

WATER PERMIT NO. 8973-3

Name of Applicant: **SD Department of Game, Fish, and Parks**

Address: **523 E Capitol Avenue, Pierre SD 57501**

Phone: **605-773-4508**

Amount of Water Claimed: **646 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Fish & Wildlife**

County: **Day**

Type of Waste Disposal System:

Location: **Approx. 1 mile north of Waubay**

PRIORITY Date Received: **07-28-2025**

Application/License Fee: **\$1,350.00**

Corrected Application Received:

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

Remarks: **Requesting an additional 600 gpm and up to 3 new wells, to what is currently authorized by WR 6357-3.**

Diversion Point: **SE 1/4, SW 1/4 NE 1/4, S 1/2 SW**
1/4 Sec 21-T122N-R54W

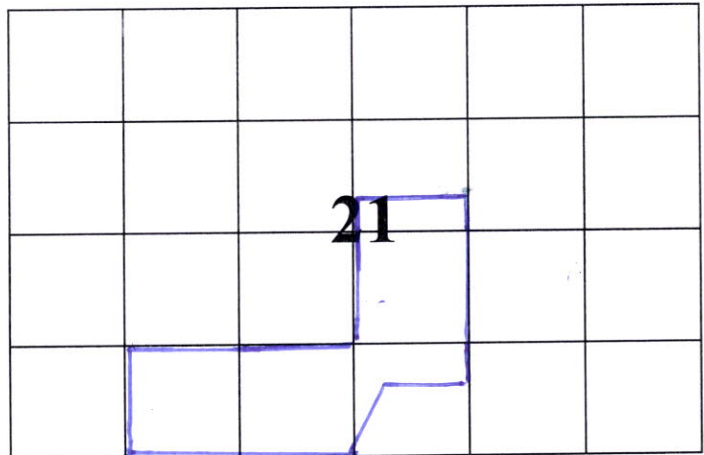
Land to be Irrigated: **N/A**

Depth of Well: **30-40**

Well Driller: **Anderson Well**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **07-29-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8973-3

Date of first receipt of application July 28, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8973-3 to SD Department of Game, Fish, and Parks, 523 E Capitol Avenue, Pierre SD 57501, 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. 8973-3 authorizes an additional 646 acre-feet of water annually and increases the maximum diversion rate by an additional 1.34 cubic feet of water per second (cfs) from three existing wells, or up to three additional wells, or a combination of both, to what is currently authorized by Water Right No. 6357-3. Water Right No. 6357-3 appropriates 1,614 acre-feet of water annually at a maximum rate of 2.23 cfs, from three wells completed into the Coteau Lakes Aquifer (30 and 40 feet deep) located in the S 1/2 SE 1/4 Section 21-T122N-R54W, and 3,229 acre-feet of water annually at a maximum rate of 4.46 cfs from Blue Dog Lake for fish and wildlife propagation purposes at the Blue Dog Lake Fish Hatchery. This Permit and Water Right No. 6357-3 will authorize a combined total of up to 2,260 acre-feet annually at a maximum rate of 3.57 cfs for fish and wildlife propagation, from either the existing wells, or up to three new wells to be completed into the Coteau Lakes Aquifer or a combination of both existing wells and new wells located in the SE 1/4, SW 1/4 NE 1/4, S 1/2 SW 1/4 Section 21; all in T122N-R54W, or a combination of both existing wells and new wells. There is no increase in diversion from Blue Dog Lake. This site is located approximately one mile north of Waubay SD.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8973-3 is October 21, 2025.
5. The date from which applicant may claim right is July 28, 2025.
6. One-fifth of the construction is to be completed on or before April 21, 2028.
7. All construction is to be completed on or before October 21, 2030.
8. Water is to be put to beneficial use on or before October 21, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit and Water Right No. 6357-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

2. The proposed wells authorized by Water Permit No. 8973-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Coteau Lakes Aquifer.
4. This Permit, and the ground water portion of Water Right No. 6357-3, combined, appropriate up to 2,260 acre-feet of water annually.

WATER MANAGEMENT BOARD

By: Mark Mayer

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

01/21/25
date



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

RECEIVED
JUL 28 2025
Water Rights
Program

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8973-3</u> Hydrologic Unit <u>10170201</u> Basin <u>Big Sioux - Upper</u> Newspaper <u>Waubay Clipper</u> <u>Watertown Public Opinion</u> (office use only)
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Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐

Municipal

☐

Rural Water System

☐

Domestic (over 18 gpm)

☐

Water Distribution System

☐

Commercial

☐

Industrial

☒

Recreational

☒

Fish & Wildlife

☐

Other

☐

Institutional

☐

Geothermal

Type of Application:

(check one)

☒

New

☐

Vested Right (Use predates Mar 2, 1955)

☐

Future Use Reservation

Place to Beneficial Use Water Reserved by Future Use Permit No. _____

Amendment/Correction to Permit No. _____

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

- Name to Appear on Water Permit SD Department of Game, Fish, and Parks
Mailing Address 523 E Capitol Ave Pierre SD 57501
(Address) (City) (State) (Zip Code)
Phone 605-773-4508 Mobile 605-645-2750 Email Mike.Barnes@state.sd.us
- Amount of water claimed 1.34 *CFS or 600 **GPM and 646 ***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 groundwater - Coteau Lakes Aquifer
- Location of point of diversion SE 1/4, SW 1/4 NE 1/4, S 1/2 SW 1/4 Sec 21-T122N-R54W Day
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Day
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The applicant requests authorization for development of an additional 600 gpm, to that which is already authorized from three existing wells under WR No. 6357-3. Diversion under this application and 6357-3 will total 1,600 gpm, from either the existing wells or up to three news wells to be located in the SE 1/4, SW 1/4 NE 1/4, S 1/2 SW 1/4 Section 21, T122N, R54W, depending on test hole & water quality results. Annual volume will be increased from 1,614 ac-ft to 2260 ac-ft. Water will be used at the Blue Dog State Fish Hatchery.

I, Secretary, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

Supplemental Information

(type or print)

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



Drilling new well(s)



Using existing well(s)

- a) If new wells, how many 3 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 3 Provide copy of log(s), if available. Drilled by see 6357-3

For either existing or proposed wells:

- c) Well Depth (required) 30-40 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

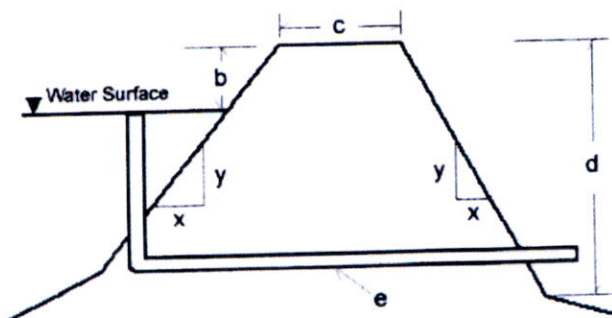
Upstream _____

Downstream _____

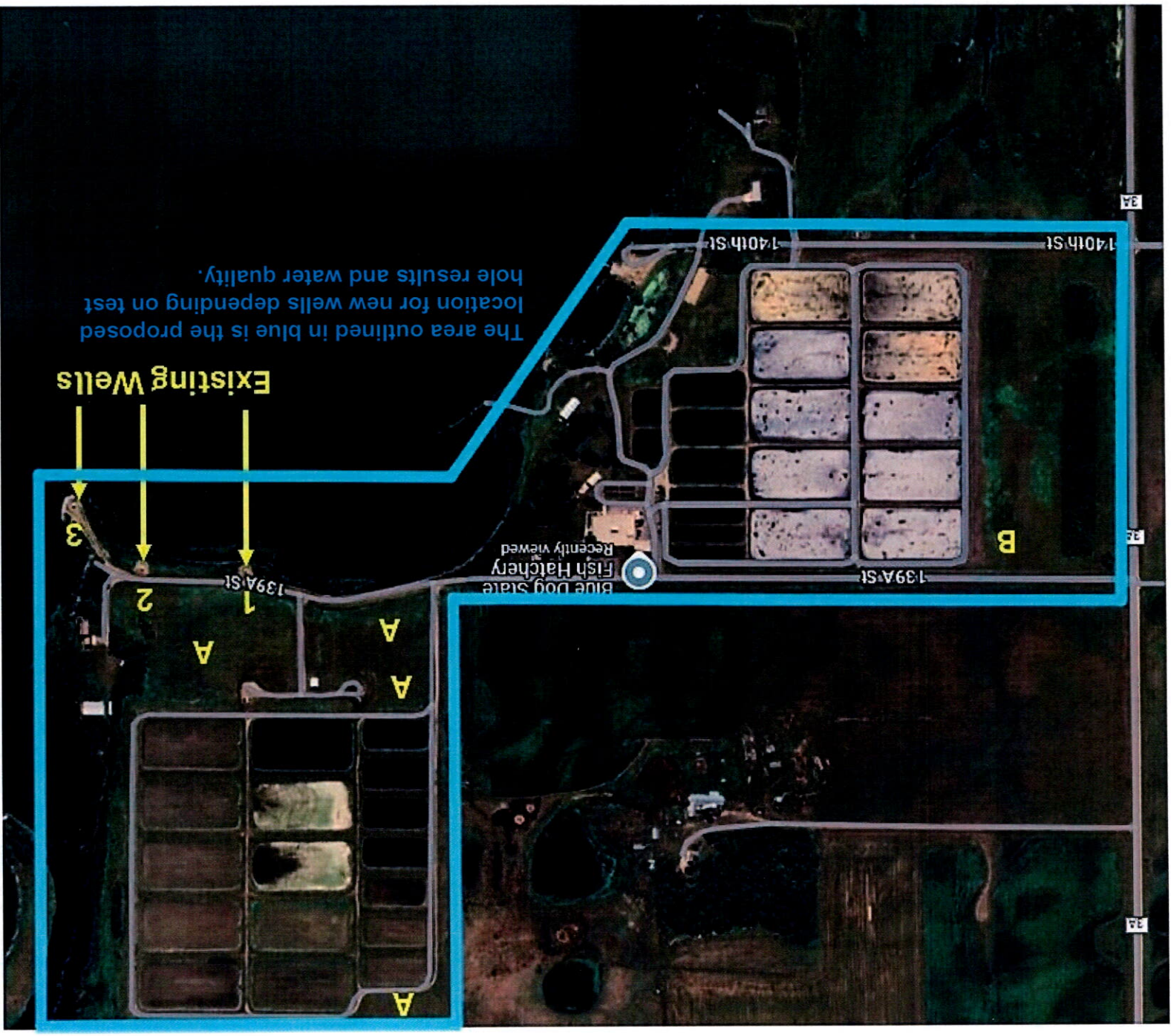
h) Area of Impoundment _____

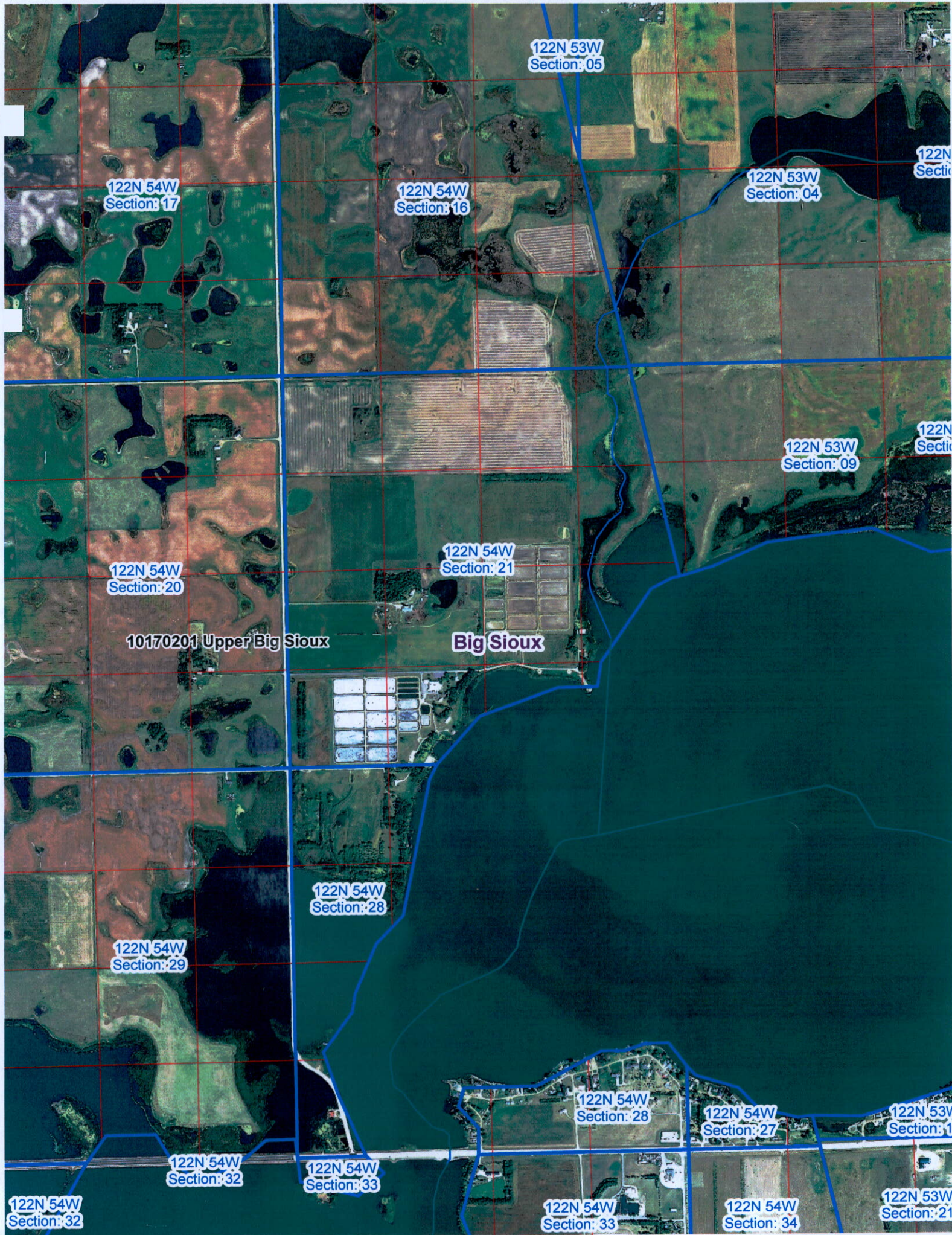
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIVED
JUL 28 2025
Water





State of South Dakota- SD Game Fish and Parks

Voucher

Noncash Billing

Beth

BC JOURNAL VOUCHER ENTRY 213

NEXT FUNCTION: ACTION:

=====

APP: 34

DOCUMENT ID: N06607M005 TOTAL: 2,700.00

LINE 0001 TRANSACTION CODE *

COMP/ACCT/CNTR 3122 52049600 061066003801

DEBIT/CREDIT AMOUNT 1,350.00

DEBIT/CREDIT CODE 00

DESCRIPTION 00084108

PROJECT COMP/CODE ACCOUNTING RULE 30

EFFECTIVE DATE 07/29/2025 SOURCE CODE

LEVEL OF FUNDS CHK 5 UPDATE AFF 1

TRANSFER COMPANY

OPTIONS: (E)ND, (H)OLD, (K)ILL, OR NEXT LINE

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Claimant Date

Authorization Date

07/29/2025

Authorization Date



**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. 8973-3, SD Department of Game, Fish and Parks**

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. 8973-3, SD Department of Game, Fish and Parks, 523 E Capitol Avenue, Pierre SD 57501.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8973-3 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 this Permit and Water Right No. 6357-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed wells authorized by Water Permit No. 8973-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Coteau Lakes Aquifer.
4. This Permit, and the ground water portion of Water Right No. 6357-3, combined, appropriate up to 2,260 acre-feet of water annually.

See report on application for additional information.

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

Report to the Chief Engineer

On Water Permit Application No. 8973-3

South Dakota Department of Game, Fish & Parks

09/25/2025

Water Permit Application No. 8973-3 proposes to appropriate an additional 646 acre-feet of water annually, and increase the maximum diversion rate by an additional 1.34 cubic feet of water per second (cfs) from three existing wells, or up to three additional wells, or a combination of both, to what is currently authorized by Water Right No. 6357-3. Water Right No. 6357-3 appropriates 1,614 acre-feet of water annually at a maximum rate of 2.23 cfs, from three wells completed into the Coteau Lakes aquifer (30 and 40 feet deep) located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21-T122N-R54W, and 3,229 acre-feet of water annually at a maximum rate of 4.46 cfs from Blue Dog Lake for fish and wildlife propagation purposes at the Blue Dog Lake Fish Hatchery. This application, if approved, and Water Right No. 6357-3 will authorize a combined total of up to 2,260 acre-feet annually at a maximum rate of 3.57 cfs for fish and wildlife propagation, from either the existing wells, or up to three new wells to be completed into the Coteau Lakes aquifer in the SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21; all in T122N-R54W, or a combination of both existing wells and new wells. No increase in diversion from Blue Dog Lake is requested with this application. This site is located in Day County approximately one mile north of Waubay, SD.

AQUIFER: Coteau Lakes (COL)

BACKGROUND:

This application proposes to use the three existing wells authorized by Water Permits No. 6357-3, or up to three additional wells, or a combination of both, completed into an outwash body that has been mapped several times and called several different names. The shallow outwash in Day County is several discontinuous outwash bodies generally surrounding the area lakes. Leap (1988) separated the outwash deposits into several aquifers dependent on location and depth to aquifer material. However, Hedges and others (1982) consolidated the outwash deposits in Marshall and Roberts Counties under one name, the Coteau Lakes aquifer. These deposits have also been considered collectively as the Coteau Lakes aquifer by Gilbertson (1996) or the Coteau Lakes aquifer system by Thompson (2001). This report will use the Hedges and others (1982) designation. Hedges and others (1982) estimated the Coteau Lakes aquifer to underly approximately 90,200 acres in Day and Marshall counties but mapped several distinct deposits. However, Hedges and others (1982) did not estimate an aquifer extent in Roberts County. Thompson (2001) reported the Coteau Lakes aquifer system underlies approximately 102.9 square miles (65,856 acres) in Roberts County. These deposits may or may not all be hydrologically connected to each other. However, these discontinuous outwash deposits can often be connected through buried channels of outwash and permeable till (Leap, 1988).

HYDROGEOLOGY:

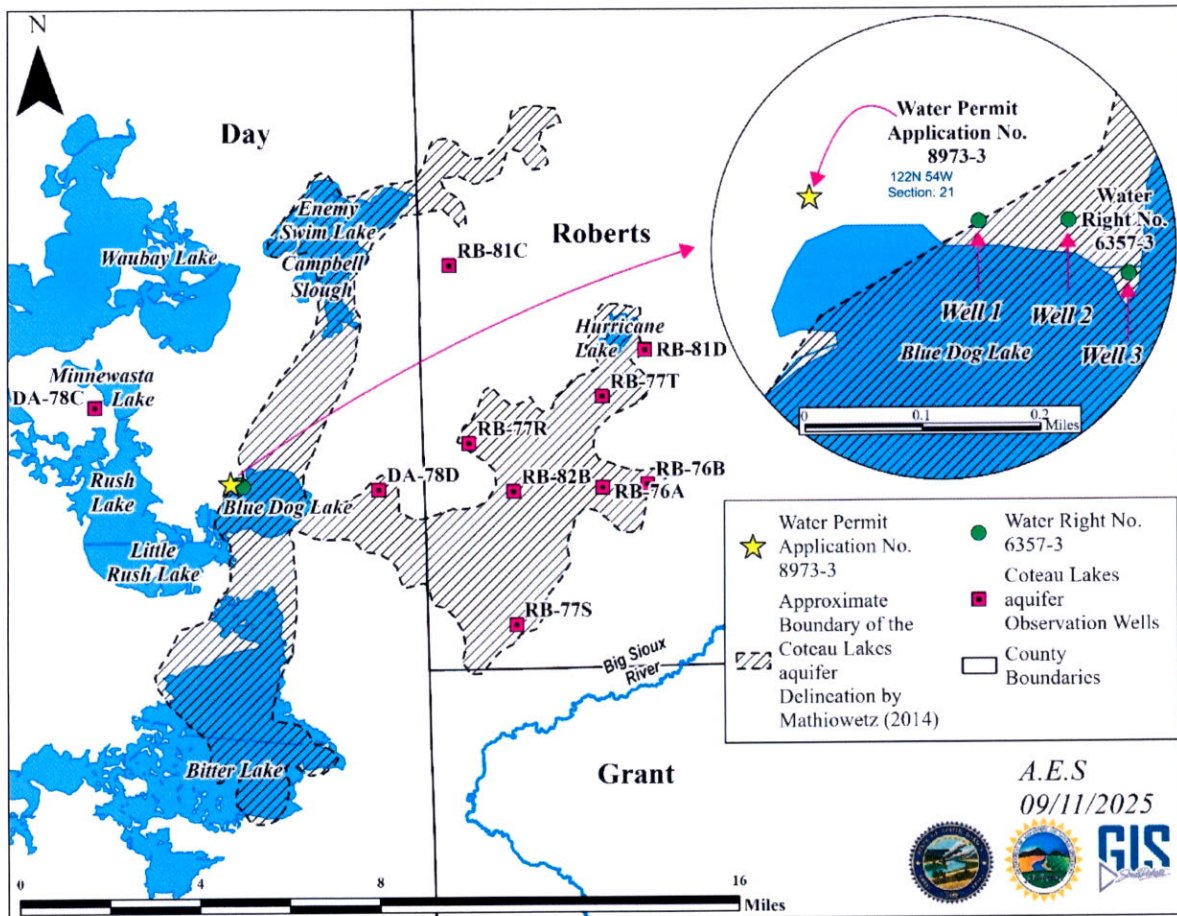
The Coteau Lakes aquifer is a catch-all designation for primarily unconfined glacial aquifers that are near surface water features, primarily lakes, on the Prairie Coteau and are not part of another named aquifer.

Leap (1988) constructed a "Vertical Variability Map of Drift Aquifer Materials in Day County, South Dakota" for the elevation interval of 1,800 to 1,700 feet above mean sea level (fmsl), using the NGVD29 datum. For the new proposed diversion points in this application, the land surface elevation is approximately 1,805 fmsl, while for the existing wells, it is approximately 1,800 fmsl. The outwash shown in the well completion reports for the existing wells (shown in Table 1) under Water Right No. 6357-3, which could be used by this application, lies within that interval (Water Rights, 2025c and 2025d). Mathiowetz (2014) delineated the approximate areal extent of a portion of the Coteau Lakes aquifer in Day and Roberts Counties by examining previous studies including Thompson (2001), Leap (1972 and 1988), SD DANR-Geological Survey lithologic logs (SDGS, 2025), SD-DANR Water Rights Program observation well records (Water Rights, 2025b), and water well and test hole completion reports on file with the SD-DANR Water Rights Program (Water Rights, 2025d). Mathiowetz (2014) estimated that this portion of the Coteau Lakes aquifer underlies approximately 32,660 acres of Day and Roberts Counties (as shown in Figure 1). This application proposes to withdraw water from the portion of the Coteau Lakes aquifer delineated by Mathiowetz (2014). For the remainder of this report, references to the Coteau Lakes aquifer are in reference to the Mathiowetz (2014) delineation. The Coteau Lakes aquifer is generally under unconfined conditions (Water Rights, 2025b and 2025d).

Review of hydrogeologic data for the area, including SD-DANR Geological Survey lithologic logs, SD-DANR Water Rights Program observation well records (Water Rights, 2025b) and water well and test hole completion reports on file with the SD-DANR Water Rights Program (Water Rights, 2025d) suggests that the areal extent of this portion of the Coteau Lake aquifer as delineated by Mathiowetz (2014) is appropriate and may be conservative, with additional aquifer material likely occurring west of Ortley, SD. The lithologic information on well completion reports for wells associated with Water Right No. 6357-3 is listed on Table 1. The static water levels ranged between approximately 12 feet to 14 feet at the time of well completion. While there is clay listed above the top of the aquifer material and the static water level is within that clay range, the clay deposits are likely to be permeable lake sediment deposits and not really confining the aquifer. Therefore, the aquifer is expected to behave as an unconfined aquifer at the well locations for this application.

Table 1. Water well completion reports submitted with Water Right No. 6357-3

1984		
Formation	From (ft)	To (ft)
Yellow Clay	0	18
Blue Clay	18	24
Sand	24	30
1986		
Formation	From (ft)	To (ft)
Blue Dirt	0	3
Yellow Clay	3	18
Blue Clay	18	24
Sand	24	36
1999		
Formation	From (ft)	To (ft)
Topsoil (dark)	0	2
Yellow Clay	2	22
Grey Sand	22	39
Grey Clay	39	

**Figure 1.** Map of the approximate boundary of the Coteau Lakes aquifer delineated by Mathiowetz (2014), the proposed new diversion points location for Water Permit Application No. 8973-3, the existing well locations for Water Right No. 6357-3, and the Coteau Lakes aquifer observation wells (Water Rights, 2025b)

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 there is unappropriated water available for the applicant's proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11."

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

WATER AVAILABILITY:

Water Permit Application No. 8973-3 proposes to appropriate water from the Coteau Lakes aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems."

The Coteau Lakes aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and 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 Coteau Lake aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Coteau Lakes aquifer is primarily through the infiltration of precipitation where the aquifer material is at or near the ground surface (Leap, 1988). There is also recharge to the aquifer when hydrologically connected glacial outwashes and bodies of surface water have higher water levels than the aquifer (Leap, 1988; Thompson, 2001). Utilizing observation well analysis, Hedges and others (1985) estimated the average annual recharge rate to the Coteau Lakes aquifer system to be approximately 4.5 inches per year. By multiplying the average annual recharge rate estimated by Hedges and others (1985) with the approximate areal extent by Mathiowetz (2014) (32,660 acres), the estimated average annual recharge rate to the Coteau Lakes aquifer is approximately 12,248 acre-feet per year.

Discharge

Discharge from the Coteau Lakes aquifer deposits is through evapotranspiration, seepage to lakes in the Waubay Lakes complex when water levels in the aquifer are higher than hydrologically connected lakes, and through well withdrawals (Leap, 1988; Thompson, 2001;

Water Rights, 2025c). Only the water rights/permits authorized to appropriate water from the Coteau Lakes aquifer within the delineation from Mathiowetz (2014) and Water Right Nos. 6481-3, 5567-3, and 8902-3 will be included in the hydrologic budget because the aquifer likely extends beyond the delineation by Mathiowetz (2014) to include the locations of Water Right Nos. 6481-3, 5567-3 and 8902-3 (Hullinger, 2024). Hullinger (2024) based this on the information contained within the Roberts County first occurrence of aquifer materials map (Tomhave, 2006) and nearby drill hole lithology (SDGS, 2025; Water Rights, 2025d).

Currently there are 33 water rights/permits authorized to appropriate water from the Coteau Lakes aquifer within the delineation from Mathiowetz (2014) (Water Rights, 2025c). Table 2 summarizes the 9 non-irrigation water rights/permits authorized to appropriate water from the Coteau Lakes aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2025c). Overall, the estimated average annual withdrawal rate from the Coteau Lakes aquifer by the non-irrigation water rights/permits is approximately 1,899 acre-feet per year (Table 2) (Water Rights, 2025c).

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

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (Acre-feet/year)
5570-3	Buds Resort	LC	COM	0.021		9.1
5599-3	Ne-So-Dak Bible Camp	LC	INS, REC	0.04		17.4
5648-3	Sandy Beach Resort	LC	COM	0.088		38.2
6189-3	Bur-Oak Lodge	LC	COM	0.017		7.4
6284-3	Buds Resort	LC	COM	0.027		11.7
6357-3*	Game Fish & Parks	LC	FWP	2.23		1614.5
8075-3	Labolt Farmers Grain Co	PE	COM	0.022		9.6
8856-3	Jensen Rock & Sand	PE	COM	1.11	0.4	0.4
8902-3	Althoff Aggregates LLC	PE	IND	2	191	191
LC: Licensed; PE: Permitted; COM: Commercial; INS: Institutional; REC: Recreation; FWP: Fish & Wildlife Propagation; *Applicable Coteau Lakes aquifer appropriation					TOTAL:	1,899.3

Currently, there are 24 irrigation water rights/permits authorized to appropriate water from the Coteau Lakes aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Coteau Lakes aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 996 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 1,320 acre-feet per year (Table 3) (Water Rights, 2025a).

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

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	6	207
1980	6	700
1981	10	772
1982	8	823
1983	10	598
1984	11	812
1985	11	570
1986	11	67
1987	11	837
1988	11	1,156
1989	12	621
1990	11	651
1991	11	218
1992	10	282
1993	11	65
1994	12	679
1995	13	152
1996	13	828
1997	14	861
1998	15	1,117
1999	15	1,272
2000	14	1,379
2001	14	1,504
2002	14	1,230
2003	14	1,422
2004	15	1,505
2005	14	1,484
2006	14	1,889
2007	16	973
2008	17	1,009
2009	18	952
2010	18	862
2011	19	1,419
2012	19	1,294
2013	19	1,420
2014	20	997
2015	22	1,356
2016	22	1,557
2017	23	1,539
2018	23	1,266
2019	23	556
2020	24	1,273
2021	23	1,642
2022	25	1,239
2023	24	1,778
Min	6	65
Max	25	1,889
Avg (1979-2023)	15	996
Avg (2014-2023)	23	1,320

There are domestic wells completed into the Coteau Lakes 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 generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Coteau Lakes 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 Coteau Lakes aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Coteau Lakes aquifer is approximately 12,248 acre-feet per year. The estimated average annual withdrawal rate from the Coteau Lakes aquifer is approximately 3,865 acre-feet per year (non-irrigation: 1,899 acre-feet/year; irrigation (average 2014 to 2023): 1,320 acre-feet/year; Water Permit Application No. 8973-3 (if approved, assuming full volume): 646 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Coteau Lakes aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DNR-Water Rights Program monitors 9 observation wells completed into this portion of the Coteau Lakes aquifer (Water Rights, 2025b). The three nearest observation wells to the proposed diversion point are DA-78D (approximately 3.3 miles east), RB-77R (approximately 5.4 miles northeast), and RB-82B (approximately 6.3 miles east) (Water Rights, 2025b) (Figure 1). The hydrographs for these observation wells are displayed in Figure 2 (Water Rights, 2025b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing which were then converted to elevation in feet from the NGVD29 datum.

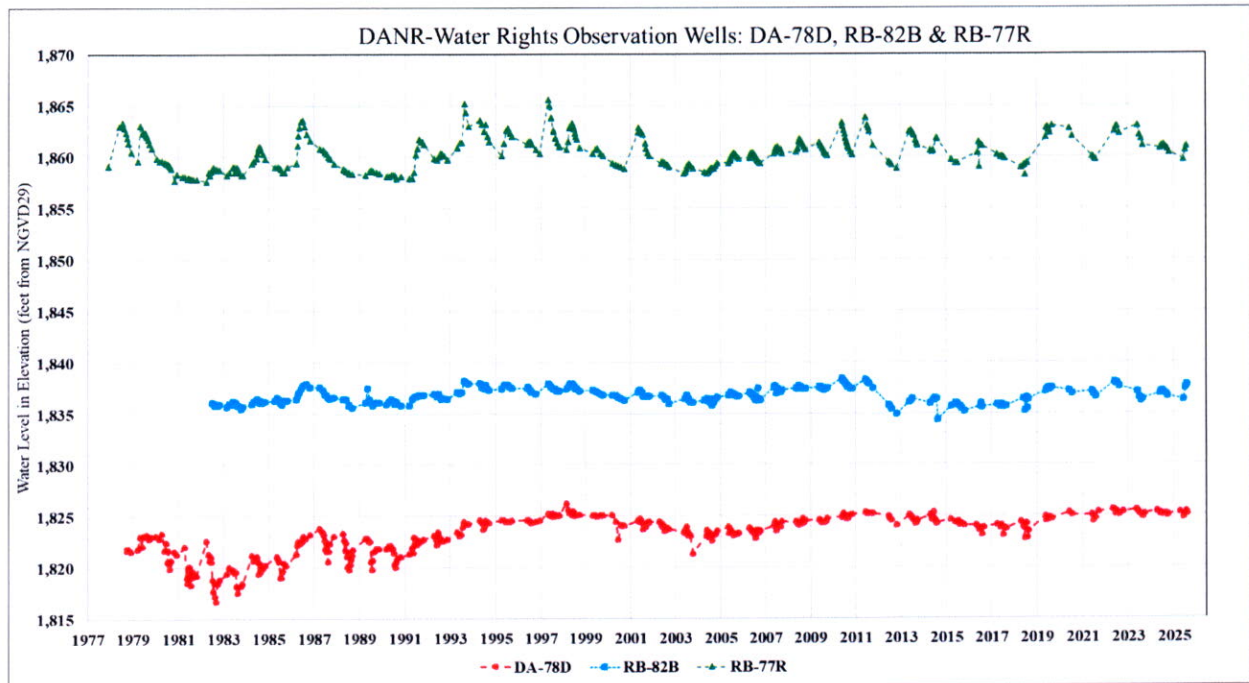


Figure 2. A graph showing the elevation of water levels for observation wells: DA-78D, RB-82B & RB-77R (Water Rights, 2025b)

The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Coteau Lakes aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figure 2 (Water Rights, 2025b). The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record except RB-81C. Observation well RB-81C shows an overall minor decrease of approximately two feet in static water level starting in the early to mid-1990s and stabilizing in 2011. Additionally, in 2015 there were fluctuations in water levels for RB-81C that may indicate pumping from a now cancelled Water Permit No. 8188-3, whose diversion point authorized use of the well covered by Water Right No. 5567-3 (Hullinger, 2024). Observation well RB-81C has approximately 19 feet of aquifer material thickness, compared to other nearby observation wells which have aquifer material thicknesses ranging between 20 and 50 feet (Hullinger, 2024) (Water Rights, 2025b). The elevation of the water level in RB-81C fluctuates between approximately 1,922 and 1,927 feet (NGVD29) while Enemy Swim Lake has a controlled outlet at 1,853.6 feet (NGVD29) which is a large vertical gradient for a lake that is two miles away (Hullinger, 2024) (Water Rights, 2025c). Regardless, static water levels at RB-81C have had generally less than four feet of overall fluctuation in response to climatic conditions and the effects of well withdrawals since 2011. This shows that recharge to and natural discharge from the Coteau Lakes aquifer governs the water level in the aquifer rather than the impacts of pumping. The return of static water levels to pre-pumped levels after irrigation seasons show that the hydrographs for the Coteau Lakes aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. By recognizing that both recharge to and natural discharge from an aquifer can be captured for

pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The closest water right/permit to the proposed diversion point, not held by the applicant, is Water Permit No. 8075-3 held by LaBolt Farmers Grain Co. The diversion point for Water Permit No. 8075-3 is located approximately 1.7 miles southeast of the proposed diversion point for this application (Table 4) (Figure 3) (Water Rights, 2025c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Coteau Lakes aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.7 miles southwest of the proposed diversion point (Water Rights, 2025d). There could potentially be other domestic wells completed into the Coteau Lakes aquifer near the wells the applicant proposes to use that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

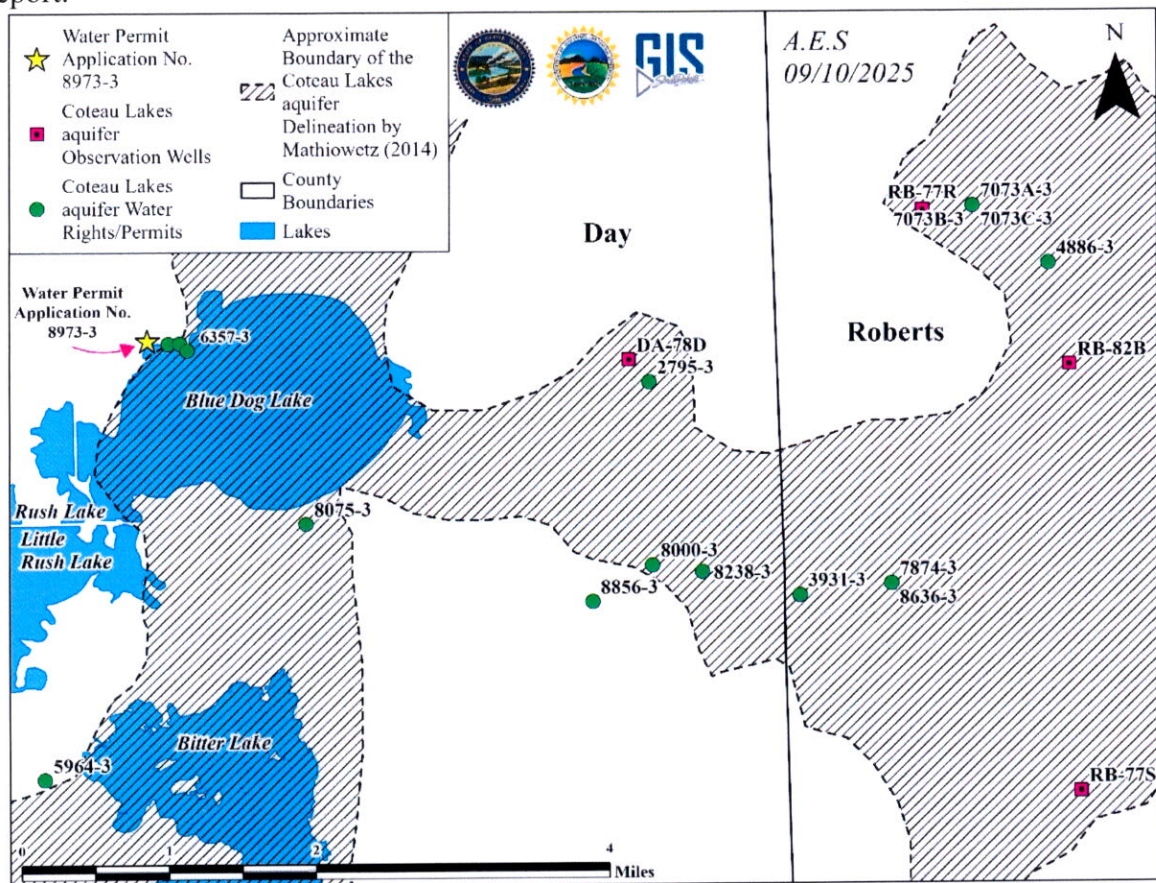


Figure 3. Approximate location of the existing wells for Water Right No. 6357-3 and proposed diversion points for Water Permit Application No. 8973-3, nearby observation wells, and water rights/permits authorized to withdraw from the Coteau Lakes aquifer within seven miles of the proposed and existing diversion points (Water Rights, 2025b and 2025c)

Table 4. Water rights/permits authorized to withdraw or reserve water from the Coteau Lakes aquifer within approximately seven miles of Water Permit Application No. 8973-3 as shown in Figure 3 (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Licensed/Permitted Volume (ac-ft/yr)
2795-3	Earl Althoff	LC	IRR	1.33	193
3931-3	Maurice S Dorsett	LC	IRR	1.89	132
4886-3	Gregory Endres	LC	IRR	1.78	136
5964-3	Maurice S Dorsett	LC	IRR	1.78	133
6357-3	Dept Of Game Fish & Parks	LC	FWP	6.69	0
7073A-3	Carol G Gaikowski	LC	IRR	1.71	120
7073B-3	Daniel D Gaikowski	LC	IRR	1.73	121
7073C-3	D J Gaikowski	LC	IRR	0.13	9
7874-3	Arnie Beisch	LC	IRR	0.89	48
8000-3	Earl Althoff	LC	IRR	1.22	75
8238-3	Neil Holscher	LC	IRR	1.67	120
8636-3	Arnie Beisch	PE	IRR		15
8856-3	Jensen Rock & Sand	PE	COM	1.11	0.4
LC: License; PE: Permit; COM: Commercial; FWP: Fish & Wildlife Propagation; IRR: Irrigation					

Based on the well completion reports from Water Right No. 6357-3 on file for the existing wells that could be used, the Coteau Lakes aquifer is unconfined near the existing well sites (Water Rights, 2025d). The aquifer material thickness for the existing wells that could be used, and other nearby wells range from 16 to 31 feet. Nearby well completion reports and well completion reports included in Water Right No. 6357-3 state static water levels typically range from 6 to 15 feet below the ground surface in this area. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. However, the exact drawdown behavior of a well cannot be known without an aquifer performance test.

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.”

Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Day, Grant, and Roberts County there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Coteau Lakes aquifer (Water Rights, 2025e).

When considering the saturated thickness of the Coteau Lakes aquifer near the proposed diversion point, the observation well data (Figure 2), and the lack of well interference complaints for adequate wells completed into the Coteau Lakes aquifer, there is a reasonable probability that any drawdown created from the proposed diversion will not 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.

CONCLUSIONS:

1. Water Permit Application No. 8973-3 proposes to appropriate an additional 646 acre-feet of water annually and increase the maximum diversion rate by an additional 1.34 cfs from three existing wells, or up to three additional wells, or a combination of both, to what is currently authorized by Water Right No. 6357-3. Water Right No. 6357-3 appropriates 1,614 acre-feet of water annually at a maximum rate of 2.23 cfs, from three wells completed into the Coteau Lakes aquifer (30 and 40 feet deep) located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21-T122N-R54W, and 3,229 acre-feet of water annually at a maximum rate of 4.46 cfs from Blue Dog Lake for fish and wildlife propagation purposes at the Blue Dog Lake Fish Hatchery. This permit, and Water Right No. 6357-3 will authorize a combined total of up to 2,260 acre-feet annually at a maximum rate of 3.57 cfs for fish and wildlife propagation, from either the existing wells, or up to three new wells to be completed into the Coteau Lakes aquifer in the SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21; all in T122N-R54W, or a combination of both existing wells and new wells. No increase in diversion from Blue Dog Lake is requested with this application. This site is located in Day County approximately one mile north of Waubay, SD
2. Based on the observation well data and hydrologic budget, there is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8973-3 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users with adequate wells.



Austin Settje
Natural Resources Engineer I
SD DANR - Water Rights Program



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

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- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

2029/5/22
0000 4108

Leidholt, Beth

From: Barnes, Mike
Sent: Wednesday, July 23, 2025 8:54 AM
To: Leidholt, Beth; Andrews, Aaron
Subject: RE: Blue Dog water right permit increase application for your signature

0610660 5204960 DJ 75/25

From: Leidholt, Beth <Beth.Leidholt@state.sd.us>
Sent: Wednesday, July 23, 2025 6:42 AM
To: Barnes, Mike <Mike.Barnes@state.sd.us>; Andrews, Aaron <Aaron.Andrews@state.sd.us>
Subject: RE: Blue Dog water right permit increase application for your signature

Is there specific coding you would like used?

From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Monday, July 21, 2025 2:51 PM
To: Robling, Kevin (GFP) <Kevin.Robling@state.sd.us>
Cc: Lott, John <John.Lott@state.sd.us>; Davis, Jake <Jake.Davis@state.sd.us>; Leidholt, Beth <Beth.Leidholt@state.sd.us>; Kirschenmann, Tom <Tom.Kirschenmann@state.sd.us>; Switzer, Chad <Chad.Switzer@state.sd.us>; Derek Nelson <dnelson@mcmillan.com>; Tobin, Ryan <Ryan.Tobin@state.sd.us>; Andrews, Aaron <Aaron.Andrews@state.sd.us>
Subject: Blue Dog water right permit increase application for your signature

Kevin:

Please note the attached permit application to increase Blue Dog water rights for your signature. After you sign it, please return it to me and I'll forward it on to Amanda in DANR.

I've included Beth Leidholt on this email because I'm hoping she can figure out how to do the \$1,350 inter-agency payment to DANR for this permit.

Once DANR gets the permit and fees, they will initiate a 60-day review. Assuming their engineers are okay with it (no possible impacts to the water budget in the proposed aquifer), they will forward it to the chief engineer for his signature. After that it will go to public notice. If no one objects, it will be approved in-house. If objections are raised by the public, at least one contested case hearing will need to be held, and approval (if it occurs) could be delayed for a substantial period of time. Given the water available, the prior water right, and the popularity of fishing in Day County, I would be a little surprised to have much objection.

Thank you!

Mike

P.S. I also want to plug Amanda Dewell in DANR (3rd floor of the Foss Building) – she has been a tremendous help, going way beyond what is necessary, with this process and is definitely on my list to receive some chocolate!).

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, July 21, 2025 1:16 PM

To: Barnes, Mike <Mike.Barnes@state.sd.us>

Subject: RE: Blue Dog wells and increased water rights

WR No. 6357-3 previously would have authorized an annual volume of approx. 1,614 acre-feet of water. Based on our phone conversation an average of 1,400 gpm w/ 24/7 pumping would bring us to approx. 2,260 ac-ft. Due to the increase in volume of 646 ac-ft the total fees due for the application is going to jump, sorry!!!

Total fees due = \$1,350.00 Please do not hesitate to ask questions if you have them.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>

Sent: Monday, July 21, 2025 1:53 PM

To: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: Blue Dog wells and increased water rights

I am a little confused (because I am just a fish guy and kind of old). You are correct in the 24/7 pumping, but if I understand this correctly, if we pump 1,600 gpm on a year round basis, that would be 840,960,000 gallons / 2,581 acre-feet per year.

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Sent: Monday, July 21, 2025 12:36 PM

To: Barnes, Mike <Mike.Barnes@state.sd.us>

Subject: RE: Blue Dog wells and increased water rights

No problem!

Yes, if you get the "thumbs up" and a signature, send in the app and map and we'll start the review process. Inter-office billing is fine in the amount of \$700. (\$500 for the application + \$200 licensing/inspection fee).

Quick thought: Since an annual volume was not accessed for 6357-3, 24/7 pumping is assumed, totaling 526,033,095 gallons / 1,614 acre-feet per year. I assumed this annual volume was satisfactory and we're only increasing the pump rate. Correct?

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Monday, July 21, 2025 1:29 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Blue Dog wells and increased water rights

Very impressive Amanda! I so owe you! Thank you!

What is the next step in the process? I send it to our Department Secretary for his signature and also initiate inter-Department billing to get you some money?

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, July 21, 2025 12:10 PM
To: Barnes, Mike <Mike.Barnes@state.sd.us>
Subject: RE: Blue Dog wells and increased water rights

Mike,

Please review the attached application and map. In the "comment" section of the application I attempted to give a description of the project that would allow for maximum development and re-location of even the current wells if you were to find great quality water.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Monday, July 21, 2025 12:06 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Blue Dog wells and increased water rights

Thanks for the reply so late on a Friday afternoon Amanda!

I've attached the aerial image of Blue Dog, with the location of the existing wells and (you've seen this before) where we are planning on drilling the test wells. Based on prior experience at Blue Dog and being an old guy, I am 95% certain that we are only going hit decent water in the 3 "A" test wells closest to the existing wells, but I could be wrong. Even if all of these test wells are a failure though, we still need to request an increase in water rights. Right now we are pumping 1,200 GPM (and can't pump any less because we don't have VFDs in place) and I know we are only permitted for 1,000 GPM. The plan is to find additional water, even if it is the same iron content as the existing wells, to get us to 1,600 GPM. This would give us enough flow to backwash new iron filters and still maintain 1,200 GPM for fish production. Does this make sense?

Legal descriptions for the likely new well(s) location(s) are as follows:

- A. Township 122N, Range 54W, Section 21, E 1/2 of SW SW Lots 4 & 5, W 1/2 of SW SW, NE of SE
- B. Township 122N, Range 54W, Section 28, Part of Gov't Lot 1, N part of Gov't Lot 3, all of Gov't Lot 2 (again, I would be totally shocked if we found water here in the one test well).

Thank you for all of your help with this! And, as always, if need be please call my cell – 605-645-2750.

Mike

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, July 18, 2025 3:16 PM
To: Barnes, Mike <Mike.Barnes@state.sd.us>
Subject: RE: Blue Dog wells

I recall from previous conversation you were hoping to relocate the wells previously authorized, due to high iron content. If that is the case, can you provide me with an areal image identifying the new proposed locations and I will draft up an application for you to review, accordingly? The locations do not need to be "solid" as I will attempt to draft a broad coverage application allowing for some movement depending on your test hole findings.

Have a great weekend!

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Friday, July 18, 2025 3:58 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Blue Dog wells

Thanks Amanda! I really appreciate all of the information, late on a Friday afternoon no less!

So I guess we need to start the process of requesting an increase in our water right back up to 1,600 gpm. Please tell me what I need to do to get this started.

Have a great weekend!

Mike

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, July 18, 2025 2:23 PM
To: Barnes, Mike <Mike.Barnes@state.sd.us>
Subject: RE: Blue Dog wells

Mike,

Permit No. 4385-3 originally permitted 3.57 cfs from the wells; however, at the time of inspection for the purpose of licensing the water use system (October 2002), it was determined that the system as developed was only capable of diverting 2.23 cfs and was cut back/licensed accordingly. Water Right No. 6357-3 authorizes 2.23 cfs from the 3 wells & 4.46 cfs from the lake.

I've highlighted the portions of the inspection report and license below. All scanned documents can also be found in the [full permit file for WR No. 6357-3](#). I hope this is helpful.

Report Of Examination Of Works

On, August 14, 2001, I made a thorough examination of the water use system constructed by South Dakota Department of Game Fish and Parks of 523 E Capitol Ave, Pierre SD holder of Permit Nos. 4385-3, bearing the priority of March 1, 1979 authorizing the diversion of 3.57 cu. ft. per second of the waters of groundwater Coteau Lakes Aquifer; 4470-3, bearing the priority of February 27, 1980 authorizing the diversion of 3.57 cu. ft. per second of the waters of surface water, Blue Dog Lake; and 6357-3, bearing the priority of August 16, 2001 authorizing the diversion of an additional 0.89 cu. ft. per second of the waters of surface water, Blue Dog Lake for Fish Culture purposes, in Day County.

The system is in the following condition good. The points of diversion are located all from the SW corner Section 21 T122N-R54W: for Well #1 3850 ft east and 1250 ft north with a longitude of -97.31021 and latitude of 45.35879; for Well #2 3425 ft east and 1250 ft north with a longitude of -97.31186 and a latitude of 45.35881; for Well #3 4160 ft east and 1050 ft north with a longitude of -97.30890 and a latitude of 45.3581 and for the lake intake 2350 ft east and 430 ft north with a longitude of -97.31593 and a latitude of 45.3564. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water from the wells (ground water) and 4.46 cu. ft. per second of water from the lake (surface water) which is to be used for fish culture. Water has been put to beneficial use and the license should be issued for 2.23 cu. ft. per second of water from the wells (ground water) and 4.46 cu. ft. per second of water from the lake (surface water).

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Friday, July 18, 2025 3:07 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Blue Dog wells

There is some confusion about water rights from our wells at Blue Dog Hatchery. I was told earlier in the spring that we only have rights to 1,000 gpm. But Ryan Tobin (GFP engineer) and our consulting engineer brought it to my attention that our water right (attached and on the DANR website) says we have rights to 3.57 CFS (1,600 gpm). I just called for clarification that we do indeed have rights to 3.57 CFS, in which case all we would be asking for permit wise is to potential replace our existing higher iron wells with lower iron wells (and no change in permitted amounts). Any help you can provide is greatly appreciated!

And if it's easier, feel free to call my cell 605-645-2750.

Thank you!

Mike

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, July 18, 2025 2:02 PM

To: Barnes, Mike <Mike.Barnes@state.sd.us>

Subject: RE: Blue Dog wells

Hey Mike, it sounds like I might have missed a call from you today. How can I help?

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>

Sent: Wednesday, July 9, 2025 10:17 AM

To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>

Cc: Lott, John <John.Lott@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Derek Nelson <dnelson@mcmillen.com>

Subject: RE: Blue Dog wells

I really appreciate the information and quick reply Adam!

After I get back in the office next week I'll get started getting you the information you need, with the help of our consulting engineer (Derek Nelson with McMillen), who I've also cc:ed on this email.

All the best!

Mike

From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>

Sent: Tuesday, July 8, 2025 9:10 AM

To: Barnes, Mike <Mike.Barnes@state.sd.us>

Cc: Lott, John <John.Lott@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: Blue Dog wells

Mike,

For test well permission, I need the following information:

- 1) Approximate well location. Down to the quarter section is preferred;
- 2) Approximate well depth, or target aquifer. I can help with that if you don't know;
- 3) If a well driller has been contacted or under contract, their name so I can provide a copy of the test well permission to them as well;
- 4) Anything you unique, odd, or non-standard about the well construction or location. For example, a gentleman in the Black Hills was potentially going to need a variance for well location because they were uncertain if they could meet the setback from either their own or the neighbors drainfield.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Tuesday, July 8, 2025 8:36 AM
To: Barnes, Mike <Mike.Barnes@state.sd.us>
Cc: Lott, John <John.Lott@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: RE: Blue Dog wells

Good morning, Mike,

I would say that you're correct in me being the right person for these questions. Although, permission for the drilling of "test wells" is obtained through our senior groundwater engineer, Adam Mathiowetz, who I've cc'd on this email.

While the first thought on projects such as this may be to wait and see what kind of rate you are able to achieve, SDCL 46-5-9 requires a permit to be obtained ahead of time. For this reason, the Water Rights Program has always recommended that you apply for the maximum amount of water you hope to obtain from the wells. In this case, I would recommend applying for the 500 gpm you aim to develop, and if that cannot be obtained, the licensing process would cut the permit down to the 1200 gpm your system operates at.

The application would essentially be a new application building on to what already exists under Water Right No. 6357-3. For your convenience I've attached a partially completed application form as well as a PDF outlining the permitting process.

Please review the attachments, get in contact with Adam for test well permissions, and let me know if you have any additional questions or concerns.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Saturday, July 5, 2025 3:09 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Lott, John <John.Lott@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>
Subject: FW: Blue Dog wells

Hello Amanda!

With Eric retired, are you now my DANR contact for the Blue Dog Hatchery well project (note below)? If so, to bring you up to speed, we just hired McMillen Associates (an aquaculture engineering firm) last week to get started on test wells for Blue Dog Hatchery. I don't know the procedures to make this all happen – do I put them in touch with you? Who handles the permit applications? Etc. Even if we can't find better water, we are more-than-likely going to want to request an additional water right to at least cover the 200 gpm we are currently pumping over our permitted 1,000 gpm (and if we can get up to 1,500 gpm that would be super!).

Any help you can provide this ignorant soul is most appreciated!

Thank you!

Mike

Michael Barnes | Hatchery Program Administrator
McNenny State Fish Hatchery
South Dakota Game, Fish and Parks
19619 Trout Loop | Spearfish, SD 57783
605.642.6920 | mike.barnes@state.sd.us



From: Barnes, Mike <Mike.Barnes@state.sd.us>

Sent: Friday, January 17, 2025 1:03 PM

To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>

Cc: Lott, John <John.Lott@state.sd.us>; Aaron Andrews <asandrews@live.com>; Barnes, Mike <Mike.Barnes@state.sd.us>; Haabala, Chad <Chad.Haabala@state.sd.us>; Pool, Nathan <Nathan.Pool@state.sd.us>; Ward, Matthew (GFP) <Matthew.Ward@state.sd.us>

Subject: Blue Dog wells

Eric, Amanda, and Ryan:

To summarize the plan as a result of my conversation with you incredibly knowledgeable folks today:

1. I will send an email to Eric and Amanda as soon as possible with the legal description(s) of the areas we would like to drill test holes at Blue Dog Hatchery.
2. In FY26, GFP will hire a well driller to drill test holes and conduct the necessary water quality testing.
3. If higher quality water than that produced by the large well is identified in one or more of the test holes, we will contact DANR to obtain approval for drilling one or more test wells (to include casing).
4. We will also request an additional 200 gpm (or possibly up to 500 gpm –if relatively iron-free water can be found during this process, increased gpm at Blue Dog beyond the 1,200 gpm currently being used would be highly beneficial).
5. Replacing the 1,000 gpm production with new well(s) would be just a change in diversion point and should be relatively easy (no public notice, etc.).
6. Requesting an additional water right beyond 1,000 gpm would require a lengthier process of at least 3-to-6 months or longer if the request is contested.
7. GFP is assuming the following risks:

- a. The test holes will not find adequate water quality or quantity.
- b. The possible water obtained from any test wells may not be permitted for use
 - i. relatively low risk for replacing the production from the existing well
 - ii. much higher risk in gaining an additional water right beyond the 1,000 gpm in the hatchery water right 6357-3.

Does this make sense to you all? Please let me know if I missed anything.

I really appreciate your knowledge, advice, and patience today Eric and Amanda!

Mike

Michael Barnes | *Hatchery Program Administrator*

McNenny State Fish Hatchery

South Dakota Game, Fish and Parks

19619 Trout Loop | Spearfish, SD 57783

605.642.6920 | mike.barnes@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 21, 2025

Mike Barnes
SD GF&P-Hatchery Program Administrator
mike.barnes@state.sd.us

Mr. Barnes:

As requested by email on July 18, 2025, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have Thein Well Company construct a test wells prior to approval of a water permit. The test wells are to be located as described below in Day County are based on the map provided with the email and not necessarily the legal descriptions in the email request.

3 wells – NW ¼ SE ¼ Sec. 21-T122N-R54W
1 well – SW ¼ NE ¼ Sec. 21-T122N-R54W
1 well – SW ¼ SW ¼ Sec. 21-T122N-R54W

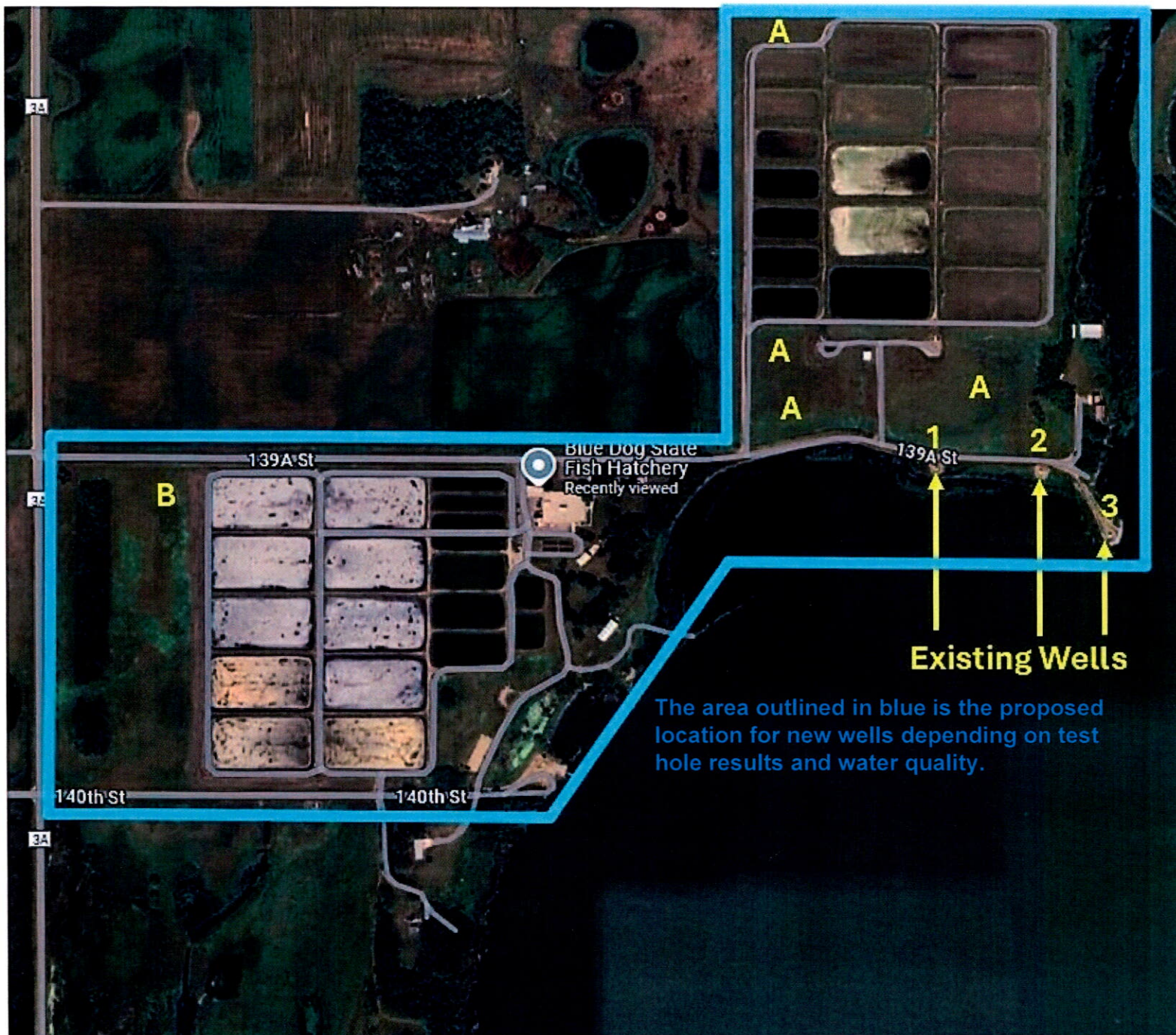
The target aquifer is the Coteau Lakes aquifer with estimated total well depths of less than 60 ft. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes or test wells that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7) or for uses other than domestic use. All test or permanent wells to be constructed under this test well permission must be constructed using the methods described in Administrative Rule of South Dakota (ARSD) 74:02:04:28. Approval of these test wells does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions regarding permitting, please call Amanda Dewell at (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of Office of Water
SD DANR
(605)773-3352

CC:
Zack Thein, Thein Well Company - Zack@theinwell.com



Mathiowetz, Adam (DENR)

From: Barnes, Mike
Sent: Friday, July 18, 2025 3:16 PM
To: Mathiowetz, Adam (DENR); Dewell, Amanda
Cc: Lott, John; Tobin, Ryan; Derek Nelson; Zack Thein; Andrews, Aaron
Subject: Blue Dog Test Wells
Attachments: Test Well Locations 7 18 2025.jpg

Adam,

Answers to your questions below:

1. Test Well locations are noted on the attached jpg file. Specific legal descriptions are:
 - A. 4 wells: Township 122N, Range 54W, Section 21, E 1/2 of SW SW Lots 4 & 5, W 1/2 of SW SW, NE of SE
 - B. 1 well: Township 122N, Range 54W, Section 28, Part of Gov't Lot 1, N part of Gov't Lot 3, all of Gov't Lot 2
2. Depth of wells – likely 49'-56' to match the depth of the existing wells in the same aquifer (whose name I do not know).
3. Thein Well Company- Zack Thein, Spicer MN (cc:ed on this email)
4. I can't think of anything unique. These will all be on GFP land, with three of the A wells located in close proximity to the existing hatchery wells which are near the shore of Blue Dog lake, the other A well and B well are further inland and even further away from any neighbors to GFP property.

If you have any questions, feel free to call my cell 605-645-2750.

Thank you for all of your help with this!

Mike

Michael Barnes | *Hatchery Program Administrator*
McNenny State Fish Hatchery
South Dakota Game, Fish and Parks
19619 Trout Loop | Spearfish, SD 57783
605.642.6920 | mike.barnes@state.sd.us



From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Tuesday, July 8, 2025 9:10 AM
To: Barnes, Mike <Mike.Barnes@state.sd.us>
Cc: Lott, John <John.Lott@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Blue Dog wells

Mike,

For test well permission, I need the following information:

- 1) Approximate well location. Down to the quarter section is preferred;
- 2) Approximate well depth, or target aquifer. I can help with that if you don't know;
- 3) If a well driller has been contacted or under contract, their name so I can provide a copy of the test well permission to them as well;
- 4) Anything you unique, odd, or non-standard about the well construction or location. For example, a gentleman in the Black Hills was potentially going to need a variance for well location because they were uncertain if they could meet the setback from either their own or the neighbors drainfield.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Sent: Tuesday, July 8, 2025 8:36 AM

To: Barnes, Mike <Mike.Barnes@state.sd.us>

Cc: Lott, John <John.Lott@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>

Subject: RE: Blue Dog wells

Good morning, Mike,

I would say that you're correct in me being the right person for these questions. Although, permission for the drilling of "test wells" is obtained through our senior groundwater engineer, Adam Mathiowetz, who I've cc'd on this email.

While the first thought on projects such as this may be to wait and see what kind of rate you are able to achieve, SDCL 46-5-9 requires a permit to be obtained ahead of time. For this reason, the Water Rights Program has always recommended that you apply for the maximum amount of water you hope to obtain from the wells. In this case, I would recommend applying for the 500 gpm you aim to develop, and if that cannot be obtained, the licensing process would cut the permit down to the 1200 gpm your system operates at.

The application would essentially be a new application building on to what already exists under Water Right No. 6357-3. For your convenience I've attached a partially completed application form as well as a PDF outlining the permitting process.

Please review the attachments, get in contact with Adam for test well permissions, and let me know if you have any additional questions or concerns.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Saturday, July 5, 2025 3:09 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Lott, John <John.Lott@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>
Subject: FW: Blue Dog wells

Hello Amanda!

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Thank you!

Mike

Michael Barnes | *Hatchery Program Administrator*
McNenny State Fish Hatchery
South Dakota Game, Fish and Parks
19619 Trout Loop | Spearfish, SD 57783
605.642.6920 | mike.barnes@state.sd.us



From: Barnes, Mike <Mike.Barnes@state.sd.us>
Sent: Friday, January 17, 2025 1:03 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Tobin, Ryan <Ryan.Tobin@state.sd.us>
Cc: Lott, John <John.Lott@state.sd.us>; Aaron Andrews <asandrews@live.com>; Barnes, Mike <Mike.Barnes@state.sd.us>; Haabala, Chad <Chad.Haabala@state.sd.us>; Pool, Nathan <Nathan.Pool@state.sd.us>; Ward, Matthew (GFP) <Matthew.Ward@state.sd.us>
Subject: Blue Dog wells

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To summarize the plan as a result of my conversation with you incredibly knowledgeable folks today:

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Does this make sense to you all? Please let me know if I missed anything.

I really appreciate your knowledge, advice, and patience today Eric and Amanda!

Mike

Michael Barnes | *Hatchery Program Administrator*

McNenny State Fish Hatchery

South Dakota Game, Fish and Parks

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605.642.6920 | mike.barnes@state.sd.us



Blue Dog Lake Info

• Set elevation at outlet of
1800.2 fmsl NGVD 29

- Weir constructed in 1981
- The weir functioned properly until mid 1990s when flooding caused lake levels to rise
- Blue Dog assoc. WR. 641-3
- see tim email w/ elevations.
- see hydrograph on ~~the~~ DANR site; good idea of how levels have fluctuated over time ?
can see how weir doesn't function as designed.



**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.**

September 29, 2025

SD Dept. of Game, Fish & Parks
c/o Mike Barnes
523 E Capitol Avenue
Pierre SD 57501

Dear Mr. Barnes:

Water Permit Application No. 8973-3 for fish and wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Waubay Clipper printed at Waubay (Ph # 605 947-4501) and the Public Opinion printed at Watertown 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 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 Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8973-3 to Appropriate Water

Notice is given that SD Department of Game, Fish, and Parks, 523 E Capitol Avenue, Pierre SD 57501, has filed an application to appropriate an additional 646 acre-feet of water annually, and increase the maximum diversion rate by an additional 1.34 cubic feet of water per second (cfs) from three existing wells, or up to three additional wells, or a combination of both, to what is currently authorized by Water Right No. 6357-3. Water Right No. 6357-3 appropriates 1,614 acre-feet of water annually at a maximum rate of 2.23 cfs, from three wells completed into the Coteau Lakes Aquifer (30 and 40 feet deep) located in the S 1/2 SE 1/4 Section 21-T122N-R54W, and 3,229 acre-feet of water annually at a maximum rate of 4.46 cfs from Blue Dog Lake for fish and wildlife propagation purposes at the Blue Dog Lake Fish Hatchery. This application, if approved, and Water Right No. 6357-3 will authorize a combined total of up to 2,260 acre-feet annually at a maximum rate of 3.57 cfs for fish and wildlife propagation, from either the existing wells, or up to three new wells to be completed into the Coteau Lakes Aquifer in the SE 1/4, SW 1/4 NE 1/4, S 1/2 SW 1/4 Section 21; all in T122N-R54W, or a combination of both existing wells and new wells. No increase in diversion from Blue Dog Lake is requested with this application. This site is located approximately one mile north of Waubay SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8973-3 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.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 21, 2025.

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

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by October 21, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation

with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Linda Walters <linda@waubayclipper.com>
Sent: Monday, September 29, 2025 12:10 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8973-3 SD Game, Fish & Parks - Public Notice

Thank you!! Will get this published October 11th.
Linda

On Sep 29, 2025, at 10:57 AM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Attached is a notice to be published on October 11, 2025.

SD Department of Game, Fish, and Parks, c/o Mike Barnes, 523 E Capitol Avenue, Pierre SD 57501, 605-773-4508, 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
<image001.png>

<8973-3 public.short_final.docx><FORM8.FRM.doc>

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, September 29, 2025 11:02 AM
To: legals@thepublicopinion.com
Subject: 8973-3 SD Game, Fish & Parks - Public Notice
Attachments: 8973-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 11, 2025.

SD Department of Game, Fish, and Parks, c/o Mike Barnes, 523 E Capitol Avenue, Pierre SD 57501, 605-773-4508, Mike.Barnes@state.sd.us 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: Monday, September 29, 2025 10:58 AM
To: clpjoint@abe.midco.net; Linda Walters
Subject: 8973-3 SD Game, Fish & Parks - Public Notice
Attachments: 8973-3 public.short_final.docx; FORM8.FRM.doc

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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





Order Confirmation

Not an Invoice

Account Number:	561499
Customer Name:	Sd Dept Of Game Fish & Parks
Customer Address:	Sd Dept Of Game Fish & Parks 523 E Capital Ave-Foss Bldg Pierre SD 57501-3182
Contact Name:	Bill Haddock
Contact Phone:	605.773.6082
Contact Email:	Bill.Haddock@state.sd.us
PO Number:	

Date:	09/29/2025
Order Number:	11708993
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	205.0000
Height in Inches:	22.5700

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	10/11/2025 - 10/11/2025	Public Notices
WAT thepublicopinion.com	1	10/11/2025 - 10/11/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$66.50
Tax Amount	\$0.00
Service Fee 3.99%	\$2.65
Cash/Check/ACH Discount	-\$2.65
Payment Amount by Cash/Check/ACH	\$66.50
Payment Amount by Credit Card	\$69.15

Order Confirmation Amount	\$66.50
---------------------------	---------

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, September 29, 2025 11:13 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11708993 8973-3 SD Game, Fish & Parks - Public Notice
Attachments: 11708993.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Public Opinion on October 11. The order cost is \$66.50 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

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

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, September 29, 2025 11:02 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11708993 8973-3 SD Game, Fish & Parks - Public Notice

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Thank you,

Rachel Rodriguez

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Sd Dept Of Game Fish & Parks
Sd Dept Of Game Fish & Parks
523 E Capitol Ave-Foss Bldg
Pierre SD 57501-3182

RECEIVED

OCT 23 2025

Water Rights
Program

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

10/11/2025

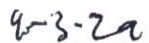
and that the fees charged are legal.
Sworn to and subscribed before on 10/11/2025



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost: \$66.50

Tax Amount: \$0.00

Payment Cost: \$66.50

Order No: 11708993

of Copies:

Customer No: 561499

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 APPLICATION
NO. 8973-3 to
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Notice is given that SD Department of Game, Fish, and Parks, 523 E Capitol Avenue, Pierre SD 57501, has filed an application to appropriate an additional 646 acre-feet of water annually, and increase the maximum diversion rate by an additional 1.34 cubic feet of water per second (cfs) from three existing wells, or up to three additional wells, or a combination of both, to what is currently authorized by Water Right No. 6357-3. Water Right No. 6357-3 appropriates 1,614 acre-feet of water annually at a maximum rate of 2.23 cfs, from three wells completed into the Coteau Lakes Aquifer (30 and 40 feet deep) located in the S 1/2 SE 1/4 Section 21-T122N-R54W, and 3,229 acre-feet of water annually at a maximum rate of 4.46 cfs from Blue Dog Lake for fish and wildlife propagation purposes at the Blue Dog Lake Fish Hatchery. This application, if approved, and Water Right No. 6357-3 will authorize a combined total of up to 2,260 acre-feet annually at a maximum rate of 3.57 cfs for fish and wildlife propagation, from either the existing wells, or up to three new wells to be completed into the Coteau Lakes Aquifer in the SE 1/4, SW 1/4 NE 1/4, S 1/2 SW 1/4 Section 21; all in T122N-R54W, or a combination of both existing wells and new wells. No increase in diversion from Blue Dog Lake is requested with this application. This site is located approximately one mile north of Waubay SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8973-3 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. Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a

RECEIVED

OCT 23 2025

**Water Rights
Program**

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 October 21, 2025.

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

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by October 21, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition. Published once at the total approximate cost of \$66.50 and may be viewed

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free of charge at
www.sdpublishnotices.com.

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**Water Rights
Program**

Affidavit of Publication

State of South Dakota

County of Day

SS.

I, Paula Birsch, of said county and state being duly sworn, on oath says that she is a reader of the Waubay Clipper, a weekly newspaper printed and published in Waubay of said County of Day, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonifide circulation of at least two hundred copies weekly; and has been published within said County for fifty successive weeks next prior to the publication of the notice herein mentioned; and was and is printed wholly or in part in an office maintained at said place of publication; that the notice of:

Application #8973-3 for Appropriate Water

173 lines - 11 ems

a printed copy of which is attached was printed and published in said newspaper at least once each week, for 1 successive weeks on the day of each week on which said newspaper was regularly published, to wit:

October 11-2025

That the full amount of the fees for the publication of the annexed notice

is \$ 62⁶³

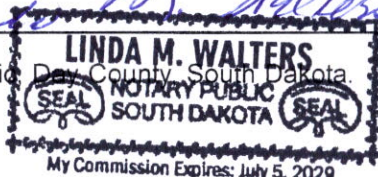
Paula Birsch

Subscribed and sworn to, before me this 13th day of

October, 20 25

Linda M. Walters

Notary Public, Day County, South Dakota.



NOTICE OF APPLICATION NO. 8973-3 to Appropriate Water

NOTICE IS GIVEN that SD Department of Game, Fish, and Parks, 523 E Capitol Avenue, Pierre SD 57501, has filed an application to appropriate an additional 646 acre-feet of water annually, and increase the maximum diversion rate by an additional 1.34 cubic feet of water per second (cfs) from three existing wells, or up to three additional wells, or a combination of both, to what is currently authorized by Water Right No. 6357-3.

Water Right No. 6357-3 appropriates 1,614 acre-feet of water annually at a maximum rate of 2.23 cfs, from three wells completed into the Coteau Lakes Aquifer (30 and 40 feet deep) located in the S 1/2 SE 1/4 Section 21-T122N-R54W, and 3,229 acre-feet of water annually at a maximum rate of 4.46 cfs from Blue Dog Lake for fish and wildlife propagation purposes at the Blue Dog Lake Fish Hatchery.

This application, if approved, and Water Right No. 6357-3 will

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OCT 23 2025

OFFICE OF
WATER

authorize a combined total of up to 2,260 acre-feet annually at a maximum rate of 3.57 cfs for fish and wildlife propagation, from either the existing wells, or up to three new wells to be completed into the Coteau Lakes Aquifer in the SE 1/4, SW 1/4 NE 1/4, S 1/2 SW 1/4 Section 21; all in T122N-R54W, or a combination of both existing wells and new wells. No increase in diversion from Blue Dog Lake is requested with this application.

This site is located approximately one mile north of Waubay SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8973-3 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.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both.

Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer.

A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/> public or by contacting the Acting Chief Engineer.

The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352.

The applicant's mailing address is given above.

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

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above.

Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by October 21, 2025.

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

If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application.

Notice of the hearing will be given to the applicant and any person filing a petition.

(Publish October 11, 2025)
Published one time at the total approximate cost of \$62.63 and may be viewed free of charge at www.sdpublicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, September 29, 2025 11:40 AM
To: Barnes, Mike
Subject: 8973-3 SD Game, Fish & Parks - Public Notice
Attachments: 8973-3 Rec.pdf; 8973-3 Ltr.pdf; 8973-3 PubNotice.pdf; Watertown 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

November 21, 2025

SD Dept. Of Game, Fish and Parks
c/o Mike Barnes
523 E Capitol Ave
Pierre SD 57501

Dear Mr. Barnes:

Enclosed is Water Permit No. 8973-3 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.: 8973-3

Name of Applicant: SD Department of Game, Fish and Parks, c/o Kevin Robling, Secretary

Date of Posting:

Date of Removal: 11/21/2025

Ron Duvall, Engineer III

11/21/2025

Date

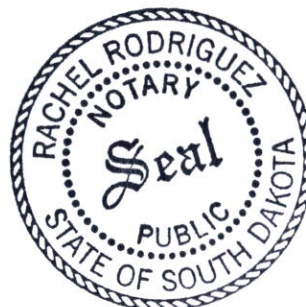
Subscribed and sworn to before me, a notary public, this 21st day of Nov, 2025.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



Blue Dog Hatchery- Waubay SD

TH # 1 70' & 59' Test Well

GPS : N 45 21.5530 W 97 18.6320

Formation	From	To
Top soil	0	1
Yellow clay w/ sand	1	4
Yellow clay	4	13
Rock	13	14
Yellow clay w/ small streaks of sand	14	19
Blue clay	19	23
Sand/ gravel	23	37
Rocks	37	38
Blue clay	38	42
Sand	42	43
Clay / sand	43	44
Gravel sand	44	60
Blue clay	60	70

Blue Dog Hatchery- Waubay SD

TH # 3 60' & 52' Test Well

GPS : N 45 21.6800 W 97 18.8320

Formation	From	To
Top soil	0	2
Yellow clay	2	7
Yellow / brown clay	7	12
Soft yellow clay w/ a little sand	12	16
Soft blue clay	16	21
Sand	21	24
Blue clay	24	25
Blue clay dirty sand	25	28
Blue clay	28	32
Rock- granite	32	34
Blue clay ,some gravel	34	36
Rock	36	37
Gravel	37	45
Sand/ gravel	45	53
Blue clay	53	60

Blue Dog Hatchery- Waubay SD

TH # 4 60'

GPS : N 45 21.7680 W 97 18.8810

Formation	From	To
Top soil	0	1
Yellow clay	1	14
Yellow / brown clay	14	17
Rock	17	18
Yellow clay	18	25
Sand	25	27
Blue/yellow clay – soft	27	32
Dirty sand	32	37.5
Sand	37.5	39
Rock	39	39.5
Sand/ gravel	39.5	51
Sand w/ clay layers	51	55
Blue clay	55	60

8973-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

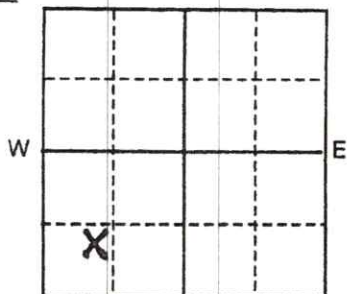
11-02

Location SW ¼ SW ¼ Sec 21 Twp 122 Rg 54

County DAY

North

Please mark well location with an "X"



Well Completion Date

9/18/2025

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	4.625 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	9	Lb/gal	0 Ft	60 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

TEST HOLE ONLY

☒ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: BLUE DOG STATE FISH HATCHERY

Business Name:

Address: 44437 139A ST

City, State, Zip: WAUBAY SD 57273

WELL LOG:

DEPTH

FORMATION

FROM

TO

SEE ATTACHED LOG

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

TH # 5

GPS N 45 21.5250 W 97 19.3500

45.3588

-97.3225

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Michael Thein

Signature of Well Owner or Equitable Property Holder:

Dan Ashen

Date: 10/07/2025

Blue Dog Hatchery- Waubay SD

TH # 5 60'

GPS : N 45 21.5250 W 97 19.3500

Formation	From	To
Top soil	0	1
Yellow clay	1	5
Yellow clay w/ small sand seams	5	10
Yellow clay	10	16
Sand/ gravel	16	29
Blue clay	29	44
Soft blue clay	44	47
Sand	47	49
Blue clay	49	57
Blue clay w/ gravel	57	60

Blue Dog Hatchery Waubay SD

Legend

TH # 4 60'

TH # 3 5" Well 52'

TH # 1 5" Well 59'

TH # 5 60'

TH # 2 5" Well 42'

Blue Dog State Fish Hatchery

140th St



1000 ft

Google Earth

3A