

WATER PERMIT NO. 8954-3

Name of Applicant: **Troi D. Andernacht**

Address: **45835 284th Street, Hurley SD 57036**

Phone: **605-359-8542**

Amount of Water Claimed: **1.44 cfs**

Total Acres: **40**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **Approx. 2.5 miles southeast of Hurley**

PRIORITY Date Received: **04-15-25**

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

Corrected Application Received: **04-24-25**

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

Remarks:

Diversion Point: **NE 1/4 NE 1/4 Sec 36-T98N-
R53W**

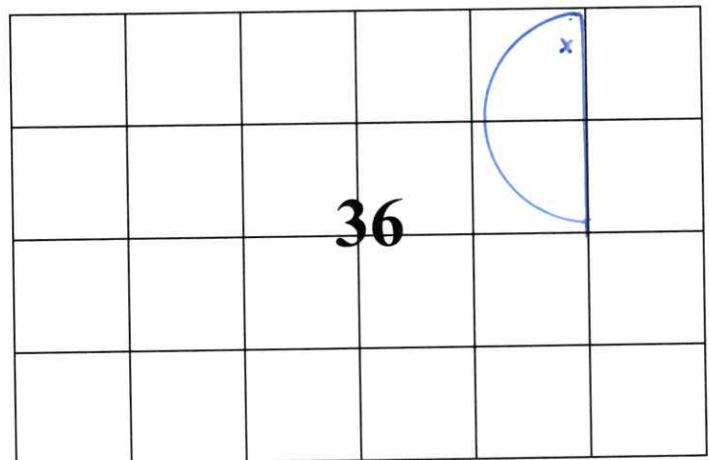
Land to be Irrigated: **E 1/2 NE 1/4 Sec 36-T98N-
R53W**

Depth of Well: **50**

Well Driller:

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. 8954-3

Date of first receipt of application April 15, 2025.

Date of return to applicant for corrections, amendments or changes April 15, 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. 8954-3 to Troi D. Andernacht, 45835 284th Street, Hurley SD 57036, 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. 8954-3 appropriates 1.45 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 50 feet deep) located in the E 1/2 NE 1/4 Section 36 for irrigation of 40 acres located in the E 1/2 NE 1/4 Section 36; all in T98N-R53W. This site is located approximately two and one-half miles southeast of Hurley SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 15, 2025.
4. The date of approval of Permit No. 8954-3 is July 28, 2025.
5. One-fifth of the construction is to be completed on or before January 28, 2028.
6. All construction is to be completed on or before July 28, 2030.
7. Water is to be put to beneficial use on or before July 28, 2034.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8954-3 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. 8954-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8954-3 authorizes a maximum diversion rate of 1.45 cfs for the irrigation of 40 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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)

RECEIVED

APR 15 2025

Water Rights
Program

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8954-3</u> Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion</u>
	Newspaper <u>Turner Co. New Era</u>
	<u>Agus leader</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 Troi D. Andernacht

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

Mailing Address 45835 284th St Hurley SD 57036
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-359-8542 Email troistacya@gmail.com

2. Amount of water claimed 1.45 *CFS or 650 **GPM _____ ***AF Total Acreage 37+or- 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Drilled ground source well E1/2 NE1/4

4. Location of point of diversion 1 well in the E1/2 of the E1/2 of the NE1/4 of section 36 T-98-N R-53-W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Turner

5. County or counties where water will be used Turner

6. Annual period during which water is to be used April - October 31

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

Land Description	Acres	Land Description	Acres
E 1/2 of E 1/2 of NE 1/4 sec 36 T-98-N, R-53-W	<u>37+or- 40</u>		

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

Ground source well for a 7 tower center pivot to irrigate approximately 37 acres of cropland.

Requesting diversion rate greater than statutory limit

I, Troi D. Andernacht, 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)

RECEIVED

APR 15 2025

Water Rights
Program

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 _____
(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) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

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)

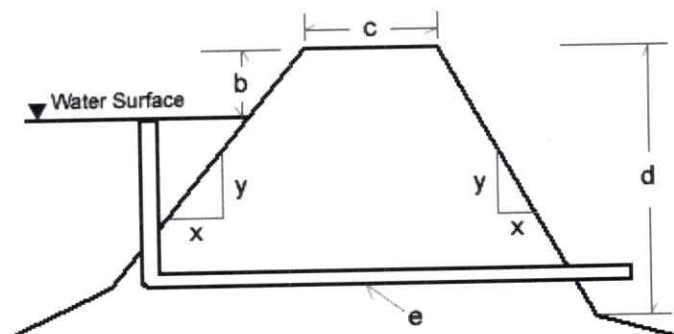
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

(type or print)

RECEIVED

APR 15 2025

Water Rights
Program

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 _____
(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) 50' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property 1/3 mile Property owned by others several miles
everyone is on rural water
as far as I know

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)

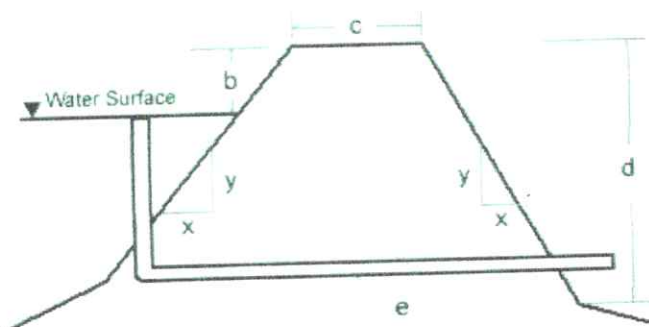
Upstream _____

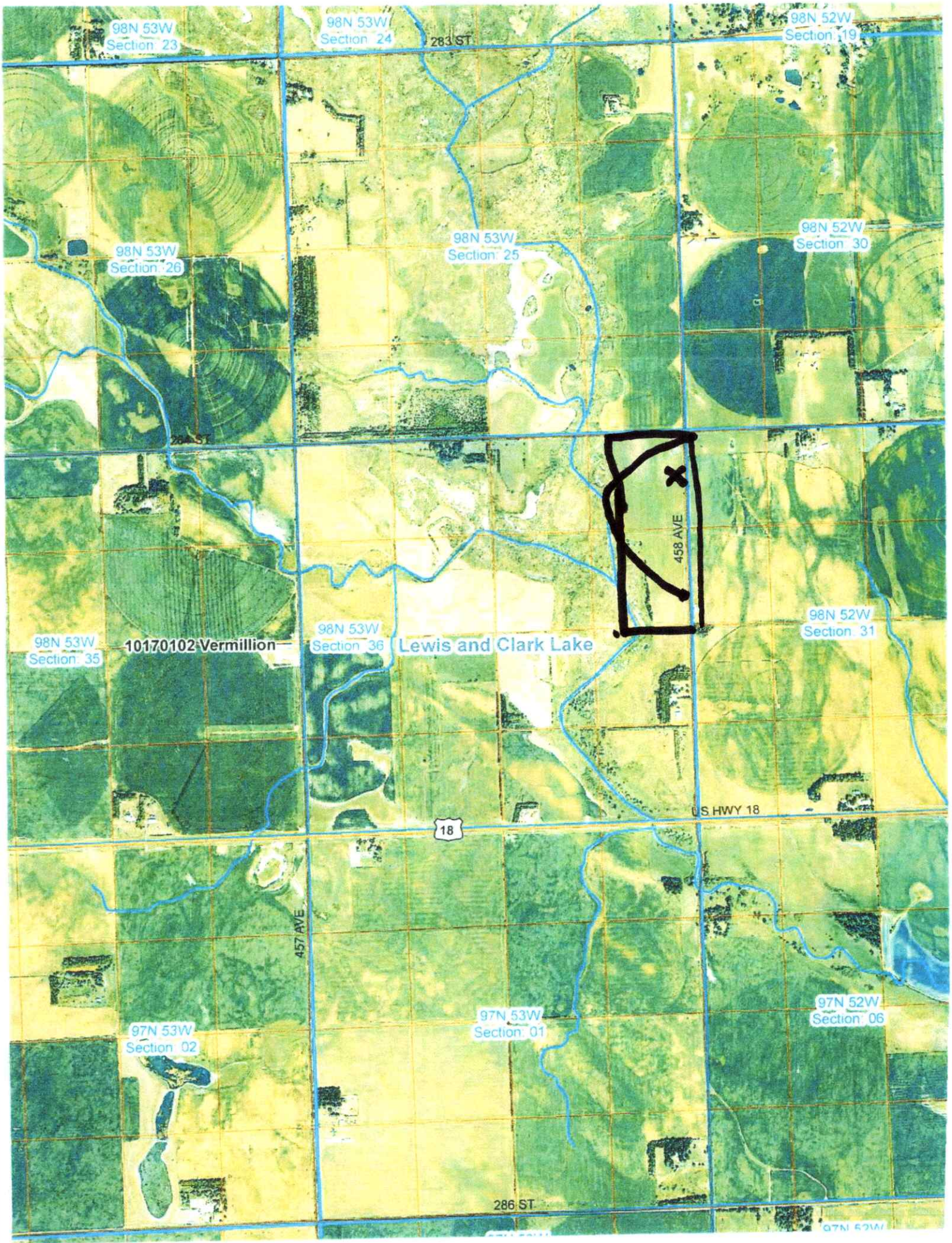
Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





98N 53W
Section: 23

98N 53W
Section: 24

98N 52W
Section: 19

98N 53W
Section: 26

98N 53W
Section: 25

98N 52W
Section: 30

98N 53W
Section: 35

10170102 Vermillion

98N 53W
Section: 36

Lewis and Clark Lake

98N 52W
Section: 31

18

US HWY 18

97N 53W
Section: 02

97N 53W
Section: 01

97N 52W
Section: 06

286 ST

97N 52W

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 25th, 2025

RECEIVED OF Troi D Andernacht 45835 284th Street Hurley SD 57036

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	<u>\$500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	<u>\$200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$700.00</u>

By

SK

Mark Mayer

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. 8954-3, Troi D. Andernacht**

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. 8954-3, Troi D. Andernacht, 45835 284th Street, Hurley SD 57036.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8954-3 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. 8954-3 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. 8954-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8954-3 authorizes a maximum diversion rate of 1.45 cfs for the irrigation of 40 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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

NOTE: Water Permit Application No. 8954-3 is for an appropriation of water from the Parker Centerville Aquifer with an approximate well depth of 50 feet. If the well is completed into the Upper Vermillion Missouri Aquifer, which is a deeper aquifer, a new water permit will need to be obtained to correctly identify the water source.

Report to the Chief Engineer
Water Permit Application No. 8954-3
Troi D. Andernacht
June 19, 2025

Water Permit Application No. 8954-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.45 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville aquifer (approximately 50 feet deep) located in the E ½ NE ¼ of Section 36 for the irrigation of 40 acres located in the E ½ NE ¼ of Section 36, all in T98N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in Turner County, approximately 2 ½ miles southeast of Hurley, South Dakota.

Water Source: Parker Centerville (PAC) aquifer

Description of aquifer

The Parker Centerville aquifer is a shallow deposit of quaternary aged outwash and alluvium that underlies the northern half of the Vermillion River valley in South Dakota. The aquifer occurs at land surface with the exception of its northern boundary and the southeastern corner of T96N-R52W where it is overlain by some glacial till (Lindgren and Hanson, 1990; Holmes and Filipovic, 2015). Water moves from north to south and is almost exclusively under unconfined conditions. The PAC aquifer throughout most of its extent overlies the outwash of the deeper, generally confined Upper Vermillion-Missouri (UVM) aquifer (Holmes and Filipovic, 2015). The PAC aquifer is hydrologically connected to the Vermillion River and possibly other surface water features, the adjacent Vermillion East Fork: Montrose and Vermillion West Fork aquifers, and the underlying Upper Vermillion-Missouri aquifer (Hedges et al., 1982; Lindgren and Hanson, 1990; Holmes and Filipovic, 2015).

The current delineation of the main body of the PAC aquifer used by the Water Rights Program was updated from previous areal extents, notably Hedges et al. (1982) and Holmes and Filipovic (2015) by Kilts (2023). Kilts (2023) delineated an additional small arm of the aquifer that extends northwest near Parker, SD. While the main body of the PAC aquifer is primarily unconfined, the updated arm of the aquifer near Parker, SD can be overlain by till ranging from 10 to 40 feet thick (Kilts, 2023). The main body of the PAC aquifer covers approximately 44,300 acres in Turner, Lincoln, and Clay Counties (Kilts, 2023).

The proposed well location for this application is within the main body of the PAC aquifer, and at the well location the PAC aquifer overlies the Upper Vermillion-Missouri: North (UVM:N) aquifer. Based on nearby lithologic logs and well completion reports within one mile, The PAC aquifer materials are expected to occur from approximately 2 to 47 feet below ground surface (1,250 to 1,210 feet above mean sea level [fmsl] [NGVD 29]) with static water levels ranging from 6.5 to 11 feet below ground surface. The underlying UVM aquifer materials are expected to occur in this area from approximately 63 to 82 feet below ground surface (1,188 to 1,169 fmsl [NGVD 29]) (SDGS, 2025; Water Rights, 2025a).

This application is a refiling of Water Permit No. 8148-3 which was cancelled in May 2025 for non-construction. The location of the proposed well for this application is the same as the proposed location in cancelled Water Permit No. 8148-3. There was no test hole report or well completion report submitted with either application. However, there is a well completion report for a well located

approximately 850 feet south of the well location proposed by this application. That existing well was drilled into the PAC aquifer and is now associated with Water Right No. 5290-3 which is held by the applicant. The static water level at the time of drilling was 6.5 feet below the ground, and aquifer materials occurred at a depth of 2 to 40 feet below the ground. It is expected that the proposed well to be completed into the PAC aquifer will have similar unconfined conditions.

South Dakota Codified Law (SDCL) 46-2A-9

“A permit to appropriate water may only be issued if there is reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is 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 Parker Centerville aquifer.

SDCL 46-6-3.1

“No application to appropriate groundwater may be approved if, according to the best possible 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.”

Water Permit Application No. 8954-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the Parker Centerville aquifer is not older than or stratigraphically lower than the Cretaceous aged Greenhorn formation (Fahrenbach et al., 2010). Therefore, to approve an application to appropriate water, there needs to be evidence showing a reasonable probability that unappropriated water is available. This report will address whether average recharge exceeds discharge with available data and observation well analysis.

SDCL 46-5-6

“In the issuance of permits to appropriate water for irrigation or in the adjudication of rights to the use of water for such purpose, the amount allowed may not be in excess of the rate of one cfs for each seventy acres, or the equivalent thereof, and the volume of water diverted for use may not exceed two acre-feet per acre, delivered on the land for a specified time each year. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land. The above rate of one cfs for each seventy acres does not apply in cases of flood water at such times when the flow of the stream is much in excess of the total recorded and approved rights on the stream.”

The applicant proposes to irrigate 40 acres at a diversion rate of 1.45 cfs, or the equivalent of 2.54 cfs per 70 acres. This is greater than the statutory limit of 1 cfs per 70 irrigated acres allowed. This is likely due to the seven tower center pivot irrigation system, according to the applicant, which requires 1.45 cfs to operate the pivot while not making a full rotation. It is common for center pivot systems not making complete rotations to still require a higher diversion rate to properly operate. This reasoning has been accepted by the Water Rights Program and the Water Management Board in the past.

Water Availability: Recharge

Primary recharge to the Parker Centerville aquifer is likely from precipitation rather than inflow from other buried aquifers (Holmes and Filipovic, 2015). However, other sources of recharge may be from the Vermillion East Fork: Montrose and Vermillion West Fork aquifers, and seepage from the Vermillion River when the river stage is higher than the water table surface in the aquifer (Lindgren and Hanson, 1990).

Hedges et al. (1985) estimated a recharge rate of 4.9 inches per year for the PAC aquifer as a non-buried, unconfined aquifer using observation well analysis. The additional area added to the most recent update of the main body of the PAC aquifer (Kilts, 2023) is generally under confined to buried unconfined conditions, which will receive a lower average rate of recharge compared to the rest of the aquifer. Therefore, the best estimate of the non-buried, unconfined area of the PAC aquifer is the previous delineation (approximately 43,500 acres) made by the Water Rights Program prior to the most updated delineation of the main body (44,300 acres) (Kilts, 2023).

Applying 4.9 inches per year for the unconfined, non-buried portion of the aquifer (43,500 acres) yields an estimated average annual recharge rate of approximately 17,763 acre-feet per year.

Water Availability: Discharge

Water from the Parker Centerville aquifer is discharged primarily through evapotranspiration, seepage to the Vermillion River when the river stage is lower than the water table in the aquifer, leakage to the underlying Upper Vermillion Missouri aquifer, and through well withdrawals (Holmes and Filipovic, 2015; Lindgren and Hanson, 1990). There are currently 158 water rights/permits appropriating water from the Parker Centerville aquifer, and one future use permit (Water Rights, 2025b).

Future Use Permit No. 4798-3 held by the City of Parker reserves 340 acre-feet of water annually from the Parker Centerville and the Vermillion West Fork aquifers with no specific volume designated for either aquifer. Therefore, it will be assumed that the city will develop their entire reserved volume from the Parker Centerville aquifer.

Of the 158 active water rights/permits, 153 are for irrigation use. Irrigation water rights/permits have been typically required to report annual usage on an irrigation questionnaire since 1979. Water Right/Permit Nos. 3550-3, 7151-3, 7173-3, 7294-3, 7311-3, 7312-3, and 7438-3 were originally filed as withdrawing from the Vermillion West Fork aquifer, however, updated information of aquifer delineations have the diversion points located within the main body of the PAC aquifer. Reported yearly irrigation data from those water rights/permits have been added to each year's total withdrawals from the PAC aquifer. Water Permit Nos. 8466-3 and 8467-3 were originally filed as withdrawing from the PAC aquifer; however, updated aquifer information indicates those permits are diverting from a deposit of the Pleistocene Series: Unknown aquifer. The reported yearly data for Permit Nos. 8466-3

and 8467-3 have been subtracted from the annual totals for the PAC aquifer. The corrected annual irrigation data for irrigation withdrawals from the PAC aquifer since 1979 are listed on **Table 1**.

Table 1. Annual reported irrigation use from the Parker Centerville aquifer during the years 1979 to 2023, including appropriations from Water Right/Permit Nos. 3550-3, 7151-3, 7173-3, 7294-3, 7311-3, 7312-3, and 7438-3, and excluding appropriations from Water Permit Nos. 8466-3, 8467-3 (Water Rights, 2025c).

YEAR	REPORTED WITHDRAWALS
1979	7,549
1980	7,765
1981	9,387
1982	6,525
1983	5,523
1984	5,152
1985	6,581
1986	6,146
1987	8,700
1988	13,651
1989	14,050
1990	12,275
1991	11,269
1992	3,909
1993	1,919
1994	10,779
1995	9,699
1996	10,981
1997	11,647
1998	10,123
1999	11,087
2000	7,768
2001	12,291
2002	13,906
2003	12,531
2004	14,724
2005	13,502
2006	15,339
2007	12,056
2008	13,276
2009	7,260
2010	392
2011	11,557
2012	19,658
2013	15,692
2014	11,832
2015	10,100
2016	12,589
2017	12,092
2018	3,966
2019	1,917
2020	11,182
2021	13,761
2022	16,306
2023	17,219
AVG 1979-2023	10,347
AVG 2014-2023	11,097

The average reported withdrawal for active irrigation permits during the years 1979 to 2023 is approximately 10,347 acre-feet. The average reported withdrawal for active irrigation permits during the years 2014 to 2023 is approximately 11,097 acre-feet (Water Rights, 2025c). To reflect the current development of irrigation water rights/permits, the average reported withdrawals for irrigation appropriations from 2014 to 2023 will be used for the hydrologic budget.

Water Permit No. 8932-3 was recently approved and is not represented in reported withdrawal data. Generally, non-turf irrigators in South Dakota apply less than one foot of water per acre per year. However, one foot of water per acre will be used to somewhat overestimate average annual withdrawals by non-turf irrigation. Water Permit No. 8932-3 will be overestimated to use 120 acre-feet per year. If approved, this Application No. 8954-3 will be overestimated to use 40 acre-feet per year.

Of the 158 active water rights/permits, five are for a non-irrigation use. Water Right Nos. 517A-3 and 517B-3 are municipal rights for the City of Hurley, however, the city purchases 100% of their drinking water from TM Rural Water District (Drinking Water Program, 2025). It is not known how much water is pumped annually for municipal uses other than drinking water. Past practice of the Water Rights Program has been to assume negligible use. Water Permit Nos. 8428-3, 8854-3, and 8855-3 are for industrial use and are required to report annual use to the Chief Engineer. The earliest priority year of these three permits is 2020, and there are not enough years of record to establish a representative average of their future use. Therefore, Water Permit Nos. 8428-3, 8854-3, and 8855-3 are each estimated to withdraw their full permitted volume, which altogether is 807 acre-feet per year (Water Rights, 2025b).

Water Availability: Observation Well Analysis

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR Water Rights Program monitors 22 observation wells completed into the main body of the Parker Centerville aquifer. The nearest observation wells to the proposed diversion point are TU-77E (approximately 3.0 miles northwest) and TU-77J (approximately 3.4 miles east-northeast). Hydrographs for these PAC observation wells are shown in **Figure 1**. Static water level elevations are referenced above the NGVD29 vertical datum. These observation well hydrographs illustrate climatic conditions, seasonal precipitation patterns, and pumping from the PAC aquifer at those locations.

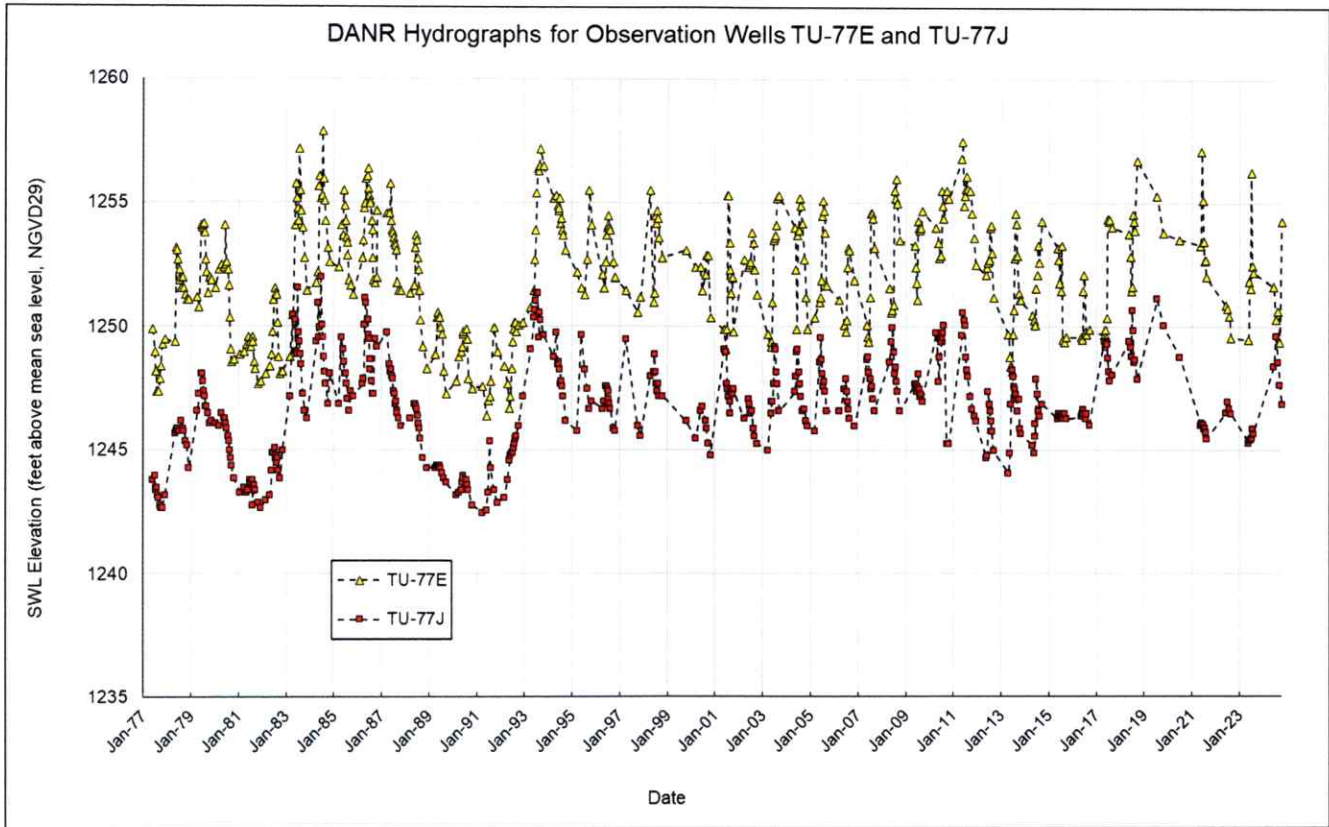


Figure 1. Hydrographs for DANR observation wells TU-77E and TU-77J (Water Rights, 2025d).

The selected hydrographs in **Figure 1** are representative of the other observation well hydrographs for the wells completed into the PAC aquifer (Water Rights, 2025d), and show that water levels in the aquifer are stable throughout the period of record. Seasonally, water levels return to pre-pumped levels in the spring and generally have had less than 10 feet of fluctuation in response to withdrawals and climate. Over the period of record the water levels follow multi-year wet and drought periods, like the dry period in the late 1980s and the wet period in the mid- to late 1990s. This indicates that natural recharge to and natural discharge from the aquifer govern the long-term fluctuations in the water levels rather than the impacts of pumping. The Water Rights Program and the Water Management Board have recognized natural discharge can be captured for appropriation.

Water Availability: Summary

Recharge to unconfined portions of the main body of the Parker Centerville aquifer is estimated to be approximately 17,763 acre-feet per year. The annual withdrawals are estimated to be approximately 12,364 acre-feet per year, shown on **Table 2** below. If this application is approved, an additional 40 acre-feet per year is estimated to be withdrawn from the PAC aquifer. Based on the hydrologic budget, there is a reasonable probability that unappropriated water is available. Observation well data for the PAC aquifer near the proposed diversion point and throughout the PAC aquifer show that water levels are stable, supporting the likelihood that the average annual recharge of the aquifer is not being exceeded by the annual quantity of water withdrawn.

Table 2. Summary of annual withdrawal estimates in acre-feet from the main body of the Parker Centerville aquifer (Water Rights, 2025b and 2025c).

Type	Average Annual Withdrawals
Future Use Permit No. 4798-3	340
Irrigation	11,097
Non-Irrigation	807
Water Permit No. 8932-3	120
Total	12,364

Potential for Unlawful Impairment

The nearest water right/permit to the proposed well is Water Right No. 5290-3 belonging to the applicant, approximately 850 feet south of the proposed well. The nearest water right/permit not belonging to the applicant is Water Right No. 2051-3 belonging to L & L Feeders Inc, approximately 0.7 miles south-southeast. The nearest domestic well on file with the Water Rights Program completed into the PAC aquifer is located 2.3 miles northwest of the proposed well. The applicant stated that the nearest domestic well is on his property, within 0.3 miles of the proposed well, and there may be other domestic wells that are not on file with the Water Rights Program. The location of domestic wells in the well completion report database are based on the location listed by the driller at the time of well completion (Water Rights, 2025a).

The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior priority date or an adequate domestic well to become unable to withdraw at the rate it is entitled to or at the rate needed to supply a reasonable domestic use of water. Giving preference to domestic use over appropriative rights occurs without regard to whether impairment is caused by either pumping, or drought, or both. The Water Management Board defines an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The PAC aquifer is expected to be under unconfined conditions at the proposed well site and is unconfined at the locations of nearby wells (SDGS, 2025; Water Rights, 2025a). Therefore, drawdown from pumping should be minimal beyond a few hundred feet from a well. Saturated thickness for the nearby wells (within one mile of proposed well location) on file with the Water Rights Program were 33.5 and 36 feet at the time of drilling. The Water Management Board has consistently recognized that to place water to beneficial use, a certain amount of drawdown may occur. Conditions may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. The drawdown that would be due to this proposed well cannot be known without an aquifer performance test. Regardless, any drawdown as a result of the proposed well is not expected to unlawfully impair nearby adequate wells due to the saturated thickness and unconfined conditions of the aquifer in this area.

Since the applicant's own irrigation well (associated with Water Right No. 5290-3) is the most nearby appropriative well, they are likely to manage pumping to avoid impacting themselves, and therefore reduce potential impacts to others. The applicant's own wells are at the greatest risk of impairment from this appropriation. Additionally, the existing well associated with Water Right No. 5290-3 located approximately 850 feet south of the proposed well has been in use since 1978 without impairment to other nearby wells (Water Rights, 2025b and 2025e).

There have been complaints in Turner County about non-producing wells; however, the wells in question were completed into different aquifers than the PAC aquifer, and/or the affected wells were not adequate (Water Rights, 2025e). Qualifications in the final decision for the approval of recent Water Rights appropriating from the PAC aquifer should include that the well owner for the permit must control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Climate, not pumping, is the primary driver of water levels in the Parker Centerville aquifer as seen in observation well hydrographs. Consequently, there is a reasonable probability that any drawdown caused by this proposed diversion will not unlawfully impair nearby adequate wells for the following reasons:

- The unconfined nature of the PAC aquifer in the proposed well location reduces the likelihood of unlawful impairment caused by pumping;
- The nearest wells to the proposed diversion are the applicant's own;
- Qualifications will be included to control withdrawals so as not to impact existing water rights and domestic users with adequate wells;
- There is more than enough saturated aquifer thickness for nearby wells, and;
- The lack of substantiated unlawful impairment complaints in Turner County for adequate wells completed into the PAC aquifer.

Conclusions

1. Water Permit Application No. 8954-3 proposes to appropriate 1.45 cfs from one well to be completed into the Parker Centerville aquifer for the irrigation of 40 acres located in the E ½ NE ¼ of Section 36, all in T98N-R53W during the irrigation season of April 1 to October 31. The well is to be located in the E ½ NE ¼ of Section 36, T98N-R53W. The site is located in Turner County, approximately 2 ½ miles southeast of Hurley, South Dakota.
2. This application is requesting a diversion rate of 1.45 cfs for the irrigation of 40 acres which exceeds 1 cfs per 70 acres. This is likely due to the irrigation system requiring a higher rate to operate due to not making a complete rotation. This reason falls within SDCL 46-5-6 which allows the Water Management Board to allow a greater diversion rate and has been accepted by the Water Rights Program and the Water Management Board in the past.
3. Based on a hydrologic budget analysis and observation well data, there is a reasonable probability that unappropriated water is available from the Parker Centerville aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8954-3, if approved, will not unlawfully impair existing water rights/permits with adequate wells and adequate domestic wells.

5. If approved, it is recommended the Chief Engineer include a qualification for this water permit that water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
6. In the location of the proposed well, the Parker Centerville aquifer overlies the north management unit of the Upper Vermillion-Missouri aquifer. A qualification in the permit that the well shall be screened no deeper than approximately 50 feet deep below grade or to the bottom of the Parker Centerville aquifer is recommended. Otherwise, a new permit will be needed before completing wells into the deeper basal aquifer in this area.



Brittan R. Hullinger
Natural Resources Engineer II
Water Rights Program, SD DANR

Reviewed By:



Adam Mathiowetz, P.E.
Natural Resources Engineer IV
Water Rights Program, SD DANR

References

- Drinking Water Program. 2025. SD DANR Drinking Water Program Online Database.
<<https://danr.sd.gov/OfficeOfWater/Drinkingwater/default.aspx>> Accessed June 17, 2025.
- 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.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.D., and Schoon, R.A. 1982. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: Bedrock Topography and Distribution. Task 2: Extent of Aquifers. Task 3: Ground-Water Storage. Task 4: Computerized Data Base. Office of Geological Survey. Vermillion, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Groundwater Recharge. Office of Geological Survey. Vermillion, South Dakota.
- Holmes, S.L. and Filipovic, D. 2015. Hydrogeologic Investigation of the Upper-Vermillion-Missouri Aquifer. Open File Report UR-93. SD Geological Survey Program. Vermillion, South Dakota.

- Kilts, W. 2023. Report on Water Permit Application No. 8742-3. Larry Schmidt. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Lindgren, R.J. and Hansen, D.S. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water Resources Investigations Report 90-4093. U.S. Geological Survey and South Dakota Geological Survey. Huron, South Dakota.
- SDGS. 2025. South Dakota Geological Survey Lithologic Logs Database. SD DANR Geological Survey Program. Accessed June 16, 2025.
<<https://usd.maps.arcgis.com/apps/webappviewer/index.html?id=e54c5063b19c49629560a86a7be2eb3d>>
- Water Rights. 2025a. Well Completion Reports. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025b. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025c. "1979-2023 Irrigation Summaries by Aquifer." SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025d. Observation Well Data. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025e. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.

Rodriguez, Rachel

From: Troi <troistacya@gmail.com>
Sent: Monday, April 28, 2025 8:05 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Understand that; don't agree with it, but I guess it is what it is. Because I had financial hardships and couldn't complete construction I get financially penalized.
My question is since the well was already approved once and had I drilled the well a few months ago it would have been acceptable, that maybe the engineering process could be expedited.

Sent from my iPhone

On Apr 28, 2025, at 7:56 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Yes, if a permit is cancelled, it is void and no longer valid. That is why you would need to submit a new application.

Thank you,

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

From: Troi <troistacya@gmail.com>
Sent: Friday, April 25, 2025 9:11 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Oh.
I was told this would be a 2-3 week process.
Don't know if it makes a difference, but a previous permit was just cancelled a few months ago due to not getting constructed. (Too many medical bills, and natural disaster tapping into my finances).
So basically, I have already met all requirements once.

Sent from my iPhone

On Apr 25, 2025, at 2:35 PM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

I have processed your application. It will now be assigned to an engineer to write a report, they have 60 days to complete the report. Once completed, I will contact

you again regarding the public notice process which should be around the end of June.,

Thank you,

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 23, 2025 8:56 AM
To: troistacya@gmail.com
Subject: RE: Water Permit Application

Good morning,

I'm just following up on the email I sent last Tuesday, April 15th. See below.

Thank you,

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



From: Rodriguez, Rachel
Sent: Tuesday, April 15, 2025 9:26 AM
To: troistacya@gmail.com
Subject: Water Permit Application

Good Morning Troi,

I have received your voicemail and application for irrigation. In looking at your application, I see a few issues:

- Please see the attachment, I have highlighted the areas that need attention. You have total acreage of 37 + or, we need a total amount and it's best to round up. Therefore, you could make it 40 acres. The second page needs the items I have highlighted as well.
- For your convenience, I have attached a map of the area indicated. Please mark the location of the well with an "X" and outline the area to be irrigated.
- The fees would be \$500 application, and \$200 inspection fee = \$700 total

Let me know if you have any questions.

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 NEWSPAPERS RIGHT AWAY.**

July 7, 2025

Troi D. Andernacht
45835 284th Street
Hurley SD 57036

Dear Mr. Andernacht:

Water Permit Application No. 8954-3 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 New Era printed at Parker SD (Ph # 605 297-4419) and the Argus Leader printed at Sioux Falls (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8954-3 to Appropriate Water

Notice is given that Troi D. Andernacht, 45835 284th Street, Hurley SD 57036, has filed an application for a water permit to appropriate 1.45 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 50 feet deep) located in the E 1/2 NE 1/4 Section 36 for irrigation of 40 acres located in the E 1/2 NE 1/4 Section 36; all in T98N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately two and one-half miles southeast of Hurley SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8954-3 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 28, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 28, 2025.

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

Published once at the total approximate cost of _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, July 7, 2025 9:03 AM
To: legals@argusleader.com
Subject: 8954-3 Troi Andernacht - Public Notice
Attachments: 8954-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 17, 2025.

Troi D. Andernacht, 45835 284th Street, Hurley SD 57036, 605-359-8542, troistacya@gmail.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, July 7, 2025 9:01 AM
To: New Century Press
Subject: 8954-3 Troi Andernacht - Public Notice
Attachments: 8954-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 17, 2025.

Troi D. Andernacht, 45835 284th Street, Hurley SD 57036, 605-359-8542, 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 9:33 AM
To: Rodriguez, Rachel
Cc: troistacya@gmail.com
Subject: [EXT] 11474378 RE: 8954-3 Troi Andernacht - Public Notice
Attachments: Order_Confirmation_Liners (2).pdf

Hello!

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

Your ad is set to run in the Argus Leader on 7/17. The total cost is \$58.60 which includes an affidavit that will be sent 7-10 business days after the last day of the ad printing. Please email before 8am on 7/15 with any changes.

Please call 844-254-5287 by 8am on 7/15 **for PAYMENT of the ad in order to run.** Anyone who answers can help you. Please reference ad# 11474378.

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

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

Thank you!
Kerri Furnace
Public Notice Representative



Office: 844-254-5287

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

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

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, July 7, 2025 10:03 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 8954-3 Troi Andernacht - Public Notice

Attached is a notice to be published on July 17, 2025.

Troi D. Andernacht, 45835 284th Street, Hurley SD 57036, 605-359-8542, troistacya@gmail.com has been notified to contact you to authorize publication and arrange for payment.

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

**Order Confirmation****Not an Invoice**

Account Number:	1543093
Customer Name:	Andernacht Troi
Customer Address:	Andernacht Troi 45835 284Th ST Hurley SD 57036-6100
Contact Name:	Andernacht
Contact Phone:	
Contact Email:	troistacya@gmail.com
PO Number:	

Date:	07/07/2025
Order Number:	11474378
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	162.0000
Height in Inches:	17.7500

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	07/17/2025 - 07/17/2025	Public Notices
SFA argusleader.com	1	07/17/2025 - 07/17/2025	Public Notices

Order Confirmation Amount	\$58.60
---------------------------	---------



South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

STATE OF WISCONSIN, COUNTY OF BROWN

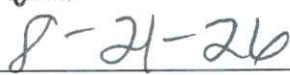
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

07/17/2025

and that the fees charged are legal.
Sworn to and subscribed before on 07/17/2025



Legal Clerk


Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost:	\$58.60	
Tax Amount:	\$0.00	
Payment Cost:	\$58.60	
Order No:	11474378	# of Copies:
Customer No:	1543093	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8954-3
to Appropriate Water

Notice is given that Troi D. Andernacht, 45835 284th Street, Hurley SD 57036, has filed an application for a water permit to appropriate 1.45 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 50 feet deep) located in the E 1/2 NE 1/4 Section 36 for irrigation of 40 acres located in the E 1/2 NE 1/4 Section 36; all in T98N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately two and one-half miles southeast of Hurley SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8954-3 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 28, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 28, 2025.

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

Published on July 17, 2025 at the total approximate cost of \$58.60 and may be viewed free of charge at www.sdpublishnotices.com

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

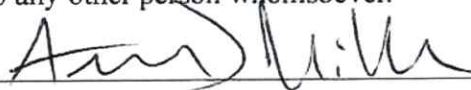
I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0717-8 Notice of Application

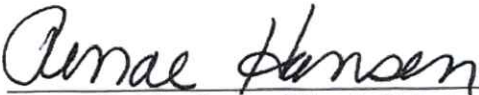
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 17th day of July, 2025

That \$41.04 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 30th day of July, 2025



Notary Public, State of South Dakota
My Commission Expires June 6, 2031



Publication Fee...\$41.04
Notary Fee...\$
Total \$41.04

**NOTICE OF APPLICATION NO.
8954-3 to Appropriate Water**

Notice is given that Troi D. Andernacht, 45835 284th Street, Hurley SD 57036, has filed an application for a water permit to appropriate 1.45 cubic feet of water per second (cfs) from one well to be completed into the Parker Centerville Aquifer (approximately 50 feet deep) located in the E 1/2 NE 1/4 Section 36 for irrigation of 40 acres located in the E 1/2 NE 1/4 Section 36; all in T98N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately two and one-half miles southeast of Hurley SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8954-3 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 28, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 28, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation

is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$41.04 and may be viewed free of charge at www.sdpublicnotices.com.

(N0717-B)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, July 7, 2025 11:03 AM
To: troistacya@gmail.com
Subject: 8954-3 Troi Andernacht - Public Notice
Attachments: 8954-3 Rec.pdf; 8954-3 Letter.pdf; 8954-3 PubNotice.pdf; 8954-3 ArgusLeader 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

Troi D. Andernacht
45835 284th Street
Hurley SD 57036

Dear Mr. Andernacht:

Enclosed is Water Permit No. 8954-3 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.: 8954-3

Name of Applicant: Troi D. Andernacht

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:
Rachel Rodriguez
My Commission Expires
May 16, 2029
(SEAL)



5290-3
8954-3



**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: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100

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) 5290-3 & 8954-3. 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) 5290-3 & 8954-3 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) 5290-3 & 8954-3 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: ZANEMY**

cc: **DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2026

5290-3

8954-3

Operator
Troi D Andernacht
45835 284th St
Hurley, Sd 57036

Dear Mr. Andernacht,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us