

WATER PERMIT NO. 8981-3

Name of Applicant: **Kody Miller**

Address: **20067 462nd Avenue, Bruce SD 57220**

Phone: **605-690-1997**

Amount of Water Claimed: **0.89 cfs**

Total Acres: **145.6**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Deuel**

Type of Waste Disposal System:

Location: **Approx. 7 miles northeast of Estelline**

PRIORITY Date Received: **05-29-25**

Application/License Fee: **\$1,050.00**

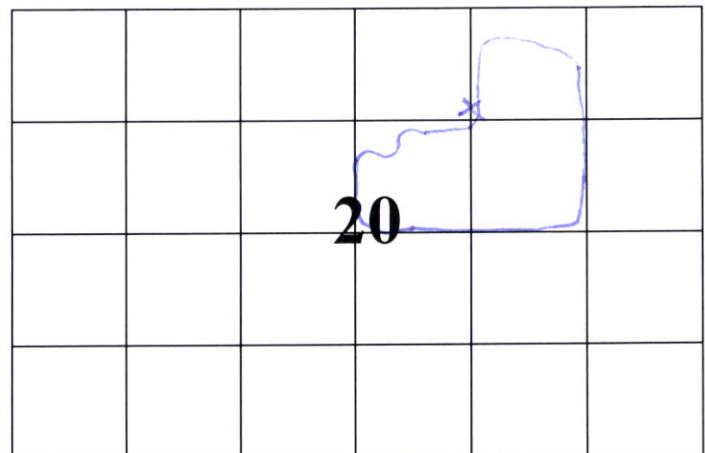
Corrected Application Received: **09-05-25**

Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **Approx. center of NE 1/4 Sec 20-T114N-R50W**

Land to be Irrigated: **NE 1/4 Sec 20-T114N-R50W**



Depth of Well: **106**

Well Driller: **Steffel Well Drilling**

Remarks:

Type of Map: **aerial**

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

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8981-3

Date of first receipt of application May 29, 2025.

Date of receipt of corrected application September 29, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8981-3 to Kody Miller, 20067 462nd Avenue, Bruce SD 57220, 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. 8981-3 appropriates 1.23 cubic feet of water per second from one well completed into the Big Sioux: Brookings Aquifer (approximately 106 feet deep) located in the approximate center of the NE 1/4 Section 20 for irrigation of 265 acres located in the NE 1/4 Section 20 and SW 1/4 Section 21; all in T114N-R50W. This site is located approximately seven miles northeast of Estelline 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 – September 30.
3. The date from which applicant may claim right is May 29, 2025.
4. The date of approval of Permit No. 8981-3 is December 22, 2025.
5. One-fifth of the construction is to be completed on or before June 22, 2028.
6. All construction is to be completed on or before December 22, 2030.
7. Water is to be put to beneficial use on or before December 22, 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. 8981-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Adam Mathiowetz
Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAR 02 2026

date



RECEIVED

MAY 29 2025

PAID

MAY 29 2025

Ck# 001054

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8981-3</u> (office use only) Hydrologic Unit <u>10170202</u> Basin <u>Big Sioux</u> Newspaper <u>Clear Lake Courier</u> <u>Watertown Public Opinion</u>	OFFICE OF WATER
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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 KODY MILLER

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

Mailing Address 20067 462nd AVE Bruce SD 57220
(Address) (City) (State) (Zip Code)

Phone 605-690-1997 Mobile _____ Email kodymillercattle@hotmail.com

2. Amount of water claimed 1.23*CFS or 550~~400~~**GPM 265***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply NEW WELL

4. Location of point of diversion 1 well in the NW 1/4 of the NE 1/4 of Sec 20T 114N R50W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

44.670948,-96.84969626 County Deuel

5. County or counties where water will be used Deuel

6. Annual period during which water is to be used May 1 - Sept 30

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)

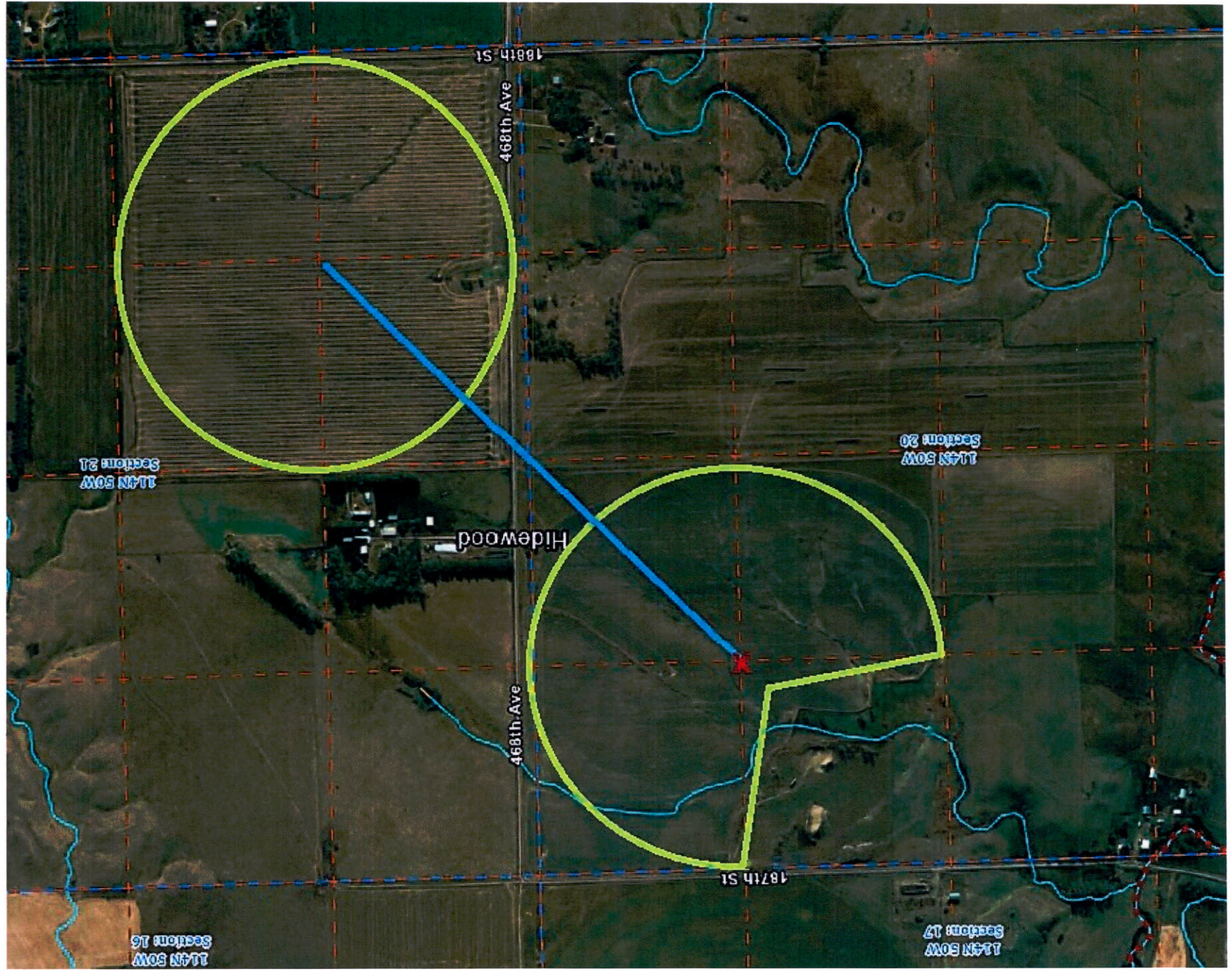
Land Description	Acres	Land Description	Acres
NW 1/4 of the SW1/4 of sec 21T114N R50W	30	NE 1/4 Sec 20-T114N-R50W	120
NE 1/4 OF THE SW 1/4	32		
SW 1/4 OF THE SW1/4	32		
SE 1/4 OF THE SW 1/4	32		

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

Will be using a new well located in the NW 1/4 of the NE 1/4 of Sec 20T 114N R50W. Water will be pipe approximately 4000 ft to the SE to an irrigation center pivot.

I, [Signature] Name of Person Owner/Operator Title (if applicable), the applicant, certify under

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.



114N 50W
Section: 18

114N 50W
Section: 17

114N 50W
Section: 16

114N 50W
Section: 19

10170202 Middle Big Sioux

Big Sioux

114N 50W
Section: 20

114N 50W
Section: 21

145.6
acres

center
pivot

SW 1/4-21-

114N 50W
Section: 30

114N 50W
Section: 29

114N 50W
Section: 28

114N 50W
Section: 18

114N 50W
Section: 17

114N 50W
Section: 16

114N 50W
Section: 19

10170202 Middle Big Sioux

Big Sioux

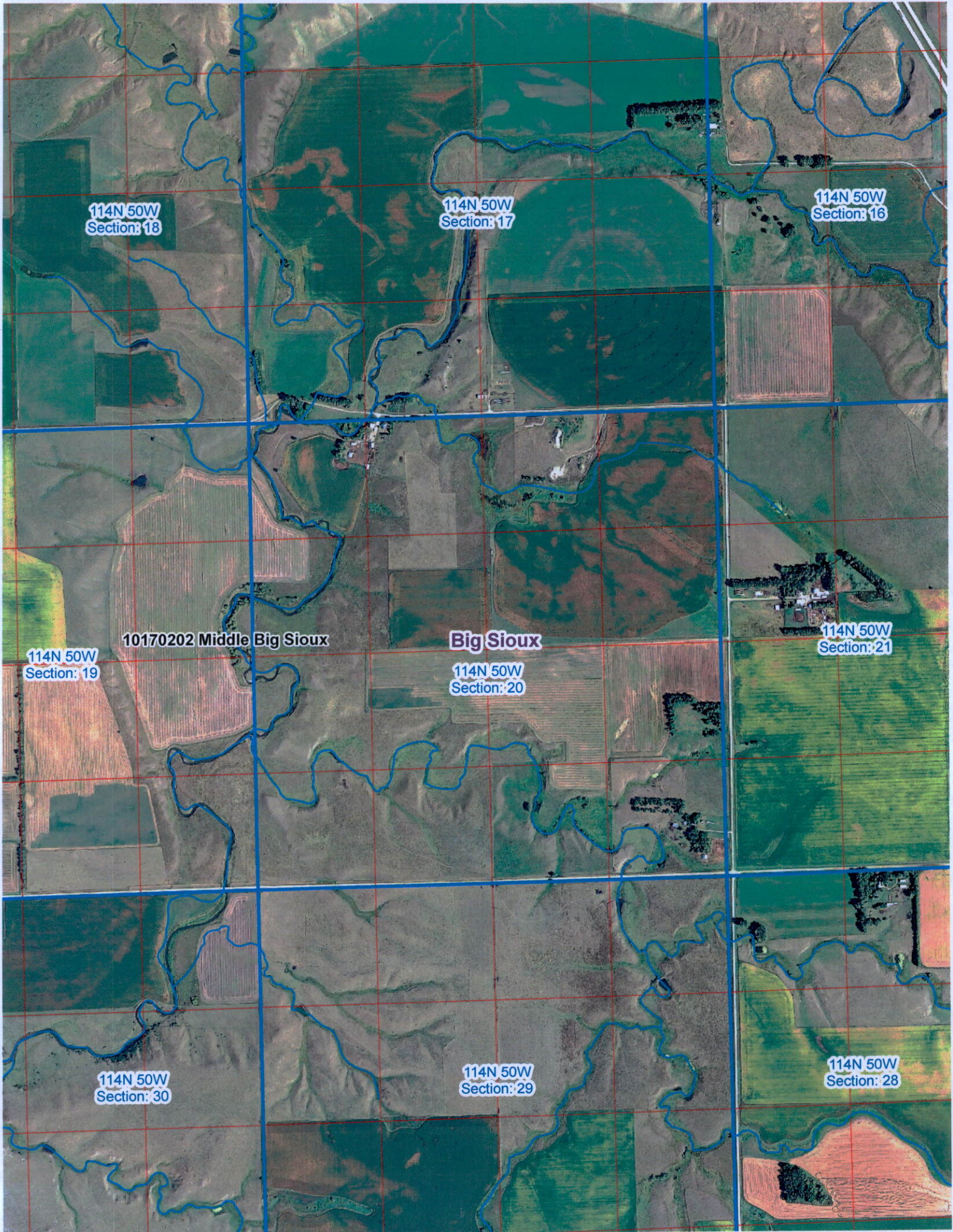
114N 50W
Section: 20

114N 50W
Section: 21

114N 50W
Section: 30

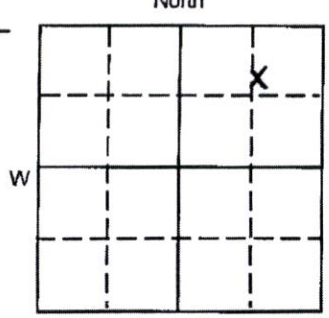
114N 50W
Section: 29

114N 50W
Section: 28



SOUTH DAKOTA WATER WELL COMPLETION REPORT

2024

Location <u>NE ¼ NE ¼</u> Sec <u>20</u> Twp <u>114</u> Rg <u>50</u> County <u>Deuel</u> GPS Coordinates Lat: <u>44 40 15.40N</u> Lon: <u>96 50 58.60W</u> Please mark well location with an "X" on section grid  Well Completion Date <u>10/11/2024</u> Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) ? <u>2000</u> ft. from <u>Feedlot</u> (identify source) PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Monitoring Well ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole ☐ Dewatering Well ☐ Geothermal ☐ Other _____ METHOD OF DRILLING: Rotary CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>LB/FT</td> <td><u>12 IN</u></td> <td><u>0 FT</u></td> <td><u>88 FT</u></td> <td><u>17.5 IN</u></td> </tr> <tr> <td>LB/FT</td> <td><u>12 IN</u></td> <td><u>98 FT</u></td> <td><u>106 FT</u></td> <td><u>17.5 IN</u></td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table> GROUTING DATA: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>HS Bent</td> <td><u>17</u></td> <td>Lb/gal</td> <td><u>0.0 Ft</u></td> <td><u>85.0 Ft</u></td> </tr> <tr> <td>Red Flint</td> <td></td> <td>Lb/gal</td> <td><u>85.0 Ft</u></td> <td><u>98.0 Ft</u></td> </tr> </tbody> </table> Describe grouting procedure _____ SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>12</u> Inches Length <u>10.0</u> Feet Material <u>Stainless Steel</u> Slot Size <u>50</u> Set From <u>88.0</u> Feet to <u>98.0</u> 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? <u>Chlorine</u> ☐ No, Why Not? _____ Lab sample sent to for water quality analysis <u>No - irrigation well</u>		PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	LB/FT	<u>12 IN</u>	<u>0 FT</u>	<u>88 FT</u>	<u>17.5 IN</u>	LB/FT	<u>12 IN</u>	<u>98 FT</u>	<u>106 FT</u>	<u>17.5 IN</u>	LB/FT	IN	FT	FT	IN	Grout Type	No. of Sacks	Grout Weight	From	To	HS Bent	<u>17</u>	Lb/gal	<u>0.0 Ft</u>	<u>85.0 Ft</u>	Red Flint		Lb/gal	<u>85.0 Ft</u>	<u>98.0 Ft</u>	Well Owner: <u>Cody Miller & Greg Miller</u> Business Name: _____ Address: <u>20145 462nd Ave</u> City, State, Zip: <u>Bruce, SD 57220</u> WELL LOG: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>Top Soil, Black</td> <td>0.0</td> <td>1.0</td> </tr> <tr> <td>Clay, Yellow</td> <td>1.0</td> <td>14.0</td> </tr> <tr> <td>Gravel/Rocky, Yellow, Med-Hard</td> <td>14.0</td> <td>33.0</td> </tr> <tr> <td>Clay, Blue, Hard</td> <td>33.0</td> <td>88.0</td> </tr> <tr> <td>Sand, Blue</td> <td>88.0</td> <td>98.0</td> </tr> <tr> <td>Clay, Blue</td> <td>98.0</td> <td>106.0</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> STATIC WATER LEVEL <u>41.5</u> FEET If flowing: closed in pressure _____ PSI GPM flow _____ through _____ inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? _____ WELL TEST DATA: ☐ Pumped Describe: _____ ☐ Bailed ☐ Air ☐ Other _____ Pumping Level Below Land Surface <u>78.4</u> Ft. After <u>25.5</u> Hrs. pumped <u>452.1</u> GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM REMARKS <u>Irrigation (TH5)</u> RECEIVED DEC 31 2024 OFFICE OF WATER This well was drilled under license # <u>463</u> And this report is true and accurate. Drilling firm: <u>Steffl Drilling & Pump Inc</u> Signature of License Representative: _____ Signature of Well Owner or Equitable Property Holder: _____ Date: _____		FORMATION	DEPTH		FROM	TO	Top Soil, Black	0.0	1.0	Clay, Yellow	1.0	14.0	Gravel/Rocky, Yellow, Med-Hard	14.0	33.0	Clay, Blue, Hard	33.0	88.0	Sand, Blue	88.0	98.0	Clay, Blue	98.0	106.0									
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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 May 29th, 2025

RECEIVED OF Kody Miller 20067 462nd Avenue Bruce SD 57220

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

Fee for Application for Permit No. <u>8981-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8981-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>1050.00</u>

By Mark Mayer
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 29th, 2025

RECEIVED OF Kody Miller 20067 462nd Avenue Bruce SD 57220

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>200.00</u>
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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>200.00</u>

By Mark Mayhew
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. 8981-3, Kody Miller**

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. 8981-3, Kody Miller, 20067 462nd Avenue, Bruce SD 57220.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8981-3 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. 8981-3 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. 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 24, 2025

Report to the Chief Engineer
On Water Permit Application No. 8981-3

Kody Miller

November 21, 2025

Water Permit Application No. 8981-3 proposes to divert water at a maximum instantaneous diversion rate of 1.23 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Brookings aquifer (approximately 106 feet deep) located in the approximate center of the NE ¼ of Section 20 for the irrigation of 265 acres located in the NE ¼ of Section 20 & SW ¼ of Section 21; all in T114N-R50W. The site of interest is located in Deuel County approximately seven miles northeast of Estelline, SD.

AQUIFER: Big Sioux: Brookings (BS: B)

HYDROGEOLOGY:

The Big Sioux aquifer is primarily composed of meltwater stream and glacial outwash deposits that range from medium to coarse sand and very fine to medium gravel and occurs mostly in the floodplains of the Big Sioux River and its major tributaries (Hamilton, 1989; Koch, 1985; Kume, 1976). The Big Sioux aquifer is divided into twelve management units that have been historically recognized by the DANR-Water Rights Program and SD Water Management Board (Water Rights, 2025c). The existing well proposed to be used by this application is completed into the Brookings management unit of the Big Sioux aquifer.

In Brookings, Deuel, Hamlin, and Moody Counties, the Big Sioux: Brookings aquifer is estimated to underly approximately 191,000 acres and contain an estimated 642,230 acre-feet of recoverable water in storage (Hedges et al., 1982). Hedges and others (1982) did not include an estimation for the areal extent of the Big Sioux: Brookings aquifer or volume of recoverable water in storage in Kingsbury County. To estimate the areal extent of the Brookings management unit, Stonesifer (2013) utilized the first occurrence of aquifer materials maps for Brookings, Deuel, Hamlin, Kingsbury, and Moody Counties, and the previously determined boundary locations of the Big Sioux aquifer delineated by Hedges and others (1982). In total, the Brookings management unit of the Big Sioux aquifer is estimated to underlie approximately 323,000 acres (Stonesifer, 2013).

In Deuel and Hamlin Counties, the Big Sioux: Brookings aquifer has an average saturated aquifer thickness of approximately 30 feet, and a documented maximum thickness of approximately 123 feet (Koch, 1985). The aquifer is generally unconfined near the Big Sioux River and along major tributary valleys but elsewhere can be confined beneath till (Hamilton, 1989). Groundwater movement in the Big Sioux: Brookings aquifer is generally to the south towards the Big Sioux River (Hamilton, 1989).

A water well completion report was submitted with Water Permit Application No. 8981-3. The report lists, “topsoil, black” from 0 to 1 foot below the ground surface, “clay, yellow” from 1 to 14 feet, “gravel/rocky, yellow” from 14 to 33 feet, “clay, blue, hard” from 33 to 88 feet, “sand, blue” from 88 to 98 feet, and “clay blue” from 98 to 106 feet below the ground surface. The well was screened from 88 to 98 feet below the ground surface and had a static water level of 41.5 feet at the time of well completion (October 11, 2024). As the Big Sioux: Brookings aquifer can be buried by till, the elevation of the aquifer materials and water level of this existing well align with the surficial unburied, unconfined Big Sioux: Brookings aquifer several miles west within the flood plain of the Big Sioux River. The Big Sioux: Brookings aquifer at the existing well site is under confined aquifer conditions based on the submitted well completion report and other reports on file (Water Rights, 2025c and 2025d).

Figure 1 displays a map of the approximate Big Sioux: Brookings aquifer extent (modified from Hedges et al., 1982) and the location of the existing well for Water Permit Application No. 8981-3 (Water Rights, 2025c and 2025d). The existing well for this application is approximately 0.35 miles outside of the Big Sioux: Brookings aquifer as aquifer boundaries are approximate.

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

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

WATER AVAILABILITY:

Water Permit Application No. 8981-3 proposes to appropriate water from the Big Sioux: Brookings aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved; however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Big Sioux: Brookings aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Big Sioux: Brookings aquifer must be considered.

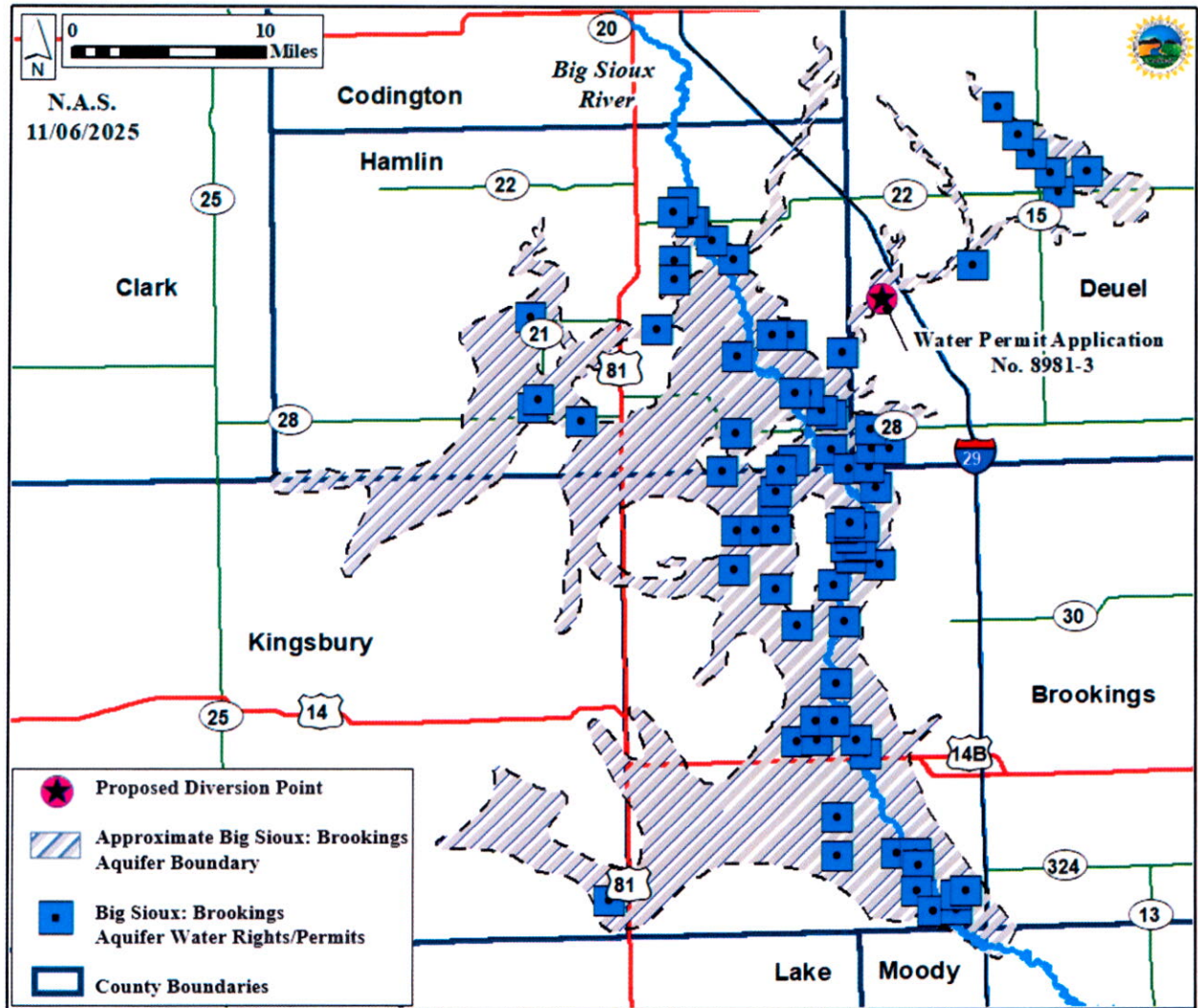


Figure 1. Map of the approximate Big Sioux: Brookings aquifer extent modified from Hedges and others (1982) with the location of the existing well proposed to be used for Water Permit Application No. 8981-3 (Water Rights, 2025c)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Brookings aquifer is primarily through the infiltration of precipitation where the aquifer is at or near the ground surface, leakage from adjacent till, and seepage from the Big Sioux River and its tributaries (Hamilton, 1989).

Utilizing observation well analysis, Hedges and others (1985) estimated a recharge rate of four inches per year to the Big Sioux: Brookings aquifer. The Big Sioux: Brookings aquifer has an estimated areal extent of approximately 323,000 acres (Stonesifer, 2013); therefore, the estimated average annual recharge rate is approximately 107,700 acre-feet per year.

Discharge

Discharge from the Big Sioux: Brookings aquifer is primarily through well withdrawals (Water Rights, 2025d), evapotranspiration where the aquifer is at or near the ground surface, and seepage to the Big Sioux River and other hydrologically connected surface water features (Hamilton, 1989).

Currently, there are 260 water rights/permits authorized to appropriate water from Big Sioux: Brookings aquifer (Water Rights, 2025c). Additionally, there are fifteen future use permits reserving 9,061 acre-feet of water annually from the Big Sioux: Brookings aquifer (Water Rights, 2025c). For the purpose of estimating average annual withdrawals, the fifteen future use permits are assumed to be fully developable for a total of 5,811 acre-feet per year (Table 1).

Table 1. Future use permits reserving water from the Big Sioux: Brookings aquifer (Water Rights, 2025c)

Future Use Permit Holder	Amount of Reserved Water (acre-feet)
Brookings - Deuel	720
City of Castlewood (558A-3)	123
Joint Well Field Inc. (3982-3, 3982A-3, 3982B-3, 6988-3, 6988A-3, 6988B-3, 8956-3)	1,425
City of Lake Norden (4055-3, 6261-3)	0
Sioux Rural Water System (5094-3, 7853-3)	2,400
City of Volga (5875-3, 6259-3)	1,143
TOTAL:	5,811

Table 2 summarizes the 49 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer with the estimated annual use for each water right/permit determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. There are standard methods used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and are likely an overestimation of average annual withdrawals (Water Rights, 2025c). Five municipal water rights (Nos. 534A-3, 617-3, 3117-3, 4950-3, and 5071-3) were identified as being connected to a rural water system and likely maintain their wells for standby purposes (Drinking Water Program, 2025; Water Rights, 2025c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year on Table 2. Overall, the estimated average annual withdrawal rate from the Big Sioux: Brookings aquifer by the non-irrigation water rights/permits is approximately 15,800 acre-feet per year (Table 2) (Water Rights, 2025c).

Table 2. Summary of the non-irrigation water rights/permits authorized to appropriate from the Big Sioux: Brookings aquifer with estimated annual use determined by their respective authorized diversion rate or annual volume (Drinking Water Program, 2025; Water Rights, 2025c)

Use Type	No. of Water Rights/Permits	Appropriation for Water Rights/Permits limited by Annual Volume (acre-feet/year)	Appropriation for Water Rights/Permits limited by Diversion Rate (cfs)	Total Estimated Use (acre-feet/year)
COM	11	667.5	2.785	1,877
GEO	1	120	0	120
IND	2	N/A	0.24	106
MUN	17	2,559	5.19	4,814
RWS	15	6,437	5.56	8,852
SHD	2	N/A	0.07	30.4
TOTAL:	48	9,784	14	15,800

Currently, there are 212 irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Big Sioux: Brookings aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2024) is approximately 9,168 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2015 to 2024 is approximately 10,366 acre-feet per year (Table 3) (Water Rights, 2025a).

Table 3 lists 213 water rights/permits as reporting in 2024. This includes Water Permit Nos. 7518-3 and 8669-3 which were incorporated into another permit (in 2024) or cancelled in 2025, resulting in only 211 of the water rights/permits that reported in 2024 as being active today.

Water Permit No. 8945-3 was approved in 2025 accounting for the difference between 211 permits that have reported and the 212 as being currently active today. Water Permit No. 8945-3 is authorized to irrigate 80 acres (Water Rights, 2025c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, an application rate of one foot of water per acre per year will be used to estimate the annual withdrawal rate for this irrigation water permit. Therefore, Water Permit No. 8945-3 is estimated to withdraw approximately 80 acre-feet per year (Water Rights, 2025c). Using the sum of the average annual withdrawal rates from 2015 to 2024 plus the estimated use from Water Permit No. 8945-3, the average annual withdrawal rate for Big Sioux: Brookings aquifer irrigation water rights/permits is approximately 10,446 acre-feet per year.

Table 3. Reported historic irrigation use from the Big Sioux: Brookings aquifer (Water Rights, 2025a)

Year	No. of Water Rights/Permits Reporting	Reported Pumpage (acre-feet)
1979	184	6,144
1980	187	9,837
1981	197	9,040
1982	155	4,551.9
1983	161	8,227.5
1984	188	8,177.6
1985	181	4,951.4
1986	179	2,854.7
1987	171	10,015
1988	167	18,521.4
1989	166	13,930.7
1990	175	5,862.9
1991	165	7,771.7
1992	162	2,331.6
1993	162	1,042.9
1994	160	2,854.6
1995	161	3,862.3
1996	154	7,221
1997	153	5,650
1998	157	8,109.7
1999	155	7,841
2000	153	8,933.7
2001	149	8,384.8
2002	149	12,410.9
2003	149	11,380.5
2004	156	11,809.9
2005	159	11,513.5
2006	161	14,325
2007	164	12,730.1
2008	166	12,505.9
2009	174	9,172.9
2010	172	2,713.4
2011	174	8,527.6
2012	177	19,482.5
2013	198	15,432.3
2014	212	9,947.6
2015	209	8,796
2016	210	10,267.4
2017	209	9,572
2018	211	7,952.8
2019	211	106.29
2020	209	10,000.8
2021	205	17,955
2022	206	14,509
2023	214	15,670
2024	213	8,828
Min	149	106.3
Max	214	19,482.5
Avg (1979 to 2024)	177	9,168
Avg (2015 to 2024)	210	10,366

It should be noted that Water Right No. 1626-3 was mentioned as possibly being completed into the Toronto aquifer and not the Big Sioux: Brookings aquifer (Drennon, 2024). Water Right No. 1626-3 authorizes the irrigation of 215 acres at a maximum instantaneous diversion rate of 2.25 cfs. However, there is not sufficient information currently available to determine with certainty which aquifer is being used.

There are domestic wells completed into the Big Sioux: Brookings 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 Big Sioux: Brookings 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 the Big Sioux: Brookings aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Big Sioux: Brookings aquifer is approximately 107,700 acre-feet per year. The estimated average annual withdrawal rate from the Big Sioux: Brookings aquifer is approximately 32,322 acre-feet per year (future use: 5,811 acre-feet/year; non-irrigation: 15,800 acre-feet/year; irrigation (avg from 2015 to 2024 plus one water permit not included with 2024 irrigation questionnaire): 10,446 acre-feet/year; Water Permit Application No. 8981-3 (if approved, assuming one foot per authorized acre): 265 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Brookings aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 76 observation wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2025b). The three closest observation wells to the well the applicant proposes to use are HN-83A (approximately 3.5 miles southwest), HN-77F (approximately five miles southwest), and DU-83A (approximately five miles northeast) (as shown in Figure 3) (Water Rights, 2025b). The hydrographs for these observation wells are displayed in Figure 2 (Water Rights, 2025b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing and were adjusted by each of the well casings respective stickup height to reflect from the ground surface.

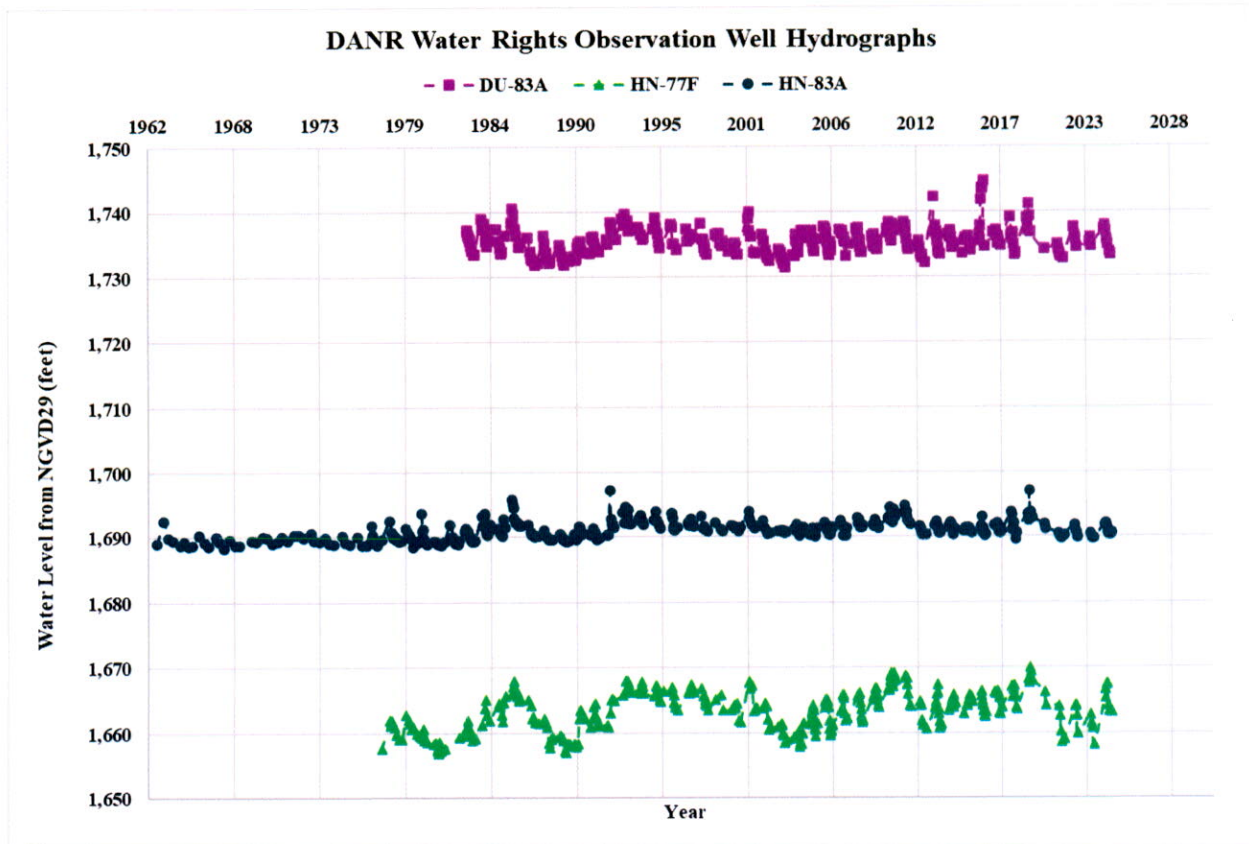


Figure 2. Hydrograph for observation well DU-83A, HN-77F, and HN-83A (Water Rights, 2025b)

The hydrographs for the observation wells display generally stable water levels over their respective periods of record. The hydrographs for these three observation wells were compared to the hydrographs for the other observations wells completed into the Big Sioux: Brookings aquifer and each displayed a generally similar trend as shown on the hydrographs displayed in Figure 2 (Water Rights, 2025b). The hydrographs for the Big Sioux: Brookings aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Big Sioux: Brookings aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 260 water rights/permits authorized to appropriate water from Big Sioux: Brookings aquifer and an additional fifteen future use permits reserving water (Water Rights, 2025c). The closest water right/permit to the existing well is Water Right No. 5408-3, which is held by Donald Miller. The diversion point for Water Right No. 5408-3 is located approximately 0.4 miles north of the existing well proposed to be used by this application (Figure 3) (Table 4) (Water Rights, 2025c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Big Sioux: Brookings aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.3 miles northwest of the existing well site (Water Rights, 2025d). There could potentially be other domestic wells completed into the Big Sioux: Brookings aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

The aquifer is generally unconfined near the Big Sioux River and along major tributary valleys, but is elsewhere confined beneath till (Hamilton, 1989). Based on the submitted well completion report, and the well and test hole completion reports on file, the Big Sioux: Brookings aquifer is confined at the existing well site (Water Rights, 2025d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Big Sioux: Brookings aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well HN-77F (approximately five miles southwest of the existing well site) has 12 high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately one mile of it (Water Rights, 2025b and 2025c). The lithologic log on file for HN-77F noted the well was drilled 65 feet deep below the ground surface, had a casing stick up height of approximately 0.9 feet, and the top of aquifer materials approximately 46 feet below the ground surface (SDGS, 2025). The lowest recorded static water level on the hydrograph (displayed in Figure 2) is approximately 34 feet below the top of the well casing, which indicates there was still approximately thirteen feet of artesian head pressure in HN-77F even during drier periods when high-yield wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (SDGS, 2025; Water Rights, 2025b).

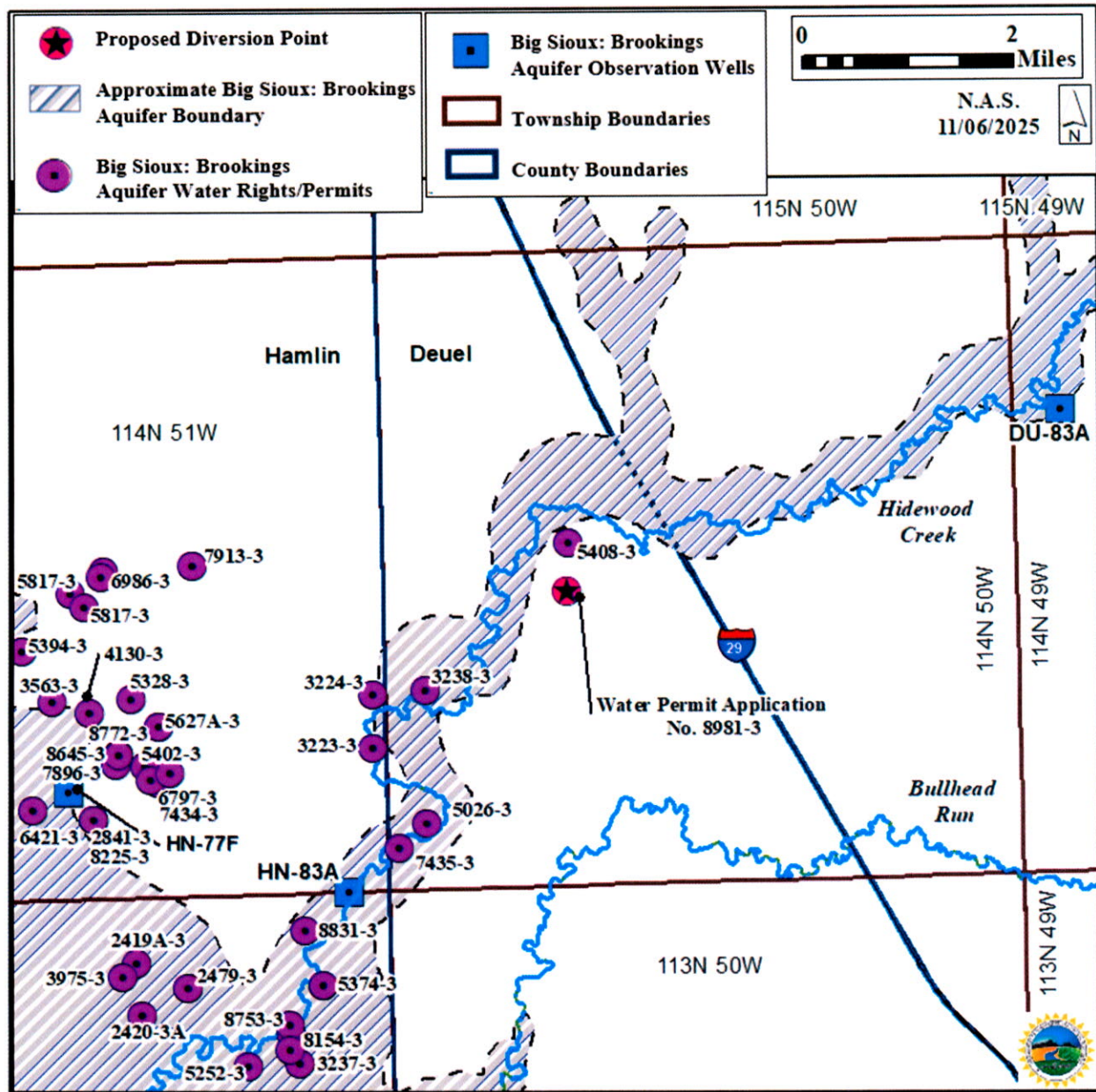


Figure 3. Location of the existing well site for Water Permit Application No. 8981-3 with the Big Sioux: Brookings aquifer water rights/permits within approximately one mile (Water Rights, 2025c)

Table 4. Water rights/permits authorized to withdraw water from the Big Sioux: Brookings aquifer within approximately one mile of the existing well site, as shown in Figure 3 (Water Rights, 2025c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)
2419A-3	GTS	LC	IRR	70	1
2420-3A	Gerald L Spilde	LC	IRR	132	1.89
2479-3	Pine Knoll Inc	LC	IRR	258	2
2841-3	Wayne Janssen	LC	IRR	124	1.78
3223-3	Poinsett Hutterian Brethren	LC	IRR	560	5
3224-3	Steven Ching	LC	IRR	84	1.2
3237-3	Kenneth Foster	LC	IRR	225	1.16
3238-3	Brett Miller	LC	IRR	200	1.34
3563-3	Donald Linneman	LC	IRR	238	2
3975-3	GTS	LC	IRR	207	2.95
4130-3	Laverne Mennenga	LC	IRR	132	1.88
5026-3	Poinsett Hutterian Brethren	LC	IRR	122.5	1.55
5252-3	Dale Williams	LC	IRR	200	1.78
5328-3	Poinsett Hutterian Brethren	LC	IRR	257.5	2.22
5374-3	Kenneth/Judith Foster	LC	IRR	132	1.89
5394-3	Wayne Janssen	LC	IRR	121	1.11
5402-3	Poinsett Hutterian Brethren	LC	IRR	132	1.77
5408-3	Donald Miller	LC	IRR	136	1.56
5817-3	Sanderson Farms Partnership	LC	IRR	280	1.77
5627A-3	Poinsett Hutterian Brethren	LC	IRR	136	1.78
6421-3	Keith Ebbers	LC	IRR	125	1.11
6797-3	Poinsett Hutterian Brethren	LC	IRR	136	1.67
6986-3	Laverne Mennenga	LC	IRR	120	1.34
7434-3	Poinsett Hutterian Brethren	LC	IRR	520	3.34
7435-3	Poinsett Hutterian Brethren	LC	IRR	76	1.22
7896-3	Fugere Farm	LC	IRR	136	1.78
7913-3	Lance Mennenga	PE	IRR	119	1.34
8154-3	Dale G Williams	LC	IRR	230.5	1.78
8225-3	Ralland Janssen	LC	IRR	127	0.11
8645-3	Poinsett Hutterian Brethren	PE	IRR	136	1.78
8753-3	Dale G Williams	PE	IRR	20	0.67
8772-3	Poinsett Hutterian Brethren	PE	IRR	8.5	1.78
8831-3	Allen Fugere	PE	IRR	136	1.78

LC: Licensed Water Right; PE: Water Permit; IRR: Irrigation

Within one mile of the existing wells site, the Big Sioux: Brookings aquifer has a saturated aquifer thickness of approximately 5 to 20 feet (Water Rights, 2025d). A saturated aquifer thickness of 5 feet (10 feet at existing well site) would not allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer. Therefore, to be considered an adequate well at this location, the inlet of the pump would need to be placed as near as practical to the bottom of the saturated aquifer to qualify as an adequate well under ARSD 74:02:04:20(6). While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a

thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights. In Deuel and Hamlin Counties, there are no substantiated complaints on file with the DNR-Water Rights Program regarding well interference for adequate wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2025e).

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). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Big Sioux: Brookings aquifer at their location. However, 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 from the Big Sioux: Brookings aquifer in the area, any drawdown created from the proposed 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.

CONCLUSIONS:

1. Water Permit Application No. 8981-3 proposes to divert water at a maximum instantaneous diversion rate of 1.23 cfs from one well completed into the Big Sioux: Brookings aquifer (approximately 106 feet deep) for the irrigation of 265 acres. The site of interest is located in Deuel County approximately seven miles northeast of Estelline, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8981-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.



Nakaila Steen
Natural Resources Engineer III
SD DANR - Water Rights Program

Reviewed by:



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

References

- Drennon, K.C. 2024. Report to the Chief Engineer on Water Permit Application No. 8768-3 Plainview Dairy, LLC. SD DANR-Water Rights Program. Pierre, SD.
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- Water Rights, 2025a. "1979-2024 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
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- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Dewell, Amanda

From: Kody Miller <kodymillercattle@hotmail.com>
Sent: Tuesday, September 23, 2025 10:30 AM
To: Dewell, Amanda
Subject: Re: [EXT] Irrigation Permit Application

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Amanda,

This email is to give approval and notify you that the mapping of the potential location(s) for the center pivots on my land is in fact CORRECT. This email is also an AGREEMENT on my part to the changes that I have made to my application. Please proceed with the application approval and also, a check for \$200.00 is on its way to your office. Thank you and have a great day.

Kody Miller
Miller Angus Farms
605.690.1997
Performance.Pounds.Profit.The-M-Brand Guarantee

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, September 22, 2025 4:52 PM
To: kodymillercattle@hotmail.com <kodymillercattle@hotmail.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Irrigation Permit Application

Kody,

Please respond to this email confirming that you agree to the changes to your application. Additional payment in the amount of \$200.00 can be paid by calling our Fiscal Office (605) 773-5559 and paying over the phone, or by mailing a check (payable to SD Water Rights), to: DANR – Water Rights, 523 E Capitol Ave, Pierre SD 57501.

Thank you,

Amanda Dewell

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



Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, September 9, 2025 3:32 PM
To: kodymillercattle@hotmail.com; gmiller@itctel.com
Cc: Rodriguez, Rachel
Subject: Irrigation Water Permit Application
Attachments: KodyMiller_AppMap.pdf

Kody,

Thank you for taking a few moments today to discuss your Water Permit Application for irrigation of property in Deuel County. As discussed, I have attempted to put together a map representing a combination of what was provided by Greg Miller for the well site and SW ¼ Section 21, as well as the addition of the NE ¼ Section 20, which you said you plan to develop in the next year. If approved, a permit allows up to 5 years for construction of the system to be completed. It is my understanding that the well would provide water to both pivots, likely on alternating schedules. Do you think you would be able to construct the well and both pivots in that amount of time?

With this email I need confirmation that:

- 1) The attached map is an accurate representation of the system you desire to develop with a single well in the approx. center NE ¼ Sec 20 providing water to two pivots located in the NE ¼ Sec 20 & SW ¼ Sec 21; all in T114N-R50W.
- 2) You would like your requested diversion rate increased to 550 gpm (1.23 cfs).
- 3) You would like to increase your number of acres to 120 in the NE ¼ & 145 in the SW ¼ (265 acres total)

The fees for 265 acres would total \$1,250.00 and would require you to submit an additional \$200.00.

Please respond to this email and submit the additional fees as soon as possible so that we may continue to process your application. If you have any questions, you may call my direct line (605) 910-5187.

Thank you,

Amanda Dewell

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



Rodriguez, Rachel

From: gdmiller@itctel.com
Sent: Friday, September 5, 2025 8:41 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application
Attachments: MAP.jpeg

Attached you will find the map with the locations marked out on it. However, the total acres is 145.6 not 126.

Thanks,

Greg Miller

On 2025-08-28 12:56, Rodriguez, Rachel wrote:

The original email sent on July 23rd had the map attached. Here's another copy of it.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

From: gdmiller@itctel.com <gdmiller@itctel.com>
Sent: Thursday, August 28, 2025 12:53 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Hi Rachel,

Please attach the map. Per your email below, you mentioned you enclosed a map with the designations needed, however, no map was attached.

Thanks,

Greg

On 2025-08-27 15:54, Rodriguez, Rachel wrote:

Good afternoon,

I'm just following up on this application. Please see below for the information needed.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

From: Rodriguez, Rachel
Sent: Wednesday, July 23, 2025 9:15 AM
To: 'gdmiller@itctel.com' <gdmiller@itctel.com>
Subject: FW: Water Permit Application

Hello Greg,

Per our conversation, please complete the items below and I will process your application today.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- The total acreage is 120, however when I add the total in the land description, it comes to 126. We can round up to 126, no additional fee is required. Do you agree?

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

From: Rodriguez, Rachel
Sent: Friday, May 30, 2025 10:00 AM
To: 'kodymillercattle@hotmail.com' <kodymillercattle@hotmail.com>
Subject: Water Permit Application

Good morning,

In reviewing your application, there are a few issues:

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- The total acreage is 120, however when I add the total in the land description, it comes to 126. We can round up to 126, no additional fee is required. Do you agree?

Once I receive the items above, I can begin processing your application.

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

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

December 1, 2025

Kody Miller
20067 462nd Avenue
Bruce SD 57220

Dear Mr. Miller:

Water Permit Application No. 8981-3 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 Clear Lake Courier printed at Clear Lake SD (Ph # 605 874-2499) and the Public Opinion printed at Watertown SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the 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. 8981-3 to Appropriate Water

Notice is given that Kody Miller, 20067 462nd Avenue, Bruce SD 57220, has filed an application for a water permit to appropriate 1.23 cubic feet of water per second from one well completed into the Big Sioux: Brookings Aquifer (approximately 106 feet deep) located in the approximate center of the NE 1/4 Section 20 for irrigation of 265 acres located in the NE 1/4 Section 20 and SW 1/4 Section 21; all in T114N-R50W. This site is located approximately seven miles northeast of Estelline SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8981-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 22, 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 December 22, 2025.

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Published once at the total approximate cost of _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 1, 2025 8:25 AM
To: legals@thepublicopinion.com
Subject: 8981-3 Kody Miller - Public Notice
Attachments: 8981-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 10, 2025.

Kody Miller, 20067 462nd Avenue, Bruce SD 57220, 605-690-1997, kodymillercattle@hotmail.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, 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: Monday, December 1, 2025 8:23 AM
To: ClearLake
Subject: 8981-3 Kody Miller - Public Notice
Attachments: 8981-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 10, 2025.

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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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, December 1, 2025 8:34 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11886269 8981-3 Kody Miller - Public Notice
Attachments: 11886269.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in Public Opinion on December 10. The order cost is \$54.20 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, December 1, 2025 8:25 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11886269 8981-3 Kody Miller - Public Notice

Attached is a notice to be published on December 10, 2025.

Kody Miller, 20067 462nd Avenue, Bruce SD 57220, 605-690-1997, kodymillercattle@hotmail.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, Attn: Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Order Confirmation
Not an Invoice

Account Number:	559450
Customer Name:	Miller Farms
Customer Address:	Miller Farms 20067 462nd Ave BRUCE SD 57220
Contact Name:	Mr. Kody Miller
Contact Phone:	6056901997
Contact Email:	kodymillercattle@hotmail.com
PO Number:	

Date:	12/01/2025
Order Number:	11886269
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	164.0000
Height in Inches:	18.0800

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	12/10/2025 - 12/10/2025	Public Notices
WAT thepublicopinion.com	1	12/10/2025 - 12/10/2025	Public Notices

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

Total Cash Order Confirmation Amount Due	\$54.20
Tax Amount	\$0.00
Service Fee 3.99%	\$2.16
Cash/Check/ACH Discount	-\$2.16
Payment Amount by Cash/Check/ACH	\$54.20
Payment Amount by Credit Card	\$56.36

Order Confirmation Amount
\$54.20

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

Ken Reiste being first duly sworn, on oath says: That he is publisher of the Clear Lake Courier, a weekly newspaper published in the City of Clear Lake, Deuel County, South Dakota; that he has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Deuel and State of South Dakota, for at least one year next prior to the first publication of the attached public notice

Notice Of Application No.8981-3 Appropriate Water

paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for **one** successive week(s) to wit:

December 10,2025

That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are **\$45.25**

Ken Reiste

Ken Reiste

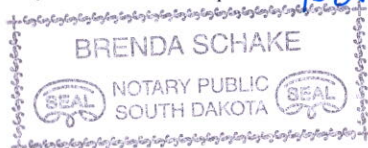
Subscribed and sworn to before me

this ^{10th} day of December,
2025

Brenda Schake

Notary Public, South Dakota

My commission expires: 9-21-27



Public notice

Notice of Application No. 8981-3 to Appropriate Water

Notice is given that Kody Miller, 20067 462nd Avenue, Bruce SD 57220, has filed an application for a water permit to appropriate 1.23 cubic feet of water per second from one well completed into the Big Sioux: Brookings Aquifer (approximately 106 feet deep) located in the approximate center of the NE 1/4 Section 20 for irrigation of 265 acres located in the NE 1/4 Section 20 and SW 1/4 Section 21; all in T114N-R50W. This site is located approximately seven miles north-east of Estelline SD.

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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 one time at the approximate cost of \$45.25 (44-1/125) This notice may be viewed free of charge at sdpublicnotices.com maintained pursuant to § 17-2-1.

RECEIVED

DEC 15 2025

OFFICE OF
WATER

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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LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Rachel Rodriguez
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

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DEC 16 2025

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

12/10/2025

and that the fees charged are legal.
Sworn to and subscribed before on 12/10/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$54.20

Tax Amount: \$0.00

Payment Cost: \$54.20

Order No: 11886269

Customer No: 559450

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 8981-3 to
Appropriate Water**

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Published once at the total approximate cost of \$54.20 and may be viewed free of charge at www.sdpublicnotices.com.

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DEC 16 2025

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 1, 2025 9:04 AM
To: kodymillercattle@hotmail.com
Subject: 8981-3 Kody Miller - Public Notice
Attachments: 8981-3 Rec.pdf; 8981-3 LTR.pdf; 8981-3 PubNotice.pdf; Watertown Info.pdf
Importance: High

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

MAR 02 2026

Kody Miller
20067 462nd Avenue
Bruce SD 57220

Dear Mr. Miller:

Enclosed is Water Permit No. 8981-3 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,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

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.: 8981-3

Name of Applicant: Kody Miller

Date of Posting: 12/8/2025

Date of Removal: 3/2/2026

Amanda Dewell, Permitting Administrator

3/2/2026

Date

Subscribed and sworn to before me, a notary public, this 2nd day of Mar, 2026.

Notary Public - South Dakota

My commission expires: **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)

