

WATER PERMIT NO. 9023-3

Name of Applicant: **Chris Howard Ranch LLC.**

Address: **19245 355th Avenue, Miller SD 57362**

Phone: **605-204-0299**

Amount of Water Claimed: **0.026 cfs**

Total Acres: **25**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Hand**

Type of Waste Disposal System:

Location: **Approx. 7 miles northwest of Miller**

PRIORITY

Date Received: **02-04-26**

Application/License Fee: **\$700.00**

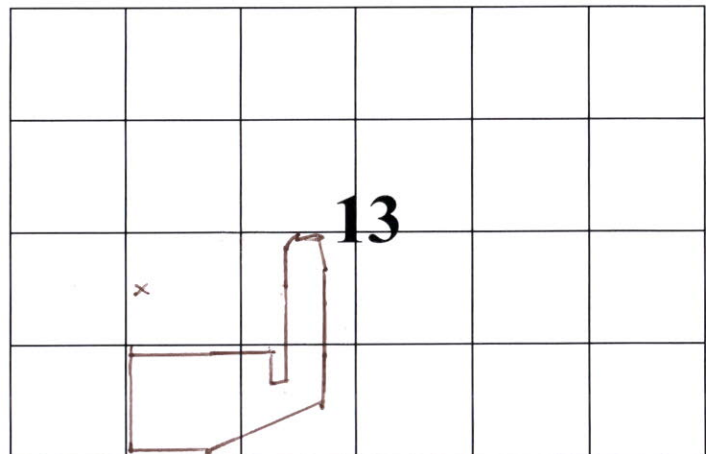
Corrected Application Received: **02-11-26**

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

Remarks:

Diversion Point: **NW 1/4 SW 1/4 Sec 13-T113N-R69W**

Land to be Irrigated: **E 1/2 SW 1/4, SW 1/4 SW 1/4 Sec 13-T113N-R69W**



Depth of Well: **1550**

Well Driller: **Pullman Well**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **02-12-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 9023-3

Date of first receipt of application February 5, 2026.

Date of return to applicant for corrections, amendments or changes February 5, 2026.

Date of receipt of corrected application February 12, 2026.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 9023-3 to Chris Howard Ranch LLC, 19245 355th Avenue, Miller SD 57362, 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. 9023-3 appropriates 0.026 cubic feet of water per second(cfs) from one well completed into the Dakota Aquifer (approximately 1,550 feet deep) located in the NW 1/4 SW 1/4 Section 13 for irrigation of 25 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 13; all in T113N-R69W. The artesian well is valved, with flows being directed to an existing dam (20 acre-feet storage capacity) located in the SE 1/4 SW 1/4 Section 13 and an existing feedlot lagoon located in the NE 1/4 SW 1/4 Section 13; all in T113N-R69W. Water from the well will be mixed with surface runoff held in the dam and wastewater held in the lagoon, and pumped out for disposal and irrigation at a maximum pump rate of 2.23 cfs. This site is located in Hand County, approximately seven miles northwest of Miller 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 February 5, 2026.
4. The date of approval of Permit No. 9023-3 is June 1, 2026.
5. One-fifth of the construction is to be completed on or before December 1, 2028.
6. All construction is to be completed on or before June 1, 2031.
7. Water is to be put to beneficial use on or before June 1, 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. 9023-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Low flows as needed for downstream domestic use, including livestock water must be bypassed out of the dam. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. If the dam receiving flow from the well is spilling water, the flow from the well must either be stopped or the flow reduced to a minimum not exceeding five gallons per minute. No discharge from the well to the wastewater pond(s) is allowed when the pond(s) is/are at full capacity.

(continued)

4. Any future replacement wells must meet the adequate well construction standards as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20. Any future replacement wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
5. Water Permit No. 9023-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
6. Water Permit No. 9023-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
7. No diversion of water from the Dakota Aquifer to the wastewater pond(s) may occur when the water level in the pond(s) is at or above the maximum operating elevation included as part of the permit application under the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
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9. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 9023-3 authorizes a maximum diversion rate of 2.23 cfs for the irrigation of 25 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
10. This Permit is approved subject to the irrigation water use questionnaire being submitted each year for water withdrawn from each source separately, the Dakota aquifer and Little Turtle Creek (the dam).

WATER MANAGEMENT BOARD

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

JUL 22 2026

date



RECEIVED

FEB 05 2026

Water Rights
ProgramFORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>9023-3</u> Hydrologic Unit <u>10140009</u> Basin <u>James</u> Newspaper <u>Miller 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 Chris Howard Ranch LLC

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

Mailing Address 19245 355th Ave Miller SD 57362
(Address) (City) (State) (Zip Code)Phone _____ Mobile 605.204.0299 Email _____2. Amount of water claimed 0.026*CFS or 12**GPM 20***AF Total Acreage 25
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply flowing well, storage dam, runoff4. Location of point of diversion SW 1/4 Sec 13-T113N-R69W (NW 1/4 SW 1/4)
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)County Hand5. County or counties where water will be used Hand6. Annual period during which water is to be used May 1 - Oct 317. 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
E 1/2 SW 1/4 & SW 1/4 SW 1/4	25		

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

A flowing artesian well is valved to approx. 12gpm, mixing with water held in the dam and lagoon before being spread for irrigation. Water will be pumped from dam and lagoon at a rate of _____ gpm.

1. Chris Howard
Name of PersonPresident
Title (if applicable)

, the applicant, certify under

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)

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FEB 04 2026

Water Rights
Program

1. Well Information (check one or both as applicable)

☐ Drilling new well(s) ☒ Using existing well(s)

- a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Pullman Well Drilling (1988)

For either existing or proposed wells:

- c) Well Depth (required) 1550' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property unknown Property owned by others unknown

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Feedlot drainage lagoon
- b) System Capacity (gallons) _____ Year Constructed 2013
- c) Connected to the City of _____ Sanitary System

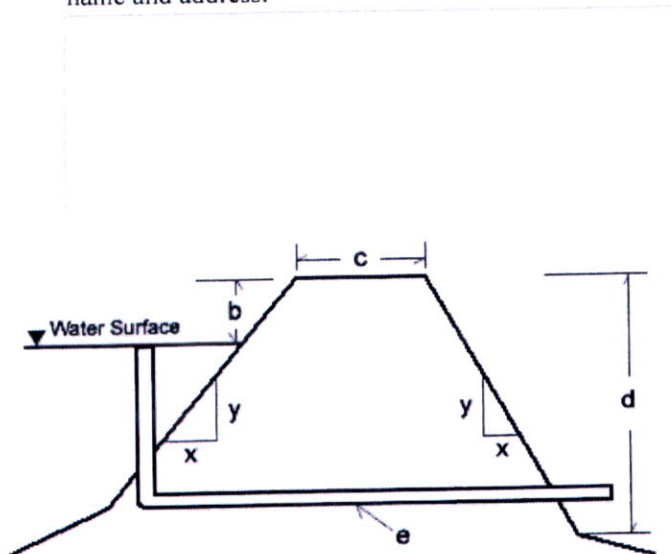
3. Dugout Information

- 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 5'
- c) Crest Width 13'
Crest Length 280'
- d) Height 12'
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity 5'
Spillway Width 65'
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream 2.5:1
Downstream 3:1
- h) Area of Impoundment ~6 acres
- i) Storage ~20 Acre Feet
- j) Drainage Area Above Dam _____ Acres



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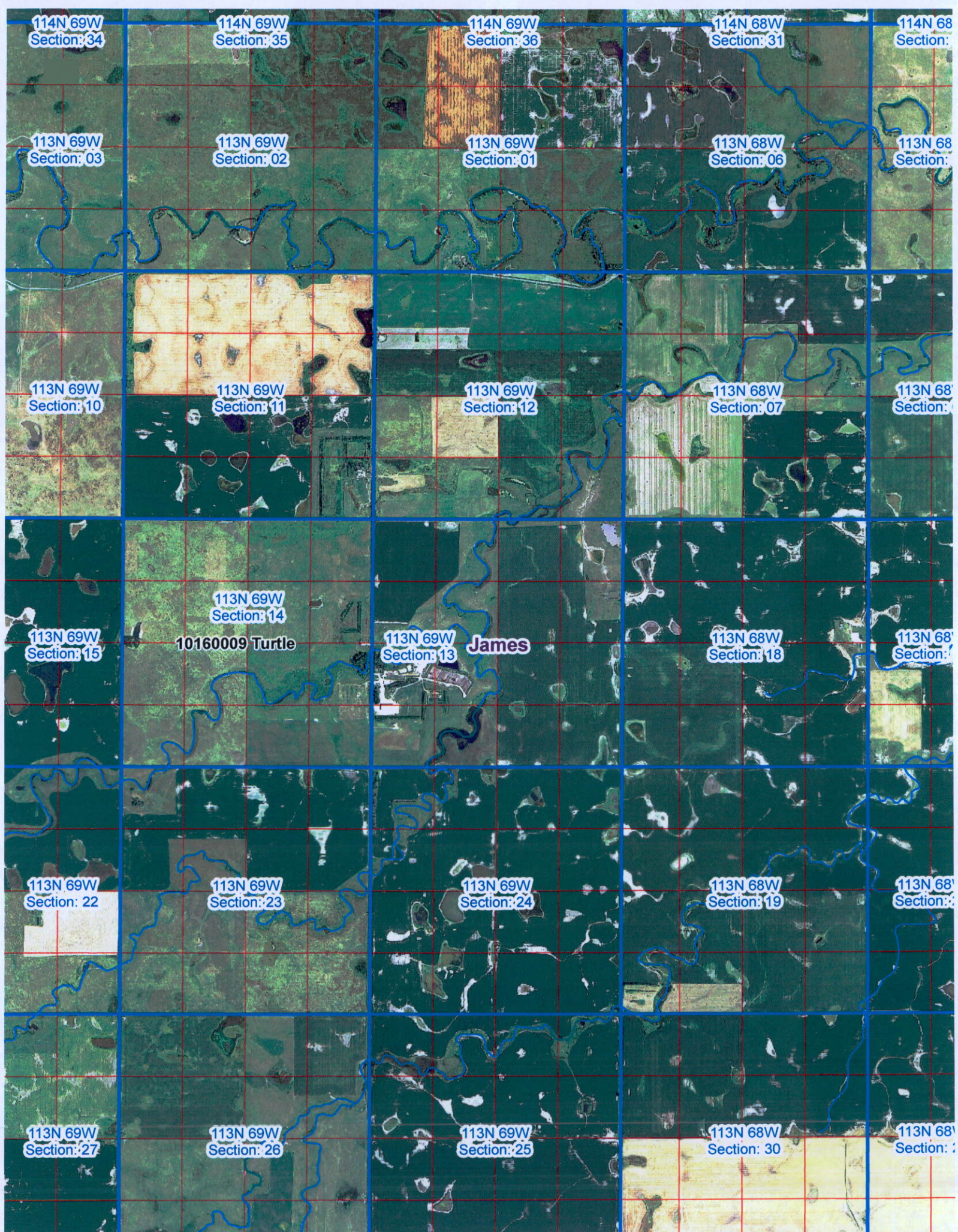
FEB 04 2026

Water Rights
Program

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Water Rights
Program



114N 69W
Section: 34

114N 69W
Section: 35

114N 69W
Section: 36

114N 68W
Section: 31

114N 68
Section:

113N 69W
Section: 03

113N 69W
Section: 02

113N 69W
Section: 01

113N 68W
Section: 06

113N 68
Section:

113N 69W
Section: 10

113N 69W
Section: 11

113N 69W
Section: 12

113N 68W
Section: 07

113N 68
Section:

113N 69W
Section: 15

113N 69W
Section: 14

10160009 Turtle

113N 69W
Section: 13

James

113N 68W
Section: 18

113N 68
Section:

113N 69W
Section: 22

113N 69W
Section: 23

113N 69W
Section: 24

113N 68W
Section: 19

113N 68
Section:

113N 69W
Section: 27

113N 69W
Section: 26

113N 69W
Section: 25

113N 68W
Section: 30

113N 68
Section:

RECEIPT

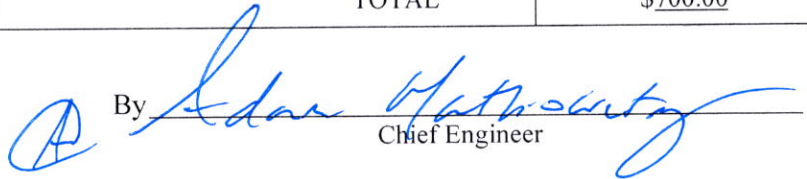
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 12, 2026

RECEIVED OF Chris Howard Ranch LLC 19245 355th Avenue Miller SD 57362

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

Fee for Application for Permit No. <u>9023-</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>9023-3</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>700.00</u>

By  Chief Engineer



533251373

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$55

Total Fee: \$55

2026
FILING YEAR

1. Business ID and Name:

DL047017
BUSINESS ID

Chris Howard Ranch, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**19250 355TH AVE
MILLER, SD 57362**

Mailing Address

**19245 355TH AVENUE
MILLER, SD 57362**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **CHRIS K HOWARD**

Actual Street Address in this State

**19245 355TH AVENUE
MILLER, SD 57362**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

6. 43-2A-1. "Agricultural land" defined.

For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

Does the entity own any Agricultural land? (Required)

No

If the answer is yes, please answer below

"Foreign Beneficial Owner" "Foreign entity" is registered outside of the United States or its territories or has more than ten percent ownership by a foreign government, foreign person, or any combination thereof. "Foreign Government" A Government or state- controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian Tribes. "Foreign Person" A natural Person who is not a United States Citizen or a resident.

Does the entity have any foreign beneficial owners/interests?



N/A

If the answer is yes to the questions above, please provide the information below

Provide a legal description of the agricultural land or a description of the land's common location in the space provided below.

N/A

The total acreage of agricultural land held by the entity.

N/A

The Current use of the agricultural land. As defined in SDCL 43-2A-1.

Check all that apply:

N/A

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Name	Address
Chris K Howard	19245 355th Ave Miller SD 57362
Amy J Howard	19245 355th Ave Miller SD 57362

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

12/18/2025

Dated

Email (Optional)

Chris Howard

Signature of an Authorized Person

Chris Howard

Printed Name

B0398-0440 12/18/2025 9:27AM Rec'd by SD SOS

Rodriguez, Rachel

From: Chris Howard <howardc@venturecomm.net>
Sent: Wednesday, February 11, 2026 11:53 AM
To: Rodriguez, Rachel
Subject: [EXT] Application with signature
Attachments: Application for irrigation.pdf

See attached

Thanks

Chris Howard

Rodriguez, Rachel

From: Chris Howard <howardc@venturecomm.net>
Sent: Thursday, February 5, 2026 7:19 PM
To: Dewell, Amanda
Cc: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

The pump rate is estimated to be a maximum of 1000 gallons per minute.

Let me know if you have any more questions.

Thanks

Chris Howard

On Feb 4, 2026, at 2:42 PM, Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Rachel, please see Chris' attached application & map. He just needs to follow up with the final piece (pump rate out of the dam) and submit the fees.

Chris, please "reply all" to this email when you get your pump rate figured, and submit payment in the amount of \$700.00 by either calling our Fiscal Office @ 605-773-5559 or by mailing a check (payable to SD Water Rights) to:

DANR – Water Rights
523 E Capitol Ave
Pierre SD 57501

Thanks,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov
<image001.png>

From: howardc@venturecomm.net <howardc@venturecomm.net>
Sent: Wednesday, February 4, 2026 2:28 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Water Permit Application

Amanda,

25 acres will be fine.

I have reviewed the application draft, it looks good to me. I have contacted my irrigation consultant to determine the GPM of withdraw from the dam. I marked the well on the attached map

Let me know if you need anything else.

Thanks for your help.

Chris

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Sent: Tuesday, February 3, 2026 10:24 AM

To: howardc@venturecomm.net

Subject: RE: Water Permit Application

Chris, I've plotted the proposed irrigated area with our mapping software and came up with approx. 23 acres. If you apply for 20 acres and end up developing more, you would have to go through the whole permitting process again to get authorization for those additional acres. Would you be agreeable to rounding up to 25 acres to avoid any possible over development? The fees would stay the same (\$700.00).

I've made a few changes to your application and attached that draft – please review at your earliest convenience. Can you also identify the pump rate you believe you would need to support irrigation practices (gpm) and mark the location of the flowing well on the attached map?

Thank you,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov
<image001.png>

From: howardc@venturecomm.net <howardc@venturecomm.net>

Sent: Saturday, January 31, 2026 1:59 PM

To: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: [EXT] Water Permit Application

Amanda,

Thank you for your help with this project so far. Please review attached documentation for the irrigation application.

Let me know your thoughts.

Thanks,

Chris

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, January 30, 2026 8:12 AM
To: Chris Howard <howardc@venturecomm.net>
Subject: RE: Water Permit Application

If you want to just send them as attachments I can review them before they're "officially submitted"?

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov
<image001.png>

From: Chris Howard <howardc@venturecomm.net>
Sent: Thursday, January 29, 2026 6:05 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Amanda,

Thank you for your response to our conversation last week. I think we're probably going to end up needing a surface water and ground water components of our permitting. With that said, I am beginning to fill out the irrigation permit application. Do you have a shared folder I can drop those scanned documents into? Or would you rather receive them by attached email or USPS?

Thanks

Chris Howard

On Jan 22, 2026, at 3:14 PM, Dewell, Amanda
<Amanda.Dewell@state.sd.us> wrote:

Thank you for calling the Water Rights Program yesterday to discuss permitting for the animal confinement facility and possible irrigation in Section 13-T113N-R69W, Hand Co.

Based on our conversation, I gathered the facility is supplied water by a free-flowing artesian well, which you said has been valved down to flow at approx. 12 gpm. So long as the constant flows do not exceed 18 gpm, water use for the feedlot would be covered under "reasonable domestic use" and no permitting would be needed.

You had also mentioned the possible development of irrigation from the established dam directly south of the feedlot. It is my understanding that a portion of the well's flow is directed to this dam. If you plan to develop more than 1 acre of irrigated land, you will need permitting for both the surface water & groundwater components.

I would note that if you decided to pump out of the feedlot's wastewater pond (with no well water mixed in), rather than the dam, you would not need any water rights permitting, since spreading of wastewater is not considered irrigation.

I've attached a blank application and a PDF outlining the permitting process for you to review. Please feel free to respond to this email with additional questions/concerns.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov

<image001.png>

<Irrigation PermitApplication_Blank.pdf>

<Permitting Process PDF.pdf>

<Chris Howard_MAP.pdf>

<Irrigation PermitApplication_Chris Howard.pdf>



**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. 9023-3, Chris Howard Ranch LLC**

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. 9023-3, Chris Howard Ranch LLC, 19245 355th Avenue Miller SD 57362.

The Acting Chief Engineer is recommending APPROVAL of Application No. 9023-3 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. 9023-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Low flows as needed for downstream domestic use, including livestock water must be bypassed out of the dam. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. If the dam receiving flow from the well is spilling water, the flow from the well must either be stopped or the flow reduced to a minimum not exceeding five gallons per minute. No discharge from the well to the wastewater pond(s) is allowed when the pond(s) is/are at full capacity.
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- e) Chapter 74:51:03 Uses Assigned to Streams, and
- f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

7. No diversion of water from the Dakota Aquifer to the wastewater pond(s) may occur when the water level in the pond(s) is at or above the maximum operating elevation included as part of the permit application under the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
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10. This Permit is approved subject to the irrigation water use questionnaire being submitted each year for water withdrawn from each source separately, the Dakota aquifer and Little Turtle Creek (the dam).

See report on application for additional information.



Adam Mathiowetz, PE
Acting Chief Engineer
May 08, 2026

Note: Qualification Nos. 5 through 8 are applicable only if the confinement operation is subject to permitting under the Department's Water Pollution Control Permit.

Report to the Chief Engineer
On Water Permit Application No. 9023-3
Chris Howard Ranch LLC

May 8, 2026

Water Permit Application No. 9023-3 proposes to appropriate up to 0.026 cubic feet of water per second (cfs) from one well completed into the Dakota aquifer (approximately 1,550 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 for irrigation of 25 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; all in T113N-R69W. The flowing well is valved, with flows being directed to an existing dam (20 acre-feet storage capacity) located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 and an existing feedlot lagoon located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; all in T113N-R69W. Water from the well will be mixed with surface runoff held in the dam and wastewater held in the lagoon, and pumped out for disposal and irrigation at a maximum pump rate of 2.23 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in Hand County, approximately seven miles northwest of Miller, SD.

AQUIFER: Dakota (DKOT)

HYDROGEOLOGY:

The Dakota Formation is defined as the first relatively continuous sandstone below the Greenhorn Limestone, extending downward to the top of the Skull Creek Shale in western and central South Dakota (Schoon, 1971). In eastern South Dakota, the Skull Creek Shale is not continuous and when absent, the Dakota Formation directly overlies Precambrian bedrock or the Inyan Kara Group (Schoon, 1971). In western South Dakota, a stratigraphically equivalent formation to the Dakota Formation is the Newcastle Formation, which outcrops in the Black Hills (Bredehoeft and others, 1983). In eastern South Dakota, the Dakota Formation can be separated into three layers: 1) upper layer of fine to medium grained, light to reddish brown, quartz sandstone interbedded with minor gray to dark grey shale layers; 2) a middle layer of silty gray clay interbedded with minor sandstone layers; and 3) a lower layer of medium to coarse grained quartz sandstone (Schoon, 1971).

The Dakota aquifer is comprised of the saturated and permeable portions of the Dakota Formation and is primarily a confined bedrock aquifer throughout most of South Dakota (Schoon, 1971; Water Rights 2026b and 2026d). The Dakota Formation underlies approximately 66,500 square miles of South Dakota and has an average thickness of 150 feet (Schoon, 1971). Using Schoon's (1971) estimates of average thickness (150 feet) and areal extent (66,500 square miles or 42.5 million acres) of the Dakota aquifer, and assuming 15% porosity for the Dakota Formation, approximately 960 million acre-feet of water is stored within the Dakota aquifer in South Dakota.

A well completion report was not submitted with this application, so the next closest well completed into the Dakota aquifer will be used instead. The closest well on file, mapped as approximately 1,000 feet east of the well site for this application, may be the well this application proposes to use. However, the differences from the well completion report to the information regarding the age of the well and the well driller make that determination inconclusive (Water Rights, 2026d). The well completion report for the closest well on file lists, “Top Soil” from 0 to 1 feet, “Yellow Clay” from 2 to 15 feet, “Blue Clay” from 15 to 160 feet, “Shale” from 160 to 750 feet, “Greenhorn” from 750 to 770 feet, “Shale” from 770 to 1,140 feet, “Dakota Sandstone” from 1,140 to 1,540 feet below the ground surface. The water well completion report shows the top of aquifer material 1,140 feet below ground surface with an approximate saturated aquifer thickness of 400 feet (Water Rights, 2026d). Additionally, a closed-in pressure of 50 pounds per square inch (psi) was recorded, which indicates flowing conditions at this location and is similar to other nearby well completion reports (Water Rights, 2026d). The closed-in pressure of 50 psi equates to approximately 115 feet of hydraulic head above the top of the casing.

South Dakota Codified Law (SDCL)

Water Permit Application No. 9023-3 proposes to appropriate water from the Dakota aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering *SDCL 46-6-3.1*, *SDCL 46-2A-9*.

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 water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Dakota aquifer is older than and stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010). However, the applicant’s proposed use is not for use in a water distribution system as defined by *SDCL 46-1-6(17)*. Therefore, the average annual recharge and average annual withdrawal rates to and from the Dakota aquifer must be considered.

Pursuant to SDCL 46-2A-9,

*“A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point 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 as defined by *SDCL 46-2-9* and *46-2-11*.”*

This report will only address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Dakota aquifer.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Dakota aquifer in South Dakota occurs through upward leakage from underlying aquifers with a higher potentiometric surface than the Dakota aquifer, downward seepage through overlying confining layers, and through the infiltration of precipitation on the Newcastle Formation that outcrops in the Black Hills (Bredehoeft and others, 1983; Water Rights, 2026b). Using computer modeling, Bredehoeft and others (1983) attempted to match Darton's (1909) potentiometric surface map of the Dakota aquifer and developed a recharge estimate of approximately 79.4 cfs (57,500 acre-feet/year) prior to significant development. However, there have been newer studies that allow for updated assumptions to the recharge estimate used in Bredehoeft and others (1983). For example, the recharge estimates used for the Madison and Inyan Kara aquifers (underlying aquifers in Bredehoeft and others (1983) analysis are much lower than estimates calculated by the more recent research of Carter and others (2002) and Medler and others (2025). While there has not been an updated study of the recharge to the Dakota aquifer to account for updates to data used for the assumptions, the Bredehoeft and other's (1983) estimate is the best information reasonably available for the recharge rate to the Dakota aquifer in South Dakota. In conclusion, the updated studies on aquifers discharging water to the Dakota aquifer implies the recharge rates to those aquifers is greater than the rates previously used by Bredehoeft and others (1983); suggesting potential recharge to the Dakota aquifer is likely greater than estimated.

Discharge

Discharge from the Dakota aquifer in South Dakota occurs through well withdrawals, uncontrolled flowing wells, outflow through corroded well casings, and outflow to overlying or adjacent aquifers due to a higher potentiometric surface in the Dakota aquifer (Bredehoeft and others, 1983; Water Rights, 2026d). Currently, there are 260 water rights/permits authorized to withdraw from the Dakota aquifer, and seven future use permits reserving 4,287 acre-feet/year of water from the Dakota aquifer. The future use permits are shown on Table 1 (Water Rights, 2026c).

Table 1. Future use permits reserving water from the Dakota aquifer (Water Rights, 2026c)

Permit No.	Name	County	Use	Priority Date	Amount Reserved (ac-ft/yr)
1262C-3	City of Canton	LN	MUN	03/16/1966	674
5219-3		LN	MUN	12/05/1988	1,175
8400-3	City of Harrisburg	LN	MUN	05/15/2019	550
5101-3	City of Lennox	LN	MUN	08/27/1986	*0
5101A-3		LN	MUN	08/27/2007	*0
5155-3	Lincoln County RWS	LN	RWS	10/21/1987	440
4817-3	South Lincoln RWS	LN	RWS	08/17/1981	1,448
LN: Lincoln; MUN: Municipal; RWS: Rural Water System; *City of Lennox has allocated all the water they had reserved				TOTAL:	4,287

Of the 260 active water rights/permits, 97 are primarily for water distribution systems (rural water system, municipal, suburban housing development, etc.), 21 for irrigation, 114 for commercial use, 7 for industrial use, 10 for domestic use, 4 for fish and wildlife propagation, 2 for geothermal use, 2 for institutional use, and 3 for recreation (Water Rights, 2026c). The use type determined for each water right/permit was based on the primary use categorized for each water right/permit as some permits have multiple uses (Water Rights, 2026c). Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at their respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2026c). Additionally, some water rights/permits withdraw from multiple aquifers. As such, only water from the Dakota aquifer for Water Right Nos. 8199-3 and 8252-3 and additionally Water Permit Nos. 2804-2, 6394-3, 8464-3, 8670-3 and 8697-3 will be considered in total estimates for Table 2. Some of the water rights/permits authorized to appropriate water from the Dakota aquifer are identified as being connected to a rural water system (RWS) rather than using their permitted wells, as allowed under ARSD 74:02:01:37(2). Therefore, the annual water use for these water rights/permits has been estimated to be zero acre-feet per year.

Additionally, the City of Canton only purchases 49% of their water from South Lincoln Water System. Therefore, the estimated withdrawals from the City of Canton are adjusted to better reflect the estimated usage from the Dakota aquifer (Friedeman, 2025). Overall, the estimated average annual withdrawal rate from the Dakota aquifer by the non-irrigation water rights/permits is approximately 24,930 acre-feet per year (Table 2) (Water Rights, 2026c).

Table 2. Estimated annual use for the non-irrigation water right/permits authorized to divert water from the Dakota aquifer (Water Rights, 2026c)

Use Type	Count	Diversion Rate (cfs)	Estimated Diversion Rate Total (ac-ft/yr)	Limited by Volume (ac-ft/yr)	Total Estimated Use (ac-ft/yr)
Commercial	114	11.36	4,936	2,352	7,288
Domestic	10	1.47	640	72	712
Fish and Wildlife Propagation	4	2.73	1,187	0	1,187
Geothermal	2	2.33	1,012	0	1,012
Industrial	7	0.84	367	38	405
Institutional	2	1.34	582	0	582
Municipal	84	5.19	2,253	6,402	8,655
Recreational	3	0.45	195	3.1	199
Rural Water System	6	3.31	1,438	2,005	3,443
Suburban Housing Development	7	3.33	1,447	0	1,447
Total:	239	32.35	14,057	10,872	24,930
COM: Commercial, DOM: Domestic, FWP: Fish & Wildlife Propagation, GEO: Geothermal, IND: Industrial, INS: Institutional, MUN: Municipal, REC: Recreation, RWS: Rural Water System, SHD: Suburban Housing Development					

Currently, there are 21 irrigation water rights/permits authorized to appropriate water from the Dakota aquifer (Water Rights, 2026c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Dakota aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2024) is approximately 168 acre-feet per year (Table 3) (Water Rights, 2026a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2015 to 2024, which is approximately 262 acre-feet per year (Table 3), will be used for the hydrologic budget (Water Rights, 2026a).

Water Permit No. 2890-2 was approved in 2025 and has not reported an annual usage; therefore, its withdrawal must be estimated. Generally, crop irrigators in eastern South Dakota apply 10 inches (or less) of water per acre per year (Drennon, 2025). Because Water Permit No. 2890-2 is located in western South Dakota, an application rate of one foot per acre per year is used to estimate annual withdrawals. This rate is likely an overestimation, as the water is used to dilute feedlot runoff prior to land application. Therefore, Water Permit No. 2890-2 (assuming an application rate of one foot of water per authorized acre) has an estimated annual withdrawal rate of approximately 95 acre-feet per year. Water Permit No. 2890-2, combined with the reported annual average (2015 to 2024), results in an estimated annual irrigation withdrawal rate of 357 acre-feet per year.

Table 3. Reported historic irrigation use from the Dakota aquifer (Water Rights, 2026a)

Year	No. of Permits	Reported (acre-feet)	Year	No. of Permits	Reported (acre-feet)
1979	2	38	2004	10	154
1980	2	110	2005	12	147
1981	4	45	2006	13	232
1982	5	33	2007	14	200
1983	5	64	2008	14	196
1984	4	0	2009	15	131
1985	5	8	2010	17	172
1986	5	239	2011	18	175
1987	5	1	2012	18	298
1988	4	453	2013	18	257
1989	4	265	2014	17	163
1990	4	234	2015	17	236
1991	5	165	2016	16	196
1992	5	40	2017	16	229
1993	7	112	2018	16	157
1994	7	52	2019	15	108
1995	8	31	2020	16	246
1996	8	34	2021	16	256
1997	9	48	2022	17	483
1998	9	176	2023	19	376
1999	10	102	2024	18	331
2000	10	173	Min	2	0
2001	11	161	Max	19	483
2002	10	179	Avg (1979-2024)	11	168
2003	10	205	Avg (2015-2024)	17	262

There are two pending applications for the Dakota aquifer - Water Permit Application Nos. 8991-3 and 9020-3. Water Permit Application No. 8991-3 for Century Swine RE LLC, if approved, plans to appropriate up to 154 ac-ft/yr at a maximum pump rate of 0.5 cfs from one existing well and up to two additional wells to be completed into the Dakota aquifer for commercial use in Edmunds County, SD. Additionally, Water Permit Application No. 9020-3, if approved, plans to appropriate up to 86 ac-ft/yr at a maximum combined pump rate of 0.334 cfs from up to three wells completed into the Dakota aquifer for commercial use in Miner County, SD. Combined, Water Permit Application Nos. 8991-3 and 9020-3 propose to appropriate up to 240 ac-ft/yr from the Dakota aquifer.

There are domestic wells completed into the Dakota aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2026d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Dakota aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Dakota aquifer. It is currently unknown how much water is being discharged from the Dakota aquifer through uncontrolled flowing wells. The Water Management Board has previously determined water being discharged through uncontrolled flowing wells is not a beneficial use and does not constitute appropriation pursuant to SDCL 46-6-3.1 (Water Rights, 1987).

Hydrologic Budget Summary

Bredehoeft and others (1983) estimated the recharge rate to be approximately 57,500 acre-feet/year. However, the Bredehoeft and others (1983) recharge estimate relies on outdated assumptions, and the actual recharge rate of the Dakota aquifer could be higher or lower than previously estimated. The estimated average annual withdrawal rate from the Dakota aquifer is approximately 29,833 acre-feet per year (future use: 4,287 acre-feet/year; non-irrigation: 24,930 acre-feet/year; irrigation: 357 acre-feet/year; Water Permit Application No. 9023-3 (if approved, assuming continuous pumping): 19 acre-feet/year; pending Water Permit Application Nos. 8991-3 & 9020-3 (if approved, assuming full volume): 240 acre-feet/year. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Dakota aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 46 observation wells completed into the Dakota aquifer (Water Rights, 2026b). The four closest observation wells to the well the applicant provided a well completion report for are HD-87A (approximately 25 miles southeast), BL-83A (approximately 59 miles south), ED-85A (approximately 60 miles northeast), and AU-89A (approximately 74 miles southeast) (Figures 1 & 2) (Water Rights, 2026b). Due to an access issue, measurements have not been collected for the last several years at HD-87A. Additionally, due to the presence of iron bacteria found in the well, measurements stopped being collected several years ago at BL-83A. The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing which were then converted to elevation in feet from the NGVD29 vertical datum.

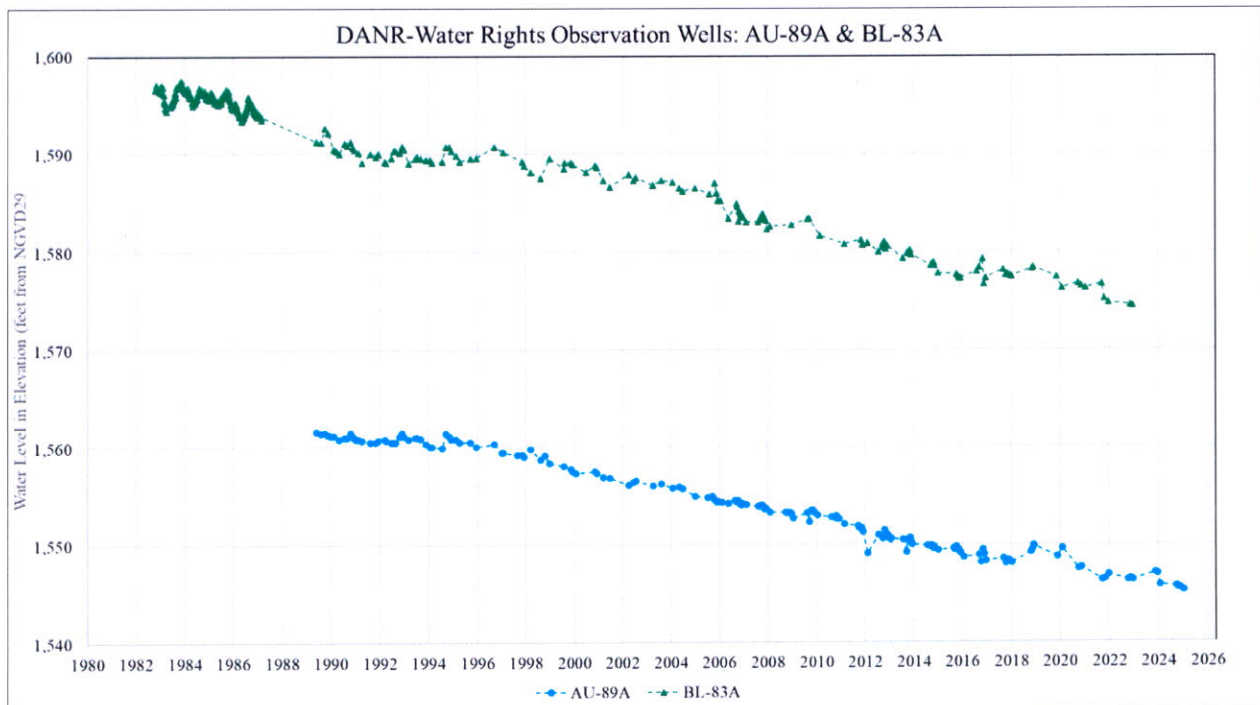


Figure 1. A graph showing the elevation of water levels for observation wells: AU-89A & BL-83A (Water Rights, 2026b)

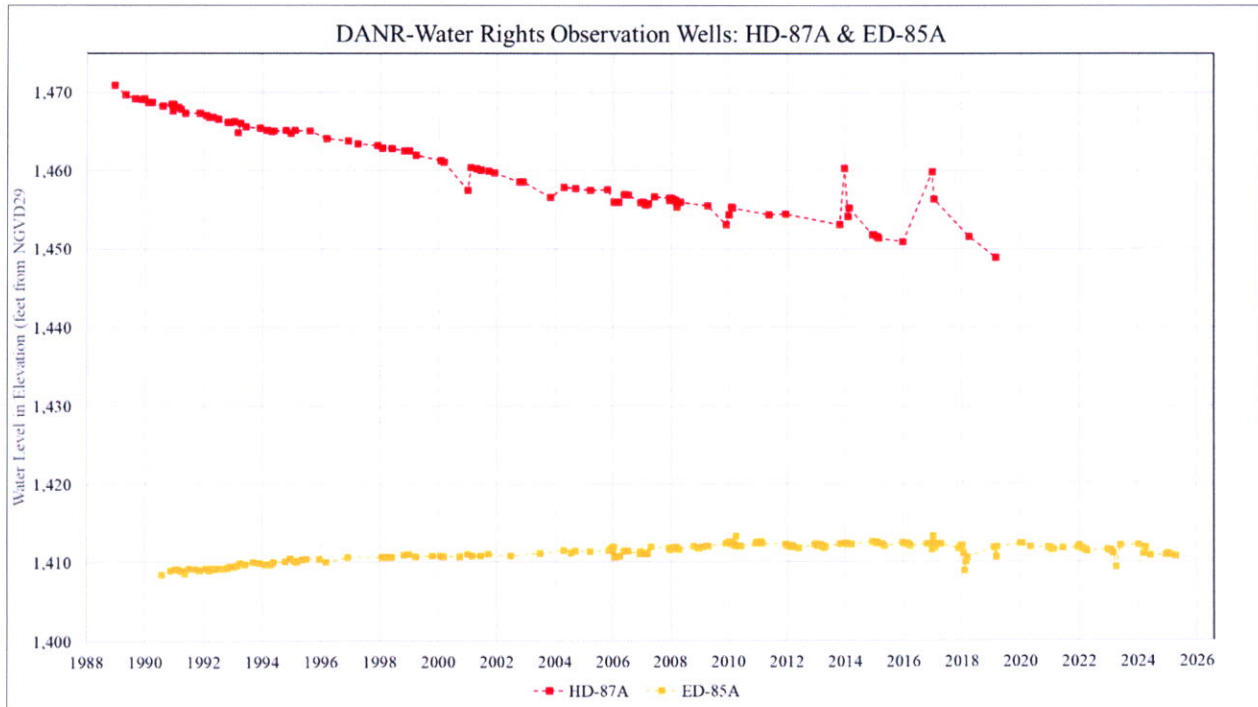


Figure 2. A graph showing the elevation of water levels for observation wells: HD-87A & ED-85A (Water Rights, 2026b)

In addition to the observation well hydrographs, a record of the potentiometric surface is available through historical accounts. Schoon (1971) developed maps of the potentiometric surface of the Dakota aquifer, which include this area, using data modified from Darton (1909), and from the State Engineer's office for the period of 1914 to 1915. Wells that have been completed into the Dakota aquifer in roughly the past thirty-five years and within approximately five miles of the existing well site were used to approximate the current potentiometric surface conditions (Table 4) (Water Rights, 2026d).

Table 4. Historic and current approximate water level elevations within approximately 10 miles of the existing well site (Schoon, 1971; Water Rights, 2026d)

Data Source	Year(s)	Approximate potentiometric surface in the vicinity of the existing well (fmsl)
Schoon (1971), after Darton	1909	1,900 to 1,800
Schoon (1971), State Engineer's Office	1914 - 1915	1,700 to 1,600
Well Logs Database	1990 - Present	1,650 to 1,500

Throughout South Dakota, most of the hydrographs for observation wells completed into the Dakota aquifer, and the potentiometric surface measurements of the Dakota aquifer show a decreasing trend in hydraulic head (Water Rights, 2026b). A decline in water levels in a confined aquifer does not necessarily indicate a significant decrease in water stored in the aquifer, as water levels above the top of the aquifer materials are representative of the hydraulic head (water pressure) inside the aquifer. Additionally, there are uncontrolled, flowing wells discharging water from the Dakota aquifer at ground surface, and it is expected water from the aquifer is also being discharged to other aquifers if wells completed into the Dakota aquifer have experienced casing failure.

The hydrographs in Figures 1 and 2 display both declining and stable water levels in the Dakota aquifer in central and south-eastern South Dakota. Several observation wells in southeast and south-central South Dakota were shown to have water levels that stabilize over time or have recently begun stabilizing. The observation wells under the influence of heavy and continuous pumping quickly stabilized after the pumping starts. Since the late 1800's, there has been history of well development into the Dakota aquifer. Concerns have developed over time about the decline in artesian head pressure of the Dakota aquifer. The Water Management Board has concluded and reaffirmed that withdrawals exceeding the average annual recharge cannot be determined solely upon a decline in head pressure, and in theory the Dakota aquifer head is stabilizing relative to withdrawals and discharges (Water Rights, 1987 and 2010). As the aquifer naturally seeks to establish its equilibrium, it will continue to discharge from uncontrolled flowing wells. Since the aquifer is likely to continue to discharge until such a time as water levels and head pressure decline to being at or below ground surface, it is logical to allow continued pumping and placement of water to beneficial use, which would otherwise be lost. The Water Management Board's decision to optimize development of the Dakota aquifer is favorable to issuance of permits. Therefore, there is a reasonable probability unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 260 water rights/permits authorized to withdraw, and seven future use permits reserving water from the Dakota aquifer. The closest water right/permit not held by the applicant to the existing well is Water Right No. 6586-3, which is held by Joe Poindexter. The diversion point for Water Right No. 6586-3 is located approximately 7.5 miles northwest of the existing well for this application (Figure 3) (Table 5) (Water Rights, 2026c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Dakota aquifer, with the closest domestic well on file not held by the applicant located approximately 0.6 miles southeast of the existing well for this application (Water Rights, 2026d). There could potentially be other domestic wells completed into the Dakota aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

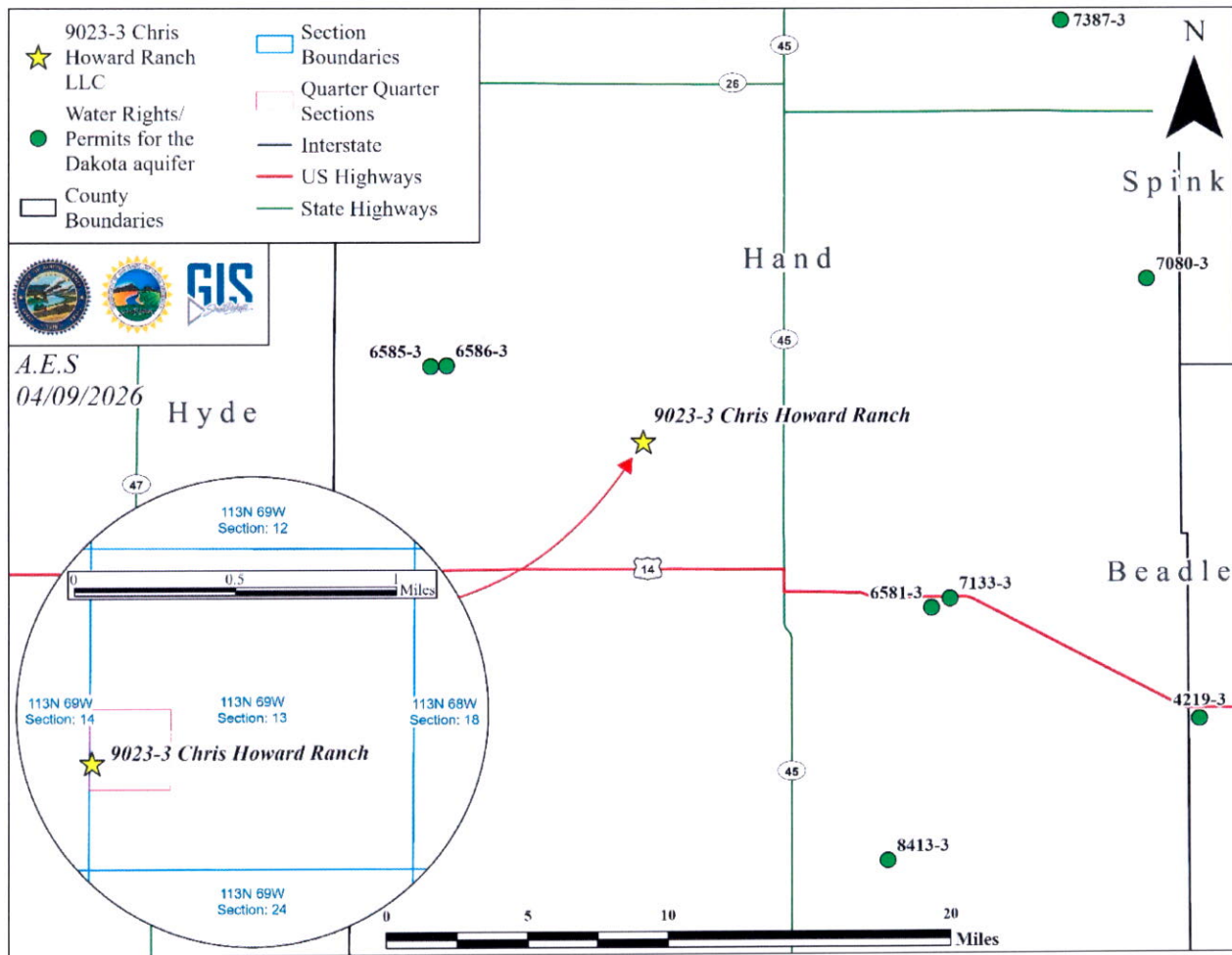


Figure 3. Water rights/permits authorized to withdraw from the Dakota aquifer within approximately 20 miles of the existing well proposed to be used by Water Permit Application No. 9023-3 (Water Rights, 2026b and 2026c)

Table 5. Water rights/permits within approximately 20 miles of the existing well proposed to be used by Water Permit Application No. 9023-3 as shown in Figure 3 (Water Rights, 2026c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Licensed/Permitted Volume (ac-ft/yr)
4219-3*	City Of Wessington	LC	MUN	0.71	**
6581-3	Fremark Feedlot	LC	COM	0.12	**
6585-3	Joe Poindexter	LC	COM	0.04	**
6586-3	Joe Poindexter	LC	COM	0.04	**
7080-3	Bottum Brothers Partnership	LC	COM	0.15	**
7133-3	South Dakota Soybean Processors	PE	COM, IND	0.04	**
7387-3	Tom Nuhsbaumer	LC	DOM, GEO	0.07	**
8413-3	Ratio LLC	LC	COM	0.13	77

LC: License; PE: Permit; COM: Commercial; DOM: Domestic; MUN: Municipal; *Identified as being connected to a rural water system and currently do not use their well except for emergency purposes; ** Limited by diversion rate

The Dakota aquifer generally is under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. Based on the nearest well completion report to the existing well proposed to be used by Water Permit Application No.

9023-3, there is expected to be approximately 400 feet of saturated aquifer thickness and enough artesian head pressure to be flowing at ground surface (greater than 1,560 feet). Any drawdown as a result of the diversion for this application is not expected to unlawfully impair nearby adequate wells. In Hand County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Dakota aquifer (Water Rights, 2026e).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Dakota aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Dakota aquifer near the existing well site, and the lack of substantiated well interference complaints for adequate wells completed into the Dakota aquifer in Hand County (Water Rights, 2026e), any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

Special Consideration: Well Construction

It is unknown if the existing well for this application meets the adequate well definition in the well construction standards, ARSD 74:02:04:20(6):

“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 near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

The alternative well construction requirements for certain Dakota aquifer wells (74:02:04:35) are not permitted for appropriative uses. Any future replacement or additional wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20(6). Replacement or additional wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

REVIEW OF SURFACE WATER AND RUNOFF

WATER SOURCE: Little Turtle Creek

Review of Water Source

Water Permit Application No. 9023-3 proposes to use water from the existing well in conjunction with surface runoff from Little Turtle Creek, with the combined water to be retained in the dam and wastewater held in the lagoon and eventually pumped out for disposal and irrigation. The dam is an onstream structure on Little Turtle Creek. Little Turtle Creek is located in the James River basin with its headwaters in central western portion of Hand County. It flows in a generally eastern direction across Hand County till it reaches its receiving waters, Turtle Creek. The confluence of Little Turtle Creek and Turtle Creek takes place approximately 16.5 linear miles east of the existing dam. Between the dam for this application and the confluence to Little Turtle Creek and Turtle Creek several tributary streams also flow into Little Turtle Creek. In Hand County, streamflow and flooding generally occurs in the spring and early summer because of snowmelt and precipitation; as a result, the duration of streamflow can be very short in most creeks (Koch, 1980). However, Koch (1980) notes the portions of Turtle Creek (of which Little Turtle Creek is a tributary) can receive discharge from groundwater storage.

Water Availability

The watershed area above the dam location was estimated to be approximately 11,776 acres or 18.4 square miles based on delineation using the United State Geological Survey StreamStats Application (USGS, 2025). The watershed is shown in Figure 4. The soils in the watershed are primarily in hydrologic soil group C (USDA-NRCS, 2025). Land cover in the watershed is primarily cultivated crops with some pasture/hay throughout the area (MRLC, 2024). Using good hydrologic conditions, the curve number (or soil cover complex number) for straight row crops is 85 for soils in hydrologic soil group C (USDA-NRCS, 1986). A curve number of 85 will be used to yield a conservative estimate of water availability. The higher the curve number (or poorer hydrologic condition the land cover) the greater the runoff that occurs when estimating average watershed runoff, so use of good hydrologic condition results in a lower estimate for the volume of runoff which is more conservative estimate.

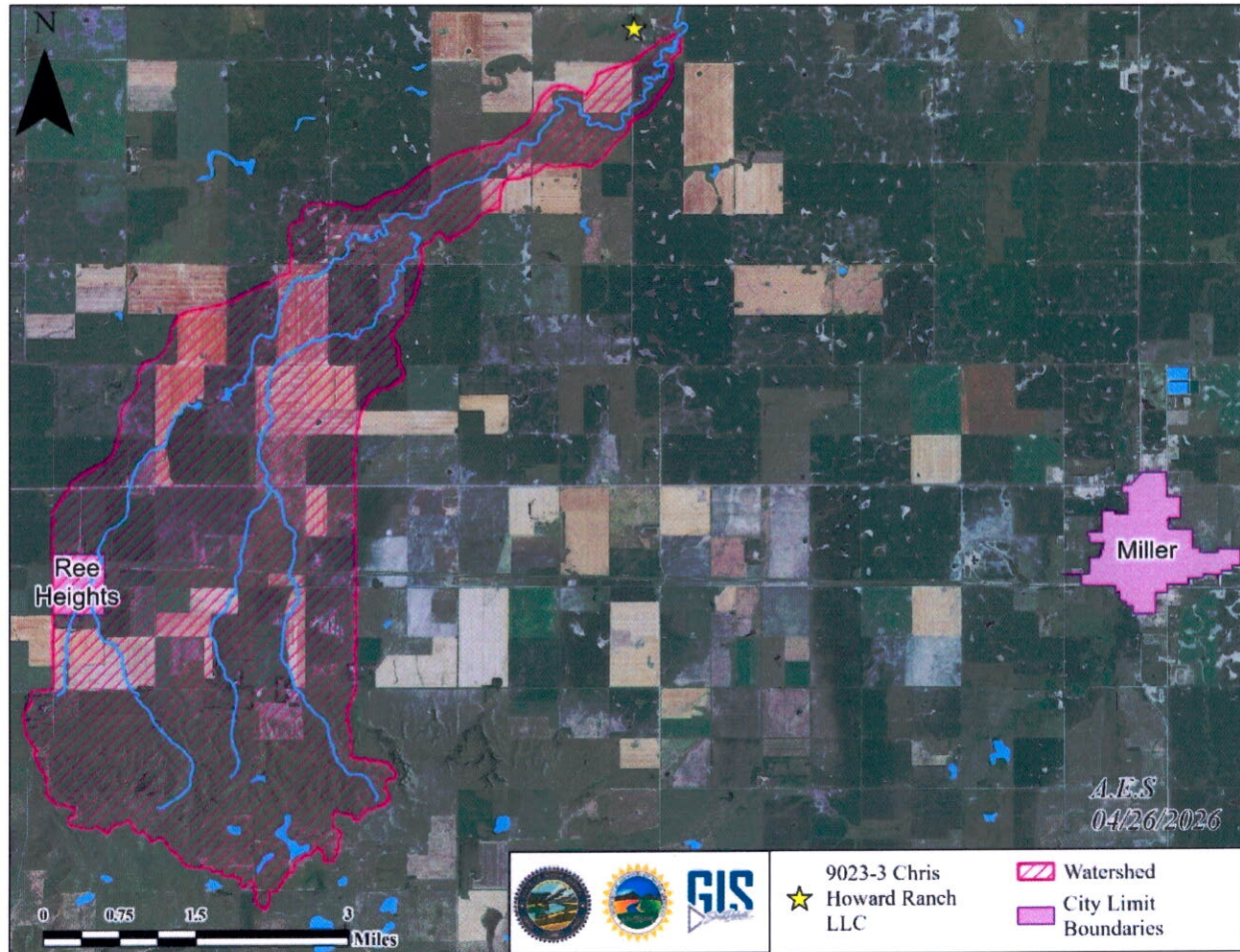


Figure 4. Area of watershed upstream of the existing dam (USGS, 2025)

The NRCS annual surface yield method for South Dakota was used to estimate annual surface yield for the drainage area upstream of the proposed dam location (USDA-NRCS, 1984). This NRCS method estimates the volume of runoff which is expected to be exceeded for a twelve-month period at certain annual probabilities using contributing drainage area, soil cover complex number, and watershed location (USDA-NRCS, 1984). For example, the 80 percent exceedance estimate has an 80 percent chance of being exceeded each year. The annual surface yields for the drainage area at the percent chances of exceedance provided by the NRCS method are presented in Table 5.

Table 5. Estimated total annual yield of surface runoff (USDA-NRCS, 1984)

Percent Chance of Exceedance	Total Runoff (acre-inches/year)	Total Runoff (acre-feet)
80	0.56	550
50	1.2	1,178
20	2.5	2,453
10	3.8	3,729

In addition to withdrawals from the dam for irrigation use annual water losses from the reservoir will also be likely due to evaporation and seepage. Using data from 1956 to 1970, NOAA (1982) provided annual free water surface evaporation data for the contiguous United States. Utilizing NOAA (1982) data, the estimated annual free water surface evaporation for the proposed dam site is 44 inches per year (approximately 3.7 ft per year). Average annual precipitation in the Miller, SD area (approximately seven miles to the southeast of the dam site) is 22.32 inches per year (1.86 feet) (US Climate Data, 2026). So net loss between direct precipitation and evaporation is 1.81 feet. Based on the reservoir information, estimated net loss between evaporation and direct precipitation at normal pool (surface area approximately 6 acres) is approximately 10.86 acre-feet. Information is not available to estimate losses to seepage since losses to seepage from this dam have not been measured.

Based on the annual surface runoff yield estimates, the amount of runoff needed to fill the proposed reservoir to the primary spillway elevation from dry has an approximately 80 percent chance of exceedance annually of 550 acre-feet of total runoff. Since the estimated annual runoff yield far exceeds the amount of water needed to irrigate the 25 acres for this application, even in dry years or extreme dry periods (80% exceedance); therefore, there is a high probability of sufficient runoff occurring to support the request of this application.

Existing Users

There is one water right on Little Turtle Creek between the dam site and Turtle Creek (Water Rights, 2026a). The nearest Water Right No. 1614-3 appropriates runoff from Little Turtle Creek approximately one mile downstream from the dam for this application. Water Right 1614-3 appropriates runoff to maintain a 140 ac-ft storage capacity dam for the irrigation of 23 acres. Since Water Right No. 1614-3 indicated irrigation was by flood irrigation the right holder has not historically received an irrigation questionnaire, so the current usage of the water right is unknown. When Water Right No. 1614-3 was licensed in 1988, it operated by using a dam to flood the acres for irrigation with the dam located on a tributary to Little Turtle Creek adjacent to Little Turtle Creek (Water Rights, 2026c). While technically on a tributary to Little Turtle Creek, No. 1614-3 is being noted here out of an abundance of caution due to the limited information on how the right holder currently operates the system. Given this lack of additional water rights/permits, this application, if approved, is not expected to unlawfully impair existing appropriative users.

Out of an abundance of caution, a low flow bypass requirement for downstream domestic use and senior water rights is recommended as a qualification. The relatively short distance between the dam location and the confluence with another tributary, in addition to there being an 80% probability of annual watershed yield exceeding the requested dam storage, indicates that this application, if approved, would not be expected to unlawfully impair downstream domestic users or users with senior water rights.

CONCLUSIONS:

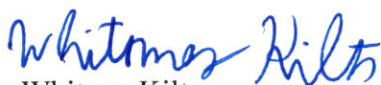
1. Water Permit Application No. 9023-3 proposes to appropriate up to 0.026 cfs from one well completed into the Dakota aquifer (approximately 1,550 feet deep) located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 for irrigation of 25 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; all in T113N-R69W. This site is located in Hand County, approximately seven miles northwest of Miller, SD.
2. The artesian well is valved, with flows being directed to an existing dam (20 acre-feet storage capacity) located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 and an existing feedlot lagoon located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; all in T113N-R69W. Water from the well will be mixed with water held in either the dam or the lagoon, or both (and incidental surface runoff), and pumped out for irrigation at a maximum pump rate of 2.23 cfs.
3. An application rate of 2.23 cfs is to accommodate disposal of wastewater which is not irrigation according to ARSD 74:02:01:01(5). The same equipment used for disposal of wastewater will also likely be used for irrigation from the dam. Short of changing valving on the equipment, irrigation will occur at the same rate as disposal of wastewater.
4. The Water Management Board's position has been that beneficial use of water from the Dakota aquifer may reduce the amount of water discharged from uncontrolled flowing wells.
5. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Dakota aquifer to supply to the proposed appropriation. The Water Management Board has concluded and reaffirmed that withdrawals exceeding the average annual recharge cannot be determined solely upon a decline in head pressure for confined aquifers. Declining head pressure may indicate the aquifer is reaching equilibrium under current recharge and discharge from the aquifer.
6. There is reasonable probability that the diversion by Water Permit Application No. 9023-3 will not unlawfully impair adequate wells for existing water rights/permits holders or domestic users with adequate wells.
7. Any future replacement or additional wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20(6). Replacement or additional wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
8. The annual surface runoff yield estimates indicated that on average sufficient water is expected to be available for the project.

9. If the application is approved, a low flow bypass requirement for downstream domestic surface water use and senior surface water rights is recommended as a qualification.



Austin Settje
Natural Resources Engineer I
SD DANR - Water Rights Program

Surface Water Section Reviewed by:



Whitney Kilts
Natural Resources Engineer III
SD DANR – Water Rights Program

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- Water Rights, 2026d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2026e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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 12, 2026

Chris Howard Ranch LLC.
19245 355th Avenue
Miller SD 57362

Dear Mr. Howard:

Water Permit Application No. 9023-3 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 Miller Press printed in Miller (Ph # 605 853-3575) 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. 9023-3 to Appropriate Water

Notice is given that Chris Howard Ranch LLC, 19245 355th Avenue, Miller SD 57362, has filed an application for a water permit to appropriate 0.026 cubic feet of water per second(cfs) from one well completed into the Dakota Aquifer (approximately 1,550 feet deep) located in the NW 1/4 SW 1/4 Section 13 for irrigation of 25 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 13; all in T113N-R69W. The artesian well is valved, with flows being directed to an existing dam (20 acre-feet storage capacity) located in the SE 1/4 SW 1/4 Section 13 and an existing feedlot lagoon located in the NE 1/4 SW 1/4 Section 13; all in T113N-R69W. Water from the well will be mixed with surface runoff held in the dam and wastewater held in the lagoon, and pumped out for disposal and irrigation at a maximum pump rate of 2.23 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in Hand County, approximately seven miles northwest of Miller SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9023-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 27, 2026.

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

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 27, 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_

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Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9023-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

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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 1, 2026.

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Published once at the total approximate cost of_

Rodriguez, Rachel

From: Miller Press News <news@themillerpress.com>
Sent: Tuesday, May 12, 2026 8:10 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 9023-3 Chris Howard Ranch - Public Notice

Yes, Saturday is our publication date. Our deadline for info is Wednesdays at 8 a.m. Thank you for resending and I received it and have replaced it in the folder.
SuAnne

The Miller Press
605-853-3575
114 W. 3rd • PO Box 196
Miller, SD 57362

On Mon, May 11, 2026 at 1:41 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

So, you only print on Saturdays, correct? What is the deadline to submit a notice, 3 days before? Please cancel this notice and I will send another with the corrected dates.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Miller Press News <news@themillerpress.com>
Sent: Monday, May 11, 2026 1:37 PM

To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Subject: Re: [EXT] 9023-3 Chris Howard Ranch - Public Notice

Received the Howard Ranch appropriation. We do not have a publication on May 20, so we are including it this week on May 16. Our other option is May 23. Let me know if you would like the publication date changed. Thank you.

SuAnne

The Miller Press

605-853-3575

114 W. 3rd • PO Box 196

Miller, SD 57362

On Mon, May 11, 2026 at 1:10 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Attached is a notice to be published on May 20, 2026.

Chris Howard Ranch LLC, 19245 355th Avenue, Miller SD 57362, 605-204-0299, howardc@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,

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 11, 2026 1:48 PM
To: Rodriguez, Rachel
Cc: howardc@venturecomm.net
Subject: RE: [EXT] 12327875 9023-3 Chris Howard Ranch - Public Notice
Attachments: 12327875.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on May 20. The order cost is \$62.30 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 8:00 AM on May 18 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.

#TeamUSATODAY

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

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, May 11, 2026 1:14 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12327875 9023-3 Chris Howard Ranch - Public Notice

Attached is a notice to be published on May 20, 2026.

Chris Howard Ranch LLC, 19245 355th Avenue, Miller SD 57362, 605-204-0299,
howardc@venturecomm.net has been notified to contact you to authorize publication and arrange for payment.

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

Thank you,

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





Account Number:	559865
Customer Name:	Terry Howard
Customer Address:	Terry Howard 19245 355TH AVE MILLER SD 57362
Contact Name:	Terry Howard
Contact Phone:	6052040329
Contact Email:	
PO Number:	

Date:	05/11/2026
Order Number:	12327875
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	191.0000
Height in Inches:	21.0400

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	05/20/2026 - 05/20/2026	Public Notices
ABD aberdeennews.com	1	05/20/2026 - 05/20/2026	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	\$62.30
Tax Amount	\$0.00
Service Fee 3.99%	\$2.49
Cash/Check/ACH Discount	-\$2.49
Payment Amount by Cash/Check/ACH	\$62.30
Payment Amount by Credit Card	\$64.79

Order Confirmation Amount

\$62.30

**AFFIDAVIT OF
PUBLICATION
The Miller Press**

RECEIVED

JUN 04 2026

OFFICE OF
WATER

STATE OF SOUTH DAKOTA)
)SS
County of Hand)

Michael G. Caviness of said county being first duly sworn, on oath, says that he is the publisher of *The Miller Press*, a weekly newspaper published in Miller, said County of Hand by Hand County Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has been published within said County for fifty weeks next prior to the publication of the notice, herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Howard Farms
requests water
appropriation

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 1 successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

5/16 2026; _____ 20____
____ 20____; _____ 20____
____ 20____; _____ 20____

that the full amount of the fees for the publication of the annexed notice is

\$ 49.73

Michael G. Caviness, Publisher

Subscribed and sworn to before me this

2nd day of June 2026

SuAnne R. Meyer
SuAnne R. Meyer, Notary Public
My Commission expires 3-2028



Howard Farms requests water appropriation

NOTICE OF APPLICATION NO. 9023-3 to Appropriate Water

Notice is given that Chris Howard Ranch LLC, 19245 355th Avenue, Miller SD 57362, has filed an application for a water permit to appropriate 0.026 cubic feet of water per second(cfs) from one well completed into the Dakota Aquifer (approximately 1,550 feet deep) located in the NW 1/4 SW 1/4 Section 13 for irrigation of 25 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 13; all in T113N-R69W. The artesian well is valved, with flows being directed to an existing dam (20 acre-foot storage capacity) located in the SE 1/4 SW 1/4 Section 13 and an existing feedlot lagoon located in the NE 1/4 SW 1/4 Section 13; all in T113N-R69W. Water from the well will be mixed with surface runoff held in the dam and wastewater held in the lagoon, and pumped out for disposal and irrigation at a maximum pump rate of 2.23 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in Hand County, approximately seven miles northwest of Miller SD.

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Published May 16, 2026, at a total approximate cost of \$49.73 and may be viewed free of charge at www.sdpublicnotices.com.

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

MAY 29 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:

05/20/2026

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 05/20/2026

Linda Hutt

Legal Clerk

Kongmeng Yang
Notary, State of WI, County of Brown

9-29

My commission expires

Publication Cost: \$62.30

Tax Amount: \$0.00

Payment Cost: \$62.30

Order No: 12327875

of Copies:

Customer No: 559865

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 9023-3 to
Appropriate Water**

Notice is given that Chris Howard Ranch LLC, 19245 355th Avenue, Miller SD 57362, has filed an application for a water permit to appropriate 0.026 cubic feet of water per second(cfs) from one well completed into the Dakota Aquifer (approximately 1,550 feet deep) located in the NW 1/4 SW 1/4 Section 13 for irrigation of 25 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 13; all in T113N-R69W. The artesian well is valved, with flows being directed to an existing dam (20 acre-feet storage capacity) located in the SE 1/4 SW 1/4 Section 13 and an existing feedlot lagoon located in the NE 1/4 SW 1/4 Section 13; all in T113N-R69W. Water from the well will be mixed with surface runoff held in the dam and wastewater held in the lagoon, and pumped out for disposal and irrigation at a maximum pump rate of 2.23 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in Hand County, approximately seven miles northwest of Miller SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9023-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of

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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 1, 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 1, 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 \$62.30 and may be viewed free of charge at www.sdpublicnoties.com.

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 12, 2026 8:29 AM
To: howardc@venturecomm.net
Subject: 9023-3 Chris Howard Ranch - Public Notice
Attachments: 9023-3 Rec.pdf; 9023-3 Ltr.pdf; 9023-3 PubNotice.pdf; AmericanNews Info.pdf

Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. The Miller Press only prints on Saturday, so one notice has Saturday, May 16th and the May 20th is for the American News. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 22, 2026

Chris Howard Ranch LLC
c/o Chris Howard
19245 355th Avenue
Miller SD 57362

Dear Mr. Howard:

Enclosed is Water Permit No. 9023-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 9023-3

Name of Applicant: Chris Howard Ranch LLC, c/o Chris Howard

Date of Posting: 5/19/2026

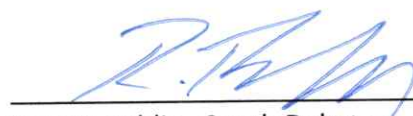
Date of Removal: 7/22/2026


Amanda Dewell, Permitting Administrator

7/22/2026

Date

Subscribed and sworn to before me, a notary public, this 22nd day of July, 2026.


Notary Public - South Dakota
My commission expires:

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

(SEAL)

