

WATER PERMIT NO. 8976-3

Name of Applicant: **Merle A. Wollman**

Address: **1419 S Westward Ho Pl, Sioux Falls SD 57105**

Phone: **605-334-7756**

Amount of Water Claimed: **0.85 cfs**

Total Acres: **70**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Hutchinson**

Type of Waste Disposal System:

Location: **Approx. 9 miles northwest of Freeman**

PRIORITY

Date Received: **08-18-25**

Application/License Fee: **\$950.00**

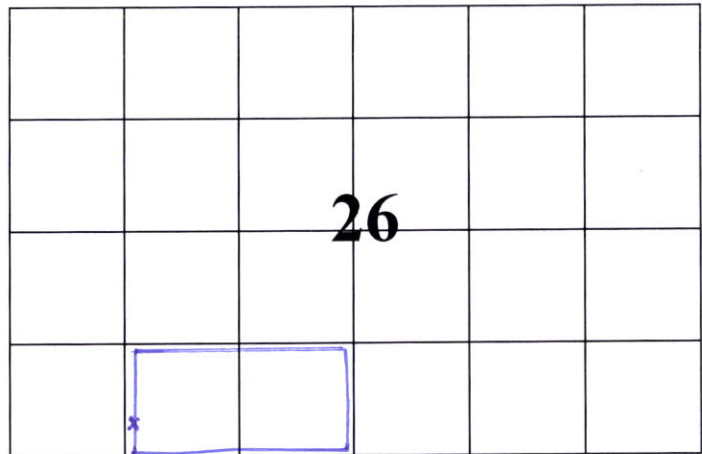
Corrected Application Received:

Period of Annual Use: **May 1 – October 31**

Remarks:

Diversion Point: **SW 1/4 SW 1/4 Sec 26-T100N-
R57W**

Land to be Irrigated: **S 1/2 SW 1/4 Sec 26-T100N-
R57W**



Depth of Well: **142**

Well Driller: **Putzke Well Drilling**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **08-21-22**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8976-3

Date of first receipt of application August 18, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8976-3 to Merle A. Wollman, 1419 S Westward Ho Place, Sioux Falls SD 57105, 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. 8976-3 appropriates 0.85 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 142 feet deep) located in the SW 1/4 SW 1/4 Section 26 for irrigation of 70 acres located in the S 1/2 SW 1/4 Section 26; all in T100N-R57W. This site is located approximately nine miles northwest of Freeman SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 1.
3. The date from which applicant may claim right is August 18, 2025.
4. The date of approval of Permit No. 8976-3 is November 3, 2025.
5. One-fifth of the construction is to be completed on or before May 3, 2028.
6. All construction is to be completed on or before November 3, 2030.
7. Water is to be put to beneficial use on or before November 3, 2034.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8976-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8976-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

11/13/25
date



RECEIVED

FORM 2: Application for irrigation in South Dakota
(type or print)

AUG 18 2025

PAID

AUG 18 2025

Ck# 1017

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8976-3</u> Hydrologic Unit <u>10160011</u>
	Basin <u>James</u>
	Newspaper <u>Freeman Courier</u>
	<u>Argus Leader</u> (office use only)

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Merle A. Wollman

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 1419 S Westward Ho Pl Sioux Falls SD 57105
 (Address) (City) (State) (Zip Code)
 Home/Fax Phone 605-334-7756 Mobile 605-360-6005 Email merlew@wollmanprop.com

2. Amount of water claimed 0.85 *CFS or 380 **GPM ***AF Total Acreage 70
 (*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water (SW 1/4 SW 1/4)

4. Location of point of diversion 1 well in S 1/2 of SW 1/4 of Section 26 T100N R57W
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Hutchinson

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used May 1 to Oct 1

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>S 1/2 of SW 1/4 of Section 26, T100N, R57W</u>	<u>70</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

Plan to drill well to determine if there is enough water to irrigate
70 acres in S 1/2 of SW 1/4 of Section 26, T100N, R57W.
See Exhibit One, map of site

I, Merle A Wollman owner, the applicant, certify under
 Name of Person Title (if applicable)

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

2021-08

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

AUG 18 2025

Supplemental Information

(type or print)

OFFICE OF
WATER

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

☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Putzke Well Drilling
(if yes, please provide copies of logs)b) If existing wells, how many NA Provide copy of log(s), if available. Drilled by Putzke will provide to SD DNR

For either existing or proposed wells:

c) Well Depth (required) 142' Depth to Top of Water Bearing Material 144' Depth to Water from Surface 35'd) Distance to nearest domestic well on applicant's property 100 yards Property owned by others Not available

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)

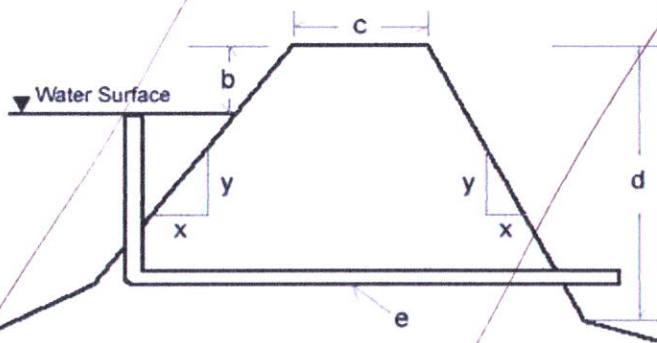
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

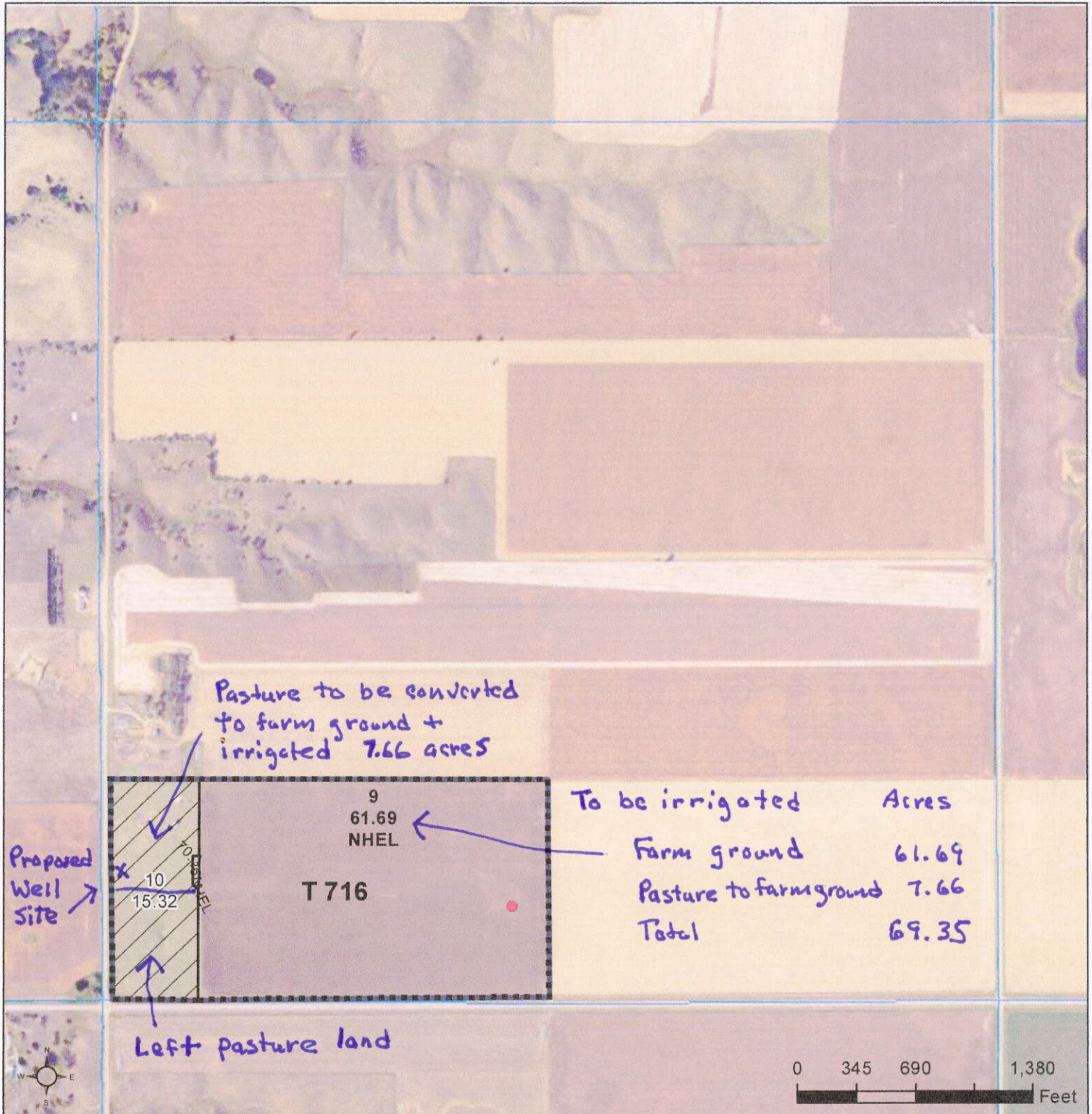
j) Drainage Area Above Dam _____ Acres





United States
Department of
Agriculture

Exhibit One Merle Wollman Application Hutchinson County, South Dakota



Common Land Unit

	Non-Cropland
	Cropland

Wetland Determination Identifiers

	Restricted Use
	Limited Restrictions
	Exempt from Conservation
	Compliance Provisions

Unless otherwise noted,
crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non

Tract Boundary
PLSS

Producer initial _____
Date _____

2025 Program Year
Map Created October 04, 2024

Farm 4470

26-100N-57W-Hutchinson

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



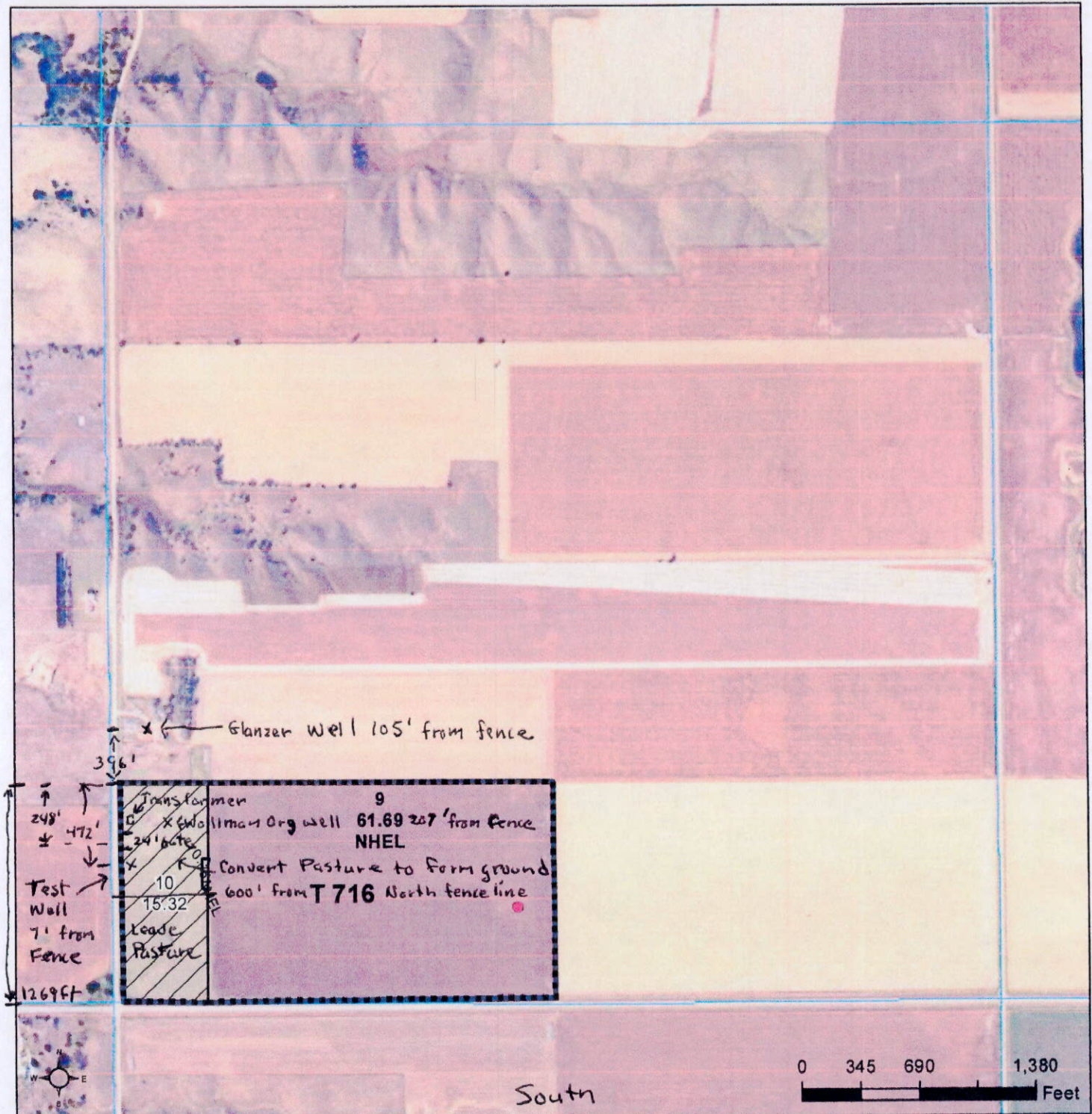
United States
Department of
Agriculture

North
Hutchinson County, South Dakota

Received: Sept. 8, 2025

SD DANR-Water Rights Program

Page 1 A.W. Mathiowetz



Common Land Unit

- Non-Cropland
- Cropland

- Tract Boundary
- PLSS

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

Unless otherwise noted,
crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non

Producer initial _____
Date _____

2025 Program Year

Map Created October 04, 2024

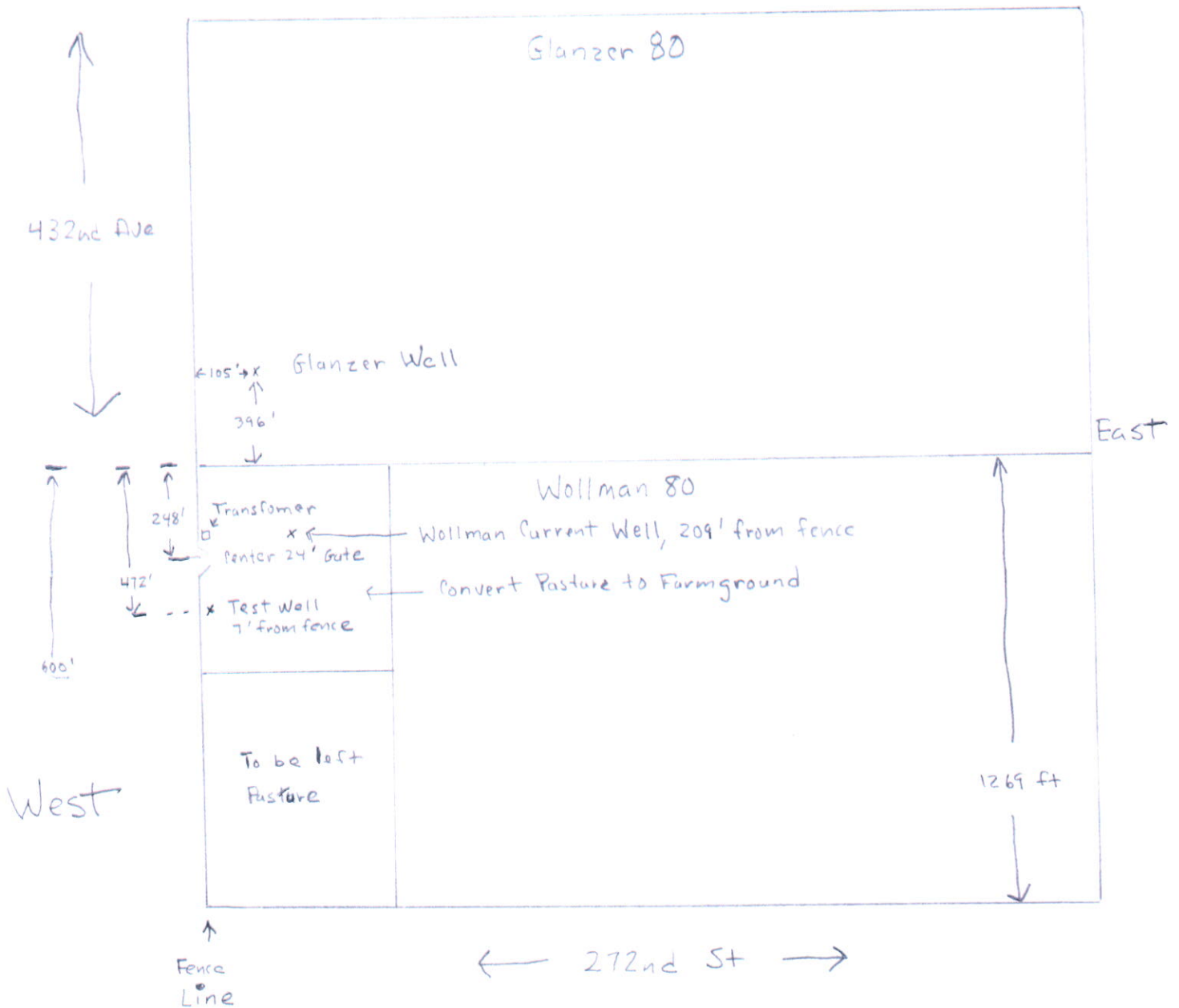
Farm 4470

26-100N-57W-Hutchinson

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North

SE Quarter of Section 26, Hutchinson County, SD



South

Page 2, Zoom In Version

Received: Sept. 8, 2025
SD DANR-Water Rights Program
A.W. Mathiowetz



100N 57W
Section: 15

270 ST

100N 57W
Section: 14

100N 57W
Section: 13

270 ST

100N 57W
Section: 22

100N 57W
Section: 23

100N 57W
Section: 24

100N 57W
Section: 26

100N 57W
Section: 27

10160011 Lower James

James

100N 57W
Section: 25

432 AVE

433 AVE

272 ST

100N 57W
Section: 34

100N 57W
Section: 35

100N 57W
Section: 36

600 57W

600 57W

8976-3

State

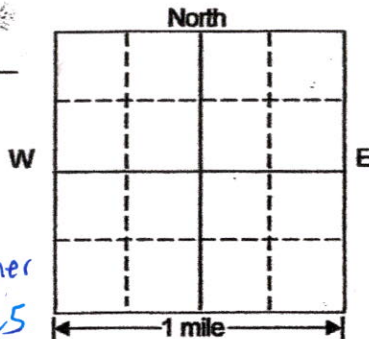
SOUTH DAKOTA

TEST HOLE

REPORT

11-02

Location SW 1/4 SW 1/4 Sec. 26 Twp 100 Rg 57

County
HutchinsonPlease mark well
location with
an "X"per Well Owner
AM 9/4/25

Plugging Completion Date 8-8-25

Well Owner:

Name:

Merle Wollman

Address:

43676 - 261st St

City, State, Zip:

Bridgewater S.D 57319

Comments:

CHECK APPROPRIATE BOX

EXISTING WELL ☐TEST HOLE ☒

Well depth

Casing material

Casing size(s)

Casing condition

Hole depth

Hole size

0-570p Soil

5-31 yellow clay

31-90 Blue clay

90-142 Chalk

Describe plugging procedure:

Run Triemie line bottom of Test Hole - Pump DF about - To Top Hole

Describe grout or plugging material:

Type of non-slip plug:

This well or test hole was plugged under license # 439 and this report is true and accurate.

Drilling firm: Dave Putzke well Drilling & repair Inc

Signature of Licensed Representative:

Dave Putzke

Signature of Well Owner:

Date:

8-25

RECEIVED

AUG 29 2025

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 21st, 2025

RECEIVED OF Merle A Wollman 1419 S Westward Hopi Sioux Falls SD 57105

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

Fee for Application for Permit No. <u>8976-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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>8976-3</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>950.00</u>

By Mark Mayer

Chief Engineer

Mathiowetz, Adam (DENR)

From: Merle Wollman <merlew@wollmanprop.com>
Sent: Monday, September 8, 2025 8:36 AM
To: Mathiowetz, Adam (DENR)
Cc: roglanz@yahoo.com
Subject: RE: [EXT] nearby Glanzer
Attachments: SD DANR Exhibit One Revised 2 pages.pdf

Hi Adam,

Hope this e-mail finds you well this Monday AM.

First, thank you for your recent phone call allowing the owner override of the Drillers Test Well report being in Section 15 of Hutchinson County to the actual Section 26. The Glanzer and Wollman current wells in the SW quarter of section 26 "Well Complete Report" were also very helpful and a copy of both reports were given to Ross Glanzer when I stop by the home place to meet Ross (Friday Sep 5th) and ask for permission to enter his property to do the well location measurements you requested.

Page 1 of the attachment is the USDA map of Section 26 with measurement of well locations written in. Page 2 is only the SW quarter of Section 26 so the print could be bigger with more details. I hope this is helpful for all parties.

The previous discussions with Ross Glanzer included when the two current wells were drilled and how deep they were, the 2 well complete reports were very helpful in providing this information. The Glanzer well provides water to around 200 head of cattle for the winter months, the concern is what happens when the well does not pump water in the middle of January? The use of irrigation in the spring and summer with the cattle watering in the fall and winter will be helpful to this not occurring.

Ross asked if I would pipe water over to his location and install a waterer for winter cattle watering. I replied, the drip irrigation system gets blown out each fall and this is not possible. Before the 2019 Wollman well was drilled due to the previous well going bad, I asked Jerry Glanzer, Ross's father who recently passed, if he would do basically the same thing Ross asked me to do. Jerry did not want to share his 2013 model well and I understood, and a separate well was drilled in 2019. I have no regrets for asking and think separate wells was and is the way to go.

The 2019 Wollman well will be properly shut down prior to the spring of 2026, because the NW section of pasture (about 7 acres) will be converted to farmland in any event.

The contact information for Ross is below. There is a CC to Ross on this email, so all facts are on the table.

Ross Glanzer
26936 432nd Ave
Bridgewater, SD 57319
Cell/Texts: 605-999-2614
roglanz@yahoo.com

Please advise if anything else is needed

Merle A. Wollman, Trustee/Property Manager
Wollman Living Trust

1419 S Westward Ho Pl
Sioux Falls, SD 57105
Cell 605-360-6005
Home/Fax 605-334-7756
merlew@wollmanprop.com

Confidentiality Notice:

This information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to this message and deleting the material from any computer. Thank you.

From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Thursday, September 4, 2025 1:14 PM
To: Merle Wollman <merlew@wollmanprop.com>
Subject: nearby Glanzer

Please send an accurate map of the nearby Glanzer well location and brief note of what you discussed with Mr. Glanzer and his contact information.



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



**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. 8976-3, Merle A. Wollman**

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. 8976-3, Merle A. Wollman, 1419 S Westward Ho Pl., Sioux Falls SD 57105.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8976-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8976-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8976-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
October 14, 2025

Report to the Chief Engineer
On Water Permit Application No. 8976-3

Merle A. Wollman

October 9th, 2025

Water Permit Application No. 8976-3 proposes to appropriate 0.85 cubic feet of water per second (cfs) from one well to be completed into the Niobrara aquifer (approximately 142 feet deep) located in the SW ¼ SW ¼ Section 26 for irrigation of 70 acres located in the S ½ SW ¼ Section 26; all in T100N-R57W. This site is located approximately nine miles northwest of Freeman, SD in Hutchinson County.

AQUIFER: Niobrara (NBRR)

HYDROGEOLOGY:

The Niobrara Formation is a bedrock formation that underlies most of eastern and western South Dakota (Hedges & others, 1982; Allen & others, 1985). The Niobrara Formation is a Late Cretaceous aged white to dark grey argillaceous (containing weathered clay) chalk, marl, thin laterally continuous bentonite beds, minor sand, and chalky carbonaceous shale (Tomhave, and Schulz, 2004). Locally, the Niobrara Formation is also known as the “chalk rock” (Water Rights, 2025d).

The Niobrara aquifer is contained within portions of the Niobrara Formation where sufficient permeability exists to allow for the transmission of groundwater and where the permeable portions of the formation are sufficiently saturated to yield quantities of groundwater to wells (Hedges & others, 1982; Stephens, 1967). Weathering and glacial activity likely contributed to higher productive zones in the Niobrara aquifer (Hedges & others, 1982), with greater amounts of weathering and glacial activity generally having occurred where the Niobrara Formation is exposed at ground surface or directly underlies glacial deposits and generally less where the Niobrara Formation underlies the Pierre Shale.

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

This portion of the Niobrara aquifer is surrounded by valleys in the bedrock where the Niobrara Formation has been eroded, which contain glacial outwash aquifers. Where these glacial outwash aquifers are in contact with this portion of the Niobrara (either overlaying or are adjacent to), there is potential for leakage between the aquifers based on hydraulic head. The Lower James

Missouri (LJM) aquifer lies in the bedrock valley to the west of this portion of the Niobrara and in some locations extends far enough east to be in contact with this portion of the Niobrara (Tomhave and Schulz, 2004; Hedges & others, 1982). The Upper Vermillion Missouri: West and Upper Vermillion Missouri: South aquifers lie in the bedrock valley to the east of this portion of the Niobrara aquifer and can also be hydrologically connected to this portion of the Niobrara (Lindgren and Hansen, 1990). Stephens (1967) indicated the presence of a glacial outwash aquifer (named the Wakonda aquifer) directly overlaying and with a strong hydrologic connection to this portion of the Niobrara in portions of Clay County. However, the first occurrence of aquifer materials mapping by Jensen (2000 & 2015) indicates that the Wakonda aquifer is unlikely to be as extensive as was mapped by Hedges & others (1982) and is instead several discontinuous sand and gravel deposits that were lumped together. Potentiometric surface mapping by Kilts (2023) indicated that water movement in this portion of the Niobrara is generally from the center toward the edges of the aquifer.

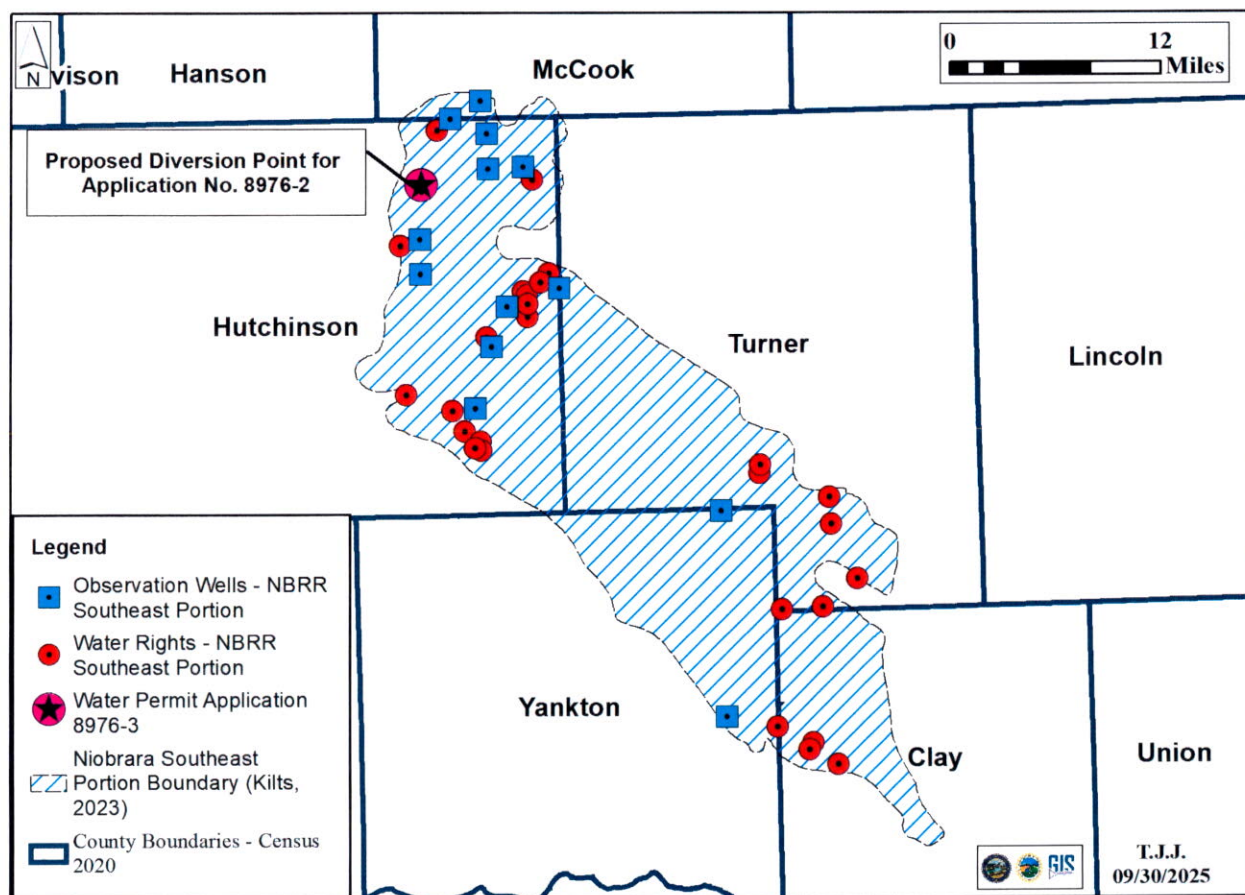


Figure 1. Map of the approximate Niobrara aquifer boundary (Kilts, 2023), and the location of proposed diversion point for Water Permit Application No. 8976-3, and Niobrara aquifer observation wells and water rights/permits (Water Rights, 2025a and 2025b).

A test hole log was submitted with this application. The test hole is located in the same location as the proposed diversion point and was plugged on August 8th, 2025 (Water Rights, 2025d). The geology of the test hole ranges: “topsoil” 0-5 feet below ground surface, “yellow clay” 5-31 feet

below ground surface, “blue clay” 31-90 feet below ground surface, and “chalk” 90-142 feet below ground surface (Water Rights, 2025d). There are also many nearby well completion reports to the proposed diversion point. The closest well completion report is located 1.8 miles northeast, in Section 25-T100N-R57W and was completed on January 30th, 1986 (Water Rights, 2025d). The water well completion report shows the top of ‘Niobrara Chalk’ approximately 119 feet below ground surface. The static water level at the time of well completion was 62 feet below ground surface (Water Rights, 2025d). Since the well completion report only specifies “Niobrara Chalk” at 119 to 178 feet below ground surface, the thickness of the Niobrara Formation is estimated to be 59 feet, while the actual aquifer thickness is likely to be less (Water Rights, 2025d). The data from the test hole & well completion report indicates the aquifer material is confined by a layer of chalk and is similar to other nearby test hole reports & well completion reports (Water Rights, 2025d).

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

Pursuant to SDCL 46-2A-9,

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

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

WATER AVAILABILITY:

Water Permit Application No. 8976-3 proposes to appropriate water from the Niobrara aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1,

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

The Niobrara aquifer is not older than or stratigraphically lower than the Greenhorn Formation 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 Niobrara aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to this portion of the Niobrara aquifer is primarily from groundwater inflow from adjacent or overlying aquifers due to leakage from these hydrologically connected aquifers when the hydraulic head in the connected overlying or adjacent aquifer is higher than in the Niobrara aquifer (Lindgren and Hansen, 1990). Some other recharge is from infiltration of precipitation where the Niobrara is at or near ground surface and leakage through till (Lindgren and Hansen, 1990).

There is no estimate of average annual recharge of the Niobrara aquifer in South Dakota (Hedges & others, 1985). However, Hedges, & others (1985) noted the Niobrara aquifer, in South Dakota, has such high storage and low use it is unlikely that withdrawals are approaching or exceeding recharge. There is no evidence of significant head loss from observation wells completed into the Niobrara aquifer in South Dakota (Water Rights, 2025b).

Discharge

Discharge from this portion of the Niobrara aquifer is due to well withdrawals and leakage to hydrologically connected aquifers with a lower water level, and some limited seepage to surface water (Water Rights, 2025d). Natural discharge (leakage to other aquifers and seepage to surface water) from an aquifer can be used to understand the typical range of an aquifer's hydrologic budget, since an estimated average annual recharge value is not available. Kilts (2023) estimated the overall natural discharge from this portion of the Niobrara aquifer to only the Lower James Missouri aquifer to be approximately 1,803 acre-feet per year for May of 2016. Since this estimate is for a single point in time (May 2016) and a single connecting aquifer (Lower James Missouri), this value does not represent an average annual value for discharge from the Niobrara aquifer but does offer insight on the range of discharge from the western flank of the aquifer at the time the analysis was performed. This estimate only accounts for the western natural discharge to the Lower James Missouri aquifer in May of 2016. Different direction of groundwater flow and time periods have a significant impact on the discharge. However, the work of Kilts (2023) indicates that this aquifer has historically been receiving recharge near the center of the aquifer and had natural discharge to adjacent aquifers. There are also two other aquifers (Upper James Missouri: West & South) that were not included in this estimate and are expected receive natural discharge from the Niobrara aquifer. Therefore, the actual natural groundwater discharge from this aquifer (and recharge) is likely higher than Kilt's (2023) estimate.

There are currently 90 active water rights/permits for the Niobrara aquifer, 28 of those water rights/permits are withdrawing from this portion of the Niobrara aquifer (Water Rights, 2025c).

Of the 28 water rights/permits, 19 are for irrigation use, three for municipal use, five for commercial use, and one for institutional use.

The nine non-irrigation water rights/permits are listed in Table 1. The Town of Irene and the City of Freeman both purchase their water from a rural water system but maintain their water rights on standby for emergency use pursuant to ARSD 74:02:01:37.02 (Drinking Water, 2025). However, the City of Freeman has started reporting some limited use; while the Town of Irene average annual withdrawal is estimated to be zero (Mathiowetz, 2025; Drinking Water, 2025). The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits, limited by an annual volume, will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits, limited only by a diversion rate, will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe assumption of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. The estimated average annual appropriative non-irrigation use from this portion of the Niobrara aquifer is 648 acre-ft per year.

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Niobrara aquifer (Water Rights, 2025c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimate Use (acre-feet/year)
1229-3*	Town of Irene	License	MUN	0.56	NA	0
5239-3**	City of Freeman	License	MUN	0.33	NA	16
810-3**	City of Freeman	License	MUN	1.26	NA	
6524-3	Freeman Jr College & Freeman Academy	License	INS	0.07	NA	30
6706-3	Pheasant Run Farms	Permit	COM	0.10	NA	43
8216-3	B & K Dairy Farms LLC	Permit	COM	0.67	460.0	460
8597-3	CHS Farmers Alliance	Permit	COM	0.10	1.3	1
8626-3	Tri-Cross Renewable Energy LLC	Permit	COM	0.10	4.6	5
8957-3	Preheim Feedlot LLC	Permit	COM	0.18	92.0	92
MUN: Municipal, INS: Institutional, COM: Commercial. *This Water Right get their water from a separate system rather than local wells. **These Water Rights are estimated to have a combine annual use.					Total:	648

Currently, there are 20 irrigation water rights/permits appropriating water from this portion of the Niobrara aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual use by submitting an irrigation questionnaire since 1981. The average annual withdrawal rate for this portion of the aquifer irrigation water rights/permits that have reported over the period of record (1981 to 2024) is approximately 252 acre-feet per year (Table 2) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2015 to 2024 is approximately 764 acre-feet per year (Table 2) (Water Rights, 2025a).

Water Permit Nos. 8326-3, 8684-3, 8579-3, & 8587-3 were recently approved, and have not yet reported an annual usage and will need to be accounted for. Generally, crop irrigators in eastern South Dakota apply less than one foot of water per acre per year. Regardless, one foot of water per acre per year application rate will be used to overestimate the annual withdrawal rates for Water Permit Nos. 8326-3, 8684-3, 8579-3, & 8587-3. Water Permit Nos. 8326-3, 8684-3, 8579-3, & 8587-3 combined are permitted to irrigate 586 acres. Therefore, Water Permit Nos. 8326-3, 8684-3, 8579-3, & 8587-3 will have an estimated annual use of 586 acre-feet per year. This application proposes to irrigate 70 acres. Using the previous method to estimate withdrawal, this application, if approved, will appropriate an estimated 70 acre-feet per year. Combining the estimated annual use of Water Permit Nos. 8326-3, 8684-3, 8579-3, & 8587-3, this application, and the reported annual average, results in an estimated annual irrigation withdrawal rate of 1,420 acre-feet per year.

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

Table 2. Reported historic irrigation use from this portion of the Niobrara aquifer (Water Rights, 2025a)

Year	No. of Permits	Reported Use (acre-feet)	Year	No. of Permits	Reported Use (acre-feet)
1981	1	0	2003	1	8
1982	1	70	2004	1	0
1983	1	36	2005	1	0
1984	1	42	2006	1	0
1985	1	50	2007	2	23
1986	1	50	2008	2	50
1987	1	120	2009	2	28
1988	1	73	2010	2	0
1989	1	137	2011	2	141
1990	1	93	2012	3	382
1991	1	106	2013	9	999
1992	1	7	2014	10	929
1993	1	0	2015	11	725
1994	1	33	2016	12	518
1995	1	29	2017	13	617
1996	1	7	2018	14	98
1997	1	9	2019	14	20
1998	1	0	2020	15	815
1999	1	0	2021	15	1024
2000	1	0	2022	15	1451
2001	1	0	2023	15	1311
2002	1	25	2024	16	1056
Max.	16	1,451			
Min.	1	0			
Average (1981-2024)	5	252			
Average (2015-2024)	14	764			

Hydrologic Budget Summary

The average annual recharge rate to the Niobrara aquifer has not been accurately quantified. Kilts (2023) estimated the western natural discharge from this portion of the Niobrara aquifer to the Lower James Missouri aquifer to be 1,803 acre-feet per year. This estimate is likely to be much higher, since it only accounts for the natural discharge to one other aquifer and not all of the adjacent aquifers that likely receive natural discharge from this portion of the Niobrara aquifer. The estimated average withdrawal rate from this portion of the Niobrara aquifer totals to approximately 2,068 acre-feet/year; (non-irrigation: 648 acre-feet/year; and irrigation (avg 2015 to 2024), including recent permits & this pending application: 1,420 acre-feet/year). When compared to the estimated natural discharge of the aquifer, there is reasonable probability unappropriated water is available from the Niobrara aquifer for the proposed appropriation. However, since this natural discharge estimate only serves as an indicator of the magnitude of discharge from the aquifer at the point in time of the estimate, the observation well data will be necessary to determine the water availability of this portion of the Niobrara aquifer.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 13 observation wells completed into this portion of the Niobrara aquifer. Of those observation wells, HT-2022A and HT-2022B, were installed in 2022 and have a limited period of record, so the usefulness of their data is limited for evaluating long term water availability. Observation wells MC-87A and TU-81A have had measurements suspended due to iron bacteria issues. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The five closest observation wells to the proposed diversion point are HT-82D (approximately 3.0 miles south), HT-87B (approximately 4.1 miles north), MC-87B (approximately 4.3 miles west), HT-57C (approximately 4.9 miles northwest), and HT-81C (approximately 5.0 miles south) (Water Rights, 2025b). The water level elevations for these observation wells and other northern observation wells are displayed in Figure 1 (Water Rights, 2025b).

The hydrographs in Figure 2 display stable to slightly increasing water levels in this portion of the Niobrara aquifer over the period of record which is representative of the hydrographs for this portion of the Niobrara aquifer. In confined aquifers, a decline in observation well water levels do not necessarily indicate a significant decrease in water stored in the confined aquifer, since measured water levels are reflecting artesian head pressure. Several observation wells in close proximity to irrigation wells show localized seasonal dips in measured water levels during the irrigation season in response to pumping and recover to normal levels when irrigation season pumping has concluded (Water Rights, 2025b). The observation well data shows that climatic conditions, and therefore natural discharge from and recharge to the aquifer, governs the long-term changes in water level. Since recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available from this portion of the Niobrara aquifer for the proposed appropriation.

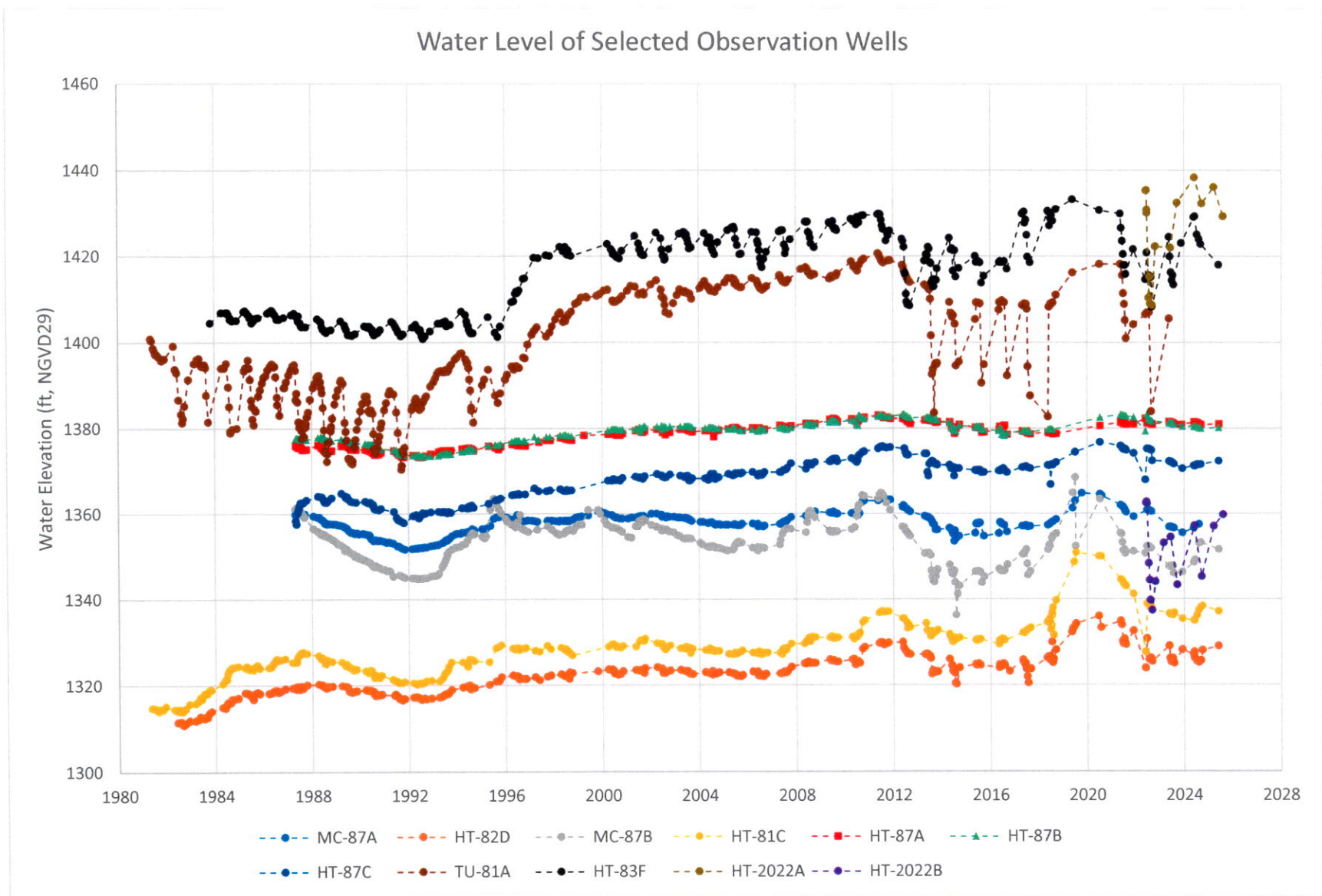


Figure 2. A hydrograph showing the elevation of water levels of observation wells in the northern half of this portion of the Niobrara aquifer (Water Rights, 2025b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits within approximately ten miles of the proposed well site for this application are shown in Figure 3 and summarized in Table 3 (Water Rights, 2025c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 7526-3 which is held by Derrick Walter. The diversion point for Water Right No. 7526-3 is located approximately 3.3 miles northwest from this application (Water Rights, 2025c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Niobrara aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.8 miles northwest of the proposed diversion point based on the location identified by the well driller on the well completion report submitted by the driller (Water Rights, 2025d). An email regarding a domestic well held by Ross Glanzer was included in this application file. The well held by Ross Glanzer is located approximately 800 feet north from the test hole for this application according to the map included (Water Rights, 2025c). Per the email, Mr. Glanzer operates his well during winter to provide water to cattle. That means the Glanzer well and the well for this application are not expected to operate at the same time of year. The Glanzer well is an adequate well based on the well completion report on file (Water Rights, 2025d). There could potentially be other domestic wells completed into the Niobrara aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

Table 3. List of water rights/permits within 10 miles of the proposed diversion point.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
810-3	City of Freeman	01/01/1950	License	Municipal	1.26	NA
5239-3	City of Freeman	10/17/1988	License	Municipal	0.33	NA
5764-3	City of Freeman	03/15/1993	License	Irrigation	0.24	27.5
5913-3	Roger L Schmidt	04/02/1981	License	Irrigation	0.77	123
6524-3	Freeman Jr College & Freeman Academy	07/19/2004	License	Institutional	0.07	NA
6706-3	Pheasant Run Farm	02/21/2006	Permit	Commercial	0.1	NA
7526-3	Derrick Walter	11/15/2012	Permit	Irrigation	3.56	257
8597-3	CHS Farmers Alliance	02/22/2022	Permit	Commercial	0.1	NA
8616-3	Michael Schultz	03/23/2022	License	Irrigation	2.56	420
8957-3	Preheim Feedlot LLC	04/28/2025	Permit	Commercial	0.18	NA

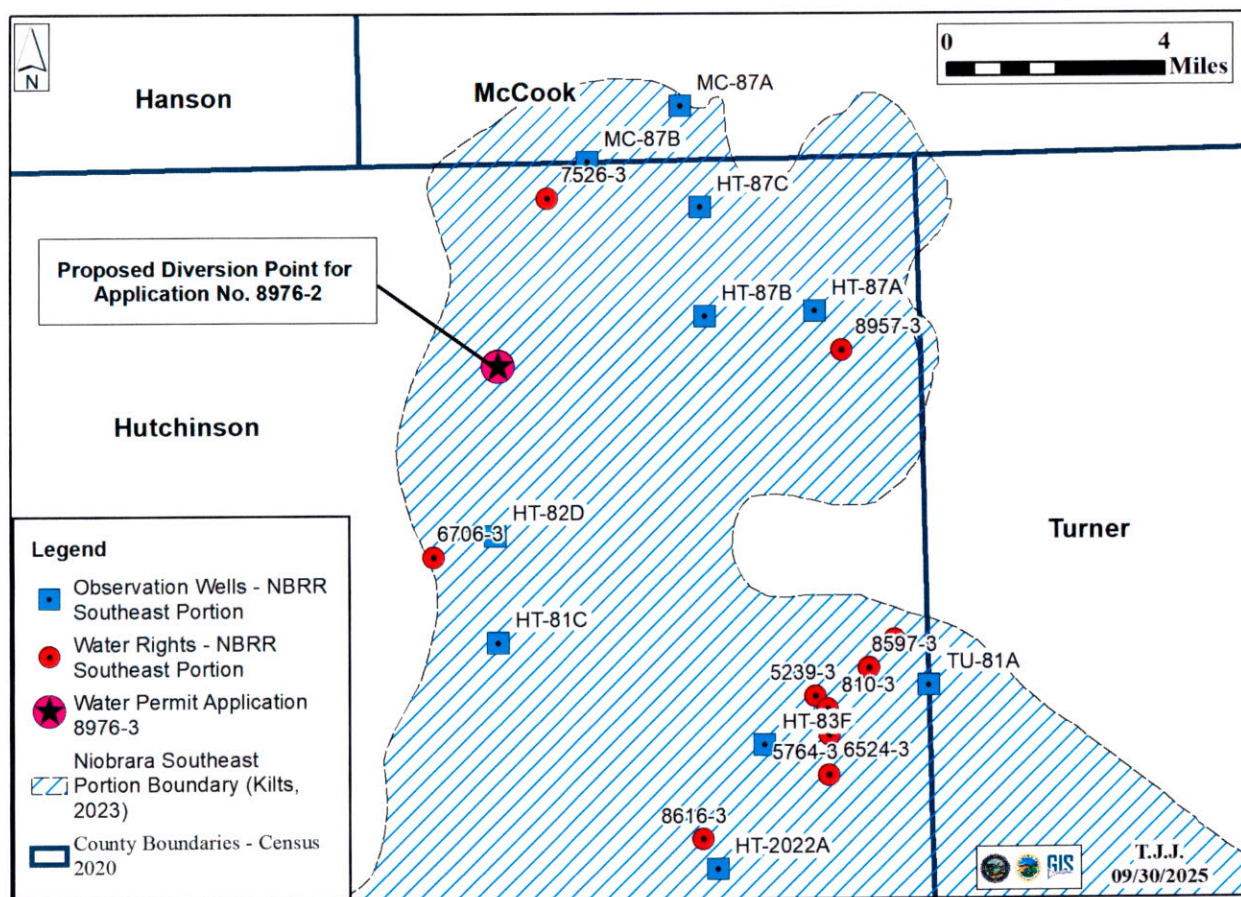


Figure 3. Map of the Water Permit Application No. 8976-3 proposed diversion point and this portion of the Niobrara aquifer observation wells and water rights/permits within approximately ten miles of the proposed diversion point and located in McCook, Hutchinson, & Turner Counties (Water Rights, 2025b and 2025c).

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

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be

put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995).

In 2015, a complaint was received that pumping by Water Permit No. 7526-3 (near the northern edge of this portion of the Niobrara aquifer, approximately 3.2 miles northeast of the proposed well site for this application) was impacting springs; however, the springs were identified as artesian in nature and artesian head pressure is not protected as a means of delivery. Therefore, it was concluded that no unlawful impairment was occurring (Water Rights, 2025e). In 2021, the Water Rights Program received a complaint of two domestic wells whose owner complained of loss of water during late summer and early fall due to irrigation pumping (Water Rights, 2025e). The irrigation pumping was determined as likely contributing to the loss of water (with the drought conditions and hydrogeology of the Niobrara at the site being significant contributors), eventually the domestic users were hooked up to rural water in 2023 and there have been no complaints since (Water Rights, 2025e). The domestic wells that were the subject of the complaint are located approximately 12.6 miles to the southeast of the proposed well site for this application. Given the hydrogeologic properties of this portion of the Niobrara aquifer, the proposed diversion rate, requested annual volume, and distance of this application from the area of the impaired domestic wells, this application, if approved, is not expected to increase drawdown in the area of the complaint made in fall of 2021.

When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), and the saturated thickness of the Niobrara Formation in Hutchinson County, any drawdown created from the diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Although the domestic well held by Ross Glanzer is in close proximity to this application proposed diversion point, the applicant intends to pump water during different times of the year than Ross Glanzer making it unlikely for unlawful impairment to occur (Water Rights, 2025c). However, if both wells end up pumping at the same time the possibility of unlawful impairment becomes more probable. This application, if approved, should include a qualification that the owner manages their withdrawals such that there is no unlawful impairment of adequate domestic wells or adequate appropriate wells with senior water rights. 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. 8976-3 proposes to appropriate 0.85 cfs from one well completed into the Niobrara aquifer (approximately 142 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 for irrigation of 70 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26; all in T100N-R57W. This site is located approximately nine miles northwest of Freeman, SD in Hutchinson County.

2. Based on observation well data and a hydrologic budget analysis, there is a reasonable probability that unappropriated water is available from this portion of the Niobrara aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8976-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



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

Reviewed by:



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

References

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

October 17, 2025

Merle A. Wollman
1419 S Westward Ho Pl
Sioux Falls SD 57105

Dear Mr. Wollman,

Water Permit Application No. 8976-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Freeman Courier printed at Freeman SD (Ph # 605 925-7033) and the Argus Leader printed at Sioux Falls SD (see attachment for contact information). 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. 8976-3 to Appropriate Water

Notice is given that Merle A. Wollman, 1419 S Westward Ho Pl, Sioux Falls SD 57105, has filed an application for a water permit to appropriate 0.85 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 142 feet deep) located in the SW 1/4 SW 1/4 Section 26 for irrigation of 70 acres located in the S 1/2 SW 1/4 Section 26; all in T100N-R57W. This site is located approximately nine miles northwest of Freeman SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8976-3 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 November 3, 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 November 3, 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, October 17, 2025 8:33 AM
To: Rodriguez, Rachel
Cc: merlew@wollmanprop.com
Subject: RE: [EXT] 11765450 FW: 8976-3 Merle Wollman - Public Notice
Attachments: 11765450.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on October 23. The order cost is \$60.40 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on Tuesday with any changes.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative



Office:844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, October 16, 2025 8:31 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11765450 FW: 8976-3 Merle Wollman - Public Notice

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

Merle A. Wollman, 1419 S Westward Ho Pl, Sioux Falls SD 57105, 605-360-6005, merlew@wollmanprop.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 confirm receipt of this email.

Thank you,



Order Confirmation

Not an Invoice

Account Number:	1564884
Customer Name:	Merle A Wollman
Customer Address:	Merle A Wollman 1419 S Westward Ho PL Sioux Falls SD 57105-0155
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	merlew@wollmanprop.com
PO Number:	

Date:	10/17/2025
Order Number:	11765450
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	168.0000
Height in Inches:	18.5200

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	10/23/2025 - 10/23/2025	Public Notices
SFA argusleader.com	1	10/23/2025 - 10/23/2025	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!

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Tax Amount	\$0.00
Service Fee 3.99%	\$2.41
Cash/Check/ACH Discount	-\$2.41
Payment Amount by Cash/Check/ACH	\$60.40
Payment Amount by Credit Card	\$62.81

Order Confirmation Amount	\$60.40
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, October 16, 2025 8:31 AM
To: legals@argusleader.com
Subject: FW: 8976-3 Merle Wollman - Public Notice
Attachments: 8976-3 public.short_final.docx; FORM8.FRM.doc

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

Merle A. Wollman, 1419 S Westward Ho Pl, Sioux Falls SD 57105, 605-360-6005, merlew@wollmanprop.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 confirm receipt of this email.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, October 16, 2025 8:29 AM
To: courier@gwtc.net
Subject: 8976-3 Merle Wollman - Public Notice
Attachments: 8976-3 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



AFFIDAVIT OF PUBLICATION

County of Hutchinson)

) ss.

State of South Dakota)

Jeremy Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That The Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Jeremy Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Jeremy Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed Notice Appropriate Water-Merle Wollman

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

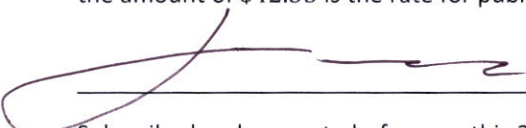
The first publication on:

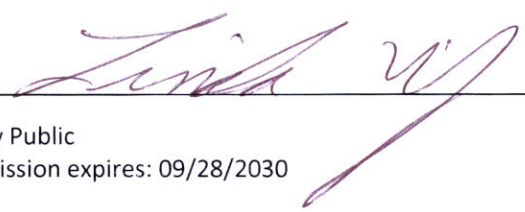
October 22, 2025

the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of \$42.53 insures solely to the benefit of the publisher of The Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$42.53 is the rate for publishing legal notices.


Subscribed and sworn to before me this 29th day of October 2025.


Notary Public

Commission expires: 09/28/2030

Publication fee: \$42.53

Notary fee:

Total: \$42.53

RECORDED
10/27/25
COURIER

PUBLIC NOTICES

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

DANR - WATER MANAGEMENT BOARD

Notice of Application No. 8976-3 to appropriate water

Notice is given that Merle A. Wollman, 1419 S Westward Ho Pl, Sioux Falls SD 57105, has filed an application for a water permit to appropriate 0.85 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 142 feet deep) located in the SW 1/4 SW 1/4 Section 26 for irrigation of 70 acres located in the SW 1/2 SW 1/4 Section 26; all in T100N-R17W. This site is located approximately nine miles northwest of Freeman SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8976-3 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 November 3, 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 par-

ticipant in any hearing that may be held. Any comment must be filed by November 3, 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 42.53.

AFFIDAVIT OF PUBLICATION

Rachel Rodriguez
Merle A Wollman
1419 S Westward Ho PL
Sioux Falls SD 57105-0155

STATE OF WISCONSIN, COUNTY OF BROWN

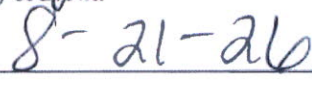
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

10/23/2025

and that the fees charged are legal.
Sworn to and subscribed before on 10/23/2025



Legal Clerk

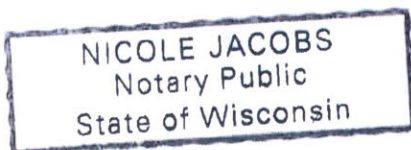

Notary, State of WI, County of Brown


My commission expires

Publication Cost:	\$60.40	
Tax Amount:	\$0.00	
Payment Cost:	\$60.40	
Order No:	11765450	# of Copies:
Customer No:	1564884	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



**NOTICE OF APPLICATION
NO. 8976-3 to
Appropriate Water**

Notice is given that Merle A. Wollman, 1419 S Westward Ho Pl, Sioux Falls SD 57105, has filed an application for a water permit to appropriate 0.85 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 142 feet deep) located in the SW 1/4 SW 1/4 Section 26 for irrigation of 70 acres located in the S 1/2 SW 1/4 Section 26; all in T100N-R57W. This site is located approximately nine miles northwest of Freeman SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8976-3 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

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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 \$60.40 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, October 17, 2025 10:14 AM
To: 'merlew@wollmanprop.com'
Subject: 8976-3 Merle Wollman - Public Notice
Attachments: 8976-3 Rec.pdf; 8976-3 PubNotice.pdf; 8976-3 Ltr.pdf; Argus Leader 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 13, 2025

Merle A. Wollman
1419 S Westward Ho Pl
Sioux Falls SD 57105

Dear Mr. Wollman:

Enclosed is Water Permit No. 8976-3 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.: 8976-3

Name of Applicant: Merle A. Wollman

Date of Posting: 10/20/2025

Date of Removal: 11/13/2025



Ron Duvall, Engineer III

11/13/2025

Date

Subscribed and sworn to before me, a notary public, this 13th day of Nov, 2025.



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

(SEAL)



Merle
Wollman

Wollman Living Trust
Trustee/Property Manager

merlew@wollmanprop.com 

605-360-6005 

605-334-7756 

1419 S. Westward Ho Pl
Sioux Falls, SD 57105 



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 10, 2026

8976-3

Merle A Wollman
1419 S Westward Ho Pl
Sioux Falls, SD 57105

Dear Mr. Wollman:

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

AUG 10 2026

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-7-2026TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Merle A. Wollman

(name)

1419 S Westward Ho Pl

(address)

Sioux Falls, SD 57105

(city, state, zip)

605-360-6005 Merle's cell

(phone)

Texts = yes

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. 8976-3 states that the water use system is to be constructed byMay 2026
(date)

, and water is to be put to beneficial use by

6-14 2026
(date)The water use system was completed on Nov 3 2030
(date)Applying the water to beneficial use was completed on Nov 3 2034
(date)

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

Merle A Wollman
(signature)