

WATER PERMIT NO. 8974-3

Name of Applicant: Ninemile Lake Addition

Address: PO Box 86490 Phone: 605-941-0040

Amount of Water Claimed: 275 AF Total Acres: N/A

Source of Water Supply: Surface

Water to be used for: Rec/Fish&Wildlife County: Lincoln

Type of Waste Disposal System:

Location: Northeast city limits of Tea

PRIORITY Date Received: 07-27-25

Application/License Fee: \$1,050.00

Corrected Application Received: 08-24-25

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 Sec 24-T100N-R51W

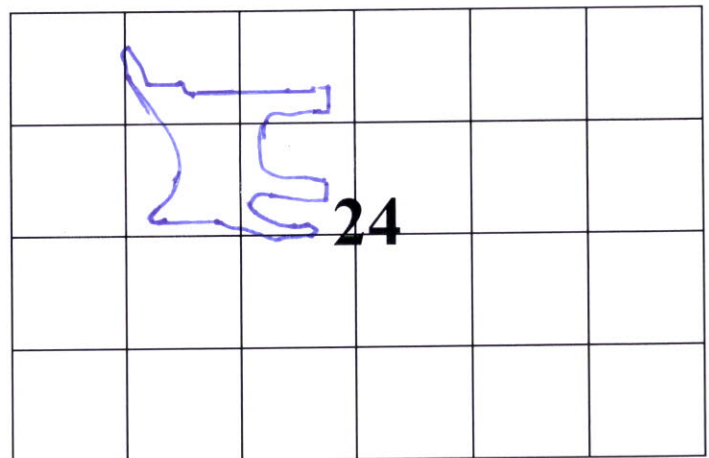
Land to be Irrigated: N/A

Depth of Well:

Well Driller:

Remarks:

Type of Map: topo



Reviewed and the Number Assigned on: 08-04-25

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8974-3

Date of first receipt of application July 27, 2025.

Date of return to applicant for corrections, amendments or changes July 28, 2025.

Date of receipt of corrected application August 4, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8974-3 to Ninemile Lake Addition, PO Box 86490, Sioux Falls SD 57118, 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. 8974-3 authorizes the impoundment of up to 275 acre-feet of runoff water from Ninemile Creek and tributaries to Ninemile Creek in a man-made lake located in the Ninemile Lake Addition in the northern city limits of Tea SD. This Permit also appropriates sufficient runoff annually to maintain the water level to the outlet elevation of the man-made lake located in the NW 1/4 Section 24-T100N-R51W. Water is to be used for recreation, domestic, and fish & wildlife propagation purposes.
2. The water appropriated shall be used for recreation, domestic, and fish & wildlife propagation purposes 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. 8974-3 is October 6, 2025.
5. The date from which applicant may claim right is July 27, 2025.
6. One-fifth of the construction is to be completed on or before April 6, 2028.
7. All construction is to be completed on or before October 6, 2030.
8. Water is to be put to beneficial use on or before October 6, 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. Water Permit No. 8974-3 authorizes construction of a man-made lake with a storage capacity of 275 acre-feet of water at the outlet elevation and sufficient runoff water annually to maintain the water level to the outlet elevation.

WATER MANAGEMENT BOARD

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

11/21/25
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8974-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Big Sioux - Lower</u>
	Newspaper <u>Tea Weekly</u>
	<u>Argus Leader</u> (office use only)

RECEIVED

27 2025

Water Rights
Program

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

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

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

1. Name to Appear on Water Permit Ninemile Lake Addition

Mailing Address PO Box 86490 Sioux Falls SD 57118
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-941-0040 Email mike@runge-enterprises.com

2. Amount of water claimed _____ *CFS or _____ **GPM and 275 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Nine Mile Creek (high flows), and tributaries to Nine Mile Creek runoff

4. Location of point of diversion Surface runoff captured in the NW1/4 of Section 24-T100N-R51W County Lincoln
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

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

If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Lincoln

6. Annual period during which water is to be used Jan 1 - Dec 31

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

High flows from Nine Mile Creek and tributary runoff will be used to maintain the permanent pool elevation of a private lake (275 acre-feet storage capacity) in the Ninemile Lake Addition. Residential lots adjacent to the lake may use the lake for domestic uses.

I, Mike Runge Owner/Developer, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

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JUL 27 2025

Water Rights
Program

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

☐ Drilling new well(s)

☐ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

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

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

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions 22 surface acres, storage capacity 275 acre-feet Depth 17 feet, maximum

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)

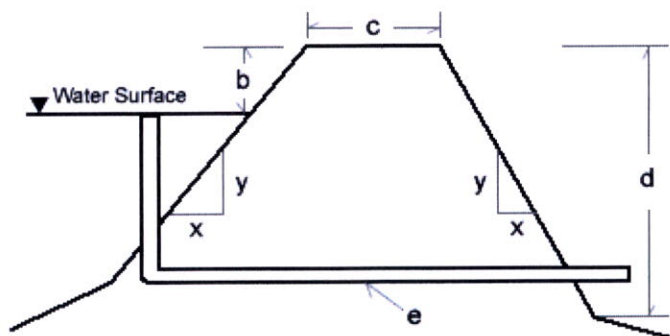
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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JUL 27 2025

Water Rights
Program

NINEMILE LAKE ADDITION
SUBDIVISION LAYOUT
TEA, SOUTH DAKOTA



DATE PRINTED: 02-23-24

LEGEND	
P.R.T.	PRIVATE ROADWAY (PUBLIC UTILITY) EASEMENT
M.P.E.	MUTUAL EASEMENT
U.E.	UTILITY EASEMENT
S.A.N.C.	SANITARY SEWER EASEMENT
D.E.	DRAINAGE EASEMENT
E.E.	ELECTRICAL EASEMENT
T.L.P.	TRANSMISSION LINE EASEMENT
L.W.S.	LEWIS & CLARK RURAL WATER SYSTEM
D.W.E.	DRAINAGE EASEMENT

Lake location outlined in
light blue - NW1/4 of
Section 24-T100N-R51W
by Ron Duvall, SD DANR



100N 51W
Section: 14

100N 51W
Section: 13

100N 50W
Section: 18

10170203 Lower Big Sioux

Big Sioux

100N 51W
Section: 23

100N 51W
Section: 24

100N 50W
Section: 19

100N 51W
Section: 26

100N 51W
Section: 25

100N 50W
Section: 30

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 4th, 2025

RECEIVED OF Ninemile Lake Addition PO Box 86490 Sioux Falls SD 57118

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

Fee for Application for Permit No. <u>8974-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8974-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>1050.00</u>

By Mark Maupke
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8974-3, Ninemile Lake Addition**

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. 8974-3, Ninemile Lake Addition, PO Box 86490, Sioux Falls SD 57118.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8974-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. Water Permit No. 8974-3 authorizes construction of a man-made lake with a storage capacity of 275 acre-feet of water at the outlet elevation and sufficient runoff water annually to maintain the water level to the outlet elevation.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
September 19, 2025

Report to the Chief Engineer
Water Permit Application No. 8974-3
Ninemile Lake Addition
September 15, 2025

Water Permit Application No. 8974-3 proposes to capture up to 275 acre-feet of runoff water from Ninemile Creek and tributaries to Ninemile Creek in a man-made lake located in the Ninemile Lake Addition in the northern city limits of Tea, South Dakota. This application also appropriates sufficient runoff annually to maintain the water level to the outlet elevation of the man-made lake located in the NW ¼ of Section 24, T100N-R51W. Water is to be used for recreation, domestic, and fish and wildlife propagation purposes.

Water Source: Runoff from Ninemile Creek and its tributaries.

South Dakota Codified Law (SDCL) 46-1-1

“It is hereby declared that the people of the state have a paramount interest in the use of all the water of the state and that the state shall determine what water of the state, surface and underground, can be converted to public use or controlled for public protection.”

SDCL 46-2A-9

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

This report will address the availability of surface water runoff into a man-made lake from Ninemile Creek and its tributaries, as well as whether the proposed appropriation can be developed without unlawful impairment of existing domestic water uses and water rights.

Description of Proposed Water Source

There are two other known streams in South Dakota also with the name Ninemile Creek; however, this report is only concerned with the Ninemile Creek located in Lincoln County. Ninemile Creek is a tributary of the Big Sioux River and its headwaters are in Lincoln County, north of the City of Tea. The stream is approximately 23 miles in total length and flows generally east until its confluence with the Big Sioux River. The stream drains into Lake Alvin, a reservoir located approximately five miles east of the City of Harrisburg. The entire drainage basin for Ninemile Creek is approximately 50.4 square miles (sq. mi.) (WBD, 2025; Niehus, 1994). This application intends to capture surface runoff for a man-made lake in a housing subdivision called Ninemile Lake Addition.

Available satellite imagery of the NW ¼ of Section 24, T100N-R51W shows that development was underway in June of 2022 and there was water in the southern half of the pond. In May of 2023, the entire footprint of the pond was filled with water. This is likely due to additional swales and culverts used to convey surface runoff from the contributing watershed, and flows from Ninemile Creek into the lake. The

most recent imagery in February of 2025 shows several completed houses and lower water than the permanent pool (Google, n.d.). The applicant did not provide exact elevation information for the permanent pool or any details about an outlet structure. The permanent pool has a 275 acre-feet storage capacity, with a surface area of 22 acres and a maximum pool depth of 17 feet.

Water Availability

The HUC 12 watershed for Ninemile Creek in Lincoln County has ID number 101702031704, and is approximately 50.4 sq. mi. in area, or 32,259 acres (WBD, 2025). At the location of the Ninemile Addition Subdivision, the Ninemile Creek HUC 12 watershed encompasses approximately 2.4 sq. mi. or 1,536 acres and is about one mile from the headwaters of the stream (StreamStats, 2019). There appears to be a tributary flowing into Ninemile Creek within this smaller watershed, according to the U.S. Geological Survey (USGS) National Hydrography Dataset. There is not likely to be inflow from adjacent basins into the Ninemile Creek basin (WBD, 2025).

There are no active or inactive streamgages on Ninemile Creek that have historical streamflow data (NWIS, 2025). Streamflow data is the primary metric used to determine a watershed's annual yield, and an annual water yield is defined as the total volume of water that flows out of a watershed, or the amount of water that flows out from a specific location within the watershed. It is possible to estimate annual yield to an ungaged watershed by using a gaged watershed with similar physical characteristics, including basin size, land cover, and topography, using a variable called "runoff ratio." The runoff ratio is the normalized ratio of total runoff from a basin to the total precipitation within that basin (Weil and Kannenberg, 2023). **Equations 1 through 3** show the process to determine annual yields using nearby gaged watersheds.

$$\text{Unit Runoff} = \frac{\text{Annual Volume from Gaged Watershed (acre-feet)}}{\text{Gaged Watershed Area (acres)}}$$

Equation 1. Unit Runoff, units in length

$$\text{Runoff Ratio} = \frac{\text{Unit Runoff (inches)}}{\text{Total Annual Precipitation (inches)}}$$

Equation 2. Runoff Ratio, dimensionless

$$\text{Annual Yield} = \text{Total Annual Precipitation (feet)} * \text{Runoff Ratio} * \text{Ungaged Watershed Area (acres)}$$

Equation 3. Annual Yield, units in volume

The two nearby gaged watersheds used in this analysis were USGS Gage No. 06481480 Skunk Creek near Chester, SD, and USGS Gage No. 06482610 Split Rock Creek at Corson, SD. Available daily data from these two sites were from the years 2002 through 2024 (USGS, 2025). The annual volume for each year was found by converting all daily mean discharge values into acre-feet (one cubic foot per second of water flowing 24 hours = 1.98346 acre-feet) and then summing for each year. To calculate a range of annual yields based on climatic conditions, a probability distribution was made using the Weibull plotting position. The exceedance probabilities describe the percentage of time (i.e. a probability of 0.5 means one out of every two years) that an annual yield volume is expected to be exceeded. The best available annual precipitation data is for the nearby City of Sioux Falls (NWS, 2023). The amount of precipitation used for **Equation 2** was the total recorded precipitation for the year where the annual yield for that year was found to represent the 80%, 50%, or 20% exceedance probabilities. The results of this analysis are listed in **Table 1** below.

Table 1. Results of runoff ratio method to determine potential annual yields for the contributing watershed above the Ninemile Lake Addition Subdivision (1,536 acres).

Skunk Creek near Chester, SD	Runoff Ratio	Annual Yield of Ungaged Watershed (acre-feet)
80% Exceedance Probability	1%	43
50% Exceedance Probability	4%	182
20% Exceedance Probability	10%	517
Split Rock Creek at Corson, SD	Runoff Ratio	Annual Yield of Ungaged Watershed (acre-feet)
80% Exceedance Probability	8%	255
50% Exceedance Probability	12%	498
20% Exceedance Probability	20%	824

The runoff ratio from these two gaged watersheds varies from approximately 1% to 20% which gives a wide range of potential annual yields for the small portion of the Ninemile Creek watershed in question. At the 50% exceedance probability, annual yields range from 182 to 498 acre-feet. Due to this variability, a second method was employed to determine runoff water availability for the Ninemile Lake Addition subdivision.

The NRCS annual surface yield Method A for South Dakota has typically been the method used by the Water Rights Program for basin analysis. This method estimates the volume of runoff which can be expected for a twelve-month period at certain annual exceedance probabilities using contributing drainage area, a runoff curve number (CN), and the drainage basin location on an isogram map (USDA-NRCS, 1984). This method does not account for baseflow.

At the location of the subdivision, a CN of 88 was used based on hydrologic soil groups within that contributing watershed (USDA-NRCS, 2025), and a general description of land cover, which for this area was cultivated without conservation treatment (MRLC, 2024; USDA-NRCS, 1984). The total annual surface runoff using isogram no. 3 was 161 acre-feet at an 80% exceedance probability, 307 acre-feet at a 50% exceedance probability, and 621 acre-feet at a 20% exceedance probability.

Due to the variability of the results from the runoff ratio method and the uncertainty of whether the two gaged watersheds used in the analysis are representative of the Ninemile Creek watershed, and because the NRCS Method A gave results of annual yield that were in-between the annual yields estimated using the runoff ratio method, the NRCS Method A annual yield results for the Ninemile Lake Addition subdivision are likely to be nearest to the actual annual yields.

The man-made lake would also collect water through direct precipitation and lose stored water due to evaporation and seepage. Estimated loss due to seepage is not available since this is not known until after years of operation and is typically not measured. According to information submitted by the applicant, the surface area of the lake is approximately 22 acres. The City of Sioux Falls is just north of the subdivision and has comprehensive precipitation and pan evaporation data (Poudyal, 2006; U.S. Climate Data, 2025). **Table 2** lists the estimated monthly volume of water lost from the surface area of the lake. The rate of evaporation from smaller lakes is greater than evaporation from larger lakes, so a reduction coefficient is necessary to convert pan evaporation to lake evaporation. The pan to lake coefficient commonly used is 0.7 (Poudyal, 2006).

Table 2. Estimated average annual loss due to direct evaporation and precipitation from the surface of the man-made lake (approximately 22 acres) using data from Sioux Falls, South Dakota (Poudyal, 2006; U.S. Climate Data, 2025).

Month	Avg Monthly Evap (inches)	Pan to Lake Coefficient	Avg Monthly Precip (inches)	Direct Precip-Evap (inches)	Estimated monthly loss (acre-feet)
Jan	1.1	1.1	0.6	-0.5	-0.9
Feb	1.4	1.4	0.83	-0.6	-1.0
Mar	2.6	2.6	1.6	-1.0	-1.8
Apr	6.6	4.6	3	-1.6	-3.0
May	7.5	5.3	3.86	-1.4	-2.5
Jun	9.0	6.3	4.23	-2.1	-3.8
Jul	9.3	6.5	3.25	-3.3	-6.0
Aug	8.0	5.6	3.34	-2.3	-4.1
Sep	6.0	4.2	2.73	-1.5	-2.7
Oct	4.5	3.2	2.36	-0.8	-1.4
Nov	1.6	1.3	1.22	-0.1	-0.1
Dec	1.0	1.0	0.83	-0.2	-0.3
Total (ac-ft)					-28

This application is requesting the amount of runoff annually to maintain the water level of the permanent pool elevation after an initial fill of 275 acre-feet. Based on May 2023 satellite imagery, the entire pond was filled with water, and considering that 2023 was a dry year for the Sioux Falls area, this would suggest that the average annual yield of the watershed above the subdivision is closer to the estimates using NRCS Method A or the runoff ratio method using Split Rock Creek data. There is a reasonable probability that water is available for this appropriation, especially considering that the man-made lake will not require a full 275 acre-feet each year to maintain the pool elevation.

According to monthly mean streamgage data for the gage on Split Rock Creek at Corson, SD, the months of March, April, May and June account for nearly 65% of the average annual yield (USGS, 2025). While the man-made lake will not need total refilling from year to year, the additional runoff required on a year-to-year basis to maintain the permanent pool elevation will generally happen during the spring and early summer months. Considering that the contributing drainage basin for this subdivision is relatively little, and due to annual loss by evaporation and the annual distribution of available runoff, the pool elevation may fluctuate considerably throughout the year.

Potential for Unlawful Impairment

There is one other existing water right appropriating water from Ninemile Creek, which is Vested Water Right No. 615-3 held by South Dakota Game, Fish and Parks (GF&P) to maintain water levels in Lake Alvin. Their annual fill is approximately 400 acre-feet per year, or to the outlet elevation (Water Rights, 2025a). Lake Alvin is located near the end of Ninemile Creek, less than a mile from its confluence with the Big Sioux River.

At the location of the dam for Lake Alvin, the contributing drainage basin is approximately 44 square miles or 28,218 acres, which is the majority of the entire drainage basin of Ninemile Creek (StreamStats, 2019; WBD, 2025). Using the same parameters for NRCS Method A (see Water Availability section of this report) for this larger basin, the estimated annual yield every one of two years will exceed 5,634 acre-feet (USDA-NRCS, 1984), which is enough water for both Lake Alvin (400 acre-feet per year) and this application (275 acre-feet plus maintaining to outlet elevation annually), if approved.

There is a location notice for a small pond located adjacent to the Ninemile subdivision (approximately $\frac{1}{4}$ mile west) and is within the same contributing watershed of Ninemile Creek. This is Location Notice No. 36515 which authorizes 0.8 acre-feet in the respective pond. Looking at aerial imagery, it would appear that the pond is filled in May 2023 (Google, n.d.) during the same time that the subdivision lake is filled. It is likely that some runoff water from a portion of the contributing watershed reaches the pond for Location Notice No. 36515 first, since the contributing watershed of the subdivision was calculated from a point on Ninemile Creek just below the subdivision. Additionally, there is likely to be enough water available most years (see Water Availability section) to satisfy the 0.8 acre-feet pond as well as any runoff required to maintain the water level in the man-made lake. Domestic use of water in South Dakota takes precedence over appropriative rights such as this application. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights.

Conclusions

1. This application proposes to capture up to 275 acre-feet of runoff water from Ninemile Creek and any of its tributaries for a man-made lake located in the Ninemile Lake Addition, and appropriate sufficient runoff annually to maintain the water level to the outlet elevation of the lake. The lake is located in the NW ¼ of Section 24, T100N-R51W.
2. Using NRCS Method A to estimate the annual runoff volumes expected from the contributing watershed above the man-made lake, and evaluating direct precipitation and evaporative losses to the lake surface area, there is a reasonable probability that water is available to satisfy an initial fill of 275 acre-feet and that water will be available most years to annually maintain the permanent pool elevation.
3. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights.
4. Flows in Ninemile Creek for domestic use, including livestock water and prior water rights, must be bypassed from the man-made lake as needed.



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

References

- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. Water Resources Investigations Report 93-4195. U.S. Geological Survey. Rapid City, South Dakota.
- NWIS. 2025. National Water Information System: Mapper. U.S. Geological Survey.
<<https://maps.waterdata.usgs.gov/mapper/>>
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- MRLC (Multi-Resolution Land Characteristics). 2024. All Annual NLCD (National Land Cover Database). <<https://www.mrlc.gov/viewer/>> Accessed September 12, 2025
- Poudyal, S. 2006. *Annual, Monthly and Daily Pan Evaporation Maps for the State of South Dakota*. Master's Thesis, South Dakota State University
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- USDA-NRCS. 1984. Engineering Field Manual—Annual Surface Yield (Method A). U.S. Department of Agriculture (USDA). Natural Resources Conservation Service (NRCS).

- USDA-NRCS. 2025. Web Soil Survey. <<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>> Accessed September 11, 2025.
- USGS. 2025. Water Data for the Nation: U.S. Geological Survey National Water Information System. <<https://waterdata.usgs.gov/sd/nwis/>> Accessed September 10, 2025.
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- Water Rights. 2025b. Location Notice Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- WBD. 2025 Watershed Boundary Dataset. 2025. National Hydrography Dataset. U.S. Geological Survey. <<https://www.sciencebase.gov/catalog/item/61fd7d49d34e622189cf3aab>>
- Weil, P. and Kannenberg, M. 2023. Slip-up Creek Watershed Average Annual Flow Estimate. Technical Memorandum. LRE Water. Sioux Falls, South Dakota.

Rodriguez, Rachel

From: Mike Runge <mike@runge-enterprises.com>
Sent: Monday, July 28, 2025 3:18 PM
To: Rodriguez, Rachel; Chris Jibben; Duvall, Ron
Cc: Dewell, Amanda; Emily Nachtigall
Subject: RE: [EXT] Scan From Copier

It's in the mail.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, July 28, 2025 2:27 PM
To: Chris Jibben <CHRIS@jsaengineers.biz>; Duvall, Ron <Ron.Duvall@state.sd.us>; Mike Runge <mike@runge-enterprises.com>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Scan From Copier

Good Afternoon Chris,

The only outstanding item we need are the fees:

The application fee for 275 acre-feet (capacity of the lake) amounts to \$1,050.00 (850 + 200 license fee).

Once received, I will process your application.

Thank you,

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



From: Chris Jibben <CHRIS@jsaengineers.biz>
Sent: Sunday, July 27, 2025 6:02 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Mike Runge <mike@runge-enterprises.com>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Scan From Copier

Ron,

Thanks for editing the application for surface water contribution and removing the abandoned well information.

I'm fine with you editing the JSA map attachment as well.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Sent: Monday, July 28, 2025 2:27 PM

To: Chris Jibben <CHRIS@jsaengineers.biz>; Duvall, Ron <Ron.Duvall@state.sd.us>; Mike Runge <mike@runge-enterprises.com>

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

Subject: RE: Scan From Copier

Good Afternoon Chris,

The only outstanding item we need are the fees:

The application fee for 275 acre-feet (capacity of the lake) amounts to \$1,050.00 (850 + 200 license fee).

Once received, I will process your application.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



PAID

AUG 04 2025

Ck# 1398

Rec't# _____

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AUG 04 2025

OFFICE OF
THE ATTORNEY GENERAL

Please let me know if you need anything else from me to finalize this water permit application.

Thank You,



Chris Jibben, PE

O: (605) 367-1036 | D: (605) 679-4337

chris@jsaengineers.biz | www.jsaengineers.biz

6810 S. Lyncrest Avenue Ste 101 Sioux Falls, SD 57108

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Friday, July 25, 2025 1:15 PM

To: Mike Runge <mike@runge-enterprises.com>; Chris Jibben <CHRIS@jsaengineers.biz>

Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Subject: RE: Scan From Copier

Mike,

We reviewed a draft application and suggested some changes (see attached PDF named NineMileLake1.pdf). Since the well is not going to be used as mentioned in this email string, I have cleaned up the draft by removing references to a well. I am attaching the clean version for your review (see attached PDF named NinemileLakeAddition.pdf). Note, I made changes made to the plat map created by JSA Engineering and noted that by adding my name - that may be unacceptable to JSA, author, of the map. If so, please have another map prepared similar to what I did to the JSA plat map.

The application fee for 275 acre-feet (capacity of the lake) amounts to \$1,050.00 (850 + 200 license fee).

Please let me know if the NinemileLakeAddition.pdf application works for you and the map I edited. If so, we will use those as your submitted application and await the fee to begin processing the application.

Thank you,

Ron

From: Mike Runge <mike@runge-enterprises.com>

Sent: Wednesday, July 23, 2025 5:25 PM

To: Duvall, Ron <Ron.Duvall@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Chris Jibben <chris@jsaengineers.biz>

Subject: RE: [EXT] Scan From Copier

Ron,

So we have the permit submitted correct? Do you just need a payment? How much?

Mike

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Wednesday, July 23, 2025 5:09 PM

To: Mike Runge <mike@runge-enterprises.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Chris Jibben <chris@jsaengineers.biz>

Subject: RE: Scan From Copier

Mike,

Since it is capturing runoff from tributaries to Nine Mile Creek and Nine Mile Creek itself during high flows, a water right permit is needed since the storage capacity exceeds 25 acre-feet of water – see the last paragraph in [Administrative Rule 74:02:01:03 | South Dakota Legislature](#). If the well is not going to be used, it can be removed from the application. Regardless, a water right permit is needed for the surface water contribution as discussed earlier in this email string.

Once we have the application, it is typically a three month process assuming we are recommending approval and no one contests the application in response to the public notice. Please let me know if you have any further questions.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Mike Runge <mike@runge-enterprises.com>
Sent: Wednesday, July 23, 2025 4:42 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Chris Jibben <chris@jsaengineers.biz>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: RE: [EXT] Scan From Copier

Amanda,

I'm not really sure what we are applying for. The well we drilled did not produce water so we are not pumping out of it. All the other sources of water are natural drainage. Please let me know if this is the correct permit to fill out. We are not diverting water from 9 Mile Creek so essentially we have not really changed anything other than storing more water in the flood plain. Please advise.

Mike

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Wednesday, July 23, 2025 1:36 PM
To: Chris Jibben <chris@jsaengineers.biz>; Mike Runge <mike@runge-enterprises.com>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: RE: Scan From Copier

Chris & Mike,

I am following up on Ron's previous email since it does not appear the discussed application (attached) and fees were ever submitted to the Water Rights Program.

Thank you,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352



From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, June 11, 2025 4:04 PM
To: Chris Jibben <chris@jsaengineers.biz>; mike@runge-enterprises.com
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Scan From Copier

Chris and Mike,

Following up for Amanda, after looking this over, I have some suggested additions in the attachment (edited version of your PDF). This lake is going to catch surface runoff, at least from the north (small tributaries to Nine Mile Creek) and from Nine Mile Creek itself if the flow is high enough in the creek (at least that is how it appears to me). This surface water contribution can't be ignored. Either it has to be included on this application, or be on an application separate from the ground water (well) application. Concerning the well, presumably this well goes into the Sioux Quartzite Aquifer and production can be hit or miss. If there is any possibility of deepening this well further into the quartzite, or some other means of getting better production, then I suggest you apply for your best case scenario. If you don't get the production you hope for, then the well contribution will be reduced to whatever the well produces following an inspection in the future. The lake is 22 surface acres, if you want to make up three feet of evaporation, then an approximate volume of 66 acre-feet is needed (assuming you get no input from surface runoff). Of course, you can't pump that much at 20 gpm (max is just over 32 acre-feet with continuous pumping) so you need a pump rate that can supply whatever amount you want within however many months it is apt to be used (I put Jan 1 – Dec 31 on application to accommodate capturing surface runoff whenever it is available). I did not change any of the well numbers (gpm or acre-feet) on the application, I used 66 acre-feet as an example. The amount you apply for is totally up to you. The one-time application fee will be based on the volume of the lake which was described as being 275 acre-feet so that amounts to \$1,050.00 (850 + 200 license fee).

Please let me or Amanda know if you have any questions.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Chris Jibben <CHRIS@jsaengineers.biz>
Sent: Wednesday, June 11, 2025 2:08 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Mike Runge <mike@runge-enterprises.com>
Subject: RE: [EXT] Scan From Copier

Amanda,

See my responses in red below. Please let me know if you have any additional questions or comments and I can update the permit application following your reply as needed.

Thank you.



Chris Jibben, PE

O: (605) 367-1036 | D: (605) 679-4337

chris@jsaengineers.biz | www.jsaengineers.biz

6810 S. Lyncrest Avenue Ste 101 Sioux Falls, SD 57108

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

Sent: Tuesday, June 10, 2025 4:44 PM

To: Mike Runge <mike@runge-enterprises.com>

Cc: Chris Jibben <CHRIS@jsaengineers.biz>

Subject: RE: Scan From Copier

Mike,

Thank you for being so prompt in your response. In reviewing the application, I have a few questions.

- The total storage capacity of the dugout (lake) is listed as 22 ac-ft. With a surface area of 22 acres, that would suggest that the lake has an average depth of 1 ft. **22 Acre-feet listed was intended to estimate the annual water claimed based on 20 GPM (poorly producing well).** What is the average depth of the lake, or are you able to better quantify the storage capacity? **The max depth of the lake is approximately 17 feet to the permanent pool elevation.**
- Page 2A (Supplemental Information) of the application request dugout information (#3). Could you please provide specs for Nine Mile Lake? **The approximate total volume of the lake is 275 Acre feet.**
- The source of water is listed as the poorly producing well. Did you pump at 20gpm for the entire time you were filling the lake or was runoff diverted to the lake's location and captured in place? **To date, the lake has been filled with storm water runoff.**
- Would you like to keep the well as a listed diversion point for the HOA to develop for the purpose of maintaining lake levels? **Correct, used to maintain the lake level for aesthetic purposes.** Permits are issued with a 5 year construction period. This would provide for up to 5 years for the HOA to have the well developed and begin pumping to the lake. **Noted.**
- Irrigation of individual yards (not exceeding 1 acre) is a domestic use of water. Would you be agreeable to adding domestic, as well as recreational to the type of use? **Yes.** Do you know if the HOA plans to stock fish or support any wildlife activity? **Yes.** Multiple uses may be selected on an application.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Mike Runge <mike@runge-enterprises.com>

Sent: Tuesday, June 10, 2025 4:14 PM

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

Subject: Fw: [EXT] Scan From Copier

Amanda,

This is what my engineer put together. I'm not sure if this is exactly what you were looking for. As far as the well is concerned we have not completed it yet and I am not sure if the homeowners association wants to proceed with it. The well does not produce enough water to make a difference, as such it may be abandoned.

Mike

From: Chris Jibben <CHRIS@jsaengineers.biz>

Sent: Tuesday, June 10, 2025 11:03 AM

To: Mike Runge <mike@runge-enterprises.com>

Subject: RE: Scan From Copier

Mike,

Attached find a draft of the well permit application for your review.
Please let me know if you have any questions or would like me to change anything.

On previous projects we have submitted these to DANRmail@state.sd.us & Ron.Duvall@state.sd.us for review.
Feel free to copy me on the submittal. Let me know if you have any questions or need anything else.

Thank You,



Chris Jibben, PE

O: (605) 367-1036 | D: (605) 679-4337

chris@jsaengineers.biz | www.jsaengineers.biz

6810 S. Lyncrest Avenue Ste 101 Sioux Falls, SD 57108

From: Mike Runge <mike@runge-enterprises.com>

Sent: Tuesday, June 10, 2025 7:18 AM

To: Chris Jibben <CHRIS@jsaengineers.biz>

Subject: Re: Scan From Copier

Chris:

We currently do not have an active well. They drilled 500' and did not find water. The HOA may decide to use it at a later date - it's producing 20GPM.
The location of the casing is approximately 10' North of property line on Madison and on the west side of the property line of LOT 1 Block 8 next to the drainage way.
They are pumping from the lake for yard irrigation.

Mike

From: Chris Jibben <CHRIS@jsaengineers.biz>

Sent: Monday, June 9, 2025 4:35 PM

To: Mike Runge <mike@runge-enterprises.com>

Subject: RE: Scan From Copier

Hi Mike,

Yes, I can help you fill out this water right permit as I've got some experience with these from a previous project for a proposed well.

To ensure we complete the application accurately, could you clarify a few things?

- Is the primary purpose of this well to maintain the permanent pool of the lake?
- Will either the well or the lake be used for irrigation purposes?
- Do you have a flow rate or pump rate (in cfs or gpm)?
- We'll need to provide the exact location with coordinates and a map. Could you indicate the location on a map or Google Earth for reference? I can create a quick exhibit.
- Is this a proposed well or an existing one? If it's an existing well, you may need the drilling logs.
- Do you have the well depth or likely well depth of proposed?

Thanks,



Chris Jibben, PE

O: (605) 367-1036 | D: (605) 679-4337

chris@jsaengineers.biz | www.jsaengineers.biz

6810 S. Lyncrest Avenue Ste 101 Sioux Falls, SD 57108

From: Mike Runge <mike@runge-enterprises.com>

Sent: Monday, June 9, 2025 3:32 PM

To: Chris Jibben <CHRIS@jsaengineers.biz>

Subject: Fw: Scan From Copier

Chris:

Apparently we were supposed to apply for a permit for our lakes. It seems like they are most interested in 9 Mile at this time. Can you provide the information requested on the form.

Thanks,

Mike

From: copier@runge-enterprises.com <copier@runge-enterprises.com>

Sent: Monday, June 9, 2025 3:21 PM

To: Mike Runge <mike@runge-enterprises.com>

Subject: Scan From Copier

See Attached File

TASKalfa 4054ci

[00:17:c8:bd:53:1a]



**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 22, 2025

Ninemile Lake Addition
c/o Mike Runge
PO Box 86490
Sioux Falls SD 57118

Dear Mr. Runge:

Water Permit Application No. 8974-3 for domestic, recreation, and fish & 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 Tea Weekly printed at Tea SD (Ph # 605 213-0049) and the Argus Leader printed at Sioux Falls SD (844-254-5287). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8974-3 to Appropriate Water

Notice is given that Ninemile Lake Addition, PO Box 86490, Sioux Falls SD 57118, has filed an application for a water permit to capture up to 275 acre-feet of runoff water from Ninemile Creek and tributaries to Ninemile Creek in a man-made lake located in the Ninemile Lake Addition in the northern city limits of Tea SD. This application also appropriates sufficient runoff annually to maintain the water level to the outlet elevation of the man-made lake located in the NW 1/4 Section 24-T100N-R51W. Water is to be used for recreation, domestic, and fish & wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8974-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 6, 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 6, 2025.

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

Published once at the total approximate cost of _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, September 19, 2025 10:52 AM
To: legals@argusleader.com
Subject: 8974-3 Ninemile Lake Addition - Public Notice
Attachments: 8974-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 26, 2025.

Ninemile Lake Addition, c/o Mike Runge, PO Box 86490, Sioux Falls SD 57118, 605-941-0040, mike@runge-enterprises.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, September 19, 2025 10:50 AM
To: Newspaper Notices
Subject: 8974-3 Ninemile Lake Addition - Public Notice
Attachments: 8974-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 26, 2025, in the Tea Weekly.

Ninemile Lake Addition, c/o Mike Runge, PO Box 86490, Sioux Falls SD 57118, 605-941-0040 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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





South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Mike Runge
Ninemile Lake Addition
Po Box 86490
Sioux Falls SD 57118-6490

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Water Rights
Program

STATE OF WISCONSIN, COUNTY OF BROWN

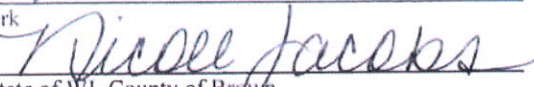
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

09/26/2025

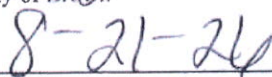
and that the fees charged are legal.
Sworn to and subscribed before on 09/26/2025



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost:	\$60.70	
Tax Amount:	\$0.00	
Payment Cost:	\$60.70	
Order No:	11690870	# of Copies:
Customer No:	1559902	1
PO #:	NO. 8974-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF APPLICATION
NO. 8974-3 to Appropriate
Water

Notice is given that Ninemile Lake Addition, PO Box 86490, Sioux Falls SD 57118, has filed an application for a water permit to capture up to 275 acre-feet of runoff water from Ninemile Creek and tributaries to Ninemile Creek in a man-made lake located in the Ninemile Lake Addition in the northern city limits of Tea SD. This application also appropriates sufficient runoff annually to maintain the water level to the outlet elevation of the man-made lake located in the NW 1/4 Section 24-T100N-R51W. Water is to be used for recreation, domestic, and fish & wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8974-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

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Water Rights
Program

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 6, 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 6, 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 Sept. 26, 2025, at the total approximate cost of \$60.70 and may be viewed free of charge at www.sdpublicnotice.com

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OCT 21 2025

**Water Rights
Program**

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

:SS

COUNTY OF LINCOLN

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OCT 06 2025

OFFICE OF
WATER

Julia Eng

being first duly sworn, disposes and says: That (he/she) is a resident of the County of Lincoln and State of South Dakota; that the TEA WEEKLY is a weekly legal newspaper of general circulation, printed and published in Tea, in said County and State, and is now, and has been such newspaper continuously, during all the times herein-after mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed

Notice of Application No 8974-3
to Appropriate Water

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Friday, the 26 day of September A.D., 2025 and that the succeeding publication was severally on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 42 Dollars and 25 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Tea Weekly, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever.

Julia Eng

Subscribed and sworn to before me this 29 day of Sept, 20 25.

Anne Horner

Notary Public

Lincoln County, South Dakota

My Commission expires Oct 26, 20 30.

NOTICE OF APPLICATION NO. 8974-3 to Appropriate Water

Notice is given that Ninemile Lake Addition, PO Box 86490, Sioux Falls SD 57118, has filed an application for a water permit to capture up to 275 acre-feet of runoff water from Ninemile Creek and tributaries to Ninemile Creek in a man-made lake located in the Ninemile Lake Addition in the northern city limits of Tea SD. This application also appropriates sufficient runoff annually to maintain the water level to the outlet elevation of the man-made lake located in the NW 1/4 Section 24-T100N-R51W. Water is to be used for recreation, domestic, and fish & wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8974-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation

shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's

address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 6, 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 6, 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.

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STATE OF SOUTH DAKOTA
County of Lincoln

IN THE CIRCUIT COURT
JUDICIAL CIRCUIT

vs.

Affidavit of Publication

The within Affidavit of Publication of

was filed in my office this _____

day of _____, 20_____.

Clerk of Circuit Court of the _____
Judicial Circuit of the State of South
Dakota within and for Lincoln County.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, September 22, 2025 8:34 AM
To: mike@runge-enterprises.com
Subject: 8974-3 Ninemile Lake Addition - Public Notice
Attachments: 8974-3 Rec.pdf; 8974-3 Ltr.pdf; 8974-3 PubNotice.pdf

Good morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 21, 2025

Ninemile Lake Addition
c/o Mike Runge
PO Box 86490
Sioux Falls SD 57118

Dear Mr. Runge:

Enclosed is Water Permit No. 8974-3 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.: 8974-3

Name of Applicant: Ninemile Lake Addition, Mike Runge

Date of Posting: 9/23/2025

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)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 10th, 2025

8974-3

Ninemile Lake Addition
PO Box 86490
Sioux Falls, SD 57118

Dear Ninemile Lake Addition:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
(605) 773-3352
email: Shannon.konst@state.sd.us

RECEIVED

DEC 08 2025

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date December 2, 2025

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

FROM: Ninemile Lake Addition
(name)
P.O. Box 86490
(address)
Spear Falls S.D. 57108 (605)334-4853
(city, state, zip) (phone)

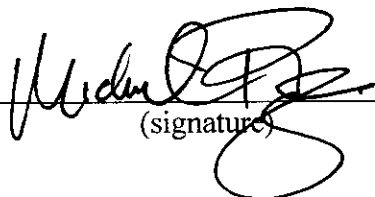
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8974-3 states that the water use system is to be constructed by
10/6/2030 (date), and water is to be put to beneficial use by 10/6/2034 (date).

The water use system was completed on 8-1-2025 (date).

Applying the water to beneficial use was completed on 8-1-2025 (date).

You may schedule an investigation so that the water license may be issued.


(signature)

