

WATER PERMIT NO. 8986-3

Name of Applicant: **John Hall Jr.**

Address: **PO Box 394, Clear Lake SD 57226** Phone: **605-520-0214**

Amount of Water Claimed: **0.69 cfs** Total Acres: **60**

Source of Water Supply: **Surface**

Water to be used for: **Irrigation** County: **Deuel**

Type of Waste Disposal System:

Location: **Approx. 0.5-mile northwest of Clear Lake**

PRIORITY Date Received: **09-10-25**

Application/License Fee: **\$700.00**

Corrected Application Received: **09-19-25**

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

Remarks:

Diversion Point: **SW 1/4 SE 1/4 Sec 3, NE 1/4 NE
1/4 Sec 10; all in T115N-R49W**

Land to be Irrigated: **SW 1/4 SE 1/4 Sec 3, SE 1/4,
SW 1/4 NE 1/4 Sec 10; all in T 115N-R49W**

		3		
		10		

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **09-19-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8986-3

Date of first receipt of application September 10, 2025.

Date of return to applicant for corrections, amendments or changes September 11, 2025.

Date of receipt of corrected application March 8, 2026.

The Water Management Board approved Water Permit No. 8986-3 on July 8, 2026, for John Hall Jr., PO Box 394, Clear Lake SD 57226, 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. 8986-3 appropriates 0.69 cubic feet of water per second from Lake Sutton located in the SW 1/4 SE 1/4 Section 3, and NE 1/4 NE 1/4 Section 10 for irrigation of 60 acres located in the SW 1/4 SE 1/4 Section 3, SW 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 10; all in T115N-R49W. This site is located approximately two miles north of Clear Lake 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: April 1 – September 30.
3. The date from which applicant may claim right is March 8, 2026.
4. One-fifth of the construction is to be completed on or before January 8, 2029.
5. All construction is to be completed on or before July 8, 2031.
6. Water is to be put to beneficial use on or before July 8, 2035.
7. 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 irrigation intake in Lake Sutton 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 screen is 1/4-inch diameter or 3/16-inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
2. Diversions under this water are subject to senior water rights and domestic use and shall be in accordance with any written orders issued by the Chief Engineer.
3. The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments are needed to the qualifications.
4. The applicant shall control withdrawal during times of low water levels in Lake Sutton so there is not a reduction of needed water supplies to domestic users, including livestock watering.
5. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the lands authorized by this water permit for the purpose of inspecting works and determining if the irrigation system is operating.

(continued)

6. This Permit is approved subject to the irrigation water use questionnaire being submitted each year reporting the amount of water used for irrigation.

WATER MANAGEMENT BOARD

By: Adam Mathiowetz
Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

AUG 26 2026

date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8986-3</u> Hydrologic Unit <u>10170202</u> Basin <u>Big Sioux</u> Newspaper <u>Clear Lake Courier</u> <u>Watertown</u> (office use only) <u>Public Opinion</u>
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SEP 10 2025

Water Rights
Program

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 John Hall Jr.

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

Mailing Address PO Box 394 Clear Lake SD 57226
(Address) (City) (State) (Zip Code)

Phone N/A Mobile 605-520-0214 Email jhhh@itctel.com

2. Amount of water claimed 0.69 *CFS or 310 **GPM ***AF Total Acreage 64-60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Lake Sutton

4. Location of point of diversion 1 intake - SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 03 Township 115 North, R 49 West

(example - 3 wells in SW $\frac{1}{4}$ NE $\frac{1}{4}$ section 12-T104N-R53W)

1 intake - NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10 Township 115 North, R 49 West County Deuel

5. County or counties where water will be used Deuel

6. Annual period during which water is to be used April - September 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
SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 03 Twp 115 N,	10	SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 10 Twp 115 N, F	15
NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10 Twp 115 N, I	12		
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10 Twp 115 N, I	20		
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10 Twp 115 N, I	3		

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

The project is to utilize a single traveling gun rated up to 308 gpm to irrigate up to 3 irregularly shaped fields of varying sizes. The water will be drawn from Lake Sutton which is located approximately 2 miles north of Clear Lake, SD on the west side of SD Hwy 15. The water will be pumped via a mobile pump and will be drawn from 2 locations marked yellow x's on map (1 at a time) on the south/ southwest shoreline of the lake and transferred via pipe and pump to the nearest field to be irrigated.

I, John Hall Jr., the applicant, certify under

Name of Person

Title (if applicable)

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

2021-08

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

Supplemental Information

(type or print)

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Program

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

☐ Drilling new well(s)

☐ Using existing well(s)

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

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

For either existing or proposed wells:

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

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

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ 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)

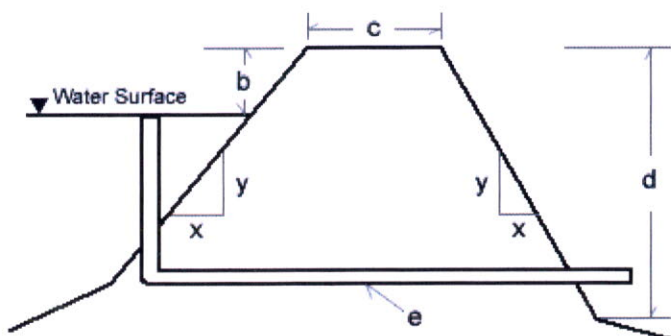
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



South Dakota Section Township Range



MAR 08 2026

T 115 N

R 49 & 48 W

JOINS ALTAMONT TWP

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WATER

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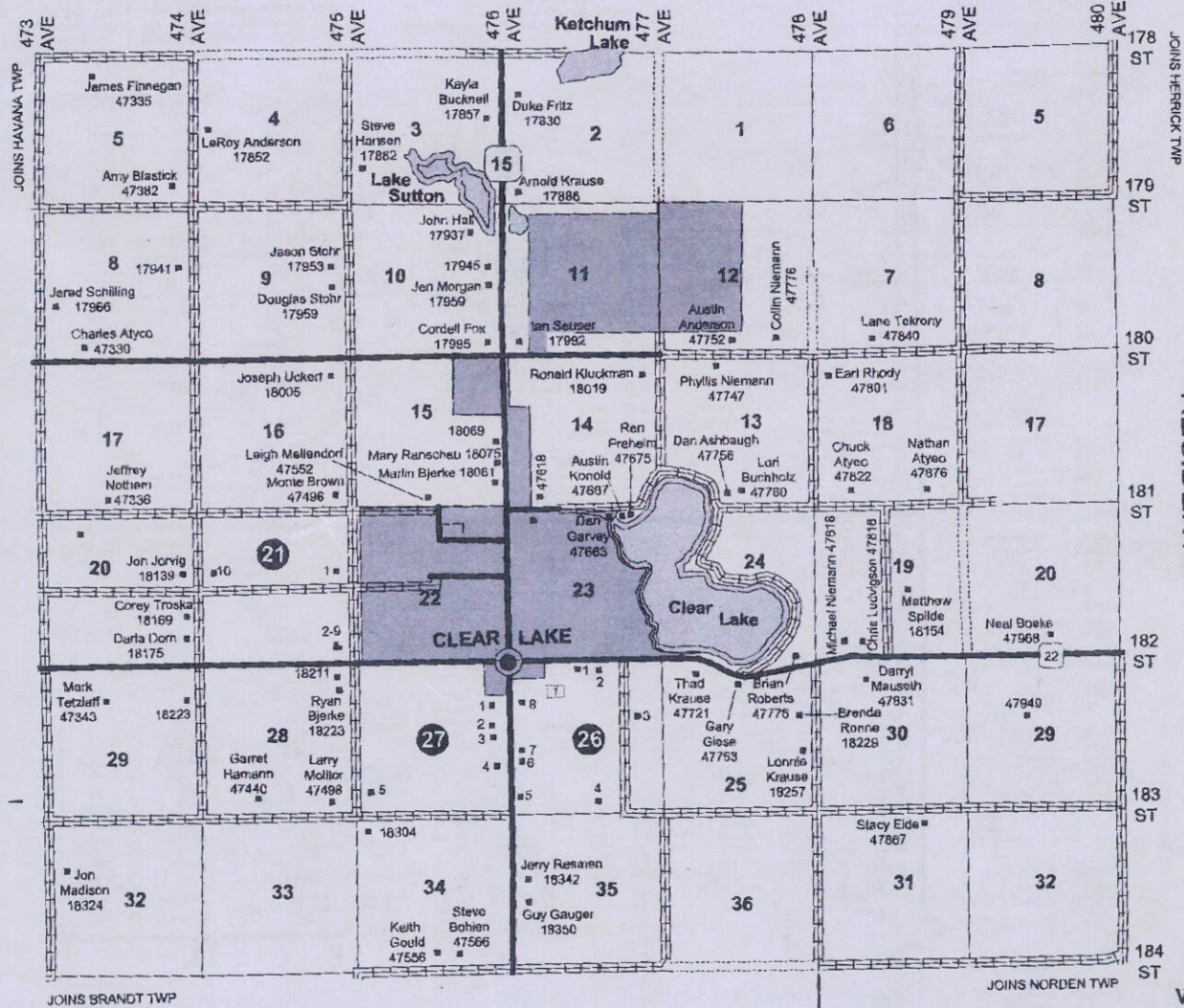
- Section 29
1. Blau Schake - 18145
 2. Matthew Schmalz - 18167 W
 3. James Perkins- 18177
 4. Payton Vlasman - 18184 W
 5. Lyle Molitor - 18182 Westside
 6. Layven Kwashienski - 18181
 7. Kris Plamquist - 18183 West
 8. Greg Patterson - 18189
 9. Dave Cook - 18191
 10. Eugene Hamann - 47412

- Section 26
1. 47631
 2. David Hansen - 404
 3. Lewaine Klause - 18230
 4. Deanna Eide - 18296
 5. Greg Stetemburg - 18288
 6. Elizabeth Beggika - 18264
 7. Tim Beggika - 18254
 8. Natalie Schir - 18238

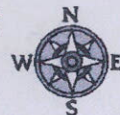
- Section 27
1. Gary McNall - 19215
 2. Debra Lessman - 18241
 3. Kevin Tosch - 18245
 4. Austin Wichman - 18267
 5. Bryan Lipp - 18284

h 30 W	h 49 W	h 68 W	h 87 W	
Stone	Fullerton	Lynn	Wichita	TOWN 1
Grainville	Andover	Glennville		TOWN 2
Warren	Clear Lake	North		TOWN 3
Hillmanville	Summit	Spokane		TOWN 4
Deeridge	Wren	Franklinville		TOWN 5

23



CLEAR LAKE TWP
RESIDENT



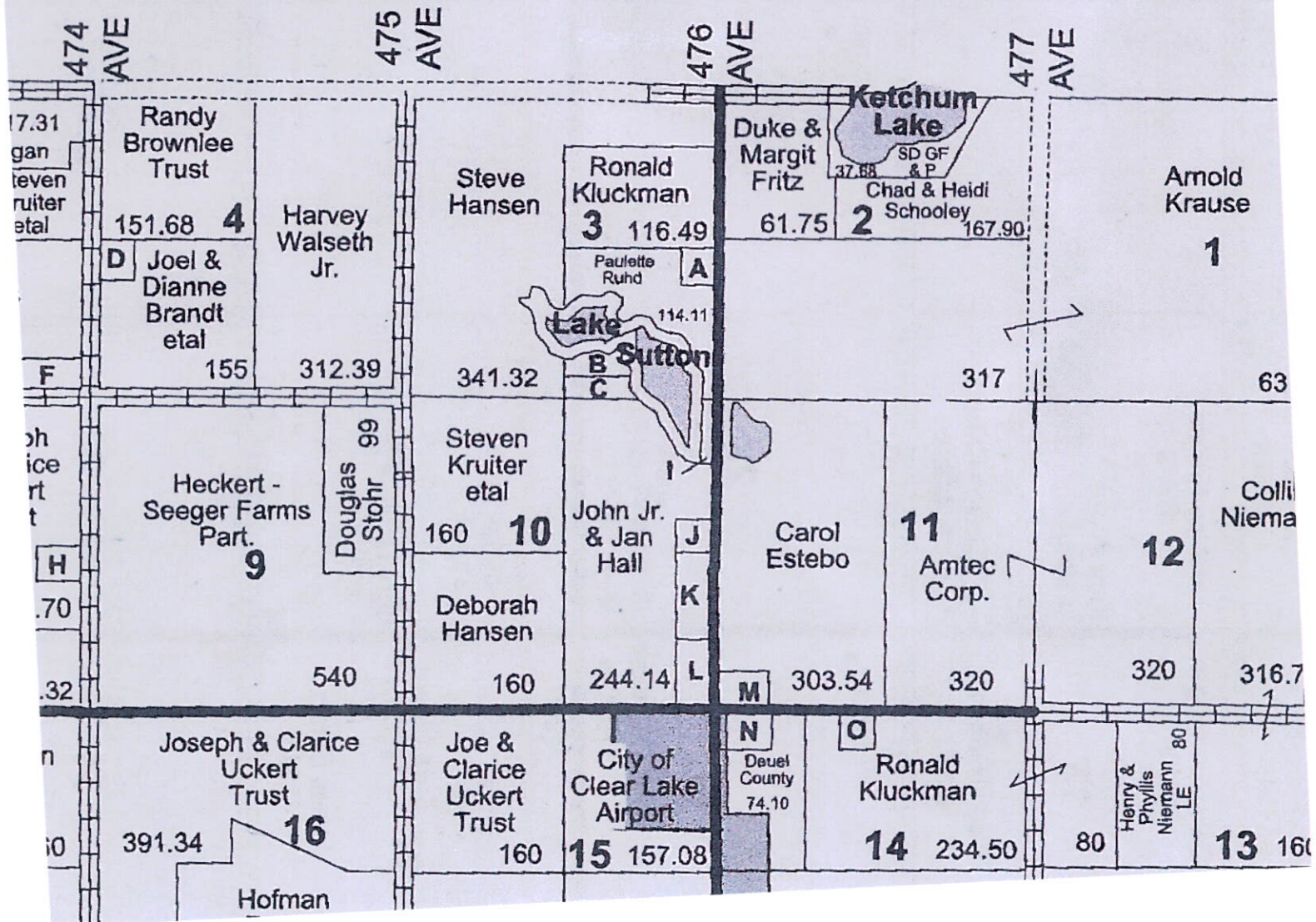
LAND OWNER & RURAL RESIDENT MAPS

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T 115 N

LAND OWNER & RURAL RESIDENT MAPS

R 49 & 48 W
JOINS ALTAMONT TWP

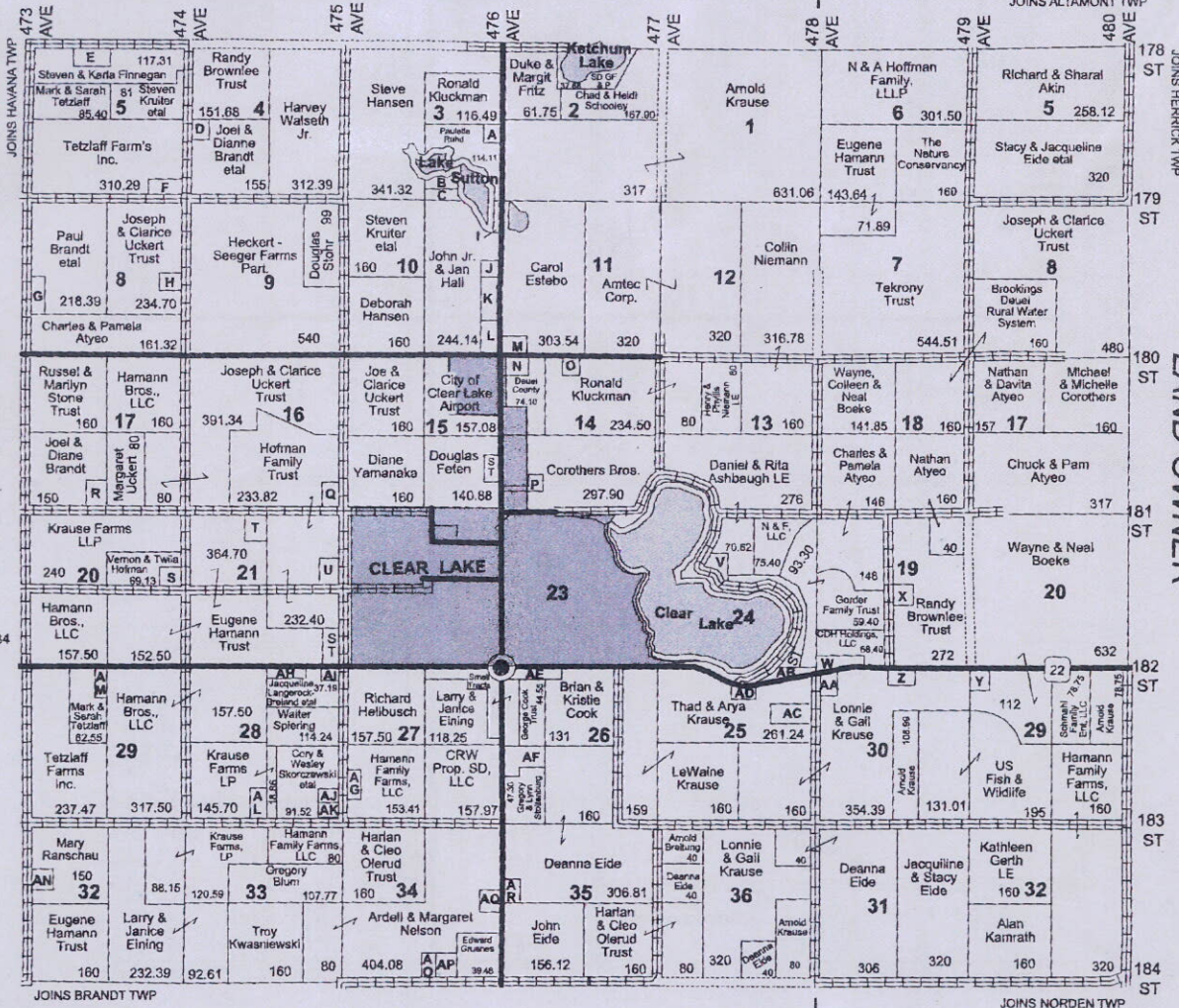


Small Tracts

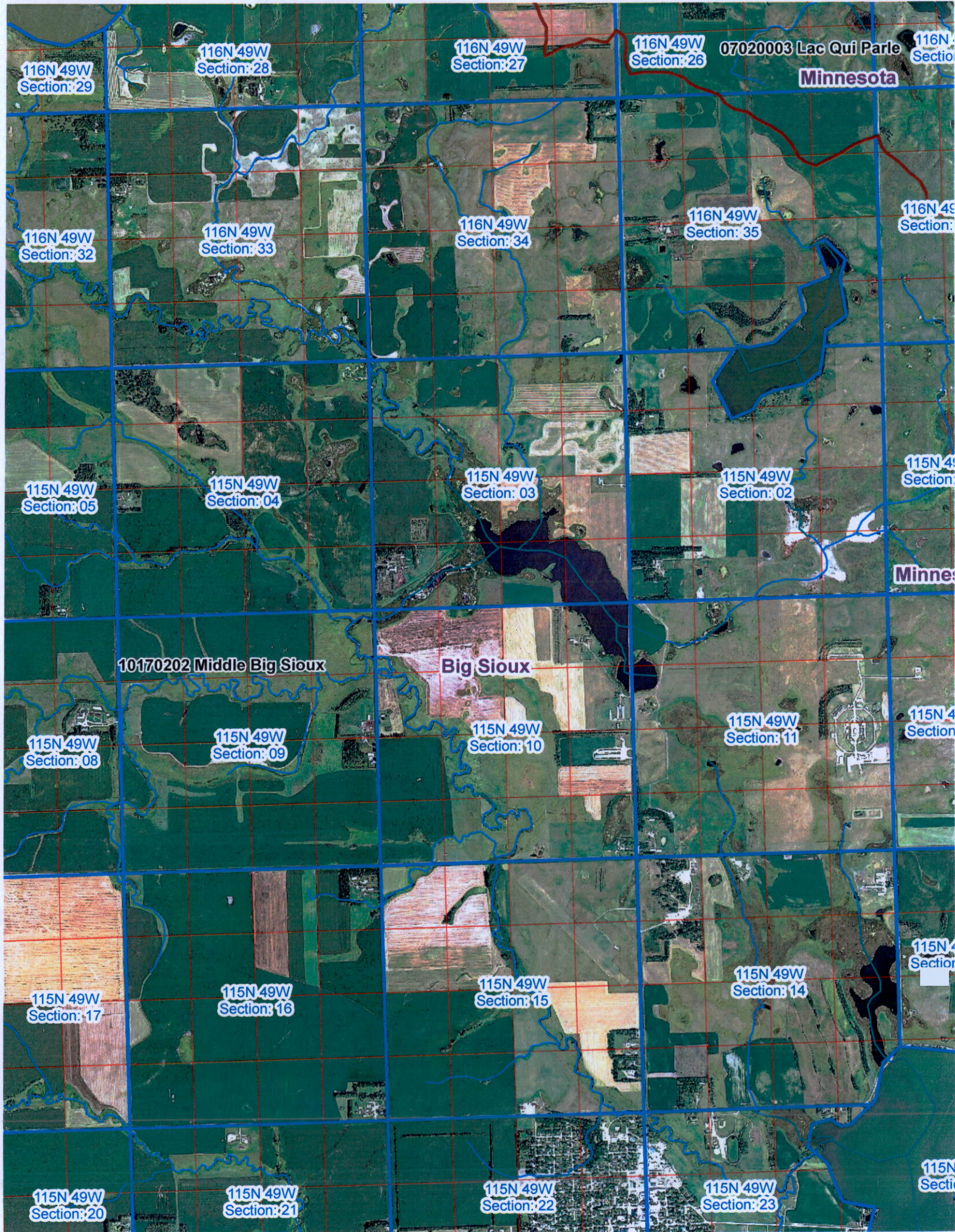
- Section 3 A Kellen & Kayla Bucknell - 5.89
- B SD Game Fish & Parks - 20
- C John Jr. & Jan Hail - 20
- Section 4 D Leroy & Melissa Anderson - 5
- Section 5W E James & Tamara Finnegan - 22.95
- F Joseph Blastick - 9.71
- Section 8W G Jared & Renee Schilling - 21.15
- H Christopher & Courtney Uckert - 5.30
- Section 10 I SD Game, Fish & Parks - 20
- J Duane Martin Trust - 9.17
- K Joel & Jen Morgan - 23.92
- L Cordell & Phyllis Fox - 20.79
- Section 11 M Ian & Angela Seuser - 14.45
- Section 14 N Terence Smith - 5
- O City of Clear Lake - 5.50
- P Crystal Springs Feeds, LLC - 12
- Section 16 Q Monte & Lisa Brown - 14.84
- Section 17W R Jeffrey & Nichole Nothorn - 10
- Section 20W S Jon Jorgig - 10.87
- Section 21 T City of Clear Lake - 9.30
- U Brian & Renee Schake - 7.60
- Section 24 V City of Clear Lake - 12.93
- Section 19 W Michael & Sandra Niemann - 14.50
- X Matt & Shelly Spilde - 5.50
- Section 29E Y Heath & Joann Swezey - 8.68
- Section 30 Z Darryl & Joanne Mauseth - 7.93
- AA Erik Wallert - 14.02
- Section 25 AB Brian Roberts et al - 13.10
- AC Brenda Ronne - 15.10
- AD Gary & Linda Giese - 5.86
- Section 26 AE Lakeview Cemetery Assoc. - 12.47
- AF Timothy Begalka - 28.98
- Section 27 AG Brian & Ashley Lipp - 6.59
- Section 28 AH Olerud Ent., LLC - 10.38
- AI Cody Krause Const., LLC - 20.08
- AJ Jackie Buchholz - 10
- AK Larry & Lisa Molitor - 5.06
- AL Garrett & Nayeli Hamann - 14.30
- Section 29W AM Chauncy & Stephanie Lunden - 16.34
- Section 32W AN LeAnn & Jon Madison - 10
- Section 34 AO Keith & Deanne Gould - 7.50
- AP Steven Bohlen - 12.50
- AQ The Nature Conservancy - 8.12
- Section 35 AR Jerry Resman - 7.05

DEUEL COUNTY, SD

115 W	116 W	117 W	118 W	119 W
120 W	121 W	122 W	123 W	124 W
125 W	126 W	127 W	128 W	129 W
130 W	131 W	132 W	133 W	134 W
135 W	136 W	137 W	138 W	139 W



CLEAR LAKE TWP
LAND OWNER



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 19th, 2025

RECEIVED OF Steve Tvedt for John Hall Jr PO Box 394 Clear Lake SD 57226

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

Fee for Application for Permit No. <u>8986-3</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>8986-3</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
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danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8986-3, John Hall Jr.**

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. 8986-3, John Hall Jr., PO Box 394, Clear Lake SD 57226.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8986-3 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 irrigation intake in Lake Sutton 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 screen is 1/4-inch diameter or 3/16-inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
2. Diversions under this water are subject to senior water rights and domestic use and shall be in accordance with any written orders issued by the Chief Engineer.
3. The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments are needed to the qualifications.
4. The applicant shall control withdrawal during times of low water levels in Lake Sutton so there is not a reduction of needed water supplies to domestic users, including livestock watering.
5. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the lands authorized by this water permit for the purpose of inspecting works and determining if the irrigation system is operating.
6. This Permit is approved subject to the irrigation water use questionnaire being submitted each year reporting the amount of water used for irrigation.

See report on application for additional information.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

Adam Mathiowetz, PE
Acting Chief Engineer
June 4, 2026

****Note:** There are Natural Resources Conservation Services Emergency Watershed Protection Program-Floodplain Easement Program easements on Lake Sutton. At the time of issuance of this recommendation, development of this permit should not negatively affect farm program eligibility of the holders of these easements. However, consideration of future federal law and rule changes may be necessary. The permit holder should be aware this may be an issue in the future between the permit and easement holders.**

Report to the Chief Engineer
Water Permit Application No. 8986-3
John Hall Jr.
June 3, 2026

Water Permit Application No. 8986-3 proposes to appropriate 0.69 cubic feet of water per second (cfs) from Lake Sutton at diversion points located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 for irrigation of 60 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10; all in T115N-R49W. This site is located in Deuel County, approximately two miles north of Clear Lake, South Dakota.

This application was initially received on September 10, 2025, and review started by a former Water Rights staff engineer. The engineer had an initial draft of the report completed before determining the application was incomplete since the application did not include the map required by Administrative Rule of South Dakota (ARSD) 74:02:01:07 (4). The applicant was then informed that this application would be put on hold until the required map was submitted. The map was submitted on March 8, 2026. The application was assigned to a different engineer at that time.

Water Source: Lake Sutton

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.”

This report will analyze the available information on the first two criteria for the Chief Engineer’s utilization in making a recommendation on this application to the Water Management Board.

Description of Proposed Water Source

Lake Sutton is a non-meandered lake located in Deuel County within the Middle Big Sioux watershed (HUC 10170202) in the Missouri River basin. Since the lake is located on the Prairie Coteau and is near the edge of the Missouri River basin, the drainage area is fairly flat, and water drains into Lake Sutton from multiple directions. There appear to be several dry draws that drain into the lake; along with outflows from Ketchem Lake (Water Rights, 1996) and South Coteau Lake (Water Rights, 2001). Outflow from Lake Sutton then drains to an unnamed tributary of Clear Lake. Wittmuss and McIntire (1999) estimated the size of the Lake Sutton watershed to be 9,000 acres (14 square miles). Utilizing the USGS StreamStats Application and the detailed 12-digit hydrologic unit subbasins, the drainage area above the Lake Sutton outlet is estimated at 27,264 acres (42.6 square miles) (USGS, 2026 & USGS, 2026). This

area consists of HUC 101702020401 South Coteau Lake and the northern portion of HUC 101702020402 Clear Lake.

The original survey for T115N-R49W was done in 1872 and is available from the U.S. Bureau of Land Management (BLM, 2025). The plat shows a small body of water in the same general area as Lake Sutton. The area of this body of water on the plat is approximately 33 acres, shown in Figure 1. According to instructions given to surveyors in 1868, meander lines were not to be surveyed if a body of water was 1) 40 acres or less in size; or 2) shallow or likely in time to dry up or be greatly reduced by evaporation, drainage, or other causes. The fluctuation in lake size since 1872 does not affect the meandered or non-meandered status of the lake, which was determined at the time of the original survey and is not subject to change.

Upon South Dakota Statehood in 1889, the title to the beds of all meandered lakes were vested with the State. Lake Sutton is not a meandered lake, and therefore the State does not hold the title to the bed of the lake, and therefore public access to the water is limited. SDCL 41-23-7 declares certain non-meandered lakes open for recreational use if the lake is listed in SDCL 41-23-8. Lake Sutton is not included in that list and therefore the State may not facilitate access to non-meandered water over a landowner's private property. From the 2023 Deuel County Plat book, South Dakota Game, Fish & Parks owns two small tracts that are adjacent to Lake Sutton, and so there is public shooting access and likely fishing access from Highway 15. There is no known controlled outlet structure on this lake.

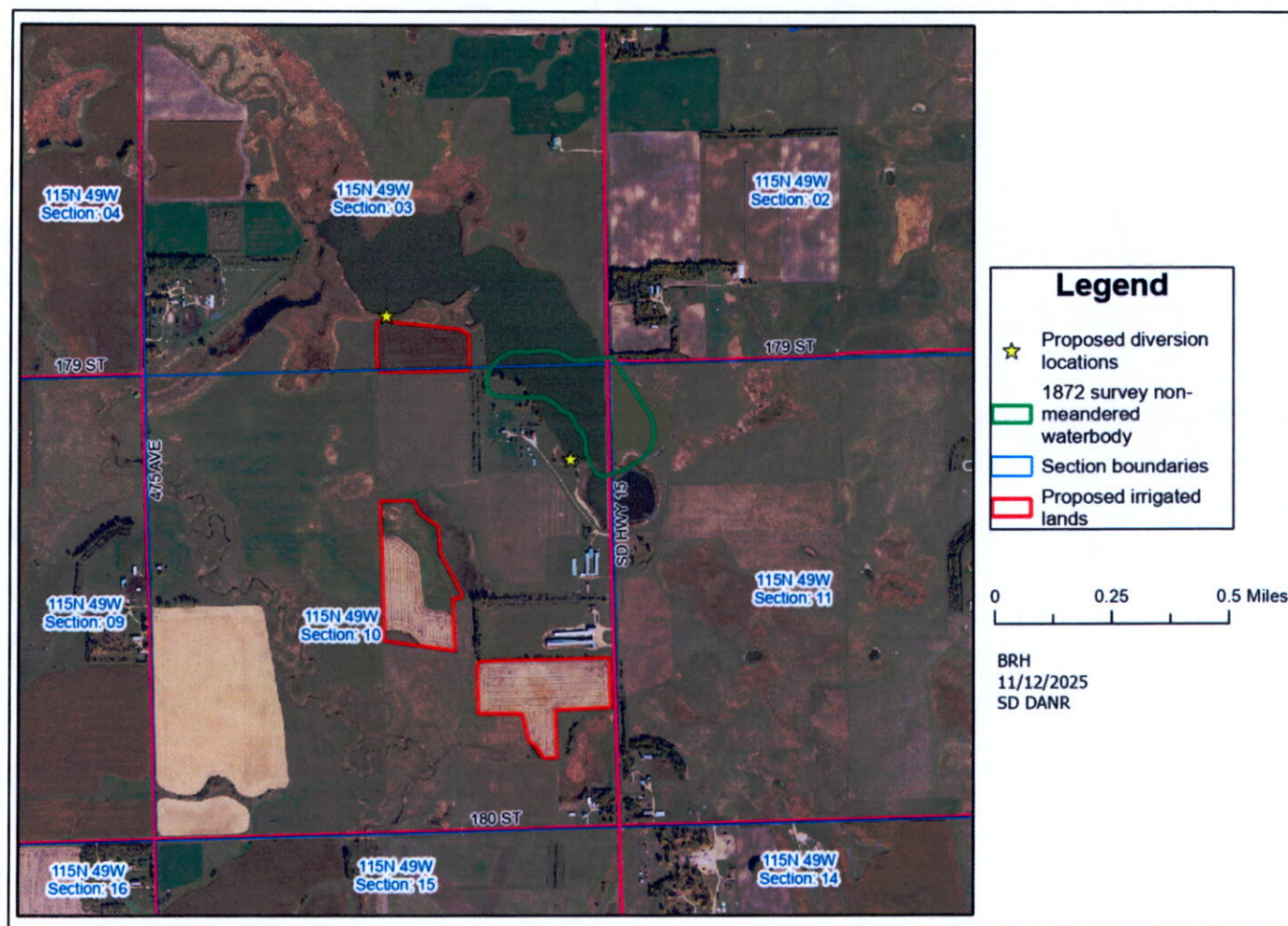


Figure 1. FSA imagery dated May 2023 showing the current extent of the lake, as well as the proposed diversion locations and land to be irrigated, and the approximate outline of the non-meandered waterbody from the 1872 original survey (BLM, 2025).

Water Availability

There is not enough information available in this area to determine exactly when the body of water first rose beyond the original survey boundaries. However, historical topography maps from as early as 1953 show the lake extent to be similar to its extent in recent years (TopoView, 2025), and available aerial imagery shows that the extent has not changed much since that time. Figure 1 shows a current outline of the lake from imagery collected in May 2024, the land proposed to be irrigated, and the approximate extent of the non-meandered body of water in this area based on the 1872 original survey plat map (BLM, 2025). Available topographic maps from the years 1953, 1958, 1973, 1985, 2012, 2015, 2017, and 2021 show a similarly sized, larger body of water in this area compared to the body of water drawn in the original survey plat (TopoView, 2025).

Google Earth historical imagery for Lake Sutton and aerial photography by the Farm Service Agency (FSA) shows that since 2002, the footprint of the lake has not fluctuated a great amount. Imagery from the year 1985 shows a slightly smaller footprint, with more water in 1996. The mid- 1990s were a wet time in

South Dakota and during this time many non-meandered lake levels in northeast South Dakota rose beyond their originally surveyed extent. The years 2004 through 2006 were drought years and available imagery showed the lower water levels when compared with other available imagery. Low water levels are most noticeable in the northwest, near the marshland area. Based on available imagery for Lake Sutton, the surface area of the lake has ranged between approximately 90 acres in 2018 and 77 acres in 2006. Kume (1985) compiled data from 1977 for certain lakes in Deuel County. Lake Sutton was listed to have a surface area of 88 acres, an average depth of 2 feet, and a stored volume of 176 acre-feet.

A 1-meter LiDAR (light detection and ranging) bare earth digital elevation model (DEM) data for the area around Lake Sutton is available from the South Dakota Geological Survey (SDGS) (SDGS, 2010 & 2012). The DEMs used in this analysis were projected into horizontal coordinate system NAD 1983 UTM Zone 14N, and the vertical coordinate system used for all three DEMs was NAVD 1988. Contour maps were created using available LiDAR which show a well-defined bank surrounding the lake. This defined bank may explain why water levels in Lake Sutton haven't dramatically fluctuated in available historical imagery and topographic maps. Additionally, the existence of a culvert under the road at SD Highway 15 may help maintain water levels or at least slow down water level fluctuations from year to year (Morton, 2025). By overlaying the LiDAR DEMs over aerial imagery of the lake footprint, water levels in Lake Sutton are generally ranging between the elevations of 1,802 feet and 1,803 feet (NAVD88). Calculating the storage capacity (volume) of a basin, pond or reservoir at different water surface elevations using DEMs or contours is a common practice, often using methods such as the average end area method or with stage storage analysis tools using computer applications. However, determining the storage of the lake without known depths or cross-sectional area information can be more uncertain. Since LiDAR data does not capture bathymetric (underwater) data the available elevation data does not define the lakebed elevation, therefore these methods cannot be used to estimate lake volume.

Natural inflows and outflows to the lake are governed by several factors. Inflows are due to direct precipitation, runoff into the lake, and inflow from upstream lakes, which is influenced by precipitation, land use, soil type and moisture. Outflows are through evaporation and discharge downstream. Additionally, Lake Sutton overlies the outwash of the Big Sioux: Brookings aquifer which is near ground surface in this area (Jensen, 2001; Water Rights, 2026b). This indicates potential for seepage between the aquifer and the lakes with the direction being from higher hydraulic head to lower hydraulic head. Information is not available to estimate losses from or gains to lake storage from the aquifer.

Using data from 1956 to 1970, NOAA (1982) compiled annual free water surface evaporation data for the contiguous United States. Utilizing NOAA (1982), the estimated annual free water surface evaporation for the Lake Sutton area is approximately 40 inches per year (3.3 ft per year). Average annual precipitation from 1991 to 2020 (latest 30-year period for climate normal) at the Clear Lake, SD station (approximately 2.3 miles to the south of the lake) is 27.48 inches per year (2.29 feet per year) (US Climate Data, 2026). So net loss between direct precipitation and evaporation is 1.01 feet. Based on the surface area of the lake, estimated net loss between evaporation and direct precipitation at normal pool is approximately 77.8 to 91 acre-feet per year.

Considering the nature of glacial lakes and the general flatness of the wetland area surrounding the lake, comparing known depths from nearby lakes, and from conversations with SD Game, Fish & Parks staff, Lake Sutton likely averages a depth of five feet or less (Hullinger, 2026). A general rule of thumb for estimating calculating storage capacity of a lake is the product of surface area and depth. Using a surface area range of 77 acres and 90 acres, this would give a storage range of 385 to 450 acre-feet. Using the average depth of 2 feet from Kume (1985) and inputting into the storage capacity equation, the storage ranges from 154 to 180 acre-feet. The estimated volume from Kume (1985) is 176 acre-feet. If approved, this permit would authorize the use of two acre-feet per irrigated acre, or a maximum of 120 acre-feet annually. However, actual use will likely be much less. Generally, crop irrigators in eastern South Dakota apply less than ten inches of water per acre per year, which would result in an annual withdrawal for this application of less than 50 acre-feet. Across 77 acres this corresponds to an approximately 0.65 ft drop in lake level and across 90 acres an approximately 0.56 ft drop in lake level.

The lake is located on a flat, marshy area and is very shallow. It is possible that extensive pumping could cause the lake's surface area to shrink, which may impede access for other property owners or interfere with other uses of the water. An attempt will be made to estimate annual surface yield of runoff into the lake and compare that to net annual evaporation losses and the estimate annual usage of the appropriation proposed by this application (net loss evaporation: 77.8 to 91 acre-feet per year and less than 50 acre-feet for a total of 127.8 to 141 acre-feet).

This was done utilizing the NRCS annual surface yield method for South Dakota (USDA-NRCS, 1984). This NRCS method estimates the volume of runoff which is expected to be exceeded for a twelve-month period at certain annual probabilities using contributing drainage area, soil cover complex number, and watershed location (USDA-NRCS, 1984). For example, the 80 percent exceedance estimate has an 80 percent chance of being exceeded each year. This method does not account for losses in transmission, withdrawals, evaporation from storage, or seepage from groundwater into the creek. Therefore, the drainage area used for this method will exclude the drainage areas of the two lakes upstream of Lake Sutton. These drainage areas are summarized in Table 1 with select areas shown in Figure 2. This is consistent with method documentation indicating if there are shallow potholes in the contributing drainage area they should be considered empty and therefore non-contributing of runoff for dependable yield forecasts (USDA-NRCS, 1984).

Table 1: Upstream Drainage Areas to Lake Sutton (USGS, 2025)		
Description of drainage area	Area (square miles)	Area (acres)
Lake Sutton above outlet area	42.60	27,264
Coteau Lakes above outlet area (outlet of the Coteau Lakes)	22.90	14,656
Ketchum Lake above outlet area (outlet of Ketchum)	1.33	851
Above Sutton east inlet (including Ketchum)	3.06	1,958
Between Ketchum outlet and east Sutton inlet from Ketchum	1.73	1,107
Lake Sutton above northwest inlet	38.10	24,384
Lake Sutton above northwest inlet minus Coteau Lakes drainage	15.20	9,728
Lake Sutton above north inlet	0.94	602
Drainage area used for annual yield estimate	16.14	10,330
Clear Lake drainage area above outlet	65.50	41,920
Clear Lake drainage area minus Lake Sutton drainage area	22.90	14,656

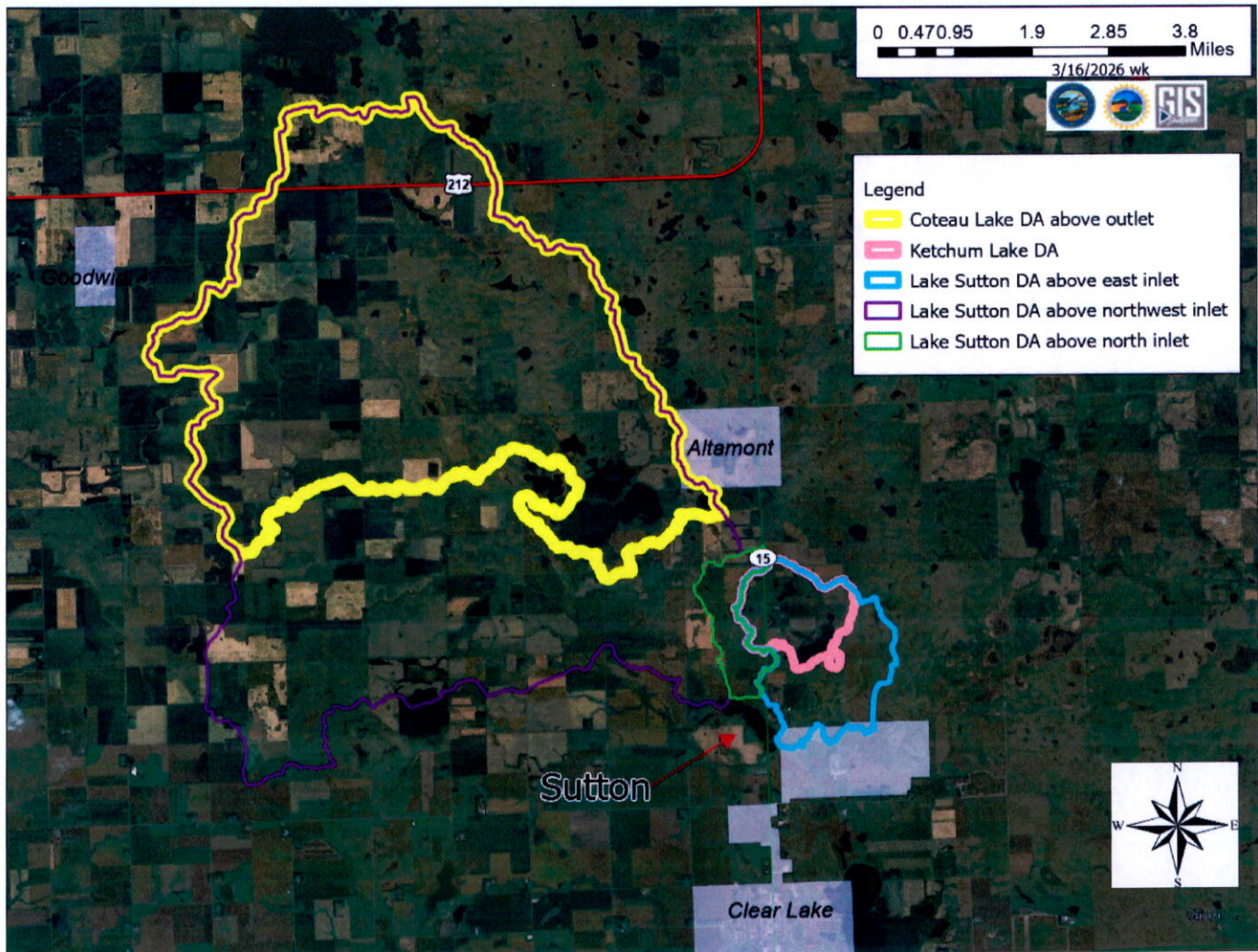


Figure 2: Select Drainage areas (DA) from Table 2 (USGS, 2025) indicated with grey highlight in Table 2.

The soils in the lake's watershed are primarily in hydrologic soil group C (USDA-NRCS, 2022). The 2024 land cover data for the drainage area indicated land cover is primarily straight row crops with some minor pasture/hay use (MRLC, 2024). The curve number (or soil cover complex number) for straight row crops in good hydrologic condition the curve number is 85 for soils in hydrologic soil group C and for poor condition is it 88 (USDA-NRCS, 1986). A higher curve number means greater runoff occurs when estimating annual yield, and so a curve number of 85 will be used to yield a more conservative estimate of water availability. Isogram 2 ½ from the NRCS annual yield method was used; however, the drainage area is near the eastern edge of the area of the state that corresponds to this isogram, where the method transitions to a different isogram representing wetter conditions. This means the annual yield estimates from this method could be slightly on the lower side.

Table 2: Estimated Total Annual Yield of Surface Runoff for Drainage Area (USDA-NRCS, 1984)		
Percent Chance of Exceedance	Total Runoff (acre inches per acre)	Total Runoff (acre-feet/year)
80	0.70	603
50	1.60	1,377
20	3.10	2,668
10	4.40	3,788

As a quick check of the values in Table 2, Gerbert et al. (1989) mapped average annual runoff for the United States at a scale of 1:7,500,000 shows an average annual runoff of 1.5 inches in the area of this application. Applying this over a drainage area of 10,330 acres results in an estimated average annual runoff of 1,290 acre-feet, which is a good match to the annual yield volume at the 50 % chance exceedance.

Based on the annual surface runoff yield estimates, on an average annual basis there is likely sufficient runoff from the drainage area into Lake Sutton to supply this application. However, since runoff and irrigation pumping is seasonal and Lake Sutton is shallow with limited storage during extended periods of low runoff and high pumping lake level by could impacted to the point of affecting domestic use. Therefore, a qualification to this permit, if approved, to protect domestic users of the lake is recommended.

Existing Users

There are no active water rights/permits appropriating water from Lake Sutton, and there are no records of water rights/permits with a different status from Lake Sutton, or other applications to appropriate water from Lake Sutton. There are no records of water rights from any source, active or with a different status, on any property adjacent to the lake's edge (Water Rights, 2026a). There are likely domestic uses, including livestock watering, and in place uses of the lake being made that do not require a water right.

The next water right downstream of the outlet area for Lake Sutton is Vested Water Right No. 1473-3 held by South Dakota Department of Game, Fish, and Parks for recreational use. The drainage area above the

Clear Lake outlet minus the Lake Sutton drainage is estimated at 14,656 acres so there is a significant drainage area supplying Clear Lake with runoff beyond the Lake Sutton drainage area.

To allow for development of this application while providing sufficient protection for domestic users. The following qualifications are suggested to the Chief Engineer for consideration:

- Diversions under this water are subject to senior water rights and domestic use and shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments are needed to the qualifications.
- The applicant shall control withdrawal during times of low water levels in Lake Sutton so there is not a reduction of needed water supplies to domestic users, including livestock watering, of the lake.

Based on best available information, inclusion of these qualifications gives a reasonable probability that this application can be developed without unlawful impairment of existing users.

Additional Considerations

A review of the 2023 Deuel County plat book along with online parcel information shows that the two proposed pumping locations are on property belonging to the applicant. However, low water levels in the lake could require the northern pump site to be moved north, which could infringe on SD Game, Fish & Parks property. However, even during the drought in the early to mid- 2000s the proposed northern pump site was still within the applicant's property. Approval of a water permit does not grant the permit holder the right to pump water from other properties, nor access easements along and across state, county, or township rights-of-way.

For a non-meandered lake such as Lake Sutton, it is not uncommon for the U.S. Fish and Wildlife Service to have a wetland easement on the inundated land. There have been circumstances where pumping from a lake could be in violation of conditions of the wetland easement and could jeopardize landowners' ability to receive USDA Farm Program benefits. Historically, the Water Rights Program has denied water permit applications if restrictions by the USDA-NRCS would impact the ability to pump the proposed amount of water, and the source is thus not considered a reliable source of water.

In an attempt to address this, the online database for easements for the various NRCS program with easements was reviewed for the area around Lake Sutton and the South Dakota NRCS offices contacted. The online database (NRCS, 2025) indicates the western side of the lake has an easement associated with the Emergency Watershed Program - Floodplain Easements. This was the only easement for the lake listed on the NRCS easement database (NRCS, 2025). First District (2026) indicates that the area at the western end of the lake is not owned by the applicant, so a copy of the easement is not readily available. Flanery (2026) did provide example standard template language for this type of easement. Based on the template language the landowner on the easement area for this type of easement is typically prohibited from, "diverting or causing or permitting the diversion of surface or underground water into, within or out of the easement area by any means." Further discussion with NRCS indicated the limits on this easement likely

only applied to the owner of the easement lands and not other owners around the lake of non-easement lands.

Conclusions

1. This application proposes to appropriate 0.69 cfs from Lake Sutton at two diversion locations in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 to irrigate 60 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10; all in T115N-R49W, during April 1 to September 30 of the year.
2. Lake Sutton is a non-meandered lake and water levels have risen since the original survey done in 1872. Available historic aerial imagery and early topographic maps suggest that the lake does not greatly fluctuate during normal years, however during exceptionally dry or wet years there are noticeable water level changes. Access to the proposed diversion locations is not secured or guaranteed by this water permit, if approved.
3. Based on the annual surface runoff yield estimates, on an average annual basis there is likely sufficient runoff from the drainage area into Lake Sutton to supply this application.
4. There are no existing water rights/permits appropriating water from Lake Sutton.
5. The following are also recommended for the Chief Engineer's consideration:
 - a. This permit, if approved, is subject to reporting the amount of water used in the annual irrigation questionnaire.
 - b. A qualification or qualifications to protect domestic users of Lake Sutton.


Whitney Kilts
Natural Resources Engineer III
SD DANR Water Rights Program

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Rodriguez, Rachel

From: Hullinger, Brittan
Sent: Thursday, September 11, 2025 9:38 AM
To: Duvall, Ron; Mathiowetz, Adam (DENR); Dewell, Amanda; Mayer, Mark; Rodriguez, Rachel
Subject: RE: [EXT] Application for Irrigation Permit has been Filled by Department of Agriculture and Natural Resources and Steven Tvedt!

Interesting. Additionally, the lake isn't on the Section 8 list: <https://sdlegislature.gov/Statutes/41-23-8>

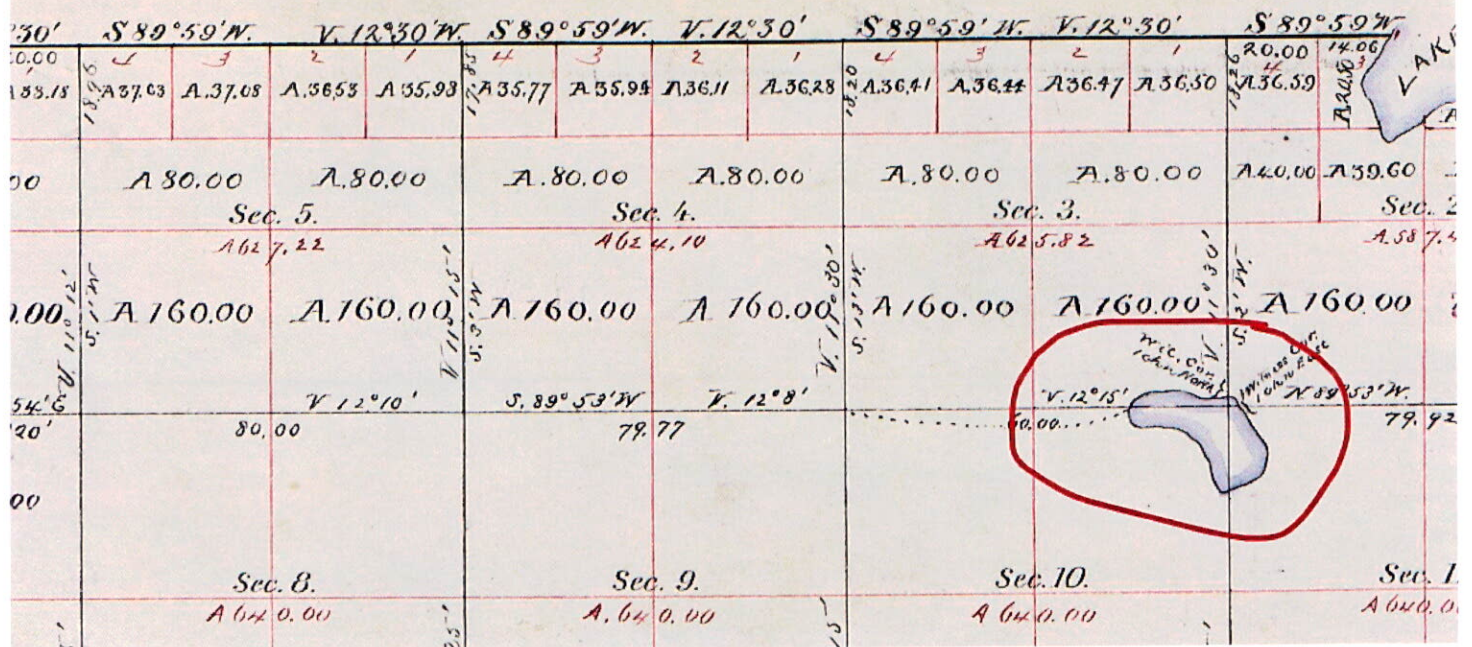
Brittan R. Hullinger

Natural Resources Engineer
Water Rights Program, SD DANR
(605)-773-3352

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Thursday, September 11, 2025 9:23 AM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Hullinger, Brittan <Brittan.Hullinger@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Mayer, Mark <Mark.Mayer@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: [EXT] Application for Irrigation Permit has been Filled by Department of Agriculture and Natural Resources and Steven Tvedt!

The attached application is to irrigate out of Lake Sutton, north of Clear Lake SD a couple miles. It is incomplete as of yet since we are waiting on a fee, map, etc. so this is just a heads up. I did a quick Regrid.com check and the applicant does NOT own all the property around the lake and Google maps shows public shooting areas, so there may be some sort of easements in place as well.

N^o 115 North RANGE N^o 49 West of the 5th Principal Meridian



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 17, 2025 3:52 PM
To: 'Steven Tvedt'; jjjhall@itctel.com
Subject: RE: [EXT] Water Permit Application for Irrigation

No need to edit the application, I can do that on our end. For 60 acres, the application fee \$ 500.00 + inspection fee \$200.00 = \$700.00. If you choose to pay via credit card, please call our fiscal department at 605-773-5559. If you pay with check, please make it payable to SD DANR Water Rights Program, mail to: SD DANR Water Right Program, 523 East Capitol Ave., Pierre SD 57501.

Once payment is received, I will begin processing your application.

Thank you,

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



From: Steven Tvedt <steev246@hotmail.com>
Sent: Wednesday, September 17, 2025 3:42 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; jjjhall@itctel.com
Subject: Re: [EXT] Water Permit Application for Irrigation

Hi Rachel,

My apologies for the late response. I will not be irrigating the additional acres above the total of 60. It is somewhat unlikely that I will even need to irrigate that field that has the additional unnecessary acres but I wanted to have it on the permit just in case.

How do I edit what I have submitted? Do I fill out the application again?

Thanks!

Steven Tvedt
18547 478th ave.
Brandt, SD 57218
Cell: 605-651-3891

Email: steev246@hotmail.com

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, September 12, 2025 11:42 AM
To: Steven Tvedt <steev246@hotmail.com>; jjjhall@itctel.com <jjjhall@itctel.com>
Subject: RE: Water Permit Application for Irrigation

Thanks for the map. I mapped the area you indicated, and it came to 63 acres. We can go with 60 acres if you really want. However, when an inspection is done, if more than 60 acres is being irrigated, you would need to submit another application to cover the additional acres. That is why I suggest we go with 64 acres. Let me know what you decide.

Unfortunately, our current system does not allow uploads to submitted application or online payment. If you choose to pay via credit card, please call our fiscal department at 605-773-5559. If you pay with check, please make it payable to SD DANR Water Rights Program, mail to: SD DANR Water Right Program, 523 East Capitol Ave., Pierre SD 57501.

NOTE: For 60 acres, application fee \$ 500.00 + inspection fee \$200.00 = \$700.00. For 64 acres, application fee \$750.00 + inspection fee \$200.00 = \$950.00.

Thank you,

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



From: Steven Tvedt <steev246@hotmail.com>
Sent: Friday, September 12, 2025 8:55 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; jjjhall@itctel.com
Subject: Re: [EXT] Water Permit Application for Irrigation

Hello Rachel,

Attached is the map requested. I was unsure how to get this to the intended party as a fee was required as well. I did not see an online portal where I could send the payment or attach the map. Please advise where I can send the payment.

As for the discrepancy in the acre irrigated vs the total acres farmed between the fields is roughly 64 acres however only at most 60 acres will be irrigated as the remainder would not need irrigation as it does not have an issue with being too dry.

I tried to edit the permit online and in adobe PDF however I am unable to as it is a protected document and the online link to the page that I have no longer works and states that the form is already filed. Can you help with the editing of this by sending a link that I can edit the document? Thanks!

Steven Tvedt
18547 478th ave.
Brandt, SD 57218
Cell: 605-651-3891
Email: steev246@hotmail.com

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, September 11, 2025 8:18 AM
To: jjjhall@itctel.com <jjjhall@itctel.com>
Cc: steev246@hotmail.com <steev246@hotmail.com>
Subject: Water Permit Application for Irrigation

Good morning,

I am in receipt of your application. I see a few issues:

- On line 2, you indicated total acreage of 64, on 7, the land description total comes to 60 acres, these two must match. It's always best to round up, so we can say 64 acres, that way when an inspection is done, there won't be a need for a new permit, unless it's over 64 acres. Do you agree?
- A map is needed, see attachment. Please outline the acres to be irrigated and mark both locations of diversion with an "X".
- Based on 64 acres, the fees are, application fee \$750.00 + inspection fee \$200.00 = \$950.00

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

Thank you,

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



From: [Campion, Levi - FPAC-NRCS, SD](#)
To: [Hullinger, Brittan](#)
Cc: [Landmark, Eric - FPAC-NRCS, SD](#)
Subject: RE: [EXT] [External Email]Lake Sutton
Date: Thursday, November 13, 2025 11:32:25 AM
Attachments: [image001.png](#)

Hey Brittan

If the water body where the pump is being installed is listed as water on web soil survey, then it would be considered nonwetland for the farm program and there is no concern. If you believe ground water levels will be lowered enough to potentially effect surrounding areas and make them more farmable than there would be some concern, but if you believe surrounding areas will not become more farmable than the landowner can proceed with the pump.

If you have any questions, feel free to give me a call.

Levi Campion

Compliance Specialist
USDA-NRCS | South Dakota



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1720 4th St NE, Watertown, SD 57201
c: (605) 682-8267

From: Landmark, Eric - FPAC-NRCS, SD <Eric.Landmark@usda.gov>
Sent: Thursday, November 13, 2025 10:05 AM
To: Campion, Levi - FPAC-NRCS, SD <levi.campion@usda.gov>
Subject: FW: [External Email]Lake Sutton

Can you help with this one?

Eric Landmark

Soil Conservationist
USDA-NRCS | Coteau Resource Unit
Watertown Field Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
1720 4th Street NE, Watertown, South Dakota, 57201
Office Number: (605)-886-8202 ext. 3
p: (605)-886-8202 ext. 7439 | c: (605)-659-4066

From: Dylla, James - FPAC-NRCS, SD <james.dylla@usda.gov>
Sent: Thursday, November 13, 2025 8:15 AM
To: Landmark, Eric - FPAC-NRCS, SD <Eric.Landmark@usda.gov>
Subject: FW: [External Email]Lake Sutton

Jim Dylla
Resource Unit Conservationist
USDA/NRCS | Coteau Resource Unit
Watertown, SD

 **U.S. DEPARTMENT OF AGRICULTURE**
NRCS
1720 4th ST NE Suite 3, Watertown, SD, 57201
p: (605) 886-8202 ext. 7445 | c: (605) 682-8207

From: Engels, Amy - FPAC-NRCS, SD <amy.engels@usda.gov>
Sent: Thursday, November 13, 2025 8:04 AM
To: Dylla, James - FPAC-NRCS, SD <james.dylla@usda.gov>
Subject: FW: [External Email]Lake Sutton

FYI

Amy Engels
Management & Program Analyst
USDA | NRCS
Pierre Field Support Office

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resource Conservation Service
1717N Lincoln Ave Pierre, SD 57501
p: (605) 530-5364

From: Hullinger, Brittan <Brittan.Hullinger@state.sd.us>
Sent: Wednesday, October 22, 2025 10:18 AM
To: Engels, Amy - FPAC-NRCS, SD <amy.engels@usda.gov>
Subject: [External Email]Lake Sutton

You don't often get email from brittan.hullinger@state.sd.us. [Learn why this is important](#)

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good Morning Amy,

I'm from the Dept. of Ag and Natural Resources, Water Rights Program in Pierre. We have a proposed project application for water to be pumped for irrigation of 60 acres out of Lake Sutton just north of Clear Lake in Deuel Co. The pump rate would be 0.69 cfs.

His land is adjacent to the proposed pump sites: SW ¼ SE ¼ of Section 3, T115N-R49W and NE ¼ NE ¼ of Section 10, T115N-R49W.

Is there any wetland authority that we need to be aware of here? We have had similar situations where pumping from a non-meandered lake could put other landowners in violation of Swamp Buster but am wondering if there are considerations with the relatively low pump rate.

Not sure if your office is affected by the shutdown—I can try giving a call in next few days as well. My direct line is 605-773-4523

Thanks,

Brittan R. Hullinger

Natural Resources Engineer
Water Rights Program, SD DANR
(605)-773-3352

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Duvall, Ron

From: Duvall, Ron
Sent: Friday, March 6, 2026 2:14 PM
To: 'jjjjhall@itctel.com'; 'steev246@hotmail.com'
Cc: Rodriguez, Rachel; Dewell, Amanda
Subject: FW: [EXT] Water Permit Application for irrigation from Lake Sutton
Attachments: Maps (1).pdf

John and Steve,

Thank you for the attached map but, according to our Water Management Board rule – [74:02:01:07\(4\)](#), we need to have a list of owners with property adjoining the body of water for your application to be considered as complete. The map provided could work as long as it includes property boundaries and the owners of those properties.

Please let me know if you have any questions. I will be retiring somewhat soon so am copying others in the program who can help as well.

Thank you,

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



DANR
SOUTH DAKOTA

From: jjjjhall@itctel.com <jjjjhall@itctel.com>
Sent: Thursday, March 5, 2026 5:49 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: Re: [EXT] Water Permit Application for irrigation from Lake Sutton

On 2025-11-14 11:39, Duvall, Ron wrote:

Mr. Hall,

Following up on a phone conversation I had with Steven Tvedt on October 22, 2025, regarding your water permit application. We discussed that a map is needed showing property ownership around the lake to comply with our rules. Until we have that map, the application is incomplete. Steven indicated he would be providing a plat map showing property ownership. To date, we are still waiting on that map to complete the application. As the applicant, I just wanted you to be aware of this.

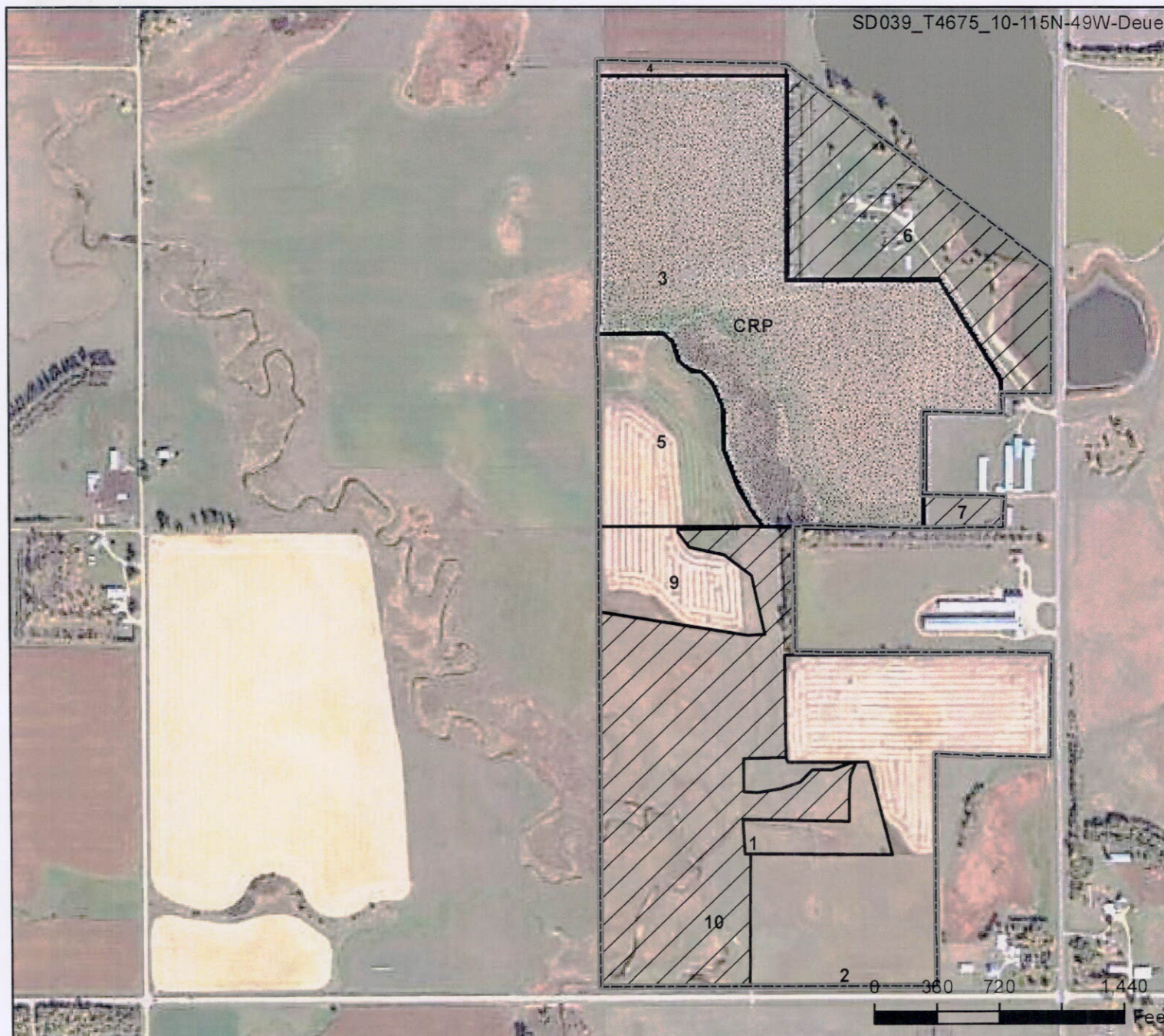
Please let me know if you have any questions. I can be reached by responding to this email or at 605.773.5670.

Thank you,

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



DANR
SOUTH DAKOTA



CLU	Acres	HEL	Crop
1	6.37	NHEL	
2	43.32	NHEL	
3	77.6	NHEL	CRP
4	1.91	NHEL	
5	17.66	NHEL	
6	29.29	UHEL	NC
7	1.99	UHEL	NC
9	10.09	NHEL	
10	52.35	UHEL	NC

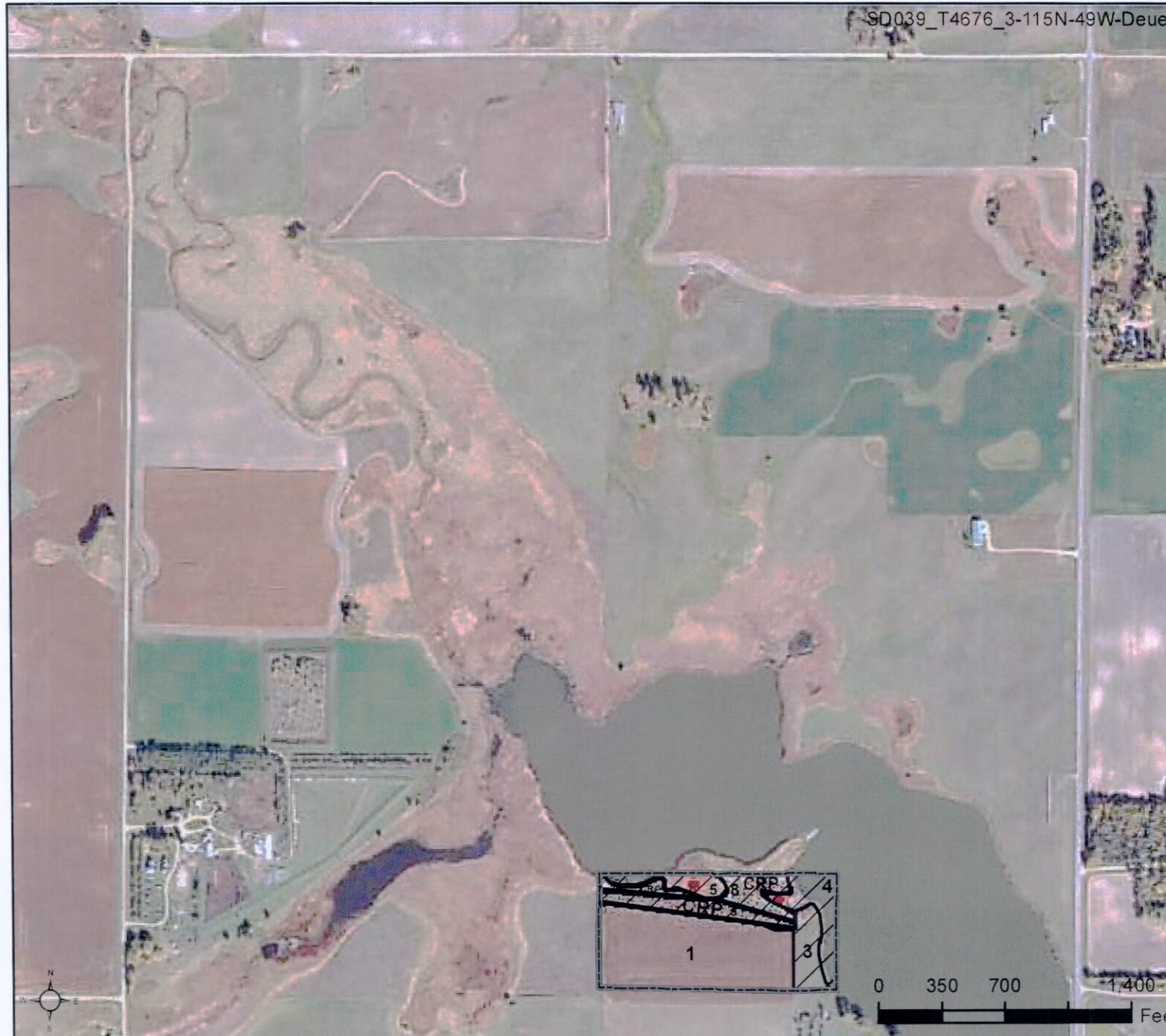
Page Cropland Total: 156.95 acres

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WATER

Map Created March 31, 2025

Common Land Unit
 Cropland
 Non-Cropland
 CRP
 Tract Boundary
 PLSS

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



CLU	Acres	HEL	Crop
1	9.86	NHEL	
3	1.6	UHEL	NC
4	2.2	UHEL	NC
5	1.19	UHEL	NC
7	0.59	UHEL	CRP
8	1.53	UHEL	CRP
9	1.9	UHEL	CRP
10	0.26	UHEL	NC

Page Cropland Total: 9.86 acres

RECEIVED

MAR 05 2026

OFFICE OF
WATER

Map Created May 06, 2025

Common Land Unit

- Cropland
- Non-Cropland
- CRP
- Tract Boundary
- PLSS

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

Wetland Determination Identifiers

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

RE: [EXT] Lake Sutton Easement question

From: Flanery, David - FPAC-NRCS, SD <david.flanery@usda.gov>
Date: Thu 5/21/2026 8:19 AM
To: Kilts, Whitney <Whitney.Kilts@state.sd.us>

Whitney,

I apologize for the delay, I missed this response somehow.

Your last statement is correct. Though we'd like to see as minimal of impacts as possible, we are unable to control what different landowners do outside of the easement area, generally speaking.

Hope that helps.

Thanks!

David Flanery
Easement Program Manager
USDA-NRCS | South Dakota

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service (NRCS)
520 3rd Ave, Brookings, SD, 57006
c: (605) 680-3996 | p: (605) 692-2344

From: Kilts, Whitney <Whitney.Kilts@state.sd.us>
Sent: Thursday, May 7, 2026 12:02 PM
To: Flanery, David - FPAC-NRCS, SD <david.flanery@usda.gov>
Subject: Re: Lake Sutton Easement question

Hi David,

Quick follow up question, if a different landowner on the lake other than the easement holder pumps out of the for irrigation (pump locations and irrigated acres would be outside of the easement lands) could that negatively impact the easement holder? The reason I ask is because several years ago on a different lake (Torrey Lake) pumping out of the lake for irrigation was denied because there were wetland easements on the lake. And there could have been circumstances where pumping from the lake could be in violation of conditions of the wetland easement and jeopardize other landowners' ability to receive USDA Farm Program benefits. So, I want to check if something like that could also be an issue with flood easements too. Based on the template wording it look like it would only be an issue if the easement landowner wanted to irrigate out of the land but want to verify.

Thanks,



Whitney Kilts
Office of Water-Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Flanery, David - FPAC-NRCS, SD <david.flanery@usda.gov>
Sent: Tuesday, April 7, 2026 6:47 AM
To: Kilts, Whitney <Whitney.Kilts@state.sd.us>
Subject: RE: [EXT] Lake Sutton Easement question

Hi Whitney,

That easement is under the Emergency Watershed Protection Program-Floodplain Easement program. Although these easements are recorded, therefore public record, I am unable to directly send the Warranty Easement Deed (WED) to a 3rd party without a signed information release form from landowner participant. You can request the landowner share a copy with you directly, review at the local Register of Deeds, or work with the landowner on an information release.

Due to these WED being completed from national templates, I can share some key excerpts that are available in all WED for the EWPP-FPE program to give you some starting information.

Purposes and Intent. The purposes of this easement are: to allow the unimpeded reach and flow of any waters in, over, upon, or through the easement area; to retard runoff and prevent soil erosion through the restoration, protection, or enhancement of the floodplain; to restore, protect, manage, maintain, and enhance the functional values of wetlands, riparian areas, conservation buffer strips, and other lands; to conserve natural values including fish and wildlife habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetic values, and environmental education; and to safeguard lives and property from floods, drought, and the products of erosion. It is the intent of the United States to allow the landowner the opportunity to participate in the restoration and management activities on the easement area and, at the discretion of the United States to provide for compatible uses which may include haying, grazing, and timber harvest under the provisions approved by the United States.

Authority. This easement deed acquisition is authorized by 16 U.S.C. § 2203, as amended, and 7 U.S.C. § 428a. The acquiring agency is the Natural Resources Conservation Service (NRCS), United States Department of Agriculture.

PART III. Obligations of the Landowner. The Landowner shall comply with all terms and conditions of this easement, including the following:

A. Prohibitions. Without otherwise limiting the rights of the United States acquired hereunder, it is expressly understood that the rights to the following activities and uses have been acquired by the United States and, unless authorized by the United States under Part IV, are prohibited of the Landowner on the easement area:

1. Altering of woodland, wildlife habitat, or other natural features by burning, digging, plowing, disking, cutting or otherwise destroying the vegetative cover;
2. Dumping refuse, wastes, sewage or other debris;
3. Harvesting wood products;
4. Draining, dredging, channeling, filling, leveling, pumping, diking, impounding or related activities, as well as altering or tampering with water control structures or devices;
5. Diverting or causing or permitting the diversion of surface or underground water into, within or out of the easement area by any means;
6. Building or placing buildings or structures on the easement area;
7. Planting or harvesting any crop; and
8. Receiving any disaster assistance from the Secretary of Agriculture.

I hope this helps, at least as a starting point. Let me know if you have any questions on what I've included.

Thank you,

David Flanery
Easement Program Manager
USDA-NRCS | South Dakota



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service (NRCS)

520 3rd Ave, Brookings, SD, 57006
c: (605) 680-3996 | p: (605) 692-2344

From: Kilts, Whitney <Whitney.Kilts@state.sd.us>
Sent: Wednesday, April 1, 2026 10:21 AM
To: Flanery, David - FPAC-NRCS, SD <david.flanery@usda.gov>
Subject: Lake Sutton Easement question

Greetings David,

I'm from the SDDANR Water Rights Program in Pierre. We have an application of an irrigation project for to pump water out of Lake Sutton just north of Clear Lake in Deuel Co. The pump rate would be 0.69 cfs and the land is near the proposed pump sites: SW ¼ SE ¼ of Section 3, T115N-R49W and NE ¼ NE¼ of Section 10, T115N-R49W.

The staff member that started looking at this (and then took another job) already contacted SD NRCS (attached) on if there were any wetland easements and seemed to have gotten a negative. But based on the easement website (screenshot below) it looks like there is an easement on the western part of the lake. So, I would like to ask for a copy of that easement and more information on what the easement is for, just to make sure what is being applied for won't cause issues with that easement.

Stewardship Land Easement Locations (USDA NRCS)



American Conservation and
Stewardship Atlas
Private Organization

Summary

The Stewardship Lands Inventory (SLI) Program is conducted to develop strategies to monitor, adaptively manage, and ensure compliance of NRCS easements enrolled in the Emergency Wetlands Reserve Program (EWRP), Wetlands Reserve Program (WRP), Grasslands Reserve Program (GRP), Healthy Forests Reserve program (HFRP), Farm and Ranch Lands Protection Program (FRLP),

[Read More](#)

[View Full Details](#)

[Download](#)

Details

Dataset
Feature Layer

February 13, 2025 at 5:08:25 PM CST
Info Updated

June 15, 2023 at 8:06:36 PM CDT
Data Updated

June 15, 2023 at 7:21:11 PM CDT
Published Date

Records: 23,318
[View data table](#)

[I want to use this](#)

Records: 23,318

SD

Zoom to

OBJECTID	17178
Admin_Area	SD
Method	Legal Survey- GPS
Scale	
CalcAcres	148.618442
NEST_EASEMENT_DURATION	Permanent Easement
Disclaimer	GENERAL PLANNING ONLY; not a legal representation of the easement boundary
2021 Methods	
State	South Dakota
County	Deuel
Program	EWPP-FPE
ClosingDate	1/5/00, 6:00 PM
Shape_Area	1194475.957031
Shape_Length	7178.429312

Esri | Caneda | Esri | HERE | Garmin | INCREMENT P | USGS | MET/NASA | EPA | USDA

Thanks,



Whitney Kilts

Office of Water-Water Rights Program

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.3352

danr.sd.gov

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From: [Campion, Levi - FPAC-NRCS, SD](#)
To: [Hullinger, Brittan](#)
Cc: [Landmark, Eric - FPAC-NRCS, SD](#)
Subject: RE: [EXT] [External Email]Lake Sutton
Date: Thursday, November 13, 2025 11:32:25 AM
Attachments: [image001.png](#)

Hey Brittan

If the water body where the pump is being installed is listed as water on web soil survey, then it would be considered nonwetland for the farm program and there is no concern. If you believe ground water levels will be lowered enough to potentially effect surrounding areas and make them more farmable than there would be some concern, but if you believe surrounding areas will not become more farmable than the landowner can proceed with the pump.

If you have any questions, feel free to give me a call.

Levi Campion

Compliance Specialist
USDA-NRCS | South Dakota



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1720 4th St NE, Watertown, SD 57201
c: (605) 682-8267

From: Landmark, Eric - FPAC-NRCS, SD <Eric.Landmark@usda.gov>
Sent: Thursday, November 13, 2025 10:05 AM
To: Campion, Levi - FPAC-NRCS, SD <levi.campion@usda.gov>
Subject: FW: [External Email]Lake Sutton

Can you help with this one?

Eric Landmark

Soil Conservationist
USDA-NRCS | Coteau Resource Unit
Watertown Field Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
1720 4th Street NE, Watertown, South Dakota, 57201
Office Number: (605)-886-8202 ext. 3
p: (605)-886-8202 ext. 7439 | c: (605)-659-4066

From: Dylla, James - FPAC-NRCS, SD <james.dylla@usda.gov>
Sent: Thursday, November 13, 2025 8:15 AM
To: Landmark, Eric - FPAC-NRCS, SD <Eric.Landmark@usda.gov>
Subject: FW: [External Email]Lake Sutton

Jim Dylla
Resource Unit Conservationist
USDA/NRCS | Coteau Resource Unit
Watertown, SD



U.S. DEPARTMENT OF AGRICULTURE
NRCS
1720 4th ST NE Suite 3, Watertown, SD, 57201
p: (605) 886-8202 ext. 7445 | c: (605) 682-8207

From: Engels, Amy - FPAC-NRCS, SD <amy.engels@usda.gov>
Sent: Thursday, November 13, 2025 8:04 AM
To: Dylla, James - FPAC-NRCS, SD <james.dylla@usda.gov>
Subject: FW: [External Email]Lake Sutton

FYI

Amy Engels
Management & Program Analyst
USDA | NRCS
Pierre Field Support Office



U.S. DEPARTMENT OF AGRICULTURE
Natural Resource Conservation Service
1717N Lincoln Ave Pierre, SD 57501
p: (605) 530-5364

From: Hullinger, Brittan <Brittan.Hullinger@state.sd.us>
Sent: Wednesday, October 22, 2025 10:18 AM
To: Engels, Amy - FPAC-NRCS, SD <amy.engels@usda.gov>
Subject: [External Email]Lake Sutton

You don't often get email from brittan.hullinger@state.sd.us. [Learn why this is important](#)

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good Morning Amy,

I'm from the Dept. of Ag and Natural Resources, Water Rights Program in Pierre. We have a proposed project application for water to be pumped for irrigation of 60 acres out of Lake Sutton just north of Clear Lake in Deuel Co. The pump rate would be 0.69 cfs.

His land is adjacent to the proposed pump sites: SW ¼ SE ¼ of Section 3, T115N-R49W and NE ¼ NE ¼ of Section 10, T115N-R49W.

Is there any wetland authority that we need to be aware of here? We have had similar situations where pumping from a non-meandered lake could put other landowners in violation of Swamp Buster but am wondering if there are considerations with the relatively low pump rate.

Not sure if your office is affected by the shutdown—I can try giving a call in next few days as well. My direct line is 605-773-4523

Thanks,

Brittan R. Hullinger
Natural Resources Engineer
Water Rights Program, SD DANR
(605)-773-3352

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

June 4, 2026

John Hall Jr.
PO Box 394
Clear Lake SD 57226

Dear Mr. Hall:

Water Permit Application No. 8986-3 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 in Clear Lake (Ph # 605 874-2499) and the Public Opinion printed in Watertown (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 HEARING on Application No. 8986-3 to Appropriate Water

Notice is given that John Hall Jr., PO Box 394, Clear Lake SD 57226, has filed an application for a water permit to appropriate 0.69 cubic feet of water per second from Lake Sutton located in the SW 1/4 SE 1/4 Section 3, and NE 1/4 NE 1/4 Section 10 for irrigation of 60 acres located in the SW 1/4 SE 1/4 Section 3, SW 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 10; all in T115N-R49W. This site is located approximately two miles north of Clear Lake SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that “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 Acting Chief Engineer’s recommendation and no hearing may be held before the board, unless the Acting Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Acting Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8986-3 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:45 AM (Central Time) on July 8, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Acting Chief Engineer’s recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 June 22, 2026.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 8, 2026, hearing date will be automatically delayed for at least 20 days upon written request to the Acting Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by June 22, 2026. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 June 22, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 22, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at an approximate cost of _____.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, June 4, 2026 3:23 PM
To: Rodriguez, Rachel
Subject: [EXT] 12394444 RE: 8986-3 John Hall - Public Notice
Attachments: Order_Confirmation_Liners - 2026-06-04T151946.520.pdf

Importance: High

Hello,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in **WATERTOWN P.O.** on **WED 6/10**. The order cost is **\$97.10** which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by **FRI 6/5, BEFORE 4PM** with any changes.

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

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

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

*NOTE: We are not legally trained, and it is your responsibility to make sure your AD meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not compliant with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

If you would like to utilize our online self-serve ad portal to place your legal notices in the future, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thanks,

Mary Beth Kralevic
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, June 4, 2026 2:47 PM

To: SD-Watertown Legals <legals@thepublicopinion.com>

Subject: 8986-3 John Hall - Public Notice

Attached is a notice to be published on June 10, 2026.

John Hall Jr., PO Box 394, Clear Lake SD 57226, 605-520-0214, steev246@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



Account Number:	1248802
Customer Name:	Water Rights Program
Customer Address:	Water Rights Program 523 E Capitol Joe Foss Bldg Dept Of Environ & Nat Resource Pierre SD 57501
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	
PO Number:	

Date:	06/04/2026
Order Number:	12394444
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	307.0000
Height in Inches:	33.8500

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	06/10/2026 - 06/10/2026	Public Notices
WAT thepublicopinion.com	1	06/10/2026 - 06/10/2026	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	\$97.10
Tax Amount	\$0.00
Service Fee 3.99%	\$3.87
Cash/Check/ACH Discount	-\$3.87
Payment Amount by Cash/Check/ACH	\$97.10
Payment Amount by Credit Card	\$100.97

Order Confirmation Amount	\$97.10
---------------------------	---------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, June 4, 2026 2:46 PM
To: ClearLake
Subject: 8986-3 John Hall - Public Notice
Attachments: 8986-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 10, 2026.

John Hall Jr., PO Box 394, Clear Lake SD 57226, 605-520-0214, steev246@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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, June 12, 2026 9:58 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12411668 8986-3 John Hall - Public Notice
Attachments: 12411668.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Public Opinion on June 17. The order cost is \$97.10 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on Monday with any changes.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

#TeamUSATODAY

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, June 11, 2026 2:14 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 12411668 8986-3 John Hall - Public Notice

Attached is a notice to be published on June 17, 2026.

John Hall Jr., PO Box 394, Clear Lake SD 57226, 605-520-0214, 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:	1605395
Customer Name:	John Hall Jr
Customer Address:	John Hall Jr Po Box 394 Clear Lake SD 57226-0394
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	06/12/2026
Order Number:	12411668
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	307.0000
Height in Inches:	33.8500

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	06/17/2026 - 06/17/2026	Public Notices
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Payment Amount by Credit Card	\$100.97

Order Confirmation Amount

\$97.10

NOTICE OF HEARING on Application No. 8986-3 to Appropriate Water

Notice is given that John Hall Jr., PO Box 394, Clear Lake SD 57226, has filed an application for a water permit to appropriate 0.69 cubic feet of water per second from Lake Sutton located in the SW 1/4 SE 1/4 Section 3, and NE 1/4 NE 1/4 Section 10 for irrigation of 60 acres located in the SW 1/4 SE 1/4 Section 3, SW 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 10; all in T115N-R49W. This site is located approximately two miles north of Clear Lake SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that “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 Acting Chief Engineer’s recommendation and no hearing may be held before the board, unless the Acting Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Acting Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8986-3 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

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The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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Published once at an approximate cost of _____.

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 Hearing Application No.8986-3/John Hall 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:

June 10,2026

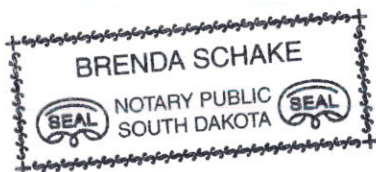
That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are **\$83.43**

Ken Reiste
Ken Reiste

Subscribed and sworn to before me

this th 10 day of June,
2026

Brenda Schake
Notary Public, South Dakota
My commission expires: 9-21-27



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Public Notice Advertising
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All legal notices in the Clear Lake
Courier and other South Dakota
newspapers can be found at
www.sdpublicnotices.com

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Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8986-3 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:45 AM (Central Time) on July 8, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Acting Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

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JUN 15 2026

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thority 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 June 22, 2026.

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PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Rachel Rodriguez
John Hall Jr
523 E Capitol AVE
Pierre SD 57501-3182

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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:

06/17/2026

and that the fees charged are legal.

Sworn to and subscribed before on 06/17/2026

A handwritten signature in purple ink, appearing to read "Linda Futt", written over a horizontal line.

Legal Clerk

A handwritten signature in purple ink, appearing to read "Kongmeng Yang", written over a horizontal line.

Notary, State of WI, County of Brown

A handwritten date "9-3-29" in purple ink, written below the notary signature line.

My commission expires

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Tax Amount: \$0.00

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Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

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Application No. 8986-3 to
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, June 4, 2026 3:38 PM
To: steev246@hotmail.com
Cc: jjjhall@itctel.com
Subject: 8986-3 John Hall - Public Notice
Attachments: 8986-3 Rec.pdf; 8986-3 Ltr.pdf; 8986-3 PubNotice.pdf; Watertown Info.pdf

Good afternoon,

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

August 26, 2026

John Hall Jr.
PO Box 394
Clear Lake SD 57226

Dear Mr. Hall:

Enclosed is Water Permit No. 8986-3 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
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.: 8986-3

Name of Applicant: John Hall Jr.

Date of Posting: 6/9/2026

Date of Removal: 8/26/2026


Amanda Dewell, Permitting Administrator

8/26/2026

Date

Subscribed and sworn to before me, a notary public, this 26th day of Aug, 2026.


Notary Public - South Dakota

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

(SEAL)

