

WATER PERMIT NO. 8997-3

Name of Applicant: Wayne or Scott Binger

Address: 37923 183rd Street, Tulare SD 57476

Phone: 605-450-0255

Amount of Water Claimed: 2.0 cfs

Total Acres: 130

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Spink

Type of Waste Disposal System:

Location: Approx. 3 miles west of Tulare

PRIORITY Date Received: 12-04-25

Application/License Fee: \$1,050.00

Corrected Application Received: 12-05-25

Period of Annual Use: April 1 – November 30

Remarks:

Diversion Point: Approx. center of the NE 1/4 Sec
25-T115N-R65W

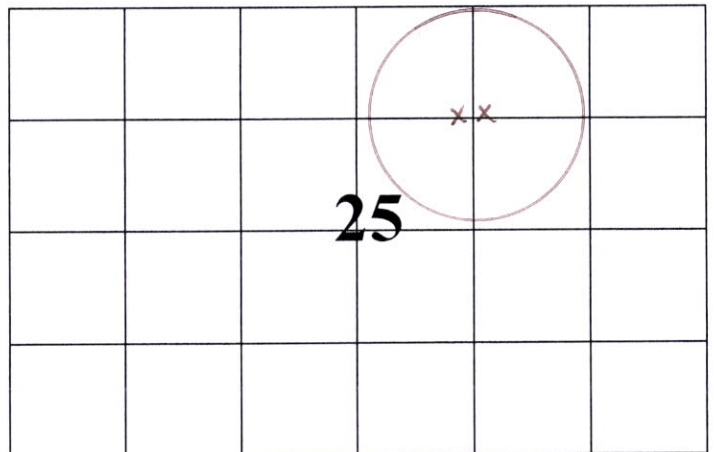
Land to be Irrigated: NE 1/4 Sec 25-T115N-R65W

Depth of Well: 130-150

Well Driller: Stretch's Well Service

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 12-05-25

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8997-3

Date of first receipt of application December 4, 2025.

Date of return to applicant for corrections, amendments or changes December 5, 2025.

Date of receipt of corrected application December 5, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8997-3 to Wayne or Scott Binger, 37923 183rd Street, Tulare SD 57476, 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. 8997-3 appropriates 2.0 cubic feet of water per second (cfs) from up to two wells to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 130-150 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 140 acres located in the NE 1/4 Section 25; all in T115N-R65W. This site is located approximately four miles west of Tulare 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 – November 30.
3. The date from which applicant may claim right is December 4, 2025.
4. The date of approval of Permit No. 8997-3 is June 15, 2026.
5. One-fifth of the construction is to be completed on or before December 15, 2028.
6. All construction is to be completed on or before June 15, 2031.
7. Water is to be put to beneficial use on or before June 15, 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 wells approved under Water Permit No. 8997-3 are 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 wells authorized by Permit No. 8997-3 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
Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

July 31, 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>8997-3</u> Hydrologic Unit <u>10160009</u>
	Basin <u>James</u>
	Newspaper <u>Redfield Press</u>
	<u>Aberdeen American News</u> (office use only)

RECEIVED

DEC 04 2025

Water Rights Program 2:25 PM

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 Wayne or Scott Binger
Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
- Mailing Address 37933 183rd St Tulare S.D. 57476
(Address) (City) (State) (Zip Code)
- Phone _____ Mobile 605-450-0255 Email wdbinger@venturecomm.net
SNLbinger@gmail.com
2. Amount of water claimed 2.0 *CFS or 800-1000 **GPM 5NLbinger@gmail.com Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water
4. Location of point of diversion up to 2 wells in NE 1/4 25-115N-65W
(example - 3 wells in SW 1/4 NE 1/4 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 growing season Apr 1 - Nov 30
7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of NE 1/4 of 25-115N-65W	32.5		
NE 1/4 of NE 1/4 of 25-115N-65W	32.5		
SW 1/4 of NE 1/4 of 25-115N-65W	32.5		
SE 1/4 of NE 1/4 of 25-115N-65W	32.5		

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

Use one center pivot to irrigate 130 acres of farm ground from 2 wells. I am in the process of purchasing this land from my brother's trust. He passed away.

I, Wayne Binger Owner-Trustee, 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 2 Have test holes been drilled? ☐ Yes ☒ No Drilled by STRETCH Well Service
(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) 100-120' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 60-80'

d) Distance to nearest domestic well on applicant's property 1 mile Property owned by others unknown

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

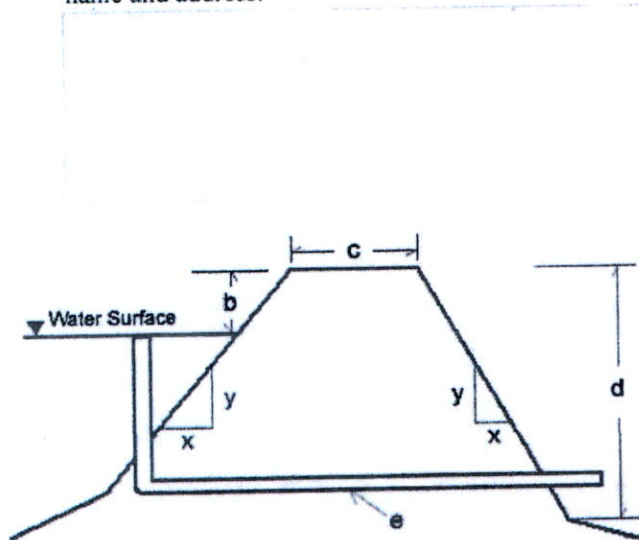
a) Surface Dimensions _____ Depth _____

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 _____

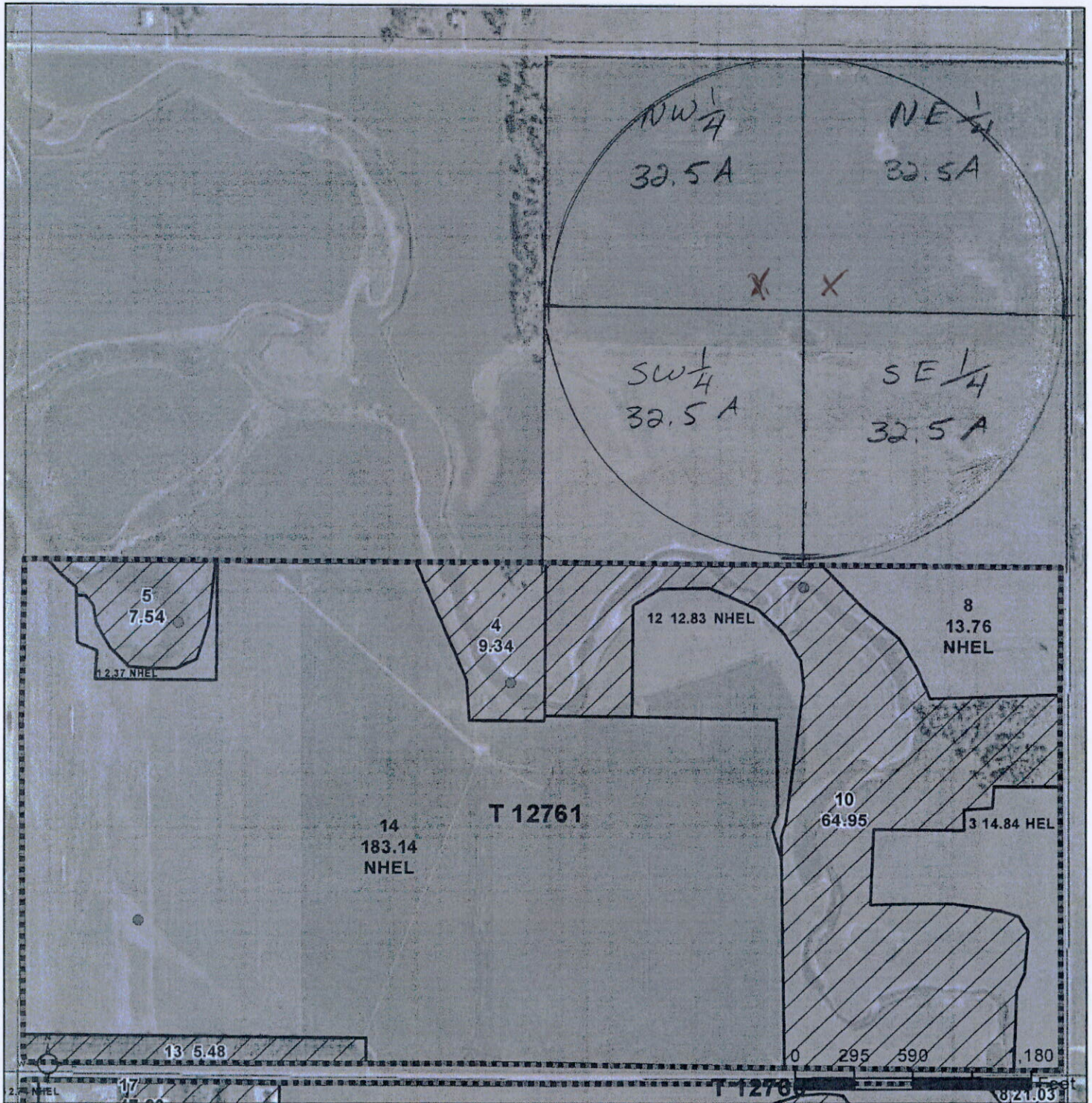
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



United States
Department of
Agriculture

Spink County, South Dakota



Common Land Unit

- Non-Cropland
- Cropland

Tract Boundary

PLSS

Wetland Determination Identifiers

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

2018 Program Year

Map Created March 08, 2018

Farm 9446

25 -115N -65W

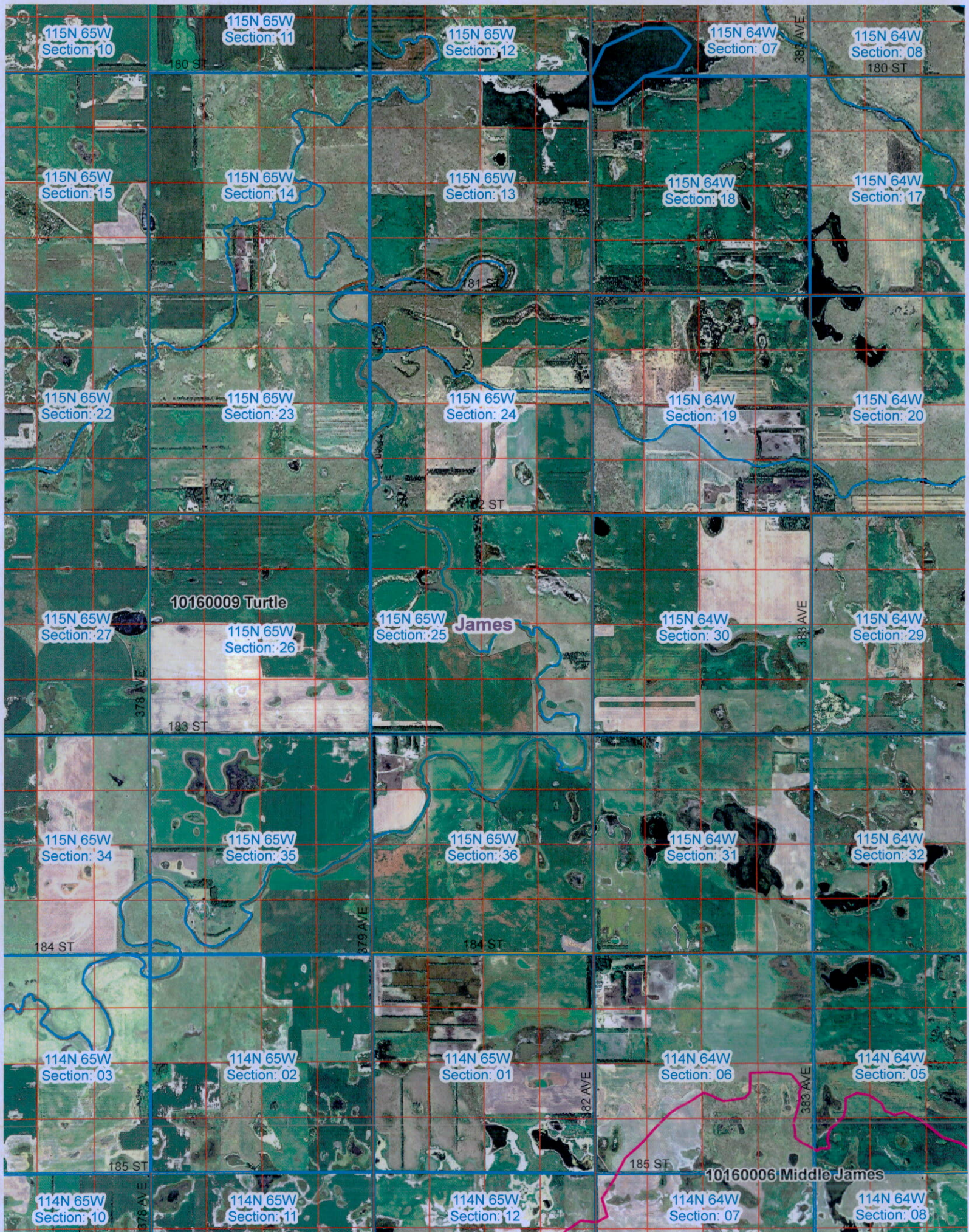
United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (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).

12/5/25

Wayne called in response to Rachel's email. he said the plan was for up to 2 wells near the center of each $\frac{1}{4}$ section but wanted to wait on test holes before committing. For that reason we will public notice them for anywhere within the corresponding Quarter sections.

* he also confirmed April 1 - Nov 30

Amanul
(see maps)



RECEIPT

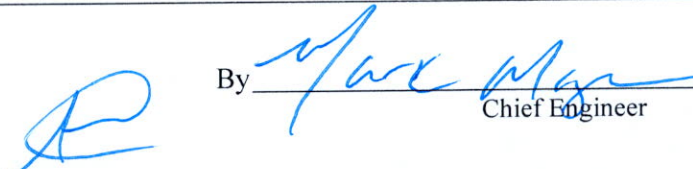
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 04, 2025

RECEIVED OF Wayne or Scott Binger 37923 183rd Street Tulare SD 57476

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

Fee for Application for Permit No. <u>8997-3</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>8997-3</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. 8997-3, Wayne or Scott Binger**

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. 8997-3, Wayne or Scott Binger, 37923 183rd Street, Tulare, SD 57476.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8997-3 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 wells approved under Water Permit No. 8997-3 are 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 wells authorized by Permit No. 8997-3 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
May 20, 2026

**Report to the Chief Engineer on
Water Permit App. Nos. 8996-3 and 8997-3
Wayne or Scott Binger
2026 April 28**

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 to establish a waitlist for fully appropriated aquifers were considered and approved by the Water Management Board at the May 2026 meeting. There are also 25 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, nearby water rights [1], and Water Rights Program observation wells completed into the same aquifer in the area [2].

Water Permit Application No. 8996-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from up to two wells (approximately 130-150 feet deep) to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the NW ¼ Section 1 for irrigation of 140 acres located in the NW ¼ Section 1; all in T114N-R65W. This site is located in Spink County approximately four and one-half miles southwest of Tulare, South Dakota. The priority of this application is December 4, 2025, and was fifth of six applications received that day.

Water Permit Application No. 8997-3 proposes to appropriate 2.0 cfs from up to two wells (approximately 130-150 feet deep) to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the NE ¼ Section 25 for irrigation of 140 acres located in the NE ¼ Section 25; all in T115N-R65W. This site is located in Spink County approximately four miles west of Tulare, South Dakota. The priority of this application is December 4, 2025, and sixth of six applications received that day.

Table 1: Water Rights shown in Figure 1 [1]

Water Right No.	Township	Range	Section	Last Name	First Name	Priority	Max. CFS	Irr. Acres
471-3	115	65	36	Binger	Wayne	04/22/1957	2.25	160
472A-3	114	64	5	Binger	Chad	04/22/1957	1.89	140
782A-3	115	65	25	Binger	Scott	06/20/1961	1.94	136
960-3	115	64	31	Binger	Chad	01/25/1962	6.2	624
1708-3	114	64	5	Nielson	Larry	12/02/1969	2.2	160
5390-3	115	65	26	Steinheuser	Stanley	02/06/1990	1.89	272
6142-3	115	65	27	Binger	Darin	05/10/1982	2.22	240
6160-3	114	64	5	Nielson	Larry	12/10/1999	1.78	136
6184-3	115	65	26	Steinheuser	Stanley	03/02/2000	1.89	270
7551-3	115	65	36	Binger	Wayne	04/22/1957	1.56	219

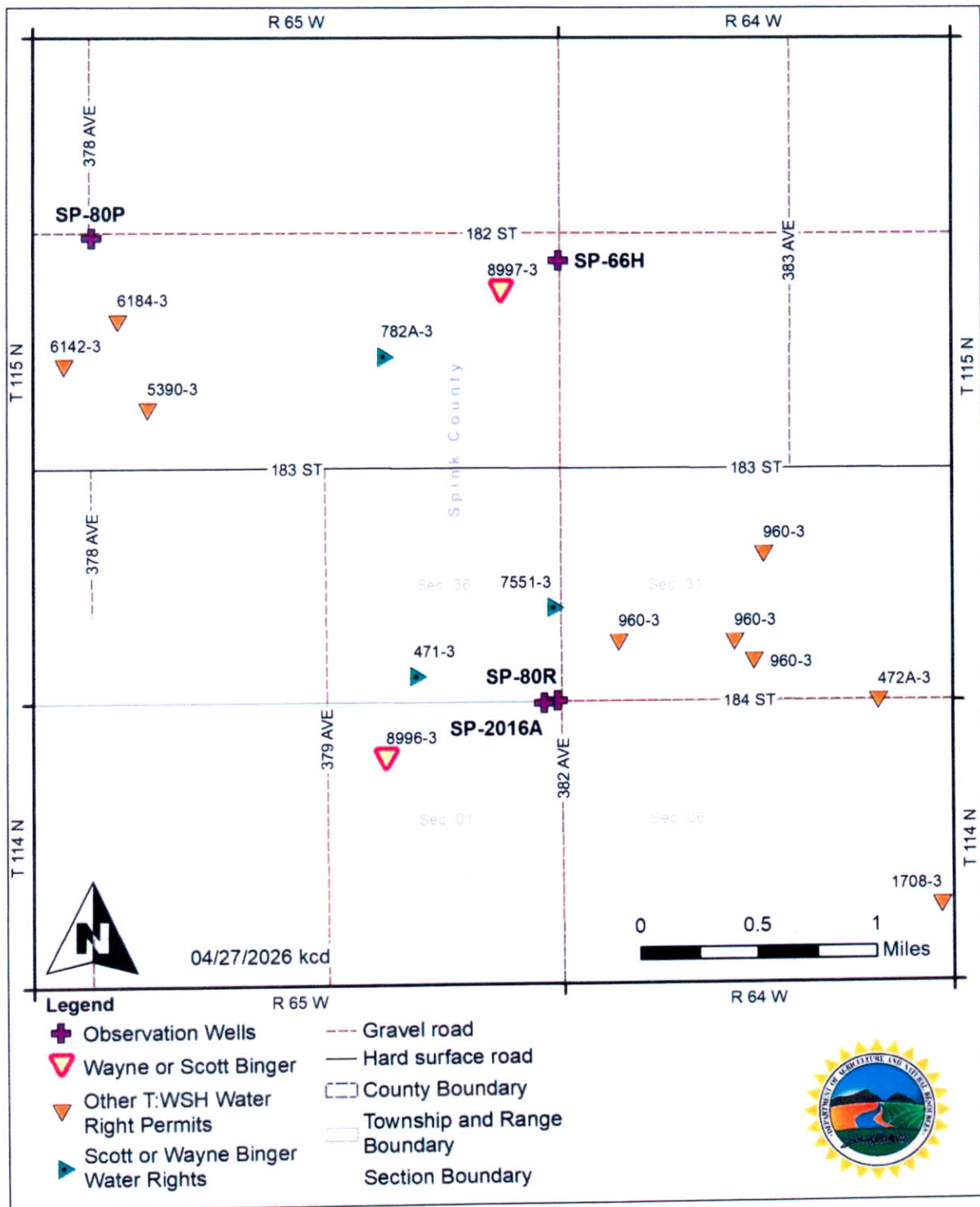


Figure 1: Observation wells and water right permits near these applications. [1] [2]

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 saturated 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 stored 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. In the NW ¼ Section 1-T114N-R65W (the same legal description as Application No. 8996-3), there is an SDGS Lithologic Log which is a copy of a test hole drilled by Empire Irrigation in 1964, which is not on file in the Water Rights Well Completion Report Database [3] [4]. There, the driller reported encountering yellow till from two to 14 feet below grade, gray till with a sand layer and boulders from 14 to 69 feet, sand from 69 to 71 feet, gray till from 71 to 123 feet, clay with sand from 123 to 144 feet, gray till from 144 to 204 feet, and Pierre Shale from 204 to the total depth of 210 feet. A note indicates "Poor test for quality" [3]. The applicant may have difficulty developing at this site. In the SE ¼ Section 24-T115N-R65W, which is approximately a quarter mile north-northeast of the proposed wells for Application No. 8997-3, a lithologic log which is a copy of a US Bureau of Reclamation well log completed for the Pick-Sloan Missouri Basin project in 1951 indicates the driller encountered clay till from land surface to 30 feet below grade, silt from 30 to 37 feet, clay till from 37 to 57 feet, fine sand from 57 to 198 feet, clay till from 198 feet to 203 feet, sand from 203 to 211 feet, and clay from 211 feet to the total depth of 223 feet. The record indicates casing was perforated from 100 to 204 feet, but a static water level was not provided [3]. Observation Well data near these applications indicates that the aquifer is under confined conditions near both of these applications [2], meaning the water level in the aquifer rises above the top of the formation encountered. The depths of the formations encountered are typical for the Tulare: Western Spink-Hitchcock aquifer in this area [11].

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 [12]. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

The hydrologic budget of the Tulare: Western Spink-Hitchcock aquifer as of 2025 was presented before the Water Management Board in December of 2025 [13] and is summarized below. The estimated average annual recharge to the aquifer is approximately 0.83 inches per acre [11], 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 [13] 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.

There are 27 water permit applications that were held in 2015 following procedure for fully appropriated aquifers established by the Legislature in 2014, which were considered and approved at the May, 2026 Board meeting. 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 [13]. 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 [13]. The total estimated withdrawal of the 27 held applications is likely to range between approximately 2,300 and 2,500 ac-ft/yr. Table 2 summarizes the held applications and estimated withdrawal based on

Report on Water Permit App. Nos. 8996-3 and 8997-3

past irrigation reports. The held water permit application for Martin Anderson (App. No. 8120-3) may not be developed because the applicant indicated an 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 (9036-3) junior to the applications in this report. At the time of writing, there are 25 new applications requesting water from the Tulare: Western Spink-Hitchcock aquifer, including Application No. 9036-3. Appendix Table 4 (page 11) lists the new permit applications in order of priority date and other details pertaining to those applications. Table 3 summarizes the estimated withdrawals for the new applications, except Application No. 9036-3 (excluded so as not to double count on the hydrologic budget), which are also all for irrigation.

The applications in this report are estimated to withdraw between 113 and 125 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.

Table 2: Estimated withdrawals for the 27 held applications approved at the May 2026 Water Management Board meeting. Several applicants have multiple held applications [13].

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
* This application may be canceled if App. No. 9036-3 is approved.				

Table 3: Estimated withdrawals for new applications since the 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	280	122	135
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	3.56	280	122	135
Danny Peterson	0.00	209	91	101
Total	36.72	3,172	1,384	1,527

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 [2]. The location of these observation wells is mapped in Figure 1 (page 2). The nearest observation wells to Application No. 8996-3 are SP-2016A and SP-80R, located approximately three quarters of a mile east-northeast of the proposed wells for that application. The nearest observation well to Application No. 8997-3 is SP-66H, located within a quarter mile of the proposed wells for that application. The water levels and fluctuations in those wells are representative of the general behavior of the aquifer. Figure 2 shows the water level elevations for those three observation wells. The water-level fluctuations in those wells are representative of the general behavior of the aquifer. 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 recharge and natural discharge are 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. 8996-3 and 8997-3

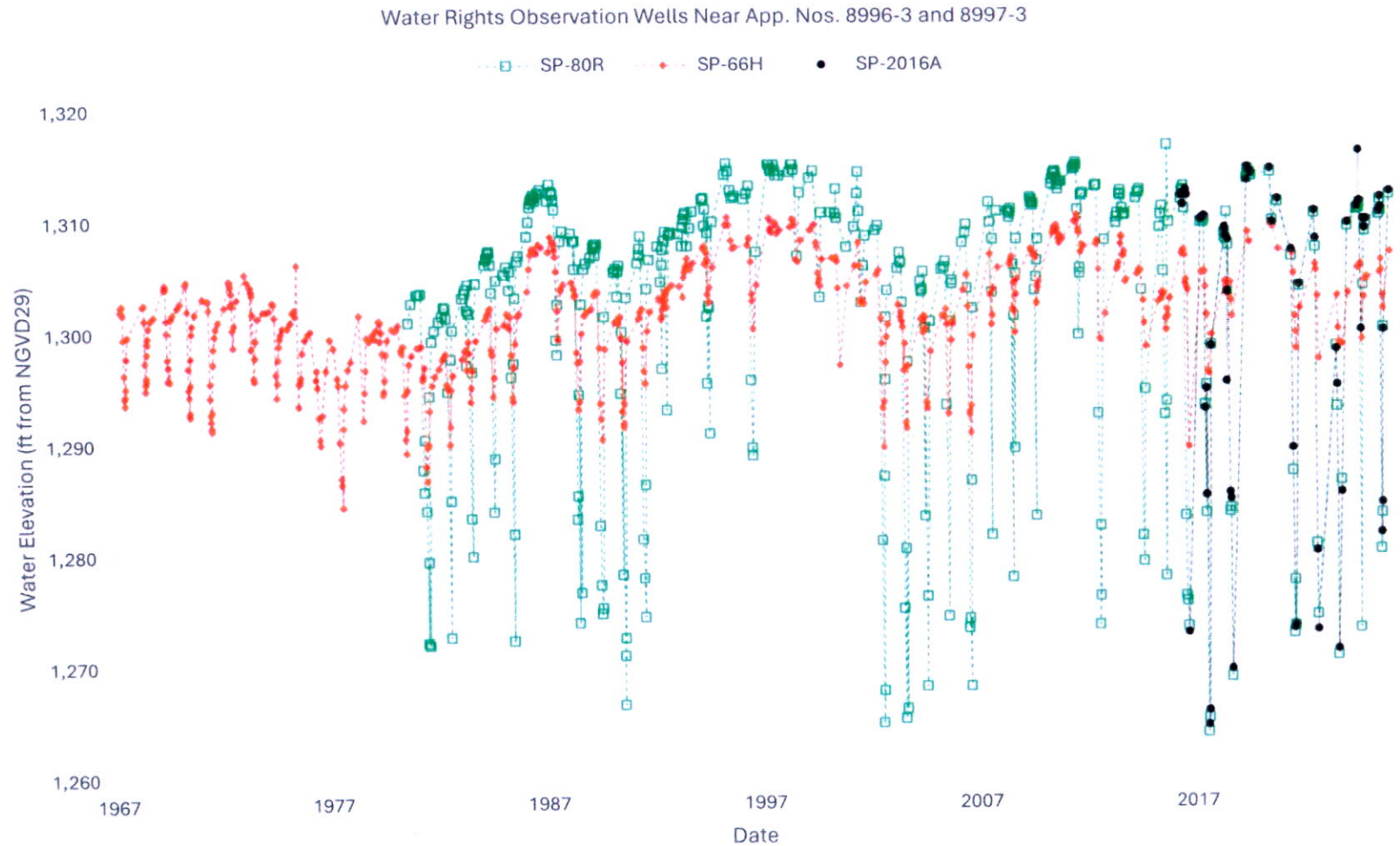


Figure 2: Water Rights Program observation well water elevations near these applications [2].

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right permit to either proposed appropriation, which is not owned by the applicant, is Water Right No. 960-3, approximately one mile northeast of the proposed well sites for Application No. 8996-3 (see Table 1 and Figure 1) [1]. Wayne Binger also holds Water Right No. 471-3, which is approximately a half mile north of the proposed wells for Application No. 8996-3. Scott Binger holds Water Right No. 782A-3, located approximately a half mile southwest of the proposed wells for Application No. 8997-3. There are numerous domestic wells on file with the Water Rights Program near these applications, based on the locations provided by the well drillers [4]. There may be more wells in the area that are not on file because they predate the South Dakota Well Construction Standards requiring drillers file a report for each well and test hole drilled. The nearest domestic well to Application No. 8996-3 is located approximately 0.6 miles north of the proposed wells for that application [4]. The nearest domestic well to Application No. 8997-3 is approximately 1.1 miles southwest of the proposed wells for that application.

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 appropriative wells in relatively close proximity throughout the Tulare: Western Spink-Hitchcock aquifer [16]. Therefore, based on the lack of complaints and proximity of water rights owned by the applicants, 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. 8996-3 proposes to appropriate 2.0 cfs from up to two wells to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the NW $\frac{1}{4}$ Section 1 for irrigation of 140 acres located in the NW $\frac{1}{4}$ Section 1; all in T114N-R65W.
2. Water Permit Application No. 8997-3 proposes to appropriate 2.0 cfs from up to two wells to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the NE $\frac{1}{4}$ Section 25 for irrigation of 140 acres located in the NE $\frac{1}{4}$ Section 25; all in T115N-R65W. Based on the hydrologic budget and observation well

analysis, there is reasonable probability unappropriated water is available for these applications.

3. 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

References

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- [5] D. W. Tomhave and L. D. Schulz, "Bedrock geologic map showing configuration of the bedrock surface in South Dakota east of the Missouri River," DANR Geological Survey Program, Vermillion, SD, 2004.
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- [13] K. C. Drennon, "Second Report on the Five-Year Review of Water Availability in the Western Spink-Hitchcock Management Unit of the Tulare Aquifer," SD DANR Water Rights Program, 3 December 2025. [Online]. Available: https://danr.sd.gov/wrimage/pub/2025_TWSH_5YR.pdf. [Accessed 19 February 2026].
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- [16] Water Rights Program, "Complaints Database," S.D. Dept. of Ag. and Nat. Resources, Joe Foss Building, Pierre, SD, 2025.
- [17] L. D. Schulz, "First Occurrence of Aquifer Materials in Beadle County, South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 2003.

Report on Water Permit App. Nos. 8996-3 and 8997-3

Appendix: Supplemental Tables

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	140	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	140
8997-3		12/04/2025 # 6 of 6	115	65	2.00	140	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	140
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	3.57	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	3.57	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. 8996-3 and 8997-3

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	3.56	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	3.56	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
9036-3*	Martin Anderson	03/29/2026	113	64	1.86	136	1	Ctr. NE ¼ Sec 1	NE ¼ Sec. 1	N/A	N/A	N/A	N/A	N/A	N/A	1.86	136

* Approval of this application may cancel Water Permit No. 8120-3

Water Rights Program - File Documentation

NAMES: Wayne Binger

ADDRESS:

DATE: April 29, 2026

RE: Statutory Pumping Limit

COMMENTS:

Mr. Binger called me back this morning asking if he could instead increase his requested acreage to 140. The reason he needs 900 gallons per minute (2 cfs) is because he expects to need two wells to run the pivot and his pumps are 450 gallons per minute each. I told him he could increase the amount of acres irrigated to 140 acres instead of reducing his diversion rate.



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

Water Rights Program - File Documentation

NAMES: Wayne Binger

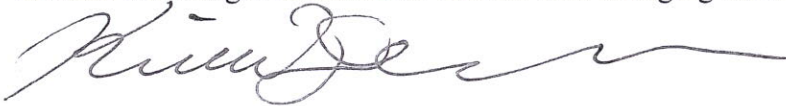
ADDRESS:

DATE: April 28, 2026

RE: Statutory Pumping Limit

COMMENTS:

After noticing that Mr. Binger requested a pump rate greater than the statutory limit, I called him and asked for an explanation. He indicated that he did not need 2.0 cfs for that amount and asked what a legal amount would be. I indicated that for the 130 acres requested in each application, 1.8 cfs is the maximum legal amount, equivalent to approximately 830 gallons per minute. Mr. Binger indicated he was ok with changing his requested diversion rate to 1.8 cfs.

A handwritten signature in dark ink, appearing to read 'Kimberly C. Drennon', with a long horizontal flourish extending to the right.

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, December 5, 2025 7:59 AM
To: wdbinger@venturecomm.net; snlbinger@gmail.com
Subject: Water Permit Applications
Attachments: BingerMap1.pdf; BingerMap2.pdf

Good afternoon,

In looking over your applications, there are a couple of issues:

- I do not see the location of the proposed wells. One application has 2 wells in the NW 1/4 Sec 1-T114N-R65W. The other application also has 2 wells in the NE 1/4 Sec 25-T115N-R65W. Attached are maps for each application, please mark the proposed location of the wells with an "X".
- For period of annual use you wrote "growing season", we need a date range. Do you agree with a date range of April 1 – November 30? This will give you more flexibility when operating your system.

Once I receive the information above, I will begin processing your application. Let me know if you have questions.

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 26, 2026

Wayne or Scott Binger
37923 183rd Street
Tulare SD 57476

Dear Mr. Binger:

Water Permit Application No. 8997-3 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. 8997-3 to Appropriate Water

Notice is given that Wayne or Scott Binger, 37923 183rd Street, Tulare SD 57476, have filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from up to two wells to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 130-150 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 140 acres located in the NE 1/4 Section 25; all in T115N-R65W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately four miles west of Tulare SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8997-3 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 June 15, 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 June 15, 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: Tuesday, May 26, 2026 2:21 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12361746 8997-3 Wayne or Scott Binger - Public Notice
Attachments: 12361746.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on June 3. The order cost is \$57.80 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

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

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

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 26, 2026 8:24 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12361746 8997-3 Wayne or Scott Binger - Public Notice

Attached is a notice to be published on June 3, 2026.

Wayne or Scott Binger, 37923 183rd Street, Tulare SD 57476, 605-450-0255, wdbinger@venturecomm.net 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:	1602196
Customer Name:	Wayne Binger
Customer Address:	Wayne Binger 37923 183Rd ST Tulare SD 57476-7000
Contact Name:	Water Rights Program
Contact Phone:	
Contact Email:	
PO Number:	

Date:	05/26/2026
Order Number:	12361746
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	176.0000
Height in Inches:	19.4000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	06/03/2026 - 06/03/2026	Public Notices
ABD aberdeennews.com	1	06/03/2026 - 06/03/2026	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	\$57.80
Tax Amount	\$0.00
Service Fee 3.99%	\$2.31
Cash/Check/ACH Discount	-\$2.31
Payment Amount by Cash/Check/ACH	\$57.80
Payment Amount by Credit Card	\$60.11

Order Confirmation Amount

\$57.80

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 26, 2026 8:23 AM
To: ccrook@cmpapers.com
Subject: 8997-3 Wayne or Scott Binger - Public Notice
Attachments: 8997-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 3, 2026.

Wayne or Scott Binger, 37923 183rd Street, Tulare SD 57476, 605-450-0255, wdbinger@venturecomm.net 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:

#8293 NOTICE OF HEARING

was printed and published in said newspaper in 1 issue, to wit: The first publication be made on June 3rd. That Forty-Seven and 52/100 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.

Cindy Crook

Subscribed and sworn to before me this 3rd day of June, 2026

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2030

RECEIVED
JUN 23 2026
Water Rights
Program



the Acting Chief Engineer recommends APPROVAL of Application No. 8997-3 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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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 \$47.52 and may be viewed free of charge at www.sdpublishnotices.com (June 3)

NOTICE OF HEARING

#8293

NOTICE OF APPLICATION NO. 8997-3 to Appropriate Water

Notice is given that Wayne or Scott Binger, 37923 183rd Street, Tulare SD 57476, have filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from up to two wells to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 130-150 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 140 acres located in the NE 1/4 Section 25; all in T115N-R65W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately four miles west of Tulare SD.

Pursuant to SDCL 46-2A-2,

RECEIVED
JUN 23 2026
Water Rights Program

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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JUN 08 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:

06/03/2026

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 06/03/2026

A handwritten signature in cursive script, appearing to read "Linda Furr".

Legal Clerk

A handwritten signature in cursive script, appearing to read "Kongmeng Yang".

Notary, State of WI, County of Brown

A handwritten signature in cursive script, appearing to read "Kongmeng Yang".

My commission expires

Publication Cost: \$57.80

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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. 8997-3 to
Appropriate Water**

Notice is given that Wayne or Scott Binger, 37923 183rd Street, Tulare SD 57476, have filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from up to two wells to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 130-150 feet deep) located in the approximate center of the NE 1/4 Section 25 for irrigation of 140 acres located in the NE 1/4 Section 25; all in T115N-R65W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately four miles west of Tulare SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8997-3 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

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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 15, 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 June 15, 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 \$57.80 and may be viewed free of charge at www.sdpublicnotices.com.

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WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 26, 2026 3:01 PM
To: wdbinger@venturecomm.net
Subject: 8997-3 Wayne or Scott Binger - Public Notice
Attachments: 8997-3 Rec.pdf; 8997-3 Ltr.pdf; 8997-3 PubNotice.pdf; AmericanNews Info.pdf

Good afternoon,

Attached is a copy of the report, 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

July 31, 2026

Wayne or Scott Binger
37923 183rd Street
Tulare SD 57476

Dear Sirs:

Enclosed are Water Permit Nos. 8996-3 and 8997-3 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
Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

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.: 8997-3

Name of Applicant: Wayne or Scott Binger

Date of Posting: 6/1/2026

Date of Removal: 7/31/2026

Amanda Dewell, Permitting Administrator

7/31/2026

Date

Subscribed and sworn to before me, a notary public, this 31st day of July, 2026.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

