*
3009-3	CITY OF ABERDEEN	12/23/1933	LC	MUN	17	n/a	7,388.9**	856.1
5476-3	CITY OF ABERDEEN	05/04/1956	LC	MUN	2.22	n/a	964.9	
6546-3	CITY OF ABERDEEN	12/30/1976	LC	MUN	4.67	2,520	n/a	
6725-3	CITY OF ABERDEEN	05/24/2006	LC	MUN	1.57	1,137	n/a	
subtotal								1,016.9
192-3	CITY OF ABERDEEN	05/04/1956	FU	MUN	n/a	3823		3,823
3427-3	CITY OF ABERDEEN	12/30/1976	FU	MUN	n/a	1824		1,824***
3427A-3	CITY OF ABERDEEN	12/30/1976	FU	MUN	n/a	0		
LC= water right; FU= future use permit; COM= commercial; MUN=municipal; *=connected to a Rural Water System maintaining wells for standby; **= Diversion rate includes pumping from several surface water sources as well as a groundwater source; ***= 3427A-3 expands future use area for 3427-3								subtotal 5,647
TOTAL								6,663.9

There are domestic wells completed into the Elm: Northern Brown aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025f). 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 Elm: Northern Brown aquifer is 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 Elm: Northern Brown aquifer.

The historic reported irrigation withdrawals from the Elm: Northern Brown aquifer is shown in Table 4. The historic average is 1,106.6 ac-ft/yr. The average over the last 10 years, 887.1 ac-ft/yr is likely more representative of average annual withdrawals going forward due to changes in the number of water rights/permits and irrigation methodology. Therefore, the average of 887.1 ac-ft/yr will be used for the hydrologic budget.

Typically, in eastern South Dakota, crop irrigators apply less than 10 inches of water per acre. This application proposes to irrigate 155 acres. At that rate, that would be an average annual withdrawal of approximately 129.2 ac-ft/yr.

Table 4- Historic reported annual irrigation withdrawal from the Elm: Northern Brown aquifer (Water Rights, 2025b)

Year	No. of Permits Reporting	Withdrawals (ac-ft)	Year	No. of Permits Reporting	Withdrawals (ac-ft)
1979	23	644.83	2004	19	1,855.98
1980	23	361.11	2005	18	1,250.74
1981	23	798.17	2006	18	2,453.18
1982	23	469.25	2007	18	649.03
1983	24	1,115.16	2008	18	1,332.56
1984	24	1,069.00	2009	18	394.28
1985	21	982.00	2010	18	590.94
1986	20	655.00	2011	18	137.03
1987	20	1,554.00	2012	18	1,383.13
1988	20	2,689.30	2013	18	1,283.91
1989	21	1,974.50	2014	18	913.40
1990	22	1,487.00	2015	18	680.21
1991	20	1,396.40	2016	18	690.47
1992	20	636.90	2017	18	1322.58
1993	21	194.20	2018	19	1,305.23
1994	21	914.71	2019	19	408.05
1995	21	1,162.31	2020	19	747.75
1996	21	1,974.54	2021	19	829.67
1997	19	1,487.12	2022	19	934.24
1998	20	736.59	2023	19	1,039.33
1999	20	619.16	Min	17	194.2
2000	18	517.27	Max	24	2,689.3
2001	17	844.79	Avg.	20.7	1,106.6
2002	17	1,998.86	Avg. 2014-2023	18.6	887.1
2003	18	1,381.97			

Balance:

The estimated average annual withdrawals from the Elm: Northern Brown aquifer, assuming this application is approved, is 7,680.2 ac-ft/yr. Over the areal extent of the aquifer, 187,200 acres, a recharge rate of at least 0.49 inches per acre (in/ac) would be required to satisfy the estimated average annual withdrawals from the aquifer. The one estimated recharge rate specific to the Elm: Northern Brown aquifer is 0.06 in/ac. Other estimates that include the aquifer, but also other sediments are up to 4.3 in/ac. Hedges et al. (1985) estimated a recharge rate range of 0.15 to 0.6 in/ac for buried-confined aquifers for use by management and development programs. The Elm: Northern Brown aquifer can be found under unconfined and confined conditions. The 0.15 to 0.6 in/ac rates equate to 2,340 to 9,360 ac-ft/yr. It is likely the actual recharge rate is toward the higher end or even greater than the higher end of the Hedges et al. (1985) range because some portions of the aquifer are unconfined. Considering the calculated required recharge rate, 0.49 in/ac, and the fact at least some of the aquifer is unconfined, thus having a higher recharge rate than the confined portion, and that the required recharge rate is only slightly greater than the estimated average recharge rate to the hydrologically similar Elm: Southern Brown aquifer, there is a

reasonable probability unappropriated water is available for this proposed appropriation. This is in agreeance with the observation well data.

Table 5- Estimated average annual withdrawals from the Elm: Northern Brown aquifer (Water Rights, 2025b, 2025c, and 2025e)

Category	Vol. (ac-ft/yr)
Non-Irrigation Withdrawal	1,016.9
Irrigation Withdrawal (2014-2023)	887.1
<i>Subtotal of Current Est. Avg. Withdrawal</i>	<i>1,904</i>
Future Use Reservation	5,647
<i>Est. Avg. Withdrawal plus Future Use</i>	<i>7,551</i>
Est. Avg. Withdrawal by App. No. 8953-3	129.2
<i>Est. Total Withdrawals</i>	<i>7,680.2</i>

Observation Well Data:

Administrative Rule of South Dakota Section 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.

The DANR-Water Rights Program monitors 12 observation wells completed into the Elm: Northern Brown aquifer (Water Rights, 2025d). There are four observation wells within approximately four miles of the proposed well site (BN-77N located 0.8 miles south; BN-82H located 2.3 miles north; BN-77M located 2.8 miles south; BN-82G located 4.0 miles northwest) (Water Rights, 2025d).

These four hydrographs are representative and consistent with the other observation well hydrographs for the wells completed into the Elm: Northern Brown aquifer (Water Rights, 2025d). The observation well hydrographs document stable to rising water levels over the period of record. The observation wells show response to climatic conditions, rising during wetter periods when recharge to is greater than withdrawals plus natural discharge from the aquifer and slowly declining during drier periods when the opposite occurs. Some of the observation wells do show seasonal drawdown impacts caused by localized pumping, see BN-82H, however these are minor and are generally masked by the effects of climatic conditions on water levels. Since climatic conditions dominate changes in water level, that means withdrawals plus natural discharge is much less than the recharge to the aquifer. Natural discharge from an aquifer is available for capture. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

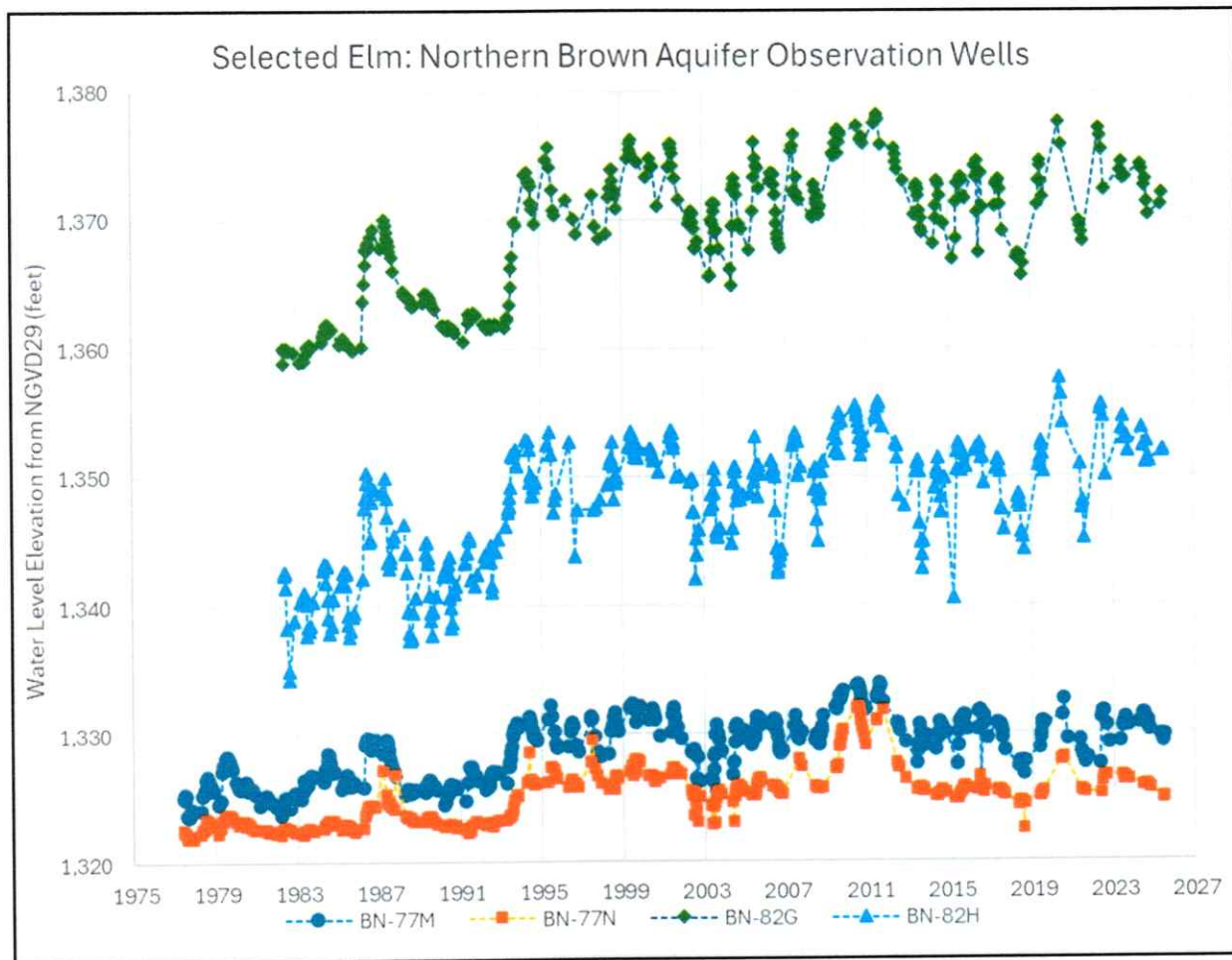


Figure 2- Hydrographs for selected Elm: Northern Brown aquifer observation wells (Water Rights, 2025d)

POTENTIAL FOR UNLAWFUL IMPAIRMENT:

The nearest appropriative well authorized to withdraw water from the Elm: Northern Brown aquifer to the applicant's proposed well site is Water Right No. 2481-3 which authorizes a maximum instantaneous diversion rate of 1.11 cfs for the irrigation of 128 acres (Water Rights, 2025e). Water Right No. 2481-3 is located approximately 0.4 miles west of the applicant's proposed well site. The nearest domestic well that appears to withdraw water from the Elm: Northern Brown aquifer on file with the Water Rights Program is located approximately 0.5 miles west (Water Rights, 2025f). There may be other domestic wells completed into the Elm: Northern Brown aquifer that are not on file with the Water Rights Program. The locations of domestic wells are based on the location information provided by the well driller when the well completion report is submitted to the Water Rights Program.

The Elm: Northern Brown aquifer can be found under unconfined or confined conditions. In the area of the applicant's proposed well site, the aquifer is expected to be under confined conditions with an artesian head of 0 to 20 feet above the top of the aquifer but may also be unconfined.

The Water Management Board has recognized in the past in order to place water to maximum beneficial use some drawdown may occur. In order to protect domestic users, 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.

While precise drawdown cannot be determined without aquifer performance testing, any drawdown created from pumping this proposed diversion is not expected to cause unlawful impairment of existing water rights with adequate wells or adequate domestic wells. One complaint was filed with the Water Rights Program in 1980 regarding a dry well located in Sec. 21-T126N-R63W, approximately 2 miles northwest of the applicant’s proposed well site (Water Rights, 2025a). During a site visit, Water Rights staff determined the dry well was not an adequate well and barely penetrated the aquifer. There are no other complaints regarding a well completed into the Elm: Northern Brown aquifer on file with the Water Rights Program (Water Rights, 2025a). While the artesian head pressure ranges from 0 to 20 feet near the proposed well site, the saturated thickness of the aquifer is expected to be between 40 and 60 feet (Water Rights, 2025d and 2025f).

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 well owners may need to lower their pumps to account for seasonal fluctuations in artesian head pressure and some drawdown created by pumping the proposed well, there is still some artesian head pressure in the nearby observation wells and greater than 20 feet of saturated aquifer thickness. Considering the laws/rules, artesian head pressure and saturated thickness, and the lack of substantiated complaints regarding well interference in the Elm: Northern Brown aquifer, there is a reasonable probability the diversion proposed by Application No. 8953-3 can be made without unlawfully impairing appropriative users with adequate wells and adequate domestic wells.

CONCLUSIONS:

1. Water Permit Application No. 8953-3 proposes to irrigate 155 acres at a maximum instantaneous diversion rate of 1.78 cfs from one well (approximately 60 to 90 feet deep) to be completed into the Elm: Northern Brown aquifer. The well is to be located in the approximate center of the NW ¼ Section 34 with the land to be irrigated located in the NW ¼ Section 34; all in T126N-R63W in Brown County. This site is located approximately six miles northwest of Columbia, SD.
2. Based on the best reasonably available information, there is a reasonable probability unappropriated water is available for this proposed appropriation.

3. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriate or domestic users with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

REFERENCES:

- Emmons, P.J., 1990. A Digital Simulation of the Glacial-Aquifer System in the Northern Three-Fourths of Brown County, South Dakota. Water-Resources Investigations Report 88- 4198. U.S. Geological Survey.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Farmer, J. 2018. Report to the Chief Engineer Water Permit Application No. 8327-3 Gary Hokana, Davy Hokana, Deb Honeyman, Cindy Reyes, and Sandy Bobzein C/O Trevor Hokana, Operator. Water Permit No. 8327-3. SD DANR-Water Rights Program. Pierre, SD.
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- Koch, N.C., and Bradford, W., 1976. Geology and Water Resources of Brown County, South Dakota, Part II: Water Resources: South Dakota Geological Survey Bulletin 25 (2).
- Marini, K.A., Hoogestraat, G.K., Aurand, K.R., and Putnam, L.D., 2012. Conceptual and Numerical Models of the Glacial Aquifer System North of Aberdeen, South Dakota. Scientific Investigations Report 2012-5183. U.S. Geological Survey.
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Water Rights. 1995. Water Rights File No. 2313-2 Coca-Cola Bottling Company of the Black Hills. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2025a. County Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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

Water Rights. 2025c. Non-irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2025d. Observation Well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2025e. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Ross Ulmer

DATE: 5/30/2025 TELEPHONE: 605-380-9317

RE: Proposed Well Depth

COMMENTS:

Discussed test hole material depths for aquifer at site as well as other nearby wells completed into the same aquifer, Elm: North Brown aquifer. Mr. Ulmer agreed to changing the application to a depth range of approximately 60 to 90 feet.



Adam Mathiowetz

Natural Resources Engineer

DANR-Water Rights Program

Rodriguez, Rachel

From: Ross Ulmer <ulmermin@icloud.com>
Sent: Friday, April 25, 2025 9:51 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application for Irrigation
Attachments: newapps.pdf

On Apr 4, 2025, at 7:40 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Sent from my iPad

Hello,

I am in receipt of your water permit application for irrigation. There are a few issues:

A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".

- The Land Description (item 7) needs to be completed and must match 155 acres in total. Please see attached for reference.

Once I receive the item above, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

<Ulmer.pdf>
<newapps.pdf>

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, April 4, 2025 7:40 AM
To: ulmermin@icloud.com
Subject: Water Permit Application for Irrigation
Attachments: Ulmer.pdf; newapps.pdf

Hello,

I am in receipt of your water permit application for irrigation. There are a few issues:

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- The Land Description (item 7) needs to be completed and must match 155 acres in total. Please see attached for reference.

Once I receive the item above, I can begin processing your application.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

July 7, 2025

Ross and Annette Ulmer
39060 113th Street
Frederick SD 57441

Dear Mr. Ulmer:

Water Permit Application No. 8953-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the American News printed in Aberdeen SD (see contact information included). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has 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. 8953-3 to Appropriate Water

Notice is given that Ross and Annette Ulmer, 39060 113th Street, Frederick SD 57441, have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Elm: Northern Brown Aquifer (approximately 60 to 90 feet deep) located in the approximate center of the NW 1/4 Section 34 for irrigation of 155 acres located in the NW 1/4 Section 34; all in T126N-R63W. This site is located approximately six miles northwest of Columbia SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8953-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 25, 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 July 25, 2025.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, July 7, 2025 9:26 AM
To: aan-legals@aberndeennews.com
Subject: 8953-3 Ross & Annette Ulmer - Public Notice
Attachments: 8953-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 15, 2025.

Ross and Annette Ulmer, 39060 113th Street, Frederick SD 57441, ulmermin@icloud.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, July 7, 2025 10:22 AM
To: Rodriguez, Rachel
Cc: ulmermin@icloud.com
Subject: [EXT] 11474612 RE: 8953-3 Ross & Annette Ulmer - Public Notice
Attachments: Order_Confirmation_Liners (3).pdf

Hello!

Please find your order confirmation and proof of ad attached.

Your notice is set to run in the Aberdeen American on 7/15. The order cost is \$52.70 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 Friday with any changes.

Prepayment is not required, but if you choose to prepay, please call the number below my signature by 8am on Friday and reference order #11474612. Anyone who answers can help you.

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: Monday, July 7, 2025 10:26 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 8953-3 Ross & Annette Ulmer - Public Notice

Attached is a notice to be published on July 15, 2025.

Ross and Annette Ulmer, 39060 113th Street, Frederick SD 57441, ulmermin@icloud.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.



Order Confirmation

Not an Invoice

Account Number:	555743
Customer Name:	Ulmer Ross
Customer Address:	Ulmer Ross 39060 113th St. FREDERICK SD 57441
Contact Name:	Ulmer Ross
Contact Phone:	6053809317
Contact Email:	
PO Number:	

Date:	07/07/2025
Order Number:	11474612
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	159.0000
Height in Inches:	17.4300

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	07/15/2025 - 07/15/2025	Public Notices
ABD aberdeennews.com	1	07/15/2025 - 07/15/2025	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	\$52.70
Tax Amount	\$0.00
Service Fee 3.99%	\$2.10
Cash/Check/ACH Discount	-\$2.10
Payment Amount by Cash/Check/ACH	\$52.70
Payment Amount by Credit Card	\$54.80

Order Confirmation Amount	\$52.70
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LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 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:

07/15/2025

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 07/15/2025

Kenneth Gay
Legal Clerk

Denise Roberts
Notary, State of WI, County of Brown

4625
My commission expires

Publication Cost:	\$52.70	
Tax Amount:	\$0.00	
Payment Cost:	\$52.70	
Order No:	11474612	# of Copies:
Customer No:	555743	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

DENISE ROBERTS
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8953-3
to Appropriate Water**

Notice is given that Ross and Annette Ulmer, 39060 113th Street, Frederick SD 57441, have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Elm: Northern Brown Aquifer (approximately 60 to 90 feet deep) located in the approximate center of the NW 1/4 Section 34 for irrigation of 155 acres located in the NW 1/4 Section 34; all in T126N-R63W. This site is located approximately six miles northwest of Columbia SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8953-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at

<https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer.

A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at

<https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing

address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 25, 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 July 25, 2025.

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

Published on July 15, 2025 at the total approximate cost of \$52.70 and may be viewed free of charge at www.sdpublishnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, July 7, 2025 10:49 AM
To: ulmermin@icloud.com
Subject: 8953-3 Ross & Annette Ulmer - Public Notice
Attachments: 8953-3 Rec.pdf; 8953-3 Letter.pdf; 8953-3 PubNotice.pdf; American News Info.pdf

Good morning,

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

SEP 05 2025

Ross and Annette Ulmer
39060 113th Street
Frederick SD 57441

Dear Mr. & Mrs. Ulmer:

Enclosed is Water Permit No. 8953-3 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.: 8953-3

Name of Applicant: Ross and Annette Ulmer

Date of Posting: 7/14/2025

Date of Removal: 9/5/2025



Ron Duvall, Engineer III

9/5/2025

Date

Subscribed and sworn to before me, a notary public, this 5th day of Sep, 2025.



Notary Public - South Dakota
My commission expires:

(SEAL)

**Rachel Rodriguez
My Commission Expires
May 16, 2029**

