

**WATER PERMIT NO. 8957-3**

Name of Applicant: Preheim Feedlot, LLC.

Address: 43856 272<sup>nd</sup> Street, Bridgewater SD 57319

Phone: 605-661-4834

Amount of Water Claimed: 92 AF

Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Commercial

County: Hutchinson

Type of Waste Disposal System:

Location: Approx. 7 miles north of Freeman

PRIORITY Date Received: 04-28-25

Application/License Fee: \$700.00

Corrected Application Received: 05-01-25

Period of Annual Use: January 1 – December 31

Remarks: 2 wells, 1 existing and 1 new well

Diversion Point: NW 1/4 SE 1/4, SW 1/4 SE 1/4  
Sec 26-T100N-R56W

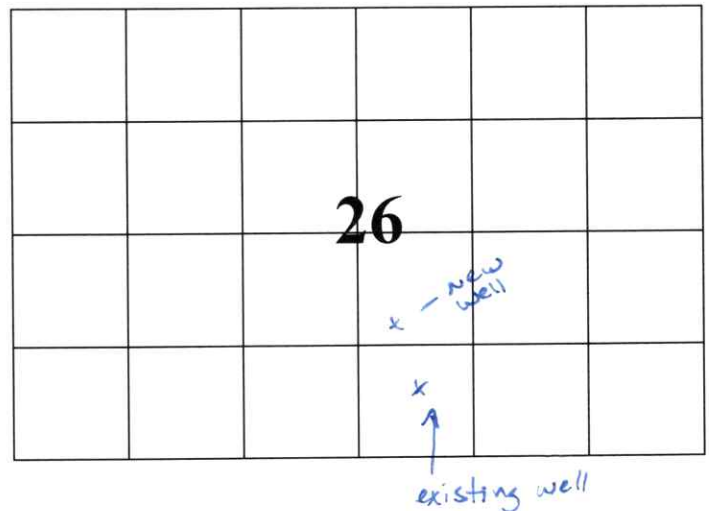
Land to be Irrigated: N/A

Depth of Well: 233

Well Driller:

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 05-01-25

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA**  
**WATER PERMIT NO. 8957-3**

---

Date of first receipt of application April 28, 2025.

Date of return to applicant for corrections, amendments or changes April 30, 2025.

Date of receipt of corrected application May 1, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8957-3 to Preheim Feedlot, LLC., 43856 272<sup>nd</sup> Street, Bridgewater SD 57319, 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. 8957-3 appropriates up to 92 acre-feet of water annually at a maximum pump rate of 0.18 cubic feet of water per second from two wells, combined. One existing well is located in the SW 1/4 SE 1/4 Section 26 and a new well is to be completed in the NW 1/4 SE 1/4 Section 26; both in T100N-R56W. The existing well and proposed well are each approximately 233 feet deep and will be completed into the Niobrara Aquifer. Water will be used for commercial purposes in an animal confinement operation located in the SE 1/4 Section 26-T100N-R56W, approximately three and one-half miles southwest of Dolton SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8957-3 is July 28, 2025.
5. The date from which applicant may claim right is April 28, 2025.
6. One-fifth of the construction is to be completed on or before January 28, 2028.
7. All construction is to be completed on or before July 28, 2030.
8. Water is to be put to beneficial use on or before July 28, 2034.
9. 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 wells approved under Water Permit No. 8957-3 will be 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. 8957-3 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. Water Permit No. 8957-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

(continued)

4. Water Permit No. 8957-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
  - a) Chapter 74:54:01 Ground Water Quality Standards,
  - b) Chapter 74:54:02 Ground Water Discharge Permit,
  - c) Chapter 74:51:01 Surface Water Quality Standards,
  - d) Chapter 74:51:02 Uses Assigned to Lakes,
  - e) Chapter 74:51:03 Uses Assigned to Streams, and
  - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Niobrara Aquifer.

**WATER MANAGEMENT BOARD**

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

7/10/25  
date



RECEIVED

PAID

APR 28 2025

Ck# 6717

Rec't#

|                                                                                                             |                                                                        |                    |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------|
| Mail to:<br><br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br><br>ph. (605) 773-3352 | No. <u>8957-3</u> (office use only)<br>Hydrologic Unit <u>10170102</u> | APR 29 2025        |
|                                                                                                             | Basin <u>Vermillion</u>                                                | OFFICE OF<br>WATER |
|                                                                                                             | Newspaper <u>Freeman Courier</u>                                       |                    |
|                                                                                                             | <u>Argus Leader</u>                                                    |                    |

**Application For Permit To Appropriate Water Within The State Of South Dakota****Check use(s) of water:**

|                                                 |                                                    |                                          |                                        |
|-------------------------------------------------|----------------------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Water Distribution System | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional |
| <input type="checkbox"/> Rural Water System     | <input type="checkbox"/> Commercial                | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal    |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial                | <input type="checkbox"/> Other           |                                        |

**Type of Application:**  
(check one)

☒ **New**
☐ **Vested Right** (Use predates Mar 2, 1955)
 ☐ **Future Use Reservation**

☐ **Place to Beneficial Use Water Reserved by Future Use Permit No.**

☐ **Amendment/Correction to Permit No.**

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

1. Name to Appear on Water Permit Preheim Feedlot, LLC.

Mailing Address 43856 272nd Street Bridgewater ☒ SD 57319

(Address) (City) (State) (Zip Code)

Phone \_\_\_\_\_ Mobile 605-661-4834 Email preheimfeedlot@gmail.com

2. Amount of water claimed 0.18 \*CFS or 80 \*\*GPM and 92 \*\*\*AF or 30 MG Gallons

Flow rate and volume are both required. (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Niobrara Formation new NW1/4 SE1/4, SW1/4 SE1/4 existing

4. Location of point of diversion 2 wells SE1/4, Sec. 26 - T100N - R56W County Hutchinson ☒

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? \_\_\_\_\_

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used Continuously

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Proposed two 501 head beef finishing bedding pack barns with existing 998 beef cattle operation. After completion of proposed barns to site to have 2,000 head of beef cattle operation.

I, \_\_\_\_\_, 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.

## Supplemental Information

(type or print)

RECEIVED

APR 29 2025

OFFICE OF  
WATER

**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 1 Provide copy of log(s), if available. Drilled by \_\_\_\_\_

For either Existing or Proposed Wells:

- c) Well Depth (required) 233' Depth to Top of Water Bearing Material 72' Depth to Water from Surface \_\_\_\_\_
- d) Distance to nearest domestic well on applicant's property None 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 \_\_\_\_\_

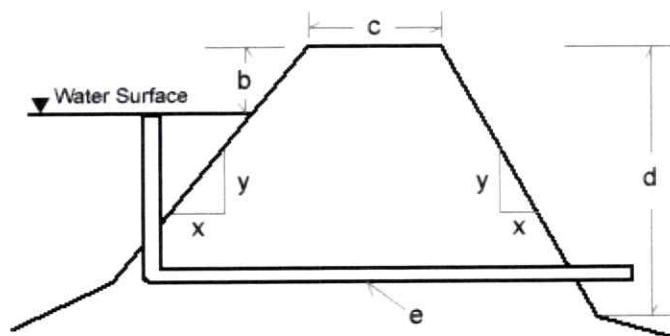
**3. Dugout Information**

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

**4. Water Storage Dams**

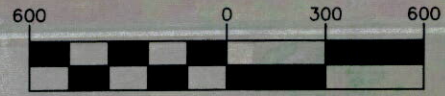
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres

GRAPHIC SCALE



( IN FEET )  
1 inch = 600 ft.

RECEIVED

APR 29 2025

OFFICE OF  
WATER



438TH AVENUE

271ST STREET

HIGHWAY 81

SECTION 26, T-100-N,  
R-56-W, HUTCHINSON  
COUNTY, SOUTH DAKOTA

PROPOSED  
WELL, 50 GPM

EXISTING  
WELL

272ND ST

SHEET  
1/1

Project No.  
24-079

Checked By  
N.J.R.

Date  
4/15/25

Drawn  
D.D.A.

PREHEIM FEEDLOT, LLC.  
PROPOSED EXPANSION  
SE 1/4, SECTION 26, T100N, R56W  
HUTCHINSON COUNTY, SOUTH DAKOTA

**ProAg Engineering, Inc.**  
77402 U.S. Highway 71, P.O. Box 181  
Jackson, MN 56143  
(507) 849-7200

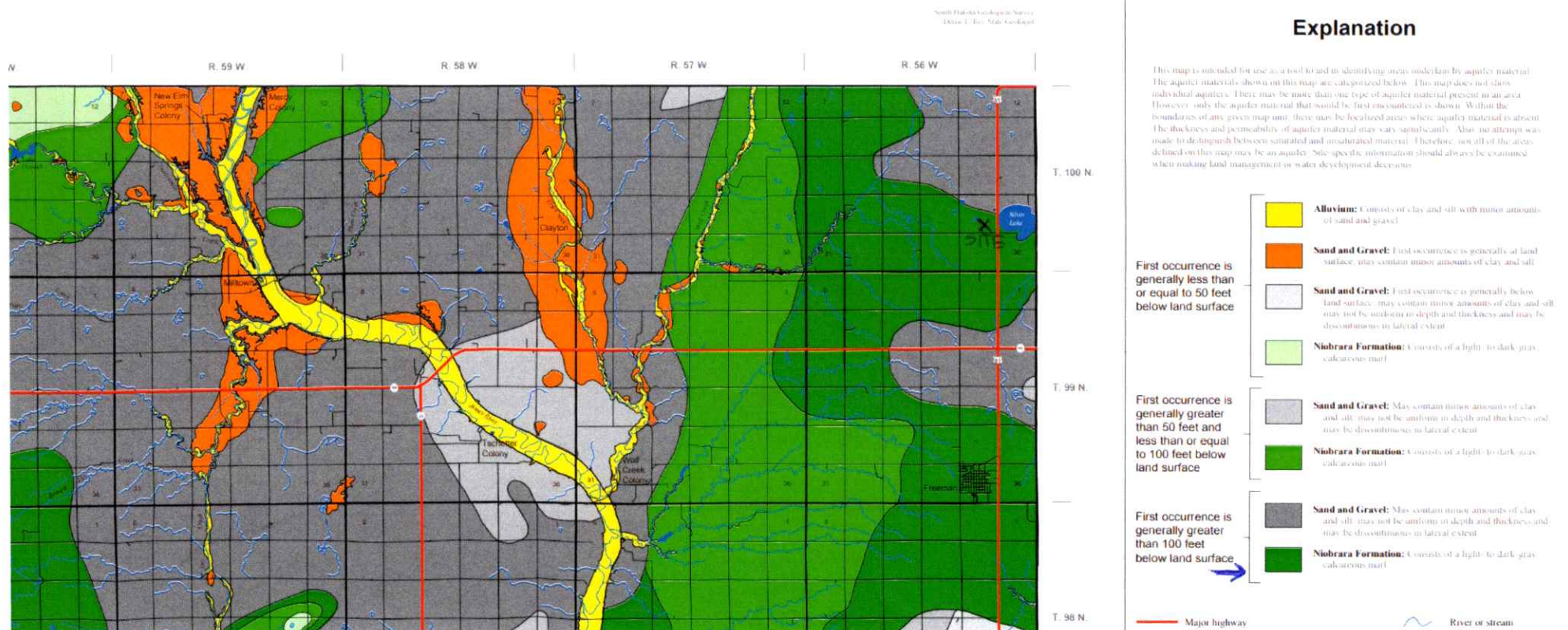
RECEIVED

APR 29 2025

OFFICE OF  
WATER

# First Occurrence of Aquifer Materials in Hutchinson County, South Dakota

Department of Environment and Natural Resources  
Division of Financial and Technical Assistance  
Geological Survey  
Aquifer Materials Map 25  
Ann R. Jensen, 2007



100N 56W  
Section: 15

100N 56W  
Section: 14

100N 56W  
Section: 13

100N 56W  
Section: 22

100N 56W  
Section: 23

100N 56W  
Section: 24

10160011 Lower James

100N 56W  
Section: 25

100N 56W  
Section: 27

100N 56W  
Section: 26

10170102 Vermillion

Lewis and Clark Lake

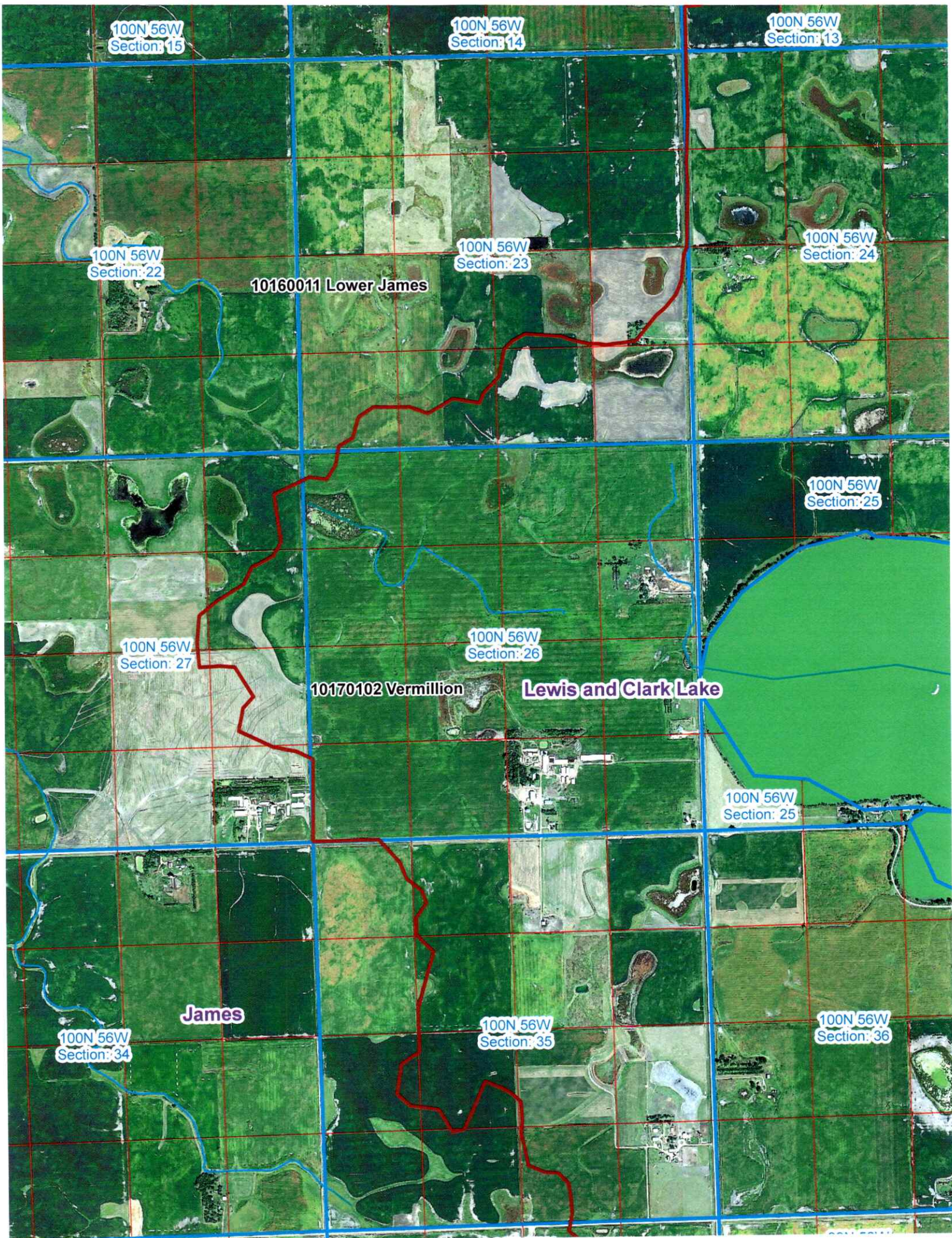
100N 56W  
Section: 25

James

100N 56W  
Section: 34

100N 56W  
Section: 35

100N 56W  
Section: 36





532704794

# ANNUAL REPORT

Secretary of State  
500 E. Capitol Ave  
Pierre, SD 57501-5070  
(605) 773-4845

Domestic Limited Liability Company  
SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink  
Please submit one Original  
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

**2025**  
FILING YEAR

1. Business ID and Name:

**DL023481**  
BUSINESS ID

**PREHEIM FEEDLOT, LLC**  
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**43856 272ND ST.**  
**BRIDGEWATER, SD 57319**

Mailing Address

**43856 272ND ST.**  
**BRIDGEWATER, SD 57319**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **DERRICK T. PREHEIM**

Actual Street Address in this State

**43856 272ND ST**  
**BRIDGEWATER, SD 57319-5517**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

| Name                   | Address                                      |
|------------------------|----------------------------------------------|
| <b>JESSICA PREHEIM</b> | <b>43856 272nd St, Bridgewater, SD 57319</b> |
| <b>DERRICK PREHEIM</b> | <b>43856 272ST, BRIDGEWATER, SD, 57319</b>   |

6. 43-2A-1. "Agricultural land" defined.

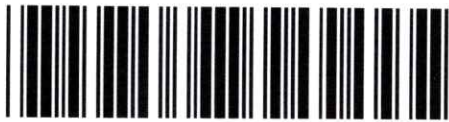
For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

Does the entity own any Agricultural land? (Required)

No

If the answer is yes, please answer below

"Foreign Beneficial Owner" "Foreign entity" is registered outside of the United States or its territories or has more than ten percent ownership by a foreign government, foreign person, or any combination thereof. "Foreign Government" A Government or state- controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian Tribes. "Foreign Person" A natural Person who is not a United States Citizen or a resident.



Does the entity have any foreign beneficial owners/interests?

N/A

If the answer is yes to the questions above, please provide the information below

Provide a legal description of the agricultural land or a description of the land's common location in the space provided below.

N/A

The total acreage of agricultural land held by the entity.

N/A

The Current use of the agricultural land. As defined in SDCL 43-2A-1.

Check all that apply:

N/A

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

12/26/2024

Dated

Email (Optional)

*Jessica Preheim*

Signature of an Authorized Person

Jessica Preheim

Printed Name



**ProAg Engineering, Inc.**

Nicholaus J. Rowe, P.E.  
77402 US Hwy 71  
P.O. Box 181  
Jackson, MN 56143  
507-841-3269  
[nic@proageng.com](mailto:nic@proageng.com)

April 15, 2025

**RECEIVED**

**APR 29 2025**

**OFFICE OF  
WATER**

SD DENR – Water Rights  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

RE: Preheim Feedlot, LLC.  
Proposed Cattle Operation  
Hutchinson County, South Dakota  
ProAg Project #24-079

On behalf of Preheim Feedlot, LLC we are submitting the SD DENR Water Use Permit application for the construction of a two proposed deep bedding pack barns each holding 501 head of finishing cattle. The site also includes 12 buildings that house 998 head of beef cattle in a combination of buildings and open lots. All the open lots will be discontinued upon completion of the proposed barn. The remaining 12 buildings will be used to house cattle at a reduced capacity and will be operated as covered production facilities with all the manure regularly scraped from the buildings and haul to the proposed stacking facility. Upon the completion the total proposed animal capacity on site will be 2,000 head of beef cattle. The cattle operation is located in Hutchinson County. The cattle operation is proposing to drill one well on cropland located on the north side of the site & has one existing well east of the residence. The cattle operation is requesting 30 million gallons a year. The proposed well will be located in the far southwest corner of the NW ¼ of the SE ¼, Section 26, T-100-N, R-56-W, Hutchinson County, South Dakota. The site is located 7 miles north of Freeman, South Dakota in the SE 1/4 Section 26, T-100-N, R-56-W, Hutchinson County.

Enclosed please find a copy of the following:

1. Completed Water Use Permit for Nonirrigation Uses w/ \$700.00 check for permit fee
2. Test Well Log
3. Site Plan Drawing

We trust the above information is adequate for your review and approval. Should you have any questions please do not hesitate to contact Nic or myself at 507-849-7200.

Respectfully Submitted,



Travis Anderson-Engineering Technician  
ProAg Engineering, Inc.



# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 30th 2025

RECEIVED OF ProAg Engineering for Preheim Feedlot, LLC 43856 272<sup>nd</sup> St Bridgewater SD 57319

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

|                                                                                                                        |                  |
|------------------------------------------------------------------------------------------------------------------------|------------------|
| Fee for Application for Permit No. <u>8957-3</u> to Appropriate Water, to construct and to put water to beneficial use | \$ <u>500.00</u> |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           | \$ _____         |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 | \$ _____         |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8957-3</u>            | \$ <u>200.00</u> |
| Fee for Filing Transfer Form _____                                                                                     | \$ _____         |
| Fee for _____                                                                                                          | \$ _____         |
| Fee for Issuing New Well Driller's License No. _____                                                                   | \$ _____         |
| Fee for Renewal of Well Driller's License No. _____                                                                    | \$ _____         |
| Fee for Issuing Well Pump Installer's License No. _____                                                                | \$ _____         |
| Fee for Renewal of Well Pump Installer's License No. _____                                                             | \$ _____         |
| (Any Other Work Provided by Law) TOTAL                                                                                 | \$ <u>700.00</u> |

By Mark Mayek  
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. 8957-3, Preheim Feedlot, LLC.**

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. 8957-3, Preheim Feedlot LLC., 43856 272<sup>nd</sup> Street, Bridgewater SD 57319.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8957-3 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 wells approved under Water Permit No. 8957-3 will be 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. 8957-3 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. Water Permit No. 8957-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8957-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
  - a) Chapter 74:54:01 Ground Water Quality Standards,
  - b) Chapter 74:54:02 Ground Water Discharge Permit,
  - c) Chapter 74:51:01 Surface Water Quality Standards,
  - d) Chapter 74:51:02 Uses Assigned to Lakes,
  - e) Chapter 74:51:03 Uses Assigned to Streams, and
  - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Niobrara Aquifer.

See report on application for additional information.

Mark Mayer, PE  
Director of Office of Water  
July 2, 2025

Report of the Chief Engineer  
Water Permit Application No. 8957-3  
Preheim Feedlot LLC  
June 27, 2025

Water Permit Application No. 8957-3 proposes to appropriate up to 92 acre-feet of water annually at a maximum diversion rate of 0.18 cubic feet of water per second (cfs) from two wells (one existing and one proposed-both approximately 233 feet deep) completed into the Niobrara aquifer. The existing well is located in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 26 and the proposed well is to be located in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 26; both in T100N-R56W. Water will be used for commercial purposes in an animal confinement operation located in the SE  $\frac{1}{4}$  Section 26-T100N-R56W. The site is in Hutchinson County approximately 3.5 miles southwest of Dolton.

**Aquifer:** Niobrara (NBRR)

### **Aquifer Information**

#### *Geology and Basic Hydrogeology*

The Niobrara Formation is a bedrock formation that underlies most of eastern and western South Dakota (Hedges et al, 1982; Allen et al, 1985). The Niobrara Formation is a Late Cretaceous aged white to dark grey argillaceous (clay containing) chalk, marl, and shale that can contain thin bentonite beds, minor sand, and chalky carbonaceous shale (Tomhave, and Schulz, 2004). Locally, the Niobrara Formation is also known as “chalk rock” and is extensive throughout South Dakota; however, characteristics of the Niobrara aquifer vary greatly across the state (Hedges et al., 1982).

The Niobrara aquifer is contained within portions of the Niobrara Formation where sufficient permeability exists to allow for the transmission of groundwater and where the permeable portions of the formation are sufficiently saturated to yield quantities of groundwater to wells. Both Hedges et al. (1982) and Stephens (1967) identified fractures and solution cavities as the main means of water movement through the Niobrara aquifer. Hedges et al. (1982) noted these features are partially controlled by flexures and faults. Where these secondary porosity features are absent, the Niobrara Formation is generally a low-permeability or almost a no-permeability formation that transmits little to no water (Hedges et al., 1982; Stephens, 1967). Weathering and glacial activity likely contributed to higher productive zones in the Niobrara aquifer (Hedges et al., 1982), with greater amounts of weathering and glacial activity generally having occurred where the Niobrara Formation is exposed at ground surface or directly underlies glacial deposits and generally less where the Niobrara Formation underlies the Pierre Shale.

In southeastern South Dakota, there are several areas where portions of the Niobrara Formation were isolated from the main body of the Niobrara through erosional forces (Tomhave and Schulz, 2004). The proposed well sites are located within the extent of one of these isolated portions of the Niobrara Formation. Kilts (2023 a & b) combined several sources to estimate the approximate areal extent of this portion of the Niobrara Formation, shown in Figure 1. This portion of the Niobrara Formation underlies approximately 338,130 acres of portions of Hutchinson, Clay, Turner, Yankton, and McCook Counties. In general, this portion of the Niobrara Formation either directly underlies the Pierre Shale or glacial deposits (in areas not underlying the Pierre Shale) and

overlies the Carlile Shale (Tomhave and Schulz, 2004). This portion of the Niobrara may also directly underlie a portion of the undifferentiated Tertiary deposits of the Turkey Ridge aquifer (Kilts, 2023a). Well completion reports on file with the Water Rights Program report encountering water throughout this portion of the Niobrara Formation generally indicating aquifer potential (Water Rights, 2025a; 2025b; 2025c). Since this portion of the Niobrara aquifer is isolated from the main body, the remainder of this report will focus solely on this portion of the Niobrara aquifer.

This portion of the Niobrara aquifer is surrounded by valleys in the bedrock where the Niobrara Formation has been eroded, which contain glacial outwash aquifers. Where these glacial outwash aquifers are in contact with this portion of the Niobrara (either overlaying or are adjacent to), there is potential for leakage between the aquifers based on hydraulic head. The Lower James Missouri (LJM) aquifer lies in the bedrock valley to the west of this portion of the Niobrara and in some locations extends far enough east to be in contact with this portion of the Niobrara (Tomhave and Schulz, 2004; Hedges et al., 1982). The Upper Vermillion Missouri: West and Upper Vermillion Missouri: South aquifers lie in the bedrock valley to the east of this portion of the Niobrara aquifer and can also be hydrologically connected to this portion of the Niobrara (Lindgren and Hansen, 1990). Stephens (1967) indicated the presence of a glacial outwash aquifer (named the Wakonda aquifer) directly overlaying and with a strong hydrologic connection to this portion of the Niobrara in portions of Clay County. However, the first occurrence of aquifer materials mapping by Jensen (2000 & 2015) indicates that the Wakonda aquifer is unlikely to be as extensive as was mapped by Hedges et al. (1982) and is instead several discontinuous sand and gravel deposits that were lumped together. Potentiometric surface mapping by Kilts (2023b) indicated that water movement in this portion of the Niobrara is generally from the center toward the edges of the aquifer.

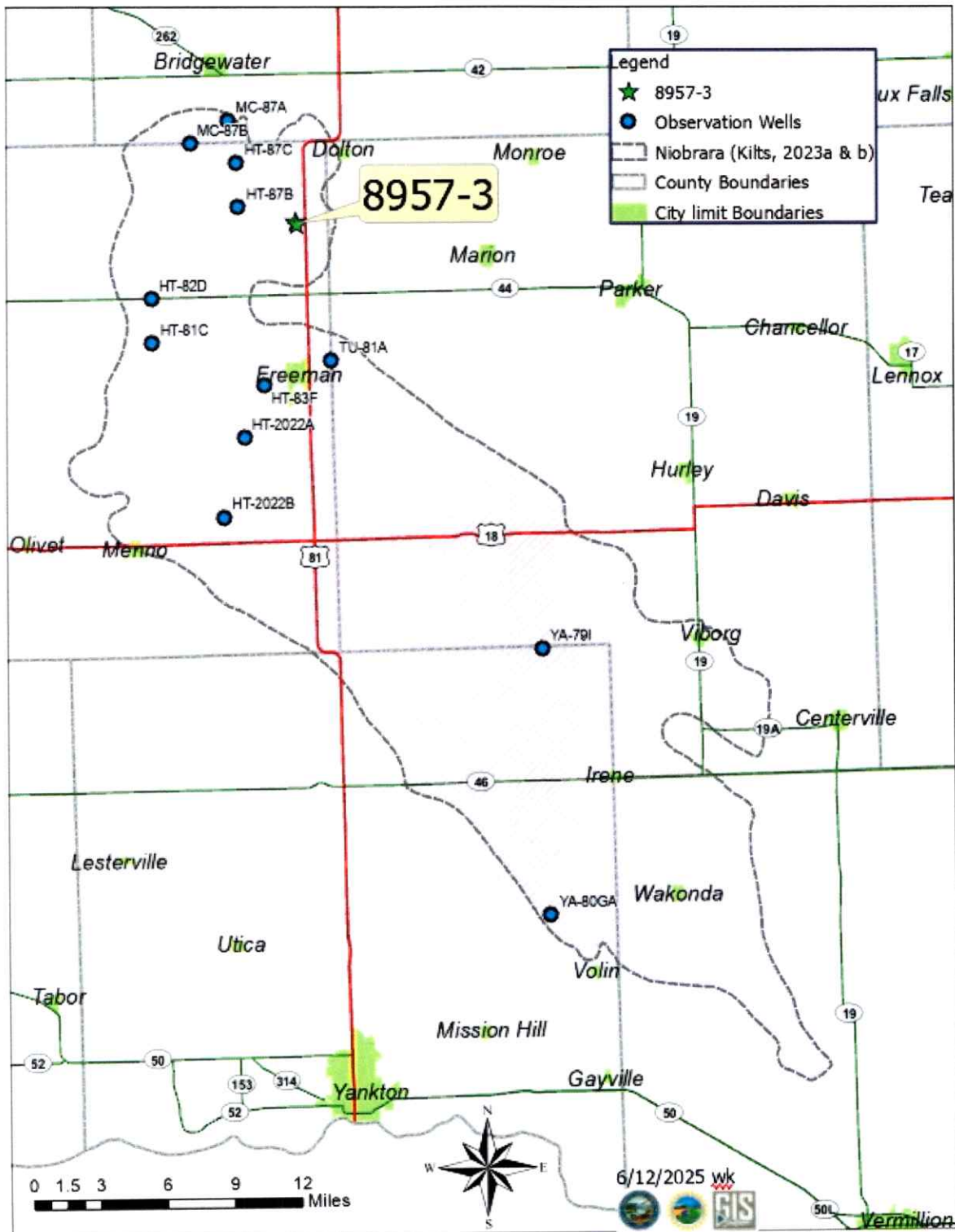


Figure 1: Map showing the approximate extent of the erosional remnant of the Niobrara Formation this application proposes to use and Water Rights' observation wells (Kilts, 2023a&b, Water Rights, 2025c)

The applicant indicated the target aquifer for this application is the Niobrara aquifer with a well depth of 233 ft. A well completion report was not provided for the existing well and a well completion report on file could not be matched to the existing well. A test hole log was not provided for the proposed well. However, sufficient information is available for the area to review this application (SDGS, 2025; Water Rights, 2025a&c). At the well location this application proposes to use, the approximate well depth is consistent with the Niobrara aquifer (Water Rights, 2025a&c). Water Rights observation well HT-87A is located approximately 0.9 miles northwest of the well locations and completed into the Niobrara aquifer (Water Rights, 2025c). Information on observation well HT-87A indicates the top of the Niobrara is at 172 ft with water levels during the years 1987 to 2025 ranging from approximately 56 to 67 feet below grade, indicating the aquifer is expected to be under confined conditions at the wellsite for this application (Water Rights, 2025c). Only 13 feet of the Niobrara Formation was penetrated during the installation of observation well HT-87A, which is likely not representative of the total thickness of the formation at this location (Water Rights, 2025c). A domestic well completion report located 0.13 miles away reported 65 ft of Niobrara (“chalk rock”), which is likely more representative of the thickness of the formation at the well site of this application (SDGS, 2025; Water Rights, 2025a&c).

### **Water Availability**

Water Permit Application No. 8957-3 proposes to appropriate water from a portion of the Niobrara aquifer for commercial use. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires, “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and the application is for a water distribution system defined in SDCL 46-1-6 (17), the Board need not consider the recharge/withdrawal issue. The Niobrara Formation is neither older or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al, 2010) and this application is not for a water distribution system as defined in SDCL 46-1-6 (17); therefore, the withdrawal/recharge issue must be considered.

### **Hydrologic Budget**

#### *Recharge*

Recharge to this portion of the Niobrara aquifer is primarily from groundwater inflow from adjacent or overlying aquifers due to leakage from these hydrologically connected aquifers when the potentiometric gradients are favorable (a higher hydraulic head in the connected overlying or adjacent aquifer than in the Niobrara aquifer indicates potential for leakage into the Niobrara aquifer), with some recharge also likely from infiltration of precipitation where the Niobrara is at or near ground surface, and leakage through till (Lindgren and Hansen, 1990). Kilts (2023a) presented information indicating the Turkey Ridge aquifer being a likely source of recharge to this portion of the Niobrara aquifer.

There is no estimate of average annual recharge to this portion of the Niobrara aquifer or the Niobrara aquifer in general available for South Dakota (Hedges et al., 1985). However, of the Niobrara aquifer in South Dakota, Hedges, et al. (1985) noted the Niobrara aquifer had such high

storage and low use it was unlikely that withdrawals are approaching or exceeding recharge and there was no evidence of significant head loss in the aquifer to suggest that use is exceeding recharge at that time. As documented in the observation well section of this report, the additional years of observation well data collected since Hedges, et al. (1985) still show no evidence of significant long term head loss across the aquifer (Water Rights, 2024b).

### *Discharge*

Natural discharge from an aquifer can be used to gain understanding into the status of an aquifer's hydrologic budget when an estimated average annual recharge value is not available. Kilts (2023b) estimated the overall natural discharge from this portion of the Niobrara aquifer to the Lower James Missouri aquifer to be approximately 1,803 acre-feet per year for May of 2016. Since this estimate is for a single point in time (May 2016), this value does not represent an average annual value for discharge from the aquifer but does offer insight into the magnitude of discharge from the western flank of the aquifer at the time the analysis was performed. Actual natural groundwater discharge from this aquifer (and therefore recharge to) is likely higher than indicated by this estimate. This is due to the direction of groundwater flow being generally from the center of the aquifer outward to the edges of the aquifer and this estimate is only for natural discharge from the western side of the aquifer. Additionally, Kilts (2023b) estimated discharge from this portion of the Niobrara aquifer to the Upper Vermillion Missouri: West aquifer downgradient of the well site for Water Permit No. 8684-3 to be 685 to 890 acre-feet per year. Kilts (2023b) also noted there was likely additional natural discharge potential to the Upper Vermillion Missouri: South aquifer and other adjacent aquifers that have not yet been quantified.

Discharge from this portion of the Niobrara aquifer is due to well withdrawals and leakage to hydrologically connected aquifers where the potentiometric gradients are favorable (a higher water level elevation in the Niobrara aquifer than in an overlying or adjacent aquifer would indicate potential for discharge from the Niobrara), and some limited seepage to surface water. There are currently 26 active water rights/permits in this portion of the Niobrara aquifer, and three (including this application) pending applications for irrigation use (summarized in Table 2). Of the water rights/permits, 18 are for irrigation use, three for municipal use, four for commercial use, and one for institutional use.

The eight non-irrigation water rights/permits are in Table 1. The Town of Irene and the City of Freeman both purchase their water from a rural water system but keep their water rights on standby for emergency use pursuant to ARSD 74:02:01:37.02, so their average annual withdrawal is estimated to be zero (Drinking Water, 2025). Historically, average water use by non-irrigation appropriations limited solely by instantaneous diversion rate have been estimated as pumping 60% of the time at the maximum permitted diversion rate. For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal. Appropriative non-irrigation water use is summarized in Table 1. The estimated average annual appropriative non-irrigation use from this portion of the Niobrara aquifer is 539.7 acre-ft per year. There are several domestic wells completed into this portion of the Niobrara aquifer that do not require appropriative water permits or report annual pumpage. Due the development of rural water systems in the area and to their relatively limited diversion rates, it is assumed the volume pumped from domestic wells is negligible to the hydrologic budget for this aquifer.

## Report on Water Permit Application No. 8957-3

| Table 1: Non-irrigation Water Rights/Permits Use (Water Rights, 2025b)            |                                      |               |        |     |            |                               |                                                |
|-----------------------------------------------------------------------------------|--------------------------------------|---------------|--------|-----|------------|-------------------------------|------------------------------------------------|
| Permit No.                                                                        | Name of Permit Holder                | Priority Date | Status | Use | Rate (cfs) | Annual Volume Limit (acre-ft) | Estimated Average Annual Use (acre-ft per yr.) |
| 810-3                                                                             | City of Freeman                      | 01/01/1950    | LC     | MUN | 1.26       | n/a                           | 0 (system on standby)                          |
| 1229-3                                                                            | Town of Irene                        | 01/01/1915    | LC     | MUN | 0.56       | n/a                           | 0 (system on standby)                          |
| 5239-3                                                                            | City of Freeman                      | 10/17/1988    | LC     | MUN | 0.33       | n/a                           | 0 (system on standby)                          |
| 6524-3                                                                            | Freeman Jr College & Freeman Academy | 07/19/2004    | LC     | INS | 0.07       | n/a                           | 30.4                                           |
| 6706-3                                                                            | Pheasant Run Farm                    | 02/21/2006    | PE     | COM | 0.1        | n/a                           | 43.4                                           |
| 8216-3                                                                            | B&K Dairy Farms LLC                  | 02/01/2016    | PE     | COM | 0.67       | 460                           | 460.0                                          |
| 8597-3                                                                            | CHS Farmers Alliance                 | 02/22/2022    | PE     | COM | 0.1        | 1.3                           | 1.3                                            |
| 8626-3                                                                            | Tri-Cross Renewable Energy           | 03/28/2022    | PE     | COM | 0.1        | 4.6                           | 4.6                                            |
|                                                                                   |                                      |               |        |     |            | <b>Total</b>                  | <b>539.7</b>                                   |
| LC-water right, PE-water permit, MUN-municipal, INS-institutional, COM-commercial |                                      |               |        |     |            |                               |                                                |

The majority of water rights/permits for irrigation in South Dakota are required to report annual irrigation usage to the Water Rights Program. The 18 active irrigation water rights for this aquifer are summarized in Table 2 with reported use shown in Table 3. Water Permit Nos. 8684-3 and 8579-3 are still in their five-year construction period and have not yet started irrigation. Water Right Nos. 5913-3 and 8616-3 incorporated portions of another permit when licensed, so reported irrigation usage for the incorporated permits are also included in Table 3.

| Table 2: Summary of Irrigation Water Rights/Permits (Water Rights, 2025b) |                        |               |        |            |        |                                                                                                                 |
|---------------------------------------------------------------------------|------------------------|---------------|--------|------------|--------|-----------------------------------------------------------------------------------------------------------------|
| Permit No.                                                                | Name of Permit Holder  | Priority Date | Status | Rate (cfs) | Acres  | Comments                                                                                                        |
| 5764-3                                                                    | City of Freeman        | 03/15/1993    | LC     | 0.24       | 27.5   | irrigation reporting started in 2016                                                                            |
| 5913-3                                                                    | Roger Schmidt          | 04/02/1981    | LC     | 0.77       | 123    | incorporates portions of 4679-3, reporting starts being consistent in 2013                                      |
| 6708-3                                                                    | David Huber            | 04/03/2006    | LC     | 1.78       | 271    |                                                                                                                 |
| 7448-3                                                                    | Robert Heckenlaible    | 10/03/2012    | LC     | 6.67       | 560    |                                                                                                                 |
| 7515-3                                                                    | Greg Wirth             | 10/24/2012    | PE     | 2.28       | 160    |                                                                                                                 |
| 7526-3                                                                    | Derrick Walter         | 11/15/2012    | PE     | 3.56       | 257    |                                                                                                                 |
| 7617-3                                                                    | Brett Guthmiller       | 01/07/2013    | LC     | 1.34       | 119    |                                                                                                                 |
| 7683-3                                                                    | Roger Guthmiller       | 01/28/2013    | LC     | 1.34       | 134    |                                                                                                                 |
| 7700-3                                                                    | David Huber            | 02/14/2013    | LC     | 2.22       | 160    |                                                                                                                 |
| 7893-3                                                                    | Wayne or Trina Knutson | 09/03/2013    | LC     | 0.07       | 1.2    | allows up to 3 acre-feet per year                                                                               |
| 8162-3                                                                    | Don Schellpfeffer      | 05/28/2015    | LC     | 1.78       | 122.65 |                                                                                                                 |
| 8260-3                                                                    | Cameron Johnson        | 12/27/2016    | LC     | 1.67       | 117.35 |                                                                                                                 |
| 8326-3                                                                    | Jerry Nelsen           | 01/08/2018    | PE     | 2.00       | 120    | reported system destroyed in 2020 & reported no water available since 2020                                      |
| 8416-3                                                                    | Jerome Poeschl         | 12/02/2019    | LC     | 1.56       | 116    |                                                                                                                 |
| 8684-3                                                                    | Matthew Wirth          | 11/30/2022    | PE     | 2.11       | 300    | not yet irrigating                                                                                              |
| 8579-3                                                                    | Brett Guthmiller       | 01/10/2022    | PE     | 0.89       | 32     | not yet reporting, deferred several years prior to issuance                                                     |
| 8587-3                                                                    | Justin Christianson    | 01/25/2022    | PE     | 1.78       | 134    | not yet reporting, deferred several years prior to issuance                                                     |
| 8616-3                                                                    | Michael Schultz        | 03/23/2022    | LC     | 2.56       | 420    | result of licensing inspection, incorporates 399 acres from 7344-3, 7344-3 reporting included in irrigation use |
| LC-license, PE-permit                                                     |                        |               |        |            |        |                                                                                                                 |

Average reported irrigation usage for the water rights/permits for irrigation from this portion of the Niobrara aquifer is 252 acre-ft per year. Since the number of irrigation water rights/permits has continued to increase, the estimated average annual withdrawal rate for irrigation appropriations for the entire period of record may not accurately reflect the current level of development. The average annual withdrawal rate for irrigation appropriations from 2014 to 2024 better represents the current level of irrigation development in this portion of the Niobrara aquifer. Average reported irrigation usage from 2014 to 2024 for the water rights/permits in this portion of the Niobrara aquifer is 779 acre-ft per year. Typically, average irrigation rates in eastern South Dakota are less than 10 inches per acre per year (Water Rights, 2024b). Water Permit Nos.

Report on Water Permit Application No. 8957-3

8326-3, 8684-3, 8579-3, and 8587-3 have yet to report any use, so using this rate, average annual water usage is estimated at less than 488 acre-feet per year. Total estimated average annual irrigation use from this portion of the Niobrara aquifer is less than 1,267 acre-feet per year.

Report on Water Permit Application No. 8957-3

| <b>Table 3: Report Irrigation Use for Permits in Table 2 (Water Rights, 2025e)</b> |                       |                                        |
|------------------------------------------------------------------------------------|-----------------------|----------------------------------------|
| <b>Year</b>                                                                        | <b>No. of Permits</b> | <b>Reported Irrigation (acre-feet)</b> |
| 1981                                                                               | 1                     | 0                                      |
| 1982                                                                               | 1                     | 70                                     |
| 1983                                                                               | 1                     | 36                                     |
| 1984                                                                               | 1                     | 42                                     |
| 1985                                                                               | 1                     | 50                                     |
| 1986                                                                               | 1                     | 50                                     |
| 1987                                                                               | 1                     | 120                                    |
| 1988                                                                               | 1                     | 73                                     |
| 1989                                                                               | 1                     | 137                                    |
| 1990                                                                               | 1                     | 93                                     |
| 1991                                                                               | 1                     | 106                                    |
| 1992                                                                               | 1                     | 7                                      |
| 1993                                                                               | 1                     | 0                                      |
| 1994                                                                               | 1                     | 33                                     |
| 1995                                                                               | 1                     | 29                                     |
| 1996                                                                               | 1                     | 7                                      |
| 1997                                                                               | 1                     | 9                                      |
| 1998                                                                               | 1                     | 0                                      |
| 1999                                                                               | 1                     | 0                                      |
| 2000                                                                               | 1                     | 0                                      |
| 2001                                                                               | 1                     | 0                                      |
| 2002                                                                               | 1                     | 25                                     |
| 2003                                                                               | 1                     | 8                                      |
| 2004                                                                               | 1                     | 0                                      |
| 2005                                                                               | 1                     | 0                                      |
| 2006                                                                               | 1                     | 0                                      |
| 2007                                                                               | 2                     | 23                                     |
| 2008                                                                               | 2                     | 50                                     |
| 2009                                                                               | 2                     | 28                                     |
| 2010                                                                               | 2                     | 0                                      |
| 2011                                                                               | 2                     | 141                                    |
| 2012                                                                               | 3                     | 382                                    |
| 2013                                                                               | 9                     | 999                                    |
| 2014                                                                               | 10                    | 929                                    |
| 2015                                                                               | 11                    | 725                                    |
| 2016                                                                               | 12                    | 518                                    |
| 2017                                                                               | 13                    | 617                                    |
| 2018                                                                               | 14                    | 98                                     |
| 2019                                                                               | 14                    | 20                                     |
| 2020                                                                               | 15                    | 815                                    |
| 2021                                                                               | 15                    | 1024                                   |
| 2022                                                                               | 15                    | 1451                                   |
| 2023                                                                               | 15                    | 1311                                   |
| 2024                                                                               | 16                    | 1056                                   |
| <b>1981-2024 average</b>                                                           | <b>4.5</b>            | <b>252</b>                             |
| <b>2014-2024 average</b>                                                           | <b>13.6</b>           | <b>779</b>                             |

### *Balance*

Estimated average appropriative withdrawals from this aquifer, including the applications summarized in Table 1, is less than 1,899 acre-feet per year (irrigation: 1,267 acre-feet, non-irrigation: 540 acre-feet, and this application: 92 acre-feet). There is no recharge estimate for this portion of the Niobrara aquifer. However, natural discharge estimates can be used to gain an understanding of the approximate amount of recharge an aquifer is receiving. Total estimated natural discharge ranges from 2,488 to 2,693 acre-feet per year based on the points in time the discharge was calculated. Kilts (2023b) also noted there is likely additional natural discharge occurring to the Upper Vermillion: South aquifer from this portion of the Niobrara aquifer. Based on these estimates of natural discharge from the aquifer, there is a reasonable probability that water is available from the overall extent of this portion of the Niobrara aquifer for the appropriation requested by this application. However, since this natural discharge estimate only serves as an indicator of the magnitude of discharge from the aquifer at the point in time of the estimate, it is worth emphasizing the importance of observation well data as part of assessing water availability in this aquifer.

### **Observation Well Data**

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

The DANR Water Rights Program monitors 13 observations well completed into this portion of the Niobrara aquifer (Water Rights, 2024c). Two of those observation wells (HT-2022A and HT-2022B) were installed in 2022 and have a limited period of record, so their data is of limited usefulness in evaluating long term water availability and two (MC-87A and TU-81A) have had measurements suspended due to iron eating bacteria issues. The hydrographs for observation wells located in the northern part of the aquifer are shown in Figure 2. Water Rights observation well HT-87A is located approximately 0.9 miles northwest of the well locations for this application. The next nearest observation well is HT-87B located approximately 2.6 miles west-northwest of the well locations for this application.

The hydrographs shown in Figure 2 show stable to slightly increasing water level trends in this portion of the Niobrara aquifer over the period of record which is representative of the hydrographs for this portion of the Niobrara aquifer. The magnitude of shorter period fluctuations in response to wet and dry climatic cycles varies between observation wells. For example, see the variation in the hydrographs for observation wells HT-87A and HT-81C. Several observation wells (for example HT-83F and TU-81A) in close proximity to irrigation wells show localized seasonal dips in measured water levels during the irrigation season in response to pumping (Water Rights, 2024b and 2024c). This is representative of the artesian head pressure of the aquifer in the area responding to seasonal irrigation pumping. However, water levels recover after the end of the irrigation season when pumping ends.

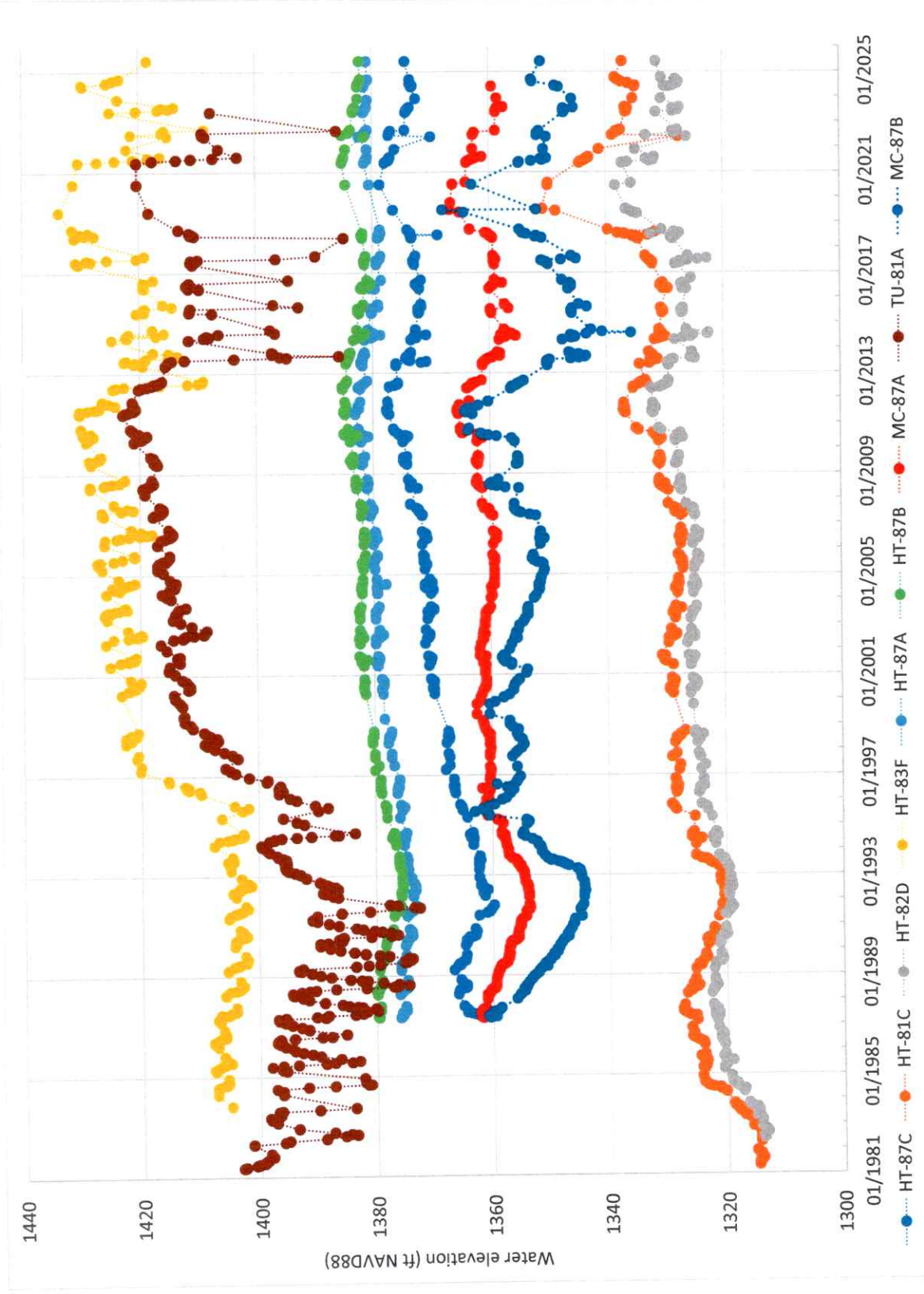


Figure 2: Hydrographs for wells in the northern half of this portion of the Niobrara aquifer (Water Rights, 2025c)

Water levels in the observation wells monitoring this aquifer generally rise during wet periods and decline to stable levels during drier periods. This type of behavior, along with aquifer recovery following the irrigation season, is indicative that climatic conditions, and therefore the effects of recharge to and natural discharge from the aquifer, govern the long-term fluctuations in water levels in the aquifer instead of pumping. Since recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available from this portion of the Niobrara aquifer for the proposed appropriation.

### **Potential for Unlawful Impairment**

Area water rights/permits completed into this portion of the Niobrara aquifer are shown in Figure 3 and summarized in Tables 1 and 2. The nearest water right/permit to the well sites for this application is Water Right No. 5913-3 located approximately 5.3 miles to the south. The nearest domestic well on file with the Water Rights Program likely completed into the Niobrara aquifer was drilled in 1981 for Donald Hofer located approximately 0.13 miles to the north based on the legal location provided by the well driller. This well maps on property owned by the applicant, indicating this could be either the existing well for this application, a domestic well belonging to the applicant, or the driller's location description is slightly off and the domestic well is further away from the well location for this application than estimated (Planning & Development District III, 2025). There could potentially be other domestic wells completed into the Niobrara aquifer near the proposed diversion points that are not on file with the DANR-Water Rights Program.

The Board has defined an adversely impacted domestic well as "a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs." In the case of Water Permit Application No. 2313-2 for the Coca-Cola Bottling Company of the Black Hills, the Water Management Board adopted findings that noted that if the increased costs or decreased production as a result of the impacts of legitimate users of artesian head pressure could be considered an adverse impact it would conflict with SDCL 46-1-4 (Water Rights, 1995). SDCL 46-1-4 requires the water resources of the state be put to beneficial use to the maximum extent of which they are capable (Water Rights, 1995).

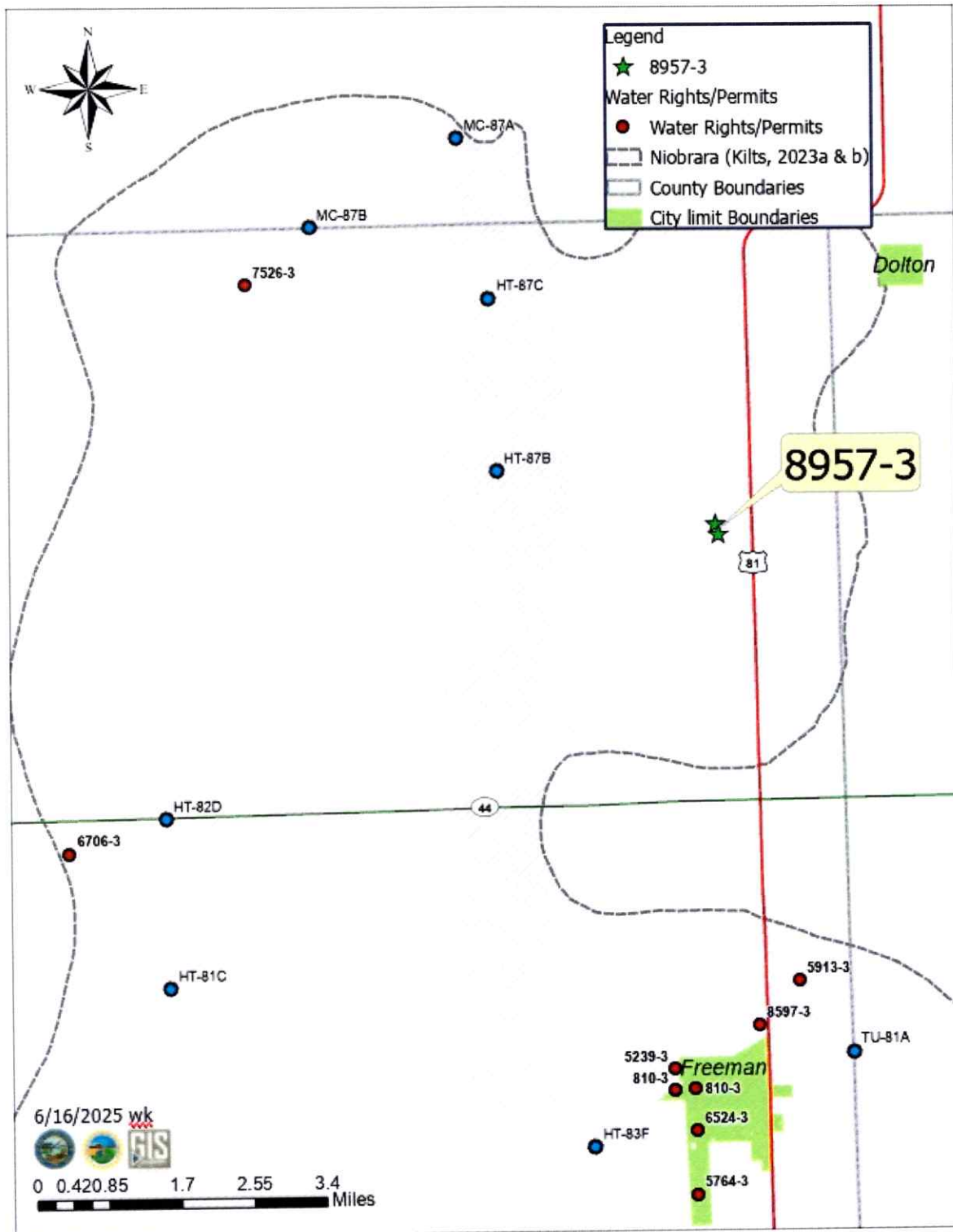


Figure 3: Niobrara water rights/permits and observation wells in the area of the well site for this application (Water Rights, 2025b & c and Kilts, 2023 a & b)

In 2013, the Water Rights Program received a complaint of a domestic well being impacted in this portion of the Niobrara aquifer (approximately 15 miles southwest of the well sites for this

application); however, when investigated, it was determined that the well had likely collapsed and was not an adequate well as defined by ARSD 74:02:04:20(6) (Water Rights, 2025d). In 2015, a complaint was received that Water Permit No. 7526-3 (near the northern edge of this portion of the Niobrara aquifer, approximately 6.2 miles northwest of the well sites for this application) was impacting springs; however, the springs were identified as artesian in nature and artesian head pressure is not protected as a means of delivery. Therefore, it was concluded that no unlawful impairment was occurring (Water Rights, 2025d).

In Fall of 2021, the Water Rights Program received a complaint of two domestic wells whose owner complained of loss of water during late summer and early fall of 2021 due to irrigation pumping (Water Rights, 2025d). The irrigation pumping was determined as likely contributing to the loss of water (with the drought conditions and hydrogeology of the Niobrara at the site being significant contributors), eventually the domestic users were hooked up to rural water in 2023 and there have been no complaints since (Water Rights, 2025d). The domestic wells that were the subject of the complaint are located approximately 13.5 miles to the southwest of the well sites for this application. Given the hydrogeologic properties of this portion of the Niobrara aquifer, diversion rate, annual volume, and distance of the well sites for this application, this application, if approved, is not expected to increase drawdown in the area of the Fall 2021 complaint.

Based on observation well HT-87A in the vicinity of the well sites for this application the artesian head pressure in the aquifer has ranged from 60 to 71 feet from 1987 to 2025 (Water Rights, 2025c). While some drawdown as a result of pumping from this application is expected and some well owners may need to lower their pumps to account for fluctuations in artesian head pressure, the amount of pressure available indicates adverse impacts are unlikely. Additionally, the applicant's well locations are closer to each other (0.12) than other domestic or appropriative wells, so it is in the applicant's interest to control their withdrawals, so their own wells do not impact each other. In conclusion, there is a reasonable probability that this application, if approved, will not adversely impact nearby adequate wells as defined by ARSD 74:02:04:20(6).

## Conclusions

1. Water Permit Application No. 8957-3 proposes to appropriate up to 92 acre-feet of water annually at a maximum diversion rate of 0.18 cfs from two wells (one existing and one proposed-both approximately 233 feet deep) completed into the Niobrara aquifer. The existing well is located in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 26 and the proposed well is to be located in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 26; both in T100N-R56W. Water will be used for commercial purposes in an animal confinement operation located in the SE  $\frac{1}{4}$  Section 26-T100N-R56W.
2. Based on the hydrologic budget and observation well data, there is a reasonable probability that water is available in the aquifer to meet the water use proposed by this application.
3. There is a reasonable probability that this application can be developed without unlawful impairment to domestic users or existing water right/permit holders with adequate wells.



Whitney Kilts  
Natural Resources Engineer III  
SDDANR-Water Rights Program

## References

- Allen, J.C., Iles, D.L., and Petres, A.K. 1985. Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory Final Report. U.S. Army Corps of Engineers Contract DACW 45-82-C-0151. SD DANR-Geological Survey. Vermillion, South Dakota.
- Drinking Water. 2024. South Dakota Drinking Water System Information. SDDANR-Water Rights Program. Accessed June 13, 2025.  
<<https://danr.sd.gov/OfficeOfWater/DrinkingWater/default.aspx>>.
- 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. A., and Schoon, R. A. 1982. Evaluation of Ground-Water 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, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Holmes, S. L. and Filipovic, D. 2015. Hydrogeologic Investigation of the Upper-Vermillion-Missouri Aquifer. Open-File Report 93-UR. SD Geological Survey Program. Vermillion, SD.
- Jensen, A. R. 2000. First Occurrence of Aquifer Materials in Clay County, South Dakota. Aquifer Materials Map 1. South Dakota Geological Survey. Vermillion, SD.
- Jensen, A. R. 2015. First Occurrence of Aquifer Materials in Turner County, South Dakota. Aquifer Materials Map 36. South Dakota Geological Survey. Vermillion, SD.
- Kilts, W. 2023a. Report to the Chief Engineer on Water Permit Application No. 8654-3: Schultz Dairy. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

- Kilts, W. 2023b. Report to the Chief Engineer on Water Permit Application No. 8684-3: Matthew Wirth. SD DANR-Water Rights Program, Joe Foss Bldg., 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. USGS. Huron, SD.
- Planning & Development District III. 2025. Hutchinson County Web Viewer. Accessed June 17, 2025. < <https://gis.districtiii.org/hutchinson/>>.
- SDGS. 2025. South Dakota Geological Survey Lithologic Logs Database. Accessed June 2025. <<http://cf.sddenr.net/lithdb/>>.
- Stephens, J.C. 1967. Geology and Hydrology of Clay County South Dakota: Part II Water Resources. Bulletin 19. SDGS. Vermillion, SD.
- Tomhave, D. T. and Schulz, L.D. 2004. Bedrock Geologic Map Showing Configuration of the Bedrock Surface in South Dakota East of the Missouri River. General Map 9, scale 1:500,000. South Dakota Geological Survey. Vermillion, South Dakota.
- 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. Observation Well Files. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2025d. Water Rights County Complaint Files. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota. Accessed June 2024.
- Water Rights. 2025e. Water Rights Irrigation Reporting Data. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota. Accessed June 2024.

## Duvall, Ron

---

**From:** nic@proageng.com  
**Sent:** Wednesday, May 28, 2025 10:46 AM  
**To:** Duvall, Ron  
**Cc:** Rodriguez, Rachel; Dewell, Amanda  
**Subject:** RE: [EXT] Preheim Feedlot Water Permit Application

Hi Ron,  
The existing well is 233' deep with the pump set at 200' and the water level at 72'. Let me know if you need anything else or have any other questions.

Thanks, Nic Rowe P.E.  
ProAg Engineering, Inc.  
PO Box 181  
Jackson, MN 56143  
507-841-3269 (cell)  
507-849-7200 (office)

---

**From:** Duvall, Ron <Ron.Duvall@state.sd.us>  
**Sent:** Wednesday, May 28, 2025 10:42 AM  
**To:** Nic Rowe <nic@proageng.com>  
**Cc:** Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>  
**Subject:** Preheim Feedlot Water Permit Application

Nic,

I am looking over the application for the feedlot and have a question concerning the existing well. The application provides an estimated depth for the proposed well, but I don't see any information concerning the existing well. We will at least need a depth so we know what aquifer is the source of water. I tried finding an existing well completion report in section 26-T100N-R56W and the only thing I located was this - <https://danr.sd.gov/wrimage/WellCompletionReports/images60k/00048634.pdf>. It was drilled for Donald Hofer and there is no legal description other than the whole section.

Please let me know if you can come up with a well log or a depth for the existing well.

Thank you,

Ron Duvall  
**Dept. of Agriculture & Natural Resources**  
**Office of Water, Water Rights Program**  
605.773.3352  
[danr.sd.gov](http://danr.sd.gov)



**DANR**  
SOUTH DAKOTA

## Dewell, Amanda

---

**From:** nic@proageng.com  
**Sent:** Monday, May 12, 2025 8:48 AM  
**To:** Dewell, Amanda  
**Cc:** travis@proageng.com  
**Subject:** RE: [EXT] Preheim Feedlot Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Amanda,

The total volume needs to remain at the 30MG but the pumping rate will be highly variable depending on many factors. Typically wells in the area don't produce much more than 50gpm but lets increase the permitted pumping rate to 80gpm to account for surges during hot summer days. Let me know if you have any other questions or need anything else.

Thanks, Nic Rowe P.E.  
ProAg Engineering, Inc.  
PO Box 181  
Jackson, MN 56143  
507-841-3269 (cell)  
507-849-7200 (office)

---

**From:** Dewell, Amanda <[Amanda.Dewell@state.sd.us](mailto:Amanda.Dewell@state.sd.us)>  
**Sent:** Monday, May 12, 2025 8:28 AM  
**To:** [travis@proageng.com](mailto:travis@proageng.com)  
**Cc:** [preheimfeedlot@gmail.com](mailto:preheimfeedlot@gmail.com)  
**Subject:** Preheim Feedlot Application

Good morning, I'm following up on the email I'd sent last week to confirm that 57 gpm is the maximum diversion rate able to be withdrawn from the wells being applied for on the Preheim Feedlot water permit application. Commercial water permits are governed by the volume of water and rate at which water can be placed to beneficial use. Therefore, if the application is processed for 30,000,000 gallons of water @ 57 gpm, and a later inspection finds that the wells are pumping at a higher rate, the permitted process would need to be repeated requesting the increased rate of diversion.

Please take a moment to determine the maximum rate that would be needed to support the feedlot and let me know. An increased rate, so long as the annual volume remains the same, would not result in an increase in application fees.

NOTE: a rate of 57 gpm would require round the clock pumping 24/7, 365 days/yr to achieve the requested volume of 30 million gallons.

### Amanda Dewell

DANR - Water Rights Program  
Permitting Administrator

## Dewell, Amanda

---

**From:** Dewell, Amanda  
**Sent:** Friday, May 9, 2025 8:05 AM  
**To:** travis@proageng.com  
**Cc:** preheimfeedlot@gmail.com; Nic Rowe  
**Subject:** RE: [EXT] Water Permit Application

Just to make sure we're on the same page, a rate of 57 gpm would require round the clock pumping to maintain the full 30 million.

Amanda Dewell  
DANR - Water Rights Program  
Permitting Administrator  
Main Phone: 605 773-3352  
Website: [danr.sd.gov](http://danr.sd.gov)



---

**From:** travis@proageng.com <travis@proageng.com>  
**Sent:** Thursday, May 8, 2025 3:14 PM  
**To:** Dewell, Amanda <Amanda.Dewell@state.sd.us>  
**Cc:** preheimfeedlot@gmail.com; Nic Rowe <nic@proageng.com>  
**Subject:** RE: [EXT] Water Permit Application

Hey Amanda,  
Please keep the annual volume at 30,000,000 gallons & increase it to 57 GPM on the application please. Thank you!

Travis Anderson-Engineering Technician  
Pro Ag Engineering  
77402 U.S. Highway 71  
P.O. Box 181  
Jackson, MN 56143  
507-849-7200 (office)  
507-841-1049 (cell)  
[travis@proageng.com](mailto:travis@proageng.com)

---

**From:** Dewell, Amanda <[Amanda.Dewell@state.sd.us](mailto:Amanda.Dewell@state.sd.us)>  
**Sent:** Thursday, May 8, 2025 2:40 PM  
**To:** [travis@proageng.com](mailto:travis@proageng.com)  
**Cc:** [preheimfeedlot@gmail.com](mailto:preheimfeedlot@gmail.com)  
**Subject:** Water Permit Application

Good afternoon,

The Water Rights Program is in receipt of an application for use of water from two wells for commercial feedlot use. On the application you identified a total annual volume of 30 million gallons of water (92 ac-ft), with a maximum diversion rate of 50 gpm.

Based on my calculations, if you pump 50 gpm, 24/7/365, that will yield a maximum annual volume of 26,280,000 gallons (80.65 ac-ft). To achieve 30,000,000 gallons (92 ac-ft), you would have to pump at 57 gpm, constantly (24/7/365).

With that, I would like to ask whether the annual volume should be decreased, and if so, to what value? Or, if the pump rate should be increase, and if so, to what value?

Thank you,

**Amanda Dewell**

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: [danr.sd.gov](http://danr.sd.gov)



## Rodriguez, Rachel

---

**From:** travis@proageng.com  
**Sent:** Thursday, May 1, 2025 3:16 PM  
**To:** Rodriguez, Rachel  
**Subject:** RE: [EXT] Preheim Feedlot Application

Ok, thank you for the update and will note that for future applications! Appreciate the feedback

Travis

---

**From:** Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>  
**Sent:** Thursday, May 1, 2025 3:02 PM  
**To:** travis@proageng.com  
**Subject:** RE: Preheim Feedlot Application

Good Afternoon Travis,

This application falls under commercial based on Definition 74:02:01:01, see below:

- (1) "Commercial use," water use supplied from other than a common water distribution system to a business such as a truckstop; tourist attraction; eating, drinking, or lodging establishment; commercial campground; convenience store; implement business; salvage business; or any other business or to a livestock confinement operation that exceeds reasonable domestic use.

There is no need to submit another 1<sup>st</sup> page, I can correct it on the current application.

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)



---

**From:** [travis@proageng.com](mailto:travis@proageng.com) <[travis@proageng.com](mailto:travis@proageng.com)>  
**Sent:** Thursday, May 1, 2025 2:40 PM  
**To:** Rodriguez, Rachel <[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)>  
**Cc:** Nic Rowe <[nic@proageng.com](mailto:nic@proageng.com)>  
**Subject:** RE: [EXT] Preheim Feedlot Application

Hey Rachel,  
There is the application with the owner's signature & checking the water use box out.  
And that is correct with the locations, existing well in the SW ¼ SE ¼ & new well in NW1/4 SE ¼ .

Thanks!

## Rodriguez, Rachel

---

**From:** travis@proageng.com  
**Sent:** Thursday, May 1, 2025 2:40 PM  
**To:** Rodriguez, Rachel  
**Cc:** Nic Rowe  
**Subject:** RE: [EXT] Preheim Feedlot Application  
**Attachments:** Application Signature.pdf

Hey Rachel,  
There is the application with the owner's signature & checking the water use box out.  
And that is correct with the locations, existing well in the SW ¼ SE ¼ & new well in NW1/4 SE ¼ .

Thanks!

Travis Anderson-Engineering Technician  
Pro Ag Engineering  
77402 U.S. Highway 71  
P.O. Box 181  
Jackson, MN 56143  
507-849-7200 (office)  
507-841-1049 (cell)  
travis@proageng.com

**From:** nic@proageng.com <nic@proageng.com>  
**Sent:** Wednesday, April 30, 2025 10:50 AM  
**To:** travis@proageng.com  
**Subject:** FW: Preheim Feedlot Application

**From:** Rodriguez, Rachel <[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)>  
**Sent:** Wednesday, April 30, 2025 10:08 AM  
**To:** Nic Rowe <[nic@proageng.com](mailto:nic@proageng.com)>  
**Subject:** Preheim Feedlot Application

Good morning,

In looking over the application for Preheim Feedlot, there are a few issues:

- The application is not signed by an Preheim Feedlot, LLC authorized person/agent.
- There is no water use box checked however, based on the information, I would say it is commercial use.
- You have an existing well in the SW 1/4 SE 1/4 and the new well will be in the NW 1/4 SE 1/4, correct?

Once, I receive the items above, I can process your application.

Thank you,

Rachel Rodriguez



**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 9, 2025

Preheim Feedlot, LLC.  
c/o Derrick Preheim  
43856 272<sup>nd</sup> Street  
Bridgewater SD 57319

Dear Mr. Preheim:

Water Permit Application No. 8957-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Freeman Courier printed at Freeman SD (Ph # 605 925-7033) and the Argus Leader printed at Sioux Falls SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

*Rachel Rodriguez*

Rachel Rodriguez  
Water Rights Program  
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8957-3 to Appropriate Water

Notice is given that Preheim Feedlot, LLC., 43856 272<sup>nd</sup> Street, Bridgewater SD 57319, has filed an application for a water permit to appropriate up to 92 acre-feet of water annually at a maximum pump rate of 0.18 cubic feet of water per second from two wells combined; one existing well is located in the SW 1/4 SE 1/4 Section 26, and a new well is to be completed in the NW 1/4 SE 1/4 Section 26; both in T100N-R56W. The existing well and proposed well are each approximately 233 feet deep and will be completed into the Niobrara Aquifer. Water will be used for commercial purposes in an animal confinement operation located in the SE 1/4 Section 26-T100N-R56W, approximately three and one-half miles southwest of Dolton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8957-3 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:** Wednesday, July 9, 2025 8:07 AM  
**To:** [legals@argusleader.com](mailto:legals@argusleader.com)  
**Subject:** 8957-3 Preheim Feedlot, LLC - Public Notice  
**Attachments:** 8957-3 public.short\_final.docx; FORM8.FRM.doc

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

Preheim Feedlot, LLC., c/o Derrick Preheim, 43856 272<sup>nd</sup> Street, Bridgewater SD 57319, 605-661-4834, [preheimfeedlot@gmail.com](mailto:preheimfeedlot@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](mailto:Rachel.Rodriguez@state.sd.us)



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Wednesday, July 9, 2025 8:06 AM  
**To:** courier@gwtc.net  
**Subject:** 8957-3 Preheim Feedlot, LLC - Public Notice  
**Attachments:** 8957-3 public.short\_final.docx; FORM8.FRM.doc

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

Preheim Feedlot, LLC., 43856 272<sup>nd</sup> Street, Bridgewater SD 57319, 605-661-4834 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Thursday, July 10, 2025 9:11 AM  
**To:** preheimfeedlot@gmail.com  
**Subject:** 8957-3 Preheim Feedlot, LLC - Public Notice  
**Attachments:** 8957-3 Rec.pdf; 8957-3 Ltr.pdf; 8957-3 PubNotice.pdf; 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



## Rodriguez, Rachel

---

**From:** Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>  
**Sent:** Thursday, July 10, 2025 8:59 AM  
**To:** Rodriguez, Rachel  
**Cc:** preheimfeedlot@gmail.com  
**Subject:** RE: [EXT] 11485153 8957-3 Preheim Feedlot, LLC - Public Notice  
**Attachments:** 11485153.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on July 17. The order cost is \$60.70 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

**Our invoicing is done on a monthly basis.**

**You will receive an invoice for this ad after the close of the month.**

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.

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.

Thank you!

Brittany Grady  
Public Notice Representative



Office: 844-254-5287

**From:** Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>  
**Sent:** Wednesday, July 9, 2025 8:07 AM  
**To:** SFA-Legals mbx <allegals@gannett.com>  
**Subject:** 11485153 8957-3 Preheim Feedlot, LLC - Public Notice

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

Preheim Feedlot, LLC., c/o Derrick Preheim, 43856 272<sup>nd</sup> Street, Bridgewater SD 57319, 605-661-4834, [preheimfeedlot@gmail.com](mailto:preheimfeedlot@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

|                          |                                                                    |
|--------------------------|--------------------------------------------------------------------|
| <b>Account Number:</b>   | 1543642                                                            |
| <b>Customer Name:</b>    | Preheim Feedlot LLC                                                |
| <b>Customer Address:</b> | Preheim Feedlot LLC<br>43856 272Nd ST<br>Bridgewater SD 57319-5517 |
| <b>Contact Name:</b>     | Derrick Preheim                                                    |
| <b>Contact Phone:</b>    |                                                                    |
| <b>Contact Email:</b>    | preheimfeedlot@gmail.com                                           |
| <b>PO Number:</b>        |                                                                    |

|                           |            |
|---------------------------|------------|
| <b>Date:</b>              | 07/10/2025 |
| <b>Order Number:</b>      | 11485153   |
| <b>Prepayment Amount:</b> | \$ 0.00    |

|                          |          |
|--------------------------|----------|
| <b>Column Count:</b>     | 1.0000   |
| <b>Line Count:</b>       | 169.0000 |
| <b>Height in Inches:</b> | 18.5200  |

### Print

| Product                     | #Insertions | Start - End             | Category       |
|-----------------------------|-------------|-------------------------|----------------|
| SFA SiouxFalls Argus Leader | 1           | 07/17/2025 - 07/17/2025 | Public Notices |
| SFA argusleader.com         | 1           | 07/17/2025 - 07/17/2025 | 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 | \$60.70 |
| Tax Amount                               | \$0.00  |
| Service Fee 3.99%                        | \$2.42  |
| Cash/Check/ACH Discount                  | -\$2.42 |
| Payment Amount by Cash/Check/ACH         | \$60.70 |
| Payment Amount by Credit Card            | \$63.12 |

|                                  |                |
|----------------------------------|----------------|
| <b>Order Confirmation Amount</b> | <b>\$60.70</b> |
|----------------------------------|----------------|

RECEIVED

AUG 11 2025

OFFICE OF  
WATER

# AFFIDAVIT OF PUBLICATION

County of Hutchinson )

) ss.

State of South Dakota )

Jeremy Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That The Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Jeremy Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Jeremy Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed Notice of Application No. 8957-3

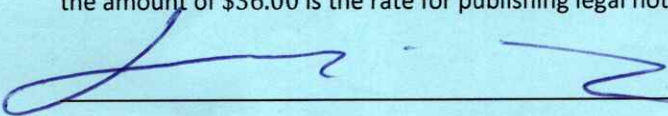
a printed copy of which is hereto attached, was printed and published in the said newspaper for one successive issues to-wit:

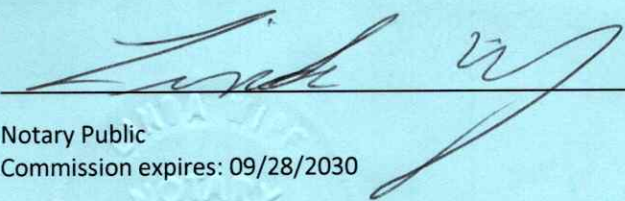
The first publication on:  
July 16, 2025

the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of \$36.00 insures solely to the benefit of the publisher of The Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$36.00 is the rate for publishing legal notices.

  
Subscribed and sworn to before me this 31st day of July 2025.

  
Notary Public  
Commission expires: 09/28/2030

Publication fee: \$36.00  
Notary fee:  
Total: \$36.00

# PUBLIC NOTICES

GOVERNMENT IN ACTION - BECAUSE IT'S YOUR RIGHT TO KNOW

## WATER MANAGEMENT BOARD

### Notice of application No. 8957-3 to appropriate water

Notice is given that Preheim Feedlot, LLC., 43856 272nd Street, Bridgewater SD 57319, has filed an application for a water permit to appropriate up to 92 acre-feet of water annually at a maximum pump rate of 0.18 cubic feet of water per second from two wells combined; one existing well is located in the SW 1/4 SE 1/4 Section 26, and a new well is to be completed in the NW 1/4 SE 1/4 Section 26; both in T100N-R56W. The existing well and proposed well are each approximately 233 feet deep and will be completed into the Niobrara Aquifer. Water will be used for commercial purposes in an animal confinement operation located in the SE 1/4 Section 26-T100N-R56W, approximately three and one-half miles

southwest of Dolton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8957-3 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 petition-

er, 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.

**AFFIDAVIT OF PUBLICATION**

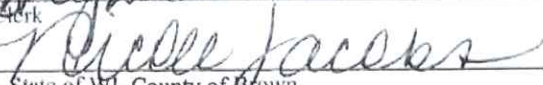
Derrick Preheim  
Preheim Feedlot LLC  
43856 272Nd ST  
Bridgewater SD 57319-5517

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: | \$60.70  |              |
| Tax Amount:       | \$0.00   |              |
| Payment Cost:     | \$60.70  |              |
| Order No:         | 11485153 | # of Copies: |
| Customer No:      | 1543642  | 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. 8957-3  
to Appropriate Water

Notice is given that Preheim Feedlot, LLC., 43856 272nd Street, Bridge-water SD 57319, has filed an application for a water permit to appropriate up to 92 acre-feet of water annually at a maximum pump rate of 0.18 cubic feet of water per second from two wells combined; one existing well is located in the SW 1/4 SE 1/4 Section 26, and a new well is to be completed in the NW 1/4 SE 1/4 Section 26; both in T100N-R56W. The existing well and proposed well are each approximately 233 feet deep and will be completed into the Niobrara Aquifer. Water will be used for commercial purposes in an animal confinement operation located in the SE 1/4 Section 26-T100N-R56W, approximately three and one-half miles southwest of Dolton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8957-3 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 July 17, 2025 at the total approximate cost of \$60.70 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

SEP 10 2025

Preheim Feedlot, LLC.  
c/o Derrick Preheim  
43856 272nd Street  
Bridgewater SD 57319

Dear Mr. Preheim:

Enclosed is Water Permit No. 8957-3 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.:** 8957-3

**Name of Applicant:** Preheim Feedlot, LLC.

**Date of Posting:** 7/14/2025

**Date of Removal:** 9/10/2025

  
\_\_\_\_\_  
Ron Duvall, Engineer III

9/10/2025

\_\_\_\_\_  
Date

Subscribed and sworn to before me, a notary public, this 10<sup>th</sup> day of Sept, 2025.

  
\_\_\_\_\_  
Notary Public - South Dakota  
My commission expires: May 16, 2029  
**Rachel Rodriguez**  
**My Commission Expires**  
**May 16, 2029**  
(SEAL)

