

WATER PERMIT NO. 8979-3

Name of Applicant: Craig Vanderlei

Address: 40908 312th Street, Springfield SD 57062 Phone: 605-661-2618

Amount of Water Claimed: 1.78 cfs Total Acres: 106

Source of Water Supply: Groundwater

Water to be used for: Irrigation County: Bon Homme

Type of Waste Disposal System:

Location: Approx. 9 miles west of Springfield

PRIORITY Date Received: 09-02-2025

Application/License Fee: \$950.00

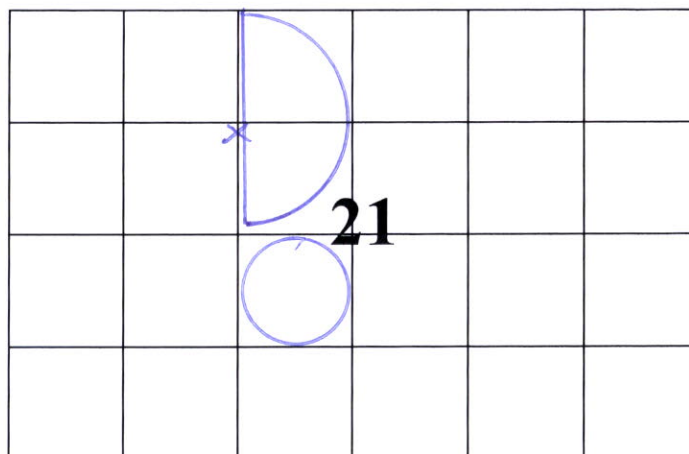
Corrected Application Received:

Period of Annual Use: June 1 – September 30

Remarks:

Diversion Point: Approx. center of NW 1/4 Sec 21-
T93N-R61W

Land to be Irrigated: E 1/2 NW 1/4, NE 1/4 SW
1/4 Sec 21; all in T93N-R61W



Depth of Well: 200

Well Driller: Christensen Well & Irrigation

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 09-02-25

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8979-3

Date of first receipt of application September 2, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8979-3 to Craig Vanderlei, 40908 312th Street, Springfield SD 57062, 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. 8979-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Niobrara Aquifer (200 feet deep) located in the approximate center of the NW 1/4 Section 21 for irrigation of 106 acres located in the E 1/2 NW 1/4, NE 1/4 SW 1/4 Section 21; all in T93N-R61W. This site is located approximately eight and one-half miles west of Springfield 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: June 1 – September 30.
3. The date from which applicant may claim right is September 2, 2025.
4. The date of approval of Permit No. 8979-3 is November 24, 2025.
5. One-fifth of the construction is to be completed on or before May 24, 2028.
6. All construction is to be completed on or before November 24, 2030.
7. Water is to be put to beneficial use on or before November 24, 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. 8979-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8979-3 authorizes a maximum diversion rate of 1.78 cfs to irrigate 106 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
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

1/6/26
date



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SEP 02 2025

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

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8979-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri R</u>
	Newspaper <u>Tyndall Tribune & Register</u>
	<u>Daily Press & Dakotan</u> (office use only)

PAID

SEP 02 2025

Ck# 3207

Rec't# _____

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.)

- Name to Appear on Irrigation Permit Craig Vanderlei
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
 Mailing Address 40908 312th St Springfield SD 57062
 (Address) (City) (State) (Zip Code)
 Phone 605-661-2618 Mobile 605-661-2618 Email Craigvanderlei@gmail.com
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 106
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well (approx. center of NW 1/4)
- Location of point of diversion One well NW 1/4 Sec 21 T93N R61W
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
- County Bon Homme
- County or counties where water will be used Bon Homme
- Annual period during which water is to be used June to Sept³⁰
- 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>NE 1/4 NW 1/4 Sec 21 T93N R61W</u>	<u>35</u>		
<u>SE 1/4 NW 1/4 Sec 21 T93N R61W</u>	<u>35</u>		
<u>NE 1/4 SW 1/4 Sec 21 T93N R61W</u>	<u>36</u>		

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

See attached map

I, Craig Vanderlei, Owner, the applicant, certify under
 Name of Person Title (if applicable)
 penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if
 acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

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

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Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

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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 _____
(if yes, please provide copies of logs)

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

For either existing or proposed wells:

c) Well Depth (required) 200 Depth to Top of Water Bearing Material 132 Depth to Water from Surface 131d) Distance to nearest domestic well on applicant's property 1.4 Property owned by others 3/4 mile

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

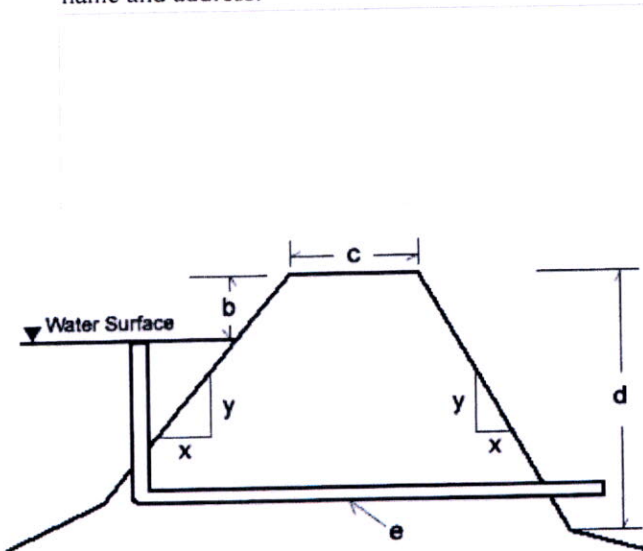
a) Surface Dimensions _____ Depth _____

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

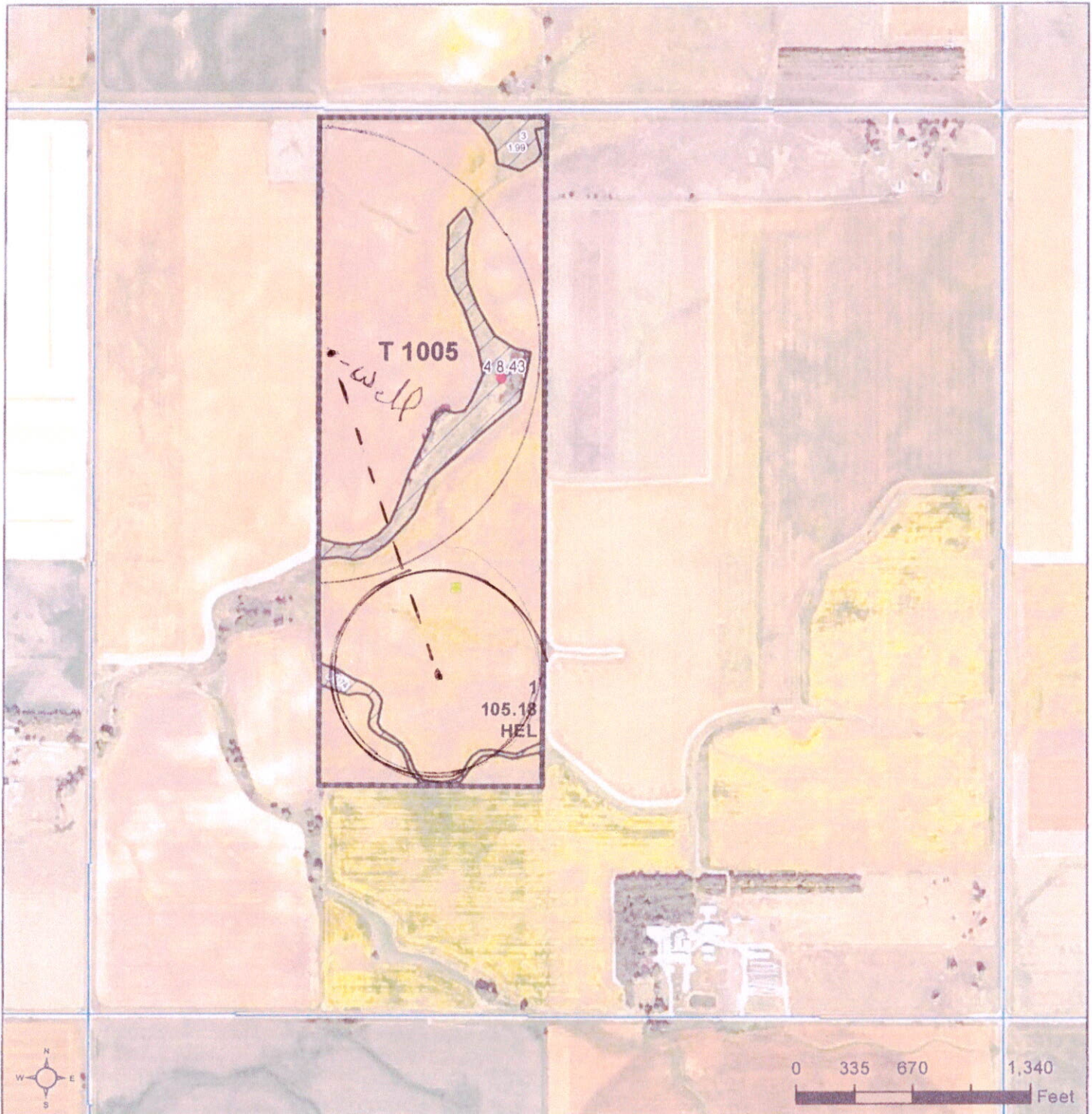
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Bon Homme County, South Dakota

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WATER



Common Land Unit  Tract Boundary
 Non-Cropland
 Cropland
 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 _____

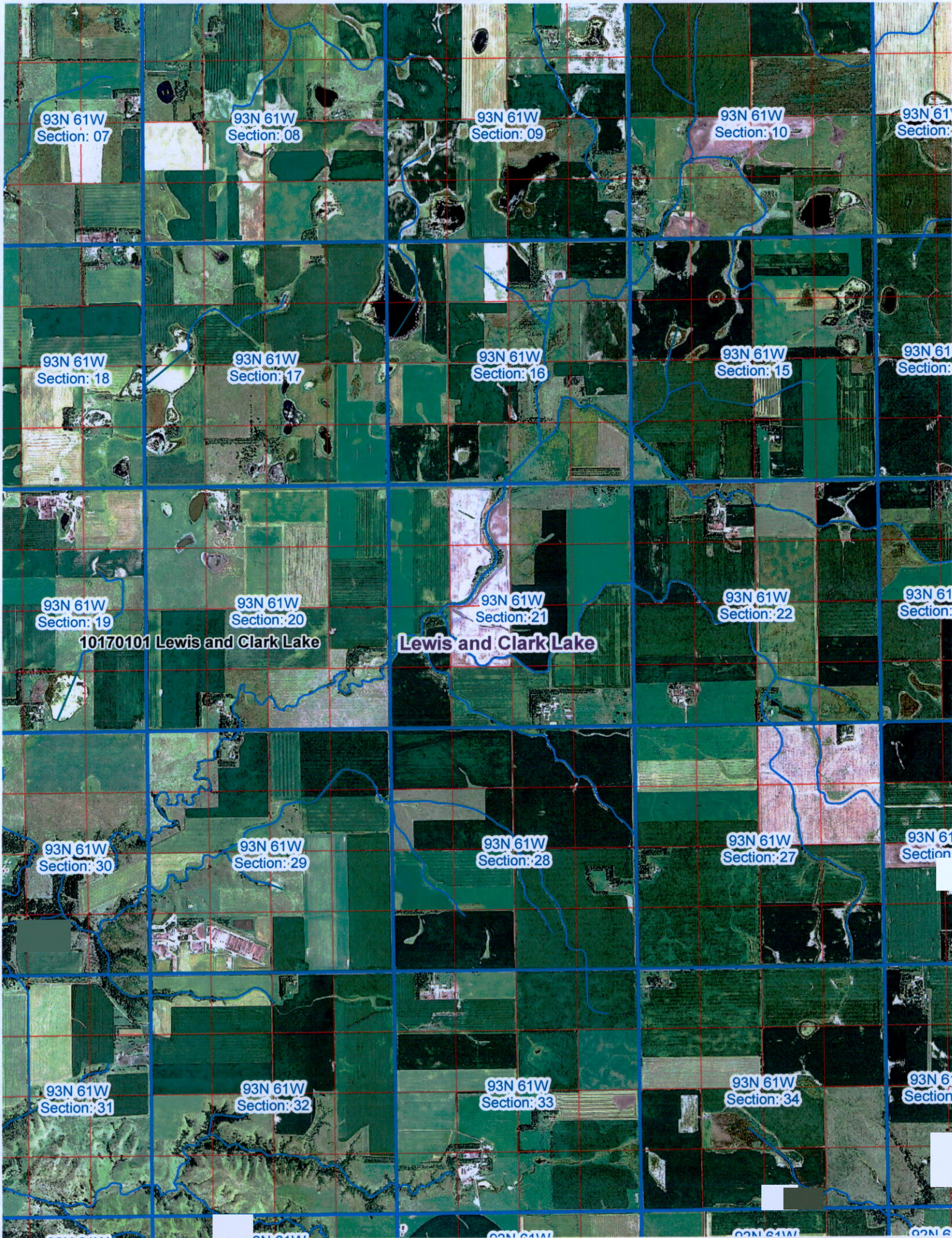
2025 Program Year

Map Created April 17, 2025

Farm 7353

21-93N-61W-Bon Homme

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).



SOUTH DAKOTA WATER WELL COMPLETION REPORT

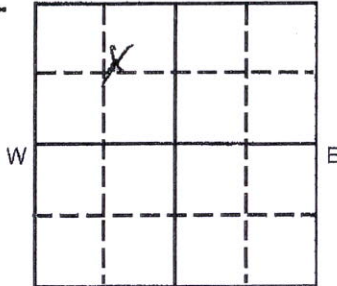
2024

Location NE 1/4 NW 1/4 Sec 21 Twp XXXX Rg XXXX
County approx. center of NW 1/4 Sec. 21-T93N-R61W
Bon Homme per AWM 8/8/25 North

GPS Coordinates

Lat: N42° 51' 43.19"Lon: W98° 03' 53.57"
42.8620, -98.06487

Please mark well location
with an "X" on section grid



Well Completion Date

6/2/25

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 4300 ft. from Septic Tank (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Monitoring Well
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole
☐ Dewatering Well ☐ Geothermal ☐ Other

METHOD OF DRILLING: Reverse RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160 LB/FT	16 IN	0 FT	132 FT	28" IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>100</u>	<u>Lb/gal</u>	<u>0</u> Ft	<u>132</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 Inches Length 70 FeetMaterial PVCSlot Size .050 Set From 130 Feet to 200 Feet

Other Information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?

Lab sample sent to for
water quality analysis

Well Owner: Craig Vanderlee

Business Name:

Address: 40908 312th StreetCity, State, Zip: Springfield SD 57062

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Brown top soil	0	7
Brown clay	7	48
Blue clay	48	125
Dark gravel & pebbles	125	132
Gray shale	132	200

STATIC WATER LEVEL 131' FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

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AUG 13 2025

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WELL TEST DATA:

☒ Pumped Describe:☐ Bailed ☐ Air☐ Other

Pumping Level Below Land Surface

135 Ft. After 5 Hrs. pumped 700 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

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OFFICE OF
WATERThis well was drilled under license # 444

And this report is true and accurate.

Drilling firm: Christensen Well & Irrigation

Signature of License Representative:

Cathy Christensen

Signature of Well Owner or Equitable Property Holder:

Date: 8/6/25

Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 2nd, 2025

RECEIVED OF Craig Vanderlei 40908 312th Street Springfield SD 57062

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

Fee for Application for Permit No. <u>8979-3</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>8979-3</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

**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. 8979-3, Craig Vanderlei**

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. 8979-3, Craig Vanderlei, 40908 312th Street, Springfield SD 57062.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8979-3 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. 8979-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8979-3 authorizes a maximum diversion rate of 1.78 cfs to irrigate 106 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
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
November 4, 2025

Report to the Chief Engineer
On Water Permit Application No. 8979-3

Craig Vanderlei

October 31st, 2025

Water Permit Application No. 8979-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well completed into the Niobrara aquifer (200 feet deep) located in the approximate center of the NW ¼ Section 21 for irrigation of 106 acres located in the E ½ NW ¼, NE ¼ SW ¼ Section 21; all in T93N-R61W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately eight and one-half miles west of Springfield, SD in Bon Homme 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 “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.

There are some portions of the Niobrara aquifer, erosional remnants, that eroded away locally prior to deposition of the overlying till and are separate from the main body (Hedges & others, 1982). The proposed diversion point for this application is located in one such erosional remnant. This erosional remnant underlies approximately 180,000 acres in portions of Bon Homme and Yankton Counties (Tomhave and Schulz, 2004). The area of the erosional remnant of the Niobrara aquifer this application proposes to use is generally 200 feet thick (Johnson and McCormick, 2005). Groundwater movement in this erosional remnant is generally toward the Missouri River (Jorgensen, 1971). Since this portion of the Niobrara aquifer is isolated from the main body, the remainder of this report will focus solely on this isolated portion of the aquifer. Figure 1 is a map showing the approximate extent of the erosional remnant of the Niobrara aquifer and the proposed diversion point for this application.

This erosional remnant of the Niobrara aquifer is in direct contact with several glacial outwash bodies and may have hydrologic connection to them (Bugliosi, 1986; Christensen, 1974; Jorgensen, 1971; Water Rights, 2025b and 2025d). The glacial aquifers include the Choteau: Tyndall, Choteau: West, and Lower James Missouri: Scotland aquifers (Water Rights, 2025b and 2025d). The potentiometric surfaces of the various aquifers indicate the potential for water to move from the Niobrara aquifer into Choteau: Tyndall aquifer and from the Choteau: West and Lower James Missouri: Scotland aquifers into the Niobrara aquifer (Water Rights, 2025b and 2025d). However, it should be noted that water can move in the opposite direction if there are changes in the relationship between the potentiometric surfaces of the aquifers. The Niobrara aquifer overlies the Codell Sandstone member of the Carlile Shale (Fahrenbach & others, 2010). Typically, there is a layer of impermeable shale, 5 to 30 feet thick, separating the Codell Sandstone from the Niobrara aquifer (Jorgensen, 1971). Where the shale is weathered and permeable, relatively thin, or even not present, there is potential for leakage between the Codell Sandstone and the Niobrara aquifer, typically from the Niobrara to the Codell (Jorgensen, 1971).

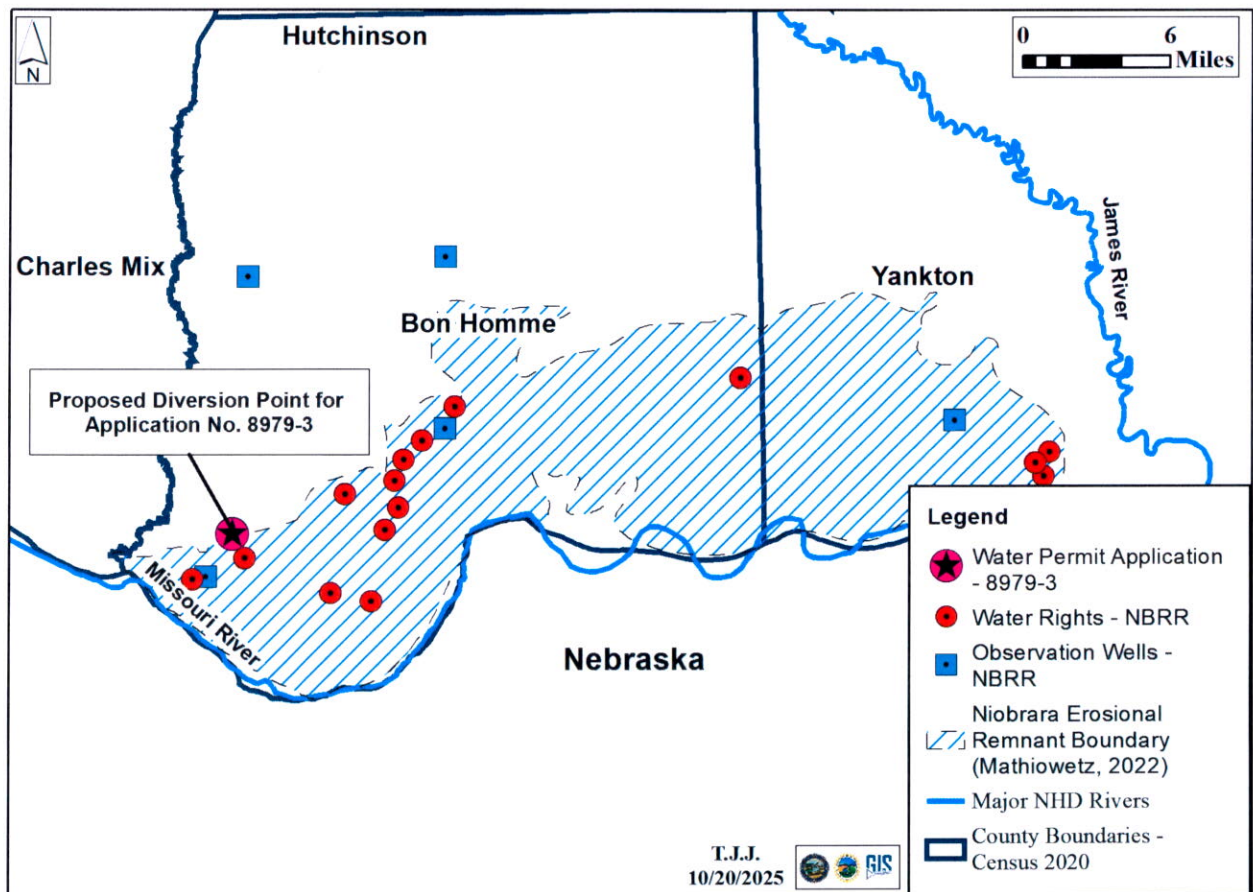


Figure 1. Map of the approximate Niobrara aquifer boundary (Mathiowetz, 2022), the location of the proposed diversion point for Water Permit Application No. 8979-3, and Niobrara aquifer observation wells and water rights/permits within the same erosional remnant (Water Rights, 2025a and 2025b).

A well completion report was submitted with this application. The well to be used for this application was completed on July 2nd, 2025 (Water Rights, 2025d). The geology of the well log states: “topsoil” 0-7 feet below ground surface, “brown clay” 7-48 feet below ground surface,

“blue clay” 48-125 feet below ground surface, “gravel & rocks” 125-132 feet below ground surface, and “gray shale” 132-200 feet below ground surface (Water Rights, 2025d). Frequently, the Niobrara Formation can be identified as shale by well drillers. However, nearby well completion reports, and lithologic logs indicate the “gray shale” is the Niobrara Formation (SDGS, 2025; Water Rights, 2025d). The static water level at the time of well completion was 131 feet below ground surface (Water Rights, 2025d). Since the well completion report only specifies “gray shale” at 132 to 200 feet below ground surface, the thickness of the Niobrara Formation is estimated to be 68 feet, while the actual aquifer thickness is likely to be less since some of the “shale” may be impermeable (Water Rights, 2025d). There are also many nearby well completion reports to the diversion point. The data from the test hole & well completion report indicate the aquifer material is confined by a layer of gray shale (Water Rights, 2025d). However, other nearby test hole reports & well completion reports of the Niobrara aquifer have shown unconfined conditions can be encountered in this erosional remnant of the Niobrara aquifer (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. 8979-3 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.

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 three observation wells completed into this erosional remnant of the Niobrara aquifer. Of those observation wells, YA-2020A, was installed in 2020 and has a limited period of record, so the usefulness of the data is limited for evaluating long term water availability. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three observation wells completed into this erosional remnant of the Niobrara aquifer are BH-82E (approximately 2.0 miles southwest), BH-82C (approximately 9.7 miles northeast), and YA-2020A (approximately 30 miles northeast) (Water Rights, 2025b). The locations of these observation wells are displayed in Figure 1 (Water Rights, 2025b).

The hydrographs in Figure 2 display stable to slightly increasing water levels in the erosional remnant of the Niobrara aquifer over their periods of record. 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 pre-pumping levels in the spring (Water Rights, 2025b). The observation well data show that climatic conditions, and therefore natural discharge from and recharge to the aquifer, govern the long-term fluctuations 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 the erosional remnant of the Niobrara aquifer for the proposed appropriation.

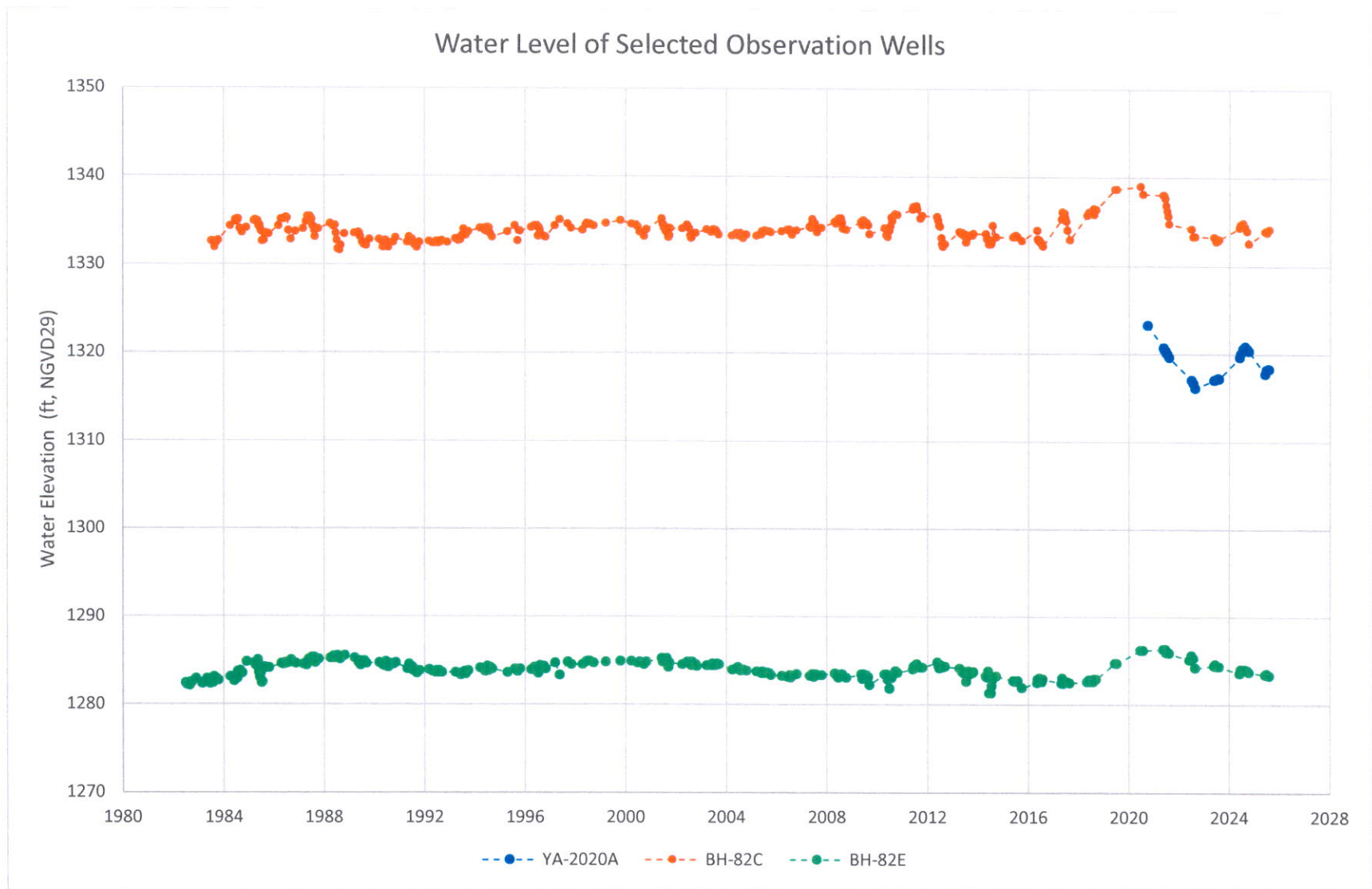


Figure 2. A hydrograph showing the elevation of water levels of observation wells in the erosional remnant of the Niobrara aquifer (Water Rights, 2025b)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Niobrara aquifer in Bon Homme County is primarily from groundwater inflow and percolation through overlying till, outwash or shale deposits (Jorgensen, 1971). Additionally, recharge is likely to come through infiltration of precipitation where the Niobrara aquifer is at or near land surface. There is also potential for leakage from the Choteau: West and Lower James Missouri: Scotland aquifers as well as any other hydrologically connected aquifers (Bugliosi, 1986; Christensen, 1974; Jorgensen, 1971; Water Rights, 2025b).

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 erosional remnant of the Niobrara aquifer in Bon Homme & Yankton Counties (see Figure 2) (Water Rights, 2025b).

Discharge

Discharge from this erosional remnant of the Niobrara aquifer is primary due to well withdrawals, outflow to the Missouri River, leakage to hydrologically connected aquifers with a lower water level, and evapotranspiration in areas where the aquifer is at or near land surface (Bugliosi, 1986; Christensen, 1974; Jorgensen, 1971; Water Rights, 2025d). There are currently 90 active water rights/permits for the Niobrara aquifer, 15 of those water rights/permits are withdrawing from this erosional remnant of the Niobrara aquifer (Water Rights, 2025c). Of the 15 water rights/permits, 13 are for irrigation use and the remaining two are for municipal use and geothermal use as listed on Table 1.

The Town of Tabor 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). Since Water Right No. 5356-3 is not consistently pumping water for municipal use, they will be considered as withdrawing 0 acre-feet from the Niobrara aquifer. It is estimated that Water Right No. 7176-3 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 use by Water Right No. 7176-3 from the erosional remnant of the Niobrara aquifer is 48 acre-ft per year.

Table 1. Water rights/permits authorized to divert water from the erosional remnant of the Niobrara aquifer (Water Rights, 2025c)

Permit No.	Name	Priority Date	Status	Use	Authorized Diversion Rate (cfs)	Acres
4578-3	Nagel Feedyard LLC	10/17/1980	License	IRR	1.04	73
4779-3	Terry Balvin	06/01/1981	License	IRR	3.90	287
5356-3*	Town of Tabor	08/17/1989	License	MUN	0.40	NA
5840-3	City of Yankton	12/19/1994	License	IRR	0.43	30
6365-3	City of Yankton	10/15/2002	License	IRR	2.23	99.6
7176-3	Yankton School District 63-3	12/28/2009	License	GEO	0.11	NA
7266-3	Verlyn & Jermie Jelsma	09/06/2011	License	IRR	1.33	109
7269-3	Verlyn Jelsma	09/06/2011	License	IRR	1.67	158
7985-3	William Chenoweth	03/26/2014	License	IRR	0.95	230
8053-3	Blane Nagel	09/17/2014	License	IRR	1.45	140
8062-3	Kenneth & Carol Guenther Revocable Trust	11/06/2014	License	IRR	1.67	131
8246-3	Verlyn Jelsma	09/06/2011	License	IRR	1.78	293
8507-3	Craig Vanderlei	04/12/2021	License	IRR	1.78	132
8561-3	Blane Nagel	11/15/2021	License	IRR	1.11	65
8574-3	Ivan Jelsma	12/27/2021	License	IRR	1.33	130
MUN: Municipal, INS: Institutional, COM: Commercial. *This Water Right gets their water from a separate system rather than local wells.						

Currently, there are 13 irrigation water rights/permits appropriating water from this erosional remnant 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 386 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 768 acre-feet per year (Table 2) (Water Rights, 2025a). This application, if approved, proposes to irrigate 106 acres. 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 this application. Therefore, this application, if approved, will have an estimated annual use of 106 acre-feet per year. Combining the estimated annual use of this application and the reported annual average, results in an estimated annual irrigation withdrawal rate of 874 acre-feet per year.

The natural discharge from this erosional remnant of the Niobrara aquifer is proportional to the hydraulic gradient between this aquifer and the other aquifer, river, or other water body receiving the discharge. Aquifer characteristics (e.g. hydraulic conductivity, saturated thickness) are generally site specific for bedrock aquifers such as the Niobrara aquifer or are relatively site

specific and can only be determined through aquifer performance testing. Buhler (2015) estimated transmissivity to determine an approximate discharge rate to the Missouri River for this erosional remnant of the Niobrara aquifer. The estimate was in excess of 11,000 ac-ft/yr (Buhler, 2015). There is not sufficient data available to estimate discharge to the Codell Sandstone or other glacial aquifers that would receive discharge from this erosional remnant of the Niobrara aquifer.

There are domestic wells completed into this erosional remnant of the 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 erosional remnant 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	3	100	2003	6	549
1982	3	137	2004	6	349
1983	4	290	2005	5	330
1984	4	170	2006	5	284
1985	4	171	2007	5	296
1986	4	185	2008	5	365
1987	4	266	2009	4	118
1988	4	315	2010	4	160
1989	4	324	2011	4	266
1990	3	172	2012	8	1,365
1991	3	310	2013	8	613
1992	4	187	2014	9	617
1993	4	192	2015	11	767
1994	3	378	2016	11	852
1995	4	267	2017	13	1,025
1996	4	505	2018	11	157
1997	4	307	2019	11	160
1998	4	271	2020	11	499
1999	4	259	2021	12	1,034
2000	5	352	2022	13	1,242
2001	5	374	2023	13	1,143
2002	5	494	2024	13	800
Min.	3	100			
Max.	13	1,365			
Average (1981-2024)	6	386			
Average (2015-2024)	12	768			

Hydrologic Budget Summary

Currently, there is not an estimated recharge rate available for the Niobrara aquifer. The estimated average withdrawal rate from this portion of the Niobrara aquifer totals to approximately 922 acre-feet/year; (non-irrigation: 48 acre-feet/year; and irrigation (avg 2015 to 2024), and this pending application: 874 acre-feet/year). It should be noted additional pumping from this remnant of the Niobrara aquifer could induce more recharge from the Lower James Missouri: Scotland and Choteau: West aquifers as well as reduce the amount of natural discharge to the Missouri River. The observation well hydrographs document there has been no significant decrease in artesian head pressure in the aquifer despite continued irrigation development (see Figure 2). Recognizing that natural discharge can be captured for pumping, the estimated discharge to the Missouri River alone would be more than sufficient to supply existing appropriative users, domestic users, and this application. Therefore, there is a reasonable probability there is unappropriated water available for this proposed appropriation.

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) completed into the erosional remnant the applicant proposes to use is Water Right No. 8062-3 which is held by Kenneth & Carol Guenther Trust. The diversion point for Water Right No. 8062-3 is located approximately 1.1 miles southeast 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 0.3 miles west of the proposed diversion point based on the location identified by the well driller on the well completion report submitted by the driller (Water Rights, 2025d). There could potentially be other domestic wells completed into the Niobrara aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

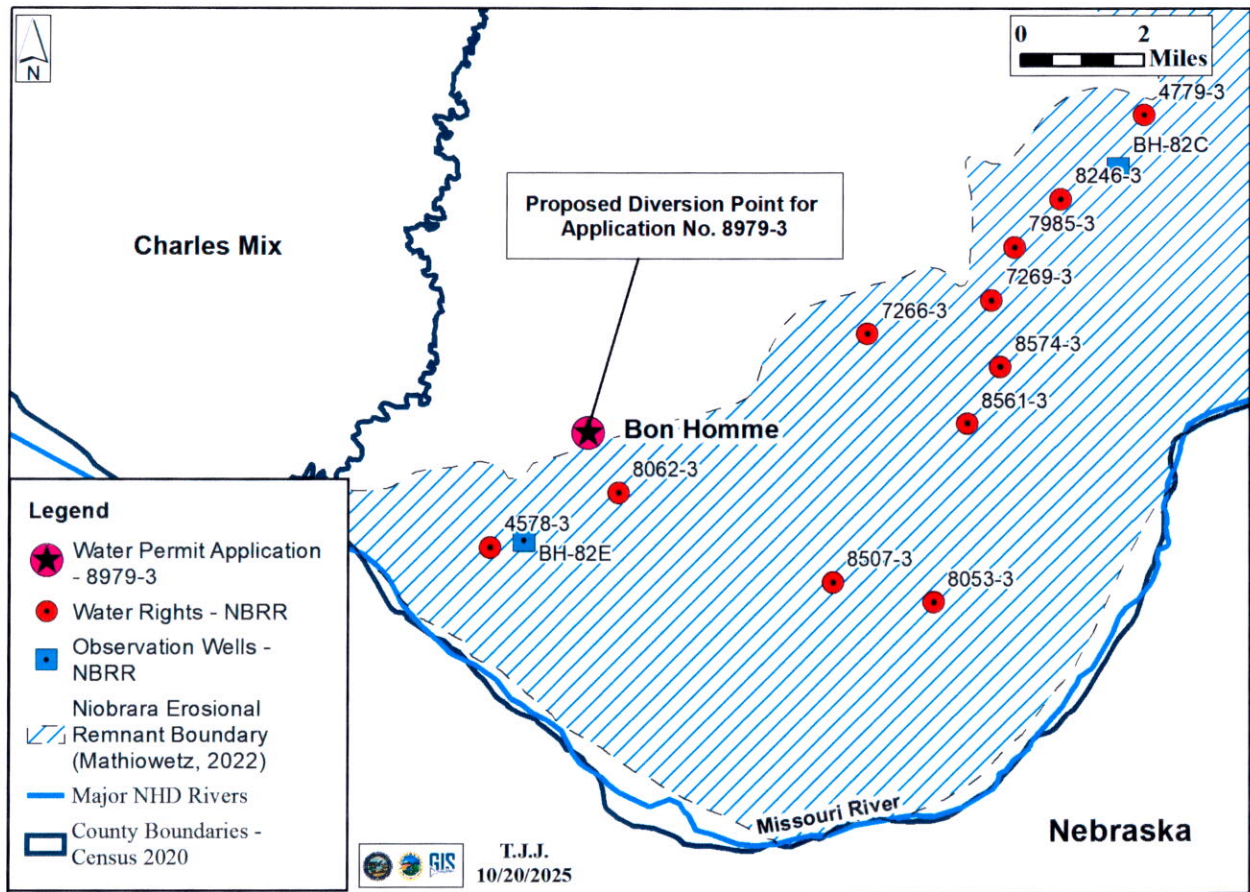


Figure 3. Map of the Water Permit Application No. 8979-3 proposed diversion point and this erosional remnant of the Niobrara aquifer observation wells and water rights/permits within approximately ten miles of the proposed diversion point and located in Bon Homme County (Water Rights, 2025b and 2025c).

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

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
4578-3	Nagel Feedyard LLC	10/17/1980	License	Irrigation	1.04	73
4779-3	Terry Balvin	06/01/1981	License	Irrigation	3.90	287
7266-3	Verlyn & Jeremie Jelsma	09/06/2011	License	Irrigation	1.33	109
7269-3	Verlyn Jelsma	09/06/2011	License	Irrigation	1.67	158
7985-3	William Chenoweth	03/26/2014	License	Irrigation	0.95	230
8053-3	Blane Nagel	09/17/2014	License	Irrigation	1.45	140
8062-3	Kenneth & Carol Guenther Revocable Trust	11/06/2014	License	Irrigation	1.67	131
8246-3	Verlyn Jelsma	09/06/2011	License	Irrigation	1.78	293
8561-3	Blane Nagel	11/15/2021	License	Irrigation	1.11	65
8574-3	Ivan Jelsma	12/27/2021	License	Irrigation	1.33	130

The Niobrara aquifer is primarily under confined conditions. However, due to properties of this erosional remnant, the Niobrara aquifer is expected to be under unconfined conditions at the applicant's well site. In an unconfined aquifer, drawdown from a pumping well doesn't extend far 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.”

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

When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)) and the lack of well interference complaints in Bon Homme & Yankton Counties (Water Rights, 2025e), any drawdown created from the diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1.0 cfs per 70 acres or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires...”

If approved, Water Permit Application No. 8979-3 would authorize a maximum instantaneous diversion rate of 1.78 cfs from one well for the irrigation of 106 acres, or equivalent to 1.18 cfs per 70 acres. The map and application submitted by the applicant indicate the center pivot is doing a partial rotation. A center pivot typically requires a certain diversion rate to operate properly regardless of swinging a partial or full circle, so the statutory rate limit might be exceeded when a pivot is not completing a full circle. This reasoning has been accepted by the Water Rights Program and the Water Management Board in the past.

CONCLUSIONS:

1. Water Permit Application No. 8979-3 proposes to appropriate 1.78 cfs from one well completed into the Niobrara aquifer (200 feet deep) located in the approximate center of the NW ¼ Section 21 for irrigation of 106 acres located in the E ½ NW ¼, NE ¼ SW ¼ Section 21; all in T93N-R61W. This site is located approximately eight and one-half miles west of Springfield, SD in Bon Homme 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. 8979-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
4. The applicant is requesting a diversion rate greater than statutory limit of 1 cfs per 70 acres to accommodate a center pivot doing a partial rotation. This is reasonable and has been accepted by the Water Management Board and the Water Rights Program in the past.



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

Reviewed by:



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

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- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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.**

November 6, 2025

Craig Vanderlei
40908 312th Street
Springfield SD 57062

Dear Mr. Vanderlei:

Water Permit Application No. 8979-3 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 Tyndall Tribune & Register printed at Tyndall SD (Ph # 605 589-3242) and the Daily Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on November 12, 2025. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8979-3 to Appropriate Water

Notice is given that Craig Vanderlei, 40908 312th Street, Springfield SD 57062, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well completed into the Niobrara Aquifer (200 feet deep) located in the approximate center of the NW 1/4 Section 21 for irrigation of 106 acres located in the E 1/2 NW 1/4, NE 1/4 SW 1/4 Section 21; all in T93N-R61W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately eight and one-half miles west of Springfield SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8979-3 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 24, 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 24, 2025.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, November 6, 2025 9:19 AM
To: Kelly Kronaizl
Subject: 8979-3 Craig Vanderlei - Public Notice
Attachments: 8979-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 12, 2025, in the Daily Press & Dakotan.

Craig Vanderlei, 40908 312th Street, Springfield SD 57062, 605-661-2618 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, Attn: Rachel Rodriguez, 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, November 6, 2025 9:18 AM
To: Tyndall Tribune
Subject: 8979-3 Craig Vanderlei - Public Notice
Attachments: 8979-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 12, 2025, in the Tyndall Tribune & Register.

Craig Vanderlei, 40908 312th Street, Springfield SD 57062, 605-661-2618 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, Attn: Rachel Rodriguez, 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



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DANR
523 E CAPITOL AVE
PIERRE SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

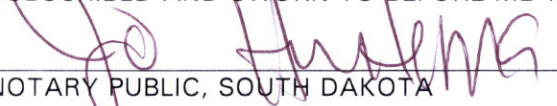
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 12th DAY OF November, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$48.20 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 11/12/2025

FILED ON: 11/12/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF November, 2025


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

RECEIVED

NOV 17 2025

9:00 PM

NOTICE OF APPLICATION NO. 8979-3 to Appropriate Water

Notice is given that Craig Vanderlei, 40908 312th Street, Springfield SD 57062, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well completed into the Niobrara Aquifer (200 feet deep) located in the approximate center of the NW 1/4 Section 21 for irrigation of 106 acres located in the E 1/2 NW 1/4, NE 1/4 SW 1/4 Section 21; all in T93N-R61W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately eight and one-half miles west of Springfield SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8979-3 because 1) there is reasonable probability that there is unappropriated water available for the applicants 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 Engineers 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 24, 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.

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Published once at the total approximate cost of \$48.20 and can be viewed free of charge at www.sdpublicnotces.com

Published November 12, 2025.

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyz.....Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Application
115 C 404

a printed copy of which is hereto attached, was printed and published in said newspaper for *one* successive weeks, upon the following dates:

<i>Nov. 12</i> 20 <i>25</i>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, *\$46.46*....., inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tyz, publisher
Subscribed and sworn to before me this
12th day of *November* 20*25*

Peggy Schelske
PEGGY SCHELSKE
Notary Public
SEAL
South Dakota
My commission expires: *10-24-2021*

NOTICE OF APPLICATION

NO. 8979-3 to Appropriate Water

Notice is given that Craig Vanderlei, 40908 312th Street, Springfield SD 57062, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well completed into the Niobrara Aquifer (200 feet deep) located in the approximate center of the NW 1/4 Section 21 for irrigation of 106 acres located in the E 1/2 NW 1/4, NE 1/4 SW 1/4 Section 21; all in T93N-R61W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately eight and one-half miles west of Springfield SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8979-3 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.

RECEIVED
NOV 17 2025
OFFICE

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 24, 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 24, 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 an approximate cost of \$46.46 and can be viewed free of charge at www.sdpublicnotices.com

(Nov. 12)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, November 6, 2025 9:21 AM
To: craigvanderlei@gmail.com
Subject: 8979-3 Craig Vanderlei - Public Notice
Attachments: 8979-3 Rec.pdf; 8979-3 Ltr.pdf; 8979-3 PubNotice.pdf

Good morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 6, 2026

Craig Vanderlei
40908 312th Street
Springfield SD 57062

Dear Mr. Vanderlei:

Enclosed is Water Permit No. 8979-3 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
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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.: 8979-3

Name of Applicant: Craig Vanderlei

Date of Posting: 11/10/2025

Date of Removal: 1/6/2026



Ron Duvall, Engineer III

1/6/2026

Date

Subscribed and sworn to before me, a notary public, this 6th day of Jan, 2026.



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

June 29, 2026

8979-3

Craig Vanderlei
40908 312 St
Springfield, SD 57062

Dear Mr. Vanderlei:

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

JUN 29 2026

OFFICE OF
WATER**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 6/22/2026

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

FROM: Craig Vanderlei
(name)
40908 312th St
(address)
Springfield SD 57062 605-661-2618
(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. 8979-3 states that the water use system is to be constructed by
11/24/30 , and water is to be put to beneficial use by 11/24/34 .
(date) (date)

The water use system was completed on 10/15/2026 .
(date)

Applying the water to beneficial use was completed on 3/27/2026 .
(date)

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

Craig Vanderlei
(signature)

