

WATER PERMIT NO. 8972-3

Name of Applicant: **Cheryl E. Nelson and Erik L. Nelson**

Address: **612 S Exene Street, Gettysburg SD 57442** Phone: **605-765-2469**

Amount of Water Claimed: **225 AF** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Rec/FG&W** County: **Sully**

Type of Waste Disposal System:

Location: **Approx. 11 miles southeast of Gettysburg**

PRIORITY Date Received: **07-22-25**

Application/License Fee: **\$100.00**

Corrected Application Received:

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

Remarks:

Diversion Point: **NW 1/4 SW 1/4 Sec 7, NE 1/4**

NW 1/4 Sec 8; all in T116N-R74W

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

Depth of Well: **2120**

Well Driller: **Huron Drilling**

Remarks:

Type of Map: **aerial**

				x	
	7				8
x					

Reviewed and the Number Assigned on: **07-23-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8972-3

Date of first receipt of application July 22, 2025.

The Water Management Board approved Water Permit No. 8972-3 on December 3, 2025, for Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442, 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. 8972-3 authorizes up to 72.4 acre-feet of water annually at a maximum combined pump rate of up to 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from two existing wells (Well No. 2 & Well No. 4) completed into the Inyan Kara Aquifer (both approximately 2,120 feet deep) located in the NW 1/4 SW 1/4 Section 7 (Well No. 2), and NE 1/4 NW 1/4 Section 8 (Well No. 4); both in T116N-R74W. Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute to a large slough located in the E 1/2 NE 1/4 Section 7, W 1/2 NW 1/4 Section 8, and from Well No. 2 at a rate of up to 5 gallons per minute to a pond located in the NW 1/4 SW 1/4 Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This site is located approximately eleven miles southeast of Gettysburg SD.
2. The water appropriated shall be used for the purpose of recreation, and fish and wildlife 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 from which applicant may claim right is July 22, 2025.
5. 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. 8972-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall 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 wells approved under Permit No. 8972-3 must be valved and the flow reduced to the amount needed or to a minimum not to exceed five gallons per minute when not being used. If any of the wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. If the slough receiving flow from Well No. 4 is spilling water to the Ficher-Nelson Waterfowl Production Area, the flow from Well No. 4 must be reduced to a minimum not to exceed five gallons per minute.
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.
5. Water Permit No. 8972-3 authorizes a total annual diversion of up to 72.4 acre-feet of water from the Inyan Kara Aquifer.

WATER MANAGEMENT BOARD

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

1/6/26
date



FORM 2: Application for uses other than irrigation
(type or print)

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WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____
	(office use only)

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☒ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ 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.)

- Name to Appear on Water Permit Cheryl E. Nelson and Erik L. Nelson
Mailing Address 612 S Exene St. Gettysburg SD 57442
(Address) (City) (State) (Zip Code)
Phone (605)765-2469 Mobile _____ Email cheryl@paulnelsonfarm.com
- Amount of water claimed 0.10 *CFS or 45 **GPM and 72.4 ***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 Inyan Kara formation (2125' below grade) T116N-R74W
One well (Well 2) in NW1/4 SW1/4 S7
- Location of point of diversion and one well (Well 4) in NE1/4 NW1/4 S8 _____ County Sully
(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? W1/2 NW1/4 section 8; E1/2 NE1/4 section 7; all in T116N-R74W
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Sully
- Annual period during which water is to be used Annually - year round Jan 1 - Dec 31

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)

The water will be used to fill and maintain water levels that support recreation, fish, and wildlife. See attachments. The well supporting the pond in the building site will be used at no more than 5 gpm to maintain the pond level as needed. The well to the east, which supports the larger natural slough to the east, will be used at no more than 40 gpm to maintain the water level in that body. In no instance is runoff into Nelson Lake a planned occurrence. The cost of discharge works for the prior geothermal heating plan for these wells proved to be more expensive than originally anticipated; the Nelson Farm has procured and installed boilers to heat the buildings.

I, Cheryl E. Nelson Owner, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

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OFFICE OF
WATERForm 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

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

☐ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many Two Provide copy of log(s), if available. Drilled by Huron Drilling Inc.No logs available. The well log for Well 3 is
thought to be similar and is attached.

For either existing or proposed wells:

c) Well Depth (required) ~2120' Depth to Top of Water Bearing Material ~1885' Depth to Water from Surface flowing

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) N/A

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions N/A Depth _____

b) Depth to water (ground surface to water level) _____

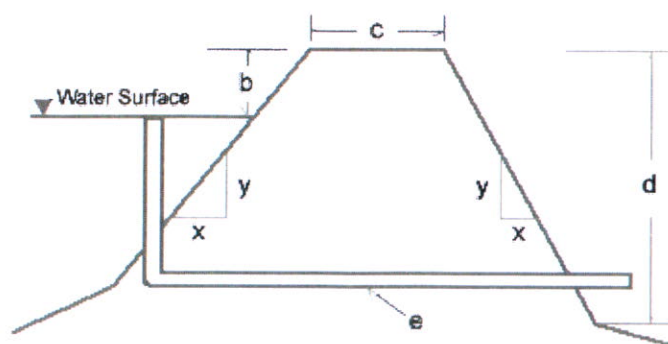
4. Water Storage Dams

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:

Well 2
building
site
pondJoel Toso
Barr Engineering Company
234 W Century Ave
Bismarck, ND 58501701-255-5460b) Freeboard b = 1.5-ft
c) Crest Width na - pipe outlet (see
Crest Length attached photo)
d) Height d = ~6.5-ft
e) Primary Outlet Capacity 0.9 cfsIf pipe, diameter 8-inchf) Secondary Spillway Capacity 20 cfs
Spillway Width 20-ft

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream 3H to 1VDownstream 16H to 1Vh) Area of Impoundment 4.1 acresi) Storage 15 Acre Feetj) Drainage Area Above Dam 24 Acres(SEE ALSO ATTACHED SECTION,
PHOTO, AND PLAN VIEW (FIGURE 1))

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Paul Nelson Farm

Legend

- 1 mi radius of well
- Section
- Well

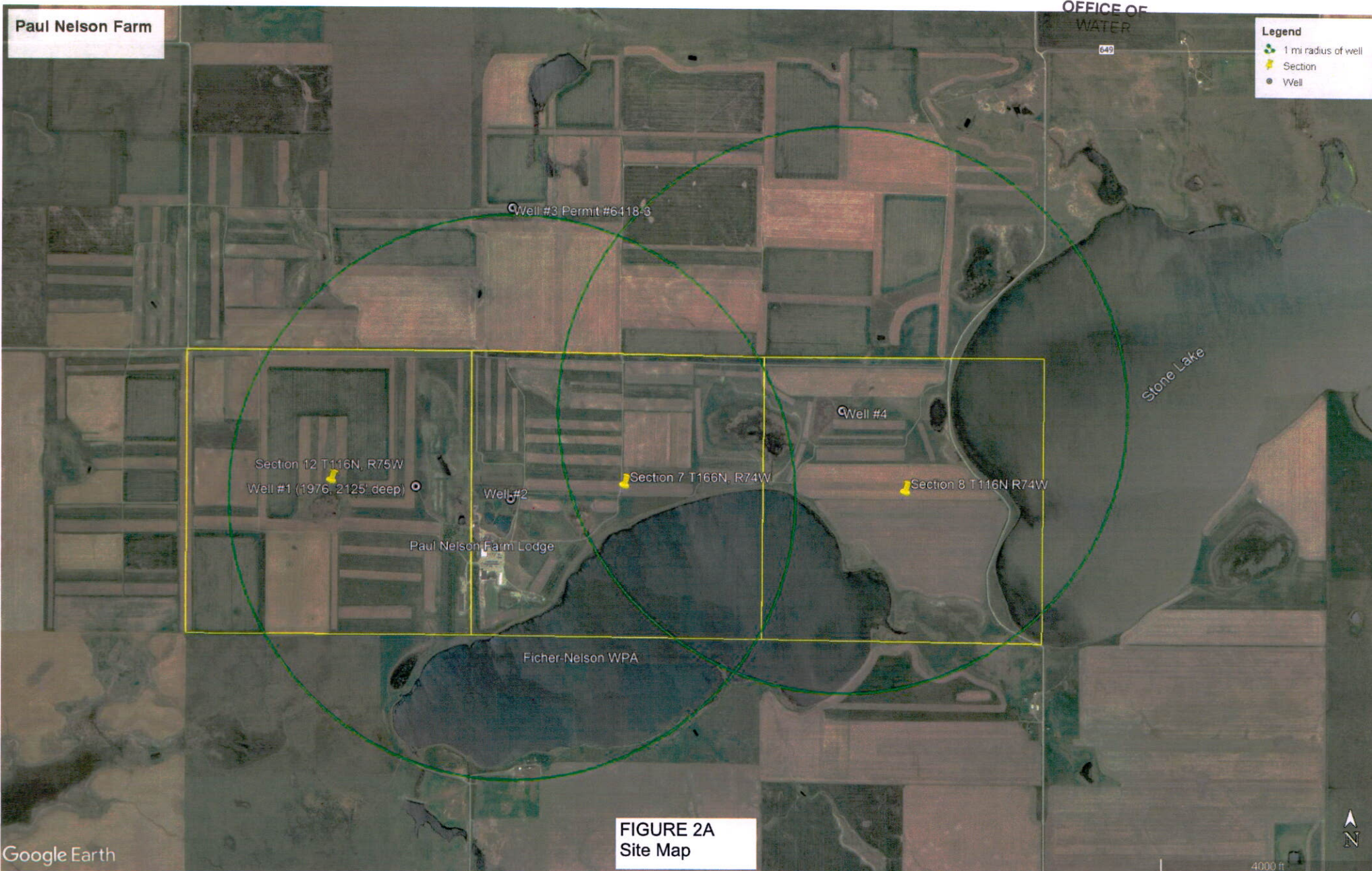
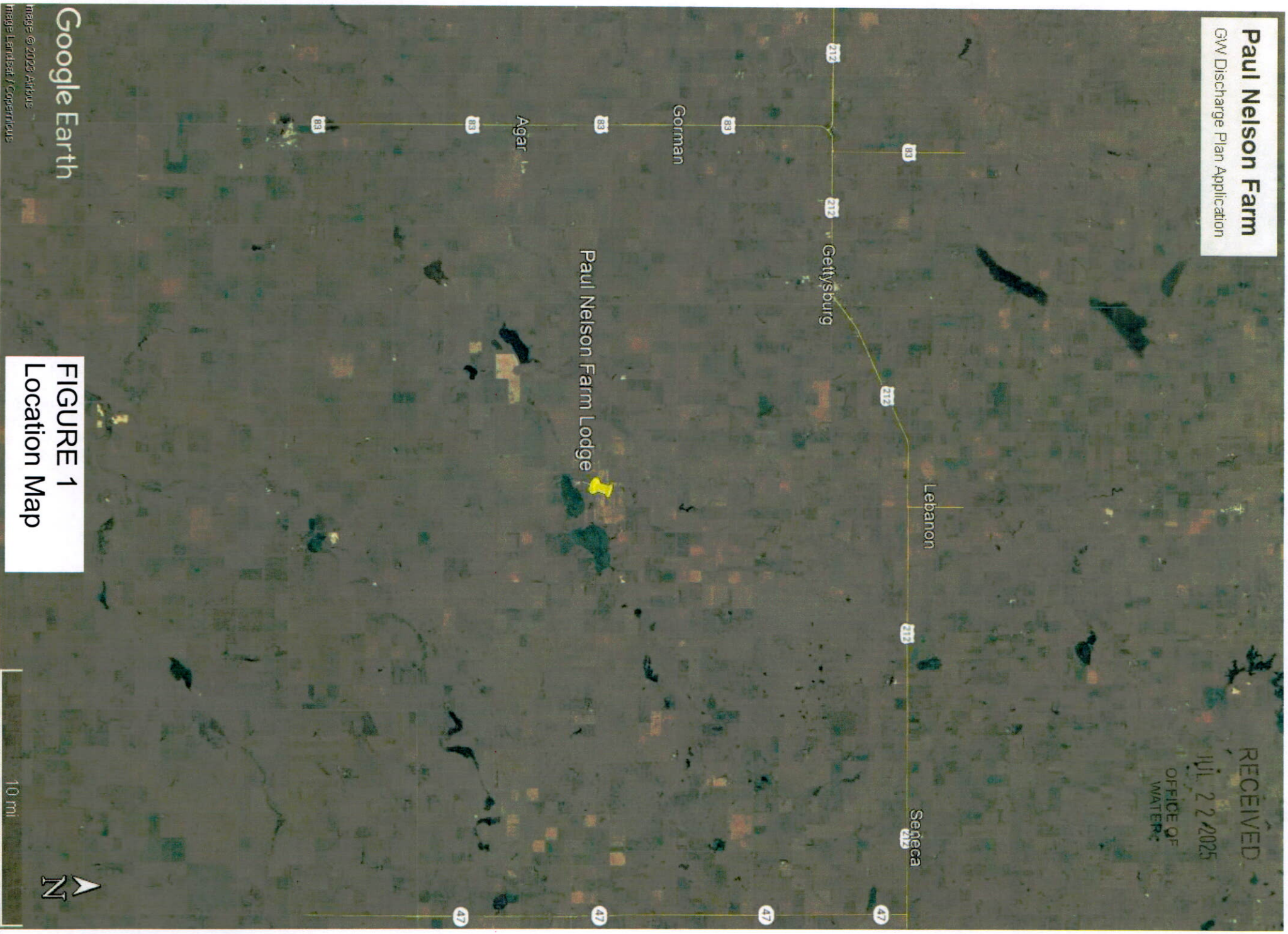


FIGURE 2A
Site Map

Paul Nelson Farm
GW Discharge Plan Application

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Google Earth

image © 2025 Airbus
image Landsat / Copernicus

FIGURE 1
Location Map

10 mi



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Paul Nelson Farm

POTTER CO
SULLY CO

OFFICE OF
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Legend
● 1 mi radius of well
■ Section
● Well

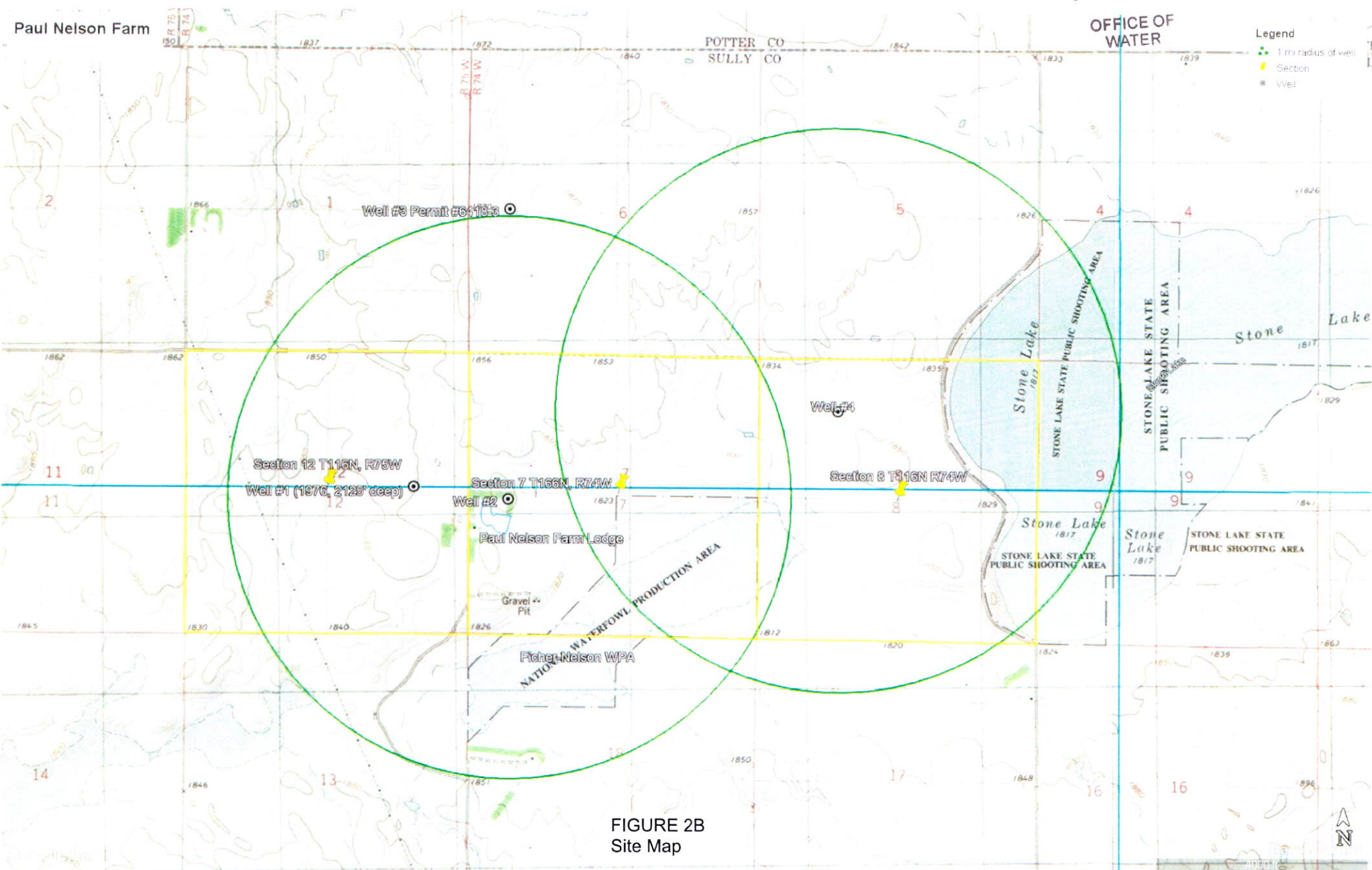
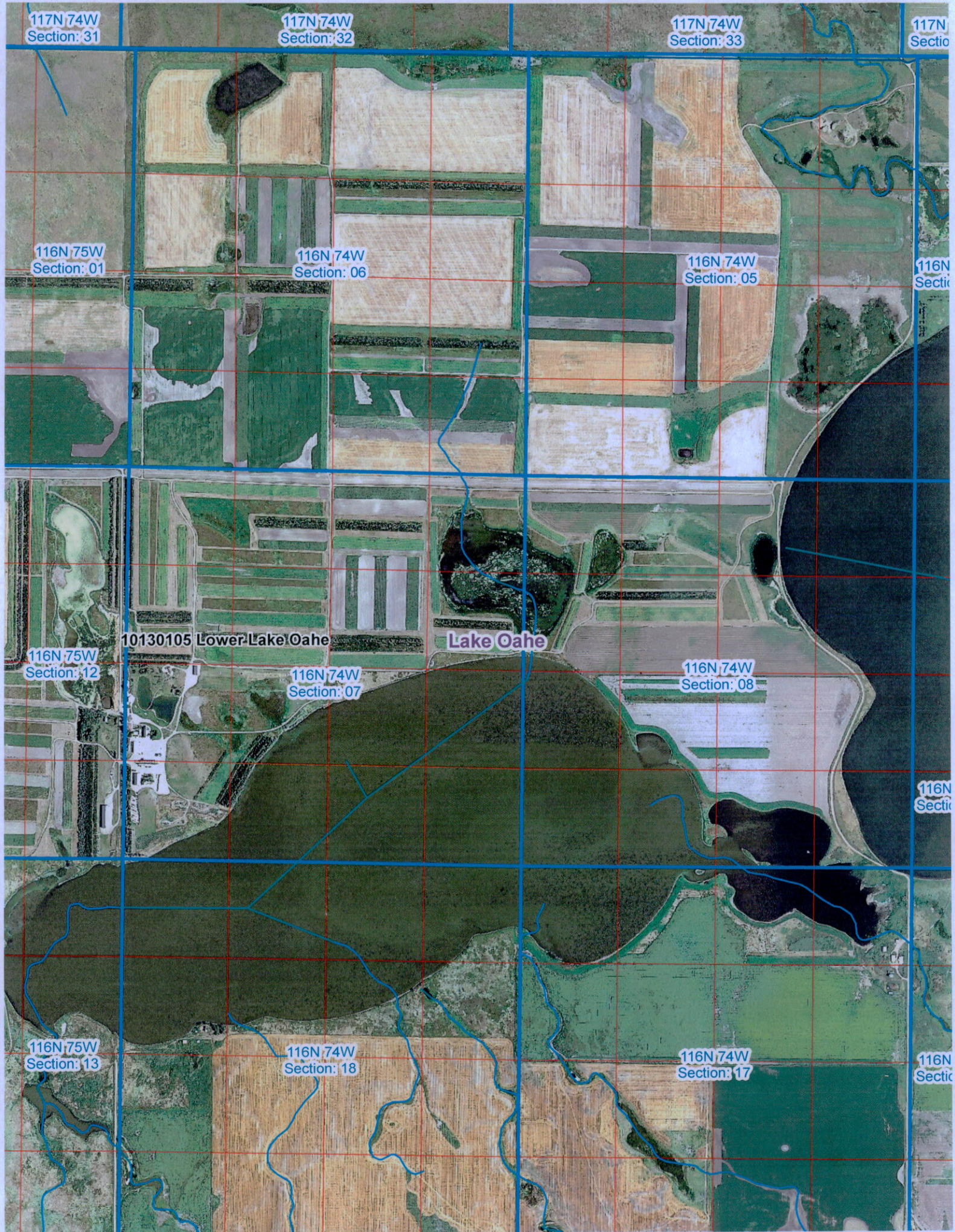


FIGURE 2B
Site Map



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 6 Twp 116 Rg 74
 County Sully North



This is the well log for Well 3 just to the north of Wells 2 and 4. The well logs for Wells 2 and 4 have not been found. Wells 2 and 4 are very similar to Well 3.

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 500 ft. from Septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☒ Other

If other describe Copper

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>300</u> FT	<u>8</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>Portland</u>	<u>35</u>	_____ lb./gal	<u>0</u> ft	<u>300</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure plug

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 2 IN Length 200 FEET

Material Copper

Slot Size 3/8 Set From 1920 Feet to 2120 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Rubber

Describe packer(s) and location? Above perf

DISINFECTION: Was well disinfected upon completion?

_____ YES, How:

☒ NO, Why Not? Flowing well

Laboratory sent to for water quality analysis

Pierre, SD

Well Owner: Paul Nelson

Business Name: _____

Address: 119 Hilltop Dr.

Gettysburg, SD 57442

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top soil	0	5
Sand	5	10
Yellow clay	10	20
Blue clay	20	60
Shale	60	1300
Greenhorn	1300	1340
Shale	1340	1505
Dakota	1505	1805
Morrison	1805	1855
Sundance	1855	2120

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 165 PSI

GPM flow 75 through 2 inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate 15 GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

JUL 22 2025

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AUG - 8 2002

This well was drilled under license # 94 WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm Huron Drilling Inc.

Signature of License Representative _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 8-7-02

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 22nd, 2025

RECEIVED OF May, Adam, Gerdes & Thompson LLP C/O Cheryl Nelson & Erik Nelson 612 Exene Street Gettysburg SD 57442

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

Fee for Application for Permit No. <u>8972-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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>100.00</u>

By Mark Mayke
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. 8972-3, Cheryl E. Nelson and Erik L. Nelson**

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. 8972-3, Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442.

The acting Chief Engineer is recommending APPROVAL of Application No. 8972-3 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. 8972-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall 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 wells approved under Permit No. 8972-3 must be valved and the flow reduced to the amount needed or to a minimum not to exceed five gallons per minute when not being used. If any of the wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. If the slough receiving flow from well No. 4 is spilling water to the Fischer-Nelson Waterfowl Production Area, the flow from well No. 4 must be reduced to a minimum not to exceed five gallons per minute.
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
5. Water Permit No. 8972-3 authorizes a total annual diversion of up to 72.4 acre-feet of water from the Inyan Kara aquifer.

Further, the applicants seeking approval of Application No. 8972-3, constitutes abandonment of Water Permit No. 8787-3 which will be scheduled for cancellation consideration by the Water Management Board. See report on application for additional information.

Mark Mayer 9/25/25

Mark Mayer, PE
Director of Office of Water
September 25, 2025

NOTE: The existing wells for this application as constructed do not meet the adequate well definition in the South Dakota Well Construction Standards (Administrative Rules of South Dakota (ARSD) Chapter 74:02:04). If new or replacement wells are completed to meet the requested diversion rate, the wells must be completed in accordance with ARSD Chapter 74:02:04. Any future wells **cannot** be constructed using the alternative construction method set forth in ARSD 74:02:04:36 since this is an appropriative use which requires a water permit.

Report to the Chief Engineer

On Water Permit Application No. 8972-3

Cheryl Nelson & Erik Nelson

September 18th, 2025

Water Permit Application No. 8972-3 proposes to appropriate up to 72.4 acre-feet of water annually at a maximum combined pump rate of 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from two existing wells (Well No. 2 & Well No. 4) completed into the Inyan Kara aquifer (both approximately 2,120 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 (Well No. 2) and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 (Well No. 4); both in T116N-R74W. Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute (gpm) to a large slough located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 7, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, and from Well No. 2 at a rate of up to 5 gpm to a pond located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Water Permit No. 8787-3. This site is located approximately eleven miles southeast of Gettysburg, SD in Sully County.

AQUIFER: Inyan Kara (INKR)

HYDROGEOLOGY:

The Inyan Kara aquifer is the saturated and permeable materials that make up the Lower Cretaceous-aged Inyan Kara Group. The Inyan Kara aquifer is a bedrock aquifer that underlies most of the northern great plains in Montana, North Dakota, South Dakota, Wyoming, and extends up into Canada (Downey, 1986). The Inyan Kara Group, in South Dakota, is comprised of Lower Cretaceous-aged Fall River and Lakota Formations (Downey, 1986). The Lakota Formation comprises the lower two-thirds while the Fall River Formation comprises the upper one-third of the Inyan Kara Group (Gott & others, 1974). The Water Rights Program and Water Management Board consider the Inyan Kara Group (Fall River and Lakota Formations) as one aquifer for appropriation. The Inyan Kara aquifer underlies approximately 23,000,000 acres of South Dakota west of the Missouri River and 6,400,00 acres east of the Missouri River (Allen & others, 1985; Hedges & others, 1982). The Inyan Kara aquifer is often referred to as "Sundance" by eastern South Dakota well drillers (Water Rights, 2025d). However, it should not be confused with the Sundance aquifer as defined by the Water Rights Program, which is an aquifer deposited during the Jurassic Period and does not extend to the diversion location.

In South Dakota, the Inyan Kara aquifer is primarily under confined conditions, except for the outcrops in the Back Hills where the aquifer is found to be unconfined (Driscoll and Carter, 2001; Water Rights, 2025b and 2025d). A majority of the Inyan Kara aquifer is overlain by the impermeable Skull Creek Shale, and in areas without the Skull Creek Shale the Inyan Kara aquifer discharges to the overlying Dakota aquifer (Schoon, 1971). The underlying Morrison Shale confines the Inyan Kara aquifer from other aquifers below it (Schoon, 1971), although due to the large extent of the area where stratigraphically lower, higher pressure, aquifers underly the

Inyan Kara aquifer, water can flow through the Morrison Shale to the Inyan Kara aquifer (Bredehoeft and others, 1983). Generally, the groundwater flow direction of the Inyan Kara aquifer is outwards from the Black Hills outcropping and eastward across South Dakota (Strobel & others, 2000; Water Rights, 2025b).

A well completion report was submitted with this application. This well completion report is for Well No. 3 which is located in Section 6-T116N-R74W, just north of Well Nos. 2 & 4, to be used for this application, and was completed on May 6th, 2002 (Water Rights, 2025d). Well No. 3 is expected to have similar construction to Well Nos. 2 & 4. The water well completion report shows the top of aquifer material 1,855 feet below ground surface. The static water level at the time of well completion was approximately 165 pounds per square inch (psi) of closed in pressure, or approximately 381 feet of water above ground surface (Water Rights, 2025b). Based on the top of aquifer material, the static water level, and total well depth (2,120 ft), the aquifer is confined with a saturated aquifer thickness of at least 265 feet (Water Rights, 2025b). The well completion report indicates the aquifer material is confined by a layer of Morrison Shale above the aquifer and is similar to other nearby test hole reports and well completion reports for Inyan Kara aquifer wells (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 Inyan Kara aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8972-3 proposes to appropriate water from the Inyan Kara 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 Inyan Kara aquifer is older 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 Inyan Kara aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

The Inyan Kara aquifer in South Dakota primarily receives recharge from precipitation on the outcrops of the Black Hills. The outcrop area of the Inyan Kara aquifer in the Black Hills, South Dakota is estimated to be 267,806 acres with a total estimated precipitation-only recharge of 14,406 acre-feet per year (Medler & others, 2025). This estimate does not account for leakage from underlying aquifers in areas that were not included in the study area (Medler & others, 2025).

The Inyan Kara aquifer also receives recharge from inflow of groundwater from adjacent aquifers when the hydraulic head of Inyan Kara aquifer is lower than adjacent aquifers (Lobmeyer, 1985). Bredehoeft & others (1983) attempted to model flows between the different aquifers. The model estimated that approximately 22.7 cfs or 16,000 acre-feet per year flows from the Madison group to the Inyan Kara aquifer. It should be noted the Madison Group as described in Bredehoeft & others (1983) which is frequently taken from older studies, describes a portion of the Madison Group primarily in eastern South Dakota where it, the Inyan Kara Group and Dakota-Newcastle sandstone, can blend together at the eastern extents of the Madison and Inyan Kara groups. In the Black Hills area, the Madison Group is geologically separated from the Dakota-Newcastle Sandstone described in Bredehoeft & others (1983) by several aquifers and impermeable shales, some of which were lumped into the Madison Group description in Bredehoeft & others (1983) (Fahrenbach & others, 2010). While the models rely on dated information and assumptions, this is currently the only available estimate of recharge to the Inyan Kara aquifer from underlying aquifers. Collectively, the estimated average annual recharge to the Inyan Kara aquifer in South Dakota is 30,406 acre-feet per year (Bredehoeft & others, 1983; Medler & others, 2025).

Discharge

Discharge from the Inyan Kara aquifer is from leakage to adjacent aquifers or hydrologically connected surface water features, regional groundwater outflow east of the Black Hills, evapotranspiration where the aquifer is at or near land surface, uncontrolled flowing wells, and well withdrawals (Driscoll and Carter, 2001; Water Rights, 2025c). It is not currently known how much water is being discharged from uncontrolled wells. The impermeable Skull Creek Shale separates the Inyan Kara aquifer from the overlying Dakota formation except in eastern South Dakota where the shale is not present, and water in the Inyan Kara aquifer flows to the Dakota aquifer (Fahrenbach & others, 2010; Bredehoeft & others, 1983).

There are currently 212 active water rights/permits appropriating water from the Inyan Kara aquifer, one future use permit reserving water, and one other water permit application (No. 2686-2) to appropriate water from the Inyan Kara aquifer (Water Rights, 2025c). Water Permit Application No. 2686-2 for Powertech (USA), Inc. is being held in abeyance pending action on federal permits and proposes to appropriate 274.2 acre-feet per year. It should also be noted that this application intends to replace Water Permit No. 8787-3 if approved. This application proposes to use 72.4 acre-feet of water which is less than what is currently authorized by Water Permit No. 8787-3 (225 acre-feet). Future Use Permit No. 1780-2 for the Town of New Underwood reserves 142 acre-feet per year. For the hydrologic budget, it will be assumed that water reserved by the future use permit and the proposed appropriation by Application No. 2686-2 will be fully developed. This application, however, will not be considered for contributing to the hydrologic budget since it is intended to replace Water Permit No. 8787-3 which has a much greater appropriation than this application and is thus accounted for already. Water Permit No. 2334A-2 was recently approved for non-irrigation use. However, since the amendments offer no changes to the diversion rate to the previous water right (2334-2), Water Permit No. 2334A-2 is already accounted for in the hydrologic budget.

Of the 212 active water rights/permits, 197 are primarily for a non-irrigation use. Of the 197 water rights/permits that are for a non-irrigation use, 16 are currently used for large concentrated animal feeding operations (CAFOs). This information was found by searching the SD DANR Livestock Services permitting database (2025). The annual use for these permits was estimated by multiplying the number of permitted animals by the average daily use for each type of animal permitted (Table 1) (Meehan & others, 2021; Water Rights, 2025c).

Water Right Nos. 2552-2 and 6628-3 had their General Permit terminated. Water Right No. 7209-3 is not on the CAFO permitting database; although, it is included in previous reports and Water Permit No. 8197-3 is no longer a large feedlot (CAFO Permitting Database, 2025; Water Rights, 2025c). For these four water rights/permits, annual use will be quantified with the other non-irrigation water rights that are not used for a large CAFO on Table 4. Water Permit No. 8607-3 is an active feedlot but is not included on Table 1 as the permit holder is required to report to the Chief Engineer and the estimated use will be quantified with those water rights/permits instead. The total estimated annual use for large CAFO water rights/permits using the above method is 1,665 acre-feet per year.

Table 1. Estimated annual water use for active Inyan Kara CAFO water rights/permits (CAFO Permitting Database, 2025; Water Rights, 2025c).

Water Permit No.	Name	Feedlot Status	Animal Type	Annual Estimated Use (acre-feet)
4965-3	Dakota Feeding Company LLC	Active	Beef Cattle	168
2178-2	Fall River Feed Yard LLC	Active	Beef Cattle	280
5879-3	Danbred Production Partnership	Active	Beef Cattle	49
6011-3	Plainview Colony	Active	Multi	81
6091-3	Brentwood Colony	Active	Multi	50
6376-3	LDL Cattle Company	Active	Beef Cattle	112
6377-3				
6619-3	Werdel & SonsW	Active	Beef Cattle	112
6851-3	Todd Cowan	Active	Beef Cattle	46
7034-3	Vogel & Sautner Farms	Active	Beef Cattle	45
5032-3	Marshall Farms	Active	Dairy Cattle	488
5890-3	Evergreen Colony	Active	Multi	45
6128-3	Deerfield Hutttrn Brethren	Active	Multi	52
6257-3	Thunderbird Colony	Active	Multi	84
7098-3	Mike & Jesse Fuller	Active	Multi	53
TOTAL				1,665

Of the 197 active water rights/permits that are for a non-irrigation use, 11 are currently known by DANR to purchase water from a rural water system, are supplied by another municipality, or maintain their wells on standby or backup use, in accordance with ARSD 74:02:01:37.02 (Friedeman and Hullinger, 2025; Water Rights, 2025c). Past practice of the Water Rights Program has been to assume negligible use for these water rights/permits. Table 2 below lists the 11 water rights/permits that will be assumed to use zero acre-feet of water per year.

Water Right No. 2279-3 for Camelot Land is supplied by Mid-Dakota RWS since the early 200's; (Dewell, 2025). Therefore, its use will be considered negligible to the hydrologic budget .

Water Right No. 6735-3 for the City of Eureka purchases 74% of their water from WEB (Drinking Water Program, 2025). The remaining 26% is pumped locally and will contribute to the hydrologic budget with the other non-irrigation water rights/permits.

Table 2. Non-irrigation water rights/permits currently known to be served by another system or maintain wells for standby/backup and are assumed to have negligible use (Drinking Water Program, 2025; Water Rights, 2025c).

Permit No.	Name	Use Type	Current status	Source
473-1	Town of Fruitdale	MUN	Served by Butte-Meade SWD	Drinking Water Program, 2025
595-3	City of Onida	MUN	Served by Mid-Dakota RWS	Drinking Water Program, 2025
1198-3	Town of Mound City	MUN	Served by WEB Water Dev. Assoc.	Drinking Water Program, 2025
1195-1	American Colloid Company	IND	Backup water supply	Water Rights, 2025a
1338-1	Black Hills Petrified Forest	COM	Maintained on standby	Water Rights, 2025a
1712-3	City of Ipswich	MUN	Served by WEB Water Dev. Assoc.	Drinking Water Program, 2025
2442-2	Rainbow Water Co. Inc.	SHD	Served by Rapid City	Friedeman and Hullinger, 2025
2263-2	Town of Belvidere	MUN	Served by West River/Lyman-Jones RWS	Friedeman and Hullinger, 2025
1647-2	Town of Quinn	MUN	Served by West River/Lyman-Jones RWS	Friedeman and Hullinger, 2025
2224-3	Sunshine Acres Water System	SHD	Served by rural water	Friedeman and Hullinger, 2025
1360-2	Aladdin Investments Inc	SHD	Served by rural water	Friedeman and Hullinger, 2025
SWD: Sanitary Water District, RWS: Rural Water System, MUN: Municipal, IND: Industrial, COM: Commercial, SHD: Suburban Housing Development				

The DANR Drinking Water Program requires public water systems to report their annual average production rate. The reported average production in gallons per day (found on their drinking water annual report) can be converted to acre-feet per year for a typical annual use estimate. This data is only being used for the water rights/permits that are not required to report annual use to the Chief Engineer and, if the Inyan Kara aquifer is their only source of water. Of the 197 active water rights/permits that are for a non-irrigation use, 17 water rights meet the above criteria to use this data for the budget. Table 3 lists those water rights that had their use quantified with data from the Drinking Water Program annual report. The total estimated use from these 17 water rights/permits is approximately 350 acre-feet per year.

Table 3. Typical use for public water systems that had their average annual use quantified using the DANR Drinking Water Program production rate data (Drinking Water Program, 2025; Water Rights, 2025c).

Permit No.	Name	Use Type	Estimated annual use (ac-ft)
716-1	City of Newell	MUN	50
731-1		MUN	
1793-1	Autumn Meadows Sanitary District	SHD	4
1597-1	Crooked Oaks Canyon Homeowners	SHD	4
2448-2	Heartland Country Ranchettes	SHD	7
1861-1	Horseshoe Acres Water Association	SHD	16
1278-2	Lakeside Water Users District	RWS	68
1656-1	Lofty Pines Homeowners	SHD	4
2268-2	Prairie Acres LLC	SHD	22
794-2	Town of Buffalo Gap	MUN	13
660-2	Town of New Underwood	MUN	55
1947-2		MUN	
366-1	Town of Nisland	MUN	17
927-1	St Onge Sewer & Water Co.	MUN	21
1799-1	Deep Water LLC (Dry Creek Estates)	SHD	21
2425-2	Country Road Estates LLC	SHD	7
2414-2	Signature Water Co LLC (Ranch at Black Gap)	SHD	44
TOTAL			354
MUN: Municipal, SHD: Suburban Housing Development, RWS: Rural Water System			

Of the 197 active water rights/permits that are for a non-irrigation use, 48 are required to report their annual use from the Inyan Kara aquifer to the Chief Engineer (Water Rights, 2025f). To get a representative average of water use, the Water Rights Program have historically used at least 10 years of reported data (years 2015 to 2024) or data that has slightly less than ten years of reporting but have consistent use volumes. Water rights/permits which do not have adequate data or are still in their construction periods were assumed to use their authorized annual volume of water. Table 4 below lists those water rights/permits which are required to report to the Chief Engineer. The total estimated annual use from Table 4 is approximately 3,900 acre-feet per year.

Water Permit No. 8334-3 for Gettysburg County Club is for irrigation use but is included on Table 4 since the permit holder is required to report annual use to the Chief Engineer. Water Permit No. 8607-3 for Spring Creek Hutterian Brethren is an active feedlot but is also included on Table 4 as previously mentioned. Water Right/Permit Nos. 1975-1, 1975A-1, and 1855-1 for Wink Cattle Co. have had reporting inconsistencies in the past (Drennon, 2024) and Water Permit No. 1975A-1 contains Findings of Fact in its file which state that use from all three water permits shall not exceed 57.2 acre-feet per year. Therefore, it will be assumed that Wink Cattle Co. uses their full authorized volume each year (Water Rights, 2025c).

Table 4. Annual estimated withdrawals from water rights/permits required to report to the Chief Engineer (Water Rights 2025c and 2025f).

Permit No.	Name	Status	Authorized Rate (cfs)	Authorized annual volume (ac-ft)	Method	Average Yearly Use (ac-ft)
2165-2	Tightline Lake Estates HOA	LC	0.070	N/A	Average Reported	8.62
1982-1	Dennis Miller	PE	0.333	120	Authorized Volume	120
2754-2	Steve Simunek	LC	0.100	N/A	Average Reported	16
2778-2	Western Construction Inc	PE	0.170	31	Authorized Volume	31
1975-1		PE	0.069	N/A		
1975A-1	Wink Cattle Co	PE	0.000	N/A	Authorized Volume	57.2
1855-1		LC	0.087	N/A		
8607-3	Spring Creek Htrn Brth Inc	PE	0.220	100	Authorized Volume	100
8635-3	Big Watt Digital SD LLC	PE	0.890	76.7	Authorized Volume	76.7
1903-1	Castle Rock Group	LC	0.110	N/A	Average Reported	18.6
8420-3	Vogel Farms Ptr	PE	0.120	88.7	Authorized Volume	88.7
1983-1	Continental Resources	PE	0.500	360	Authorized Volume	360
8299-3	Aberdeen Energy LIC	PE	1.330	968	Authorized Volume	968
1989-1	Luff Exploration Company	PE	0.100	58.8	Authorized Volume	58.8
2550-2	Town of Hermosa	LC	0.220	162	Average Reported	55
2596-2	City of Wall	LC	0.600	261	Average Reported	174
1906-1		LC	0.222	N/A		
1958-1	City of Sturgis	LC	0.088	8.1	Average Reported	2.7
2285A-2		LC	0.560	N/A		
2464-2		LC	0.760	360		
2465-2	West River Lyman Jones RWS	LC	1.000	360	Average Reported	476
2797-2		LC	1.000	455		
1874-1		LC	0.212	N/A		
1898-1	Viewfield Rural Water Assoc Inc	LC	0.394	N/A	Average Reported	60
2622-2	Owanka Rural Water Assoc Inc	LC	0.390	N/A	Average Reported	27.6
2538-2	JKRK Properties LLC	PE	0.244	N/A	Average Reported	22
2752-2		PE	0.330	170		
2752A-2	Southern Black Hills Water System	PE	0.000	N/A	Average Reported (2024-2016)	26
2543-2		LC	0.190	N/A		
2819-2		PE	0.090	24.6	Authorized Volume	24.6
2635-2	Fall River Water Users District	LC	0.100	N/A	Average Reported	21
1826-1	Golden Valley Water Company LLC	LC	0.267	N/A	Average Reported	27
1837-1	Guy Mann	LC	0.220	N/A	Average Reported	6
1846-1	Dennis or Anna Mae Beckham	LC	0.100	N/A	Average Reported	0.86
2601-2	Grandview Land LLC	LC	0.330	206.0	Average Reported (2024-2017)	3.3
1920-1	Elk Valley Ranchettes HOA	LC	0.100	N/A	Average Reported	6.6
1968-1	Venekamps LLC	LC	0.110	29	Authorized Volume	29
1996-1	Dylan Gingras	PE	0.133	48	Authorized Volume	48
1999-1	Rafter Properties LLC	PE	0.170	74	Authorized Volume	74
2832-2	Reel Simple LLC	PE	0.044	10	Authorized Volume	10
2032-1	Elk Creek Developers LLC	PE	N/A	30	Authorized Volume	30
8334-3	Gettysburg Country Club	PE	0.180	N/A	Average Reported (2024-2018)	26
1857-1	Shade Valley Inc	LC	0.330	N/A	Average Reported	0.7
1645-2	Hermosa Water Users Assoc	LC	0.600	N/A	Average Reported	170
2841-2	Hwy 79 LLC	PE	0.890	217.9	Authorized Volume	217.9
2830-2	Weinreis Brothers	PE	0.330	160	Authorized Volume	160
8787-3	Cheryl E Nelson	PE	0.620	225	Authorized Volume	225
8197A-3		PE				
8197-3	Mina North LLC	PE	0.160	72.1	Authorized Volume	72.1
TOTAL						3,898

The remaining 105 non-irrigation water rights/permits are not required to report to the Chief Engineer and do not meet the criteria to use production data reported to the Drinking Water Program. These water rights/permits are estimated for average annual use in one of two ways: water rights/permits limited by an annual volume are assumed to pump the entire volume, or water rights limited only by a diversion rate have historically been assumed to pump 60% of the time throughout the year at that rate. These are standard methods used by the Water Rights Program to estimate annual use by non-irrigation water rights/permits that do not have reported data (Water Rights, 2025c). The total estimated annual use for these remaining 105 non-irrigation water rights/permits is approximately 6,925 acre-feet per year.

Of the 212 active water rights/permits, 15 are primarily for irrigation use. Irrigation water rights/permits have typically been required to report annual usage on an irrigation questionnaire since 1979; however, reported irrigation data is only available since 1982 for the Inyan Kara aquifer. Table 5 lists the number of active permits and the annual reported use for each year since 1982. The average reported withdrawals for the years 1982 to 2023 is approximately 82 acre-feet per year. The average reported withdrawals for the years 2014 to 2023 is approximately 115 acre-feet per year. To reflect the current development of irrigation water rights/permits, the average reported withdrawals for irrigation appropriations from 2014 to 2023 will be used for the hydrologic budget (Water Rights, 2025a).

Table 5 shows there are only 10 water rights/permits that reported in 2023 when 15 are currently active. Water Right No. 380-2 stopped reporting in 1986, No. 466-1 stopped reporting in 1996 but is currently irrigating and will be sent irrigation questionnaires in the future, No. 990-2 stopped reporting in 1995, and No. 2426-2 has not reported but will be receiving irrigation questionnaires in the future. Water Permit No. 8334-3 is not required to submit an irrigation questionnaire and instead reports annual use to the Chief Engineer with the non-irrigation questionnaires. Water Right No. 466-1 states in the file that the Inyan Kara well was flowing at 100 gallons per minute in 1985. Assuming that the well is flowing uncontrolled year-round at that rate, Water Right No. 466-1 is assumed to withdraw 160 acre-feet per year. Additionally, Water Right No. 803-2 wasn't reporting from 2002 through 2022, and Water Permit No. 8455-3 is within its construction period and has not reported withdrawals yet. Water Right Nos. 380-2, 990-2, 2426-2 and 803-2, and Water Permit No. 8455-3, are assumed to apply 12 inches of water per permitted acre. Generally, irrigators in South Dakota apply less than one foot of water per acre per year. To account for fluctuations in wet and dry years, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for the five permits listed above. The estimated average annual water use by irrigation water rights/permits from the Inyan Kara aquifer is approximately 430 acre-feet per year (315 acre-feet for non-reporting, plus 115 acre-feet for reporting) (Water Rights, 2025c).

Table 5. Reported historic irrigation use from the Inyan Kara aquifer (Water Rights, 2025a).

Year	No. of Permits	Reported Use (acre-feet)	Year	No. of Permits	Reported Use (acre-feet)
1982	5	2.53	2003	6	111.90
1983	7	33.17	2004	7	143.48
1984	8	4.50	2005	7	132.51
1985	8	244.60	2006	8	136.04
1986	7	4.00	2007	8	141.86
1987	6	38.00	2008	9	130.51
1988	6	54.10	2009	9	98.93
1989	8	18.82	2010	9	112.57
1990	8	33.50	2011	9	129.79
1991	9	25.12	2012	9	188.76
1992	9	26.00	2013	9	146.48
1993	9	36.41	2014	9	112.25
1994	9	30.56	2015	7	105.82
1995	10	37.42	2016	7	177.81
1996	8	19.81	2017	8	183.55
1997	8	6.00	2018	9	99.92
1998	8	20.75	2019	10	70.61
1999	6	14.18	2020	11	95.46
2000	6	25.27	2021	11	114.27
2001	6	53.23	2022	10	97.11
2002	7	87.83	2023	10	97.22
Max.	11				244.60
Min.	5				2.53
Average (1979-2023)	8				81.97
Average (2014-2023)	9				115.40

There are domestic wells completed into the Inyan Kara 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 Inyan Kara aquifer is available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Inyan Kara aquifer.

There is likely a number of wells completed into the Inyan Kara aquifer that do not have a well completion report on file with the DANDR-Water Rights Program. The current status of many of these wells is unknown and could range from controlled and being put to beneficial use to uncontrolled with some beneficial use. There are also a number of uncontrolled flowing Inyan Kara aquifer wells that flow to waste. The volume of water flowing to waste from the Inyan Kara aquifer has not, and likely cannot, be accurately quantified due to the location of all such wells not being known. The Water Management Board has previously determined, for the Dakota aquifer, water flowing to waste through uncontrolled flowing wells is not a beneficial use and does not constitute appropriation pursuant to SDCL 46-6-3.1 (Water Rights, 1987). Since discharge from uncontrolled flowing wells is likely to continue until artesian head pressure in the

aquifer declines to being at or below ground surface, continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste. Therefore, the Water Management Board has allowed continued development from the Dakota aquifer. This conclusion likely applies to the Inyan Kara aquifer as well.

Hydrologic Budget Summary

Recharge to the Inyan Kara aquifer is estimated to be 14,406 acre-feet per year from precipitation in the Black Hills of South Dakota (Medler & others, 2025), plus 16,000 acre-feet per year is the estimated recharge from underlying aquifers (Bredehoeft & others, 1983). Table 6 below is a summary of estimated withdrawals from active Inyan Kara water rights/permits. The estimated average annual withdrawal from the Inyan Kara aquifer is approximately 13,688 acre-feet. The Inyan Kara aquifer is a major bedrock aquifer in South Dakota and is estimated to hold 84.7 million acre-feet in storage (Carter & others, 2002). The estimated withdrawals are close to the precipitation-only recharge estimate for the aquifer. There is a reasonable probability that water is available for appropriation. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Inyan Kara aquifer for the proposed appropriation especially considering this application would replace Water Permit No. 8787-3 and thus, reduce the appropriation and estimated average annual withdrawals from the Inyan Kara aquifer.

Table 6. Summary of annual withdrawal estimates for the Inyan Kara aquifer (Water Rights, 2025a, 2025c, 2025d; CAFO Permitting Database, 2025; Drinking Water Program, 2025; Friedeman and Hullinger, 2025).

Type of Withdrawal	No. of Permits	Estimated Use (acre-feet/year)
Application No. 2686-2	1	274
Future Use Permit No. 1780-2	1	142
Non-Irrigation, CAFO	16	1,665
Non-Irrigation, Served by Another System	12	0
Non-Irrigation, Drinking Water Program Data	17	354
Non-Irrigation, Report to the Chief Engineer	48	3,898
Non-Irrigation, the Remaining Water Rights/Permits	105	6,925
Irrigation, (including non-reporting permits)	15	430
Total:	216	13,688

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 nine observation wells completed into the Inyan Kara aquifer. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The closest observation well to the diversion points is ED-85B (approximately 64.4 miles northwest) (Water Rights, 2025b). The water level elevation for this observation well is displayed in Figure 1 (Water Rights, 2025b). The other eight observation

wells are located more than 170 miles west of the diversion point in the Black Hills of South Dakota. The water levels of the eight observation wells located in the Black Hills have a stable or rising trend in their periods of records.

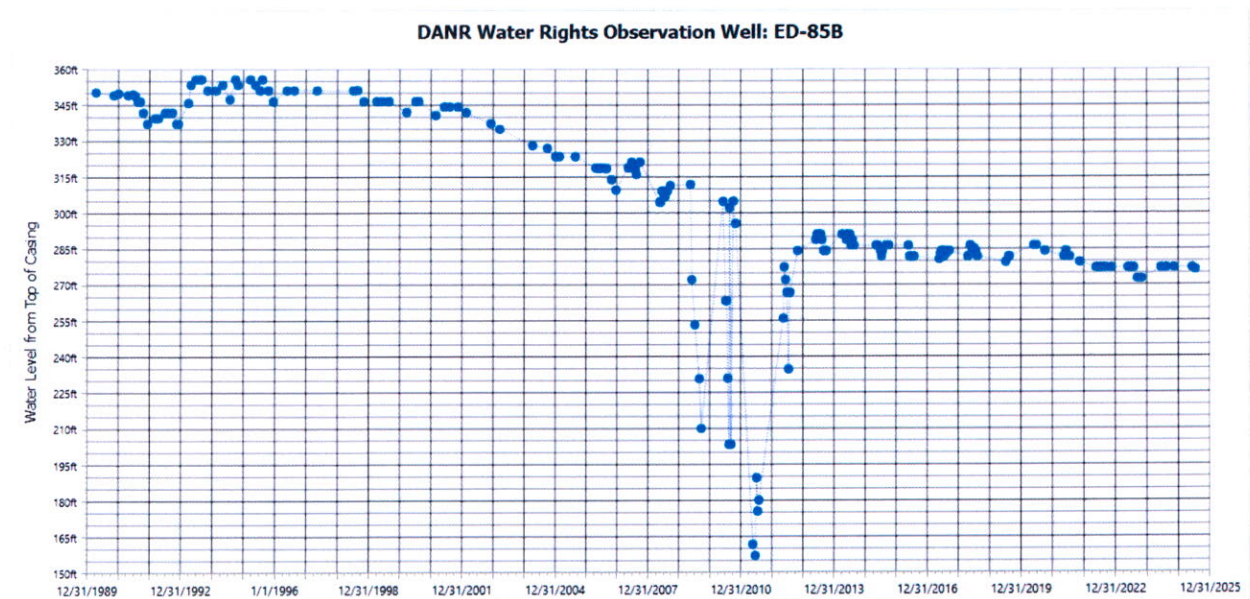


Figure 1. A hydrograph showing the elevation of water levels of observation well ED-85B (Water Rights, 2025b)

Figure 1 shows the long-term declining water level of observation well ED-85B. Water levels start relatively stable, declined slowly from 1999 to approximately 2015, and then started stabilizing again. There are numerous wells completed into the Inyan Kara aquifer that are uncontrolled flowing wells and/or have corroded or inadequate casing (Water Rights, 2025a and 2025b). The decline in head for ED-85B is likely due to development of Inyan Kara wells and uncontrolled flowing wells in the area of the observation well.

A decline in water levels in a confined aquifer does not necessarily indicate a significant decrease in water stored in a confined aquifer, since the water level above the top of the aquifer formation is a representation of the hydraulic head. It is probable that the aquifer hydraulic head in the area around ED-85B will eventually reach a static equilibrium as the aquifer experiences free flowing wells, corroded well casings allowing water to flow to adjacent aquifers, and pumping. The head of the aquifer will likely decline until it is equal to the hydraulic head of the lowest-pressure aquifer that the Inyan Kara aquifer leaks into. The Water Management Board has determined in the past that it is better to place water from the Dakota aquifer to beneficial use than it is to allow the water to flow to waste or save it for unknown purposes (Water Rights, 1987). This conclusion likely also applies to the Inyan Kara aquifer as well.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 8334-3 for irrigation which is held by the Gettysburg Country Club. The diversion point for Water Right No. 8334-3 is located approximately 12.6 miles northwest from the proposed application site (Water Rights, 2025c). There are domestic wells on file with the

DANR-Water Rights Program that are completed into the Inyan Kara aquifer, with the closest domestic well on file (not held by the applicant) approximately 4.6 miles south 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 Inyan Kara aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

The Inyan Kara aquifer is primarily under confined conditions (Water Rights, 2025b and 2025d). 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). Reviewing the complaint files for Sully, Potter, and Hyde Counties do not show any record of well interference complaints for Inyan Kara aquifer wells (Water Rights, 2025e). However, there were several complaints regarding uncontrolled flowing wells causing flooding issues. Only one of the uncontrolled flowing wells was identified as part of the Inyan Kara aquifer, the other flowing wells were from an undetermined bedrock aquifer (Water Rights, 2025e). When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)) and the saturated thickness of the Inyan Kara aquifer, the existence of these wells for a number of years, and lack of well interference complaints in Sully, Potter, and Hyde Counties, 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 additional or replacement wells that may be constructed for this proposed appropriation must meet the adequate well construction standards as defined in ARSD 74:02:04:20, specifically defined in 74:02:04:20(6):

"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 as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet."

The alternative well construction requirements for certain Inyan Kara aquifer wells (74:02:04:36) are not permitted for appropriative uses. Furthermore, any future additional or replacement wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20.

SPECIAL CONSIDERATION: FLOODING FROM DISCHARGE OF WELLS

A complaint was filed in January 2023 regarding flow from the applicant's wells causing flooding in and around a wildlife production area commonly called Nelson Lake in northeastern Sully County. Water Rights Program staff investigated and determined there were three flowing wells that had discharge that eventually entered Nelson Lake. Two of those wells are used for geothermal heating of lodging facilities and are the reason for this application. The remaining well services a stock dam. At the time of the investigation, no livestock were present in the area of the stock dam and the applicant's staff and legal counsel were informed that flow from the well had to be limited to the allowed 5 gallons per minute (gpm) or less to prevent freezing as required under ARSD 74:02:04:74. The well authorized under Water Right No. 6418-3, also held by the applicant, flows to a pond that would discharge to Okobojo Creek and not into Nelson Lake. Water Rights Program staff determined that while the wells were contributing to the water level of Nelson Lake, the upstream lake, Stone Lake, was actively flowing into Nelson Lake. The inflow from Stone Lake was believed to be the primary cause of the high water levels of Nelson Lake and not the discharge from the applicant's wells.

Due to the complaint, Water Right No. 8787-3 was obtained. However, modification of the discharge location/direction away from Stone and Nelson Lakes to alleviate flooding concerns was deemed too costly by the applicant. Thus, this application was submitted with the intent to have no discharge from the system into Nelson Lake, boilers were installed to eliminate flow from the wells for geothermal heating, thus reducing the flow rate from the wells, and only supplying water to maintain the decorative pond and the large slough.

CONCLUSIONS:

1. Water Permit Application No. 8972-3 proposes to appropriate up to 72.4 acre-feet of water at a maximum pump rate of 0.10 cfs from two existing wells (Well Nos. 2 & 4) completed into the Inyan Kara aquifer (approximately 2,120 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 (Well No. 2) and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 (Well No. 4); both in T116N-R74W.

Water from Well No. 4 will be diverted at a rate of up to 40 gpm to a large slough located in the E ½ NE ¼ Section 7, W ½ NW ¼ Section 8, and from Well No. 2 at a rate of up to 5 gpm to a pond located in the NW ¼ SW ¼ Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This site is located approximately eleven miles southeast of Gettysburg, SD in Sully County.

2. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Water Permit No. 8787-3. If this application is approved, Water Permit No. 8787-3 can be canceled.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Inyan Kara aquifer to supply the proposed appropriation. Furthermore, this application will be a replacement for existing Water Permit No. 8787-3 which authorizes a larger annual appropriation than this application would if approved.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8972-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
5. If this application is approved, any future replacement wells or new wells must meet the adequate well definition and cannot be constructed using the alternative well construction standard in ARDS 74:02:04:36.



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

Reviewed by:



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

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AARON P. SCHERER
ASHLEY M. THEOBALD

July 21, 2025

OF COUNSEL
ROBERT B. ANDERSON
MICHAEL F. SHAW
TELEPHONE
605 224-8808 FAX 605 224-6789
E-MAIL
cody@mayadam.net

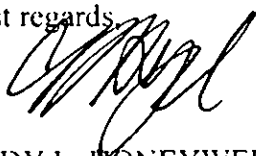
Department of Agriculture & Natural Resources
Water Rights
Attn: Ron Duvall
523 E Capitol Avenue
Pierre, South Dakota 57501

RE: PAUL NELSON FARM
MAGT File: 8319

Dear Mr. Duvall:

Thank you for speaking with me Friday. Enclosed please find the Application for Permit to Appropriate Water in South Dakota in regard to Cheryl E. Nelson and Erik L. Nelson. We spoke on the phone, and you told me that application fee would be \$100.00, given our previous permit. Also enclosed with this letter is our check in payment of the \$100.00 application fee. If you have any questions, please do not hesitate to contact Brett Koenecke or myself directly. Email is the best option - brett@mayadam.net and cody@mayadam.net. Thank you for your courtesy in this matter.

Best regards,



CODY L. HONEYWELL
CLH | jrw

Enclosures

Duvall, Ron

From: Cody Honeywell <cody@mayadam.net>
Sent: Wednesday, July 30, 2025 9:04 AM
To: Duvall, Ron
Cc: Brett Koenecke; Rodriguez, Rachel; Dewell, Amanda
Subject: RE: [EXT] Water Permit Application for Nelson
Attachments: doc15018320250730090140.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Ron –

I have attached the updated application to this email. Please let me know if we need anything else. Thanks.

Cody

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Friday, July 25, 2025 4:48 PM
To: Cody Honeywell <cody@mayadam.net>
Cc: Brett Koenecke <brett@mayadam.net>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Water Permit Application for Nelson

Cody,

I am looking over the application and there are a few things to be addressed as highlighted in the screen snip below:

- The volume of 225 acre-feet was apparently carried over from the last application. This application is requesting a smaller diversion rate of 45 gallons per minute (0.10 cfs) rather than the previous application which was 0.62 cfs. At a rate of 45 gpm, the maximum volume in a year (continuous flow) is 72.4 acre-feet of water. It needs to be changed to that figure or something lower.
- We need a signature or at least a printed name on the application.
- I believe item No. 4 should be checked “yes” and then provide the following legal descriptions of the large slough area. The water will be used in the W1/2 NW1/4 section 8; E1/2 NE1/4 section 7; all in T116N-R74W. This probably should have been done on the last application, but wasn’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.)

1. Name to Appear on Water Permit Cheryl E. Nelson and Erik L. Nelson

Mailing Address 612 S Exene St. Gettysburg SD 57442

(Address)

(City)

(State)

(Zip Code)

Phone (605)765-2469

Mobile _____

Email cheryl@paulnelsonfarm.com

2. Amount of water claimed _____ *CFS or 45 **GPM and 225 ***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

3. Source of water supply Inyan Kara formation (2125' below grade)

One well (Well 2) in NW1/4 SW1/4 S7

4. Location of point of diversion and one well (Well 4) in NE1/4 NW1/4 S8 County Sully

(example: 1 well in SW1/4 NE1/4 section 12, T104N-R33W)

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-R33W)

5. County or counties where water will be used Sully

6. Annual period during which water is to be used Annually - year round

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)

The water will be used to fill and maintain water levels that support recreation, fish, and wildlife. See attachments. The well supporting the pond in the building site will be used at no more than 5 gpm to maintain the pond level as needed. The well to the east, which supports the larger natural slough to the east, will be used at no more than 40 gpm to maintain the water level in that body. In no instance is runoff into Nelson Lake a planned occurrence. The cost of discharge works for the prior geothermal heating plan for these wells proved to be more expensive than originally anticipated; the Nelson Farm has procured and installed boilers to heat the buildings.

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.

2021-08

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

Thank you,



**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.**

October 15, 2025

May, Adam, Gerdes & Thompson LLP
c/o Brett Koenecke
503 South Pierre Street
Pierre SD 57501

RE: Cheryl E. Nelson and Erik L. Nelson Water Permit Application

Dear Mr. Koenecke:

Water Permit Application No. 8972-3 has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Onida Watchman printed at Onida SD (Ph # 605 258-2604) and the American News printed at Aberdeen SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the 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 HEARING on Application No. 8972-3 to Appropriate Water

Notice is given that Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442, have filed an application for a water permit to appropriate up to 72.4 acre-feet of water annually at a maximum combined pump rate of up to 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from two existing wells (Well No. 2 & Well No. 4) completed into the Inyan Kara Aquifer (both approximately 2,120 feet deep) located in the NW 1/4 SW 1/4 Section 7 (Well No. 2), and NE 1/4 NW 1/4 Section 8 (Well No. 4); both in T116N-R74W. Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute to a large slough located in the E 1/2 NE 1/4 Section 7, W 1/2 NW 1/4 Section 8, and from Well No. 2 at a rate of up to 5 gallons per minute to a pond located in the NW 1/4 SW 1/4 Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Permit No. 8787-3. This site is located approximately eleven miles southeast of Gettysburg SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that “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 Acting Chief Engineer’s recommendation and no hearing may be held before the board, unless the Acting Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Acting Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8972-3 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. 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.

The Water Management Board will consider this application at 10:30 AM (Central Time) on December 3, 2025, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Acting Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 November 3, 2025.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The December hearing date will be automatically delayed for at least 20 days upon written request to the Acting Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by November 3, 2025. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 November 3, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is November 3, 2025. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at an approximate cost of _____.



Order Confirmation

Not an Invoice

Account Number:	1564406
Customer Name:	Cheryl E Nelson And Erik L Nelson
Customer Address:	Cheryl E Nelson And Erik L Nelson 612 S Exene ST Gefftysburg SD 57442-1754
Contact Name:	Erik Nelson
Contact Phone:	
Contact Email:	brett@mayadam.net
PO Number:	

Date:	10/14/2025
Order Number:	11757923
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	334.0000
Height in Inches:	36.8100

Print

Product	#Insertions	Start - End	Category
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ABD aberdeennews.com	1	10/23/2025 - 10/23/2025	Public Notices

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Total Cash Order Confirmation Amount Due	\$105.20
Tax Amount	\$0.00
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Payment Amount by Cash/Check/ACH	\$105.20
Payment Amount by Credit Card	\$109.40

Order Confirmation Amount	\$105.20
---------------------------	----------

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, October 14, 2025 4:33 PM
To: Rodriguez, Rachel
Cc: brett@mayadam.net
Subject: RE: [EXT] 11757923 8972-3 Cheryl Nelson & Erik Nelson - Public Notice
Attachments: 11757923.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on October 23. The order cost is \$105.20 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on October 21 with any changes.

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.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, October 14, 2025 9:49 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 11757923 8972-3 Cheryl Nelson & Erik Nelson - Public Notice

Attached is a notice to be published on October 23, 2025.

Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442, 605-765-2469, brett@mayadam.net has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

Rodriguez, Rachel

From: watchman@venturecomm.net
Sent: Tuesday, October 14, 2025 11:52 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 8972-3 Cheryl Nelson & Erik Nelson - Public Notice

We will insert this as requested.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, October 14, 2025 9:39 AM
To: watchman@venturecomm.net
Subject: 8972-3 Cheryl Nelson & Erik Nelson - Public Notice

Attached is a notice to be published on October 23, 2025.

Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442, 605-765-2469, 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 confirm receipt of this email.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, October 14, 2025 9:49 AM
To: aan-legals@aberdeennews.com
Subject: 8972-3 Cheryl Nelson & Erik Nelson - Public Notice
Attachments: 8972-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 23, 2025.

Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442, 605-765-2469, brett@mayadam.net has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Copyright © 2009 John Wiley & Sons, Ltd.

I, Curtis R. Olson

from the Onida Watchman

County of Sully and

in the newspaper on the following date:

October 23, 2025

Cost of Printing \$83.40

(Signature)

(Title)

(Date Signed)

Classified Ads

Public Notices

NOTICE OF HEARING on Application No. 8972-3 to Appropriate Water

Notice is given that Cheryl E. Nelson and Erik L. Nelson, 612 S Exene Street, Gettysburg SD 57442, have filed an application for a water permit to appropriate up to 72.4 acre-feet of water annually at a maximum combined pump rate of up to 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from two existing wells (Well No. 2 & Well No. 4) completed into the Inyan Kara Aquifer (both approximately 2,120 feet deep) located in the NW 1/4 SW 1/4 Section 7 (Well No. 2), and NE 1/4 NW 1/4 Section 8 (Well No. 4); both in T116N-R74W, Water from Well No. 4 will be diverted at a rate of up to 40 gallons per minute to a large slough located in the E 1/2 NE 1/4 Section 8, W 1/2 NW 1/4 Section 8, and from Well No. 2 at a rate of up to 5 gallons per minute to a pond located in the NW 1/4 SW 1/4 Section 7; all in T116N-R74W for recreational, and fish & wildlife purposes. This application is intended to replace existing Water Permit No. 8787-3 and, as such, does not authorize any increase in the appropriation authorized by Permit No. 8787-3. This site is located approximately eleven miles southeast of Gettysburg SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Acting Chief Engineer's recommendation and no hearing may be held before the board, unless the Acting Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Acting Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8972-3 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. The Acting Chief Engineer's

recommendation with qualifications, the application, and staff reports are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:30 AM (Central Time) on December 3, 2025, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Acting Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 November 3, 2025.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The December hearing date will be automatically delayed for at least 20 days upon written request to the Acting Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by November 3, 2025. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 November 3, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners

ADVERTISING DEADLINE: 5:00 p.m. Monday

Classified Rate: \$9.00 minimum - 25 Words (\$.36 per word)

Subsequent inserts \$.32 per word, \$8 minimum

Reader Ads: \$1.50 per line of type

Display Ads: \$8.05 per column inch, Full Color - \$9.10 per column inch
Frequent advertiser discount available.

Happy Ads: \$25.00 Color (b/w \$23.00) 2 column x 2 inch, or 1 column x 4 inch
(Happy Birthday, Anniversary, Congratulations or Good Luck only)

Card of Thanks: \$8.00 minimum - \$.15 per word

Finance Officer
Published October 16th and 23rd, 2025 at the total approximate cost of \$18.36 or may be viewed free of charge at www.sdpublicnotices.com.
(34)-42-43

NOTICE TO CREDITORS

File No. 59PRO25-000006
STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)
IN CIRCUIT COURT: SS
SIXTH JUDICIAL CIRCUIT)
Estate of)
CAROL L. HANSEN,)
Deceased.)

Notice is given that on the 22nd day of September, 2025, Katherine A. Donahue was appointed as Personal Representative of the estate of CAROL L. HANSEN.

Creditors of Decedent must file their claims within four

months after the date of the first publication of this Notice or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Clerk, and a copy of the claim mailed to the Personal Representative.

Dated this 23rd day of September, 2025.

/s/
Katherine A. Donahue
2386 250th Ave.
DeWitt, IA 52742
Sully County Clerk of Courts
700 Ash Avenue
Onida, SD 57564
Emily J. Sovell
Attorney at Law
PO Box 505
Onida, SD 57564
Published October 2, 9, 16, and 23, 2025 at the total approximate cost of \$45.90 or may be viewed free of charge at www.sdpublicnotices.com.
(45)-40-43

Statewide Classifieds

ANNOUNCEMENTS:

WATFORD CITY ND GUN SHOW: Dakota Territory Gun Collectors. McKenzie County Sportsman's Club, October Friday 24th, 4pm-8pm, Saturday 25th 9am-5pm, Sun 26th 9am-12pm. Gene @605-848-2427.

MISCELLANEOUS:

WE BUY HOUSES FOR CASH AS-IS! No repairs. No fuss. Any condition. Easy process. Call, get cash offer and get paid. Call today for your fair cash offer: 1-605-601-9373

BATH & SHOWER UPDATES in as little as ONE DAY! Affordable prices - No payments for 18 months! Lifetime warranty & professional installs. Senior & Military Discounts available. Call: 1-877-754-0067

STOP OVERPAYING FOR HEALTH INSURANCE! Reduce premiums and out-of-pocket costs while getting the coverage you need! Call now for a competitive free

quote. 1-877-906-0290. Plus... income based government subsidies are available for those that qualify!

NOTICES:

ADVERTISE IN NEWS-PAPERS statewide for only \$150.00. Put the South Dakota Statewide Classifieds Network to work for you today! (25 words for \$150. Each additional word \$.50.) Call this newspaper or 800-658-3697 for details.

CITY OF ONIDA NOTICE OF HEARING MALT BEVERAGE LICENSE

NOTICE IS HEREBY GIVEN that on Monday, November 3rd, 2025 at 7:30 p.m. at the Onida City Office, there will be a hearing for a retail (on-off sale) Malt Beverage and South Dakota Farm Wine hearing for Tunes and Friends, LLC, 212 South Main Street, (Lots 8,9, and 10, Block 4, Original Town, Onida, Sully County, South Dakota).

NOTICE IS FURTHER GIVEN that any person(s) or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such license.

Dated at Onida, South Dakota, this 8th day of October, 2025.
Rondha Hiller

Classified Ads

For Rent

HOUSE FOR RENT: 4-bedrooms, 1 bath, 2-car garage, no pets. Lorraine Yeager Patton. Call 1-310-539-4600 or 1-805-938-1935. —tth



We're Hiring!

Sully County is accepting Applications for a Blade Operator & Truck Driver
We encourage applications from men, women, and individuals of all backgrounds!
Looking for 2 talented employees with CDLS
Starting pay \$23.00/hr DOE

Sully County provides a 6% retirement match, health, cancer & life insurance, paid vacation & sick leave plus 13 paid holidays
For additional details & to schedule an interview contact Hwy Supt JJ Schall 605/222-2623

Applicants will be subject to a drug & alcohol test after conditional offer of employment. Applications are available online at www.sullycounty.net, Sully County Highway Shop & Sully County Auditor's Office.
Sully County is an Equal Opportunity Employer

Hiring for Onida, SD Plant

• **Commodity Manager**

Apply online at ringneck.com, or send app or resume to HR@rne-sd.com, or print application found online at www.ringneckenergy.com or stop by the office for a paper application.

901 Redwood Ave, Onida, SD.

We offer full benefits package including health, dental, vision, paid vacation, and matching 401(K)

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Erik Nelson
Cheryl E Nelson And Erik L Nelson
612 S Exene ST
Gettysburg SD 57442-1754

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

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

10/23/2025

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 10/23/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$105.20	
Tax Amount:	\$0.00	
Payment Cost:	\$105.20	
Order No:	11757923	# of Copies:
Customer No:	1564406	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF HEARING on
Application No. 8972-3 to
Appropriate Water**

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neer'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.

The Water Management Board will consider this application at 10:30 AM (Central Time) on December 3, 2025, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Acting Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 November 3, 2025.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if

they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The December hearing date will be automatically delayed for at least 20 days upon written request to the Acting Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by November 3, 2025. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location. 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 November 3, 2025. Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is November 3, 2025. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. As applicable, the following provides the legal

authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01. Published once at the total approximate cost of \$105.20 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, October 15, 2025 8:15 AM
To: brett@mayadam.net
Subject: 8972-3 Cheryl Nelson & Erik Nelson - Public Notice
Attachments: 8972-3 Rec.pdf; 8972-3 Ltr.pdf; 8972-3 PubNotice.pdf; American News Info.pdf

Good morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 6, 2026

Cheryl E. Nelson & Erik L. Nelson
612 S Exene Street
Gettysburg SD 57442

Dear Mr. & Mrs. Nelson:

Enclosed is Water Permit No. 8972-3 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**

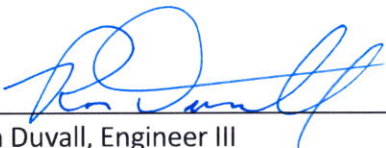
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8972-3

Name of Applicant: Cheryl E and Erik L. Nelson

Date of Posting: 10/20/2025

Date of Removal: 1/6/2026

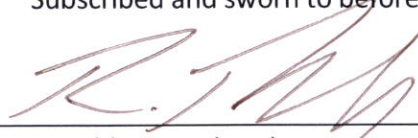


Ron Duvall, Engineer III

1/6/2026

Date

Subscribed and sworn to before me, a notary public, this 6th day of Jan, 20 26.



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

(SEAL)

