

WATER PERMIT NO. 9028-3

Name of Applicant: **Dakota Deere Farms, LLC.**

Address: **30295 471st Avenue, Beresford SD 57004**

Phone: **605-351-0814**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **187**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **Approx. 3 miles southeast of Beresford**

PRIORITY Date Received: **02-19-26**

Application/License Fee: **\$1,150.00**

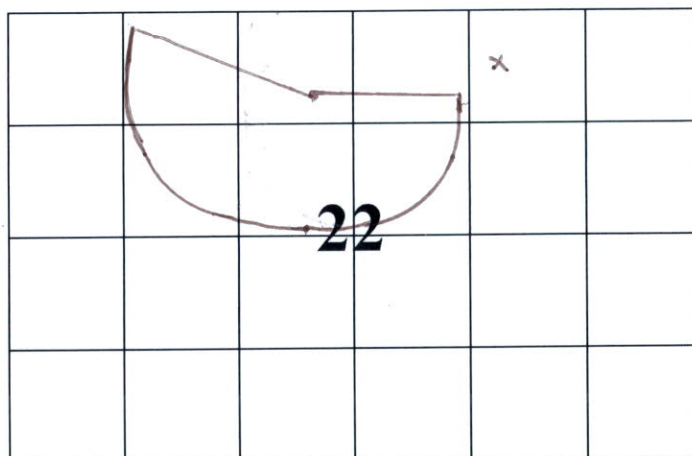
Corrected Application Received: **02-26-26**

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

Remarks:

Diversion Point: **NE 1/4 NE 1/4 Sec 22-T95N-R50W**

Land to be Irrigated: **NW 1/4, W 1/2 NE 1/4 Sec 22-95N-R50W**



Depth of Well: **86**

Well Driller: **Thein Well**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **02-19-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 9028-3

Date of first receipt of application February 19, 2026.

Date of return to applicant for corrections, amendments or changes February 19, 2026.

Date of receipt of corrected application February 26, 2026.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 9028-3 to Dakota Deere Farms, LLC., 30295 471st Avenue, Beresford SD 57004, 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. 9028-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 86 feet deep) located in the NE 1/4 NE 1/4 Section 22 for irrigation of 187 acres located in the NW 1/4, W 1/2 NE 1/4 Section 22; all in T95N-R50W. This site is located in Union County, approximately three miles southeast of Beresford SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 19, 2026.
4. The date of approval of Permit No. 9028-3 is May 18, 2026.
5. One-fifth of the construction is to be completed on or before November 18, 2028.
6. All construction is to be completed on or before May 18, 2031.
7. Water is to be put to beneficial use on or before May 18, 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. 9028-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 9028-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

JUL 21 2026

date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>9028-3</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>	
	Newspaper <u>Beresford Republic</u>	
	<u>Argus Leader</u> (office use only)	

RECEIVED
FEB 19 2026
Water Rights
Program

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 Dakota Deere Farms, 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 30295 471st Ave Beresford SD 57004
(Address) (City) (State) (Zip Code)

Phone 605-351-0814 Mobile 605-261-9208 Email dakota_deere@hotmail.com

2. Amount of water claimed 1.768 *CFS or 800 **GPM ***AF Total Acreage 187
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water Aquifer

4. Location of point of diversion 1 Well in NE 1/4 NE 1/4 Section 22 - T095N - R50W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 Sec 22 - T 095N - R 50W			
<u>W 1/2</u> NE 1/4 Sec 22 - T 095N - R 50W			

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

Utilizing a water well to irrigate crop via venter pivot.

I, Allen Andrews CEO, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

RECEIVED

FEB 19 2026

Water Rights
Program

Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print)

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

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

a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Thein Well Co.
(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) 86 Depth to Top of Water Bearing Material 6' Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property 2,000 Property owned by others 4,800'

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

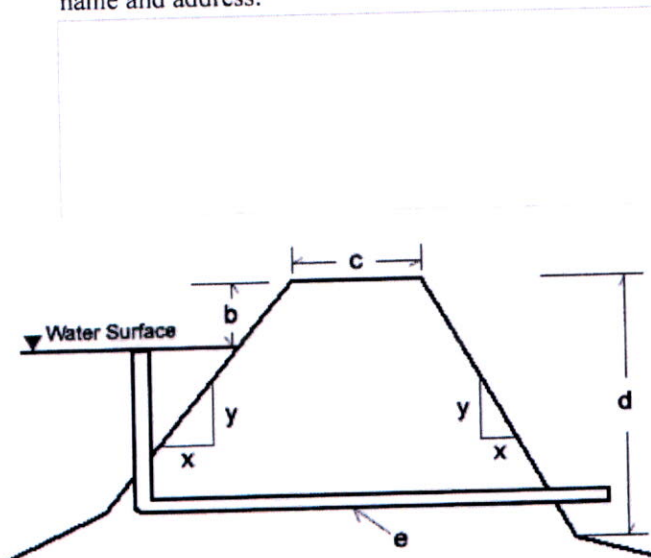
a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

Alan Andrews - Beresford

Legend

300th St

300th St

Alan Andrews TH # 1 80' 3/13/2024

Alan Andrews 90' TH # 3

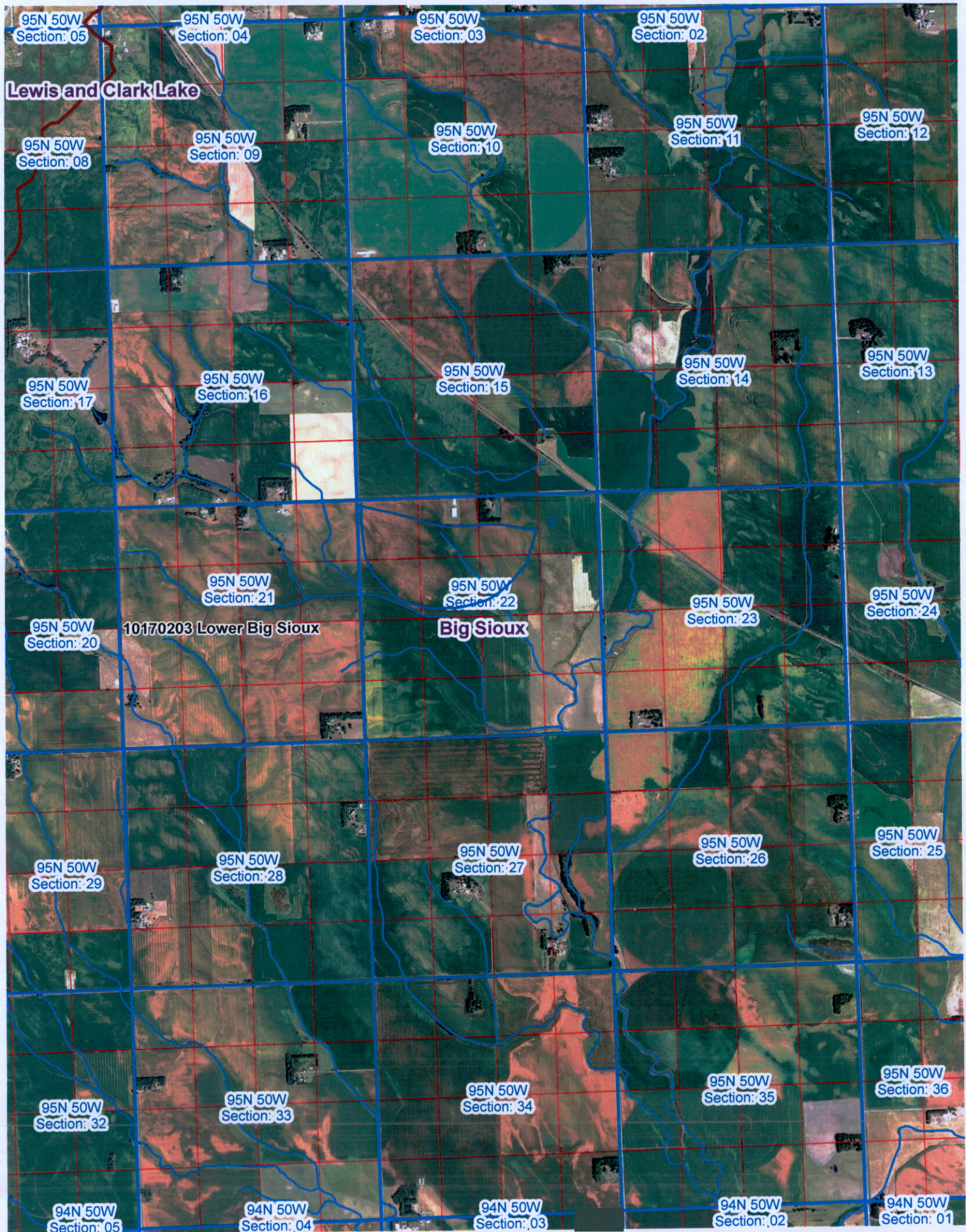
Alan Andrews Th # 2 100' 3/13/2024

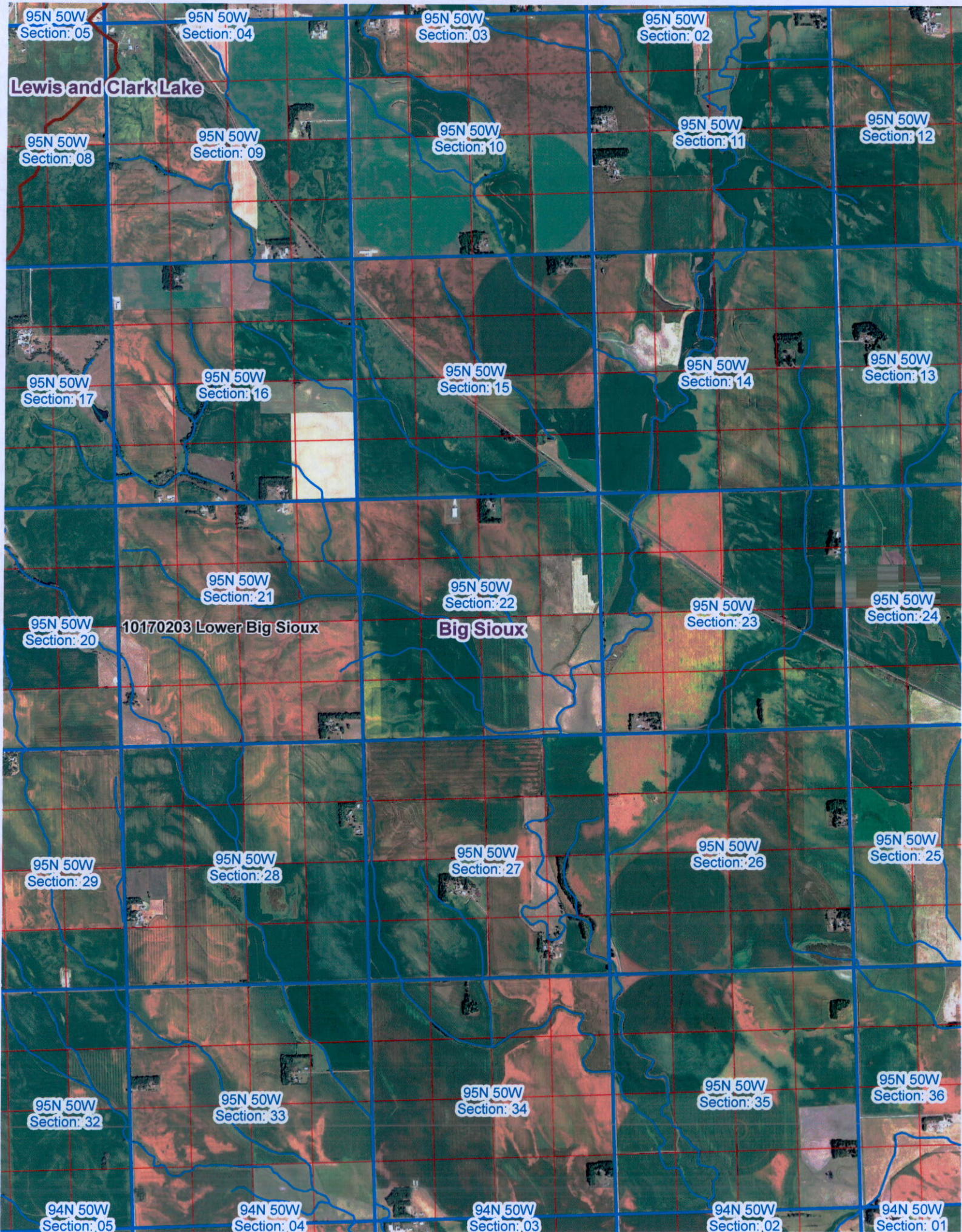
474th Ave

Google Earth

N

1000 ft



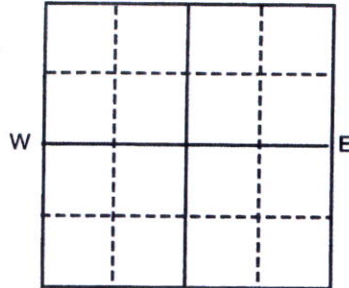


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NW ¼ Sec 22 Twp 95 Rg 50County UNION

North

Please mark well
location with an "X"

Well Completion Date

3/12/2024

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from TEST HOLES ONLY (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☐ Steel ☐ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
				6.50
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BENTONITE	10	Lb/gal	0 Ft	80 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE PIPED

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☒ No, Why Not? _____
Lab to which water
quality sample sent for analysis

TEST HOLE ONLY

Well Owner: ALAN ANDREWS

Business Name: _____

Address: 30295 471ST AVECity, State, Zip: BERESFORD ☒ SD ☒ 57004

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
CLAY BROWN	3	9
CLAY TAN / GRAY SILTY	9	31
CLAY TAN- BROWN	31	37
CLAY GRAY SILTY	37	42
SAND MED	42	63
CHALK	63	65
CLAY BROWN	65	67
SHALE BLACK	67	80

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 43 2.3270 W 96 44.3650

This well was drilled under license # 475 and this
report is true and accurate.Drilling firm: THEIN WELL COMPANY, INCORPORATED

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 4-2-2024

Date:

Alan Andrews TH # 2 Sec 22 Beresford

GPS N 43 2.0770 W 96 44.2260

<i>Formation</i>	<i>From</i>	<i>To</i>
Top soil	0	4
Clay brown	4	13
Clay gray	13	15
Sand	15	18
Clay gray soft	18	41
Sand fine	41	45
Fine gravel	45	53
Sandy white clay w/ sand layers	53	62
Clay tan sandy w/ sand layers	62	72
Sand fine	72	97
Shale black	97	100

Date: 4.2.2024

Alan Andrews TH # 3 Sec 22 Beresford SD

GPS N 43 2.3120 W 96 43.8080

Formation	From	To
Top soil	0	3
Clay brown	3	6
Gravel	6	42
Sand coarse	42	55
Clay white sandy	55	56
Coarse sand and gravel	56	63
Clay white sandy	63	65
Sand medium	65	71
Clay white sand	71	76
Sand medium	76	86
Clay gray	86	92

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 26, 2026

RECEIVED OF Dakota Deere Farms, LLC. 30295 471st Avenue Beresford SD 57004

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

Fee for Application for Permit No. <u>9028-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>950.00</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>9028-3</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>1150.00</u>

By Adam Mathis
Chief Engineer



DL308976

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

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

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

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Dakota Deere Farms, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address
**307 SW 13TH ST.
BERESFORD, SD 57004**

Mailing Address
**307 SW 13TH ST.
BERESFORD, SD 57004**

Article III

SDCL 59-11-6

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 **Allen Andrews**

Actual Street Address in this State
**30295 471ST AVE
BERESFORD, SD 57004**

Mailing Address in this State
**30295 471ST AVE
BERESFORD, SD 57004**

Article IV

The name and address of each organizer

Name	Address
Allen Andrews	30295 471st Ave., Beresford, SD 57004
Angela Andrews	30295 471st Ave., Beresford, SD 57004

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0379-3245 09/10/2025 4:39PM Rec'd by SD SOS



Article VI

☐ Member-Managed ☒ Manager-Managed

Name	Address
Allen Andrews	30295 471st Ave., Beresford, SD 57004
Angela Andrews	30295 471st Ave., Beresford, SD 57004

Article VII

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.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

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).

Katie L Johnson

Katie L Johnson

Attorney

09/10/2025

PRINTED NAME

SIGNATURE

TITLE

DATED

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

Dakota Deere Farms, LLC

BUSINESS ID# DL308976

with an effective date of: September 10, 2025, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, September 10, 2025.

Monae L. Johnson

Monae L. Johnson
Secretary of State

09/10/2025 4:39 PM

B0379-3247 09/10/2025 4:39PM Rec'd by SD SOS

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, February 20, 2026 1:51 PM
To: 'Allen Andrews'; Dewell, Amanda
Subject: RE: [EXT] Irrigation Water Permit Application

Per our conversation, once I receive payment I will begin processing your application.

Have a nice weekend.

Thank you,

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



From: Allen Andrews <dakota_deere@hotmail.com>
Sent: Friday, February 20, 2026 1:15 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Irrigation Water Permit Application

So you got everything you need? We will send a check out

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, February 20, 2026 1:12:23 PM
To: dakota_deere@hotmail.com <dakota_deere@hotmail.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: Irrigation Water Permit Application

Fees for 187 acres would be \$1150.00 – once those are received, Rachel (cc'd), can begin processing your application.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352

Website: danr.sd.gov



From: Allen Andrews <dakota_deere@hotmail.com>
Sent: Friday, February 20, 2026 10:44 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] Irrigation Water Permit Application

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, February 20, 2026 10:32 AM
To: dakota_deere@hotmail.com <dakota_deere@hotmail.com>
Subject: Irrigation Water Permit Application

Chad,

I apologize for the difficulties you've encountered trying to complete the application on our website. Please find a blank form attached, as well as a PDF outlining the permitting process. If you have any questions, please feel free to call my direct line (605) 910-5187 or send me an email. Things to note when submitting an application:

- You will need to submit a map with the application outlining the area you plan to develop for irrigation and marking the location of the diversion point (well or surface water pump)
- Fee are based on the number of acres being requested and the licensing/inspection fee are due at the time of application. Fees may be paid by 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**

Thank you,

Amanda Dewell

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, February 19, 2026 4:14 PM
To: 'dakota_deere@hotmail.com'
Subject: Water Permit Application
Attachments: Andrews Map.pdf

Good afternoon,

In reviewing your application, there are a few issues:

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- Could I trouble you for a copy of the well completion report from Thein Well Co?
- The fees for 187 acres are: application fee \$950.00 + inspection fee \$200.00 = \$1,150.00. You may pay by 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

Once I receive the items above, 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 ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 9028-3, Dakota Deere Farms, 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. 9028-3, Dakota Deere Farms, LLC., 30295 471st Ave, Beresford SD 57004.

The Acting Chief Engineer is recommending APPROVAL of Application No. 9028-3 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. 9028-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 9028-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Adam Mathiowetz, PE
Acting Chief Engineer
April 27, 2026

Report to the Chief Engineer

On Water Permit Application No. 9028-3

Dakota Deere Farms LLC

April 24th, 2026

Water Permit Application No. 9028-3 proposes to appropriate 1.78 cubic feet per second (cfs) from one well to be completed into the Brule Creek aquifer (approximately 86 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22 for irrigation of 187 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22; all in T95N-R50W. This site is located in Union County, approximately three miles southeast of Beresford, SD.

AQUIFER: Brule Creek (BRC)

HYDROGEOLOGY:

The Brule Creek aquifer contains glacial and non-glacial sands and gravels, and underlies approximately 78,400 acres of southern Lincoln County, northern Union County, and a portion of northeast Clay County (Hedges and others, 1982). Niehus (1994) estimated the Brule Creek aquifer underlies 180 square miles (115,200 acres) of Union and Lincoln Counties. The Brule Creek aquifer is hydrologically connected with the Newton Hills aquifer in its northern extent and is likely connected to the Big Sioux and Lower Vermillion Missouri aquifers at its southern extent (Niehus, 1994; Mathiowetz, 2022). The Brule Creek aquifer is also likely to be hydrologically connected to surface water features, such as Brule Creek, in locations where the aquifer is near or at land surface (Niehus, 1994).

The Brule Creek aquifer is generally under confined conditions except in the few areas where the aquifer is near or at land surface (Niehus, 1994). The Brule Creek aquifer is generally overlain by till with an average till thickness of 46 feet but can be overlain by virtually none or up to 176 feet of till (Niehus, 1994). Water movement in the aquifer is generally to the south, except in the northernmost portion where water moves to the northeast toward the hydrologically connected Newton Hills aquifer (Niehus, 1994). The average thickness of aquifer materials in the Brule Creek aquifer is 33 feet, with an approximate maximum thickness of 88 feet (Niehus, 1994).

Several test hole logs with lithologic information were submitted with this application. The borings are located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, & NE $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 22-T95N-R50W and all completed on March 12th, 2024 (Water Rights, 2026d). The test holes show the top of aquifer material to be 42 feet below ground surface. Nearby well completion reports show the static water level to range from 8 to 28.5 feet below ground surface (Water Rights, 2026b). Based on the top of aquifer material, the static water level, bottom of aquifer material (approximately 63 ft), and nearby well completion reports, the aquifer is expected to be confined at this location (Water Rights, 2026b). Nearby well completion reports indicate the local aquifer material is confined by a layer of clay (Water Rights, 2026d).

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 unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is 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 uses and water rights within the Brule Creek aquifer.

WATER AVAILABILITY:

Water Permit Application No. 9028-3 proposes to appropriate water from the Brule Creek aquifer for the purpose of irrigation. 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 Brule Creek aquifer is not older than or stratigraphically lower than the Greenhorn Formation, 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 Brule Creek aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Brule Creek aquifer occurs primarily through infiltration and subsequent percolation of precipitation in areas where the aquifer is at or near land surface (Niehus, 1994). Buhler (2009) calculated an average annual recharge rate of approximately 4.5 inches per year by using observation well data from the six wells completed into unconfined portions of the aquifer. The average annual water level rise was multiplied by the specific yield to calculate the average annual recharge in inches, which is approximately 4.5 inches per year. This recharge rate is only applied to unconfined portions of the aquifer, which Buhler (2009) estimated to be at least one quarter of the whole aquifer. Applying the rate of 4.5 inches to one quarter of the estimated aquifer area (78,400 total acres from Hedges and others (1982) and 115,200 total acres from Niehus (1994)) gives an estimated recharge range of 7,350 acre-feet (ac-ft) per year to 10,800 ac-ft per year.

Discharge

Discharge from the Brule Creek aquifer occurs through evapotranspiration where the aquifer is near land surface, groundwater outflow to the Newton Hills aquifer, outflow to East or West Brule Creeks when the creek water level is lower relative to the head of the aquifer, and well withdrawals (Niehus, 1994; Water Rights, 2026a and 2026c). Currently, there are 27 water rights/permits authorized to appropriate water from the Brule Creek aquifer (Water Rights, 2026c).

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Brule Creek aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume (Water Rights, 2026c). The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe overestimate of average annual withdrawals by non-irrigation appropriations (Water Rights, 2026c). Historically, the 60 percent estimate has been accepted by the Water Management Board. Some of the water permits/rights on Table 1 are connected to rural water systems but maintain their local wells for standby purposes, pursuant to ARSD 74:02:01:37.02. Therefore, they will not be treated as contributing to the annual withdrawal rate. This includes water rights for the City of Beresford which purchases 100% of their water from Lewis and Clark Regional Water System and water rights for the City of Alcester which purchases 100% of their water from South Lincoln Rural Water System (Drinking Water, 2026). Overall, the estimated average annual withdrawal rate for the Brule Creek aquifer non-irrigation water rights/permits is 19 acre-feet/year (Table 1) (Water Rights, 2026c).

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Brule Creek aquifer (Water Rights, 2026c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Estimated Annual Use (acre-feet/year)
4909-3	City of Beresford	License	Municipal	1.920	0*
672-3	City of Alcester	License	Municipal	0.440	0*
758-3	City of Alcester	License	Municipal	0.170	0*
6558-3	Marlow Christensen	License	Commercial	0.044	19
*Water Right holder sources their water from another water distribution system.				Total:	19

Table 2 shows the historically reported irrigation withdrawals and the number of permits reporting for the period of record, 1979 to 2024, average annual irrigation withdrawal along with average annual withdrawal from 2015 to 2024 for a more recent ten-year period. As there has been more development of irrigation permits in the aquifer, there has been an increase in average

annual irrigation withdrawal. The average annual irrigation withdrawal across the period of record is approximately 678 acre-feet/yr. The average annual irrigation withdrawal from 2015 to 2024 is approximately 1,043 acre-feet/yr. To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2015 to 2024 will be used for this report (Table 2) (Water Rights, 2026a).

There are four irrigation use water permits approved in early 2025 (Nos. 8927-3, 8929-3, 8966-3, & 8967-3) that are not accounted for in Table 2. These water rights/permits are authorized to irrigate 595 acres, combined (Water Rights, 2026c). Over the entire period of record, crop irrigators in the Tulare aquifer of South Dakota applied, on average, 7.58 inches of water per acre per year (Drennon, 2025). However, the Tulare aquifer is more than 100-miles northwest of the Brule Creek aquifer. To account for the fluctuation in wet and dry cycles from year to year and differences in percolation of local soils, an estimate of 10 inches (0.83 feet) of water per acre per year will be used to somewhat overestimate the annual withdrawal rate of the recently approved irrigation water permits. Assuming 0.83 feet of water per acre per year, the withdrawal rate for these water rights/permits is approximately 494 acre-feet per year. Additionally, this application proposes to irrigate 187 acres. Using the same described estimation method as above, the estimated average annual withdrawal rate for this application, if approved, is approximately 155 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2015 to 2024 (1,043 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2025 (494 acre-feet/year), plus the estimated average annual withdrawal rate for this application (155 acre-feet/year), is approximately 1,692 acre-feet per year.

Table 2. Reported historic irrigation use from the Brule Creek aquifer (Water Rights, 2026a)

Year	Number of Permits	Reported Pumpage (ac-ft)	Year	Number of Permits	Reported Pumpage (ac-ft)
1982	11	139	2004	8	668
1983	11	68	2005	7	638
1984	13	32	2006	7	734
1985	7	221	2007	7	703
1986	7	15	2008	11	755
1987	7	412	2009	11	333
1988	7	300	2010	12	92
1989	7	253	2011	12	671
1990	7	279	2012	12	1,527
1991	7	939	2013	13	1,159
1992	7	1,029	2014	18	616
1993	8	859	2015	18	786
1994	9	993	2016	18	1,123
1995	9	6	2017	18	817
1996	10	11	2018	18	160
1997	10	1,193	2019	18	121
1998	10	1,041	2020	18	1,544
1999	9	447	2021	19	1,209
2000	10	651	2022	20	2,011
2001	10	988	2023	20	1,204
2002	9	505	2024	20	1,456
2003	8	470	Average (1982-2024)	11	678
			Average (2015-2024)	19	1,043

There are domestic wells completed into the Brule 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 Brule 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 Brule Creek aquifer.

Hydrologic Budget Summary

Buhler (2009) estimated the recharge rate ranges from 7,350 to 10,800 acre-feet/year in the unconfined portion of the aquifer (Hedges & others, 1982; Niehus, 1994). The estimated average withdrawal rate from the Brule Creek aquifer totals to approximately 1,711 acre-feet/year; (non-irrigation: 19 acre-feet/year; and irrigation (avg 2014 to 2023), including recent 2025 permits & this application (if approved): 1,692 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Brule Creek aquifer for the proposed appropriation.

Table 3. List of water rights/permits withdrawals (Water Rights, 2026a & 2026c), this application (if approved), and recharge to the Brule Creek aquifer (Hedges and others, 1982; Niehus, 1994)

	Hydrologic Budget for the Brule Creek Aquifer (ac-ft/yr)
Non-Irrigation Estimated Use	19
Irrigation Reported Use (2015-2024)	1,043
Recent Permits (Nos. 8927-3, 8929-3, 8966-3, & 8967-3)	494
Current Estimated Withdrawal	1,556
Pending Application (9028-3)	155
Estimated Withdrawal	1,711
Estimated Recharge	7,350 – 10,800

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.

The DANR-Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer (Water Rights, 2026b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The four closest observation wells to the proposed diversion point are UN-77A (approximately 0.1 miles east), UN-80B (approximately 1.2 miles northeast), UN-77B (approximately 1.9 miles south), and UN-80C (approximately 3.1 miles southeast) (Water Rights, 2026b). The hydrographs for these observation wells are displayed in Figure 1 (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. The data from the hydrographs in Figure 1 shows a stable trend in water levels over the period of record.

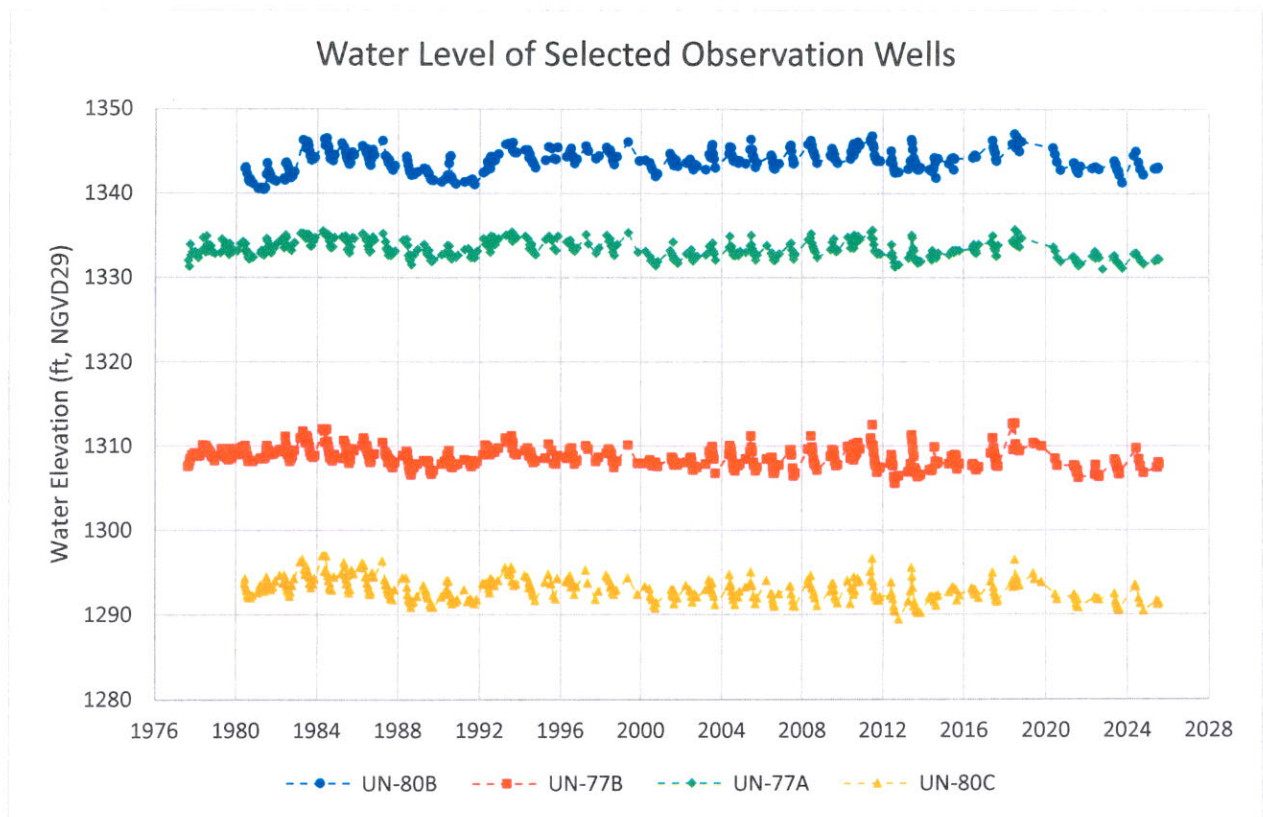


Figure 1. Hydrograph for observation wells UN-80B, UN-77B, UN-77A, and UN-80C (Water Rights, 2026b)

The hydrographs for the Brule Creek aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods (NOAA, 2026). Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. 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 waters levels in the aquifer rather than the impacts of pumping from the Brule Creek aquifer. It should be noted, water levels in observation wells are representative of recharge to, natural discharge from, and active withdrawals from the aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate water is available for appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the proposed diversion point for this application are shown in Figure 2 and summarized in Table 4 (Water Rights, 2026c). The closest water right/permit to the proposed diversion point, not held by the applicant, is Water Right No. 6962-3 held by Norman Kramer as shown on Figure 2. The diversion point for Water Right No. 6962-3 is located approximately 0.2 miles east of the proposed diversion point for this application (Water Rights, 2026c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Brule Creek aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.5 miles northwest of the proposed diversion point based on the well completion report submitted by the driller (Water Rights, 2026d). There could potentially be other domestic wells completed into the Brule Creek aquifer near the proposed diversion point 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.

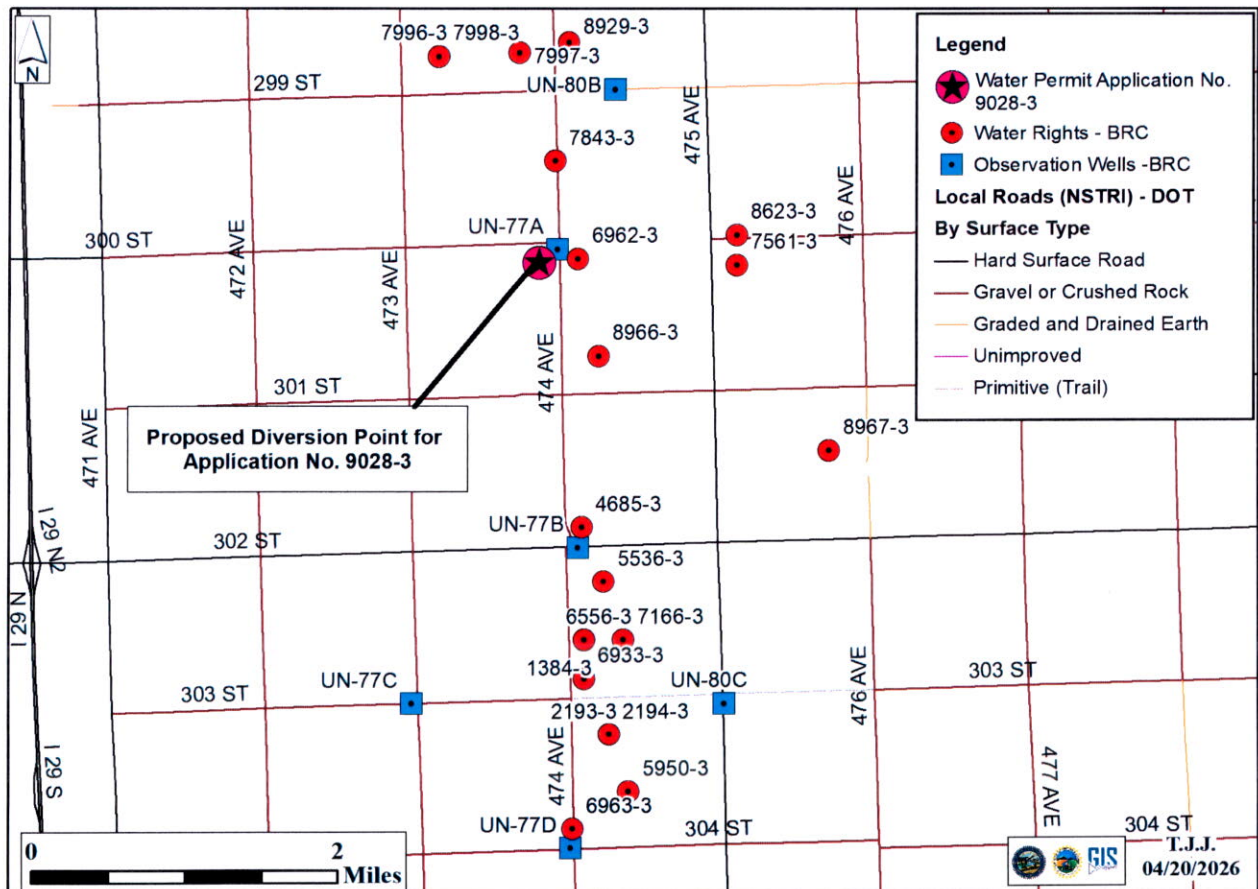


Figure 2. Map of the Water Permit Application No. 9028-3 proposed diversion point and the Brule Creek aquifer water rights/permits and observation wells (Water Rights, 2026b and 2026c).

Table 4. List of water rights/permits shown in Figure 2.

Permit	Name/Business	Priority	Status	Use Type	CFS	
1384-3	Jim Andrews	03/29/1967	License	Irrigation	1.94	136
2193-3	Larry D. Andrews	01/23/1975	License	Irrigation	1.94	136
2194-3	Larry D. Andrews	01/23/1975	License	Irrigation	1.94	136
4685-3	Allen Andrews	04/10/1981	License	Irrigation	1.77	136
5536-3	Don Lerseth	02/21/1991	License	Irrigation	1.77	136
5950-3	Larry D. Andrews	08/07/1996	License	Irrigation	1.65	116
6556-3	James Andrews	12/21/2004	Permit	Irrigation	1.15	80
6933-3	Steven Andrews	01/02/2008	Permit	Irrigation	2.22	249.1
6962-3	Norman Kramer	02/11/2008	Permit	Irrigation	1.56	160
6963-3	Norman Kramer	02/11/2008	License	Irrigation	1.44	62
7166-3	Steven Andrews	11/13/2009	Permit	Irrigation	0	41.4
7561-3	Jerry/Joyce Hansen	12/10/2012	License	Irrigation	1.44	120
7843-3	John Thompson	05/10/2013	License	Irrigation	1.67	120
7996-3	Danish Farmland and Holdings LLC	04/10/2014	License	Irrigation	0.89	134
7997-3	Danish Farmland and Holdings LLC	04/10/2014	License	Irrigation	1.78	64.18
7998-3	Danish Farmland and Holdings LLC	04/10/2014	License	Irrigation	0.89	95
8623-3	Mavis Van Beek	04/04/2022	Permit	Irrigation	1.56	246.45
8929-3	Olsen Family Farm	02/18/2025	Permit	Irrigation	1.78	185
8966-3	Mikota Holdings LLC	06/25/2025	Permit	Irrigation	1.78	130
8967-3	Legacy Farm Holdings LLC	06/25/2025	Permit	Irrigation	1.78	200

The Brule Creek aquifer is primarily under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. 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).

A recent complaint was made in June of 2025 in regard to a domestic well going dry (Water Rights, 2026e). The complainant suspected new irrigation wells were the cause. However, based on data of several observation wells between the complainant's well and the new irrigation wells, and the distance between the wells (located approximately 8.7 miles north-northwest of the complainant's well), the complaint was not substantiated, and no action was taken. It should be noted that this application's diversion point is 5.6 miles northwest of the complainant's well.

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 Brule Creek aquifer in Union County, and the lack of any substantiated well interference complaints for wells completed into the Brule Creek 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 impairments to existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 9028-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek aquifer (approximately 86 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22 for irrigation of 187 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22; all in T95N-R50W. This site is located in Union County, approximately three miles southeast of Beresford, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Brule Creek aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 9028-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Tyler Jensen
Natural Resources Engineer II
SD DANR - Water Rights Program

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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.**

April 30, 2026

Dakota Deere Farms, LLC.
c/o Allen Andrews
30295 471st Avenue
Beresford SD 57004

Dear Mr. Andrews:

Water Permit Application No. 9028-3 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 Republic printed in Beresford (Ph # 605 763-2006) 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. 9028-3 to Appropriate Water

Notice is given that Dakota Deere Farms, LLC., 30295 471st Avenue, Beresford SD 57004, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 86 feet deep) located in the NE 1/4 NE 1/4 Section 22 for irrigation of 187 acres located in the NW 1/4, W 1/2 NE 1/4 Section 22; all in T95N-R50W. This site is located in Union County, approximately three miles southeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9028-3 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 18, 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 18, 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: Thursday, April 30, 2026 11:42 AM
To: Rodriguez, Rachel
Subject: [EXT] 12300948 RE: 9028-3 Dakota Deere Farms - Public Notice
Attachments: Order_Confirmation_Liners - 2026-04-30T124133.348.pdf

Hello!

Please find your order confirmation and proof attached.

Your notice is set to run in the Argus Leader on 5/7. The order cost is \$61.00 which includes an affidavit that will be sent 7-10 business days after the last day of the notice printing. Please email before 8am on Tuesday with any changes.

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

Our invoicing is done monthly. 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.

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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, April 30, 2026 9:36 AM
To: SFA-Legals mbx <allegals@appleton.gannett.com>
Subject: 9028-3 Dakota Deere Farms - Public Notice

Attached is a notice to be published on May 7, 2026, in the Beresford Republic.

Dakota Deere Farms, LLC., c/o Allen Andrews, 30295 471st Avenue, Beresford SD 57004, 605-351-0814, Dakota_deere@hotmail.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:	1598039
Customer Name:	Dakota Deere Farms LLC
Customer Address:	Dakota Deere Farms LLC 30295 471st AVE Beresford SD 57004-6706
Contact Name:	Allen Andrews
Contact Phone:	
Contact Email:	dakota_deere@hotmail.com
PO Number:	

Date:	04/30/2026
Order Number:	12300948
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	170.0000
Height in Inches:	18.7400

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Payment Amount by Cash/Check/ACH	\$61.00
Payment Amount by Credit Card	\$63.43

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 30, 2026 8:35 AM
To: New Century Press
Subject: 9028-3 Dakota Deere Farms - Public Notice
Attachments: 9028-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 7, 2026, in the Beresford Republic.

Dakota Deere Farms, LLC., c/o Allen Andrews, 30295 471st Avenue, Beresford SD 57004, 605-351-0814, Dakota_deere@hotmail.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



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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

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MAY 19 2026

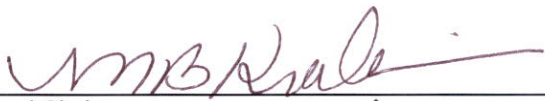
OFFICE OF
WATER

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:

05/07/2026

and that the fees charged are legal.
Sworn to and subscribed before on 05/07/2026



Legal Clerk



Notary, State of WI, County of Brown

8-21-26

My commission expires

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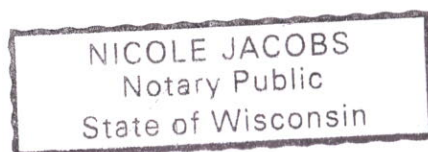
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PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NOTICE OF APPLICATION
NO. 9028-3 to Appropriate
Water

Notice is given that Dakota Deere Farms, LLC., 30295 471st Avenue, Beresford SD 57004, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 86 feet deep) located in the NE 1/4 NE 1/4 Section 22 for irrigation of 187 acres located in the NW 1/4, W 1/2 NE 1/4 Section 22; all in T95N-R50W. This site is located in Union County, approximately three miles southeast of Beresford SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9028-3 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 mail-

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OFFICE OF
WATER

ing 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 18, 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 18, 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 on May 7, 2026 at the total approximate cost of \$61.00 and may be viewed free of charge at www.sdpublicnotices.com

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF Lincoln

I, Amber Miller of New Century Press, publisher of The Republic, which is a weekly newspaper of general circulation, Printed and published in the City of Beresford, in said County of Lincoln., 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:

B0507-5 Notice of Application

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

On Thursday, the 7th day of May, 2026

That \$45.61 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.

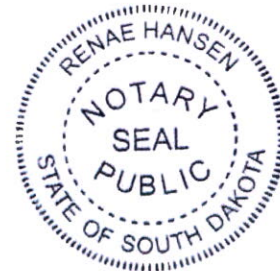
Amber D Miller

Subscribed and sworn to before me this 14th day of May, 2026

Renae Hansen

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

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MAY 15 2026
Water Rights
Program



Publication Fee...\$45.61
Notary Fee...\$
Total ...\$45.61

**NOTICE OF APPLICATION NO.
9028-3 to Appropriate Water**

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Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9028-3 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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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 18, 2026.

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(B0507-5)

RECEIVED
MAY 15 2026
Water Rights
Program

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 30, 2026 11:55 AM
To: dakota_deere@hotmail.com
Subject: 9028-3 Dakota Deere Farms - Public Notice
Attachments: 9028-3 Rec.pdf; 9028-3 Ltr.pdf; 9028-3 PubNotice.pdf; 9028-3 Argus Info.pdf

Good afternoon,

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 21, 2026

Dakota Deere Farms, LLC.
c/o Allen Andrews
30295 471st Avenue
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Water Permit No. 9028-3 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.: 9028-3

Name of Applicant: Dakota Deere Farms, LLC, c/o Allen Andrews

Date of Posting: 5/4/2026

Date of Removal: 7/21/2026

Amanda Dewell, Permitting Administrator

7/21/2026

Date

Subscribed and sworn to before me, a notary public, this 21st day of July, 2026.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029



(SEAL)