

WATER PERMIT NO. 9026-3

Name of Applicant: **Lynn Boadwine – Boadwine Farms, Inc.**

Address: **4909 West 49th Street, Suite 307, Sioux Falls SD 57106**

Phone: **605-351-9216**

Amount of Water Claimed: **146 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Commercial**

County: **Minnehaha**

Type of Waste Disposal System:

Location: **Approx. 10 miles northwest of Sioux Falls**

PRIORITY Date Received: **02-05-26**

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

Corrected Application Received: **02-13-26**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **E 1/2 NW 1/4 Sec 5-T103N-R50W**

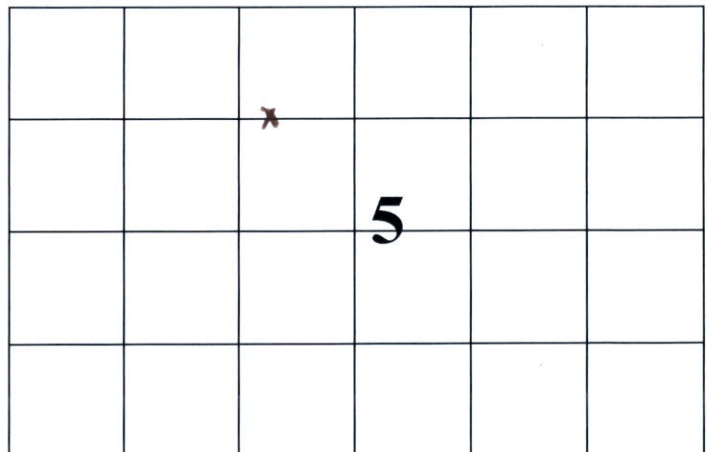
Land to be Irrigated: **N/A**

Depth of Well: **40**

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **02-23-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 9026-3

Date of first receipt of application February 5, 2026.

Date of return to applicant for corrections, amendments or changes February 9, 2026.

Date of receipt of corrected application February 13, 2026.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 9026-3 to Boadwine Farms, Inc., 4909 West 49th Street, Suite 307, Sioux Falls SD 57106, 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. 9026-3 appropriates up to 146 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Big Sioux: Middle Skunk Creek Aquifer (approximately 40 feet deep) located in the E 1/2 NW 1/4 Section 5 for commercial use in animal confinement operation in a dairy, located in the NE 1/4 Section 5 and NW 1/4 Section 10; all in T103N-R50W. This site is located in Minnehaha County, approximately three and one-half miles southeast of Colton SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 9026-3 is May 11, 2026.
5. The date from which applicant may claim right is February 5, 2026.
6. One-fifth of the construction is to be completed on or before November 11, 2028.
7. All construction is to be completed on or before May 11, 2031.
8. Water is to be put to beneficial use on or before May 11, 2035.
9. 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. 9026-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall 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. The Water Management Board retains jurisdiction of Water Permit No. 9026-3 to manage use of water from the Big Sioux: Middle Skunk Creek aquifer. Based on the historical average water use, unappropriated water is available. However, if the average use increases and begins to unlawfully impair senior water right holders or domestic water users with adequate wells, then curtailment of water use under this Permit may be necessary.

(continued)

3. The well authorized by Permit No. 9026-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall 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.
4. The permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Middle Skunk Creek Aquifer.
5. This Permit authorizes an annual diversion of up to 146 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUL 22 2026

date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>9026-3</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>	
	Newspaper <u>Minnehaha Messenger</u> <u>Argus Leader</u>	

PAID
FEB 05 2026
Ck# 024047
Rec't# _____

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application: (check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

RECEIVED

FEB 06 2026

OFFICE OF
WATER

- Name to Appear on Water Permit Lynn Boadwine - Boadwine Farms, Inc
 Mailing Address 4909 West 49th Street, Suite 307 Sioux Falls SD 57106
(Address) (City) (State) (Zip Code)
 Phone _____ Mobile 605.351.9216 Email ldboadwine@gmail.com
- Amount of water claimed 0.33 *CFS or 150 **GPM and 146 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Middle Skunk Creek
- Location of point of diversion 1 well in E 1/2 of the NW 1/4 of S5-T103N-R50W County Minnehaha
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
 If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No
 If "Yes," where will water be used? NW 1/4 of Section 10 - T103N - R50W. See note below also.
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used January 1st thru December 31st
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Boadwine Farms, Inc - is a dairy operation facility with an existing CAFO permit.

Proposing 1 well in the Middle Skunk Creek Aquifer which would be pumped through a pipeline to transport water to the above location. Along the route of the proposed pipeline there is a property in the NW 1/4 of Section 5 - T103N - R50W that may be feed from the source.

I, Boadwine Farms Inc, Lynn Boadwine Pres, 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.

Supplemental Information

(type or print)

RECEIVED

FEB 06 2026

OFFICE OF
WATER

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) 40' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property N/A Property owned by others Unknown

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

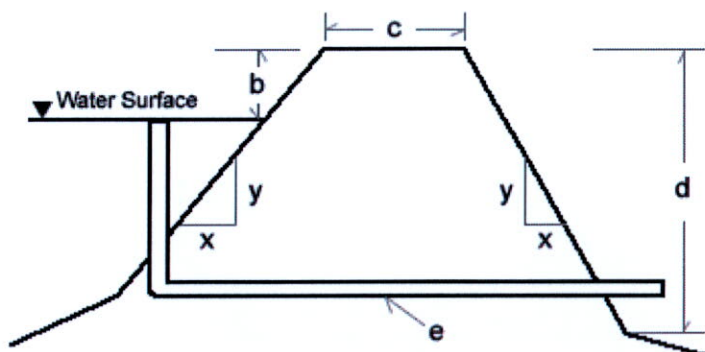
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Scale: 1" = 800'

HWY 114 (250th St)

E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of
S5-T103N-R50W

X

Proposed Diversion Point

467th Ave

251st St

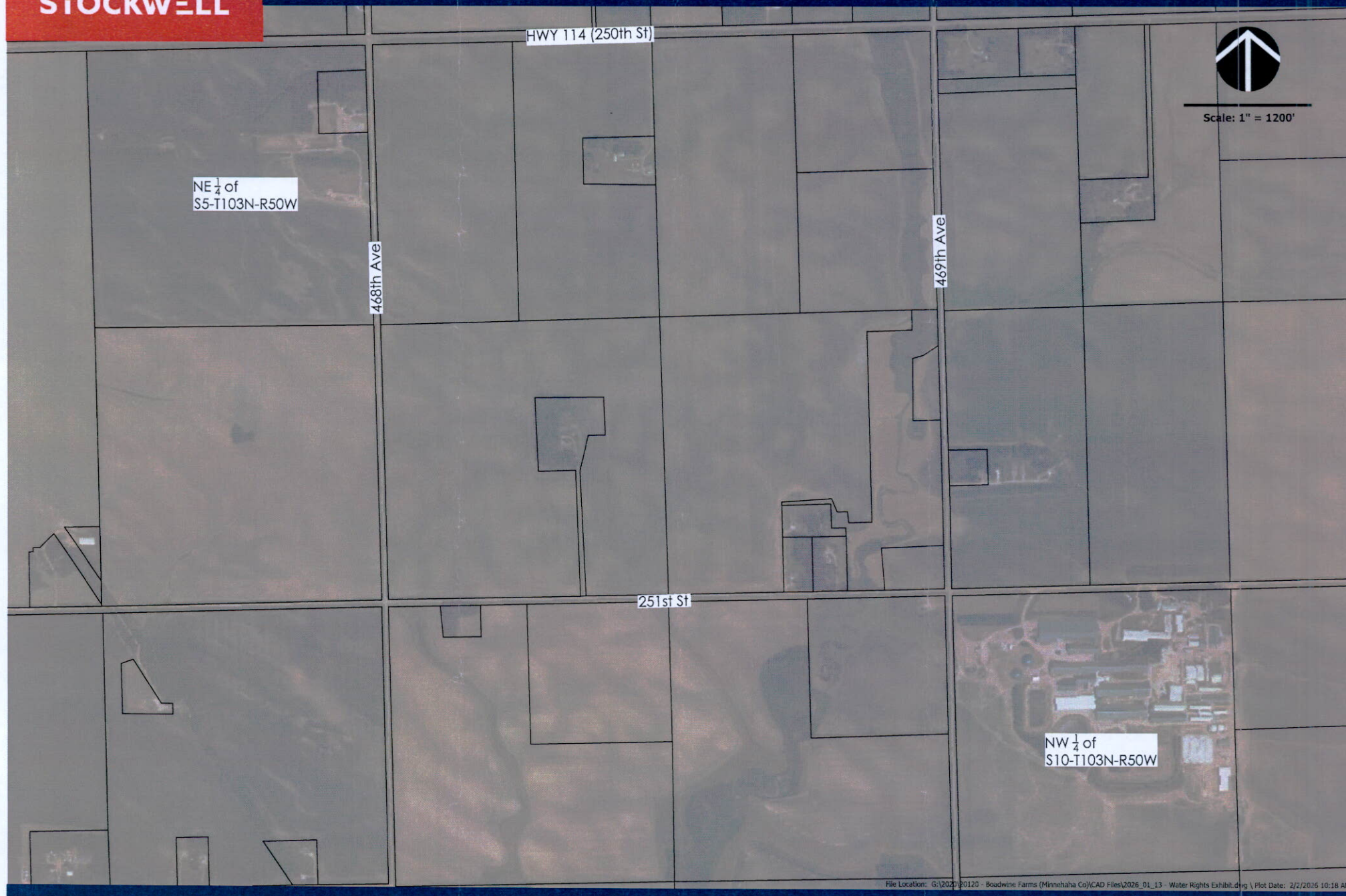
File Location: G:\2020\20120 - Boardwalk Farms\Hinnemah Co\1\CAU Files\020_01_13 - Water Rights Exhibit.dwg | Plot Date: 2/2/2026 10:18 AM

Water Diversion Location

E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of S5-103N-R50W

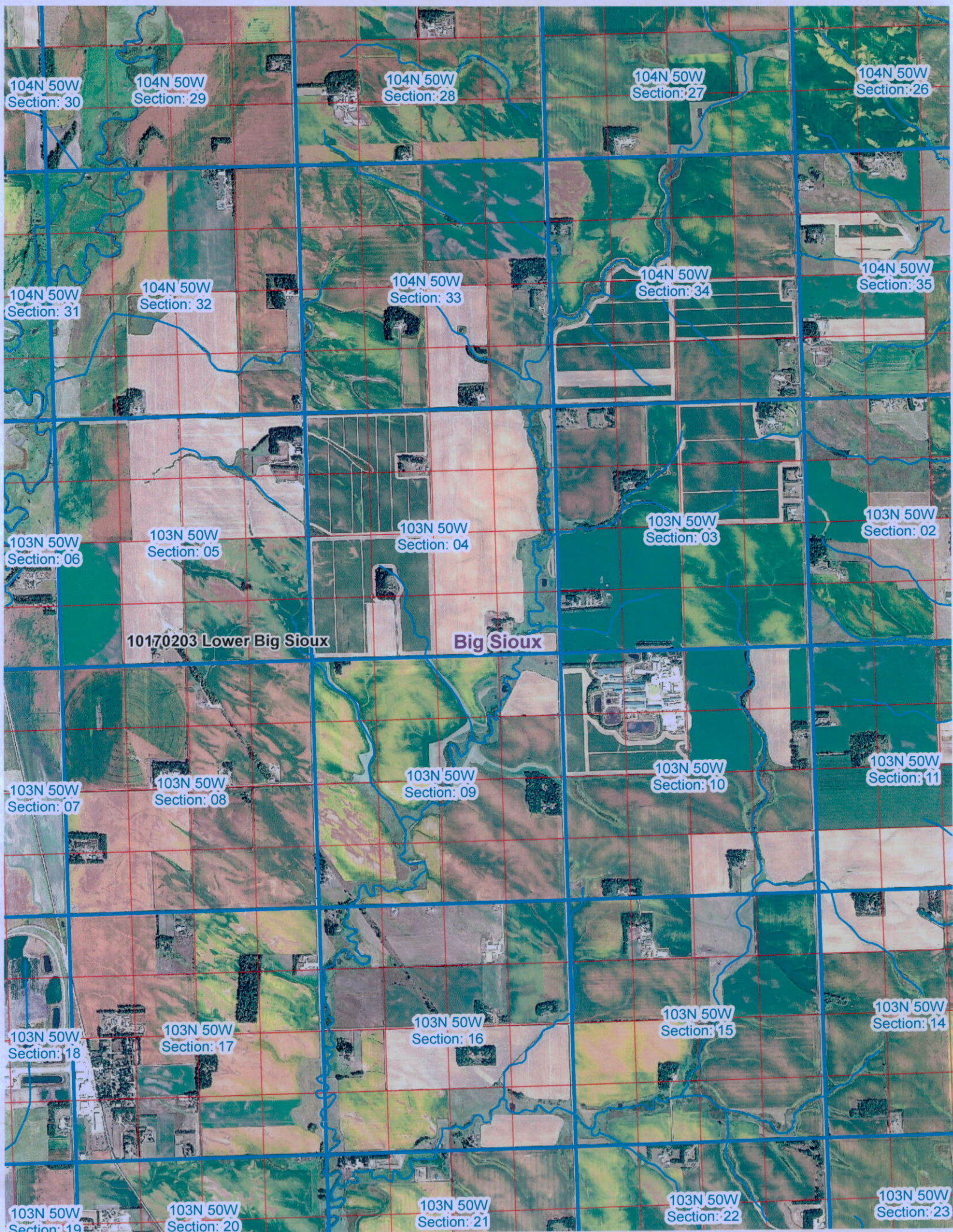


2/2/2026 SEI#20120



Water Use Locations

NE $\frac{1}{4}$ S5-T103-R50W and NW $\frac{1}{4}$ S10-T103-R50W



RECEIPT

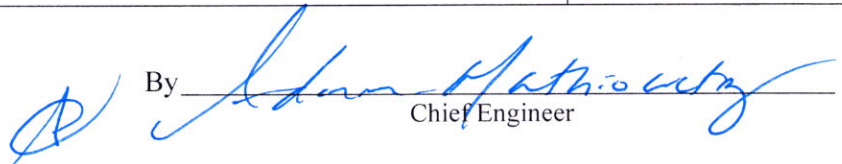
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 05, 2026

RECEIVED OF Lynn Boadwine-Boadwine Farms, Inc 4909 West 49th St, Suite 307 Sioux Falls SD 57106

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

Fee for Application for Permit No. _____ 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>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

Dewell, Amanda

From: Dewell, Amanda
Sent: Friday, February 27, 2026 10:30 AM
To: Jace Christiansen
Cc: Mathiowetz, Adam; LDBOARDWINE@gmail.com
Subject: RE: [EXT] Water Permit App 9026-3_Boadwine Farms Inc_BS:MSC

Thank you – we will proceed accordingly.

Amanda Dewell

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



From: Jace Christiansen <jchristiansen@stockwellengineers.com>
Sent: Friday, February 27, 2026 9:45 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Mathiowetz, Adam <Adam.Mathiowetz@state.sd.us>; LDBOARDWINE@gmail.com
Subject: Re: [EXT] Water Permit App 9026-3_Boadwine Farms Inc_BS:MSC

Amanda,

See the responses to your questions below in [blue](#).

Thanks,



Jace Christiansen, PE
Project Engineer
Stockwell Engineers, Inc.
Cell / 605-864-8426
Office / 605-338-6668

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, February 26, 2026 4:16 PM
To: LDBOARDWINE@gmail.com <LDBOARDWINE@gmail.com>; Jace Christiansen <jchristiansen@stockwellengineers.com>

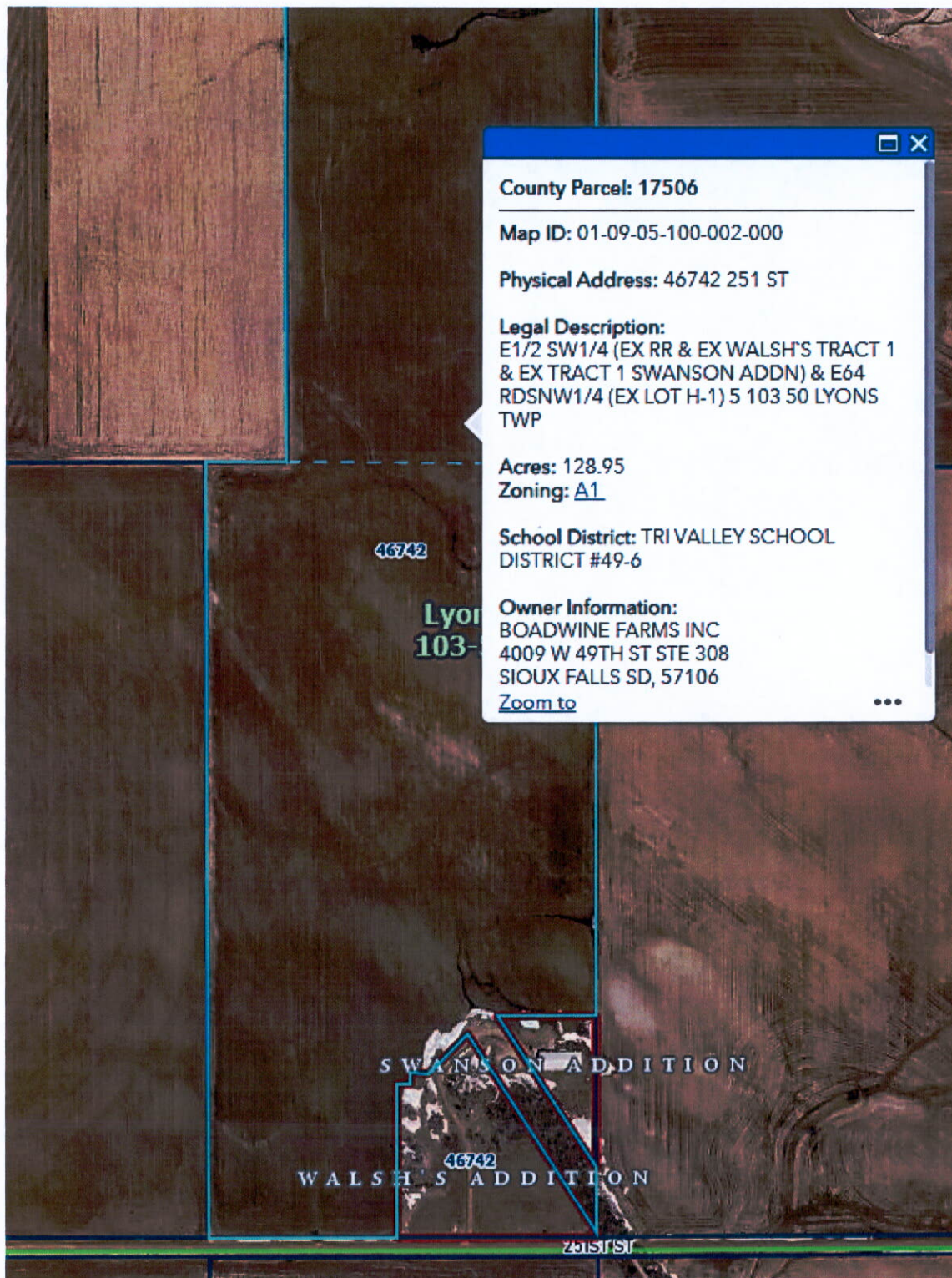
Cc: Mathiowetz, Adam <Adam.Mathiowetz@state.sd.us>

Subject: Water Permit App 9026-3_Boadwine Farms Inc_BS:MSC

Good afternoon,

I'm currently reviewing an Application No. 9026-3, submitted for Boadwine Farms Inc, and I have a few questions.

1. The name to appear on the application is listed as "Lynn Boadwine – Boadwine Farms Inc". Do you want Lynn's name listed on the permit, or simply as the primary contact?
[The name on the application should just be "Boadwine Farms, Inc". For primary contact you can have Lynn Boadwine - 605.351.9216 and Riley Boadwine - 605.351.5722](#)
2. It appears the well is to be drilled on property owned by Scott Johnson. Is there an access or purchase agreement in place?
[Boadwine Farms, Inc owns the property. See the snip below.](#)



3. The application identifies a property in the NE ¼ Section 5-T103N-R50W that will also be receiving water from the well. That property is showing as a feedlot operation owned by Chad & Laura Swanson/Weinacht, correct?
[Chad & Laura Weinacht, yes that is correct](#)
4. Will the feedlot in Section 5 share in the requested annual volume (146 ac-ft) and pump rate (150 gpm), or will they have their own annual appropriations/diversion rate that need to be accounted for?
[They will share the 146 ac-ft at 150 gpm](#)

NOTE: [The most recent staff engineer report on the Big Sioux: Middle Skunk Creek Aquifer](#) noted concerns that the hydrologic budget may be unfavorable for issuance standard water permits, and future considerations should be made for “Temporary Use Permits” pursuant to SDCL 46-5-39. Your application has not been assigned to a staff engineer at this time; however, I have cc’d Adam Mathiowetz, the acting Chief Engineer, to field any questions you may have.

Thank you,

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



Rodriguez, Rachel

From: Jace Christiansen <jchristiansen@stockwellengineers.com>
Sent: Friday, February 13, 2026 2:12 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Rachel,

It is an open lot, confinement operation, not pasture.

Thanks,



Jace Christiansen, PE
Project Engineer
Stockwell Engineers, Inc.
Cell / 605-864-8426
Office / 605-338-6668

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, February 13, 2026 11:44 AM
To: Jace Christiansen <jchristiansen@stockwellengineers.com>
Subject: RE: Water Permit Application

I just spoke with an engineer, and we would like to clarify if this is another confinement operation or pastured livestock? If it's pastured livestock, then domestic use should be checked as a use on the application. I would mark that on the application.

Thank you,

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



From: Jace Christiansen <jchristiansen@stockwellengineers.com>
Sent: Friday, February 13, 2026 8:31 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Rachel,

The water in the NE ¼ of Section 5 - T103N - R50W will be used for cattle watering.

The note for No. 4 is meant for the "where will the water be used" blank. There is only 1 diversion point planned.

Thank You,



Jace Christiansen, PE
Project Engineer
Stockwell Engineers, Inc.
Cell / 605-864-8426
Office / 605-338-6668

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, February 13, 2026 8:21 AM
To: Jace Christiansen <jchristiansen@stockwellengineers.com>
Subject: RE: Water Permit Application

Good Morning Jace,

Thank you for your reply. However, we need to know what the water will be used for in the NE 1/4 of Section 5 - T103N - R50W. Also, for No. 4, if you include Section 10, will there be another well? If yes, we would need the location of the well indicated on a map.

Thank you,

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



From: Jace Christiansen <jchristiansen@stockwellengineers.com>
Sent: Monday, February 9, 2026 2:28 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Lynn Boadwine <lboadwine@gmail.com>
Subject: Re: [EXT] Water Permit Application

Rachel,

It was good talking with you on the phone.

See the below adjustments to be made to the permit application:

No. 2. The annual maximum volume will be 146 acre-ft

No. 4. Adjust to say: NW ¼ of Section 10-T103N-R50W and NE ¼ of Section 5-T103N-R50W

No. 7. The comment box under item No. 7 should read as follows:

Boadwine Farms, Inc - is a dairy facility with an existing CAFO permit. The water will be used for normal dairy operations such as drinking, cleaning, washing, etc.

The project consists of the installation of 1 well in the Middle Skunk Creek Aquifer, water would be transported through a pipeline to the NW ¼ of Section 10 - T103N - R50W which is the main water use location. The secondary water use location would be the property in the NE ¼ of Section 5 - T103N - R50W.

Please reach out with any questions, comments, or clarifications.

Thanks,



Jace Christiansen, PE
Project Engineer
Stockwell Engineers, Inc.
Cell / 605-864-8426
Office / 605-338-6668

----- Forwarded message -----

From: **Rodriguez, Rachel** <Rachel.Rodriguez@state.sd.us>
Date: Mon, Feb 9, 2026, 9:33 AM
Subject: Water Permit Application
To: Lynn Boadwine <ldboadwine@gmail.com>

Good morning,

In reviewing your application, there are a few issues:

- No. 2 - The application should identify the maximum pump and maximum annual volume that may be used. The 150 GPM pump rate requires pumping 24 hours per day, 365 days per year, to get a volume of 242 acre-feet. If the maximum annual volume needed is 242 acre-feet, then the pump rate appears to be too low at 150 GPM since it requires continuous pumping to arrive at that volume. If 150 GPM pm does represent the maximum pump rate, then the annual volume is too high and should be limited to the amount represented by the percent of time the pump is operating at 150 GPM.
- No. 7 – The narrative states the water will be piped to Sec 5-T103N-R50W that may be fed from the source. Would you please reply with an explanation? I'm not clear on what that means.

Once I receive your response, I will begin processing your application.

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 9026-3, Boadwine Farms, Inc.**

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. 9026-3, Boadwine Farms, Inc., 4909 West 49th Street, Suite 307, Sioux Falls, SD 57106.

The Acting Chief Engineer is recommending APPROVAL of Application No. 9026-3 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. 9026-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall 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. The Water Management Board retains jurisdiction of Water Permit No. 9026-3 to manage use of water from the Big Sioux Middle Skunk Creek aquifer. Based on the historical average water use, unappropriated water is available. However, if the average use increases and begins to unlawfully impair senior water right holders or domestic water users with adequate wells, then curtailment of water use under this Permit may be necessary.
3. The well authorized by Permit No. 9026-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall 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.
4. The permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Middle Skunk Creek Aquifer.
5. This Permit authorizes an annual diversion of up to 146 acre-feet of water.

See report on application for additional information.

Adam Mathiowetz, PE
Acting Chief Engineer
April 21, 2026

(See note on following page)

NOTE: The saturated thickness of the aquifer in the area of the proposed well may be relatively thin. This may not allow pumping at the requested rate without pumping the well itself dry. This could result in cavitation and overheating causing damage to the pump. Also note, thin aquifer material increases the likelihood of reducing needed water supplies in adequate domestic wells or in adequate wells having prior water rights in similarly situated portions of the aquifer (see qualification No. 1).

Report to the Chief Engineer
On Water Permit Application No. 9026-3

Boadwine Farms Inc

April 21, 2026

Water Permit Application No. 9026-3 proposes to appropriate up to 146 acre-feet of water annually at a maximum instantaneous diversion rate of 0.33 cubic feet per second (cfs) from one well to be completed into the Big Sioux: Middle Skunk Creek aquifer (approximately 40 feet deep) located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 for commercial use in a dairy located in the NE $\frac{1}{4}$ of Section 5 and NW $\frac{1}{4}$ of Section 10; all in T103N-R50W. The site of interest is located in Minnehaha County approximately three and one-half miles southeast of Colton, SD.

AQUIFER: Big Sioux: Middle Skunk Creek (BS: MSC)

HYDROGEOLOGY:

The Big Sioux aquifer is primarily composed of meltwater stream and glacial outwash deposits that range from fine to medium, poorly to well sorted sand and medium gravel and occurs mostly in the floodplains of the Big Sioux River and its major tributaries (Lindgren and Niehus, 1992). The Big Sioux aquifer is divided into twelve management units that have been historically recognized by the DANR-Water Rights Program and SD Water Management Board (Water Rights, 2026c).

Lindgren and Niehus (1992) identified the aquifer that this application proposes to use as the Skunk Creek aquifer. Prior to the publication of Lindgren and Niehus (1992), the Water Rights Program adopted the naming convention and water management units from Hedges and others (1982) of Big Sioux: Northern Skunk Creek, Big Sioux: Middle Skunk Creek, and Big Sioux: Southern Skunk Creek. For consistency, the naming conventions from Hedges and others (1982) will be used for this report on the Big Sioux: Middle Skunk Creek aquifer.

The Big Sioux: Middle Skunk Creek aquifer is a Quaternary-aged shallow, glacial aquifer that underlies a portion of the Skunk Creek flood plain and portions of the Western Skunk Creek flood plain in western Minnehaha County and a small portion of southwestern Moody County (Lindgren and Niehus, 1992; Hedges and others, 1982). The aquifer consists of fine to coarse sand and gravel which can locally contain thin clay and till layers and is primarily under unconfined conditions (Lindgren and Niehus, 1992). The direction of groundwater movement in the aquifer is generally southward towards either Skunk Creek or Western Skunk Creek depending on location (Lindgren and Niehus, 1992), which is generally the direction of surface water flow.

No water well or test hole completion report was submitted with Water Permit Application No. 9026-3. Water well completion reports on file with the DANR-Water Rights Program for wells completed into the Big Sioux: Middle Skunk Creek aquifer within approximately one mile of the proposed diversion point indicate saturated aquifer thicknesses ranging from approximately 20 to 40 feet, with the depth to the top of aquifer materials ranging from approximately 5 to 10 feet

below the ground surface, and static water levels at well completion varying from approximately 5 to 10 feet below the ground surface (Water Rights, 2026d). Based on the water well completion reports on file for nearby wells completed into the aquifer, and the lithologic logs on file for nearby observation wells, the Big Sioux: Middle Skunk Creek aquifer is expected to be unconfined near the proposed diversion point (SDGS, 2026; Water Rights, 2026b and 2026d). The Big Sioux: Middle Skunk Creek aquifer is generally under unconfined aquifer conditions but confined aquifer conditions exist as well. The aquifer is expected to be unconfined at the proposed diversion point based on well completion reports for nearby wells and the lithologic logs on file for nearby observation wells (SDGS, 2026; Water Rights, 2026b and 2026d).

Kilts (2023) detailed the historical delineations of the Big Sioux: Middle Skunk Creek aquifer boundary and determined the aquifer boundary based on Tomhave (2001) and Jensen (2002) is the most reliable information at this time (Figure 1). The approximate areal extent of the Big Sioux: Middle Skunk Creek aquifer is 17,417 acres (Jensen, 2002; Tomhave, 2001).

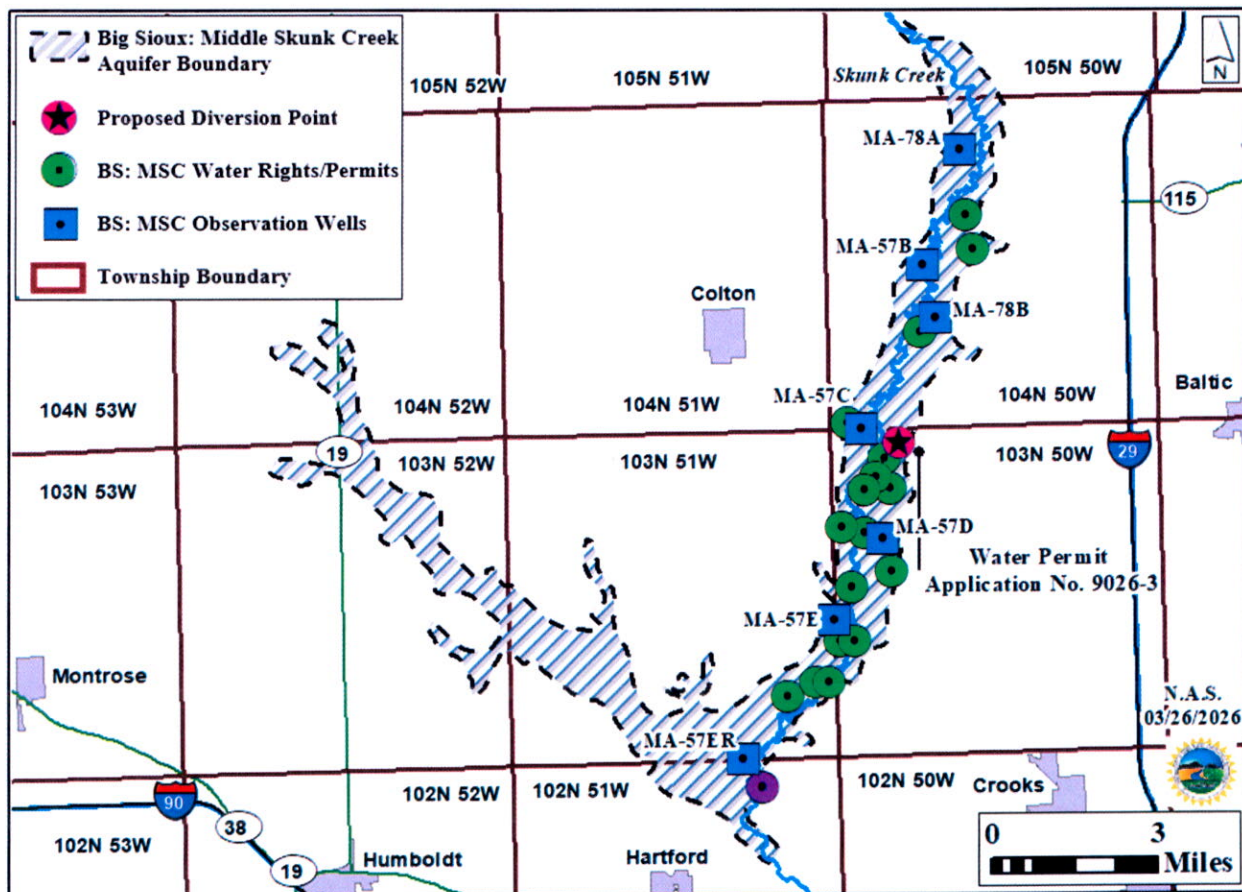


Figure 1. Delineation of the Big Sioux: Middle Skunk Creek aquifer by Kilts (2023) based on Tomhave (2001) and Jensen (2002), the location of the proposed diversion point, the Big Sioux: Middle Skunk Creek aquifer observation wells (Water Rights, 2026b) and the water rights/permits currently labeled as appropriating water from the aquifer (Water Rights, 2026c). Note: future use area for Sioux Falls not included at this scale for map clarity.

Hedges et al. (1982) appears to have based the northern and southern boundaries of the Middle Skunk Creek aquifer management unit on horizontal constrictions in the glacial aquifer deposit. In reviewing the aquifer delineation based on Tomhave (2001) and Jensen (2002) these horizontal constrictions are even thinner especially near the northern boundary, indicating that inflow if any, from the Northern Skunk Creek aquifer management unit to the Middle Skunk Creek aquifer management unit would be extremely limited. Appropriative development in the aquifer has all been concentrated in the portion of the aquifer underlying the Skunk Creek floodplain (Water Rights, 2026b). In part, this is likely due to the portion of the aquifer underlying the floodplain of Western Skunk Creek generally having limited saturated thickness and therefore storage (SDGS 2026). Based on the mapping in Figure 1 the portion of the aquifer associated with the floodplain of Western Skunk Creek is approximately 6,477 acres and the portion of the aquifer associated with the floodplain of Skunk Creek is approximately 10,940 acres (Jensen, 2002; Tomhave, 2001).

South Dakota Codified Law (SDCL) 46-2A-9

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 address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Big Sioux: Middle Skunk Creek aquifer.

SDCL 46-5-39. Authorization for Temporary use permits

Pursuant to SDCL 46-5-39, “Before an entity described in SDCL 46-5-38 is ready to use part or all of the water subject to a future use permit or permits, temporary appropriations may be made of the water. Any person desiring to appropriate the water shall make an application to the chief engineer for a temporary permit pursuant to the procedure contained in chapter 46-2A.”

SDCL 46-5-40. Temporary use permits--Cancellation.

Pursuant to SDCL 46-5-40, “The chief engineer may not cancel a temporary use permit with less than six months notice to the permit holder. In no case may a temporary use permit be cancelled prior to the time at which facilities are constructed and water may be put to beneficial use by an entity described in SDCL 46-5-38 holding a permit under the provisions of SDCL 46-5-38.1. No person may acquire any right under a temporary permit to the use of water beyond the time of cancellation of the temporary use permit.”

WATER AVAILABILITY:

Water Permit Application No. 9026-3 proposes to appropriate water from the Big Sioux: Middle Skunk Creek aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “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 Big Sioux: Middle Skunk Creek aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and 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 Big Sioux: Middle Skunk Creek aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Middle Skunk Creek aquifer is from infiltration of precipitation (Lindgren and Niehus, 1992) and limited groundwater inflow from the Big Sioux: Northern Skunk Creek aquifer (Hedges et al., 1982). Utilizing observation well analysis, Hedges and others (1985) estimated the average annual recharge rate to the Big Sioux: Middle Skunk Creek aquifer to be approximately 3.2 inches per year. By multiplying the average annual recharge rate estimated by Hedges and others (1985) by the approximate areal extent of 17,417 acres, the estimated average annual recharge rate to the Big Sioux: Northern Skunk Creek aquifer is 4,644 acre-feet per year.

Discharge

Discharge from the Big Sioux: Middle Skunk Creek aquifer is through evapotranspiration where the aquifer is at or near the ground surface, seepage to Skunk Creek, outflow to the Big Sioux: Southern Skunk Creek aquifer, and through well withdrawals (Lindgren and Niehus, 1992; Water Rights, 2026d).

Currently, there are 13 water rights/permits appropriating water from the Big Sioux: Middle Skunk Creek aquifer and one future use permit reserving water (Water Rights, 2026c). Future Use Permit No. 5522-3 is held by the City of Sioux Falls and reserves 183 acre-feet per year. For the purpose of estimating average annual withdrawals, the future use permit is assumed to be fully developable for a total of 183 acre-feet per year.

There are six non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Middle Skunk Creek aquifer (Water Rights, 2026c). Five (5611-3, 5612-3, 5614-3, 5615-3, and 5726-3) of the six non-irrigation water rights/permits are held by the City of Sioux Falls and are collectively limited to an annual volume of 4,883 acre-feet per year. The City of Sioux Falls is required to report its annual usage from the aquifer and the reported use by the city from 1994 to 1999 and 2003 to 2025 is shown in Table 1. The average reported use from the aquifer is 1,455.2 acre-feet per year by the City of Sioux Falls. However, since the city has been experiencing rapid growth for a number of years, the full allowable annual volume will be used to estimate average annual withdrawals, which is consistent with past practice for municipal

water rights held by growing municipalities by the Water Rights Program (Water Rights, 2026c). The remaining non-irrigation use permit is Water Right No. 6446-3 held by Central States Fire Apparatus LLC (Rosenbauer) limited only by a maximum instantaneous of 0.44 cfs. Historically the Water Rights Program has estimated average water use by non-irrigation appropriations limited by an instantaneous diversion rate by assuming they pump at 60% of full time at the respective permitted diversion rate (Water Rights, 2026b). This results in an estimated average annual use for Water Right No. 6446-3 of 191 acre-feet per year. Currently, Water Right No. 6446-3 is the only permit in the aquifer not required to report annual water use (Water Rights, 2026c). Overall, the estimated average annual withdrawal rate for the Big Sioux: Middle Skunk Creek aquifer non-irrigation water rights/permits is approximately 5,074 acre-feet per year assuming full use of the City of Sioux Falls's water rights (Water Rights, 2026c).

Table 1. Reported water use from the Big Sioux: Middle Skunk Creek aquifer by the City of Sioux Falls (Water Rights, 2026f)

Year	Reported Use (acre-feet/year)	Year	Reported Use (acre-feet/year)
1994	152	2009	2,017
1995	1,702.6	2010	2,229
1996	857.8	2011	1,609
1997	1,673.8	2012	1,158
1998	1,837	2013	1,075.7
1999	2,472	2014	511
2000	N/A	2015	959
2001	N/A	2016	1,256.3
2002	N/A	2017	958
2003	1,682	2018	924
2004	1,445	2019	1,755
2005	1,281	2020	1,971.3
2006	1,699	2021	1,772.3
2007	2,225	2022	1,069
2008	2,077	2023	1,020.8
2009	2,017	2024	1,142.8
2010	2,229	2025	1,667.85
		Average	1,455.2

Currently, there are seven irrigation water rights/permits authorized to appropriate water from the Big Sioux: Middle Skunk Creek 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 Big Sioux: Middle Skunk Creek aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2024) is approximately 228.9 acre-feet per year (Table 2) (Water Rights, 2026a). A more recent average period is likely to better reflect the current development of irrigation water rights/permits; thus, the average annual withdrawal rate for irrigation appropriations from 2015 to 2024 is approximately 265.5 acre-feet per year (Table 2) (Water Rights, 2026a).

Table 2. Reported historic irrigation use from Big Sioux: Middle Skunk Creek aquifer (Water Rights, 2026a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	14	91
1980	14	221
1981	14	620
1982	9	131.15
1983	9	372.57
1984	15	176
1985	12	497
1986	11	117
1987	9	260
1988	9	724
1989	8	494.1
1990	8	4
1991	8	460
1992	7	11
1993	7	7
1994	6	40.92
1995	8	95.45
1996	8	287.93
1997	8	140
1998	8	77.86
1999	8	145.1
2000	8	116.44
2001	9	269.13
2002	9	244.37
2003	9	181.27
2004	9	128.03
2005	9	193.69
2006	9	237.59
2007	8	193.19
2008	7	223.39
2009	7	114.23
2010	7	51.48
2011	6	43.42
2012	6	359.39
2013	6	347.85
2014	6	197.21
2015	6	193.99
2016	6	230.76
2017	6	184.86
2018	6	115.78
2019	6	61.66
2020	7	241.65
2021	7	388.86
2022	7	362.61
2023	7	399.9
2024	7	474.7
Min	6.0	4.0
Max	15	724
Avg (1979 to 2024)	8.3	228.9
Avg (2015 to 2024)	6.5	265.5

There are domestic wells completed into the Big Sioux: Middle Skunk Creek 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 not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Big Sioux: Middle Skunk Creek 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 Big Sioux: Middle Skunk Creek aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Big Sioux: Middle Skunk Creek aquifer is approximately 4,644 acre-feet per year. The estimated average annual withdrawal rate from the Big Sioux: Middle Skunk Creek aquifer is approximately 5,668.5 acre-feet per year (future use: 183 acre-feet/year; non-irrigation: 5,074 acre-feet/year; irrigation (average from 2015 to 2024): 265.5 acre-feet/year; Water Permit Application No. 9026-3 (if approved, assuming full volume): 146 acre-feet/year) assuming full use of the City of Sioux Falls's water rights.

Based on the hydrologic budget for the Big Sioux: Middle Skunk Creek, annual appropriations currently exceed estimated recharge to the aquifer based on the amount of water appropriated by existing water rights. As noted, the reported pumping by the City of Sioux Falls (Table 1) has consistently been notably less than the total collective annual volume limit on the city's water rights for this aquifer (reported average estimated non-irrigation withdrawal rate (average from 1994 to 2025, omitting 2000 to 2002): 1,455.2 acre-feet per year).

Temporary Permits Pursuant to SDCL 46-5-39

SDCL 46-5-39 allows for the issuance of temporary use permits for the temporary use of water reserved by future use permits. Currently, there are no temporary use permits per SDCL 46-5-39 issued from the Big Sioux: Middle Skunk Creek aquifer. Currently, there is 183 acre-feet of water annually reserved by Future Use Permit No. 5522-3 held by the City of Sioux Falls (Water Rights, 2026c).

Water Permit Application No. 9026-3 seeks to appropriate 146 acre-feet per year. Therefore, the full proposed annual allocation by this application could be temporarily fulfilled by the amount of water held in future use reservations.

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 DNR-Water Rights Program monitors seven observation wells completed into the Big Sioux: Middle Skunk Creek aquifer (Water Rights, 2026b). The three closest

observation wells to the proposed diversion point are MA-78C (approximately 0.7 miles northwest), MA-78D (approximately 1.7 miles south-southwest), and MA-78B (approximately 2.4 miles northeast) (as shown in Figure 1) (Water Rights, 2026b). The hydrographs for these observation wells are displayed in Figure 2 (Water Rights, 2026b). 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.

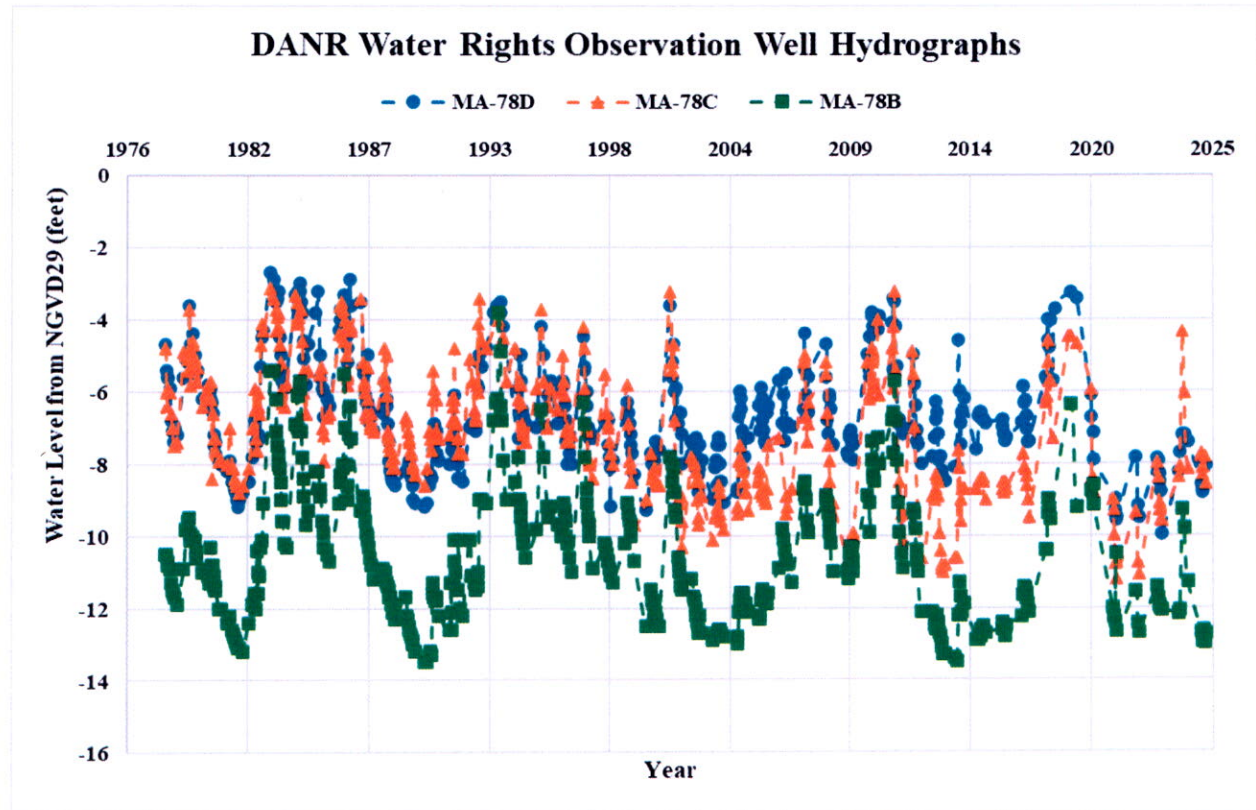


Figure 2. Hydrograph for observation wells MA-78C, MA-78D, and MA-78B (Water Rights, 2026b)

The hydrographs for the observation wells display stable (MA-78B) to slightly declining (MA-78D and MA-78C) water levels over their respective periods of record. However, in the case of observation well MA-78C the decrease that starts around 1997 stabilizes around 2007. Observation well MA-78D is approximately 0.19 and 0.36 miles from the two wells for Water Right No. 5726-3 held by the City of Sioux Falls. Observation well MA-78C is approximately 0.11 and 0.38 miles from the two wells for Water Right No. 5615-3 and approximately 0.38 miles from one of the wells from Water Right No. 5614-3, both held by the City of Sioux Falls.

While drawdown as the result of pumping in an unconfined aquifer typically does not extend far from the pumping well, observation wells MA-78D and MA-78C are both in close enough proximity (approximately 0.25 miles) to high yield wells that year-round pumping causing that some amount of observable effect would be expected. Observation Well MA-78C appears to have stabilized in relation to the current level of pumping in the area. Taking this into consideration, observation well MA-78D is likely not as reflective of the overall conditions of the aquifer as observation wells MA-78C and MA-78B. Observation well MA-78B (and the

other observation wells completed into the aquifer apart from MA-78C and MA-78D) indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. The water levels in these observation wells display that the amount of recharge to and natural discharge from the aquifer exceed pumping within the aquifer. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping. Based on this, the current level of pumping is likely not exceeding recharge on an aquifer-wide scale. However, the observation well data is not representative of the development of the future use permit from this aquifer (Future Use Permit No. 5522-3) or the fact the City of Sioux Falls is currently, on average, only pumping approximately 30 percent of their total permitted annual volume allocation from the aquifer (Kilts, 2023; Water Rights, 2026c and 2026f). Kilts (2023) noted the City of Sioux Falls has significant projected growth and thus an increase in water use. The city uses multiple sources, including several aquifers, Lewis & Clark Regional Water System, and the Big Sioux River. The susceptibility of the river to drought and PFC contamination of several of the city's wells, this means use of the Big Sioux: Middle Skunk Creek aquifer by the City of Sioux Falls may increase depending on the city's preferred and available water sources from all of their sources.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 13 water rights/permits appropriating water from the Big Sioux: Middle Skunk Creek aquifer and one future use permit reserving water (Water Rights, 2026c). The closest water right/permit to the proposed diversion point is Water Right No. 3437-3, which is held by Ronald Thompson. The diversion point for Water Right No. 3437-3 is located approximately 0.4 miles southwest of the proposed diversion point for this application (Table 3) (Figure 3) (Water Rights, 2026c). The proposed diversion point for this application is located within the future use area for Future Use Permit No. 5522-3 held by the Sioux Falls (Water Rights, 2026c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Big Sioux: Middle Skunk Creek aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.3 miles southwest of the proposed diversion point (Water Rights, 2026d). There could potentially be other domestic wells completed into the Big Sioux: Middle Skunk Creek aquifer near the proposed diversion point that are not on file with the DNR-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.

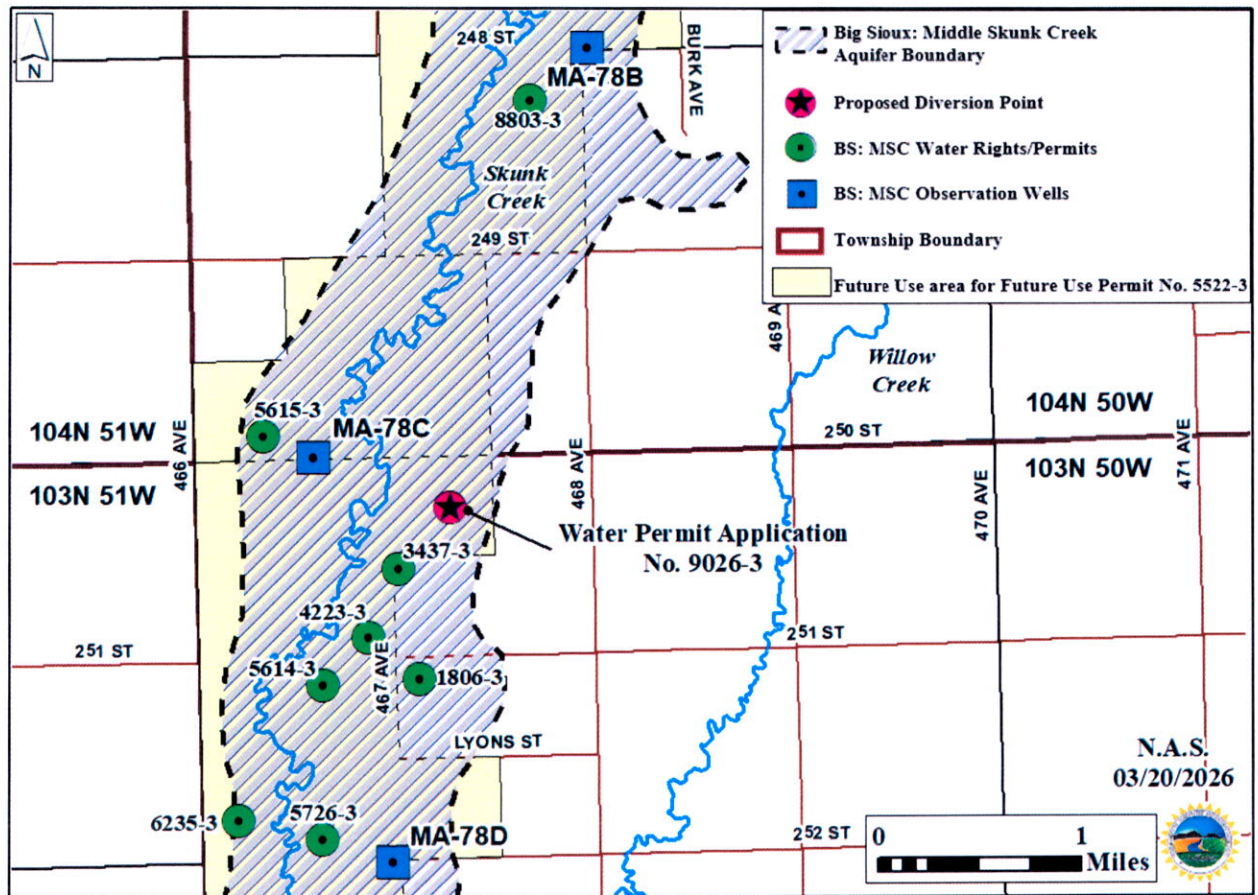


Figure 3. Location of the proposed diversion point for Water Permit Application No. 9026-3 with the Big Sioux: Middle Skunk Creek aquifer water rights/permits within approximately two miles (Water Rights, 2026c)

Table 3. Water rights/permits authorized to withdraw water from the Big Sioux: Middle Skunk Creek aquifer within approximately two miles of the proposed diversion point, as shown in Figure 3 (Water Rights, 2026c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)	Licensed/Permitted Volume (acre-feet/year)
1806-3	Ronald Thompson	LC	IRR	126	1.8	N/A
3437-3	Ronald Thompson	LC	IRR	80	1.1	N/A
4223-3	Boer Investments LLLP	LC	IRR	95	1.11	N/A
5614-3	City of Sioux Falls	LC	MUN	N/A	2.14	570
5615-3	City of Sioux Falls	LC	MUN	N/A	3	907
5726-3	City of Sioux Falls	LC	MUN	N/A	3	671
6235-3	Harold Boer	LC	IRR	3	0.11	N/A
8803-3	Jeffrey Thompson	PE	IRR	116	1.78	N/A
LC: Licensed Water Right; PE: Water Permit; IRR: Irrigation; MUN: Municipal						

The Big Sioux: Middle Skunk Creek aquifer is generally under unconfined aquifer conditions but confined aquifer conditions exist as well. The aquifer is expected to be unconfined at the proposed diversion point based on well completion reports for nearby wells and the lithologic logs on file for nearby observation wells (SDGS, 2026; Water Rights, 2026b and 2026d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. The exact drawdown behavior of a well cannot be known without an aquifer performance test.

In Minnehaha County, the Big Sioux: Middle Skunk Creek aquifer has an average thickness of approximately 22 feet (Lindgren and Niehus, 1992). Within one mile of the proposed diversion point, the Big Sioux: Middle Skunk Creek aquifer has a saturated aquifer thickness of approximately 15 to 40 feet (Water Rights, 2026d). A saturated aquifer thickness of 15 feet would not allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer. Therefore, to be considered an adequate well at that location, the inlet of the pump would need to be placed as near as practical to the bottom of the saturated aquifer to qualify as an adequate well under ARSD 74:02:04:20(6). In Minnehaha County, there has been one complaint filed with the DANR-Water Rights Program regarding well interference in a glacial aquifer identified as the Big Sioux: Middle Skunk Creek aquifer; however, after an investigation, the complaint was determined to be unsubstantiated (Water Rights, 2026e).

When considering the average saturated thickness of the Big Sioux: Middle Skunk Creek aquifer in Minnehaha County, the generally unconfined nature of the aquifer, and the lack of well interference complaints for adequate wells completed into the aquifer, 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 impairment to existing users with adequate wells. A qualification stating the applicant should control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights is recommended.

Additional Considerations

Cumulative Effects of Pumping

The Big Sioux: Middle Skunk Creek aquifer is a relatively thin aquifer with a limited amount of water in storage. While current reported average annual pumpage of 1,720.7 acre-feet per year (reported average irrigation pumpage (2015 to 2024): 265.5 acre-feet per year and reported average estimated non-irrigation pumpage: 1,455.2 acre-feet per year) does not exceed average annual recharge (4,644 acre-feet per year), short term conditions may occur when pumping exceeds recharge in the short term. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If this occurs for an extended period of time such that the saturated thickness is reduced to the extent that the water rights/permits can no longer pump at their developed or "historically established" rates, this may be considered an adverse impact. If this occurred, the water source would need to be managed to mitigate the potential adverse impact as much as possible to prevent any unlawful impairment.

Appropriative development in the aquifer has all been concentrated in the portion of the aquifer underlying the Skunk Creek floodplain (Water Rights, 2026c). Given that the direction of groundwater movement in this aquifer generally follows the movement of surface water, recharge occurring to the portion of the aquifer underlying the floodplain of Western Skunk Creek is likely not contributing to the area where the development is concentrated in the aquifer. The portion of the aquifer associated with the floodplain of Skunk Creek is approximately 10,940 acres. So, unlawful impairment issues due to cumulative pumping could start at closer to approximately 2,900 acre-feet per year of average annual pumping. A qualification on this permit, if approved, is recommended indicating that the long-term curtailment of pumping of this permit may be required to manage water usage from this aquifer if water rights with senior priority dates increase their average annual pumpage from the aquifer to their permitted annual volume.

It is worth noting the reported average annual withdrawal rate does not include the 183 acre-feet per year for the future use reservation or the estimated use for Water Right No. 6446-3 of 191 acre-feet per year. These are the only two permits not accounted for under the reported average annual withdrawal rate. With these estimated withdrawal rates included, the reported average annual withdrawal rate does not exceed recharge.

CONCLUSIONS:

1. Water Permit Application No. 9026-3 proposes to appropriate up to 146 acre-feet of water annually at a maximum instantaneous diversion rate of 0.33 cfs from one well to be completed into the Big Sioux: Middle Skunk Creek aquifer (approximately 40 feet deep) for commercial use in a dairy. The site of interest is located in Minnehaha County approximately three and one-half miles southeast of Colton, SD.
2. Based on a review of the observation well data for the aquifer, the current level of pumping is likely not exceeding recharge on an aquifer-wide scale.
3. Based on an analysis of the hydrologic budget for the Big Sioux: Middle Skunk Creek aquifer, annual appropriations exceed recharge to the aquifer based on the amount of water appropriated by existing water rights. However, due to the City of Sioux Falls consistently not pumping their full annual volume allocation from the aquifer, average annual appropriative pumpage from the aquifer is currently not exceeding average annual recharge.
4. No temporary use permits pursuant to SDCL 46-5-39 have been issued from this aquifer. However, as noted in Conclusion No. 3, the annual appropriative pumpage from the aquifer is currently not exceeding average annual recharge, so issuing as a temporary use permit is not a necessity.

5. Existing water rights with adequate wells and domestic users with adequate wells are not expected to be unlawfully impaired by drawdown due to pumping by this application, if approved. Out of an abundance of caution, a qualification on this permit, if approved, is recommended that water withdrawals under this permit be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
6. Since non-irrigation water rights with senior priority dates in this aquifer can, under their current water rights, substantially increase their average annual pumping at a future date, a qualification on this permit, if approved, is recommended indicating that the long-term curtailment of pumping of this permit may be required to manage water usage from this aquifer.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer III
SD DANR - Water Rights Program

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 22, 2026

Boadwine Farms, Inc.
c/o Lynn Boadwine
4909 West 49th Street, Suite 307
Sioux Falls SD 57106

Dear Ms. Boadwine:

Water Permit Application No. 9026-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Minnehaha Messenger printed in Hartford (Ph # 605 321-9153) and the Argus Leader printed in Sioux Falls (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. 9026-3 to Appropriate Water

Notice is given that Boadwine Farms, Inc., 4909 West 49th Street, Suite 307, Sioux Falls SD 57106, has filed an application for a water permit to appropriate up to 146 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Big Sioux: Middle Skunk Creek Aquifer (approximately 40 feet deep) located in the E 1/2 NW 1/4 Section 5 for commercial use in animal confinement operation in a dairy, located in the NE 1/4 Section 5 and NW 1/4 Section 10; all in T103N-R50W. This site is located in Minnehaha County, approximately three and one-half miles southeast of Colton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9026-3 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 11, 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 11, 2026.

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

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, April 22, 2026 11:53 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12275078 9026-3 Boadwine Farms - Public Notice
Attachments: 12275078.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on April 30. The order cost is \$63.10 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 Tuesday 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: Wednesday, April 22, 2026 11:38 AM
To: SFA-Legals mbx <allegals@appleton.gannett.com>
Subject: 12275078 9026-3 Boadwine Farms - Public Notice

Attached is a notice to be published on April 30, 2026.

Boadwine Farms, Inc., c/o Lynn Boadwine, 4909 West 49th Street, Suite 307, Sioux Falls SD 57106, 605-351-9216, ldboadwine@gmail.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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





Account Number:	1248968
Customer Name:	Boadwine Farms
Customer Address:	Boadwine Farms 4009 W 49Th ST # 308 Lynn Boadwine Sioux Falls SD 57106-5221
Contact Name:	BOADWINE FARMS
Contact Phone:	
Contact Email:	
PO Number:	

Date:	04/22/2026
Order Number:	12275078
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	177.0000
Height in Inches:	19.5100

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	04/30/2026 - 04/30/2026	Public Notices
SFA argusleader.com	1	04/30/2026 - 04/30/2026	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	\$63.10
Tax Amount	\$0.00
Service Fee 3.99%	\$2.52
Cash/Check/ACH Discount	-\$2.52
Payment Amount by Cash/Check/ACH	\$63.10
Payment Amount by Credit Card	\$65.62

Order Confirmation Amount	\$63.10
---------------------------	---------

Rodriguez, Rachel

From: Ads NCP <ads@ncppub.com>
Sent: Wednesday, April 22, 2026 11:50 AM
To: Sara Stadem; Rodriguez, Rachel
Subject: Re: [EXT] 9026-3 Boadwine Farms - Public Notice

We received your email and will get this taken care of. Thanks!

New Century Press
Email: ads@ncppub.com
Toll Free: 800-621-0801

From: Sara Stadem <sstadem@ncppub.com>
Date: Wednesday, April 22, 2026 at 11:47 AM
To: Assistant Manager <ads@ncppub.com>
Subject: Fwd: 9026-3 Boadwine Farms - Public Notice

Sara Stadem
Editor
Dells City Journal | Minnehaha Messenger
New Century Press
sstadem@ncppub.com

Begin forwarded message:

From: "Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>
Subject: 9026-3 Boadwine Farms - Public Notice
Date: April 22, 2026 at 11:37:12 AM CDT
To: "sstadem@ncppub.com" <sstadem@ncppub.com>

Attached is a notice to be published on April 30, 2026.

Boadwine Farms, Inc., c/o Lynn Boadwine, 4909 West 49th Street, Suite 307, Sioux Falls SD 57106, 605-351-9216, ldboadwine@gmail.com has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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

USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

BOADWINE FARMS
Lynn Boadwine
Boadwine Farms
4009 W 49Th ST # 308
Sioux Falls SD 57106-5221

STATE OF WISCONSIN, COUNTY OF BROWN

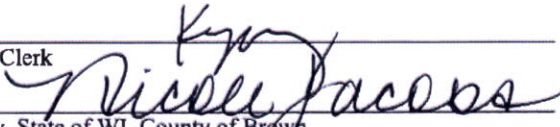
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/30/2026

and that the fees charged are legal.
Sworn to and subscribed before on 04/30/2026

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MAY 07 2026
Water Rights
Program

Legal Clerk


Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost: \$63.10

Tax Amount: \$0.00

Payment Cost: \$63.10

Order No: 12275078

of Copies:

Customer No: 1248968

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 9026-3 to
Appropriate Water**

Notice is given that Boardwine Farms, Inc., 4909 West 49th Street, Suite 307, Sioux Falls SD 57106, has filed an application for a water permit to appropriate up to 146 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Big Sioux: Middle Skunk Creek Aquifer (approximately 40 feet deep) located in the E 1/2 NW 1/4 Section 5 for commercial use in animal confinement operation in a dairy, located in the NE 1/4 Section 5 and NW 1/4 Section 10; all in T103N-R50W. This site is located in Minnehaha County, approximately three and one-half miles southeast of Colton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9026-3 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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RECEIVED
MAY 07 2026
Water Rights
Program

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 11, 2026.

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Published once at the total approximate cost of \$63.10 and may be viewed free of charge at www.sdpublicnotices.com.

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MAY 0 / 2026
Water Rights
Program

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

RECEIVED

MAY 12 2026

OFFICE OF
WATER

I, Amber Miller of New Century Press, publisher of The Minnehaha Messenger, which is a weekly newspaper of general circulation, Printed and published in the City of Hartford, in said County of Minnehaha., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

MM0501-1 Water Permit

Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Friday, the 1st day of May, 2026

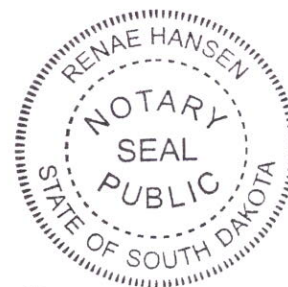
That \$46.34 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.

Amber D Miller

Subscribed and sworn to before me this 6th day of May, 2026

Renae Hansen

Notary Public, State of South Dakota
My Commission Expires June 6, 2031



Publication Fee...\$46.34
Notary Fee...\$
Total ...\$46.34

**NOTICE OF APPLICATION NO.
9026-3 to Appropriate Water**

Notice is given that Boadwine Farms, Inc., 4909 West 49th Street, Suite 307, Sioux Falls SD 57106, has filed an application for a water permit to appropriate up to 146 acre-feet of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Big Sioux: Middle Skunk Creek Aquifer (approximately 40 feet deep) located in the E 1/2 NW 1/4 Section 5 for commercial use in animal confinement operation in a dairy, located in the NE 1/4 Section 5 and NW 1/4 Section 10; all in T103N-R50W. This site is located in Minnehaha County, approximately three and one-half miles southeast of Colton SD.

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Published once at the approximate cost of \$46.34 and may be viewed free of charge at www.sd-publicnotices.com.

MM0501-1

RECEIVED

MAY 12 2026

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 22, 2026 1:05 PM
To: Lynn Boadwine
Subject: 9026-3 Boadwine Farms - Public Notice
Attachments: 9026-3 Rec.pdf; 9026-3 Ltr.pdf; 9026-3 PubNotice.pdf; ArgusLeader 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. 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

Boadwine Farms, Inc.
c/o Lynn Boadwine
4909 West 49th Street, Suite 307
Sioux Falls SD 57106

Dear Ms. Boadwine:

Enclosed is Water Permit No. 9026-3 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.: 9026-3

Name of Applicant: Boadwine Farms, Inc., c/o Lynn Boadwine

Date of Posting: 4/28/2026

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)

