

WATER PERMIT NO. 9005-3

Name of Applicant: Matthew Van Buskirk

Address: 18892 390th Avenue, Hitchcock SD 57348

Phone: 605-350-5671

Amount of Water Claimed: 1.78 cfs

Total Acres: 136

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Beadle

Type of Waste Disposal System:

Location: Approx. 5 miles southwest of Hitchcock

PRIORITY Date Received: 12-05-25

Application/License Fee: \$1,050.00

Corrected Application Received: 12-05-25

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: Approx. center of the SE 1/4 Sec
30-T113N-R63W

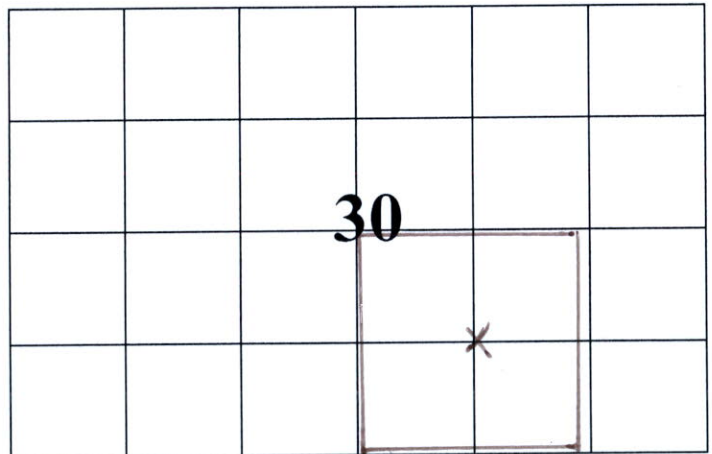
Land to be Irrigated: SE 1/4 Sec 30-T113N-R63W

Depth of Well: 76

Well Driller:

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 12-08-25

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 9005-3

Date of first receipt of application December 5, 2025.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 9005-3 to Matthew Van Buskirk, 18892 390th 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. 9005-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 76 feet deep) located in the approximate center of the SE 1/4 Section 30 for irrigation of 136 acres located in the SE 1/4 Section 30; all in T113N-R63W. This site is located approximately four and one-half miles south-southwest of Hitchcock SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is December 5, 2025.
4. The date of approval of Permit No. 9005-3 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. 9005-3 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. 9005-3 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

SEP 28 2026

date



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

RECEIVED

DEC 05 2025

OFFICE OF
WATER

8:00 AM

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>9005-3</u> Hydrologic Unit <u>10160004</u> Basin <u>Middle James</u> Newspaper <u>Huron Plainsman</u> <u>Aberdeen American News</u> (office use only)
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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 Matthew Van Buskirk

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

Mailing Address 18892 390th Ave Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-350-5671 Email matthewvanbuskirk1977@gmail.com

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply One well

4. Location of point of diversion Approximate center of SE1/4 30-T113N-R63W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used May 1 - October 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
SE1/4 30-T113N-R63W	136		

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

I, Matthew Van Buskirk Owner, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

Supplemental Information

(type or print)

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

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

For either existing or proposed wells:

- c) Well Depth (required) 76 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 One mile

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

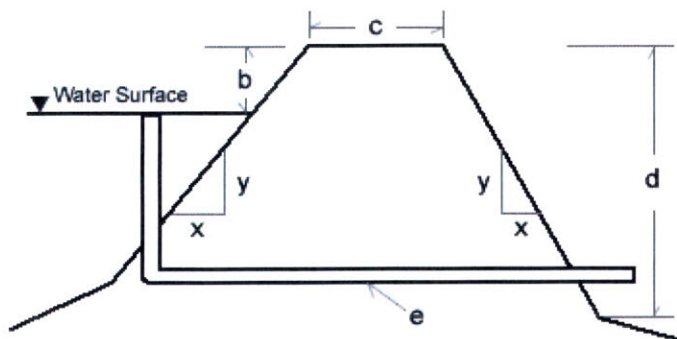
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

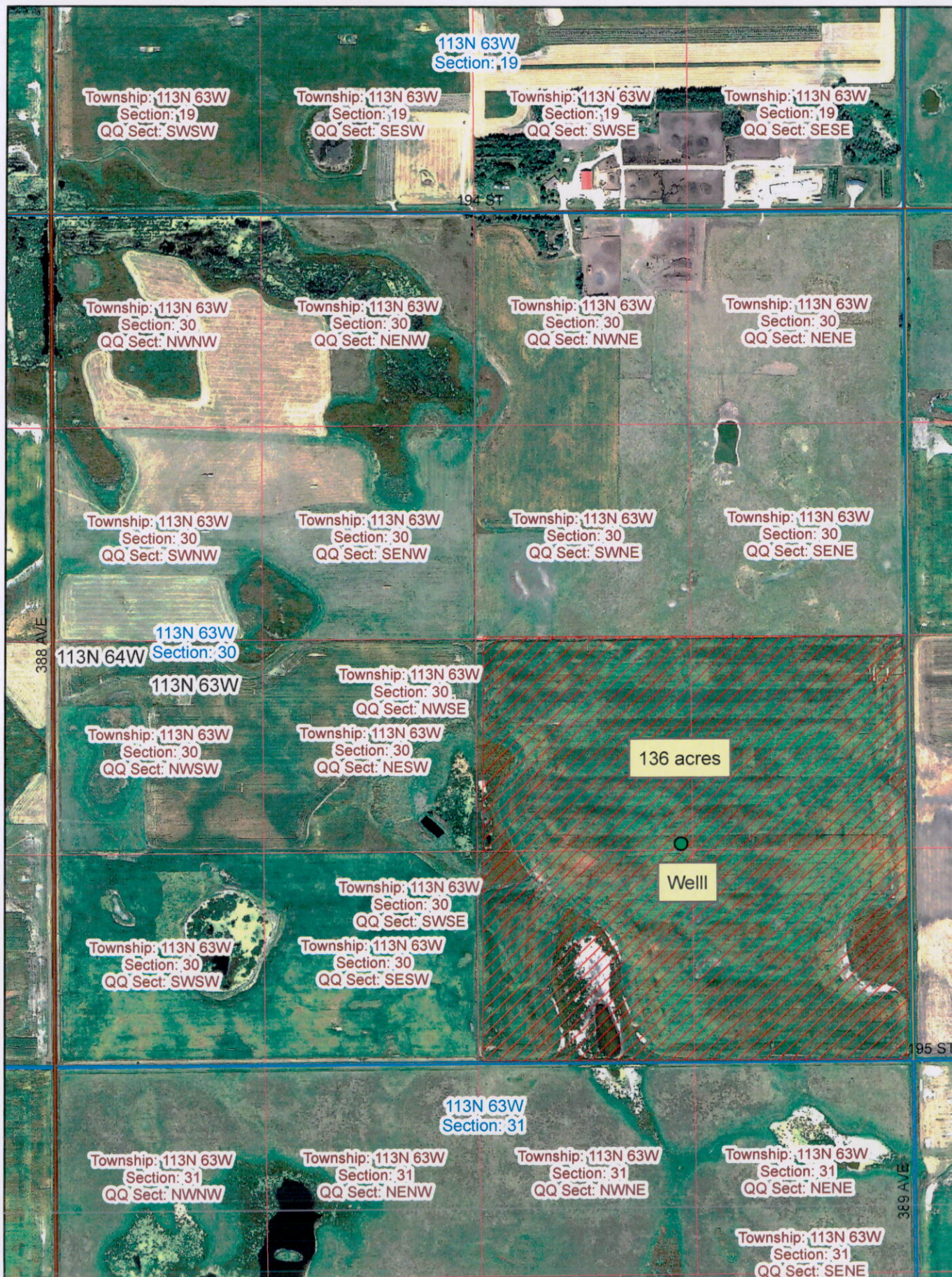
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

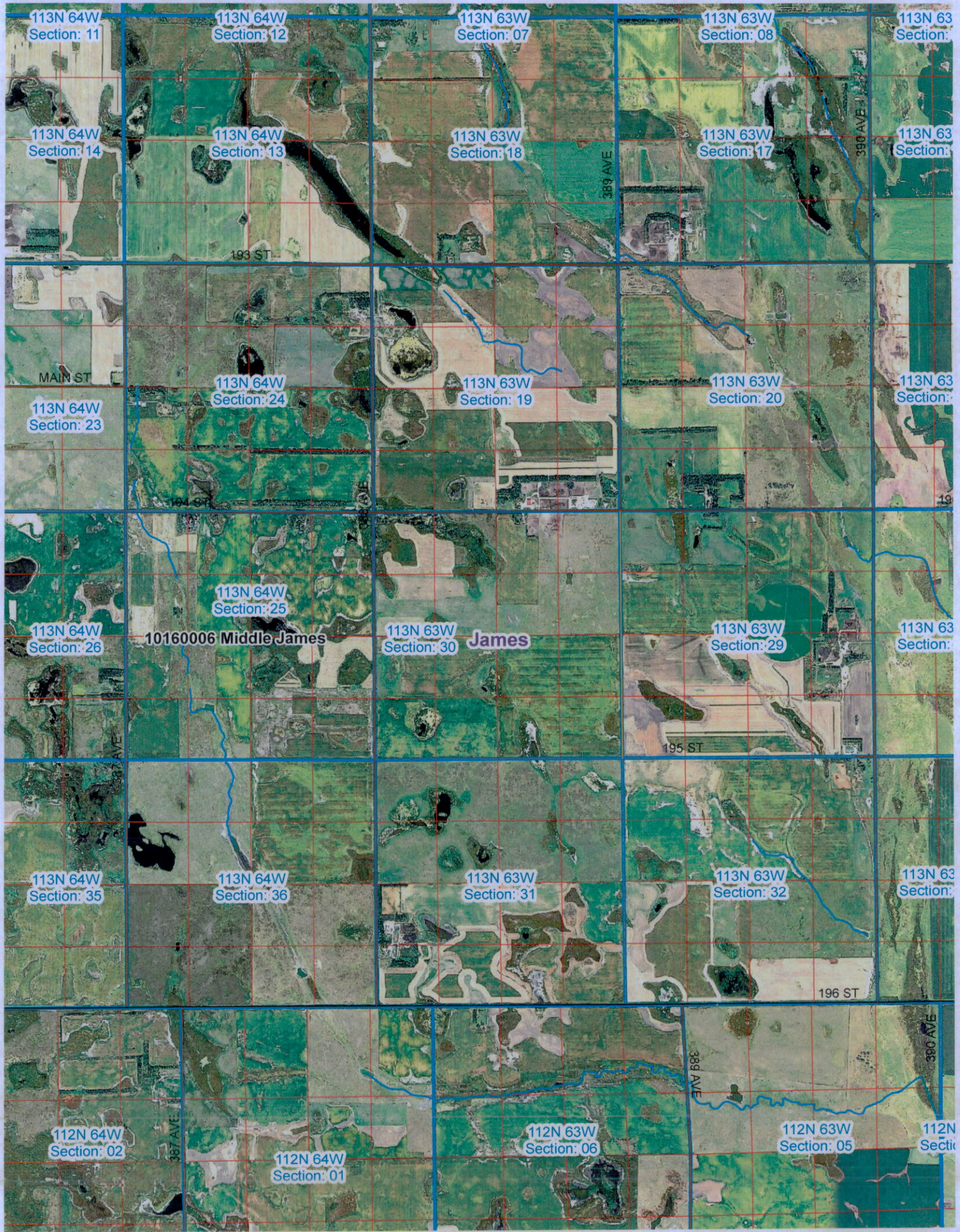
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

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 08, 2025

RECEIVED OF Matthew Van Buskirk 18892 390th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>9005-3</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>9005-3</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. 9005-3, Matthew Van Buskirk**

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. 9005-3, Matthew Van Buskirk, 18892 390th Avenue, Hitchcock SD 57348.

The Acting Chief Engineer is recommending APPROVAL of Application No. 9005-3 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. 9005-3 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. 9005-3 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. 9000-3, 9001-3, 9002-3, 9003-3, 9004-3, and 9005-3**
Matthew Van Buskirk
2026 April 20

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 at the May 2026 Water Management Board meeting. There are also 24 new applications for the aquifer in review pursuant to State rule and State law for new water permit applications. Figure 1 below is a map of the new applications in this report and Water Rights Program observation wells completed into the same aquifer in the area [1].

Water Permit Application No. 9000-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer (approximately 76 feet deep) located in the approximate center of the NE $\frac{1}{4}$ Section 36 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 36; all in T113N-R63W. This site is located in Beadle County approximately five and one-half miles south-southeast of Hitchcock, South Dakota. The priority for this application is December 4, 2025, and it was the fourth of six applications received that day.

Water Permit Application No. 9001-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer (approximately 76 feet deep) located in the approximate center of the SE $\frac{1}{4}$ Section 32 for irrigation of 136 acres located in the approximate center of the SE $\frac{1}{4}$ Section 32; all in T114N-R63W. This site is located in Spink County approximately one mile west-northwest of Hitchcock, South Dakota. The priority for this application is December 5, 2025, and it was the fifth of eight applications received that day.

Water Permit Application No. 9002-3 proposes to appropriate 1.78 cfs from one well to be completed in the Tulare: Western Spink-Hitchcock aquifer (approximately 76 feet deep) located in the approximate center of the NW $\frac{1}{4}$ Section 21 for irrigation of 136 acres located in the NW $\frac{1}{4}$ Section 21; all in T114N-R63W. This site is located Spink County approximately three miles north of Hitchcock, South Dakota. The priority of this application is December 5, 2025, and it was fourth of eight applications received that day.

Water Permit Application No. 9003-3 proposes to appropriate 3.57 cfs from up to two wells to be completed into the Tulare: Western Spink-Hitchcock aquifer (both approximately 76 feet deep) located in the approximate centers of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 21 for irrigation of 272 acres located in the E $\frac{1}{2}$ Section 21; all in T114N-R63W. This site is located in Spink County approximately two- and one-half miles north of Hitchcock, South Dakota. The priority of this application is December 5, 2025, and it was third of eight applications received that day.

Water Permit Application No. 9004-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer (approximately 76 feet deep) located in the approximate center of the NE $\frac{1}{4}$ Section 7 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 7; all in T113N-R63W. This site is located in Beadle County approximately two

miles southwest of Hitchcock, South Dakota. The priority of this application is December 5, 2025, and it was second of eight applications received that day.

Water Permit Application No. 9005-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer (approximately 76 feet deep) located in the approximate center of the SE ¼ Section 30 for irrigation of 136 acres in the SE ¼ Section 30; all in T113N-R63W. This site is located in Beadle County approximately four and one-half miles south-southwest of Hitchcock, South Dakota. The priority of this application is December 5, 2025, and it was the first of eight ap applications received that day.

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) [2] [3]. 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 [4]. The Niobrara Formation and Codell Sandstone can also be aquifers in portions of South Dakota [1] [5]. 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. A test hole log completed in Section 6-T113N-R63W, the same section as Application No. 9000-3, indicates the driller encountered clay or silty clay from grade to the total depth of 18.5 feet. The First Occurrence of Aquifer Materials map for Beadle County [11], which, among other information, is the basis of the current delineation of the aquifer [10] [12], shows Application No. 9000-3 may be on the edge of the Tulare: Western Spink-Hitchcock aquifer. Water level information is not available at this site. Based on the available information, the applicant may have difficulty developing at this site.

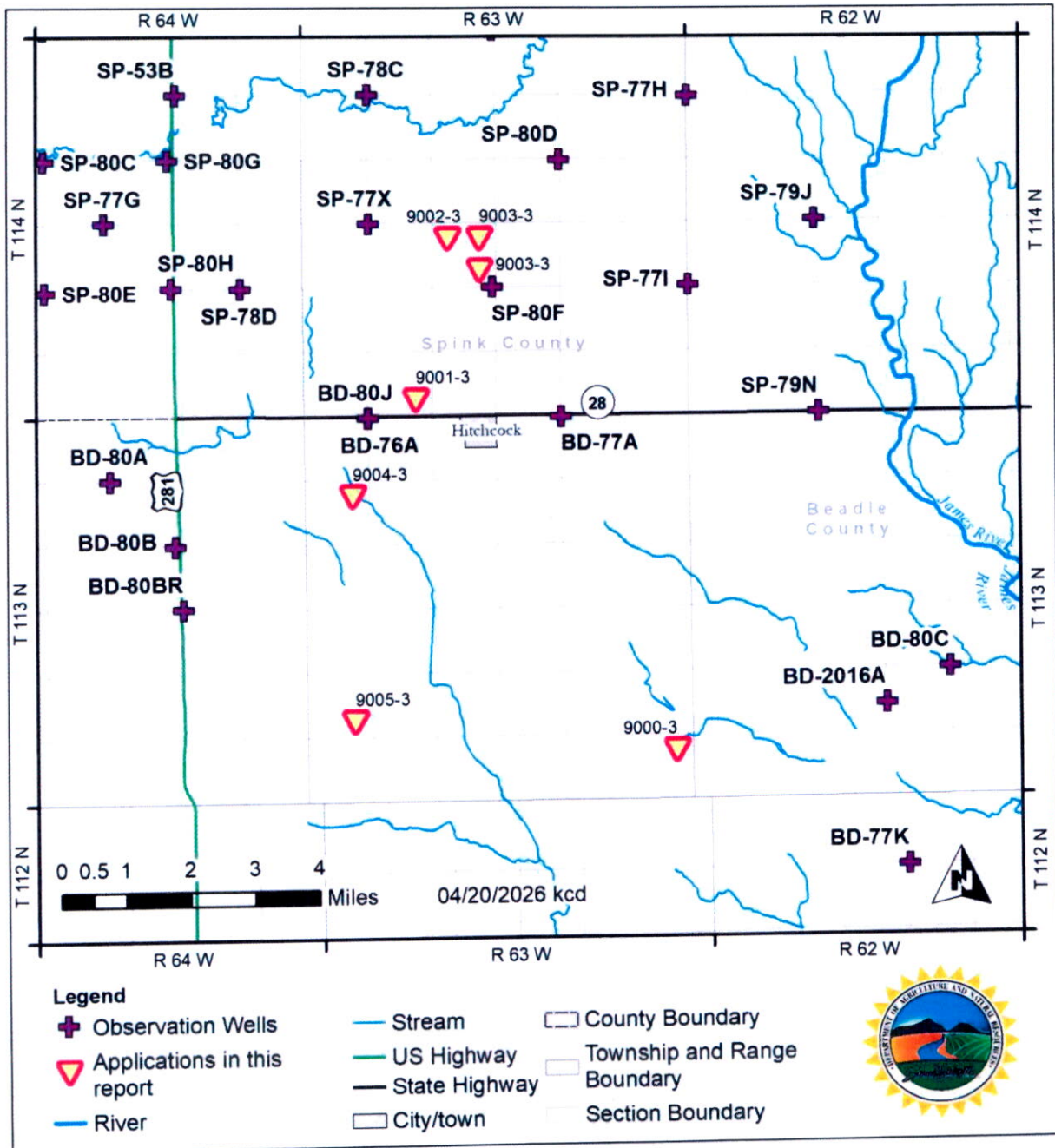


Figure 1: Map of applications in this report and observations near them [1].

Application Nos. 9001-3 and 9004-3 are 0.8 miles northeast, and 1.25 miles south, respectively, of Water Rights Program Observation Wells BD-80J and BD-76A [1]. Those two observation wells are at essentially the same location but completed into different layers of outwash. Observation Well BD-76A has sand from 4 to 32 feet below grade, gravel from 32 to 51 feet, lignite from 51 to 52 feet, gravel from 52 to 79 feet, clay till from 79 to the total depth of 90 feet below grade. The driller did not provide screen information for this well but it was likely a sandpoint from 65 to 70 feet below grade, based on the construction of Observation Well BD-80J

and total casing information provided. Water level elevations for Observation Well BD-76A are shown in Figure 3 (page 9). Observation Well BD-76A has historically always been under unconfined conditions. Observation Well BD-80J has clay till from 3 feet below grade to 39 feet, sand from 39 to 42 feet, clay till from 42 to 44 feet, a boulder from 44 to 46 feet, clay till from 46 to 132 feet, sand from 132 to 150 feet, clay till from 150 to 173 feet, and shale from 173 feet to the total depth of 180 feet. The screen for this well is a sandpoint from 140 to 145 feet below grade. Water level elevations for Observation Well BD-80J are shown in Figure 3 (page 9). Observation Well BD-80J has historically always been under confined conditions, meaning the water levels rise above the top of the water-bearing layer.

Near Application Nos. 9002-3 and 9003-3, Observation well SP-80F is in the SE $\frac{1}{4}$ of the same section as the proposed well sites [1]. The geologist reported encountering sand from 28 feet to the total depth of 67 feet below grade. The screen for that well was installed from approximately 45 to 60 feet below grade. Water level elevations for Observation Well SP-80F are shown in Figure 2 (page 8). Observation Well SP-80F is generally under unconfined conditions, although water levels will occasionally rise above the top of the water bearing layer during periods of unusually high precipitation [13].

Near Application No. 9005-3, two test holes were completed in the SW $\frac{1}{4}$ Section 29-T113N-R63W, approximately one half-mile east of the proposed well for that application, based on the location reported by the driller [3]. For the first hole, the driller reported encountering yellow clay from 3 to 11 feet, gravel from 11 to 23 feet, blue clay from 23 to 50 feet, blue clay and streaks of gravel from 50 to 133 feet, and shale from 133 feet to the total depth of 135 feet. For the second hole, the driller reported encountering yellow clay and sand from 3 to 17 feet, blue clay from 17 to 50 feet, and blue clay and streaks of gravel from 50 to total depth of 140 feet. Based on this and other well completion reports [3] and lithologic logs [2] near this application, the applicant may have difficulty developing at this site. Water level information is not available at this site.

The depths of water and formations encountered are typical for the Tulare: Western Spink-Hitchcock aquifer in this area [14]. Based on this information and observation well data, the aquifer fluctuates between unconfined and confined near these applications depending on location, climatic conditions, and the timing of irrigation withdrawals [1].

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 for fully appropriated aquifers established by the Legislature in 2014, which are being processed and scheduled for the May 2026 Board meeting at the time of report writing. Those 27 applications have senior priority to the applications in this report. For the last ten years of record, the reported average irrigation per acre was 6.63 inches per year and permit holders irrigated 79% of their permitted acres [12]. For the period of record of 1979 through 2024, the average irrigation per reported acre was 8.89 inches per year and permit holders irrigated on average 65% of their permitted acres [12]. The total estimated withdrawal of the 27 held applications, if approved, is likely to range between approximately 2,300 and 2,500 ac-ft/yr. Table 1 summarizes the held applications and estimated withdrawal 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 3 (page 15) lists the new permit applications in order of priority date and other details pertaining to those applications. Table 2 summarizes the estimated withdrawals for the new applications, except Application No. 9036-3 (excluded so as not to double count on the hydrologic budget), which are also all for irrigation.

Report on Water Permit App. Nos. 9000-3 through 9005-3

The applications in this report are estimated to withdraw between 416 and 458 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 were different. Therefore, based on the hydrologic budget, there is reasonable probability there is unappropriated water available for these applications.

Table 1: 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 2: 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 [1]. The location of these observation wells is mapped in Figure 1 (page 3).

Near Application Nos. 9002-3 and 9003-3, Observation Well SP-80F is in the SE $\frac{1}{4}$ of the same section as those applications, Observation Well SP-77X is approximately one mile west of those applications, and Observation Well SP-80D is approximately one mile northeast of those applications [1]. Figure 2 shows the hydrograph for those wells [1]. Near Application Nos. 9001-3 and 9004-3, Observation Wells BD-80J and BD-76A are approximately three quarters of a mile southwest of Application No. 9001-3 and one mile north of application No. 9004-3. Observation Well BD-77A is approximately 2 miles east of Application No. 9001-3 and 3 miles northeast of Application No. 9004-3. Figure 3 shows the hydrograph for those three observation wells [1]. Observation Wells BD-80B and BD-80BR are approximately four and three miles northwest of Application No. 9005-3, respectively. The gap in readings in Observation Well BR-80B is because that observation well is in a slough and was inaccessible for that time period. Observation Wells BD-2016A and BD-80C are approximately three and four miles east of Application No. 9000-3, respectively. Figure 4 shows the hydrograph for those four observation wells [1].

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 [1] [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 is occurring, which the Water Management Board considers available for capture. Therefore, based on the record of observation wells, there is reasonable probability that unappropriated water is available for these applications.

Report on Water Permit App. Nos. 9000-3 through 9005-3

Observation Well Water Elevations Near App. Nos. 9002-3 and 9003-3

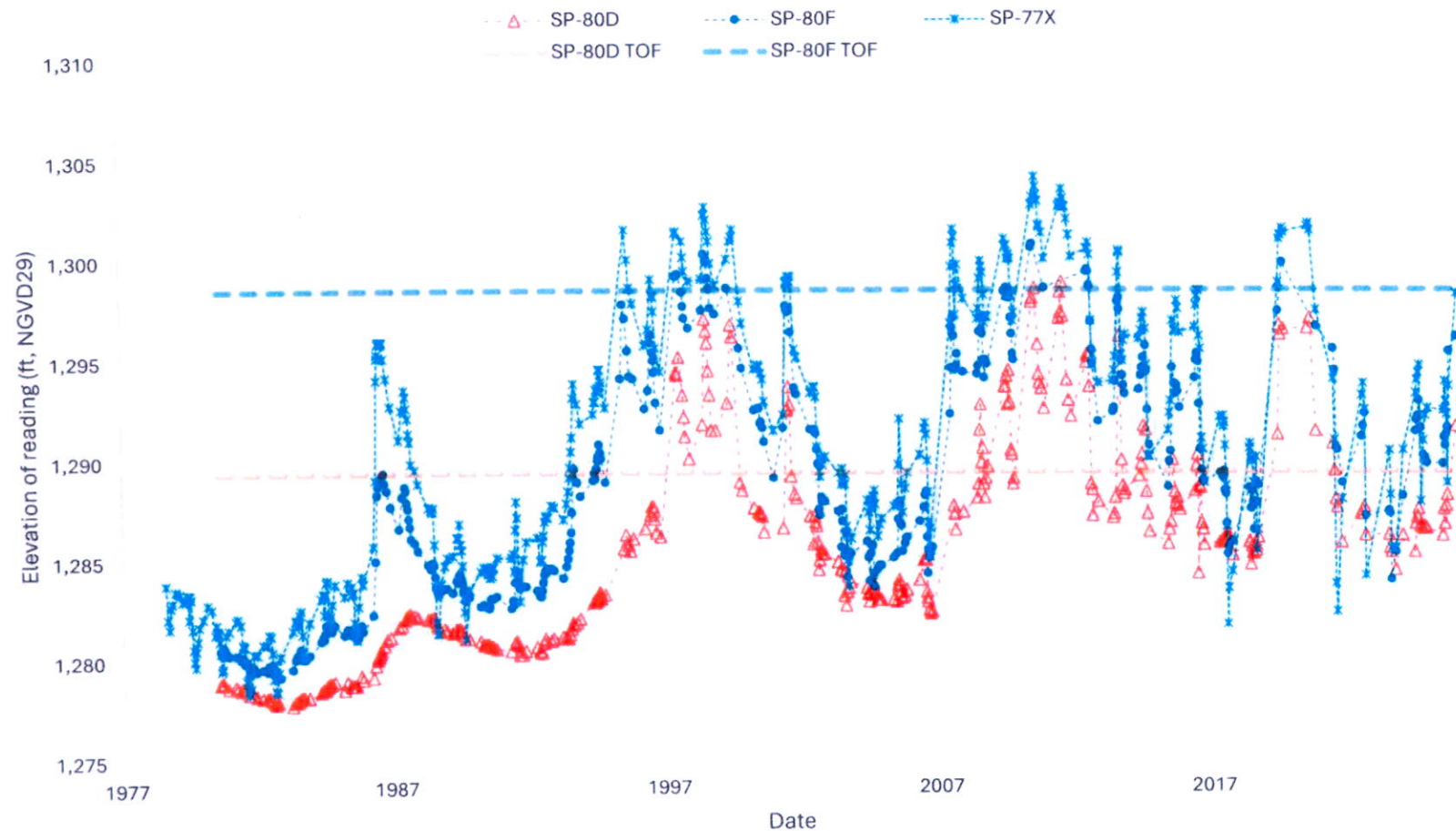


Figure 2: Water level elevations for three observation wells near the northern-most applications in this report. Top of Formation (TOF) for SP-77X is approximately 1,251 feet from NGVD29, which is below the lowest extent of this graph [1].

Report on Water Permit App. Nos. 9000-3 through 9005-3

Observation Well Water Elevations Near App. Nos. 9001-3 and 9004-3

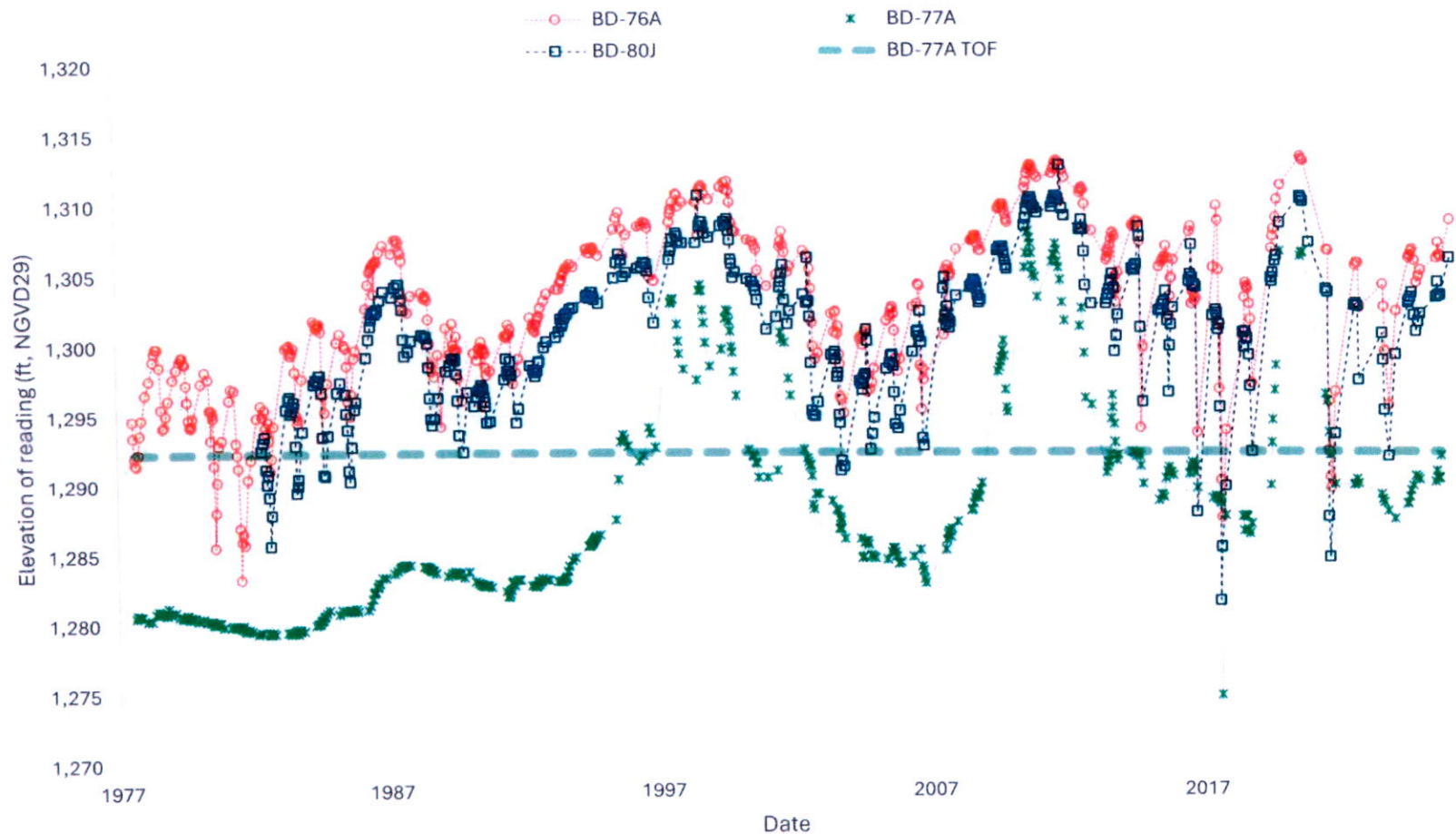


Figure 3: Observation well water elevations for wells near Application Nos. 9001-3 and 9004-3. Top of Formation (TOF) elevations of BD-76A and BD-80J are approximately 1,375 and 1,198 feet from NGVD29, respectively [1].

Report on Water Permit App. Nos. 9000-3 through 9005-3

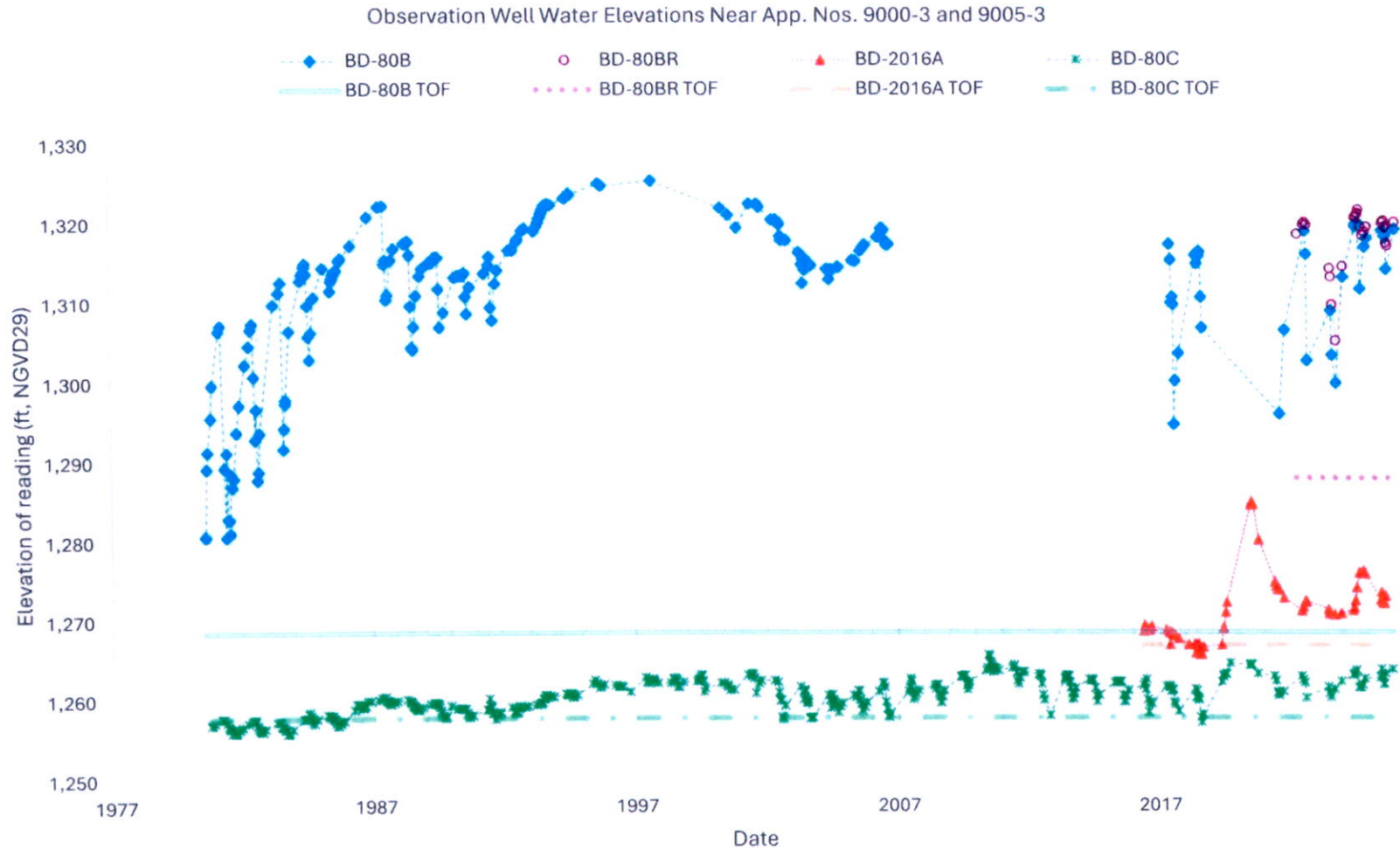


Figure 4: Observation well water elevations near southern-most applications in this report. TOF - Top of Formation [1].

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right permit for any appropriation, not owned by the applicant, to the well sites for these applications is Water Right No. 3603-3, approximately one half mile north of the northernmost proposed well for Application No. 9003-3 [5]. There are numerous domestic wells on file with the Water Rights Program near these applications, based on the locations provided by the well drillers [3]. 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. 9002-3 is approximately three-quarters mile northwest of that proposed well [3]. The nearest domestic well to Application No. 9003-3 is approximately a half mile east of the northernmost proposed well for that application. The nearest domestic well to Application No. 9001-3 is approximately one quarter mile northeast of that proposed well. The nearest domestic well to Application No. 9004-3 is within same quarter as that application. The location provided on the well completion report is not precise, and geology mentioned in well log not favorable for that well having been useful for a long time. The next nearest domestic well is approximately three-quarters of a mile west of proposed well for Application No. 9004-3. The nearest domestic well to Application No. 9005-3 is approximately one mile north of the proposed well. The nearest domestic well to Application No. 9000-3 is approximately one mile southeast of proposed well.

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 and Beadle Counties 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. 9000-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the NE $\frac{1}{4}$ Section 36 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 36; all in T113N-R63W.

Report on Water Permit App. Nos. 9000-3 through 9005-3

2. Water Permit Application No. 9001-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SE $\frac{1}{4}$ Section 32 for irrigation of 136 acres located in the SE $\frac{1}{4}$ Section 32; all in T114N-R63W.
3. Water Permit Application No. 9002-3 proposes to appropriate 1.78 cfs from one well to be completed in the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the NW $\frac{1}{4}$ Section 21 for irrigation of 136 acres located in the NW $\frac{1}{4}$ Section 21; all in T114N-R63W.
4. Water Permit Application No. 9003-3 proposes to appropriate 3.57 cfs from up to two wells to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate centers of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 21 for irrigation of 272 acres located in the E $\frac{1}{2}$ Section 21; all in T114N-R63W.
5. Water Permit Application No. 9004-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the NE $\frac{1}{4}$ Section 7 for irrigation of 136 acres located in the NE $\frac{1}{4}$ Section 7; all in T113N-R63W.
6. Water Permit Application No. 9005-3 proposes to appropriate 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer in the approximate center of the SE $\frac{1}{4}$ Section 30 for irrigation of 136 acres in the SE $\frac{1}{4}$ Section 30; all in T113N-R63W.
7. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for these applications.
8. 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

- [1] Water Rights Program, "Observation Wells," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2026.
- [2] SD DANR Geological Survey Program, "Lithologic Logs," Vermillion, South Dakota, 2025.
- [3] Water Rights Program, "Well Completion Reports," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2026.

Report on Water Permit App. Nos. 9000-3 through 9005-3

- [4] 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.
- [5] Water Rights Program, "Water Right Permit Files," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2026.
- [6] J. Farmer, "First Report on the Five Year Review of Water Availability Western Spink Hitchcock Management Unit of the Tulare Aquifer," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2020.
- [7] T. Jensen and A. Mathiowetz, "Report to the Chief Engineer on Water Permit Application Nos. 8949-3 & 8950-3 Tom Tuhsbaumer & 8951-3 Tyson Nuhsbaumer," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD., 2025.
- [8] R. D. Benson, "Major aquifers in Spink County, South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 1997.
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- [10] K. Buhler, "Report to the Chief Engineer on Water Permit Application Nos. 7858-3, 7859-3, 7860-3, 7861-3, 7863-3 through 7872-3, 7885-3, 7894-3," SD DANR Water Rights Program, Joe Foss Bldg. Pierre, South Dakota, 2013.
- [11] L. D. Schulz, "First Occurrence of Aquifer Materials in Beadle County, South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 2003.
- [12] 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].
- [13] NOAA National Centers for Environmental Information, "Climate at a Glance: Divisional Time Series," U. S. National Oceanic and Atmospheric Administration, 1 March 2026. [Online]. Available: <https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/divisional/time-series>. [Accessed 19 March 2026].
- [14] L. K. Kuiper, "Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota," US Geological Survey, Huron, South Dakota, 1984.

Report on Water Permit App. Nos. 9000-3 through 9005-3

- [15] M. D. Fahrenbach, F. V. Steece, J. F. Sawyer, K. A. McCormick, G. L. McGillivray, L. D. Schulz and J. A. Redden, "South Dakota Stratigraphic Correlation Chart," SD Dept. of Ag. and Nat. Res. Geologic Survey Program, Vermillion, SD, 2010.
- [16] A. Mathiowetz, Interviewee, *Acting Chief Engineer - Water Rights Program*. [Interview]. 27 March 2026.
- [17] Water Rights Program, "Complaints Database," S.D. Dept. of Ag. and Nat. Resources, Joe Foss Building, Pierre, SD, 2025.

Report on Water Permit App. Nos. 9000-3 through 9005-3

Appendix: Supplemental Tables

Table 3: All Tulare: Western Spink-Hitchcock water permit applications in process at time of report authorship.

File No.	Name	Priority	T	R	New Development Proposed					Other Water Right in Application						Total CFS	Total Acres
			N	W	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. Nos. 9000-3 through 9005-3

File No.	Name	Priority	T	R	New Development Proposed					Other Water Right in Application						Total CFS	Total Acres
			N	W	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 result in cancellation of 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 26, 2026

Matthew Van Buskirk
18892 390th Avenue
Hitchcock SD 57348

Dear Mr. Van Buskirk:

Water Permit Application No. 9005-3 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 Plainsman printed in Huron (Ph # 605 353-7418) 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. 9005-3 to Appropriate Water

Notice is given that Matthew Van Buskirk, 18892 390th Avenue, Hitchcock SD 57348, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 76 feet deep) located in the approximate center of the SE 1/4 Section 30 for irrigation of 136 acres located in the SE 1/4 Section 30; all in T113N-R63W. This site is located approximately four and one-half miles south-southwest of Hitchcock SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9005-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters 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: Rodriguez, Rachel
Sent: Tuesday, May 26, 2026 10:55 AM
To: ssarvis@cmpapers.com
Subject: 9005-3 Matthew Van Buskirk - Public Notice
Attachments: 9005-3 public.short_final.docx; FORM8.FRM.doc

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

Matthew Van Buskirk, 18892 390th Avenue, Hitchcock SD 57348, 605-350-5671, matthewvanbuskirk1977@gmail.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, May 26, 2026 11:13 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12360745 9005-3 Matthew Van Buskirk - Public Notice
Attachments: 12360745.pdf

Good Morning,

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 \$55.40 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative

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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 26, 2026 10:56 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12360745 9005-3 Matthew Van Buskirk - Public Notice

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

Matthew Van Buskirk, 18892 390th Avenue, Hitchcock SD 57348, 605-350-5671, matthewvanbuskirk1977@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:	1590946
Customer Name:	Van Buskirk Farms LLP
Customer Address:	Van Buskirk Farms LLP 18892 390Th AVE Hitchcock SD 57348-7707
Contact Name:	Matthew Van Buskirk
Contact Phone:	
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	05/26/2026
Order Number:	12360745
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	168.0000
Height in Inches:	18.5200

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Payment Amount by Cash/Check/ACH	\$55.40
Payment Amount by Credit Card	\$57.61

Order Confirmation Amount	\$55.40
---------------------------	---------

AFFP

#3576 Water Rights #3

Affidavit of Publication

STATE OF SOUTH DAKOTA } ss
COUNTY OF BEADLE }

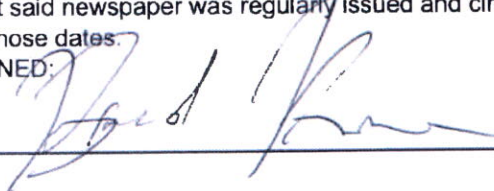
Brenda Knouse, being duly sworn, says:

That she is Circulation Manager of the Plainsman, a daily newspaper of general circulation, printed and published in Huron, Beadle County, South Dakota; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 03, 2026

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



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



Notary Public, Beadle County, South Dakota

My commission expires: April 26, 2028

22060723 01241339

Matthew Van Buskirk
521-Matthew Van Buskirk
18892 390th Avenue
Hitchcock, SD 57348

NOTICE OF APPLICATION
NO. 9005-3 to Appropriate Water

Notice is given that Matthew Van Buskirk, 18892 390th Avenue, Hitchcock SD 57348, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 76 feet deep) located in the approximate center of the SE 1/4 Section 30 for irrigation of 136 acres located in the SE 1/4 Section 30; all in T113N-R63W. This site is located approximately four and one-half miles south-southwest of Hitchcock SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9005-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters 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.

No. 3576(adv.) Published one time at the total approximate cost of \$53.38 and may be viewed free of charge at www.sdpublicnotices.com.

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523 E Capitol Ave
Pierre SD 57501

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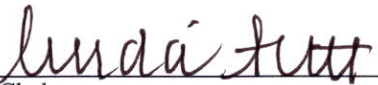
**OFFICE OF
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STATE OF SOUTH DAKOTA, COUNTY OF BROWN

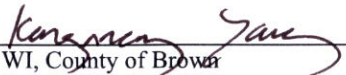
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers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



Legal Clerk



Notary, State of WI, County of Brown

9-3-29

My commission expires

Publication Cost: \$55.40

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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. 9005-3 to
Appropriate Water**

Notice is given that Matthew Van Buskirk, 18892 390th Avenue, Hitchcock SD 57348, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 76 feet deep) located in the approximate center of the SE 1/4 Section 30 for irrigation of 136 acres located in the SE 1/4 Section 30; all in T113N-R63W. This site is located approximately four and one-half miles south-southwest of Hitchcock SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9005-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters 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

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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 \$55.40 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 12:41 PM
To: matthewvanbuskirk1977@gmail.com
Subject: 9005-3 Matthew Van Buskirk - Public Notice
Attachments: 9005-3 Rec.pdf; 9005-3 Ltr.pdf; 9005-3 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

September 28, 2026

Matthew Van Buskirk
18892 390th Avenue
Hitchcock SD 57348

Dear Mr. Van Buskirk:

Enclosed are Water Permit Nos. 9000-3, 9004-3, and 9005-3 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

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.: 9005-3

Name of Applicant: Matthew Van Buskirk

Date of Posting: 6/1/2026

Date of Removal: 9/28/2026

Amanda Dewell, Permitting Administrator

9/28/2026

Date

Subscribed and sworn to before me, a notary public, this 28th day of Sept, 2026.

Notary Public - South Dakota

My commission expires:

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

(SEAL)

