

WATER PERMIT NO. 8983-3

Name of Applicant: Pleasant Valley Colony
Address: 22941 487th Avenue, Flandreau SD 57028 Phone: 605-997-3306
Amount of Water Claimed: 120 AF Total Acres: N/A
Source of Water Supply: Surface
Water to be used for: Commercial County: Moody
Type of Waste Disposal System:
Location: Approx. 6 miles northeast of Flandreau

PRIORITY Date Received: 08-26-25 Application/License Fee: \$700.00
Corrected Application Received: 09-15-25 Period of Annual Use: April 1 – November 30

Remarks: Diversion from Flandreau Creek to dilute a commercial feedlot wastewater

Diversion Point: SE 1/4 NE 1/4 Sec 16-T107N-
R47W

Land to be Irrigated: N/A

Depth of Well:
Well Driller:
Remarks:
Type of Map: aerial

			16		

Reviewed and the Number Assigned on: 09-15-25 By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8983-3

Date of first receipt of application August 26, 2025.

Date of receipt of corrected application September 15, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8983-3 to Pleasant Valley Colony, 22941 487th Avenue, Flandreau SD 57028, 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. 8983-3 appropriates up to 120 acre-feet of water annually at a maximum pump rate of 3.34 cubic feet of water per second from Flandreau Creek located in the SE 1/4 NE 1/4 Section 16-T107N-R47W for commercial use. The water will be used to dilute feedlot wastewater effluent stored in lagoons located in the E 1/2 NE 1/4 Section 21-T107N-R47W. This site is located approximately six miles northeast of Flandreau SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – November 30.
4. The date of approval of Permit No. 8983-3 is November 24, 2025.
5. The date from which applicant may claim right is August 26, 2025.
6. One-fifth of the construction is to be completed on or before May 24, 2028.
7. All construction is to be completed on or before November 24, 2030.
8. Water is to be put to beneficial use on or before November 24, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Diversion of water from Flandreau Creek is subject to all the following:
 - a) Flow as needed for domestic use, including livestock water and prior rights must be bypassed.
 - b) Diversion of water is subject to senior water rights and any written orders, including shut-off orders, issued by the Chief Engineer.
 - c) No diversion of water from Flandreau Creek is authorized when flow drops below 1.5 cubic feet per second as measured at the USGS stream gage No. 06480650, Flandreau Creek above Flandreau SD, unless written orders have been authorized by the Chief Engineer.

(continued)

2. Water Permit No. 8983-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
3. Water Permit No. 8983-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations including approval of plans and specifications for any modification made to the permitted manure management system.
4. No diversion of water from Flandreau Creek to the wastewater pond(s) may occur when the water level in the pond(s) is at or above the maximum operating elevation included as part of the permit application under the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
5. Application of wastewater may only be to the acreage included in the Department-approved nutrient management plan included as part of the permit application under the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
6. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the property for the purpose of inspecting works and determining if the pumping system is operating.
7. The pump intake(s) for this project must be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment and the intake is screen 1/4-inch diameter or 3/16-inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
8. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from Flandreau Creek.
9. Water Permit No. 8983-3 authorizes a total annual diversion of up to 120 acre-feet of water.

WATER MANAGEMENT BOARD

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

1/6/26
date



RECEIVED

AUG 26 2025

Water Rights
Program

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8983-3</u> Hydrologic Unit <u>10170203</u> Basin <u>Big Sioux</u> Newspaper <u>Flandreau/Moody Co Enterprise</u> <u>Argus Leader</u> (office use only)
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Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐

Municipal
Rural Water System
Domestic (over 18 gpm)

☒

Water Distribution System
Commercial
Industrial

☐

Recreational
Fish & Wildlife
Other

☐

Institutional
Geothermal

Type of Application: (check one)

☒

New

☐

Vested Right (Use predates Mar 2, 1955)

☐

Future Use Reservation

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

Amendment/Correction to Permit No. _____

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

1. Name to Appear on Water Permit Pleasant Valley Colony

Mailing Address 22941 487th Ave

(Address)

Flandreau

(City)

SD

(State)

57028

(Zip Code)

Phone 605-997-3306

Mobile 605-530-1070

Email pvcmarkt@gmail.com

2. Amount of water claimed 3.34 *CFS or 1500 **GPM and 120 ***AF or _____ Gallons
Flow rate and volume are both required (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam dugout or annual use)

3. Source of water supply Flandreau Creek

4. Location of point of diversion SE 1/4 NE 1/4 Section 16-T107N-R47W County Moody

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

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

If "Yes," where will water be used? see attached map of approved manure application sites

(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Moody Co, SD & Pipestone Co. MN

6. Annual period during which water is to be used April 1 - Sept 31 Nov 31

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

Applicant is requesting diversion of water from Flandreau Creek to dilute commercial feedlot wastewater effluent stored in lagoons (combined storage capacity of 120 ac-ft), located in the E 1/2 NE 1/4 Sec 21-T107N-R47W before wastewater is applied to fields listed on an approved nutrient management plan.

I, Mark Tschetter Pleasant Valley Col. Crop Manager, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

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

For either existing or proposed wells:

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

2. Wastewater Disposal System Information

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

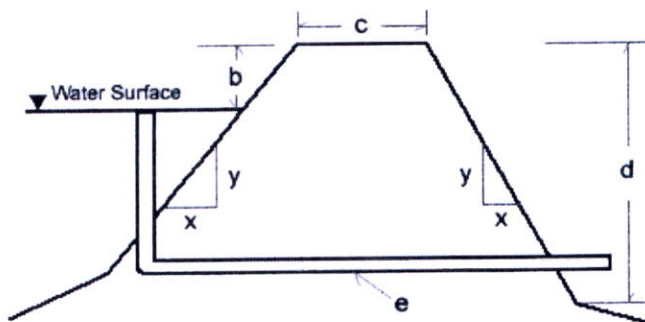
3. Dugout Information (see attached lagoon measurements)

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

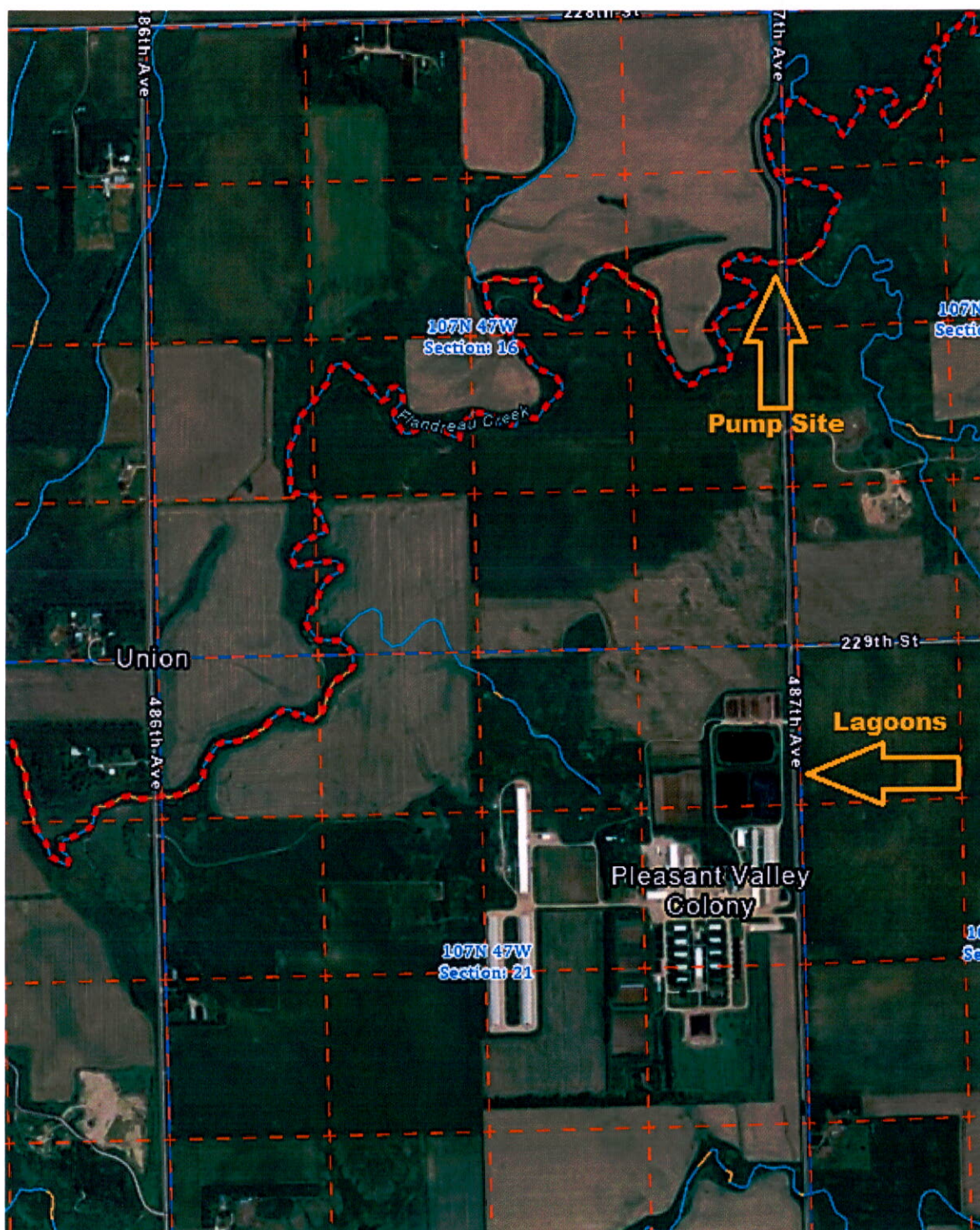
4. Water Storage Dams

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.

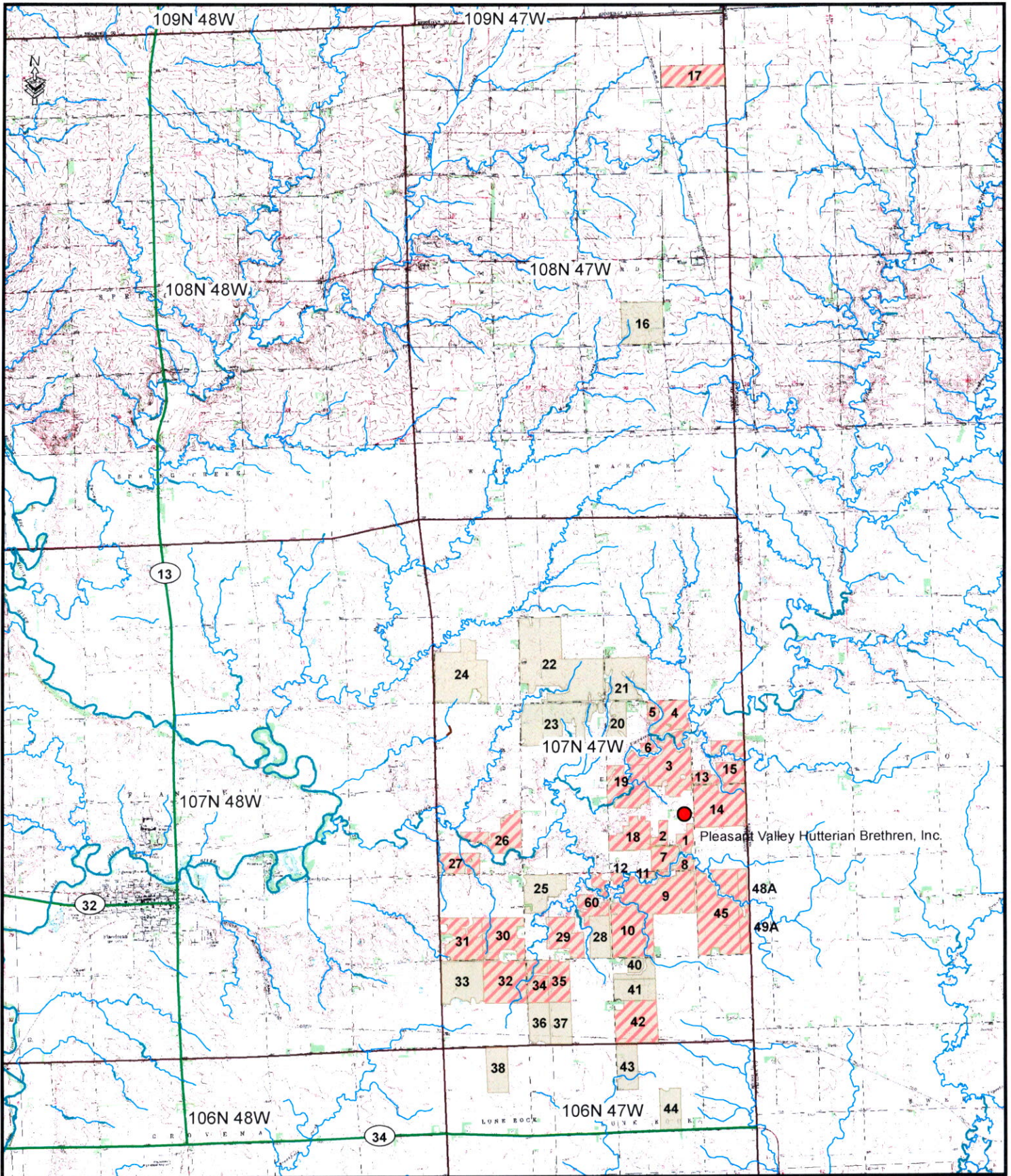
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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



Approved Land Application Sites for Pleasant Valley HBI

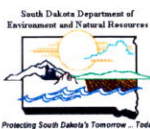


Legend

- 0 to 2 & 2 to 4 foot Soil Tests Required
- 0 to 2 foot Soil Tests Required

Scale

0 1 2 3 Miles



FACILITY: Pleasant Valley HBI

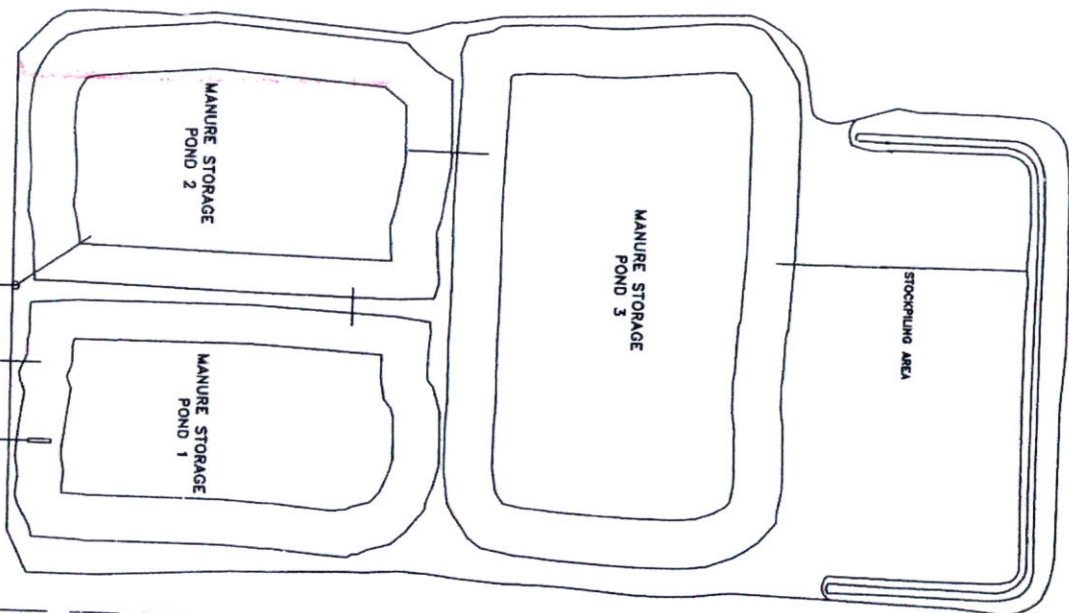
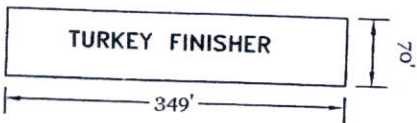
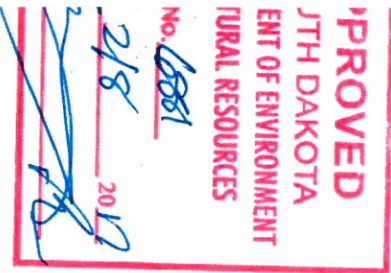
PERMIT NUMBER: SDG-100363

LEGAL DESCRIPTION: Northeast 1/4 of Section 21, Township 107 North, Range 47 West

COUNTY: Moody

DATE: 09/27/2023

Note: Field Locations are approximate within the 1/4 section and should be verified with field maps submitted by the producer.



NORTH



SITE PLANS
PLEASANT VALLEY COLONY AWMS
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED

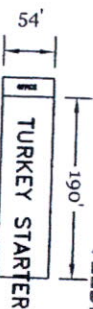
4	1/25/17	AS-BUILT STACKPAD	TB	BF
3	12/28/15	AS-BUILT FINISHER ADDITION	TB	BF
REV.	DATE	DESCRIPTION	BY	CHKD
DATE:	8/25/06	DRAWN:	MEL	CHECKED:
				BF
P.O. BOX 636 HURON, SD 57350 605-352-5610				

RECEIVED

JAN 30 2017

FEEDLOT PERMIT PROGRAM

SCALE 1"=200'



AS NOTED
DWG:

3

INVOICE

SD Agriculture and Natural Resources
Water Rights
Attn: Amanda Dewell
523 East Capitol Ave.
Pierre SD 57501

DATE: AUGUST 26, 2025
INVOICE

TO Pleasant Valley Colony
c/o Mark Tschetter
22941 487th Ave
Flandreau SD 57028

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
		Due upon receipt	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Non-Irrigation Water Permit Application fee (120 ac-ft)	\$500.00	\$500.00
1	Permit Inspection & Licensing fee	\$200.00	\$200.00

SUBTOTAL	\$700.00
SALES TAX	N/A
TOTAL	\$700.00

Make all checks payable to SD Water Rights

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 15th, 2025

RECEIVED OF Pleasant Valley Colony 22941 487th Avenue Flandreau SD 57028

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

Fee for Application for Permit No. <u>8983-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>8983-3</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>700.00</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. 8983-3, Pleasant Valley Colony**

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. 8983-3, Pleasant Valley Colony, 22941 487th Avenue, Flandreau SD 57028.

The Chief Engineer is recommending APPROVAL of Application No. 8983-3 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. Diversion of water from Flandreau Creek is subject to all the following:
 - a) Flow as needed for domestic use, including livestock water and prior rights must be bypassed.
 - b) Diversion of water is subject to senior water rights and any written orders, including shut-off orders, issued by the Chief Engineer.
 - c) No diversion of water from Flandreau Creek is authorized when flow drops below 1.5 cubic feet per second as measured at the USGS stream gage No. 06480650, Flandreau Creek above Flandreau SD, unless written orders have been authorized by the Chief Engineer.
2. Water Permit No. 8983-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
3. Water Permit No. 8983-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations including approval of plans and specifications for any modification made to the permitted manure management system.
4. No diversion of water from Flandreau Creek to the wastewater pond(s) may occur when the water level in the pond(s) is at or above the maximum operating elevation included as part of the permit application under the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

5. Application of wastewater may only be to the acreage included in the Department-approved nutrient management plan included as part of the permit application under the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
6. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the property for the purpose of inspecting works and determining if the pumping system is operating.
7. The pump intake(s) for this project must be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
8. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from Flandreau Creek.
9. Water Permit No. 8983-3 authorizes a total annual diversion of up to 120 acre-feet of water.

See report on application for additional information.



Mark Mayer, PE
Director of Office of Water
November 4, 2025

Report to the Chief Engineer
Water Permit Application No. 8983-3
Pleasant Valley Colony
October 17, 2025

Water Permit Application No. 8983-3 proposes to appropriate up to 120 acre-feet of water annually at a maximum pump rate of 3.34 cubic feet of water per second (cfs) from Flandreau Creek at a diversion point located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, T107N-R47W for commercial use. The water will be used to dilute feedlot wastewater effluent stored in lagoons located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 21, T107N-R47W, prior to application under an approved nutrient management plan. This site is located in Moody County, approximately six miles northeast of Flandreau, South Dakota

Water Source: Flandreau Creek

South Dakota Codified Law (SDCL) 46-1-3

“It is hereby declared that all water within the state is the property of the people of the state, but the right to the use of water may be acquired by appropriation as provided by law.”

SDCL 46-2A-9

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

Description of Proposed Water Source

Flandreau Creek (GNIS No. 643728) is a stream that flows southwestward for 41 miles into the Big Sioux River, originating in Lincoln County, Minnesota, near the city of Lake Benton (GNIS, 2025). The stream is within the Big Sioux River watershed (HUC 101702) and confluences with the river near Flandreau, South Dakota. The Flandreau Creek watershed encompasses approximately 116 square miles (HUC 1017020303) (WBD, 2025). As is typical of prairie streams in South Dakota, peak runoff occurs during the spring months due to plains snowpack melt and runoff from larger rain events. Runoff tends to decrease in the late summer months going into fall and winter. The creek may be hydraulically connected to the Big Sioux: Moody aquifer and may be a recharge/discharge zone to/from the aquifer depending on the aquifer water table elevation compared to the streamflow elevation (Hansen, 1986; Water Rights, 2025a). Flandreau Creek is known to house an endangered species of fish called Topeka Shiners, and as a result special qualifications are required for pump intakes (see Recommended Qualifications section of this report).

This project is for the proposed withdrawal of water from Flandreau Creek to dilute commercial feedlot wastewater held in three storage ponds (lagoons), with a combined storage of 120 acre-feet. The proposed pump site is approximately 1.5 stream miles downstream of the South Dakota/Minnesota border, and approximately ten miles upstream of the Big Sioux River confluence. **Figure 1** below shows the location of the proposed pump site, and the location of active streamgages on Flandreau Creek.

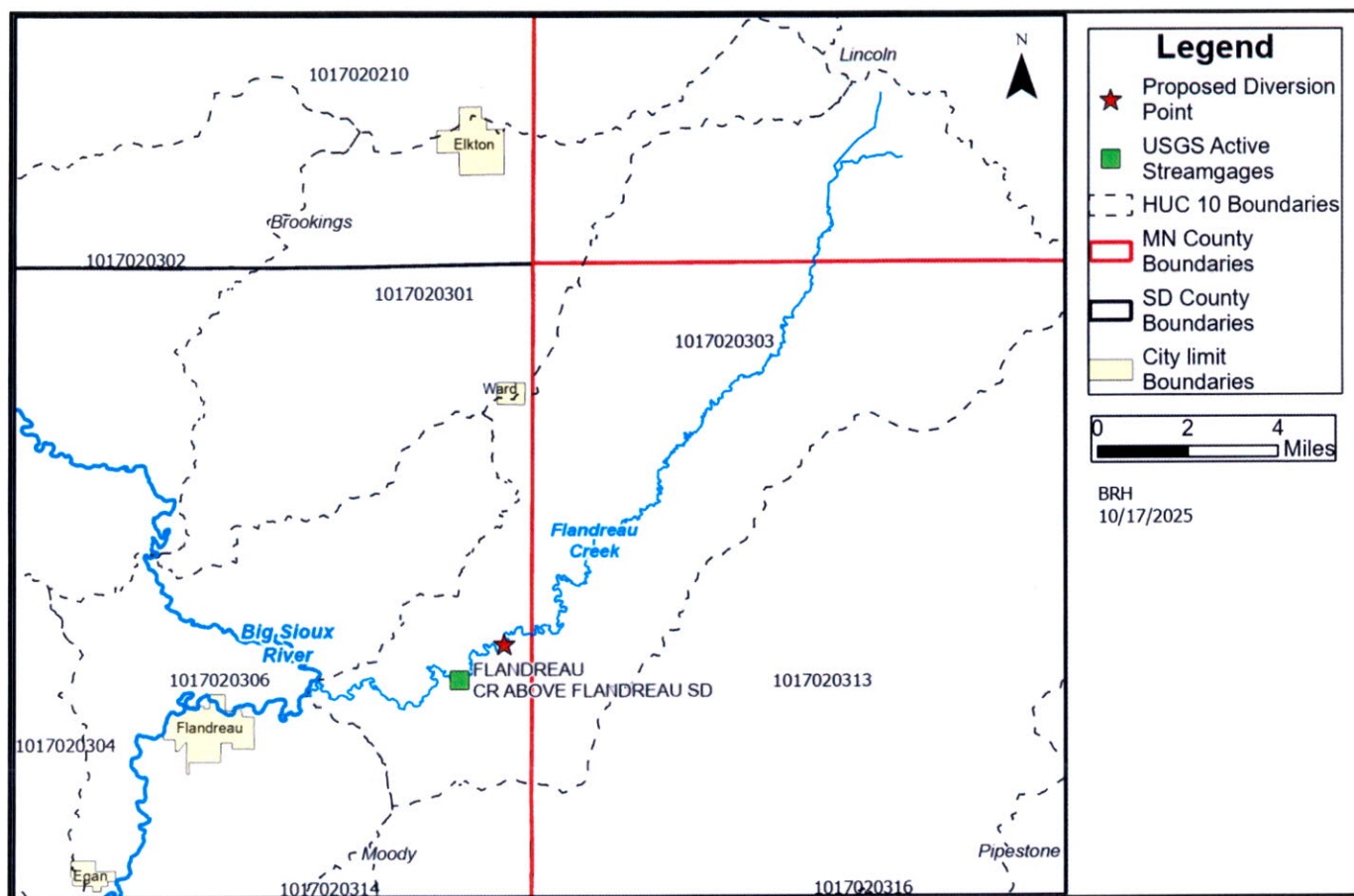


Figure 1. Map of Flandreau Creek watershed (HUC 1017020303) (WBD, 2025), location of proposed diversion point, and active USGS streamgages (USGS, 2025).

Water Availability

The availability of surface water can be determined using continuous discharge data in cubic feet per second, which provides information on the immediate and real-time status of the creek, and the timing of flows throughout the year. This information is compared to the amount of water (cfs) that is currently appropriated. The amount of water available at any given time is the primary metric when evaluating flowing streams, since flowing surface water does not have a storage component like groundwater.

The U.S. Geological Survey (USGS) maintains and operates a long-term streamflow gaging network in South Dakota. There is one active streamgage on Flandreau Creek: USGS gage No. 06480650, Flandreau Creek above Flandreau SD. This gage is located approximately three stream miles downstream of the proposed diversion location. Daily mean discharge is available from 1981 through 2025, however, continuous daily mean discharge data is not available from 1991-09-30 to 2015-09-30; although, there are interspersed field measurements available (USGS, 2025). These interspersed data values from the gap of continuous data were not used for the water availability analysis.

Water is proposed to be used from the period of April 1 to November 30 of the year. There are currently no other active water rights/permits appropriating flows from Flandreau Creek. However, low flows must still be available for any domestic uses of water, since domestic use takes precedence in South Dakota water law, pursuant to SDCL 46-1-5.

Flow duration curves, or flow exceedance probabilities, are a cumulative frequency curve that show the percent of time that discharges were equaled or exceeded during a given period of time. For example, flow at a 50% exceedance probability is the flow likely to be exceeded 1 of every 2 years. Small flows have a high likelihood of being exceeded and large flows have a low likelihood. Flow exceedance probabilities were calculated for each month of the year using the Weibull plotting position, with available continuous daily mean discharge data, shown on **Table 1**.

Table 1. USGS Station No. 06480650 Flandreau Creek above Flandreau SD, flow exceedance probabilities with available continuous daily mean discharge for years 1981 to 2025 (USGS, 2025). All flow values are in cubic feet per second.

Month	90% Flow Exceedance	75% Flow Exceedance	50% Flow Exceedance	25% Flow Exceedance	10% Flow Exceedance
January	0.05	0.7	4.7	9	21
February	0	0.27	4.1	14	37
March	1.2	11	41	98.8	269
April	11	20.3	43.9	87.7	207
May	9.1	16	40	74.5	125
June	5	10.7	23	54.1	139
July	1.7	4.4	13.6	38.3	97.9
August	0.58	1.6	6.1	15.6	37.8
September	0.36	1.7	5.7	19.3	51.1
October	1.2	2.7	9.1	41.4	88.5
November	1.9	2.9	15	25	44.4
December	0.63	2.5	7.4	14	39.2

Figure 2 below shows another way to visualize the data, with daily mean discharge graphed by each day of the year, into the 50%, 75% and 90% exceedance probabilities.

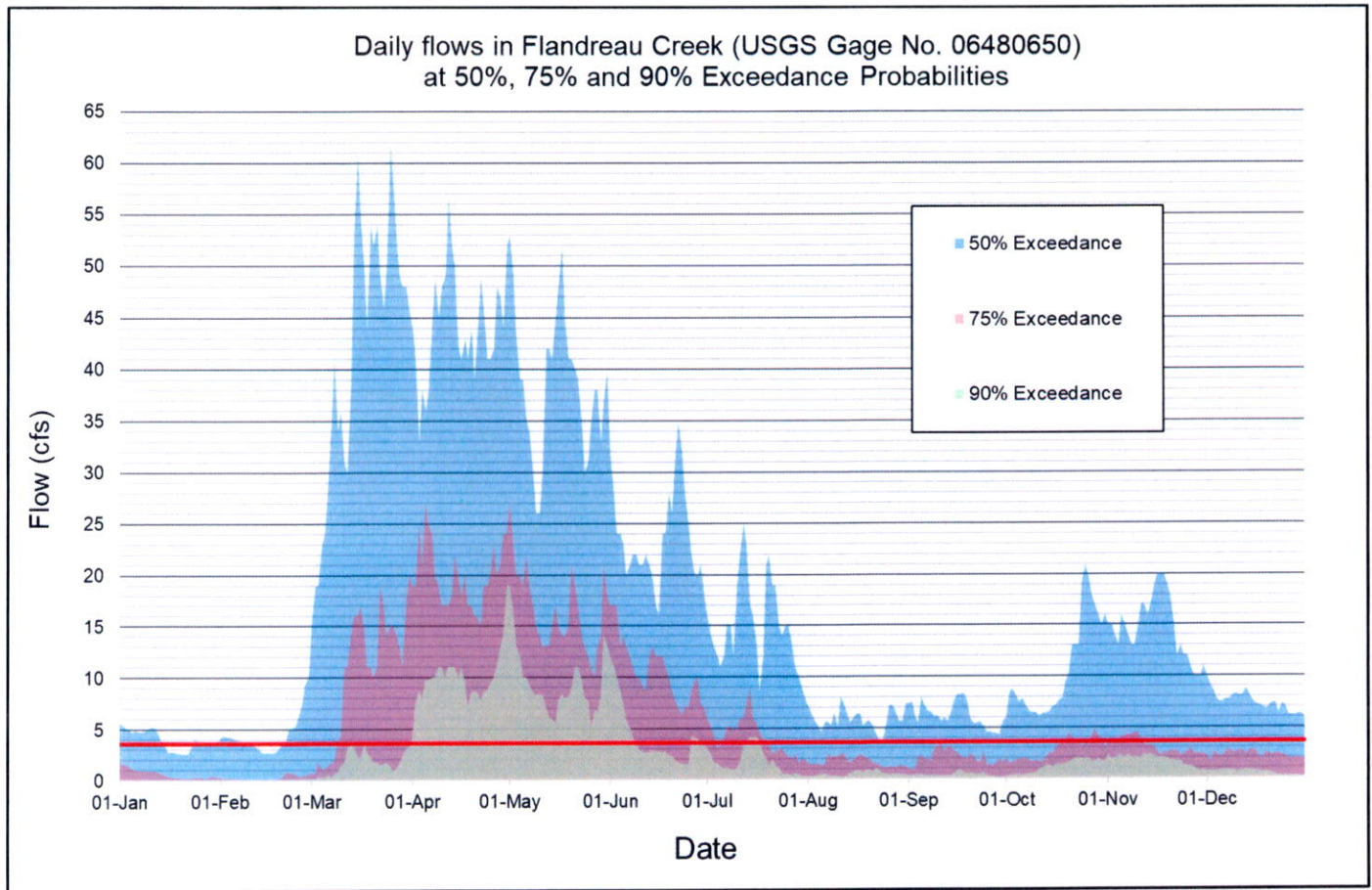


Figure 2. Daily mean discharge graphed into 50%, 75% and 90% exceedance probabilities, using data from USGS Gage No. 06480650 Flandreau Creek above Flandreau SD (USGS, 2025). The red line represents the pump rate requested by this application, 3.34 cfs.

Table 1 and **Figure 2** show a fairly large jump in flow regimes between the 50% exceedance flows and the lower 75% and 90% exceedance flows, and there is less of a difference between flow regimes in the late summer and fall months. This is because water data is typically skewed due to higher flows from spring and early summer, and causes flow magnitudes to increase exponentially from the center of the distribution. There is less flow variation in the later summer and fall months, which provides more certainty about likely flows during that time. Low flows during the late summer, fall and winter months indicate that flows are primarily influenced by precipitation and seasonal variation, and less so by base groundwater inflow, which can help maintain streamflow levels during the drier months.

This application proposes to pump 3.34 cfs of water during April 1 to November 30 of the year (see red line on **Figure 2**). Even considering daily flows at the 90% and 75% exceedance probabilities (flows that are likely to be exceeded 9 years out of 10, or 3 years out of 4), there is a reasonable probability that water is available for this application during April through July of the year.

To determine the chances that water will be available during August through November of any given year, exceedance probabilities will be determined for those months using the requested pump rate, 3.34 cfs, and also allotting low flows for domestic uses. A threshold of 5 cfs can be used to represent domestic uses and pumping by this application, if approved. **Table 2** shows the exceedance probabilities for 5 cfs during the months of August, September, October and November.

Table 2. Exceedance probabilities at USGS Gage No. 06480650 Flandreau Creek above Flandreau SD for a flow of 5 cfs during late summer and fall months (USGS, 2025)

Month	Exceedance Probability
Aug	55%
Sept	54%
Oct	65%
Nov	72%

Generally, the Water Rights Program uses the 50th percentile, the median, the 50% exceedance probability, and in some cases the average, when assessing the availability of water using available streamflow data (Water Rights, 2025a). **Table 2** shows that for each month in the late summer and fall, there is over a 50% likelihood that 5 cfs will be equaled or exceeded on any given day. Based on that information, there is a reasonable probability that water is available for the full requested annual period. Also, if approved, the maximum diversion rate allowed by the permit will be 3.34 cfs. If necessary, nothing in the issued permit precludes pumping at a rate lower than 3.34 cfs to maintain stream flows.

Potential for Unlawful Impairment

There are no active water rights/permits appropriating flows from Flandreau Creek, and there are no records of water rights/permits with a different status, or other applications seeking to appropriate flows from Flandreau Creek (Water Rights, 2025a). There is a dam called Flandreau Dam located near the City of Flandreau (Vested Water Right Claim No. 826-3); however, this low-head dam is constructed on the Big Sioux River, not on Flandreau Creek.

There are several location notices on file with the Water Rights Program within the Flandreau Creek watershed (HUC 1017020303), however these dams or dugouts are not constructed directly on Flandreau Creek, and thus receive their surface runoff from the watershed before water converges in the channel of Flandreau Creek (Water Rights, 2025b). It is not likely that proposed diversion by this application will impact any downstream location notice.

Water Right No. 6026-3 is held by Pleasant Valley Colony (the applicant) and is for water from the Big Sioux: Moody aquifer from up to three wells. Their nearest well is less than 500 feet from the proposed pumping site (Water Rights, 2025a). There is likely a hydraulic connection between the Big Sioux: Moody aquifer and Flandreau Creek in this area. The Water Rights Program has not historically considered the effects of pumping surface water on water levels in nearby wells. The nearest shallow wells to the proposed pumping site are the applicant's own, and the nearest shallow well not belonging to

the applicant is approximately ¼ mile southeast (Water Rights, 2025a). Any proposed pumping from Flandreau Creek by this application is not expected to adversely impact nearby groundwater wells.

Recommended Qualifications

This permit application can be approved pursuant to SDCL 46-2A-9 with the following recommended qualifications:

- a. Flandreau Creek low flows for downstream domestic use, including livestock watering, must be bypassed. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- b. No diversion of water from Flandreau Creek is authorized when flow drops below 1.5 cfs as measured at the USGS Gage No. 06480650 Flandreau Creek above Flandreau SD, unless written orders have been authorized by the Chief Engineer.
- c. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from Flandreau Creek.
- d. Water Permit Application No. 8983-3 is subject to compliance with requirements of the DANR Feedlot Permit Program's approval of the plans and specifications for the feedlot waste management system.
- e. Operation of the systems to dispose of wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.
- f. The wastewater storage lagoons and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
- g. The pump intake in Flandreau Creek shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second, and the intake screen is 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.

Conclusions

1. This application proposes to appropriate up to 120 acre-feet of water annually at a maximum pump rate of 3.34 cfs from Flandreau Creek at a diversion point located in the SE ¼ NE ¼ of Section 16, T107N-R47W for commercial use. The water will be used to dilute feedlot wastewater effluent stored in lagoons located in the E ½ NE ¼ of Section 21, T17N-R47W.
2. Using available data from USGS Gage No. 06480650, Flandreau Creek above Flandreau SD to calculate flow duration curves, there is a reasonable probability that water will be available for the proposed appropriation throughout the entire requested period of April 1 through November 30.
3. If this application is approved, it should contain a form of the qualifications listed in the Recommended Qualifications section of this report.
4. Approval of this permit is not expected to adversely impact any downstream domestic users with the following qualifications:
 - a. Low flows of Flandreau Creek for downstream domestic use, including livestock watering, must be bypassed. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
 - b. No diversion of water from Flandreau Creek is authorized when flow drops below 1.5 cfs as measured at the USGS Gage No. 06480650 Flandreau Creek above Flandreau SD, unless written orders have been authorized by the Chief Engineer.



Brittan R. Hullinger

Natural Resources Engineer II

SD DANR Water Rights Program

References

- GNIS. 2025. Geographic Names Information System. U.S. Geological Survey.
<<https://edits.nationalmap.gov/apps/gaz-domestic/public/search/names>> Accessed October 14, 2025.
- Hansen, D.S. 1986. Water Resources of Lake and Moody Counties, South Dakota. Water Resources Investigations Report 84-4209. U.S. Geological Survey. Huron, South Dakota.
- USGS. 2025. Water Data for the Nation: U.S. Geological Survey National Water Information System.
<<https://waterdata.usgs.gov/sd/nwis/>> Accessed October 14, 2025.
- Water Rights. 2025a. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025b. Location Notices Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- WBD. 2025 Watershed Boundary Dataset. 2025. National Hydrography Dataset. U.S. Geological Survey.
<<https://www.sciencebase.gov/catalog/item/61fd7d49d34e622189cf3aab>>

Rodriguez, Rachel

From: Mark Tschetter <pvcmarkt@gmail.com>
Sent: Thursday, September 11, 2025 4:57 PM
To: Dewell, Amanda
Cc: Rodriguez, Rachel
Subject: Re: [EXT] Permit

I will check on it.

On Thu, Sep 11, 2025 at 3:26 PM Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Mark,

I sent the attached invoice to you via email on August 26, 2025, and to date, no payment has been received. State statutes require that payment be received before our office can process an application.

Thank you,

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Mark Tschetter <pvcmarkt@gmail.com>
Sent: Thursday, September 11, 2025 2:55 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] Permit

Amanda

Have you seen a payment on that permit

Thanks

Mark

On Tue, Aug 26, 2025 at 10:36 AM Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Please see attached.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Mark Tschetter <pvcmarkt@gmail.com>
Sent: Tuesday, August 26, 2025 10:00 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] Permit

Amanda

Could i get an invoice

Thanks

On Tue, Aug 26, 2025 at 8:25 AM Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Mark,

the Water Rights Program has received your application and attached it to the supplemental maps and pond stats send earlier this month. Once payment has been made (\$700.00 total), we will begin processing the application. Fees may be paid by mailing a check (payable to SD Water Rights) to: DANR-Water Rights, [523 E Capitol Ave, Pierre SD 57501](#); or by calling our Fiscal Office at (605) 773-5559.

Thank you,

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Mark Tschetter <pvcmarkt@gmail.com>
Sent: Friday, August 22, 2025 11:08 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Permit

Amanda

I change the date to nov 31 manure pumping can get late sometimes

We should be good with 120 AF

Thanks

Mark



**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

Pleasant Valley Colony
c/o Mark Tschetter
22941 487th Avenue
Flandreau SD 57028

Dear Mr. Tschetter:

Water Permit Application No. 8983-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Moody County Enterprise printed at Flandreau SD (Ph # 605 997-3725) and the Argus Leader printed at Sioux Falls 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. 8983-3 to Appropriate Water

Notice is given that Pleasant Valley Colony, 22941 487th Avenue, Flandreau SD 57028, has filed an application for a water permit to appropriate up to 120 acre-feet of water annually at a maximum pump rate of 3.34 cubic feet of water per second from Flandreau Creek located in the SE 1/4 NE 1/4 Section 16-T107N-R47W for commercial use. The water will be used to dilute feedlot wastewater effluent stored in lagoons located in the E 1/2 NE 1/4 Section 21-T107N-R47W, prior to application under an approved nutrient management plan. This site is located approximately six miles northeast of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8983-3 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, November 6, 2025 11:01 AM
To: pvcmarkt@gmail.com
Cc: Rodriguez, Rachel
Subject: RE: [EXT] 11823907 8983-3 Pleasant Valley Colony - Public Notice
Attachments: 11823907.pdf

Please Read Through ENTIRE Confirmation Before Approving.

Please see attached the order confirmation and proof for your requested ad. Your ad is set to run in Argus Leader, on Nov. 12, costing \$72.20. **FINAL DEADLINE FOR ANY CHANGES OR TO CANCEL IS BEFORE 9am Monday Nov. 10.** Your notice is scheduled to run per your request and will publish.

All orders are subject to a 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 with ACH. Pay by ACH and Save!

**Our invoicing is done on a monthly basis. You will receive an invoice for this ad after the close of the month. **

Final Order cost provided at time of payment and via a receipt.

Thanks,

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, November 5, 2025 2:17 PM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11823907 8983-3 Pleasant Valley Colony - Public Notice

Attached is a notice to be published on November 12, 2025.

Pleasant Valley Colony, c/o Mark Tschetter, 22941 487th Avenue, Flandreau SD 57028, 605-997-3306, pvcmarkt@gmail.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



Order Confirmation

Not an Invoice

Account Number:	1568700
Customer Name:	Pleasant Valley Colony
Customer Address:	Pleasant Valley Colony 22941 487Th AVE Flandreau SD 57028-6635
Contact Name:	Mark Tschetter
Contact Phone:	
Contact Email:	pvcmarkt@gmail.com
PO Number:	NO. 8983-3

Date:	11/06/2025
Order Number:	11823907
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	174.0000
Height in Inches:	19.1800

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	11/12/2025 - 11/12/2025	Public Notices
SFA argusleader.com	1	11/12/2025 - 11/12/2025	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	\$72.20
Tax Amount	\$0.00
Service Fee 3.99%	\$2.88
Cash/Check/ACH Discount	-\$2.88
Payment Amount by Cash/Check/ACH	\$72.20
Payment Amount by Credit Card	\$75.08

Order Confirmation Amount	\$72.20
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, November 5, 2025 2:17 PM
To: legals@argusleader.com
Subject: 8983-3 Pleasant Valley Colony - Public Notice
Attachments: 8983-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 12, 2025.

Pleasant Valley Colony, c/o Mark Tschetter, 22941 487th Avenue, Flandreau SD 57028, 605-997-3306, pvcmarkt@gmail.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: Wednesday, November 5, 2025 11:22 AM
To: mheadrick@cmpapers.com
Subject: 8983-3 Pleasant Valley Colony - Public Notice
Attachments: 8983-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 12, 2025.

Pleasant Valley Colony, c/o Mark Tschetter, 22941 487th Avenue, Flandreau SD 57028, 605-997-3306, 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

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Application
No. 8983-3 to
Appropriate Water
(Pleasant Valley Colony)

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

11-12-25

that the full amount of the fee charged for the publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ *43.66*

M. Headrick bookkeeper
Subscribed and sworn to before me this day

11-13, 2025
Kayla Charles
Notary Public, County Moody, South Dakota
KAYLA CHARLES
NOTARY PUBLIC
SOUTH DAKOTA
My commission expires 3-30-2029

NOTICE OF APPLICATION NO. 8983-3 TO APPROPRIATE WATER

Notice is given that Pleasant Valley Colony, 22941 487th Avenue, Flandreau SD 57028, has filed an application for a water permit to appropriate up to 120 acre-feet of water annually at a maximum pump rate of 3.34 cubic feet of water per second from Flandreau Creek located in the SE 1/4 NE 1/4 Section 16-T107N-R47W for commercial use. The water will be used to dilute feedlot wastewater effluent stored in lagoons located in the E 1/2 NE 1/4 Section 21-T107N-R47W, prior to application under an approved nutrient management plan. This site is located approximately six miles northeast of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8983-3 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 reports 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.

(November 12, 2025)
Published once at a cost of \$43.66 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

NOV 18 2025

OFFICE OF
WATER



South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

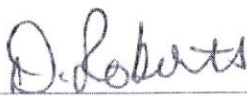
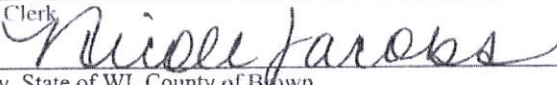
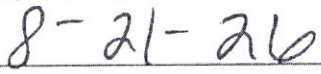
Water Rights Program
Rachel Rodriguez
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

STATE OF WISCONSIN, COUNTY OF BROWN

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

11/12/2025

and that the fees charged are legal.
Sworn to and subscribed before on 11/12/2025


Legal Clerk

Notary, State of WI, County of Brown


My commission expires

Publication Cost:	\$72.20	
Tax Amount:	\$0.00	
Payment Cost:	\$72.20	
Order No:	11823907	# of Copies:
Customer No:	1568700	1
PO #:	NO. 8983-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

RECEIVED

NOV 21 2025

Water Rights
Program

NOTICE OF APPLICATION
NO. 8983-3 to Appropriate
Water

Notice is given that Pleasant Valley Colony, 22941 487th Avenue, Flandreau SD 57028, has filed an application for a water permit to appropriate up to 120 acre-feet of water annually at a maximum pump rate of 3.34 cubic feet of water per second from Flandreau Creek located in the SE 1/4 NE 1/4 Section 16-T107N-R47W for commercial use. The water will be used to dilute feedlot wastewater effluent stored in lagoons located in the E 1/2 NE 1/4 Section 21-T107N-R47W, prior to application under an approved nutrient management plan. This site is located approximately six miles northeast of Flandreau SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8983-3 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

RECEIVED

NOV 21 2025

**Water Rights
Program**

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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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 Nov. 12, 2025, at the total approximate cost of \$62.20 and may be viewed free of charge at www.sdpublicnotice.com

RECEIVED

NOV 21 2025

**Water Rights
Program**

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, November 6, 2025 11:24 AM
To: pvcmarkt@gmail.com
Subject: 8983-3 Pleasant Valley Colony - Public Notice
Attachments: 8983-3 Rec.pdf; 8983-3 Ltr.pdf; 8983-3 PubNotice.pdf; ArgusLeader Info.pdf

Good morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 6, 2026

Pleasant Valley Colony
c/o Mark Tschetter
22941 487th Avenue
Flandreau SD 57028

Dear Mr. Tschetter:

Enclosed is Water Permit No. 8983-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Mark Mayer, PE
Director of Office of Water

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8983-3

Name of Applicant: Pleasant Valley Colony, Mark Tschetter

Date of Posting: 11/10/2025

Date of Removal: 12/30/2025

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)



8983-3

RECEIVED

JAN 09 2026

Water Rights
ProgramNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1-9-2026TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Mark Tschetter / Pleasant Valley Colony
(name)
22941 487 Ave
(address)
Plandreau S.D 57028
(city, state, zip) cel 605-530-1070
605-997-3306
(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.

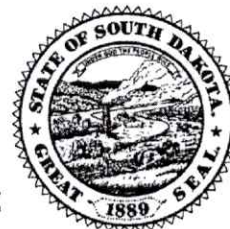
Water Permit No. 8983-3 states that the water use system is to be constructed by 6-1-2025, and water is to be put to beneficial use by 10-30-2025.
(date) (date)

The water use system was completed on 6-1-2025.
(date)

Applying the water to beneficial use was completed on 10-30-2025.
(date)

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

Mark Tschetter P.V.C.
(signature)



7-98

note. Pumps & lines are all portable
and set up to pump when needed



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 12th, 2026

8983-3

Pleasant Valley Colony
C/O Mark Tschetter
22941 487th Ave
Flandreau, SD 57028

Dear Mr. Tschetter:

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 11, 2026

Pleasant Valley Colony
C/O Mark Tschetter
22941 487th Ave
Flandreau, SD 57028

Dear Mr. Tschetter:

Given the ongoing drought conditions and below normal streamflow in Flandreau Creek for this time of year, we wanted to provide a reminder on the bypass qualification on Water Permit No. 8983-3. This qualification is:

No diversion of water from Flandreau Creek is authorized when flow drops below 1.5 cubic feet per second as measured at the USGS stream gage No. 06480650, Flandreau Creek above Flandreau SD, unless written orders have been authorized by the Chief Engineer.

This not a shutoff order. We are only speculating that creek flows may eventually drop below this 1.5 cubic feet per second if drought conditions continue. So, we are encouraging you to check flows past the USGS gage prior to any pumping out of Flandreau Creek.

The US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including the gage on Flandreau Creek above Flandreau, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program

Enclosure -copy of Water Permit No. 8983-3