

WATER PERMIT NO. 8958-3

Name of Applicant: **Don Lantis**

Address: **4 Northshore Drive, North Sioux SD 57049**

Phone: **712-577-1769**

Amount of Water Claimed: **0.022 cfs**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Commercial**

County: **Union**

Type of Waste Disposal System:

Location: **In northern area of North Sioux**

PRIORITY Date Received: **04-22-25**

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

Corrected Application Received: **05-14-25**

Period of Annual Use: **January 1 – December 31**

Remarks: **Well to provide water for licensed medical cannabis processing facility.**

Diversion Point: **NW 1/4 SW 1/4 Sec 3-T89N-R48W**

Land to be Irrigated: **N/A**

Depth of Well: **200**

Well Driller: **Sioux Land Well**

Remarks:

Type of Map: **XX**

			3		

Reviewed and the Number Assigned on: **05-14-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8958-3**

Date of first receipt of application April 22, 2025.

Date of return to applicant for corrections, amendments or changes April 22, 2025.

Date of receipt of corrected application April 23, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8958-3 to Don Lantis, 4 North Shore Drive, North Sioux City SD 57049, 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. 8958-3 appropriates up to 0.17 acre-feet of water annually at a maximum pump rate of 0.023 cubic feet of water per second from one well completed into the Dakota Aquifer (205 feet deep) located in the NW 1/4 SW 1/4 Section 3-T89N-R48W. Water will be used for plant watering, processing, and cleaning in a commercial greenhouse. This site is located in the northern city limits of North Sioux City, 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. 8958-3 is July 28, 2025.
5. The date from which applicant may claim right is April 22, 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 well approved under Water Permit No. 8958-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
3. Water Permit No. 8958-3 authorizes a total annual diversion of up to 0.17 acre-feet of water.

WATER MANAGEMENT BOARD

By: _____

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

9/3/25
date



APR 22 2025

Mail to:

SD DANR, Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 8958-3 Hydrologic Unit 10170203
Basin Lower Big Sioux
Newspaper Dakota Dunes N Sioux City Times
Daily Press & Dakotan
(office use only)

OFFICE OF
WATER

PAID

APR 22 2025

Ck# 1188

Rec't#

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐
☐
☐

Municipal
Rural Water System
Domestic (over 18 gpm)

☐
☒
☐

Water Distribution System
Commercial
Industrial

☐
☐
☐

Recreational
Fish & Wildlife
Other

☐
☐

Institutional
Geothermal

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.)

- Name to Appear on Water Permit Don Lantis
Mailing Address 4 North Shore Dr North Sioux City SD 57049
(Address) (City) (State) (Zip Code)
Phone 712-577-1769 Mobile _____ Email DHLW605@gmail.com
- Amount of water claimed 0.023 *CFS or 10 **GPM and 0.17 ***AF or _____ 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)
- Source of water supply Dakota Aquifer (NW 1/4 SW 1/4)
- Location of point of diversion 1 well in 3-89N-48W County Union
(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)
- County or counties where water will be used Union
- Annual period during which water is to be used Year Round Jan 1 - Dec 31
- 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)

New well to provide water for
licensed medical cannabis cultivation
and processing facility.

I, Don Lantis, 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)

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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 S. Duxland Well Co
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 200' Depth to Top of Water Bearing Material 140' Depth to Water from Surface 30'
- d) Distance to nearest domestic well on applicant's property None Property owned by others 1,000 T

2. Wastewater Disposal System Information

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

3. Dugout Information

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

4. Water Storage Dams

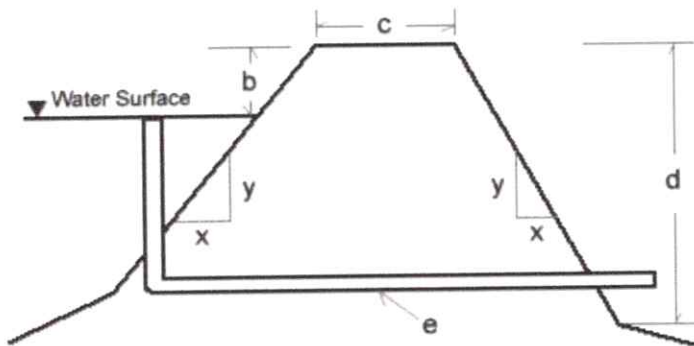
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

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

If pipe, diameter _____

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



Google Maps

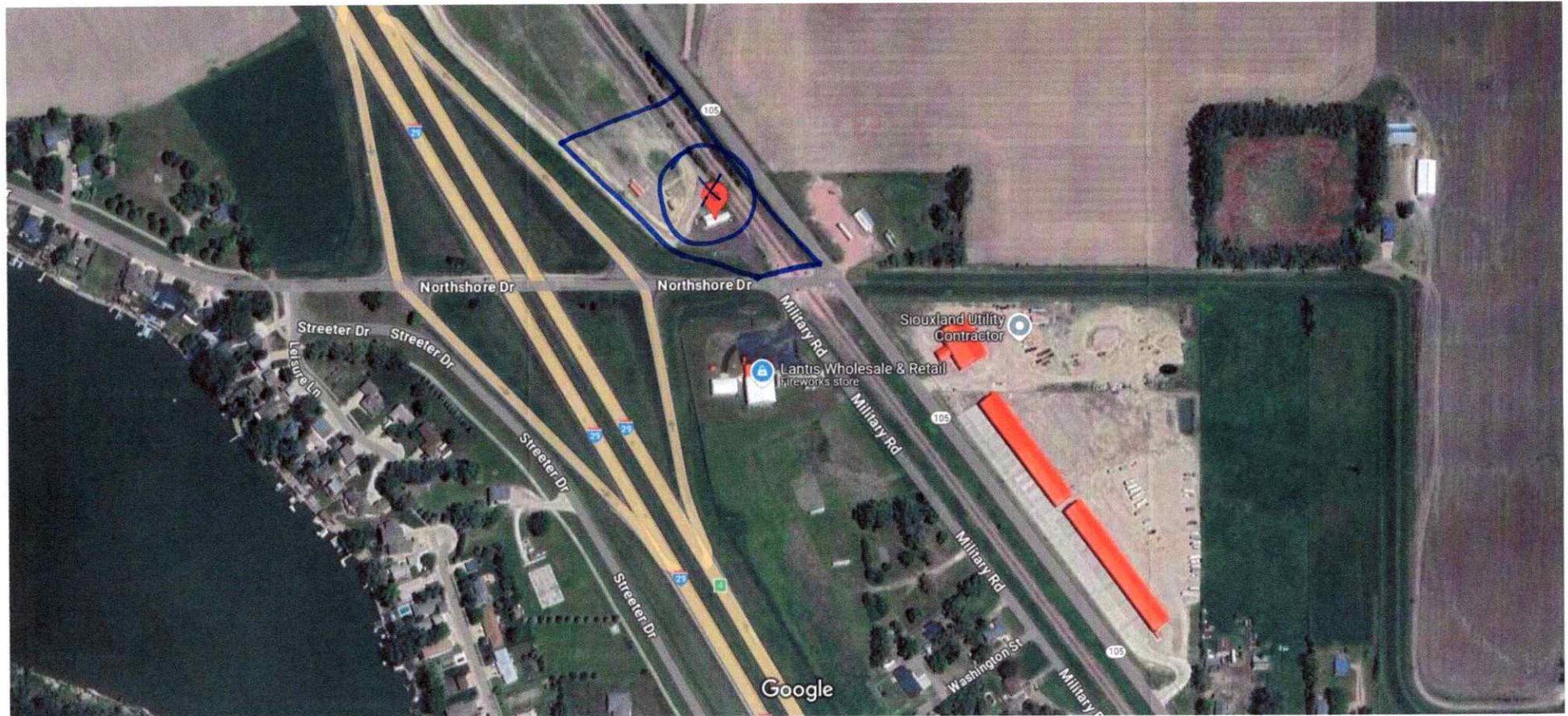
4 Northshore Dr

Parcel ID
05.24.03.1010
Sec/Twp/Rng
3-89-48

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APR 22 2025

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WATER



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 200 ft

Storage Reservoir

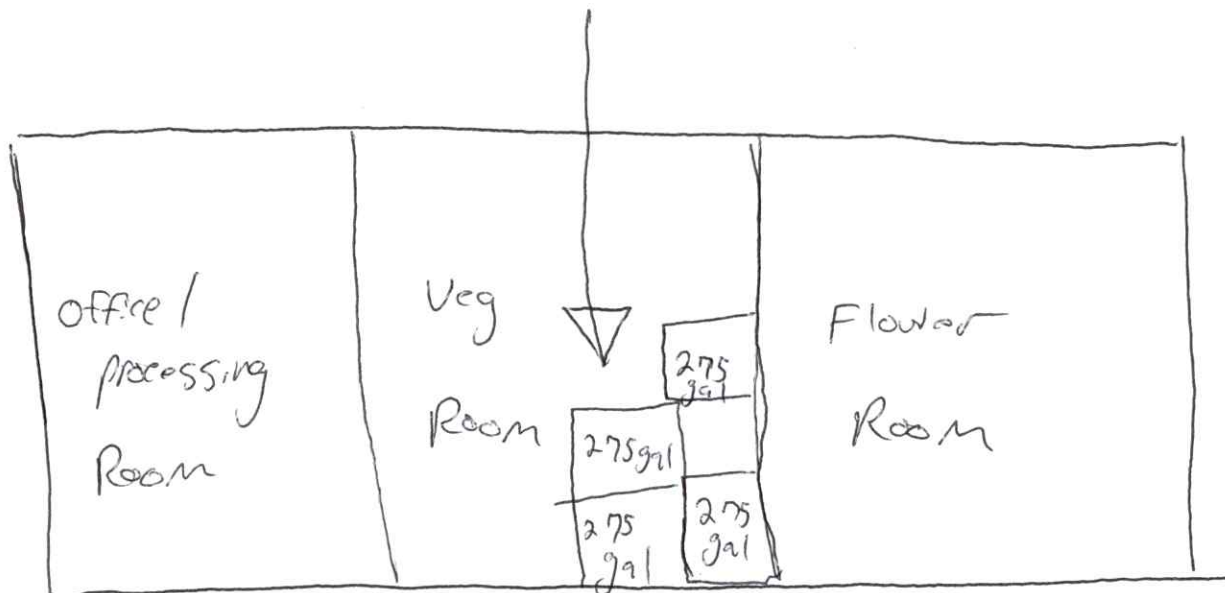
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4 x 275 gallon plastic water

Container reservoirs located
within cultivation facility



Each container is approximately 4 ft tall.

There are two stand alone containers along
the west side veg wall, there are two containers
stacked on the south side wall.

90N 48W
Section: 33

90N 48W
Section: 34

89N 48W
Section: 04

10170203 Lower Big Sioux

Big Sioux

89N 48W
Section: 03

89N 48W
Section: 02

89N 48W
Section: 09

Lewis and Clark Lake
10170101 Lewis and Clark Lake

89N 48W
Section: 10

89N 48W
Section: 11

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SD EForm - 1621LD V1

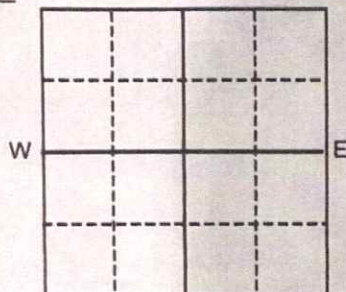
OFFICE OF
WATER

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec 3 Twp 89 Rg 48County Union

North

Please mark well
location with an "X"

Well Completion Date

11-1-2024

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5DR21</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>205</u> FT	<u>9</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>40</u>	<u>200</u> Lb/gal	<u>0</u> Ft	<u>0</u> Ft
<u>Chips</u>		<u>200</u> Lb/gal	<u>0</u> Ft	<u>0</u> Ft

Describe grouting procedure:
Installed chips around casing and
Bore Hole

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5 Inches Length 5 Feet

Material PVC uop Johnson

Slot Size 35 Set From 200 Feet to 205 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysis

Well Owner:

Business Name:

Address:

City, State, Zip:

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Gumbo</u>	<u>0</u>	<u>35</u>
<u>Sand</u>	<u>35</u>	<u>80</u>
<u>Gravel + some Sand</u>	<u>80</u>	<u>120</u>
<u>Clay + Shale</u>	<u>120</u>	<u>140</u>
<u>Sandstone</u>	<u>140</u>	<u>205</u>

STATIC WATER LEVEL 30 FEET

If flowing: closed in pressure _____ PSI

GPM flow 12 through _____ Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Air lift till clean
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 586 and this
report is true and accurateDrilling firm: Siouxland Well Co.

Signature of License Representative:

Dennis Walsh

Signature of Well Owner or Equitable Property Holder:

Jim L...

Date

April 15, 2025

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APR 22 2025

OFFICE OF
WATER

SD DANR, Water Rights
ATTN: Adam Mathiowetz
523 E Capitol Ave.
Pierre, SD 57501-3182

Adam,

Please see the paperwork included regarding our application for a well at 4 Northshore Drive in North Sioux City, SD.

Thank you for taking the time to walk me through the application process. I hope the paperwork is filled out correctly. Siouxland Well Company also helped me complete the form.

If you have any questions let me know.

Thank you,



Rob Studley
Manager
Dakota Health & Wellness Cultivation
4 Northshore Drive
North Sioux City, SD 57049

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

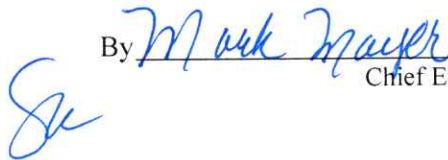
Date April 23rd, 2025

RECEIVED OF Don Lantis 4 North Shore Drive North Sioux SD 57049

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
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>500.00</u>

By


Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 14th, 2025

RECEIVED OF Don Lantis 4 Northshore Drive North Sioux SD 57049

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$_____
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>8958-3</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>\$200.00</u>

By Mark Mayle
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8958-3, Don Lantis**

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. 8958-3, Don Lantis, 4 North Shore Drive, North Sioux City SD 57049.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8958-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8958-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
3. Water Permit No. 8958-3 authorizes a total annual diversion of up to 0.17 acre-feet of water.

See report on application for additional information.

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

Report to the Chief Engineer
On Water Permit Application No. 8958-3

Don Lantis

June 20th, 2025

Water Permit Application No. 8958-3 proposes to appropriate up to 0.17 acre-feet of water annually at a maximum pump rate of 0.023 cubic feet of water per second (cfs) (10 gallons per minute) from one well completed into the Dakota aquifer (205 feet deep) located in the NW ¼ SW ¼ Section 3-T89N-R48W. Water from the well will be used for plant watering, processing, and cleaning in a commercial greenhouse. This site is located in the northern city limits of North Sioux City, SD in Union County.

AQUIFER: Dakota (DKOT)

HYDROGEOLOGY:

The Dakota Formation is defined as the first relatively continuous sandstone below the Greenhorn Limestone, extending downward to the top of the Skull Creek Shale in western and central South Dakota (Schoon, 1971). In eastern South Dakota, the Skull Creek Shale is not continuous and when absent, the Dakota Formation directly overlies Precambrian bedrock or the Inyan Kara Group (Schoon, 1971). In western South Dakota, a stratigraphically equivalent formation to the Dakota Formation is the Newcastle Formation, which outcrops in the Black Hills (Bredehoeft and others, 1983). In eastern South Dakota, the Dakota Formation can be separated into three layers: 1) upper layer of fine to medium grained, light to reddish brown, quartz sandstone interbedded with minor gray to dark grey shale layers; 2) a middle layer of silty gray clay interbedded with minor sandstone layers; and 3) a lower layer of medium to coarse grained quartz sandstone (Schoon, 1971).

The Dakota aquifer is comprised of the saturated and permeable portions of the Dakota Formation and is primarily a confined bedrock aquifer throughout most of South Dakota (Schoon, 1971; Water Rights 2025b and 2025d). The Dakota Formation underlies approximately 66,500 square miles of South Dakota and has an average thickness of 150 feet (Schoon, 1971). Using Schoon's (1971) estimates of average thickness (150 feet) and areal extent (66,500 square miles or 42.5 million acres) of the Dakota aquifer, and assuming 15% porosity for the Dakota Formation, calculates to an approximate 960 million acre-feet of stored water within the Dakota aquifer in South Dakota.

A well completion report was submitted with this application. The applicant intends to use this well to supply water under this application, if approved. The well is located in Section 3-T89N-R48W and was completed on November 1, 2024 (Water Rights, 2025d). The water well completion report shows the top of aquifer material 140 feet below ground surface. The static water level at the time of well completion was 30 feet below ground surface (Water Rights, 2025b). Based on the top of aquifer material, the static water level, and total well depth (205 ft), the aquifer is confined with a saturated aquifer thickness of at least 65 feet (Water Rights,

2025b). The well completion report indicates the aquifer material is confined by a layer of shale and is similar to other nearby test hole reports and well completion reports (Water Rights, 2025d).

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

Pursuant to SDCL 46-2A-9,

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

This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Dakota aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8958-3 proposes to appropriate water from the Dakota aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1,

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Dakota aquifer is older than and stratigraphically lower than the Greenhorn Formation. However, the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Dakota aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Dakota aquifer in South Dakota occurs through upward leakage from underlying aquifers with a higher potentiometric surface than the Dakota aquifer, downward seepage

through overlying confining layers, and through the infiltration of precipitation on the Newcastle Formation that outcrops in the Black Hills (Bredehoeft and others, 1983; Water Rights, 2025b). Using computer modeling, Bredehoeft and others (1983) attempted to match Darton's (1909) potentiometric surface map of the Dakota aquifer and developed a recharge estimate of approximately 79.4 cfs (57,500 acre-feet/year) prior to well development. However, assumptions used in Bredehoeft and other's (1983) recharge estimate are now outdated. For example, the recharge estimates used for the Madison and Inyan Kara aquifers in Bredehoeft and other's (1983) analysis are much lower than estimates calculated by the more recent research of Carter and others (2002). While outdated, the Bredehoeft and other's (1983) estimate is the best information available to give a sense of scale of the recharge to the Dakota aquifer in South Dakota, it is unknown whether the true recharge rate of the Dakota aquifer is higher or lower than Bredehoeft and others' (1983) estimates.

Discharge

Discharge from the Dakota aquifer in South Dakota occurs through well withdrawals, uncontrolled flowing wells, outflow through corroded well casings, and outflow to overlying or adjacent aquifers due to higher potentiometric surface in the Dakota aquifer (Bredehoeft and others, 1983; Water Rights, 2025a and 2025c). Currently, there are 264 water rights/permits, including future use permits, authorized to appropriate water from the Dakota aquifer (Water Rights, 2025c). There are seven future use permits reserving 4,287 acre-feet/year of water from the Dakota aquifer, shown on Table 1 (Water Rights, 2025c).

Table 1. Future Use Permit reserved water for the Dakota aquifer (Water Rights, 2025c)

Future Use Permit Holder	Amount of Reserved Water (acre-feet)
South Lincoln Rural Water System (No. 4817-3)	1,448
City of Lennox (Nos. 5101-3, 5101A-3)	0*
Lincoln County Rural Water System (No. 5155-3)	440
City of Canton (Nos. 5219-3, 1262C-3)	1,849
City of Harrisburg (No. 8400-3)	550
Total:	4,287
*City of Lennox has allocated all the water they had reserved	

Table 2 summarizes the 237 non-irrigation water rights/permits authorized to appropriate water from the Dakota aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume (Water Rights, 2025c). The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe overestimate of average annual withdrawals by non-irrigation appropriations (Water Rights, 2025c). Historically, the 60 percent estimate has been accepted by the Water Management Board. There are also some water permits/rights that divert their water from more than one aquifer, so only the diversion from the Dakota aquifer will be accounted for in Table 2 (Water Rights, 2025c). Some of the water

permits/rights on Table 2 are connected to rural water systems and use rural water rather than their local wells. Therefore, they will not contribute to the annual withdrawal rate. This includes water rights for the City of Canton which purchases 30% of their water from South Lincoln Water System but pumps the other 70% of their water from local wells (Drinking Water, 2025). Overall, the estimated average annual withdrawal rate for the Dakota aquifer non-irrigation water rights/permits is 26,181 acre-feet/year (Table 2) (Water Rights, 2025c). This application proposes to appropriate less than 1 acre-feet of water annually from the Dakota aquifer for commercial use. Collectively, the average annual withdrawal rate for the non-irrigation appropriations (26,181 acre-feet/year), plus this application, if approved, proposed annual withdrawal rate (1 acre-feet/year), is approximately 26,182 acre-feet per year.

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Dakota aquifer (Water Rights, 2025c)

Type of Use	No. of Water Rights/Permits	Authorized Annual Volume (acre-feet)	Authorized Diversion Rate (cfs)	Estimated Annual Use (acre-feet/year)
COM	111	2,605	12.93	8,220
DOM	11	72	1.58	760
FWP	4	0	2.73	1,187
GEO	2	0	2.33	1,012
IND	6	7	0.84	374
INS	2	0	1.34	582
MUN	85	5,998	6.81	8,957
REC	3	3	0.45	199
RWS	6	2,005	3.30	3,443
SHD	7	0	3.33	1,447
Total:	237	10,690	34.54	26,181
COM: Commercial, DOM: Domestic, FWP: Fish & Wildlife Propagation, GEO: Geothermal, IND: Industrial, INS: Institutional, MUN: Municipal, REC: Recreation, RWS: Rural Water System, SHD: Suburban Housing Development				

Currently, there are 20 irrigation water rights/permits appropriating water from the Dakota aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the Dakota aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 164 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 245 acre-feet per year (Table 3) (Water Rights, 2025a). Water Permit Nos. 8828-3 & 8842-3 were approved in 2024, so they have not reported an annual usage yet and will need to be accounted for. Generally, crop irrigators in eastern South Dakota apply less than one foot of water per acre per year. Regardless, one foot of water per acre per year application rate will be used, as an overestimate, to estimate the annual withdrawal rate for Water Permit Nos. 8828-3 & 8842-3. Water Permit Nos. 8828-3 & 8842-3 combined are permitted to irrigate 472 acres. Therefore, Water Permit Nos. 8828-3 & 8842-3 will have an estimated annual use of 472 acre-feet per year. Water Permit Application No. 2890-2 is another pending application that must be

considered. Water Permit Application No. 2890-2 proposes to irrigate 95 acres. Using the previous method to estimate withdrawal, Water Permit Application No. 2980-2, if approved, will irrigate an estimated 95 acre-feet per year. Combining the estimated annual use of Water Permit Nos. 8828-3 & 8842-3, Application No. 2890-2, and the reported annual average, results in an estimated annual irrigation withdrawal rate of 812 acre-feet per year.

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

Table 3. Reported historic irrigation use from the Dakota aquifer (Water Rights, 2025a)

Year	No. of Permits	Reported Use (acre-feet)	Year	No. of Permits	Reported Use (acre-feet)
1979	2	38	2002	10	179
1980	2	110	2003	10	205
1981	4	45	2004	10	154
1982	5	33	2005	12	147
1983	5	64	2006	13	232
1984	4	0	2007	14	200
1985	5	8	2008	14	196
1986	5	239	2009	15	131
1987	5	1	2010	17	172
1988	4	453	2011	18	175
1989	4	265	2012	18	298
1990	4	234	2013	18	257
1991	5	165	2014	17	163
1992	5	40	2015	17	236
1993	7	112	2016	16	196
1994	7	52	2017	16	229
1995	8	31	2018	16	157
1996	8	34	2019	15	108
1997	9	48	2020	16	246
1998	9	176	2021	16	256
1999	10	102	2022	17	483
2000	10	173	2023	19	376
2001	11	161			
Max.	18	483			
Min.	2	0			
Average (1979-2023)	10	164			
Average (2014-2023)	17	245			

Hydrologic Budget Summary

The average annual recharge rate to the Dakota aquifer has not been accurately quantified. Bredehoeft and others (1983) estimated the recharge rate to be approximately 57,500 acre-feet/year. However, the Bredehoeft and others (1983) recharge estimate relies on old information and the actual recharge rate of the Dakota aquifer could be higher or lower than previously estimated. The estimated average withdrawal rate from the Dakota aquifer totals to approximately 31,281 acre-feet/year; (future use: 4,287 acre-feet/year; non-irrigation, including this pending application: 26,182 acre-feet/year; and irrigation (avg 2014 to 2023), including 2024 permits & another pending application: 812 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Dakota aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 46 observation wells completed into the Dakota aquifer. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The two closest observation wells to the proposed diversion point are UN-98A (approximately 1.5 miles west) and UN-77E (approximately 24.6 miles northwest) (Water Rights, 2025b). The water level elevations for these observation wells are displayed in Figure 1 (Water Rights, 2025b). The majority of observation wells in the Dakota aquifer have a declining water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize and a couple that have stable water levels over their period of record. The data shown on Figure 1 share a similar stable trend with most of the southeastern South Dakota observation wells in the Dakota aquifer.

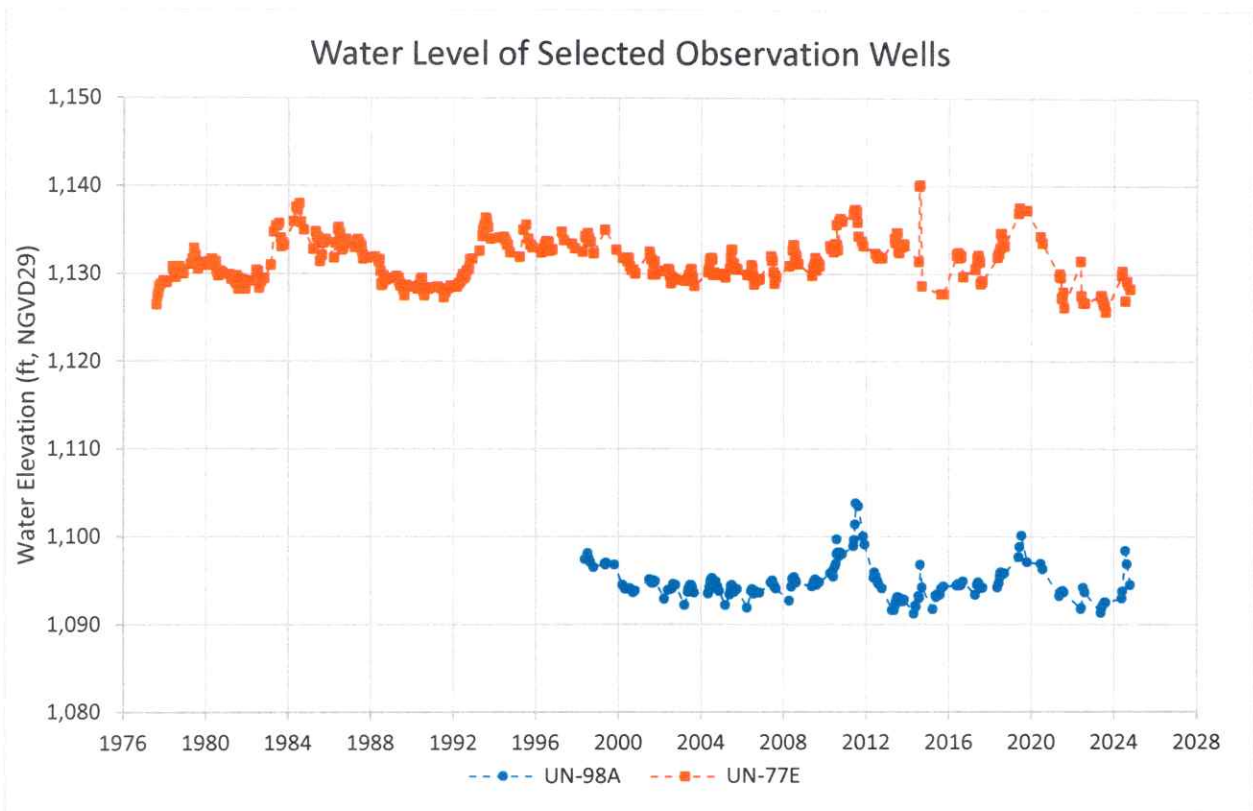


Figure 1. A hydrograph showing the elevation of water levels of observation wells UN-98A, and UN-77E (Water Rights, 2025b)

The hydrographs in Figure 1 display generally stable water levels that do not agree with the majority of observation wells in the Dakota aquifer. However, several other Dakota aquifer

observation wells do show water levels that stabilize or have started stabilizing. The observation wells under influence of heavy and continuous pumping quickly stabilize after the pumping starts. In confined aquifers, a decline in observation well water levels do not necessarily indicate a significant decrease in water stored in the confined aquifer, since measured water levels are reflecting artesian head pressure. Additionally, there are many uncontrolled, flowing wells discharging water from the Dakota aquifer at ground surface, and it is expected water from the aquifer is also being discharged to other aquifers if wells completed into the Dakota aquifer have experienced casing failure. Concerns have developed over time about the decline in artesian head pressure of the Dakota aquifer. The Water Management Board has concluded and reaffirmed that withdrawals exceeding the average annual recharge cannot be determined solely upon decline in head pressure, and in theory the Dakota aquifer head is stabilizing relative to withdrawals and discharges (Water Rights, 1987 and 2010). Since discharge from uncontrolled flowing wells is likely to continue until water levels in the aquifer decline to being at or below the ground surface, continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste. The Water Management Board's decision to optimize development of the Dakota aquifer is favorable to issuance of permits. There is a reasonable probability unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits within approximately 30 miles of the proposed well sites for this application are shown in Figure 2 and summarized in Table 4 (Water Rights, 2025c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 6285-3 which is held by the City of North Sioux City. The diversion point for Water Right No. 6285-3 is located approximately 0.3 miles southwest from this application (Water Rights, 2025c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Dakota aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.5 miles southeast of the proposed diversion point based on the location identified by the well driller on the well completion report submitted by the driller (Water Rights, 2025d). There could potentially be other domestic wells completed into the Dakota aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

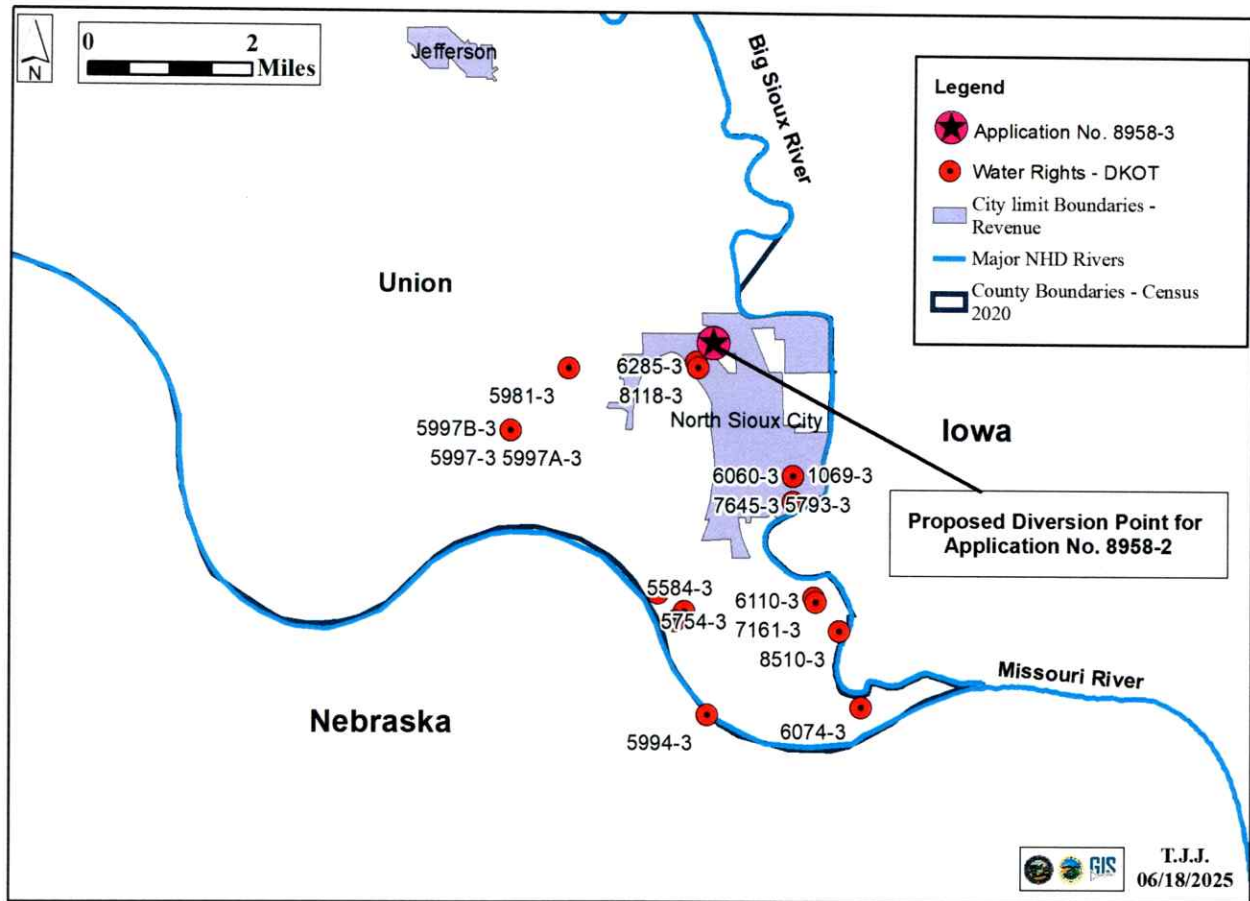


Figure 2. Map of the Water Permit Application No. 8958-3 proposed diversion point and the Dakota aquifer observation wells and water rights/permits within Union Counties (Water Rights, 2025b and 2025c).

Table 4. List of water rights/permits within 5 miles of the proposed Diversion point.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
1069-3	City of North Sioux City	12/18/1963	License	Municipal	0.55	0
5584-3	Sandy Mead Homeowners	10/10/1991	License	SHD*	0.37	0
5703-3	Charles A. Long	07/20/1992	License	Irrigation	0.06	2
5754-3	Riv-R-Land Estates Inc.	01/08/1993	License	SHD*	0.40	0
5793-3	City of North Sioux City	01/01/1993	License	Municipal	1.22	0
5981-3	Deer Run Home Owners Assn	01/01/1997	License	SHD*	1.22	0
5994-3	Richard & Paula Verzani	04/17/1997	License	Irrigation	0.053	3
5997-3	Clay Rural Water System Inc.	04/21/1997	Permit	SHD*	1.11	0
5997A-3	Clay Rural Water System Inc.	04/21/1997	Permit	SHD*	0.00	0
5997B-3	Clay Rural Water System Inc.	04/21/1999	Permit	Rural Water System	0.00	0
6060-3	City of North Sioux City	03/09/1998	License	Municipal	2.22	0
6074-3	Dakota Dunes Comm Improvement District	05/04/1998	License	Municipal	3.34	0
6110-3	Dakota Dunes Comm Improvement District	10/06/1998	License	Irrigation	0.12	11
6285-3	City of North Sioux City	11/02/2001	License	Municipal	0.89	0
7161-3	BPI Technology Inc.	09/24/2009	Permit	Commercial	0.01	0
7645-3	City of North Sioux City	01/14/2013	License	Municipal	2.22	0
8118-3	City of North Sioux City	02/19/2015	Permit	Municipal	1.34	0
8510-3	TR Golf LLC	03/26/2021	Permit	Irrigation	1.11	30
*SHD: Suburban Housing Development						

The Dakota aquifer is primarily under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful

impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the saturated thickness of the Dakota aquifer in Union County, the lack of well interference complaints for adequate wells completed into the Dakota aquifer in Union County (Water Rights, 2025e), and a proposed pump rate of 10 gpm, any drawdown created from the diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

Special Consideration: Well Construction

Any future replacement wells or additional wells must be constructed to meet the adequate well construction standards as defined in ARSD 74:02:04:20(6) as well as the grouting requirements in ARSD 74:02:04:28. The existing well has been constructed per ARSD 74:02:04:20(6) but does not meet the grouting standard in ARSD 74:02:04:28. The alternative well construction standards for some Dakota aquifer wells, also called “slim hole” wells (74:02:04:35), are not fully grouted, and do not have the ability to have a pump installed 20 feet into the saturated aquifer as required in ARSD 74:02:04:20(6). Furthermore, the alternative well construction standard for certain Dakota aquifer wells (74:02:04:35) are not permitted for appropriative uses when a new well is constructed.

An adequate well has been defined in ARSD 74:02:04:20 (6) as:

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

The existing well was not grouted per ARSD 74:02:04:28. Bentonite chips were used instead of either a bentonite grout slurry or a cement grout slurry. However, as constructed, the well does meet the intent of the well construction standards (ARSD 74:02:04:23). The existing well does not need to be plugged and replaced with a well that meets ARSD 74:02:04:28. However, any future well must meet standards or cannot be used for this application, if approved.

CONCLUSIONS:

1. Water Permit Application No. 8958-3 proposes to appropriate up to 0.17 acre-feet of water annually at a maximum pump rate of 0.023 cfs (10 gallons per minute) from one well completed into the Dakota aquifer (205 feet deep) located in the NW ¼ SW ¼ Section 3-T89N-R48W. Water from the well will be used for plant watering, processing, and cleaning in a commercial greenhouse. This site is located in the northern city limits of North Sioux City, SD in Union County.

2. The Water Management Board concluded that in reference to SDCL 46-6-3.1, “withdrawals” applies only to water placed to beneficial use via appropriations or domestic use.
3. The Water Management Board’s position has been to optimize development of water for beneficial use from the Dakota aquifer.
4. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Dakota aquifer to supply the proposed appropriation.
5. There is a reasonable probability that the diversion by Water Permit Application No. 8958-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
6. Any future replacement wells must meet the adequate well construction standards and may not be constructed using the alternative well construction method defined in ARSD 74:02:04:35 and must be grouted in accordance with ARSD 74:02:04:28.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR -Water Rights Program

References

- Bredehoeft, J.D., Neuzil, C.E., and Milly, P.C., 1983. Regional Flow in the Dakota Aquifer: A Study of the Role of Confining Layers. Alexandria, Virginia: U.S. Geological Survey, 1983. Water- Supply Paper 2237.
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- Darton, H.H., 1909. Geology and Underground Waters of South Dakota. Water Supply Paper 227. U.S. Geological Survey, Washington D.C.
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- Water Rights, 2025a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2025b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Rodriguez, Rachel

From: Rob <dhw605@gmail.com>
Sent: Tuesday, April 22, 2025 5:09 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Hello,

Thank you for your response.

It's a small facility so we use very little water. I estimated about 26,400 gallons/year, which looks to be about 0.08 of an acre foot.

I believe that would put us under the first 120 acre feet category which looks to be a fee of \$500. We enclosed check along with our application.

Please let me know if you have any other questions and if you could update me about the status of the application I would appreciate it. Thanks!

On Tue, Apr 22, 2025 at 4:14 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good afternoon,

In looking over your water permit application, there are a few issues:

- We need the annual acres feet of water that will be used. If you are unsure what your annual volume will be, a general practice is to convert the diversion rate to a volume in acre-feet of water annually based on pumping 60% of the time.
- Once we know the total, we can provide the fees required.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

Dewell, Amanda

From: Rob <dhw605@gmail.com>
Sent: Wednesday, May 21, 2025 9:46 AM
To: Dewell, Amanda
Subject: Re: [EXT] Water Permit Application

Hello Amanda,

Our facility is what we consider a small, "botique" style operation. Our main flower room is only about 900sq ft - so we do not use near the amount of water as other cannabis operations.

With that in mind, 99% of the water used here is for the plants. We use a small amount of water for cleaning: pressure washing the flower room 2-3 times a year, as well as cleaning equipment like our pitchers used to measure and mix fertilizers. This amount of water is figured into my educated guess of 26,400 gallons. Our processing capabilities do not include cannabis extraction and are only for packaging purposes. If we were doing cold water hash for example, we would definitely be using more water - but we have a partner in Yankton that handles our extractions.

However, I am really glad you brought maximum water usage back to my attention because I forgot about filtering the well water. Our RO system is 2:1 product:waste, so our volume would actually be double for a total of **52,800 gallons/annually**. The well company stated the pump rate is 10 gallons/minute so I am confident with that figure.

We are also hoping to recycle the condensate water from the dehumidifiers which would make our water usage more efficient, but we are still working this out.

Let me know if there is anything else we might be missing and thanks again for making me take a closer look.

-Rob

On Tue, May 20, 2025 at 9:46 AM Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Good morning,

I'm contacting you today in regard to a water permit application for water use in a medical cannabis facility. With this email I would like ask a few questions.

1. Will water be used strictly for watering "irrigation" of the plants, or will water also be needed for other processing activities in the facility?

2. In previous discussions with our Program Assistance, Rachel, you approximated an annual need of 26,400 gallons of water with a pump rate of 10 gallons per minute. These figures should be the maximum needed for operation in the facility. Are you confident that rate and volume will be sufficient or would you like to increase those rates?

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov





**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 10, 2025

Don Lantis
4 Northshore Drive
North Sioux City SD 57049

Dear Mr. Lantis:

Water Permit Application No. 8958-3 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 Dakota Dunes North Sioux City Times printed at North Sioux City SD (Ph # 605 356-2632) and the Daily Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). 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.

Instruction to Newspaper - Publish the Notice on July 17 or 18, 2025. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8958-3 to Appropriate Water

Notice is given that Don Lantis, 4 Northshore Drive, North Sioux City SD 57049, has filed an application for a water permit to appropriate up to 0.17 acre-feet of water annually at a maximum pump rate of 0.023 cubic feet of water per second from one well completed into the Dakota Aquifer (205 feet deep) located in the NW 1/4 SW 1/4 Section 3-T89N-R48W. Water will be used for plant watering, processing, and cleaning in a commercial greenhouse. This site is located in the northern city limits of North Sioux City, SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8958-3 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: Thursday, July 10, 2025 9:22 AM
To: Shannon Jost
Subject: 8958-3 Don Lantis - Public Notice
Attachments: 8958-3 public.short_final.docx; FORM8.FRM.doc

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

Don Lantis, 4 Northshore Drive, North Sioux City SD 57049, 712-577-1769, 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 9:22 AM
To: Kelly Kronaizl
Subject: 8958-3 Don Lantis - Public Notice
Attachments: 8958-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 18, 2025.

Don Lantis, 4 Northshore Drive, North Sioux City SD 57049, 712-577-1769, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DON LANTIS
4 NORTHSORE DRIVE
NORTH SIOUX CITY SD 57049

RECEIVED
AUG 04 2025
OFFICE OF
WATER

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 18th DAY OF July, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$46.04 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 07/18/2025

FILED ON: 07/18/25

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF July, 2025

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



RECEIVED

AUG 04 2025

OFFICE OF
WATER

NOTICE OF APPLICATION
NO. 8958-3 to Appropriate Water

Notice is given that Don Lantis, 4 Northshore Drive, North Sioux City SD 57049, has filed an application for a water permit to appropriate up to 0.17 acre-feet of water annually at a maximum pump rate of 0.023 cubic feet of water per second from one well completed into the Dakota Aquifer (205 feet deep) located in the NW 1/4 SW 1/4 Section 3-T89N-R48W. Water will be used for plant watering, processing, and cleaning in a commercial greenhouse. This site is located in the northern city limits of North Sioux City, SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8958-3 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 \$46.04 and can be viewed free of charge at www.sdpublicnotices.com

Published July 18, 2025.

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Shannon L. Jost,

the publisher of the Dakota Dunes / North Sioux City Times,
deposes and says that

The Dakota Dunes / North Sioux City Times

is a legal weekly newspaper of a general circulation, printed and published in North Sioux City, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application

NO. 8958 Don Lantis

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of North Sioux City, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 17 day of July, 2025

and that the succeeding publications were

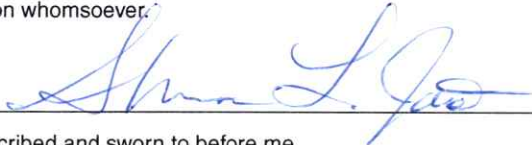
on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

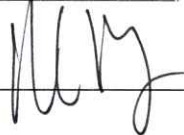
that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 48.51, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 17 day of July, 2025



Notary Public

RECEIVED

AUG 05 2025

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8958-3 TO APPROPRIATE WATER

Notice is given that Don Lantis, 4 Northshore Drive, North Sioux City SD 57049, has filed an application for a water permit to appropriate up to 0.17 acre-feet of water annually at a maximum pump rate of 0.023 cubic feet of water per second from one well completed into the Dakota Aquifer (205 feet deep) located in the NW 1/4 SW 1/4 Section 3-T89N-R48W. Water will be used for plant watering, processing, and cleaning in a commercial greenhouse. This site is located in the northern city limits of North Sioux City, SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8958-3 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 op-



posing 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 oppos-

ing 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 pe-

titioner'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. Publish July 17, 2025.

Published once at the total approximate cost of \$48.51 and may be viewed free of charge at www.sdpublicnotices.com
T29-3-134

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, July 10, 2025 9:43 AM
To: dhw605@gmail.com
Subject: 8958-3 Don Lantis - Public Notice
Attachments: 8958-3 Rec.pdf; 8958-3 Ltr.pdf; 8958-3 PubNotice.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



September 3, 2025

REFUND REQUEST FORM

PAYEE:

Don Lantis
4 North Shore Drive
North Sioux City SD 57049

FROM: DANR-Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for overpayment of Application Filing Fee for #8958-3

AMOUNT: \$400.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Mark Meyer 9/3/25

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 03 2025

Don Lantis
4 North Shore Drive
North Sioux City SD 57049

Dear Mr. Lantis:

Enclosed is Water Permit No. 8958-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$700.00 was submitted with the application. The correct fee for this permit is \$300.00. Therefore, \$400.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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**

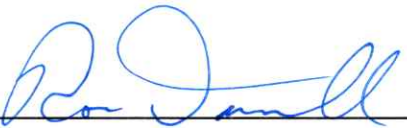
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8958-3

Name of Applicant: Don Lantis

Date of Posting: 7/14/2025

Date of Removal: 9/3/2025



Ron Duvall, Engineer III

9/3/2025

Date

Subscribed and sworn to before me, a notary public, this 3rd day of Sept, 2025.



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

(SEAL)

