

WATER PERMIT NO. 8994-3

Name of Applicant: **Bixler Farms**

Address: **39477 184th Street, Hitchcock SD 57348**

Phone: **605-354-2018**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **Approx. 15 miles southeast of Redfield**

PRIORITY

Date Received: **12-04-25**

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

Corrected Application Received: **12-04-25**

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

Remarks:

Diversion Point: **Approx. center of SE 1/4 Sec 18-T114N-R62W**

Land to be Irrigated: **SE 1/4 Sec 18-T114N-R62W**

			18		

Depth of Well: **65-75**

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **12-04-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8994-3**

Date of first receipt of application December 4, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8994-3 to Bixler Farms, 39477 184th Street, Hitchcock SD 57348, 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. 8994-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 65-75 feet deep) located in the approximate center of the SE 1/4 Section 18 for irrigation of 160 acres located in the SE 1/4 Section 18; all in T114N-R62W. This site is located approximately five miles northeast of Hitchcock SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – November 30.
3. The date from which applicant may claim right is December 4, 2025.
4. The date of approval of Permit No. 8994-3 is May 11, 2026.
5. One-fifth of the construction is to be completed on or before November 11, 2028.
6. All construction is to be completed on or before May 11, 2031.
7. Water is to be put to beneficial use on or before May 11, 2035.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8994-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8994-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Adam Mathiowetz

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

JUL 22 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>8994-3</u> Hydrologic Unit <u>10160066</u> Basin <u>James</u> Newspaper <u>Redfield Press</u> <u>Aberdeen American News</u> (office use only)
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RECEIVED

DEC 04 2025

Water Rights
Program

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 5182-3
(Use predates Mar 2, 1955)

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

Add another well to south pivot.

1. Name to Appear on Irrigation Permit Bixler Farms

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

Mailing Address 39477 184th St Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-354-2018 Email Bixlerfarms@hotmail.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply _____

4. Location of point of diversion 1 well SW 1/4 section 31-114N-62W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used _____

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

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

I, [Signature], 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)

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

- a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
 (if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 105-75 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 _____

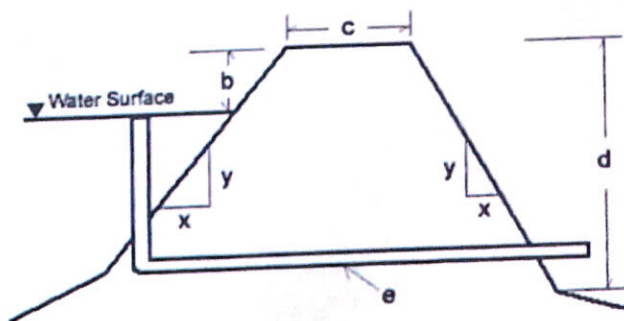
3. Dugout Information

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

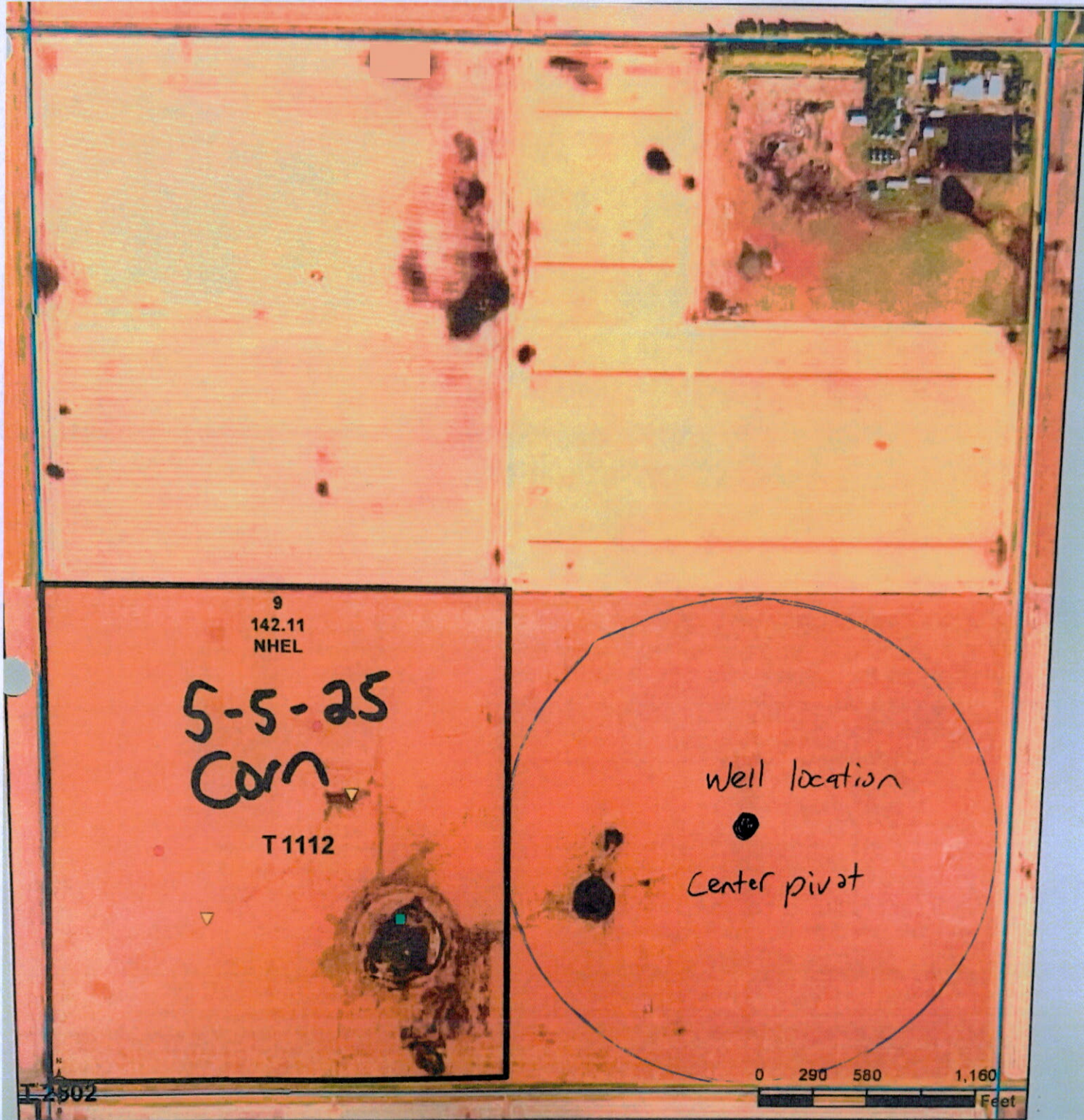
4. Water Storage Dams

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



Common Land Unit PLSS

- Cropland
- Tract Boundary

Wetland Determination Identifiers

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

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

Producer Initial **JB**
Date **5-20-25**

2025 Program Year

Map Created March 26, 2025

Farm 9773

18-114N-62W-Spink

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

12-4-25

Bixler Farms has the right to
make all decisions on Bixler Land
property.

Reed Bixler

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 04, 2025

RECEIVED OF Bixler Farms 39477 184th Street Hitchcock SD 57348

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

Fee for Application for Permit No. <u>8994-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8994-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>1050.00</u>

By  Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8994-3, Bixler Farms**

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. 8994-3, Bixler Farms, 39477 184th Street, Hitchcock SD 57348.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8994-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8994-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8994-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Adam Mathiowetz, PE
Acting Chief Engineer
April 15, 2026

**Report to the Chief Engineer on
Water Permit App. Nos. 8993-3, 8994-3, and 8995-3
Bixler Farms
2026 March 24**

In October of 2013, the Water Management Board declared the Tulare: Western Spink-Hitchcock aquifer was fully appropriated. The 27 applications that were placed on hold following legislation are scheduled before the Water Management Board meeting for May of 2026. There are also 24 new applications for the aquifer in review pursuant to State rule and State law for new water permit applications. Figure 1 below is a map of the new applications in this report and nearby water rights [1], and Water Rights Program observation wells [2]. Table 3 in the Appendix provides details of the water right permits and applications in Figure 1 [1].

Water Permit Application No. 8993-3 proposes to appropriate 0.45 cubic feet of water per second (cfs) from two existing wells authorized by Water Right No. 4134A-3 and irrigate an additional 12 acres located in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25-T115N-R63W. Water Right No. 4134A-3 authorizes diversion of 1.33 cfs from two wells completed into the Tulare: Western Spink-Hitchcock aquifer located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 for irrigation of 128 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 25; all in T115N-R63W. This application, if approved, and Water Right No. 4134A-3 combined, would authorize a combined total of 1.78 cfs for irrigation of 140 acres. This site is located in Spink County approximately seven and one-half miles northeast of Hitchcock, South Dakota.

Water Permit Application No. 8994-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SE $\frac{1}{4}$ Section 18 for irrigation of 160 acres located in the SE $\frac{1}{4}$ Section 18; all in T114N-R62W. This site is located in Spink County approximately five miles north of Hitchcock, South Dakota.

Water Permit Application No. 8995-3 proposes to appropriate an additional 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SW $\frac{1}{4}$ Section 31-T114N-R62W to irrigate acres already authorized by Water Right No. 5182-3. Water Right No. 5182-3 authorizes the diversion of 1.88 cfs from one well completed into the Tulare: Western Spink-Hitchcock aquifer in the approximate center of the NW $\frac{1}{4}$ Section 31 for irrigation of 279 acres in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ Section 31; all in T114N-R62W. This application, if approved, and Water Right No. 5182-3 combined, would authorize a combined total of 3.66 cfs from two wells for irrigation of a total of 279 acres. This site is located in Spink County approximately three and one-half miles northeast of Hitchcock, South Dakota.

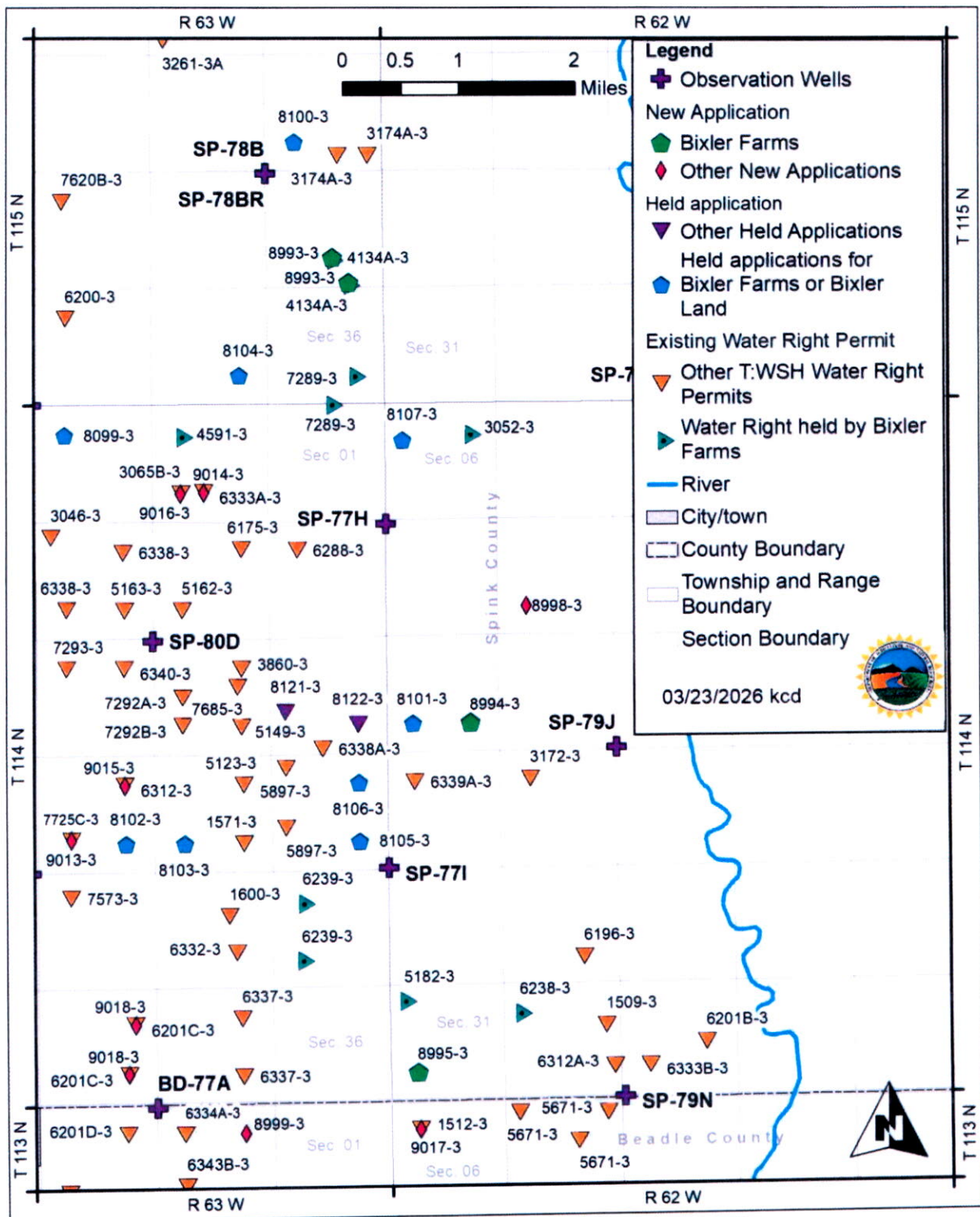


Figure 1: Observation wells and water right permits near these applications and other held and new applications. [1] [2]

Aquifer: Tulare: Western Spink-Hitchcock

Hydrogeologic Characteristics

The Tulare aquifer is a Quaternary-aged system of sand and gravel layers that were deposited as outwash by meltwater from receding glaciers. The Western Spink-Hitchcock management unit of the Tulare aquifer is a buried aquifer generally lying immediately above the bedrock (a.k.a. basal) [3] [4]. The bedrock is composed of an erosional surface of exposed Cretaceous-aged Pierre Shale and Niobrara Formation, with the lowest erosional surface possibly incising into the Carlile Shale, which contains the Codell Sandstone member [5]. The Niobrara Formation and Codell Sandstone can also be aquifers in portions of South Dakota [2] [1]. The Tulare: Western Spink-Hitchcock aquifer underlies approximately 260,000 acres of Hand, Spink, and Beadle Counties [6] [7]. The Tulare aquifer has an average thickness of 37 feet [8]. Assuming a porosity of 0.15 [9], the estimated recoverable water in storage in the Tulare: Western Spink-Hitchcock aquifer is approximately 1.4 million acre-feet. The Tulare: Western Spink-Hitchcock aquifer is hydrologically connected to several Quaternary and Cretaceous aged aquifers in physical contact with it. Buhler [10] estimated that approximately 77,000 acres of the Tulare: Western Spink-Hitchcock aquifer were under unconfined conditions in October 2012, and showed that at the time, a majority of the aquifer was under confined conditions. The area of the aquifer under confined conditions fluctuates with the amount of water in the aquifer. Since water is essentially incompressible, when the aquifer has more water in storage, more area becomes confined and vice-versa for when there is less water in the aquifer.

The applicant did not submit any well completion reports with these applications, but sufficient information is available to complete the technical analysis for this report. There are two well completion reports on file for three wells for Water Right No. 4134A-3 [4]. One was completed on January 20, 2014, one in July of 2014, and one in December of 2014. The July and December wells are indicated on the same well completion report. The geology reported for all three wells is identical. The driller reported encountering sand from 10 feet below grade to the total depth of 45 feet, with a static water level 18 feet below grade at the time the wells were complete. There is a SD Geological Survey Program Lithologic Log in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17-T114N-R62W which was drilled on October 27, 1949, by the US Bureau of Reclamation (USBR). The geologist indicated encountering sand from 7 feet below grade to the total depth of 28 feet [3]. This lithologic log is approximately a half mile southeast of the proposed well for App. No. 8994-3. The geologist reported encountering water at 25 feet below grade at the time the hole was drilled. There is a domestic well completion report for a well completed in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31-T114N-R62W on April 18, 1985 [4]. The driller reported encountering sand from 15 feet below grade to the total depth of 80 feet, and a static water level of 18 feet below grade at the time the well was completed. The depths of water and formations encountered are typical for the Tulare: Western Spink-Hitchcock aquifer in this area. Based on this information and Observation Well data, the aquifer fluctuates between unconfined and confined near these applications [2].

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the

proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Tulare: Western Spink-Hitchcock aquifer is younger and stratigraphically higher than the Greenhorn Formation [11]. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

The current hydrologic budget of the Tulare: Western Spink-Hitchcock aquifer was presented before the Water Management Board in December of 2025 [12] and is summarized below. The estimated average annual recharge to the aquifer is approximately 0.83 inches per acre [13], which equates to 18,000 ac-ft/yr over the currently estimated extent of the aquifer. Withdrawals from the aquifer are mainly for irrigation use by appropriative users. By taking the sum of the average irrigation reported for each permit, Drennon [12] estimated the average annual withdrawal from the aquifer was between 12,000 and 13,000 ac-ft/yr depending on the range of data used. Irrigators have been applying fewer inches per acre as time goes on but irrigating a higher proportion of their permitted acreage in any given year. The estimated average annual withdrawal from irrigation was approximately 12,000 ac-ft/yr for the period of record of 2015 through 2024, which is the last ten years of reports. Based on this hydrologic budget, there is approximately 6,000 ac-ft/yr of unappropriated water available. At the meeting, members of the Water Management Board expressed discomfort at approving the entire 6,000 acre-feet of unappropriated water but did not issue an order specifying an exact amount to which they would limit withdrawals.

There are 27 water permit applications that were held in 2015 following procedure established by the Legislature in 2014, which are being processed and scheduled for the May Board meeting at the time of report writing. Those 27 applications have senior priority to the applications in this report. For the last ten years of record, the average irrigation per reported acre was 6.63 inches per year and permit holders irrigated 79% of their permitted acres [12]. For the period of record of 1979 through 2024, the average irrigation per reported acre was 8.89 inches per year and permit holders irrigated on average 65% of their permitted acres [12]. The total estimated withdrawal of the 27 held applications if approved is likely to range between approximately 2,300 and 2,500 ac-ft/yr. Table 1 summarizes the held applications and estimated withdrawal

Report on Water Permit App. Nos. 8993-3, 8994-3, and 8995-3

based on past irrigation reports. The held water permit application for Martin Anderson (App. No. 8120-3) may not be developed because the applicant indicated intent to irrigate from the same aquifer at a different location [14]. This action would not change the hydrologic budget but would make Mr. Anderson's new application junior to the applications in this report. At the time of writing, there are 24 new applications requesting water from the Tulare: Western Spink-Hitchcock aquifer. Appendix Table 4 (page 13) lists the new permit applications in order of priority date and other details pertaining to those applications. Table 2 summarizes the estimated withdrawals for the new applications, which are also all for irrigation.

Table 1: Estimated withdrawals for the 27 held applications. Several applicants hold multiple applications [12].

Applicant with Held Permit(s)	Total Requested CFS	Total Requested Acres	Est. Withdrawal (ac-ft/yr)	
			6.63 in/yr @ 79% acreage utilization	8.89 in/yr @ 65% acreage utilization
Allen and Jeffrey Gatzke	2.67	110	48	53
Bixler Farms or Bixler Land	16.02	1,450	633	698
Hamilton Family LLC	2.00	145	63	70
Jeff Hamilton	4.00	290	127	140
Ken and Jodi Hofer	4.33	310	135	149
Loren or Cynthia Marzahn	2.22	160	70	77
Martin Anderson*	1.86	132	58	64
Riverside Hutterian Brethren	7.70	384	168	185
Scott Hamilton	4.00	435	190	209
Van Buskirk Farms, LLP	25.65	1,798	785	866
Total	70.45	5,214	2,276	2,511
* At the request of the applicant, the Chief Engineer is recommending denial. The applicant intends to submit a new water permit application requesting the same amount of water at a different location.				

Table 2: Estimated withdrawals for new applications since December 2025 Water Management Board meeting

Applicant for New Permit(s)	Total Requested CFS	Total Requested Acres	Est. Withdrawal (ac-ft/yr)	
			6.63 in/yr @ 79% acreage utilization	8.89 in/yr @ 65% acreage utilization
Bixler Farms	4.01	172	75	83
Matthew Van Buskirk	12.46	952	416	458
Wayne or Scott Binger	4.00	260	113	125
Terry McClain	2.00	180	79	87
Timoty Masat	1.78	204	89	98
Craig Brock	1.78	155	68	75
Lenny D Peterson	3.56	440	192	212
Brian Gilbert	3.57	300	131	144
Jon Gilbert	1.78	280	122	135
Danny Peterson	0.00	209	91	101
Total	34.94	3,152	1,376	1,518

The applications in this report have senior priority to all the other new applications requesting water from the Tulare: Western Spink-Hitchcock aquifer. They are estimated to withdraw between 75 and 83 ac-ft/yr on average, although the lower value is more likely as it is based on only the last 10 years of irrigation withdrawals rather than the entire period of record when irrigation practices and precipitation conditions were different. Therefore, based on the hydrologic budget, there is reasonable probability there is unappropriated water available for these applications.

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon the record of observation well analysis in addition to other information to ensure that recharge to the aquifer exceeds withdrawals. The Water Rights Program maintains 55 observation wells completed into the Tulare: Western Spink-Hitchcock aquifer. The nearest observation wells to App. No. 8993-3 are SP-78B and SP-78BR, located approximately 1 mile northwest of the wells for that application. The nearest observation well to the proposed well for App. No. 8994-3 is SP-79J, which is approximately 1.3 miles east of that application. The nearest observation wells to App. No. 8995-3 are SP-77I and SP-79N, located approximately 1.8 miles north and east of the proposed well, respectively [2]. The location of these observation wells is mapped in Figure 1 (page 2). The water-level fluctuations in those wells are representative of the general behavior of the aquifer. Figure 2 shows the water level elevations in those wells.

In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [15]. There is a slight trend of springtime water levels increasing with time, which is consistent with the increased precipitation over time in the area [2] [15]. There are also seasonal declines during the irrigation season. The tendency of the water levels in the aquifer to be primarily influenced by climate and precipitation rather than well withdrawals indicates that natural discharge is occurring, which the Water Management Board considers available for capture. Therefore, based on the record of observation wells, there is reasonable probability that unappropriated water is available for these applications.

Report on Water Permit App. Nos. 8993-3, 8994-3, and 8995-3

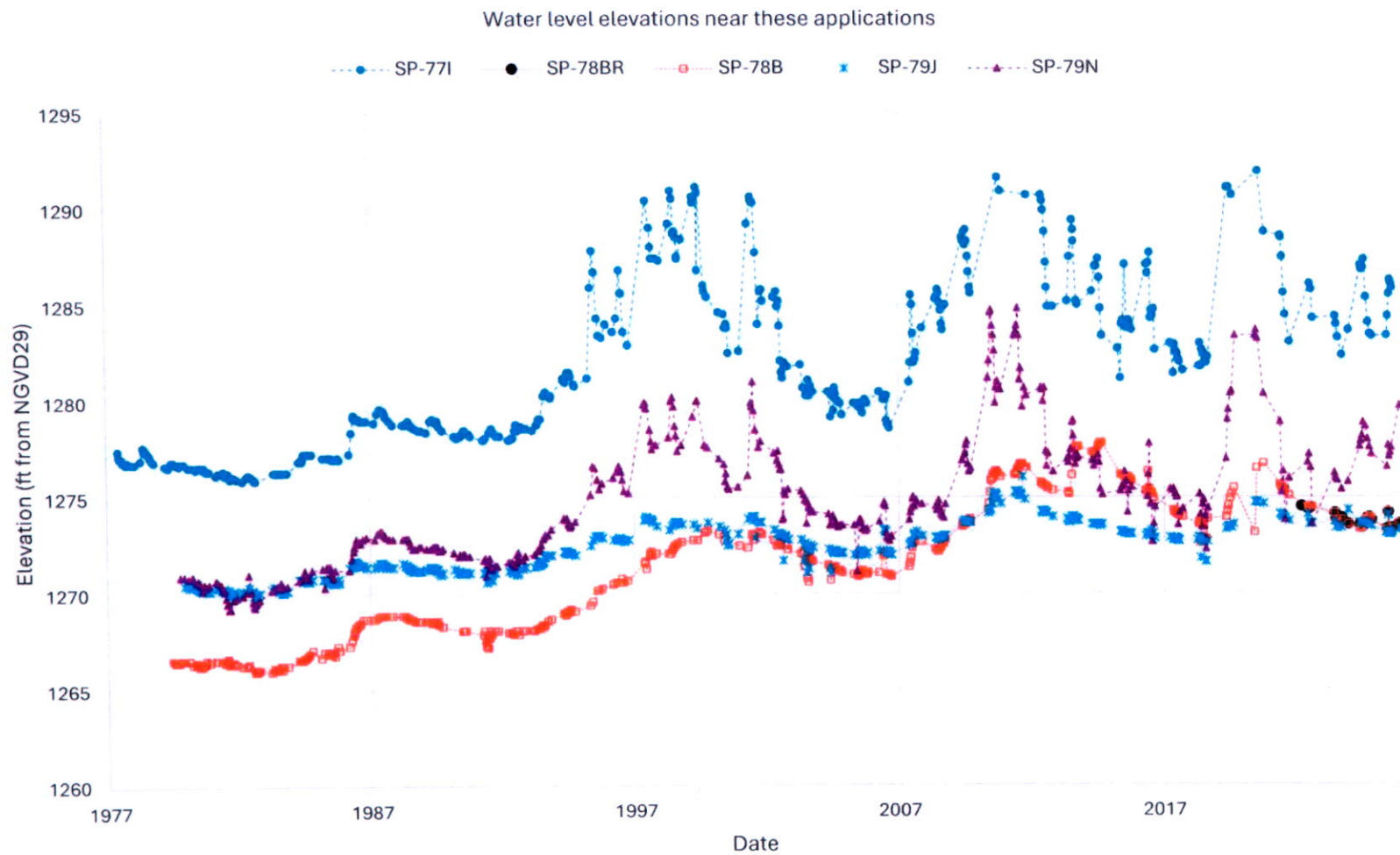


Figure 2: Water level elevations at Water Rights Program observation wells near these applications [2]

Possibility of Unlawful Impairment of Existing Water Rights

There are several water rights nearby the proposed or existing wells for these applications that are not owned by the applicant [1]. Figure 1 shows the proximity of water rights near these applications. The nearest water rights or senior held applications to any of the applications in this report are Water Right No. 1512-3 (Danny Peterson), approximately half a mile south of the proposed well for App. No. 8995-3, and Held Water Permit Application No. 8101-3 (Bixler Farms), approximately a half mile west of the proposed well for App. No. 8994-3 [1]. The nearest domestic well, not held by the applicant and completed into the same aquifer to App. No. 8993-3 is a stock well approximately three quarters of a mile south of those wells in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36-T115N-R63W, based on the location provided by the driller. The nearest domestic well to App. No. 8994-3 is a stock well approximately 0.6 miles north of that application, in the same section, based on the location provided by the driller. The nearest domestic well to App. No. 8995-3 is in the same section approximately 0.5 miles north of the proposed well, based on the location provided by the driller.

The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. ARSD 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

There are no complaints on file with the Water Rights Program involving possible well interference in the Tulare: Western Spink-Hitchcock aquifer in Spink County despite the large number of wells in relatively close proximity throughout the Tulare: Western Spink-Hitchcock aquifer [16]. Therefore, based on the lack of complaints, there is reasonable probability this application can be developed without unlawful impairment of existing domestic wells or senior water rights.

Conclusions

1. Water Permit Application No. 8993-3 proposes to appropriate 0.45 cfs from two existing wells authorized by Water Right No. 4134A-3 and irrigate an additional 12 acres located in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25-T115N-R63W. Water Right No. 4134A-3 authorizes diversion of 1.33 cfs from two wells completed into the Tulare: Western Spink-Hitchcock aquifer located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 for irrigation of 128 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 25; all in T115N-R63W. This application, if approved, and Water Right No. 4134A-3 combined, would authorize a combined total of 1.78 cfs for irrigation of 140 acres.

2. Water Permit Application No. 8994-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SE $\frac{1}{4}$ Section 18 for irrigation of 160 acres located in the SE $\frac{1}{4}$ Section 18; all in T114N-R62W.
3. Water Permit Application No. 8995-3 proposes to appropriate an additional 1.78 cfs from one new well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SW $\frac{1}{4}$ Section 31-T114N-R62W to irrigate acres already authorized by Water Right No. 5182-3. Water Right No. 5182-3 authorizes the diversion of 1.88 cfs from one well completed into the Tulare: Western Spink-Hitchcock aquifer in the approximate center of the NW $\frac{1}{4}$ Section 31 for irrigation of 279 acres in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ Section 31; all in T114N-R62W. This application, if approved, and Water Right No. 5182-3 combined, would authorize a combined total of 3.66 cfs from two wells for irrigation of a total of 279 acres.
4. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for these applications.
5. There is reasonable probability these applications can be developed without unlawful impairment of senior water rights or domestic use.



Kimberly C. Drennon, E.I.
Engineer III – DANR Water Rights Program

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Report on Water Permit App. Nos. 8993-3, 8994-3, and 8995-3

Appendix: Supplemental Tables

Table 3: Water right permits and applications shown in Figure 1 [1]

File No.	Name/Business	Status	CFS	Acres	Priority	File No.	Name/Business	Status	CFS	Acres	Priority
1509-3	Oscar Inc	License	1.900	135.0	02/16/1968	6312A-3	Twisted Land & Cattle LLC	License	2.670	264.0	03/28/2007
1512-3	Danny Peterson	License	1.900	135.0	02/16/1968	6332-3	Oscar Inc	License	1.890	136.0	06/21/2002
1571-3	Gatzke Acres	License	2.110	160.0	04/23/1968	6333A-3	Danny Peterson	License	1.780	215.0	06/21/2002
1600-3	Gatzke Acres	License	1.780	132.0	01/01/1953	6333B-3	Lenny Peterson	License	1.670	134.0	06/21/2002
2853-3	Larry Gordon	License	1.780	132.0	07/29/1976	6334A-3	Twisted Land & Cattle	License	1.780	132.0	06/21/2002
3046-3	Kenneth Nowell	License	1.850	130.0	09/14/1976	6337-3	Brian Gatzke	License	3.560	272.0	06/21/2002
3052-3	Bixler Farms	License	1.880	180.0	09/14/1976	6338-3	Gatzke Acres	License	3.336	264.0	07/12/2002
3065B-3	Danny Peterson	License	1.660	130.0	10/05/1976	6338A-3	Gatzke Feedlot LLC	License	0.450	68.0	07/12/2002
3172-3	Richard Rathjen	License	1.780	136.0	10/15/1976	6339A-3	Allen Gatzke	License	1.670	132.0	07/12/2002
3174A-3	Galen & Deanna Koester	License	1.330	138.4	10/15/1976	6340-3	Gatzke Acres	License	1.670	132.0	07/12/2002
3261-3A	James Frankenstein	License	1.440	130.0	10/15/1976	6343B-3	Twisted Land & Cattle	License	1.780	132.0	07/26/2002
3860-3	William E & Deborah A St Clair	License	1.940	136.0	03/10/1977	7289-3	Bixler Farms	License	3.570	270.0	12/15/2011
4134A-3	Bixler Farms	License	1.330	128.0	08/30/1977	7292A-3	Gatzke Acres	License	1.670	133.0	07/12/2002
4591-3	Bixler Farms	License	1.880	132.0	11/06/1980	7292B-3	Gatzke Acres	License	1.670	133.0	07/12/2002
5123-3	Gatzke Acres	License	1.780	136.0	01/19/1987	7293-3	Jeffery Gatzke	License	1.780	135.0	12/15/2011
5149-3	Gatzke Acres	License	1.780	132.0	09/16/1987	7573-3	Gary Marshall	License	1.780	134.0	12/13/2012
5162-3	Gatzke Acres	License	1.550	132.0	10/13/1987	7620B-3	Oscar Inc	License	0.890	64.0	01/04/2013
5163-3	Gatzke Acres	License	1.780	132.0	10/13/1987	7685-3	Michael Watson	License	1.670	75.0	02/06/2013
5182-3	Bixler Farms	License	1.880	279.0	03/15/1988	7725C-3	Danny Peterson	License	1.780	135.0	02/28/2013
5671-3	Twisted Land & Cattle	License	2.890	263.0	07/13/1992	8099-3	Bixler Farms	Held	1.780	160.0	02/25/2015
5897-3	Gatzke Acres	License	3.560	268.0	01/10/1996	8100-3	Bixler Farms	Held	1.780	160.0	02/25/2015
6175-3	Gary Marshall	License	1.670	136.0	02/07/2000	8101-3	Bixler Farms	Held	1.780	150.0	02/25/2015
6196-3	Oscar Inc	License	1.890	136.0	04/17/2000	8102-3	Bixler Land	Held	1.780	160.0	02/25/2015
6200-3	Oscar Inc	License	1.890	136.0	05/08/2000	8103-3	Bixler Land	Held	1.780	160.0	02/25/2015
6201B-3	Lenny Peterson	License	1.780	132.0	05/08/2000	8104-3	Bixler Farms	Held	1.780	160.0	02/25/2015
6201C-3	Danny Peterson	License	3.560	264.0	05/08/2000	8105-3	Bixler Land	Held	1.780	160.0	02/25/2015
6201D-3	Brad Peterson	License	1.780	132.0	05/08/2000	8106-3	Bixler Land	Held	1.780	160.0	02/25/2015
6238-3	Bixler Farms	License	1.780	130.0	11/06/2000	8107-3	Bixler Farms	Held	1.780	180.0	02/25/2015
6239-3	Bixler Farms	License	3.560	260.0	11/06/2000	8121-3	Allen and Jeffrey Gatzke	Held	0.890	40.0	02/25/2015
6288-3	Stanley Steinheuser	License	1.560	136.0	01/04/2002						
6312-3	Danny Peterson	License	1.780	132.0	03/13/2002						

Report on Water Permit App. Nos. 8993-3, 8994-3, and 8995-3

File No.	Name/Business	Status	CFS	Acres	Priority	File No.	Name/Business	Status	CFS	Acres	Priority
8122-3	Allen and Jeffrey Gatzke	Held	1.780	70.0	02/25/2015	9013-3	Danny Peterson	In Process	0.000	25.0	12/23/2025 # 1 of 6
8993-3	Bixler Farms	In Process	0.450	12.0	12/04/2025 # 1 of 6	9014-3	Danny Peterson	In Process	0.000	45.0	12/23/2025 # 2 of 6
8994-3	Bixler Farms	In Process	1.780	160.0	12/04/2025 # 2 of 6	9015-3	Danny Peterson	In Process	0.000	28.0	12/23/2025 # 4 of 6
8995-3	Bixler Farms	In Process	1.780	0.0	12/04/2025 # 3 of 6	9016-3	Danny Peterson	In Process	0.000	30.0	12/23/2025 # 3 of 6
8998-3	Terry McClain	In Process	2.000	180.0	12/05/2025 # 6 of 8	9017-3	Danny Peterson	In Process	0.000	25.0	12/23/2025 # 5 of 6
8999-3	Craig Brock	In Process	1.780	155.0	12/05/2025 # 8 of 8	9018-3	Danny Peterson	In Process	0.000	56.0	12/23/2025 # 6 of 6

Report on Water Permit App. Nos. 8993-3, 8994-3, and 8995-3

Table 4: All Tulare: Western Spink-Hitchcock water permit applications in process at time of report authorship.

File No.	Name	Priority	T N	R W	New Development Proposed					Other Water Right in Application						Total CFS	Total Acres
					CFS	Acres	No. Wells	Location of Wells	Location of Acres	File No.	No. Wells	CFS	Acres	Location of Wells	Location of Acres		
8993-3	Bixler Farms	12/04/2025 # 1 of 6	115	63	0.45	12	0	N/A	SE ¼ & E ½ SW ¼ Sec 25	4134A-3	2	1.33	128	Sec. 25	SW ¼ SE ¼, NW ¼ SE ¼ Sec 25	1.78	140
8994-3		12/04/2025 # 2 of 6	114	62	1.78	160	1	Ctr. of SE ¼ Sec. 18	SE ¼ Sec 18	N/A	N/A	N/A	N/A	N/A	N/A	1.78	160
8995-3		12/04/2025 # 3 of 6	114	62	1.78	0	1	Ctr. of SW ¼ Sec 31	N/A	5182-3	1	1.88	279	Ctr. of NW ¼ Sec 31	NW ¼, W ½ NE ¼, SW ¼ Sec 31	3.66	279
9000-3	Matthew Van Buskirk	12/04/2025 # 4 of 6	113	63	1.78	136	1	Ctr. of NE ¼ Sec 36	NE ¼ Sec 36	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
8996-3	Wayne or Scott Binger	12/04/2025 # 5 of 6	114	65	2.00	130	up to 2	NW ¼ Sec 1	NW ¼ Sec 1	N/A	N/A	N/A	N/A	N/A	N/A	2.00	130
8997-3		12/04/2025 # 6 of 6	115	65	2.00	130	up to 2	NE ¼ Sec 25	NE ¼ Sec 25	N/A	N/A	N/A	N/A	N/A	N/A	2.00	130
9005-3	Matthew Van Buskirk	12/05/2025 # 1 of 8	113	63	1.78	136	1	Ctr. SE ¼ Sec 30	SE ¼ Sec 30	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
9004-3		12/05/2025 # 2 of 8	113	63	1.78	136	1	Ctr. NE ¼ Sec 7	NE ¼ Sec 7	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
9003-3		12/05/2025 # 3 of 8	114	63	3.56	272	2	Ctrs. of SE ¼ & NE ¼ Sec 21	E ½ Sec 21	N/A	N/A	N/A	N/A	N/A	N/A	3.56	272
9002-3		12/05/2025 # 4 of 8	114	63	1.78	136	1	Ctr. of NW ¼ Sec 21	NW ¼ Sec 21	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
9001-3		12/05/2025 # 5 of 8	114	63	1.78	136	1	Ctr. SE ¼ Sec 32	SE ¼ Sec 32	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
8998-3	Terry McClain	12/05/2025 # 6 of 8	114	62	2.00	180	1	Ctr. SW ¼ Sec 8	S ½ Sec 8	N/A	N/A	N/A	N/A	N/A	N/A	2.00	180
9006-3	Timoty Masat	12/05/2025 # 7 of 8	115	63	1.78	204	2	Ctrs. of NW ¼, SE ¼ Sec 21	N ½ Sec 21	N/A	N/A	N/A	N/A	N/A	N/A	1.78	204
8999-3	Craig Brock	12/05/2025 # 8 of 8	113	63	1.78	155	1	Ctr. NE ¼ Sec 2	NE ¼ Sec 2	N/A	N/A	N/A	N/A	N/A	N/A	1.78	155
9010-3	Lenny D Peterson	12/06/2025 # 1 of 1	115	65	1.78	280	2	W ½ SE ¼ Sec 12	S ½ Sec 12	N/A	N/A	N/A	N/A	N/A	N/A	1.78	280
9011-3		12/07/2025 # 1 of 1	115	65	1.78	160	1	Ctr. of SE ¼ Sec 11	SE ¼ Sec 11	N/A	N/A	N/A	N/A	N/A	N/A	1.78	160
9008-3	Brian Gilbert	12/08/2025 # 1 of 2	115	65	3.57	300	2	Ctrs. NE ¼ & SE ¼ Sec 28	E ½ Sec 28	N/A	N/A	N/A	N/A	N/A	N/A	3.57	300

Report on Water Permit App. Nos. 8993-3, 8994-3, and 8995-3

File No.	Name	Priority	T N	R W	New Development Proposed					Other Water Right in Application						Total CFS	Total Acres
					CFS	Acres	No. Wells	Location of Wells	Location of Acres	File No.	No. Wells	CFS	Acres	Location of Wells	Location of Acres		
9007-3	Jon Gilbert	12/08/2025 # 2 of 2	115	63	1.78	280	2	Ctrs. of NW ¼ & NE ¼ Sec 33	N ½ Sec 33	N/A	N/A	N/A	N/A	N/A	N/A	1.78	280
9013-3	Danny Peterson	12/23/2025 # 1 of 6	114	63	0.00	25	0	N/A	SW ¼ Sec 22	7725C-3	1	1.78	135	NE ¼ SW ¼ Sec 22	SW ¼ Sec 22	1.78	160
9014-3		12/23/2025 # 2 of 6	114	63	0.00	45	0	N/A	E ½ Sec 2	6333A-3	1	1.78	215	NE ¼ SW ¼ Sec 2	E ½ Sec 2	1.78	260
9016-3		12/23/2025 # 3 of 6	114	63	0.00	30	0	N/A	SW ¼ Sec 2	3065B-3	1	1.66	130	Ctr. of SW ¼ Sec 2	SW ¼ Sec 2	1.66	160
9015-3		12/23/2025 # 4 of 6	114	63	0.00	28	0	N/A	NE ¼ Sec 22	6312-3	1	1.78	132	Ctr. NE ¼ Sec 22	NE ¼ Sec 22	1.78	160
9017-3		12/23/2025 # 5 of 6	113	62	0.00	25	0	N/A	NW ¼ Sec 6	1512-3	1	1.90	135	Ctr. of NW ¼ Sec 6	NW ¼ Sec 6	1.90	160
9018-3		12/23/2025 # 6 of 6	114	63	0.00	56	0	N/A	E ½ Sec 34	6201C-3	2	3.56	264	SE ¼ NE ¼ & Ctr. of SE ¼ Sec 34	E ½ Sec 34	3.56	320



**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.**

April 21, 2026

Bixler Farms
c/o Jake Bixler
39744 184th Street
Hitchcock SD 57348

Dear Mr. Bixler:

Water Permit Application No. 8994-3 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 Redfield Press printed in Redfield (Ph # 605 353-7412) and the American News printed in Aberdeen (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8994-3 to Appropriate Water

Notice is given that Bixler Farms, 39477 184th Street, Hitchcock SD 57348, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 65-75 feet deep) located in the approximate center of the SE 1/4 Section 18 for irrigation of 160 acres located in the SE 1/4 Section 18; all in T114N-R62W. This site is located approximately five miles northeast of Hitchcock SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8994-3 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.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 11, 2026.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 11, 2026.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, April 20, 2026 1:56 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12269246 8994-3 Bixler Farms - Public Notice
Attachments: 12269246.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on April 29. The order cost is \$56.00 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative

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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, April 20, 2026 1:30 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12269246 8994-3 Bixler Farms - Public Notice

Attached is a notice to be published on April 29, 2026.

Bixler Farms, c/o Jake Bixler, 39477 184th Street, Hitchcock SD 57348, 605-354-2018, bixlerfarms@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





Order Confirmation

Not an Invoice

Account Number:	1590418
Customer Name:	Bixler Farms
Customer Address:	Bixler Farms 39477 184Th ST Hitchcock SD 57348-7206
Contact Name:	Reed Bixler
Contact Phone:	
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	04/20/2026
Order Number:	12269246
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	170.0000
Height in Inches:	18.7400

Print

Product	#Insertions	Start - End	Category
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ABD aberdeennews.com	1	04/29/2026 - 04/29/2026	Public Notices

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Payment Amount by Credit Card	\$58.23

Order Confirmation Amount

\$56.00

Rodriguez, Rachel

From: Cindy Crook <ccrook@cmpapers.com>
Sent: Monday, April 20, 2026 2:26 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8994-3 Bixler Farms - Public Notice

Will run both notice in the paper (1) time on 4/29/26.

Thanks,
Have a Wonderful Monday!!
Cindy Crook

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, April 20, 2026 1:29 PM
To: Cindy Crook <ccrook@cmpapers.com>
Subject: 8994-3 Bixler Farms - Public Notice

Attached is a notice to be published on April 29, 2026.

Bixler Farms, c/o Jake Bixler, 39477 184th Street, Hitchcock SD 57348, 605-354-2018, bixlerfarms@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



Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Cindy Crook, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS. I, Cindy Crook, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

#8253 NOTICE OF HEARING

was printed and published in said newspaper in 1 issue, to wit: The first publication be made on April 29th. That Forty-Five and 68/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, 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.

RECEIVED
MAY 12 2026
Water Rights
Program

Cindy Crook

Subscribed and sworn to before me this 29th, day of April, 2026

Kayla Jessen
Notary Public, South Dakota

My commission expires 09/26/2030



RECEIVED
MAY 12 2026
Water Rights
Program

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8994-3 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.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 11, 2026.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 11, 2026.

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

Published one time at the total approximate cost of \$45.68 and may be viewed free of charge at www.sdpublishnotices.com (Apr.29)

NOTICE OF HEARING

#8253

NOTICE OF APPLICATION NO. 8994-3 to Appropriate Water

Notice is given that Bixler Farms, 39477 184th Street, Hitchcock SD 57348, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 65-75 feet deep) located in the approximate center of the SE 1/4 Section 18 for irrigation of 160 acres located in the SE 1/4 Section 18; all in T114N-R62W. This site is located approximately five miles northeast of Hitchcock SD.

USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

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MAY 04 2026

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

04/29/2026

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 04/29/2026

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$56.00

Tax Amount: \$0.00

Payment Cost: \$56.00

Order No: 12269246

of Copies:

Customer No: 1590418

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 8994-3 to
Appropriate Water**

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OFFICE OF
WATER

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Published once at the total approximate cost of \$56.00 and may be viewed free of charge at www.sdpublicnotices.com.

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MAY 04 2026

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 22, 2026

Bixler Farms
c/o Jake Bixler
39477 184th Street
Hitchcock SD 57348

Dear Mr. Bixler:

Enclosed are Water Permit Nos. 8993-3, 8994-3 and 8995-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

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

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 8994-3

Name of Applicant: Bixler Farms, c/o Jake Bixler

Date of Posting: 4/28/2026

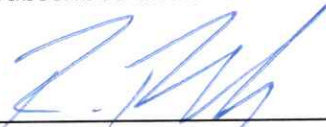
Date of Removal: 7/22/2026


Amanda Dewell, Permitting Administrator

7/22/2026

Date

Subscribed and sworn to before me, a notary public, this 22nd day of July, 20 26.


Notary Public - South Dakota
My commission expires:

**Rachel Rodriguez
My Commission Expires
May 16, 2029**

(SEAL)

