

WATER PERMIT NO. 8998-3

Name of Applicant: **Terry McClain**

Address: **18590 395th Avenue, Hitchcock SD 57348**

Phone: **605-350-8666**

Amount of Water Claimed: **2.0 cfs**

Total Acres: **180**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **Approx. 6 miles northeast of Hitchcock**

PRIORITY

Date Received: **12-05-25**

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

Corrected Application Received: **12-05-25**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **Approx. center of the SW 1/4 Sec 8-T114N-R62W**

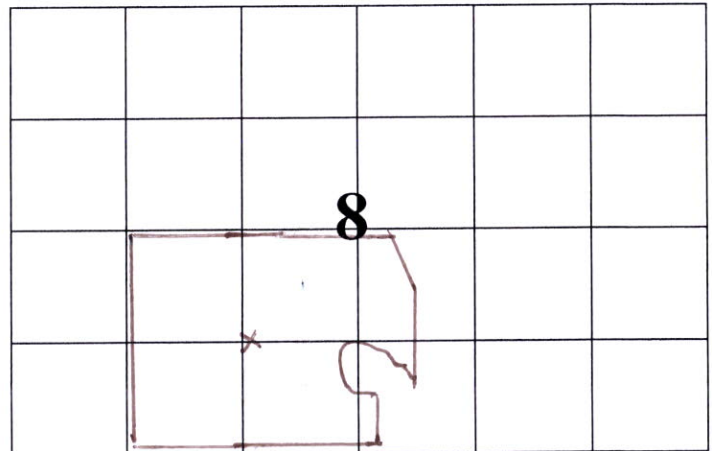
Land to be Irrigated: **SW 1/4, W 1/2 SE 1/4 Sec 8-T114N-R62W**

Depth of Well: **65**

Well Driller:

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. 8998-3

Date of first receipt of application December 5, 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. 8998-3 to Terry McClain, 18590 395th Avenue, 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. 8998-3 appropriates 2.0 cubic feet of water per second (cfs) from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 8 for irrigation of 180 acres located in the SW 1/4, W 1/2 SE 1/4 Section 8; all in T114N-R62W. This site is located approximately six 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: April 1 – October 31.
3. The date from which applicant may claim right is December 5, 2025.
4. The date of approval of Permit No. 8998-3 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 well approved under Water Permit No. 8998-3 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. 8998-3 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, PE
Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 05 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>8998-3</u> Hydrologic Unit <u>10140006</u>
	Basin <u>James</u>
	Newspaper <u>Redfield Press</u>
	<u>Aberdeen American News</u> (office use only)

RECEIVED

DEC 05 2025

Water Rights
Program

10:16 AM

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 Terry McClain McClain

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

Mailing Address 18590 395th ave Hitchcock sd 57348
(Address) (City) (State) (Zip Code)

Phone _____ Mobile +16053508666 Email mclainterrance@gmail.com

2. Amount of water claimed 2.0 *CFS or 900 **GPM 1000 ***AF Total Acreage 180
(*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 southwest 1/4 section 8 T114N-R62W approx. center
(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 Apr 1 - Oct 31

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
<u>SW 1/4 Sec 8-T114N-R62W</u>			
<u>W 1/2 SE 1/4 "</u>			

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

I, Terry McClain Operator _____, 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)

RECEIVED

DEC 05 2025

**Water Rights
Program**

- 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) 65' 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

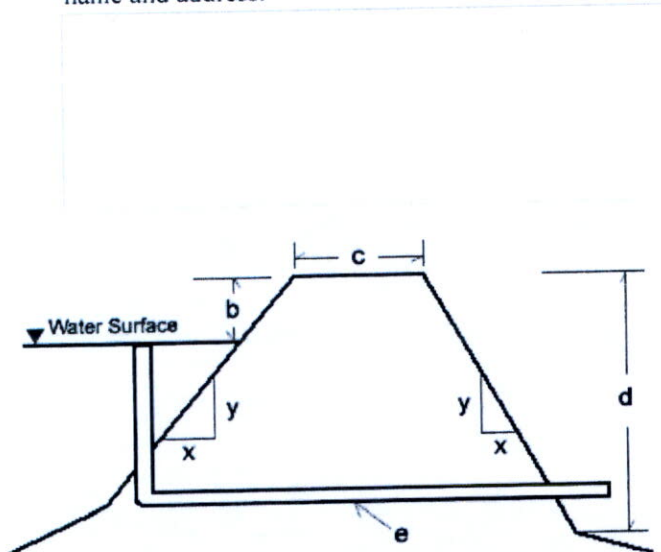
3. Dugout Information

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

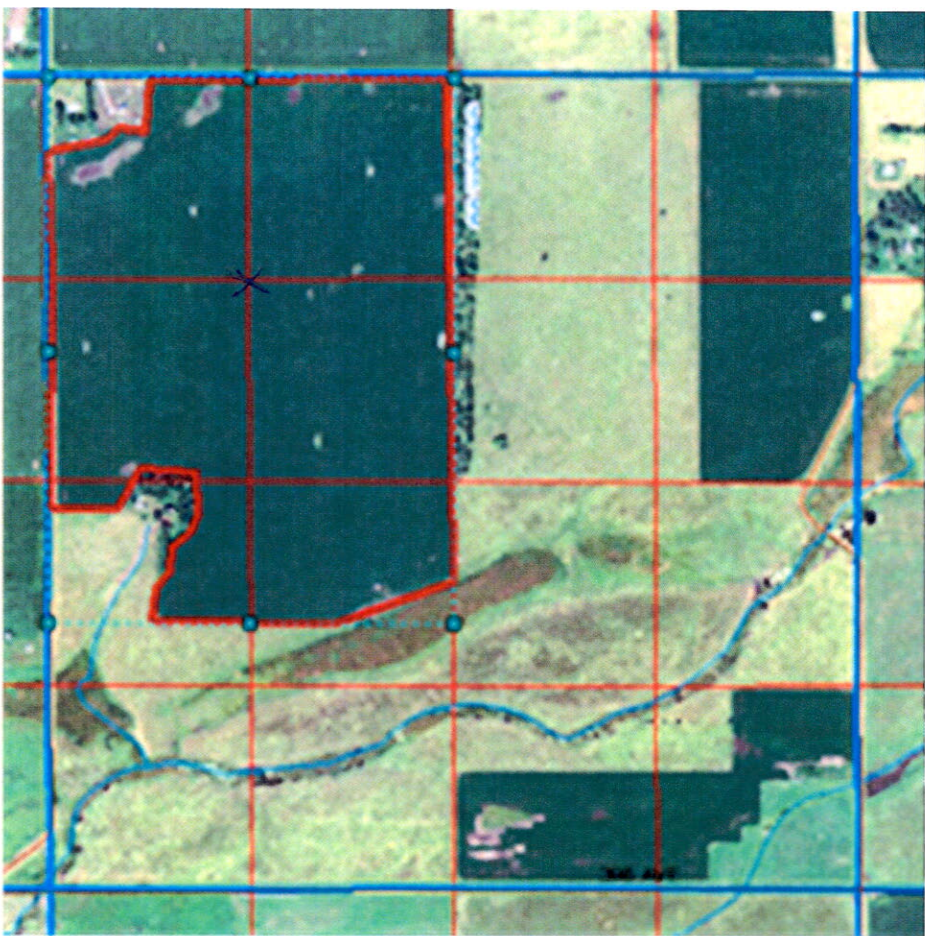
4. Water Storage Dams

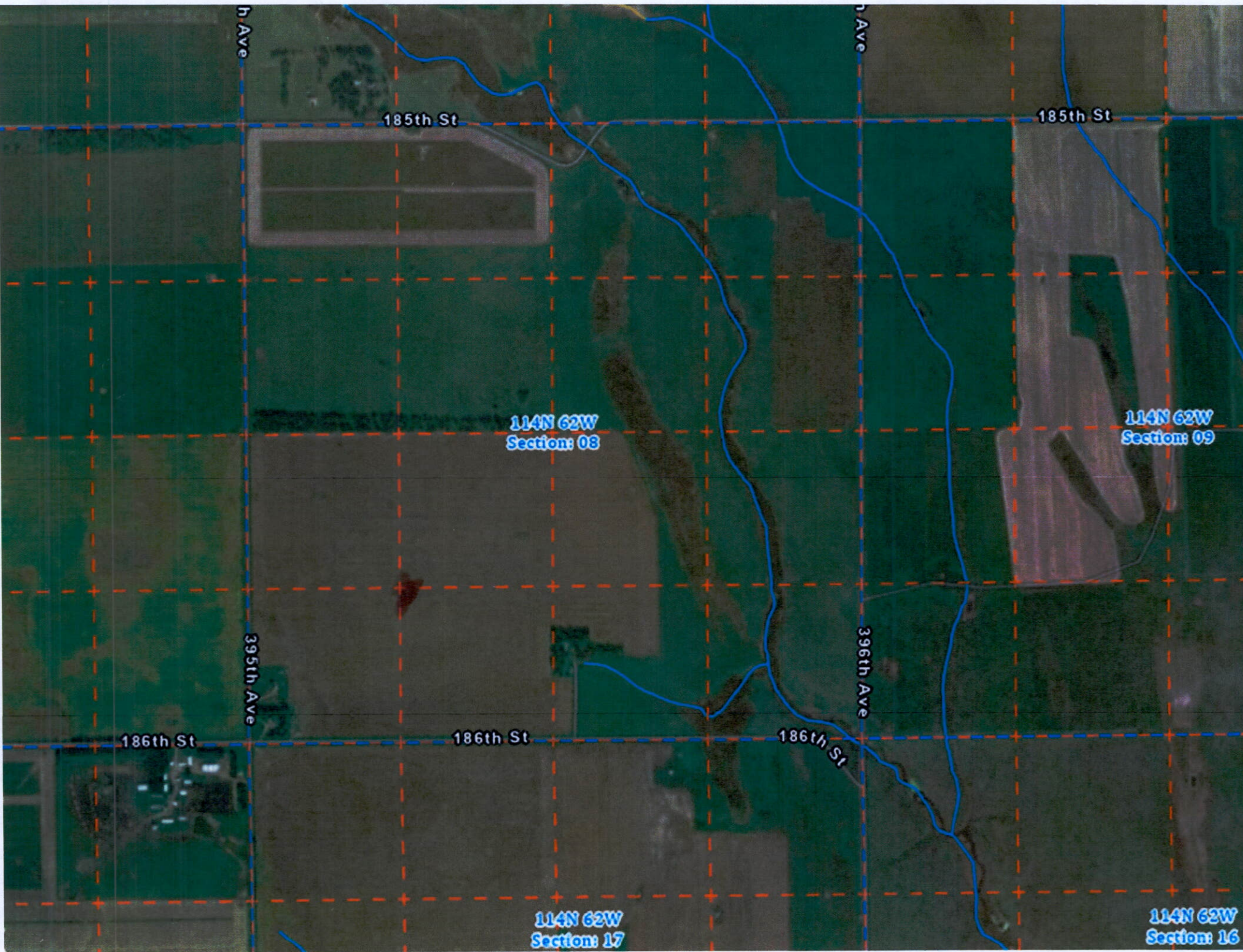
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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





RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 05, 2025

RECEIVED OF Terry McClain 18590 395th Avenue Hitchcock SD 57348

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

Fee for Application for Permit No. <u>8998-3</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>8998-3</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

Rodriguez, Rachel

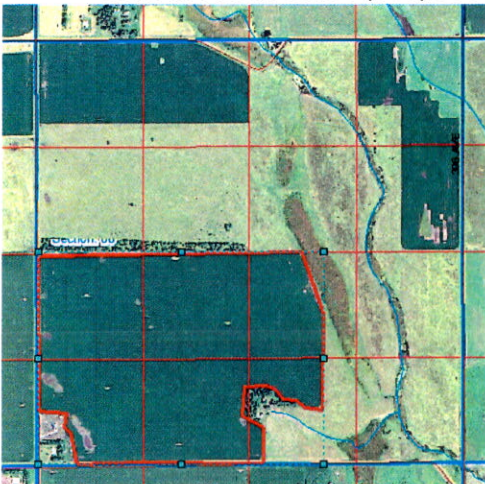
From: Rodriguez, Rachel
Sent: Friday, December 5, 2025 11:04 AM
To: 'mclainterrance@gmail.com'
Subject: RE: [EXT] Water Permit Application

*Terry called
and confirmed
irrigation area;
annual use & said
900 gpm.
12-5-25*

Good Morning Terrance,

In looking over your application, I see a few issues:

- You have requested a pump rate of 1000 gpm. Usually, a typical low-pressure pivot can operate in the 700 to 800 gpm range so there is no need to justify a greater amount if it is not needed. If the system you intend to install requires 1000 gpm, please let us know, then we have a basis for proceeding with the higher amount.
- You indicated a total of 180 acres on line 2 of the application. However, you did not state the intended area to be irrigated on line 7 of the application, land description. Please reply with the area you intend to irrigate which must come to 180 acres.
- We need an annual period of use, line 6. Do you agree a period from April 1- October 31? This will give you more flexibility when operating your system.
- The map you returned, does not show the acres to be irrigated. I have outlined in red the proposed 180 acres, please confirm if the area is correct.
- The fees for 180 acres is \$1,050.00, (application fee \$850.00 and inspection fee \$200.00), you may call our Fiscal Office (605) 773-5559 to submit payment over the phone.



Once I receive the information above and the fees, I will begin processing your application. If you have question, you may call my direct line 605-773-4063.

Thank you,

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

Rodriguez, Rachel

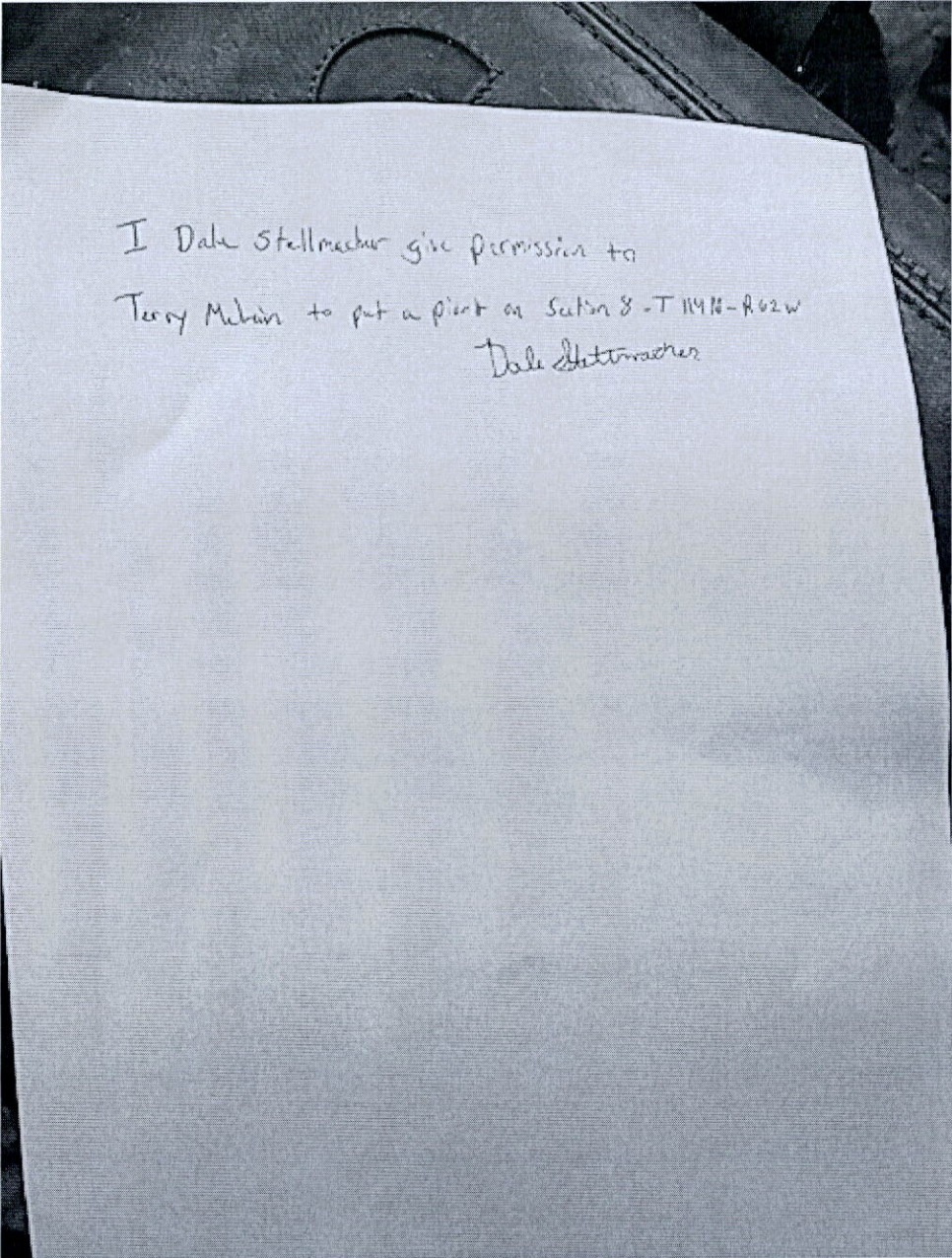
From: Dewell, Amanda
Sent: Tuesday, December 9, 2025 8:31 AM
To: Rodriguez, Rachel
Subject: FW: [EXT] Automatic reply: Water Permit Application

Will you please add this to the application file for McLain?

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



From: mclainterrance@gmail.com <mclainterrance@gmail.com>
Sent: Friday, December 5, 2025 10:29 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] Automatic reply: Water Permit Application



I Dale Stallmacher give permission to
Terry Mahan to put a plant on Section 8 - T 11416 - R 62 W
Dale Stallmacher

Sent from my iPhone

On Dec 5, 2025, at 10:17 AM, Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

I will be out of the office Friday Dec 5 - Monday Dec 8. If you need immediate assistance, please call 605-773-3352.



**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. 8998-3, Terry McClain**

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. 8998-3, Terry McClain, 18590 395th Avenue, Hitchcock SD 57348.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8998-3 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. 8998-3 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. 8998-3 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. No. 8998-3**
Terry McClain
2026 April 29

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 waitlist procedures 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 application in this report, nearby water rights [1], and Water Rights Program observation wells completed into the same aquifer in the area [2]. Table 1 displays information about water rights, held applications, and new applications in Figure 1.

Water Permit Application No. 8998-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well (approximately 65 feet deep) to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SW ¼ Section 8 for irrigation of 180 acres located in the SW ¼, W ½ SE ¼ Section 8; all in T114N-R62W. This site is located in Spink County approximately six miles northeast of Hitchcock, South Dakota. The priority of this application is December 5, 2025, and was sixth of eight applications received that day.

Table 1: Water rights, held applications, and new applications shown in Figure 1

File No.	Name/Business	Status	Use Type	Max. CFS	Irr. Acres	Priority
3052-3	Bixler Farms	License	Irrigation	1.88	180	09/14/1976
3172-3	Richard Rathjen	License	Irrigation	1.78	136	10/15/1976
5897-3	Gatzke Acres	License	Irrigation	3.56	268	01/10/1996
5897-3	Gatzke Acres	License	Irrigation	3.56	268	01/10/1996
6288-3	Stanley Steinheuser	License	Irrigation	1.56	136	01/04/2002
6338A-3	Gatzke Feedlot LLC	License	Irrigation	0.45	68	07/12/2002
6339A-3	Allen Gatzke	License	Irrigation	1.67	132	07/12/2002
7289-3	Bixler Farms	License	Irrigation	3.57	270	12/15/2011
7289-3	Bixler Farms	License	Irrigation	3.57	270	12/15/2011
8101-3	Bixler Farms	Held	Irrigation	1.78	150	02/25/2015 # 2 of 27
8105-3	Bixler Land	Held	Irrigation	1.78	160	02/25/2015 # 11 of 27
8106-3	Bixler Land	Held	Irrigation	1.78	160	02/25/2015 # 8 of 27
8107-3	Bixler Farms	Held	Irrigation	1.78	180	02/25/2015 # 22 of 27
8121-3	Allen and Jeffrey Gatzke	Held	Irrigation	0.89	40	02/25/2015 # 20 of 27
8122-3	Allen and Jeffrey Gatzke	Held	Irrigation	1.78	70	02/25/2015 # 23 of 27
8994-3	Bixler Farms	Pending	Irrigation	1.78	160	12/04/2025 # 2 of 6
8998-3	Terry McClain	Pending	Irrigation	2.00	180	12/05/2025 # 6 of 8

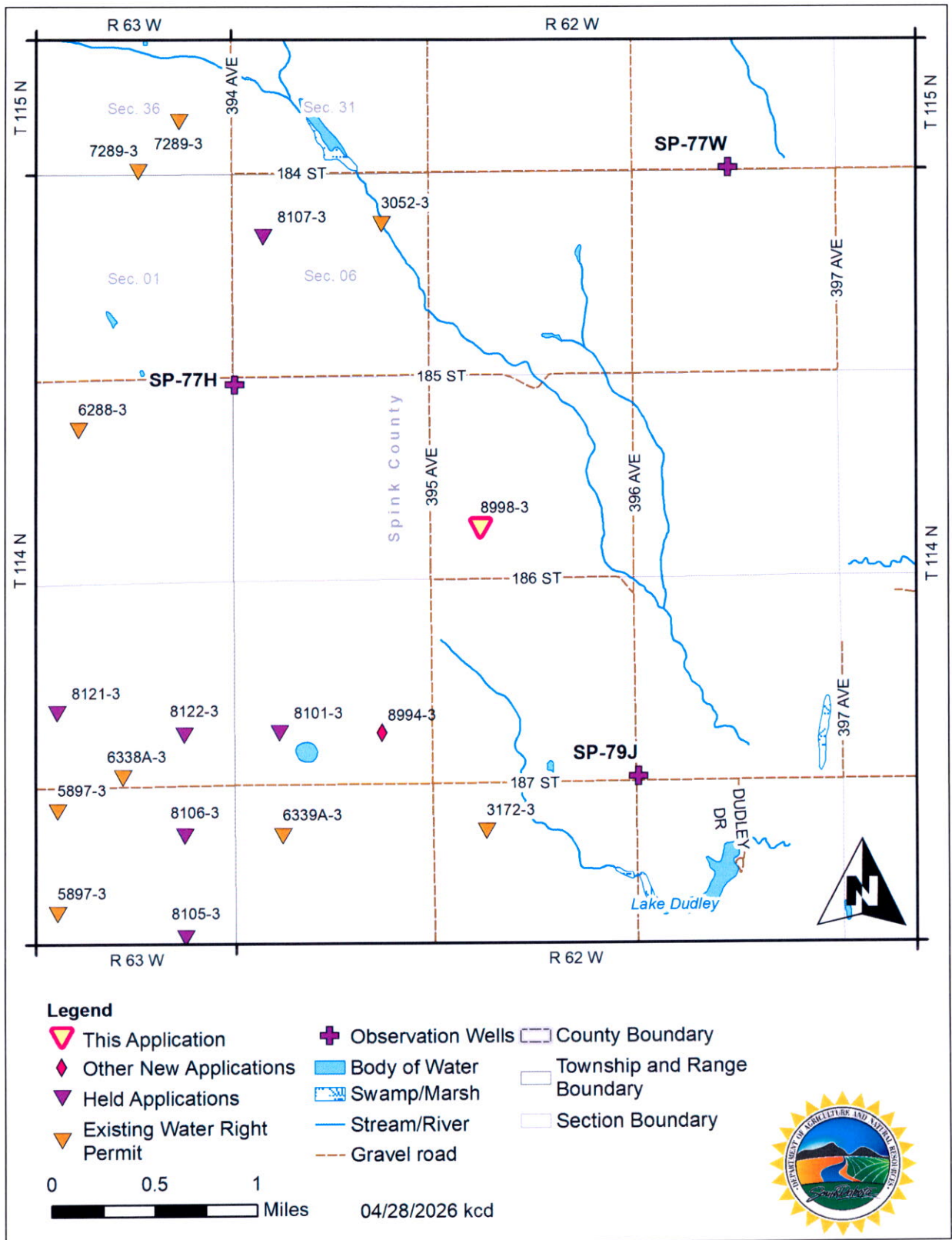


Figure 1: Observation wells and water right permits near this application, held, and other new applications. [1] [2]

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 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 this application, but sufficient information is available to complete the technical analysis for this report. Multiple lithologic logs and well completion reports on file for the same section as this application indicate drillers tend to encounter sand approximately 10 feet below grade down to the total depth of wells or test holes drilled, which tends to be 40 to 50 feet [4] [3]. There is one well completion report that is completed into the Dakota aquifer in the same quarter-section as this application, dated April 3, 1992. The driller indicated encountering yellow clay from land surface to 10 feet below grade, sand from 10 to 48 feet, blue clay from 48 to 140 feet, and shale at 140 feet, which would indicate the bedrock begins approximately 140 feet below grade at the proposed well site [4]. None of the lithologic logs or well completion reports in this section indicate the static water level in the Tulare: Western Spink-Hitchcock aquifer. A well completion report completed approximately three quarters of a mile east-southeast of this application dated January 22, 1983 in the NW ¼ NE ¼ Section 17-T114N-R62W indicates the driller encountered yellow clay from land surface to 10 feet below grade, sand from 10 to 17 feet, yellow clay from 17 to 20 feet, grey sand and coal from 30 to 38 feet, and blue clay from 38 to the total depth of 100 feet [4]. The static water level at the time that well was drilled was 22 feet below grade, meaning the aquifer is likely under unconfined conditions near this application. The depths of the formations encountered are typical for the Tulare: Western Spink-Hitchcock aquifer in this area [14].

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 [15]. 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 [12] and is summarized below. The estimated average annual recharge to the aquifer is approximately 0.83 inches per acre [14], 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.

There are 27 water permit applications that were held in 2015 following procedure established by the Legislature in 2014 for fully appropriated aquifer, with were all considered and approved at the May Board meeting. Those 27 applications have senior priority to the applications in this report. For the last ten years of record, the reported average irrigation per acre irrigated 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 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 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 [16]. 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.

This application is estimated to withdraw between 79 and 87 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 this application.

Table 2: Estimated withdrawals for the 27 held applications approved at the May 2026 Water Management Board meeting. Several applicants have multiple held 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
* 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 three nearest observation wells to this application are SP-77H, SP-77W, and SP-79J, which are 1.4 miles northwest, 2.2 miles northeast, and 1.4 miles southeast of this application, respectively. The location of these observation wells is mapped in Figure 1 (page 2). 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 [13]. 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] [13]. 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 this application.

Report on Water Permit App. No. 8998-3

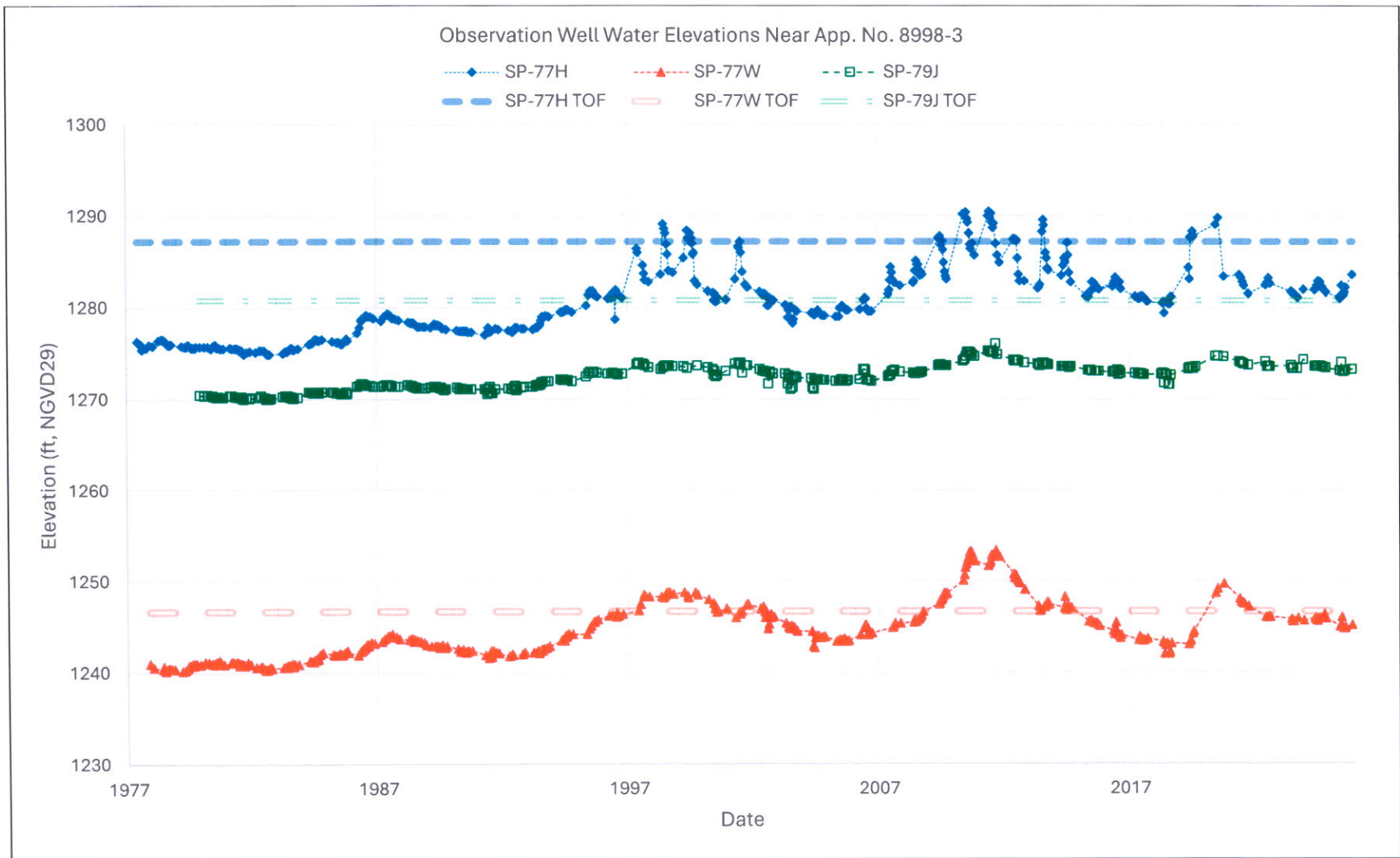


Figure 2: Observation well water elevations near this application [2]. TOF – Top of Formation.

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right permit or application, senior to this application, is Application No. 8994-3, 1.1 miles south-southwest of this application, shown in Figure 1 and summarized in Table 1. The next-nearest water right to this application is Water Right No. 3052-3, which is 1.5 miles north-northwest of this application. There are numerous domestic wells on file with the Water Rights Program near this application, 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. There are two domestic wells on file with the water rights program that are in the same section and aquifer as this application, based on the location provided by the driller. One is approximately a half mile north of this application and one is approximately a half mile east of this 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 [17]. 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. 8998-3 proposes to appropriate 2.0 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 8 for irrigation of 180 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8; all in T114N-R62W.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application 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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- [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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Report on Water Permit App. No. 8998-3

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	3.56	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. No. 8998-3

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																	



**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 27, 2026

Terry McClain
18590 395th Avenue
Hitchcock SD 57348

Dear Mr. McClain:

Water Permit Application No. 8998-3 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. 8998-3 to Appropriate Water

Notice is given that Terry McClain, 18590 395th Avenue, Hitchcock SD 57348, has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 8 for irrigation of 180 acres located in the SW 1/4, W 1/2 SE 1/4 Section 8; all in T114N-R62W. This site is located approximately six miles northeast of Hitchcock SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8998-3 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 4:43 PM
To: Rodriguez, Rachel
Cc: mclainterrance@gmail.com
Subject: RE: [EXT] 12362524 8998-3 Terry McClain - Public Notice
Attachments: 12362524.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 \$56.30 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.



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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 26, 2026 8:33 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12362524 8998-3 Terry McClain - Public Notice

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

Terry McClain, 18590 395th Avenue, Hitchcock SD 57348, 605-350-8666, mclainterrance@gmail.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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





Order Confirmation

Not an Invoice

Account Number:	1602209
Customer Name:	Terry Mc Clain
Customer Address:	Terry Mc Clain 18590 395Th AVE Hitchcock SD 57348-7702
Contact Name:	Terry McClain
Contact Phone:	
Contact Email:	mclainterrance@gmail.com
PO Number:	

Date:	05/26/2026
Order Number:	12362524
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	171.0000
Height in Inches:	18.8500

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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

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Tax Amount	\$0.00
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Payment Amount by Credit Card	\$58.55

Order Confirmation Amount

\$56.30

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 26, 2026 8:32 AM
To: ccrook@cmpapers.com
Subject: 8998-3 Terry McClain - Public Notice
Attachments: 8998-3 public.short_final.docx; FORM8.FRM.doc

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

Terry McClain, 18590 395th Avenue, Hitchcock SD 57348, 605-350-8666, mclainterrance@gmail.com has been notified to contact you to authorize publication and arrange for payment.

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

Thank you,

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



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:

#8294 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-Five and 38/100 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

RECEIVED
JUN 23 2026
Water Rights
Program

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

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2030



ic 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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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.

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Published one time at the total approximate cost of \$45.38 and may be viewed free of charge at www.sdpublicnotices.com (June 3)

NOTICE OF HEARING

#8294

NOTICE OF APPLICATION NO. 8998-3 to

Appropriate Water

Notice is given that Terry McClain, 18590 395th Avenue, Hitchcock SD 57348, has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 8 for irrigation of 180 acres located in the SW 1/4, W 1/2 SE 1/4 Section 8; all in T114N-R62W. This site is located approximately six miles northeast of Hitchcock SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8998-3 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

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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 dark ink, appearing to read "Linda Tuttle", written over a horizontal line.

Legal Clerk

A handwritten signature in dark ink, appearing to read "Karyn Gay", written over a horizontal line.

Notary, State of WI, County of Brown

A handwritten date "7-3-25" in dark ink, written below the notary signature.

My commission expires

Publication Cost: \$56.30

Tax Amount: \$0.00

Payment Cost: \$56.30

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Customer No: 1602209

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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. 8998-3 to
Appropriate Water**

Notice is given that Terry McClain, 18590 395th Avenue, Hitchcock SD 57348, has filed an application for a water permit to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 8 for irrigation of 180 acres located in the SW 1/4, W 1/2 SE 1/4 Section 8; all in T114N-R62W. This site is located approximately six miles northeast of Hitchcock SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8998-3 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-

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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 \$56.30 and may be viewed free of charge at www.sdpublicnotices.com.

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 27, 2026 8:21 AM
To: mclainterrance@gmail.com
Subject: 8998-3 Terry McClain - Public Notice
Attachments: 8998-3 Rec.pdf; 8998-3 Ltr.pdf; 8998-3 PubNotice.pdf; American News Info.pdf

Good morning,

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

August 5, 2026

Terry McClain
18590 395th Avenue
Hitchcock SD 57348

Dear Mr. McClain:

Enclosed is Water Permit No. 8998-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 8998-3

Name of Applicant: Terry McClain

Date of Posting: 6/1/2026

Date of Removal: 8/5/2026

Amanda Dewell, Permitting Administrator

8/5/2026

Date

Subscribed and sworn to before me, a notary public, this 5th day of Aug, 2026.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

