

WATER PERMIT NO. 9011-3

Name of Applicant: **Lenny D Peterson**

Address: **19111 Maple Avenue, Hitchcock SD 57348**

Phone: **605-266-2793**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **Approx. 7 seven miles southwest of Redfield**

PRIORITY Date Received: **12-07-25**

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

Corrected Application Received: **01-07-26**

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

Remarks:

Diversion Point: **Approx. center of the SE 1/4 Sec
11-T115N-R65W**

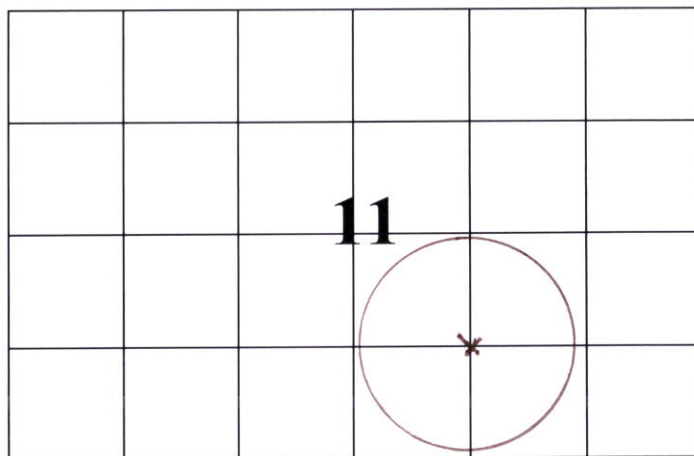
Land to be Irrigated: **SE 1/4 Sec 11-T115N-R65W**

Depth of Well: **70-100**

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **01-07-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 9011-3

Date of first receipt of application December 7, 2025.

Date of return to applicant for corrections, amendments or changes December 8, 2025.

Date of receipt of corrected application December 16, 2025.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 9011-3 to Lenny D Peterson, 19111 Maple 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. 9011-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 70-100 feet deep) located in the approximate center of the SE 1/4 Section 11 for irrigation of 160 acres located in the SE 1/4 Section 11; all in T115N-R65W. This site is located approximately five and one-half miles northwest of Tulare SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is December 7, 2025.
4. The date of approval of Permit No. 9011-3 is August 31, 2026.
5. One-fifth of the construction is to be completed on or before February 28, 2029.
6. All construction is to be completed on or before August 31, 2031.
7. Water is to be put to beneficial use on or before August 31, 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. 9011-3 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. 9011-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

OCT 01 2026
date



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

RECEIVED

DEC 15 2025

PAID

DEC 15 2025

Ck# 4971

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>9011-3</u> Hydrologic Unit <u>1016 0009</u> OFFICE OF WATER Basin <u>James</u> Newspaper <u>Redfield Press</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 Lenny D Peterson

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

Mailing Address 19111 maple ave Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Phone 605-266-2793 Mobile 605-354-4602 Email kpeterson@venturecomm.net

2. Amount of water claimed 2.66^{1.78} *CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 well

4. Location of point of diversion approx. center SE 1/4 Sec 11-T115N-R45W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County _____

5. County or counties where water will be used _____

6. Annual period during which water is to be used April - 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
section 11-115-65 <u>SE 1/4</u>	<u>160</u>		

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

New development. Will test for well if receive the permit.

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DEC 07 2025

Water Rights
Program

I, Lenny Peterson 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)

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OFFICE OF
WATER

Form 2A
(Complete applicable portions only)

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) 70-100 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

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

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)

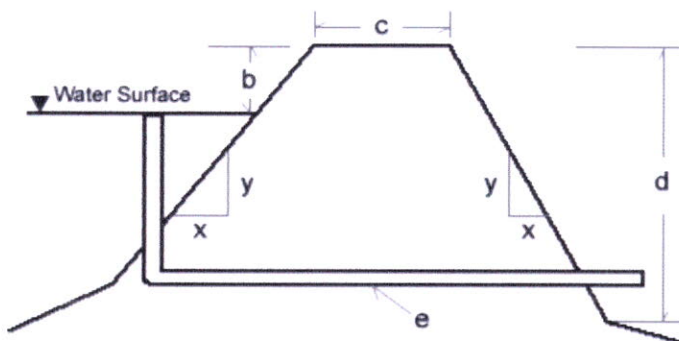
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Customer: Lenny Peterson
Project: Binger Ground North
Prepared by: Jeremy Rathjen

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WATER



Future Subsoil Irrigation on the rest of acres

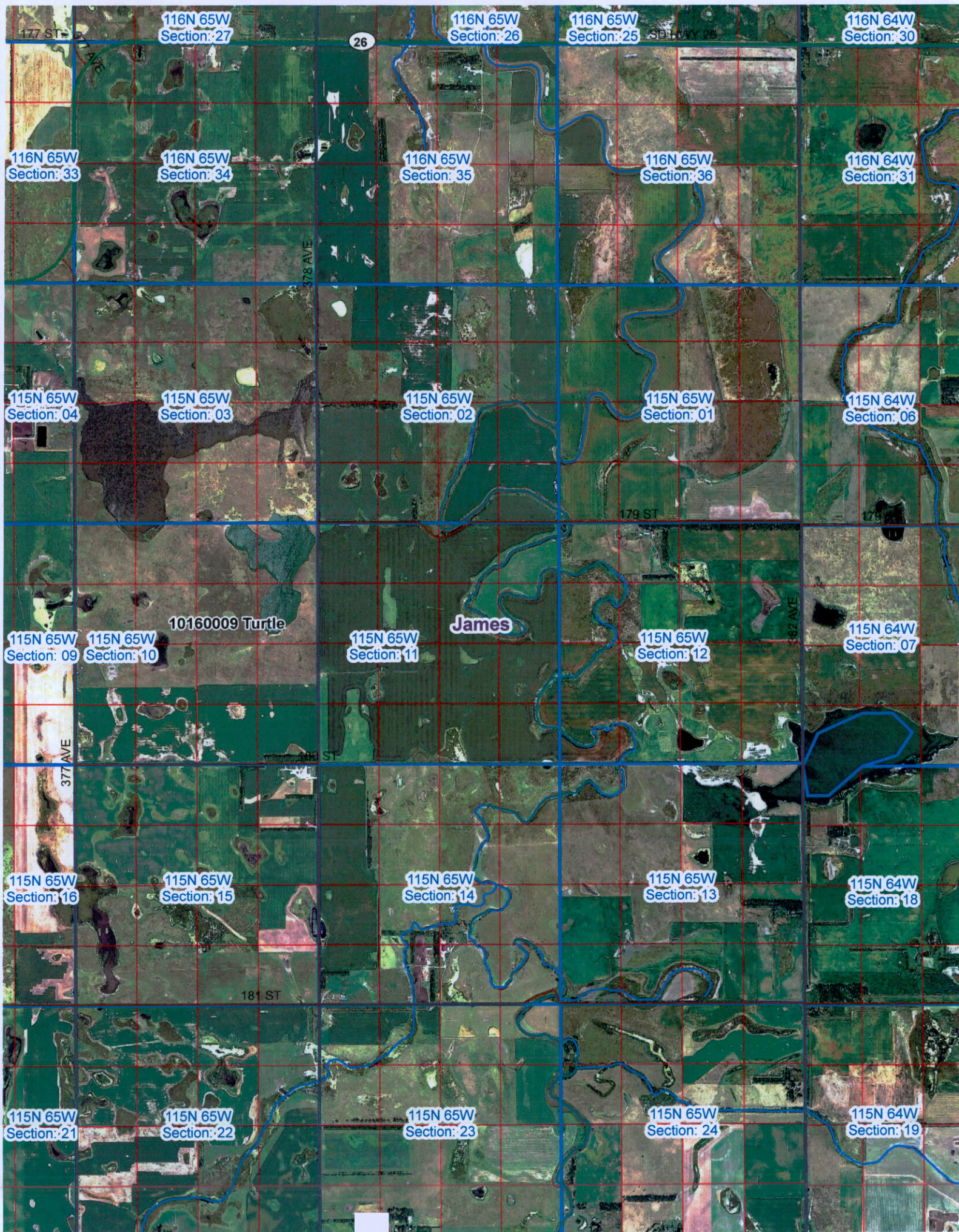
Customer: Lenny Peterson
Project: Binger Ground North
Prepared by: Jeremy Rathjen

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WATER





RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 15, 2025

RECEIVED OF Lenny D Peterson 19111 Maple Avenue Hitchcock SD 57348

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

Fee for Application for Permit No. <u>9011-3</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>9011-3</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. 9011-3, Lenny D Peterson**

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. 9011-3, Lenny D Peterson, 19111 Maple Avenue, Hitchcock SD 57348.

The Acting Chief Engineer is recommending APPROVAL of Application No. 9011-3 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. 9011-3 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. 9011-3 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
Chief Engineer

Department of Agriculture and Natural Resources-Water Rights Program
August 11, 2026

**Report to the Chief Engineer on
Water Permit App. No. 9010-3 and 9011-3**

Lenny Peterson
August 10, 2026

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 approved by the Water Management Board in the May 2026 meeting. There are also 26 new applications for appropriations from the aquifer in review pursuant to State rule and State law for new water permit applications. Figure 1 below is a map of the new applications in this report, nearby water rights [1], and Water Rights Program observation wells completed into the same aquifer [2]. Table 1 displays information about water rights and new applications in Figure 1.

Water Permit Application No. 9010-3 proposes to appropriate up to 1.78 cubic feet of water per second (cfs) from up to two wells (both approximately 75 to 100 feet deep) to be completed into the Tulare: Western Spink-Hitchcock aquifer. The well(s) will be located in the approximate center of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12 for irrigation of 280 acres located in the S $\frac{1}{2}$ of Section 12; all in T115N-R65W. This site is located in Spink County, approximately five miles northwest of Tulare, South Dakota.

Water Permit Application No. 9011-3 proposes to appropriate up to 1.78 cubic feet of water per second (cfs) from one well (approximately 70 to 100 feet deep) to be completed into the Tulare: Western Spink-Hitchcock aquifer. The well will be located in the approximate center of the SE $\frac{1}{4}$ of Section 11 for irrigation of 160 acres located in the SE $\frac{1}{4}$ of Section 11; all in T115N-R65W. This site is located in Spink County, approximately five and one-half miles northwest of Tulare, South Dakota.

Table 1: Water rights, new permit, and applications shown in Figure 1 [1]

File No.	Name/Business	Status	Use Type	Max. CFS	Irr. Acres	Priority
782A-3	Scott Binger	LC	IRR	1.94	136	06/20/1961
5390-3	Stanley Steinheuser	LC	IRR	1.89	272	02/06/1990
6142-3	Darin Binger	LC	IRR	2.22	240	05/10/1982
6184-3	Stanley Steinheuser	LC	IRR	1.89	270	03/02/2000
8997-3	Wayne or Scott Binger	PE	IRR	2.00	140	12/04/2025
9010-3	Lenny Peterson	Pending	IRR	1.78	280	12/06/2025
9011-3	Lenny Peterson	Pending	IRR	1.78	160	12/07/2025

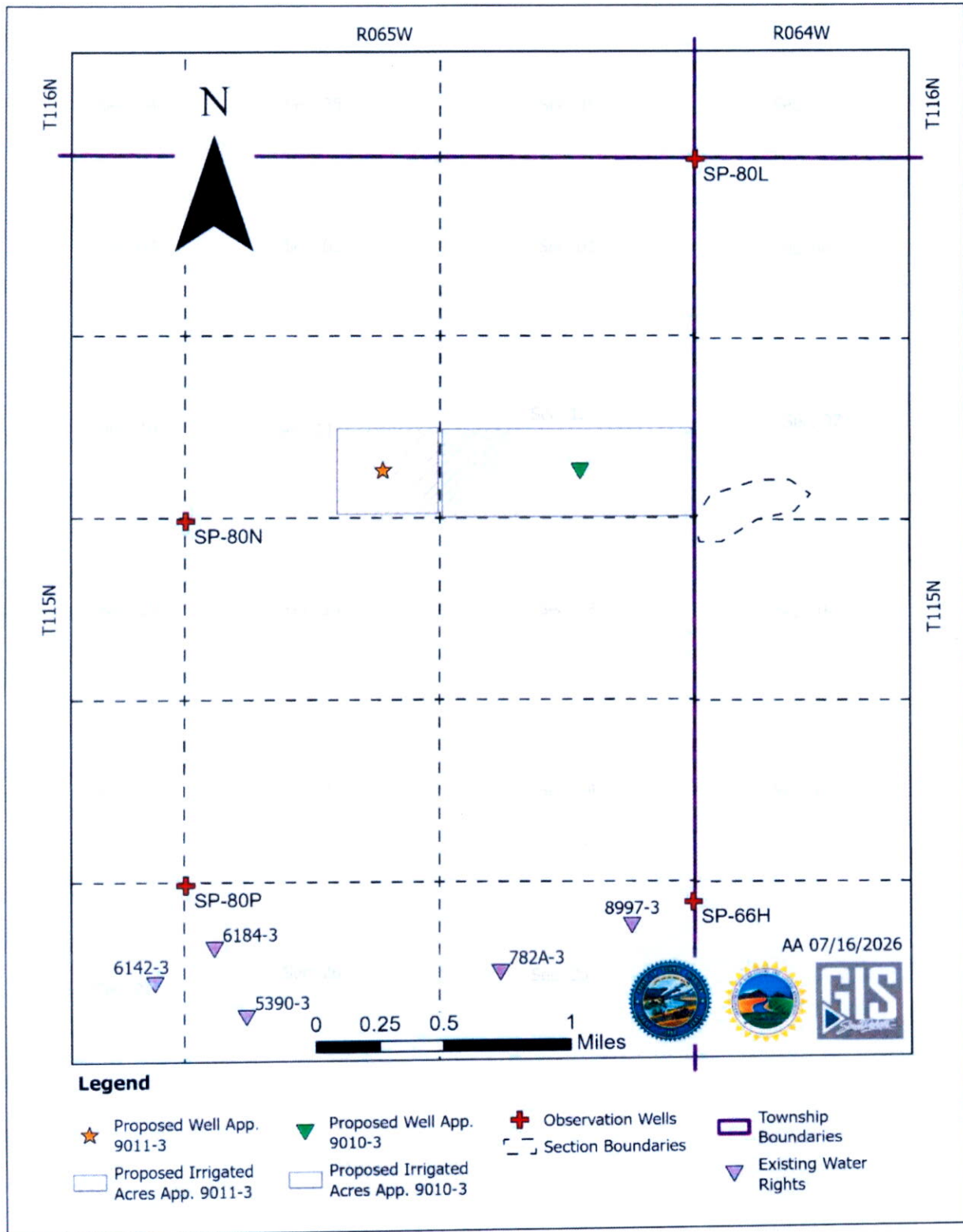


Figure 1: Observation wells, water right permits, and applications near these applications. [1] [2]

Aquifer: Tulare: Western Spink-Hitchcock

Hydrogeologic Characteristics

The Tulare aquifer is a Quaternary-aged system of sand and gravel layers that were deposited as outwash by meltwater from receding glaciers. The Western Spink-Hitchcock management unit of the Tulare aquifer is a buried aquifer generally lying immediately above the bedrock (a.k.a. basal) [3] [4]. The bedrock is composed of an erosional surface of exposed Cretaceous-aged Pierre Shale and the 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 approximately 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 was drilled by the applicant in 2022 in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11-T115N-R65W and is approximately 1.4 miles northwest of the proposed well location for Application No. 9010-3 and 0.4 miles northwest of the proposed well location for Application No. 9011-3. The well completion report indicated the driller encountered yellow clay from 1 foot below land surface to 20 feet below grade, blue clay from 20 to 68 feet, fine sand from 68 to 83 feet, clay from 83 to 101 feet, sand from 101 to 125 feet, and clay again from 125 to 126 feet. A well completion report for abandoned observation well SP-66I in the N $\frac{1}{2}$ of Section 13-T115N-R65W, approximately one quarter mile south of the proposed well location for Application No. 9010-3 and three quarter miles southeast of the proposed well location for Application No. 9011-3, indicated the driller found yellow clay from 3 to 13 feet below land surface, blue clay from 13 to 40 feet, fine to medium sand from 40 to 62 feet, blue clay from 62 to 66 feet, and fine to medium sand until the bottom of the drill hole. A lithologic log in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14-T115N-R65W, approximately 1.5 miles southwest of the proposed well for 9010-3 and three quarter miles southwest of the proposed well location for 9011-3, indicates the geologist also had similar results. The geologist reported finding many layers of clay (with the first 23 feet below grade being yellow clay then switching to gray/blue clay until the bottom of the drill hole at 215 feet) with sections of fine to medium sand 31 to 59 feet below land surface and medium sand 68 to 100 feet below land surface [3]. Yellow coloring of a formation can indicate weathering, which may make it more permeable than a formation that was not weathered after and during its deposition, however, the sand and gravel layers nearby are also overlain by blue (unweathered) clay. Based on this well completion report and observation well data nearby, it is likely the

aquifer will be under confined conditions at the locations of the proposed wells for these applications [4] [2], but may fluctuate between confined and unconfined depending on the pressure in the aquifer. The depths of the aquifer material encountered in nearby test holes are typical for the Tulare: Western Spink-Hitchcock aquifer in this area [11].

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Tulare: Western Spink-Hitchcock aquifer is younger and stratigraphically higher than the Greenhorn Formation [12]. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

The hydrologic budget of the Tulare: Western Spink-Hitchcock aquifer as of 2025 was presented before the Water Management Board in December of 2025 [13] and is summarized below. The estimated average annual recharge to the aquifer is approximately 0.83 inches per acre [11], which equates to 18,000 ac-ft/yr over the currently estimated extent of the aquifer. Withdrawals from the aquifer are mainly for irrigation use by appropriative users. By taking the sum of the average irrigation reported for each permit, Drennon [13] estimated the average annual withdrawal from the aquifer was between 12,000 and 13,000 ac-ft/yr depending on the range of data used. Irrigators have been applying fewer inches per acre as time goes on but irrigating a higher proportion of their permitted acreage in any given year. The estimated average annual withdrawal from irrigation was approximately 12,000 ac-ft/yr for the period of 2015 through 2024, which is the last ten years of reports when Drennon [13] authored her report. Based on this hydrologic budget, there is approximately 6,000 ac-ft/yr of unappropriated water available.

There were 27 water permits placed on hold in 2015, following procedure for fully appropriated aquifers established by the Legislature in 2014, which were approved at the May 2026 Board Meeting. Those 27 permits have senior priority to this application. For the period of 2015 through 2024, the average irrigation per reported acre was 6.63 inches per year and permit

holders irrigated 79% of their permitted acres [13]. For the period of record of 1979 through 2024, the average irrigation per reported acre was 8.89 inches per year and permit holders irrigated on average 65% of their permitted acres [13]. The total estimated withdrawal of the 27 permits approved in May 2026 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 Water Permit for Martin Anderson (File. No. 8120-3) may not be developed because the applicant indicated an intent to irrigate from the same aquifer at a different location [14]. This action would not change the hydrologic budget but would make Mr. Anderson's new application (9036-3) junior to the applications in this report. At the time of writing, there are 26 new applications requesting water from the Tulare: Western Spink-Hitchcock aquifer, including Application No. 9036-3. Table 3 summarizes the new permit applications since the December board meeting by applicant, and Appendix Table 4 (Page 12) 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.

These applications are estimated to withdraw between 192 and 212 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 applications approved in May 2026. Several entities have multiple permits [13].

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

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

Table 3: Estimated withdrawals for new applications since the December 2025 Water Management Board meeting [13].

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
Terry Weiting	1.78	140	61	67
Total	38.50	3,312	1,445	1,594

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 nearest observation wells to the proposed diversion points in these applications that are maintained by the Water Rights Program are SP-80N (1.6 miles southwest of App. No. 9010-3 and 0.75 miles southwest of App. No. 9011-3), SP-80L (1.8 miles northeast of App. No. 9010-3 and 2.0 miles northeast of App. No. 9011-3), SP-66H (2.3 miles southeast of App. No. 9010-3 and 2.75 miles southeast of App. No. 9011-3), and SP-80P (2.7 miles southwest of App. No. 9010-3 and 9011-3) [2]. The locations of these observation wells are mapped in Figure 1 (Page 2). Figure 2 shows the water level elevations for those observation wells [2]. The water-level fluctuations in those wells are representative of the general behavior of the aquifer. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [15]. There is a slight trend of springtime water levels increasing with time, which is consistent with the increased precipitation over time in the area [2] [15]. There are also seasonal declines during the irrigation season. The tendency of the water levels in the aquifer to be primarily influenced by climate and precipitation rather than well withdrawals indicates that both recharge and natural discharge are occurring, which the Water Management Board considers available for capture. Furthermore, the scale of recharge and natural discharge is greater than withdrawals. 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. No. 9010-3 and 9011-3

Water Rights Program Observation Wells Near App. No. 9010-3 and 9011-3

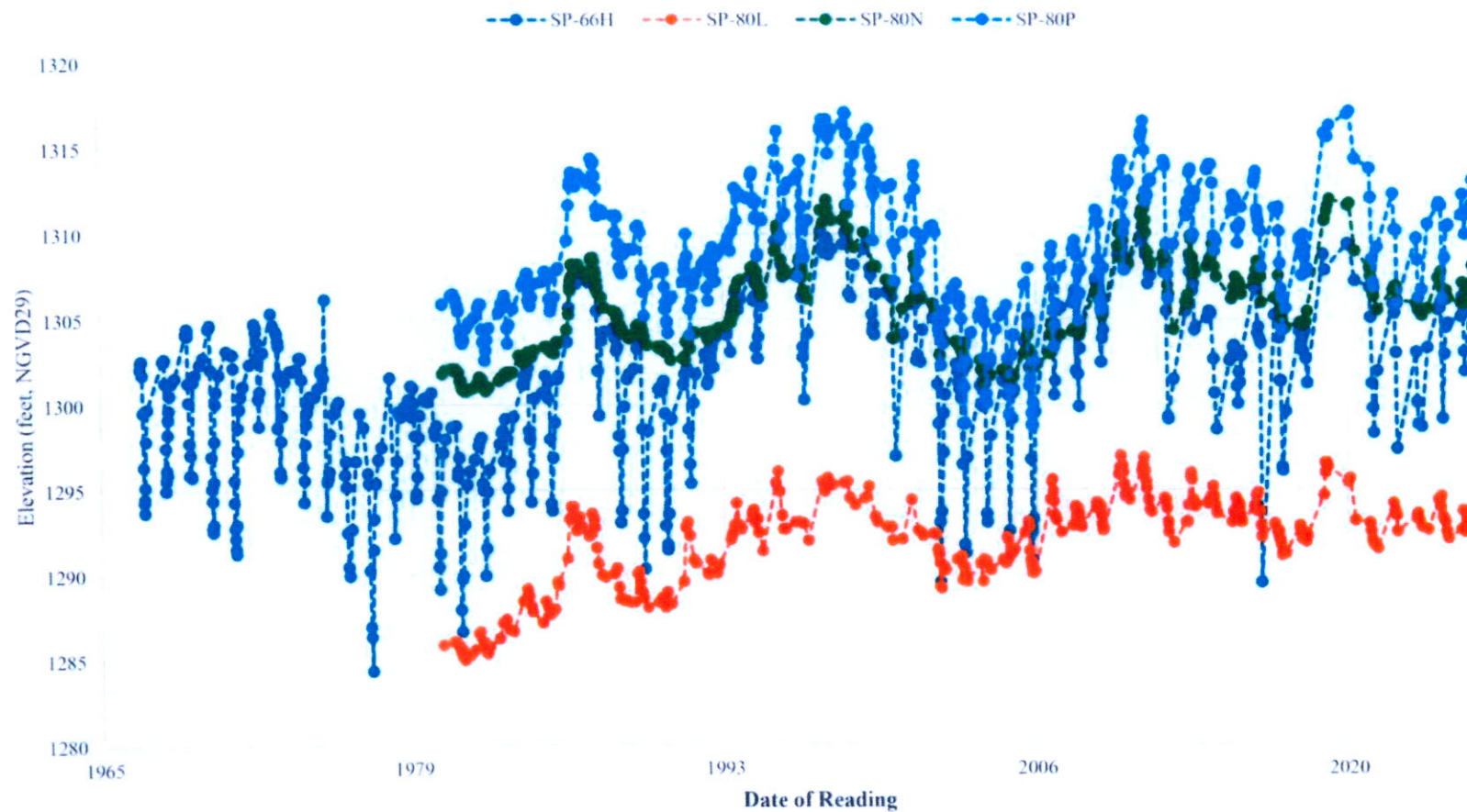


Figure 2: Observation wells near Water Right Applications No. 9010-3 and 9011-3 including their water level elevations [2].

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water rights senior to these applications are Water Permit No. 8997-3 located approximately 2.5 miles south of the proposed well for App. No. 9010-3 and 2.7 miles southeast of the proposed well for App. No. 9011-3 and Water Right No. 782A-3 located approximately 2.75 miles southwest of the proposed wells [1]. The locations of nearby senior water rights are also pictured in Figure 1. The nearest domestic well on file with the Water Rights program that is likely to be completed into the same aquifer is approximately three quarters of a mile north of the proposed well for Water Permit Application 9010-3, based on the location provided by the driller [4]. There may be more wells in the area that are not on file because they predate the South Dakota Well Construction Standards requiring drillers file a report for each well and test hole drilled. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. ARSD 74:02:04:20(6) defines an adequate well as:

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

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

Conclusions

1. Water Permit Application No. 9010-3 proposes to appropriate 1.78 cfs from up to two wells (both approximately 75 to 100 feet deep) to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12 for irrigation of 280 acres located in the S $\frac{1}{2}$ Section 12; all in T115N-R65W.
2. Water Permit Application No. 9011-3 proposes to appropriate 1.78 cfs from one well (approximately 70 to 100 feet deep) to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SE $\frac{1}{4}$ Section 11 for irrigation of 160 acres located in the SE $\frac{1}{4}$ Section 11; all in T115N-R65W.
3. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
4. There is reasonable probability this application can be developed without unlawful impairment of senior water rights or domestic use.



Alyssa Adams
Water Rights Intern
DANR Water Rights Program

Reviewed by:



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

References

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- [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.
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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. 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.
- [12] 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.

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

Report on Water Permit App. No. 9010-3 and 9011-3

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		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. 9010-3 and 9011-3

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	63	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
9042-3	Terry Weiting	04/06/2026	112	61	1.78	140	1	Ctr. SW ¼ Sec 32	SW ¼ Sec. 32	N/A	N/A	N/A	N/A	N/A	N/A	1.78	140

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, December 8, 2025 4:17 PM
To: kpeterson@venturecomm.net
Subject: Water Permit Applications
Attachments: Page2.pdf; Map1.pdf; Page 2.pdf; Map2.pdf

Good afternoon,

I am in receipt of your two water permit applications. There are a few issues:

- For the 280 acres application, we need the CFS or GPM
 - Please see page 2, we need the items highlighted in yellow, best estimate is fine
 - A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
 - Fees are application fee \$1050.00 + inspection fee \$200.00 = \$1,250.00
-
- For the 160 acres application, we need the CFS or GPM
 - Please see page 2, we need the items highlighted in yellow, best estimate is fine
 - A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
 - Fees are application fee \$850.00 + inspection fee \$200.00 = \$1,050.00

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

August 17, 2026

Lenny D Peterson
19111 Maple Avenue
Hitchcock SD 57348

Dear Peterson:

Water Permit Application No. 9011-3 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 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 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. 9011-3 to Appropriate Water

Notice is given that Lenny D Peterson, 19111 Maple 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 70-100 feet deep) located in the approximate center of the SE 1/4 Section 11 for irrigation of 160 acres located in the SE 1/4 Section 11; all in T115N-R65W. This site is located approximately five and one-half miles northwest of Tulare SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9011-3 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 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 Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The 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 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 August 31, 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 Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the 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 August 31, 2026.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, August 17, 2026 8:16 AM
To: Rodriguez, Rachel
Cc: kpeterson@venturecomm.net
Subject: RE: [EXT] 12565840 9011-3 Lenny Peterson - Public Notice
Attachments: 12565840.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on August 19. The order cost is \$55.70 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 9:00 AM today with any changes.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

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

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, August 14, 2026 8:16 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12565840 9011-3 Lenny Peterson - Public Notice

Attached is a notice to be published on August 19, 2026.

Lenny D Peterson, 19111 Maple Avenue, Hitchcock SD 57348, 605-266-2793,
kpeterson@venturecomm.net has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



USA TODAY CO.



Order Confirmation

Not an Invoice

Account Number:	1615990
Customer Name:	Lenny D Peterson
Customer Address:	Lenny D Peterson 19111 Maple AVE Hitchcock SD 57348-6812
Contact Name:	Lenny Peterson
Contact Phone:	(605) 852-2224
Contact Email:	kpeterson@venturecomm.net
PO Number:	

Date:	08/17/2026
Order Number:	12565840
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	169.0000
Height in Inches:	18.6300

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	08/19/2026 - 08/19/2026	Public Notices
ABD aberdeennews.com	1	08/19/2026 - 08/19/2026	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$55.70
Tax Amount	\$0.00
Service Fee 3.99%	\$2.22
Cash/Check/ACH Discount	-\$2.22
Payment Amount by Cash/Check/ACH	\$55.70
Payment Amount by Credit Card	\$57.92

Order Confirmation Amount

\$55.70

Rodriguez, Rachel

From: Cindy Crook <ccrook@cmpapers.com>
Sent: Friday, August 14, 2026 10:48 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 9011-3 Lenny Peterson - Public Notice

Will run in the paper (1) time on 8/19/26.

Thanks,
Have a Wonderful Friday!!
Cindy

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, August 14, 2026 8:15 AM
To: Cindy Crook <ccrook@cmpapers.com>
Subject: 9011-3 Lenny Peterson - Public Notice

Attached is a notice to be published on August 19, 2026.

Lenny D Peterson, 19111 Maple Avenue, Hitchcock SD 57348, 605-266-2793,
kpeterson@venturecomm.net has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



NOTICE OF HEARING

#8390

NOTICE OF APPLICATION NO. 9011-3 to Appropriate Water

Notice is given that Lenny D Peterson, 19111 Maple 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 70-100 feet deep) located in the approximate center of the SE 1/4 Section 11 for irrigation of 160 acres located in the SE 1/4 Section 11; all in T115N-R65W. This site is located approximately five and one-half miles northwest of Tulare SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9011-3 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 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 part of record in a contested hearing shall file a written petition to oppose the ap-

plication with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The 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 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 August 31, 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 Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the 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 August 31, 2026.

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

Published one time at the total approximate cost of \$44.76 and may be viewed free of charge at www.sdpublicnotices.com (Aug 19)

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:

#8390 NOTICE OF HEARING

was printed and published in said newspaper in 1 issue, to wit: The first publication be made on August 19th. That Forty-Four and 76/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Cindy Crook

Subscribed and sworn to before me this 19th day of August, 2026

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2030



USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

RECEIVED

AUG 24 2026

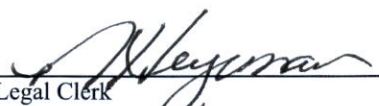
OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

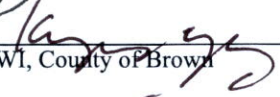
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers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

08/19/2026

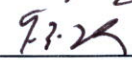
That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper. Sworn to and subscribed before on 08/19/2026



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

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KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 9011-3 to
Appropriate Water**

Notice is given that Lenny D Peterson, 19111 Maple 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 70-100 feet deep) located in the approximate center of the SE 1/4 Section 11 for irrigation of 160 acres located in the SE 1/4 Section 11; all in T115N-R65W. This site is located approximately five and one-half miles northwest of Tulare SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9011-3 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 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, 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 Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The 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

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address is given above. If contesting the 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 August 31, 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 Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online

at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the 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 August 31, 2026.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the 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 \$55.70 and may be viewed free of charge at www.sdpublicnotices.com.

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, August 17, 2026 8:45 AM
To: kpeterson@venturecomm.net
Subject: 9011-3 Lenny Peterson - Public Notice
Attachments: 9011-3 Rec.pdf; 9011-3 Ltr.pdf; 9011-3 PubNotice.pdf; AmericanNews 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

October 1, 2026

Lenny D Peterson
19111 Maple Avenue
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed are Water Permit Nos. 9010-3 and 9011-3 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.: 9011-3

Name of Applicant: Lenny Peterson

Date of Posting: 8/17/2026

Date of Removal: 10/1/2026

Amanda Dewell, Permitting Administrator

10/1/2026

Date

Subscribed and sworn to before me, a notary public, this 1st day of Oct, 2026.

Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

