

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____
	(office use only)

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

<input type="checkbox"/> Municipal	<input type="checkbox"/> Water Distribution System	<input type="checkbox"/> Recreational	<input type="checkbox"/> Institutional
<input type="checkbox"/> Rural Water System	<input type="checkbox"/> Commercial	<input type="checkbox"/> Fish & Wildlife	<input type="checkbox"/> Geothermal
<input type="checkbox"/> Domestic (over 18 gpm)	<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Other _____	

Type of Application:
(check one)

<input checked="" type="checkbox"/> New	<input type="checkbox"/> Vested Right (Use predates Mar 2, 1955)	<input type="checkbox"/> Future Use Reservation
<input type="checkbox"/> Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
<input type="checkbox"/> Amendment/Correction to Permit No. _____		

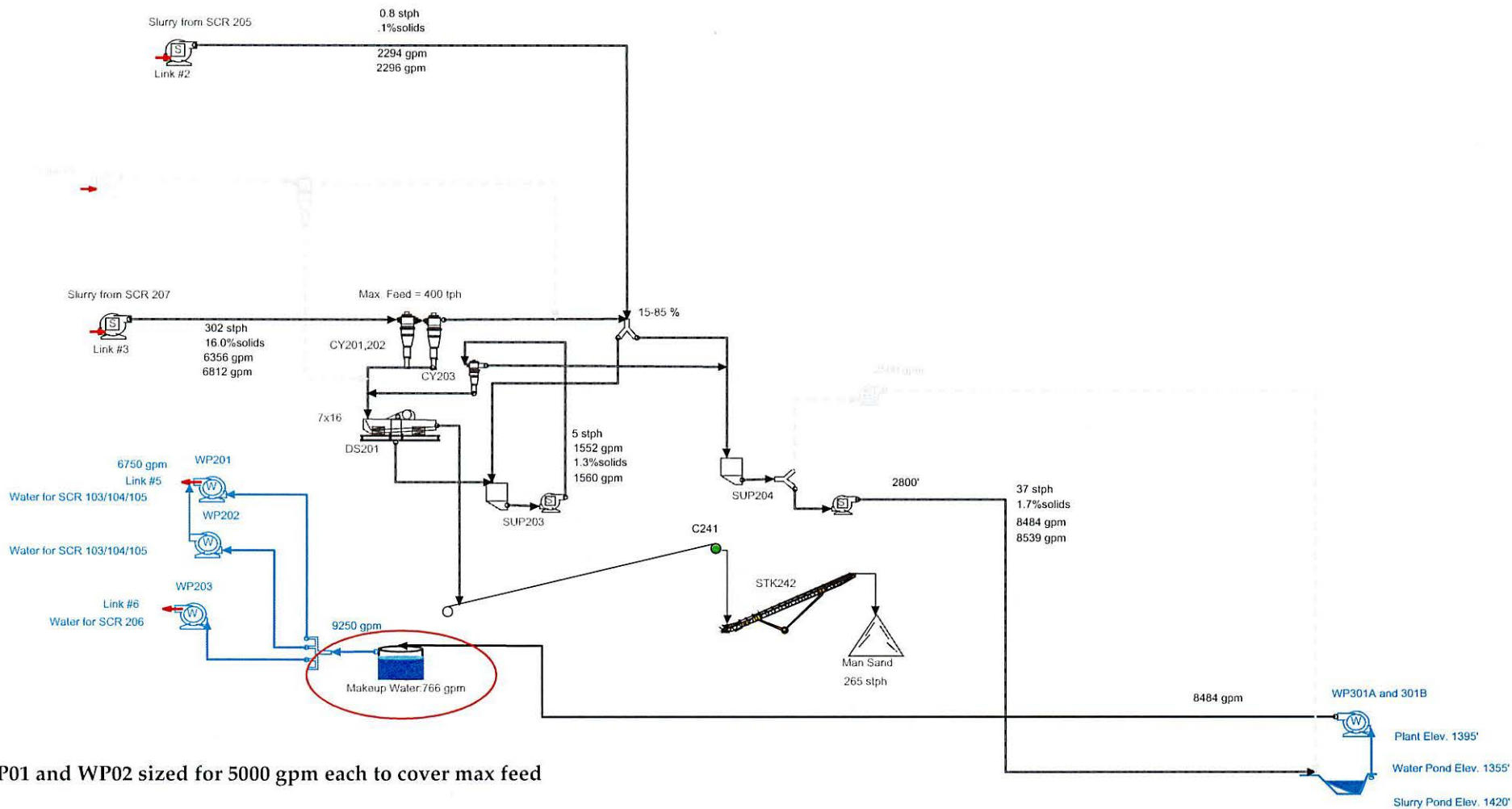
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name to Appear on Water Permit Sweetman Construction Co. (dba Knife River)
Mailing Address 1500 N Sweetman PL SiouX Falls SD 57107
(Address) (City) (State) (Zip Code)
Phone (605) 336-5776 Mobile (712) 577-6757 Email colin.chatterton@kniferiver.com
- Amount of water claimed 0 *CFS or 0 **GPM and 450 ***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 Split Rock Creek utilizing same diversion point as 6388-3
- Location of point of diversion pump in creek in S $\frac{1}{2}$, NW $\frac{1}{4}$, sec. 23, T102N - R48W County Minnehaha
(example - 3 wells in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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? Jan. 1 - Dec. 31
(example - NW $\frac{1}{4}$ section 12-T104N-R53W)
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used Jan. 1 - Dec. 31
- 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)

New processing plant south of existing sand plant with water recycle system. System predicted to need 766 gpm of make up water to meet needs (see attachment). This application plus existing permit no. 6388-3 will be 1,000 gpm for 560 ac-ft

I, Colin Chatterton Env. Manager, the applicant, certify under

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



WP01 and WP02 sized for 5000 gpm each to cover max feed

Calculation results may differ due to variations in operating conditions and application of crushing and screening equipment. This information does not constitute an express or implied warranty, but shows results of calculations based on information provided by customers or equipment manufacturers. Use this information for estimating purposes only.
All calculations performed by AggFlow. <http://www.AggFlow.com>


Neptune Process


25014 - 112724 corson flow final ph1 1.28.25.TPH.F.agzx
 Chuck Baxter
 Plant Stage #2: Sand Plant
 Project #: 188558 Revision #: 938465 Date: February/12/2025


Corson Water Appropriation Application Diversion Exhibit




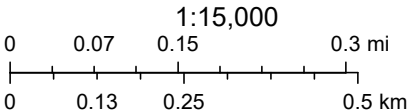
8/1/2025, 11:29:13 AM

 Diversion Point

 PLSS Intersected

 PLSS Township

 PLSS Section



Minnehaha County, SD, Maxar, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community,

Web AppBuilder for ArcGIS

From: [Rodriguez, Rachel](#)
To: [Klinker, Ron](#)
Subject: 8975-3 Sweetman Construction - Public Notice
Date: Thursday, October 16, 2025 10:21:14 AM
Attachments: [image001.png](#)
[8975-3 Rec.pdf](#)
[8975-3 Letter.pdf](#)
[8975-3 PubNotice.pdf](#)
[ArgusLeader Info.pdf](#)

You don't often get email from rachel.rodriguez@state.sd.us. [Learn why this is important](#)

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Good morning,

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.

P.S. The original email bounced back as undeliverable; after looking through the file to verify the email address, I saw an email that Colin no longer works at Sweetman/Knife River. I apologize for the error to the Argus Leader which has his 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

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

October 16, 2025

Sweetman Construction
(dba Knife River)
c/o Ron Klinker
1500 N Sweetman Pl
Sioux Falls SD 57107

Dear Mr. Klinker:

Water Permit Application No. 8975-3 for commercial and industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Argus Leader printed in Sioux Falls SD (see contact information). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has 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. 8975-3 to Appropriate Water

Notice is given that Sweetman Construction Co. (dba Knife River), 1500 N Sweetman Pl, Sioux Falls SD 57107, has filed an application for a water permit to appropriate an additional 450 acre-feet of water annually from Split Rock Creek with no increase in the diversion rate currently authorized by Water Right No. 6388-3. Water Right No. 6388-3 appropriates up to 110 acre-feet of water annually at a maximum pump rate of 2.22 cubic feet of water per second (cfs) from Split Rock Creek at a diversion point located in the SE 1/4 NW 1/4 Section 23-T102N-R48W. This application, if approved, and Water Right No. 6388-3, combined, will authorize a total annual appropriation of up to 560 acre-feet, at a maximum pump rate of 2.22 cfs for industrial and commercial purposes in an existing and proposed sand & gravel operation located in portions of Sections 14, 23, and 24; all in T102N-R48W, approximately one mile north of Brandon SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8975-3 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 Ron Duvall 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 November 3, 2025.

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 November 3, 2025.

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_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8975-3, Sweetman Construction Co. (dba Knife River)**

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. 8975-3, Sweetman Construction Co. (dba Knife River), 1500 N Sweetman Pl., Sioux Falls SD 57107.

The Chief Engineer is recommending APPROVAL of Application No. 8975-3 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. Diversion of water from Split Rock Creek is subject to all the following:
 - a) Flow as needed for domestic use, including livestock water and prior rights must be bypassed.
 - b) Diversion of water is subject to senior water rights and any written orders, including shut-off orders, issued by the Chief Engineer.
2. The Water Management Board retains jurisdiction in the event additional information shows changes need to be made to protect domestic uses or senior water rights.
3. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the property for the purpose of inspecting works and determining if the pumping system is operating.
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from Split Rock Creek.
5. This Permit and Water Right No. 6388-3, combined, appropriate up to 560 acre-feet of water annually.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
October 15, 2025

Report to the Chief Engineer
Water Permit Application No. 8975-3
Sweetman Construction dba Knife River
October 3, 2025

Water Permit Application No. 8975-3 proposes to appropriate an additional 450 acre-feet of water annually from Split Rock Creek with no increase in the diversion rate currently authorized by Water Right No. 6388-3. Water Right No. 6388-3 appropriates up to 110 acre-feet of water annually at a maximum pump rate of 2.22 cubic feet of water per second (cfs) from Split Rock Creek at a diversion point located in the SE ¼ NW ¼ of Section 23, T102N-R48W. This application, if approved, and Water Right No. 6388-3, combined, will authorize a total annual appropriation of up to 560 acre-feet, at a maximum pump rate of 2.22 cfs for industrial and commercial purposes in an existing and proposed sand and gravel operation, which is located in portions of Sections 14, 23, and 24, all in T102N-R48W. The site is located in Minnehaha County, approximately one mile north of Brandon, South Dakota.

Water Source: Split Rock Creek

South Dakota Codified Law (SDCL) 46-1-3

“It is hereby declared that all water within the state is the property of the people of the state, but the right to the use of water may be acquired by appropriation as provided by law.”

SDCL 46-2A-9

“A permit to appropriate water may only be issued 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 water from Split Rock Creek for an additional 450 acre-feet of water per year, as well as whether the proposed appropriation can be developed without unlawful impairment of existing domestic water users and water right holders.

Description of Proposed Water Source

Split Rock Creek (GNIS ID 652403) is a stream that originates near the City of Pipestone, Minnesota, and flows southwest through Rock County, Minnesota into Minnehaha County, South Dakota. On some maps, the creek also appears as “Split Rock River” (WPA, 1940). The stream confluences with the Big Sioux River just east of the City of Sioux Falls (GNIS, 2025). Water from the creek comes from a fairly large watershed, with a contributing drainage area of approximately 650 square miles at its confluence with the Big Sioux River (StreamStats, 2019). Flows in the creek are maintained by surface runoff and groundwater discharge to the stream; however, in general, seasonal variation in streamflow reflects seasonal variation in precipitation. Streamflow is greatest during the spring and early summer due to snowmelt and greater precipitation, and less during the late summer and winter months (Lindgren and Niehus, 1992).

Split Rock Creek in South Dakota is subject to SDCL 43-17-38 which requires a gate or opening in any fence constructed across certain streams. This law applies to Split Rock Creek between the Minnesota state boundary and the Big Sioux River.

There are two dams on the creek, both located upstream of all other South Dakota water rights. The first is called Split Rock Creek Dam, located in Pipestone County, MN and the second is Garretson Dam in Minnehaha County, SD (Vested Water Right Claim No. 858-3).

Existing Users

There are currently 11 active water rights appropriating a maximum of 29.82 cfs of water from Split Rock Creek in South Dakota, listed in **Table 1** below. The listed order is by priority date.

Table 1. Active Split Rock Creek water rights (Water Rights, 2025a).

Permit No.	Name	Priority Date	Status	Use Type	Permitted rate (cfs)	Storage Component (acre-feet)	Annual Volume (acre-feet)
858-3	SD Game Fish & Parks	01/01/1933	LC	REC	0.00	30.0	0.0
1792-3	Sweetman Construction Co dba Knife River	12/03/1970	LC	IRR	0.60	0.0	0.0
1907-3	Olander M Benson	12/03/1971	LC	IRR	0.35	0.0	0.0
3188-3	James Reiter	10/13/1976	LC	IRR	0.35	0.0	0.0
4876-3	Ordell Rovang	02/26/1982	LC	IRR	1.67	0.0	0.0
4875A-3	Leo Heggen	03/01/1982	LC	IRR	1.67	0.0	0.0
4901-3	SD Game Fish & Parks	04/13/1982	LC	FWP, REC	20.0	0.0	0.0
5306-3	River Ridge Golf Club	03/17/1989	LC	IRR	0.76	0.0	0.0
6388-3	Knife River	02/03/2003	LC	IND, COM	2.22	0.0	110.0
8359-3	City of Brandon	06/07/2018	LC	IRR	1.76	18.0	0.0
8442-3	Precision Capital LLC SD/Huset's Speedway	08/10/2020	LC	IND	0.44	0.0	1.0
LC: License, REC: Recreation, IRR: Irrigation, FWP: Fish & Wildlife Propagation, IND: Industrial, COM: Commercial							

South Dakota Game Fish & Parks hold Water Right No. 4901-3 which maintains 20 cfs of flow during March through June, and 6 cfs during July through February for instream flow in Split Rock Creek within Palisades State Park. Instream flow is a non-consumptive beneficial use that is made for recreation, public use, and fish/wildlife propagation. While instream flow is a non-consumptive beneficial use, this appropriation will be included in the analysis to determine the availability of flows in Split Rock Creek, due to historical concerns of impairment to Water Right No. 4901-3.

Vested Water Right Claim No. 858-3 is for Garretson Dam and allows for the storage of 30 acre-feet of water. Since this water right is largely non-consumptive, except for evaporation losses, and has the earliest priority date, stored water for Vested Water Right Claim No. 858-3 will not be included in the analysis to determine the availability of flows at any given time.

For the other nine active water rights, these are for a consumptive use of water and have a licensed pump rate. Since the exact timing of pumping from the creek by these users is unknown, water availability will be determined by comparing historical Split Rock Creek flow data to the maximum amount of water that could be pumped at any one time from the creek by existing water right holders, and this application, if approved. It should be noted that non-consumptive appropriations by Water Right No. 4901-3 will be included in the flow analysis. **Table 2** below shows a monthly breakdown of the maximum required flows in Split Rock Creek to satisfy existing water rights. The typical irrigation season in South Dakota lasts from approximately April to October each year. Water Right No. 8442-3 is not required to report annual use; however, on their license inspection, it states that “this pumping plant is used about one day a week during the racing season.” The racing season is during the summer months from May 1 through September 30 (Water Rights, 2025a).

Table 2. Monthly Split Rock Creek maximum flow requirements for active water rights (Water Rights, 2025a).

Month	Irrigation flow requirements (cfs)	Water Right No. 8442-3 (cfs)	Water Right No. 6388-3 and Application No. 8975-3 (cfs)	Vested Water Right No. 4901-3 (cfs)	Totals
January	0	0	2.22	6	8.22
February	0	0	2.22	6	8.22
March	0	0	2.22	20	22.22
April	7.16	0	2.22	20	29.38
May	7.16	0.44	2.22	20	29.82
June	7.16	0.44	2.22	20	29.82
July	7.16	0.44	2.22	6	15.82
August	7.16	0.44	2.22	6	15.82
September	7.16	0.44	2.22	6	15.82
October	7.16	0	2.22	6	15.38
November	0	0	2.22	6	8.22
December	0	0	2.22	6	8.22

Water Availability

Generally, the availability of flowing surface water is determined using continuous discharge data in cubic feet per second, which provides information on the immediate and real-time status of the creek, and the timing of flows throughout the year. This information is compared to the amount of water (cfs) that is currently appropriated. The amount of water available at any given time is the primary metric when evaluating flowing streams, since flowing surface water does not have a storage component like groundwater.

This application is requesting an increase in the annual volume of water with no increase to the existing pump rate, which means that the applicant will be pumping more often from the same diversion point as Water Right No. 6388-3. Therefore, this section of the report is to determine if there is a reasonable probability that water is available often enough during a normal year to fulfill the additional pumping proposed by this application.

There is an active USGS streamgage on Split Rock Creek at Corson, South Dakota (No. 06482610). Daily mean discharge data are available from the years 1965 through 2025 (USGS, 2025). This gage is located less than one mile downstream of the existing pump site for this application and the gage has historically been used for previous Water Right Program permit application reports (Water Rights, 2025a). Daily mean discharge data was not available for water years 1990 through 2001.

Flow duration curves, or flow exceedance probabilities, are a cumulative frequency curve that show the percent of time that discharges were equaled or exceeded during a given period of time. For example, flow at a 50% exceedance probability is the flow likely to be exceeded 1 of every 2 years. Small flows have a high likelihood of being exceeded, and large flows have a low likelihood. It should be noted that discharge data from Split Rock Creek reflects flow conditions during years where pumping occurred. In other words, pumping had already occurred in Split Rock Creek upstream of the gage location, except for four water rights that are located downstream of the gage. Regardless of the four pump sites downstream of the streamgage, using historical flows at the Corson, SD gage to estimate water availability based on total current flow requirements is an underestimation of the flow available.

Flow exceedance probabilities were calculated for each month of the year, using all available daily discharge data for that month, shown on **Table 3**:

Table 3. USGS Station No. 06482610 Split Rock Creek at Corson, South Dakota, flow exceedance probabilities with available daily data for the years 1965 to 2025 (USGS, 2025). All flow values are in cubic feet per second.

Month	90% Flow Exceedance	75% Flow Exceedance	50% Flow Exceedance	25% Flow Exceedance	10% Flow Exceedance
January	3.5	8.4	21	35	73.7
February	3.9	9	20	46	95
March	13.5	33	90	238	630
April	32	51.3	115	283	706
May	19	38	96	229	465
June	9.9	25	92.9	243	495
July	5.8	16	48	119	314
August	4.8	10	26	54.5	164
September	4.4	9.5	21	45.8	132
October	6.3	12	27	79.4	246
November	8.3	16	30	80	162
December	7.2	12.8	26	50	114

The maximum amount of water needed at any given time from Split Rock Creek to satisfy existing rights plus this application if approved, is approximately 30 cfs during the months of April, May and June (**Table 2**). There is approximately a 73% chance that flows will exceed 30 cfs in June in Split Rock Creek. For April and May, there is approximately a 91% and 81% chance, respectively, that flows will exceed 30 cfs.

Flows drop off after June and remain fairly steady through the later summer months, with September, January and February being the months with the lowest flow regimes. The month of September requires a maximum of 15.82 cfs (**Table 2**) to satisfy existing water rights at any given time and the additional pumping from this application, if approved. There is approximately a 60% chance that a flow of 16 cfs will be exceeded during the month of September. The month of October requires a maximum of 15.38 cfs (Table 2), and has approximately a 68% chance that a flow of 16 cfs will be exceeded during the month of October.

Typically, the Water Rights Program uses the 50th percentile, the median, the 50% exceedance probability, and in some cases the average, when assessing the availability of water using streamflow data (Water Rights, 2025a). For the flow regimes calculated for each month in Split Rock Creek, there is a greater than 50% probability that the required flows for prior water rights will be exceeded, while also considering that this application, if approved, and Water Right No. 6388-3 will be pumping more often (conservatively assuming 2.22 cfs pumping at any given time for each month of the year).

The flow analysis in this section included the following conservative assumptions:

- That all existing consumptive users will be pumping simultaneously at any given time to determine water availability, and;
- Including Water Right No. 4901-3 in the water availability analysis even though it is for a non-consumptive use within the boundaries of Palisades State Park, and;
- That Split Rock Creek data reflects flows where pumping has already occurred.

Based on flow data for Split Rock Creek at the USGS streamgage at Corson, SD, there is a reasonable probability that water is available for this application.

Potential for Unlawful Impairment

Pursuant to SDCL 46-2A-9, the proposed diversion must be able to be developed without unlawful impairment of existing domestic water uses and water rights. **Figure 1** below shows a map of existing water rights on Split Rock Creek (the diversion location for this application is the same as Water Right No. 6388-3).

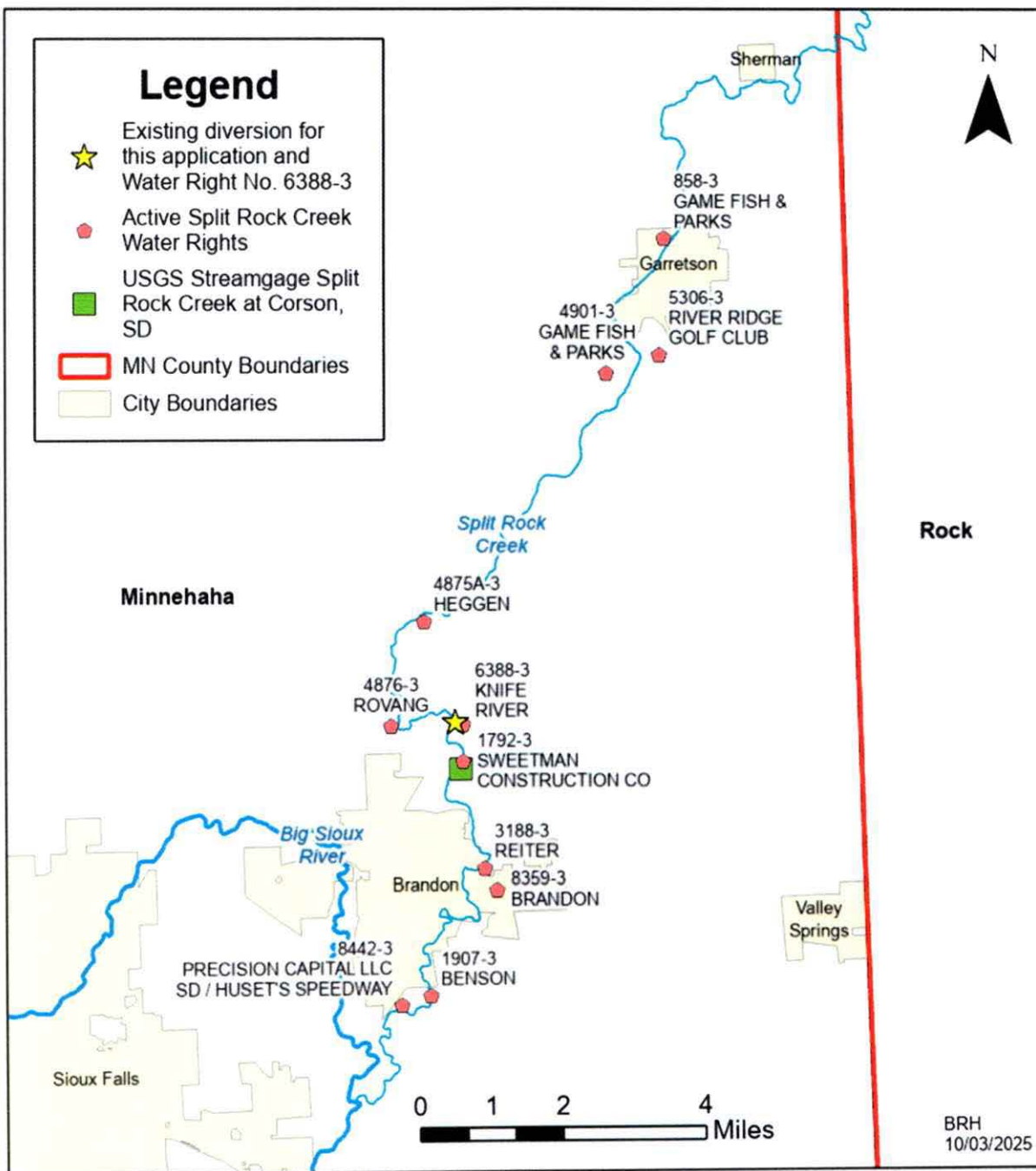


Figure 1. Map of existing water rights on Split Rock Creek and location of the USGS gage on Split Rock Creek (Water Rights, 2025a; USGS, 2025).

The most immediate downstream prior water rights not belonging to the applicant are for two golf courses. Water Right No. 3188-3 belongs to James Reiter for the irrigation of the Hidden Valley Golf Course, and Water Right No. 8359-3 belongs to the City of Brandon for the irrigation of the Brandon Golf Course.

There have been stream fencing complaints for Split Rock Creek, where a gate or opening was not installed on a fence crossing the stream. There is a complaint concerning water levels in Split Rock Creek by Bill and Jim Reiter, holders of Water Right No. 3188-3 for Hidden Valley Golf Course (Water Rights, 2025b). This complaint was in late July 1991. The documentation on file for the complaint states that the creek is spring-fed, and that a few dry years and lack of snow can cause low flows in the creek. There is unfortunately no data available from the Split Rock Creek at Corson, SD gage during that timeframe, which would be useful for determining a lower limit of acceptable flows in this area of the creek (USGS, 2025).

There is evidence in Water Rights Program files which indicate a potential 6 cfs cutoff for Split Rock Creek, set by then-Water Resources Commission. The staff file document in the complaint filed by Bill and Jim Reiter about low flows states that Split Rock Creek has a 6 cfs cutoff. This cutoff is also mentioned in the files for Withdrawn Application Nos. 4840-3 and 4841-3 for SD Game, Fish & Parks. Further investigation reveals that then-Water Resources Commission did not set a minimum instream flow or a set cutoff limit for Split Rock Creek as a whole, but was required for Cancelled Water Right No. 3518-3 as a bypass qualification (at the time, Cancelled Water Right No. 3518-3 was located immediately above Palisades State Park). Additionally, this specific bypass qualification has not been applied to any other water right on Split Rock Creek, regardless of current status.

The last time that recorded flows in Split Rock Creek declined to 6 cfs or lower was in August 2021. Shut off orders were not issued at that time. The last time recorded flows in Split Rock Creek were at zero was in February 1982 (Water Rights, 2025a; USGS, 2025).

In 1990, a water permit application was submitted to the Water Rights Program for irrigation out of Split Rock Creek (Withdrawn Permit No. 5381-3). In part due to the lack of streamgaging data available during that time period, that application was denied by the Chief Engineer. Beginning in 2003 and onward, the next application to appropriate flows from Split Rock Creek was approved when data was available again at the Corson, SD streamgage (Water Right No. 6388-3). Continuous real-time streamgage data has been available at the Corson, SD gage since data became available again in October of 2001 (USGS, 2025). The gage is also just downstream of the Knife River operations in this area (**Figure 1**). Therefore, any changes or concerns of streamflow in this area can be closely monitored.

This application proposes to pump more frequently from the same diversion location as Water Right No. 6388-3, and the pump site has been in use since 2004. There have never been shut off orders issued on Split Rock Creek by the Water Rights Program (Water Rights, 2025a).

During dry conditions, Split Rock Creek may not be reliable source of water and the availability of water for domestic use and senior water rights may be limited. During such conditions, the applicant may be

required by the Chief Engineer to limit or stop diversions from Split Rock Creek to protect senior water rights and domestic use.

If this application is approved, Water Right No. 6388-3 and this water permit will have two separate priority dates. This application would have the most junior priority date of all existing water rights on Split Rock Creek. **Table 4** below lists the water rights that are downstream of the diversion point to be used for Water Right No. 6388-3 and this application, if approved. Downstream of the existing diversion point for this application, 2.9 cfs of water would be required to be bypassed to senior water rights (not held by the applicant) by this Water Permit Application No. 8975-3, and 0.7 cfs of water are required to be bypassed to senior water rights (not held by the applicant) by Water Right No. 6388-3 (Water Rights, 2025a).

Table 4. Active water rights downstream of the existing diversion point for this application (Water Rights, 2024a). Listed in order of upstream to downstream. See **Figure 1**.

Permit No.	Name	Priority Date	Status	Use Type	Permitted rate (cfs)	Storage Component (acre-feet)	Annual Volume (acre-feet)
1792-3	Sweetman Construction Co dba Knife River	12/03/1970	LC	IRR	0.60	0.0	0.0
3188-3	James Reiter	10/13/1976	LC	IRR	0.35	0.0	0.0
8359-3	City of Brandon	06/07/2018	LC	IRR	1.76	18.0	0.0
1907-3	Olander M Benson	12/03/1971	LC	IRR	0.35	0.0	0.0
8442-3	Precision Capital LLC SD/Huset's Speedway	08/10/2020	LC	IND	0.44	0.0	1.0

LC: License, IRR: Irrigation, IND: Industrial

There is a reasonable probability that this application will not cause unlawful impairment to prior water rights or domestic use, with the following recommended qualifications:

- Split Rock Creek low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Diversion of water is subject to senior water rights and any written orders, including shut-off orders, issued by the Chief Engineer.

Conclusions

1. This application proposes to appropriate an additional 450 acre-feet of water annually from Split Rock Creek with no increase in the diversion rate that is currently authorized by Water Right No. 6388-3.
2. Water Right No. 6388-3 appropriates up to 110 acre-feet of water annually at a maximum pump rate of 2.22 cfs from Split Rock Creek at a diversion point located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T102N-R48W.
3. This application and Water Right No. 6388-3 combined would authorize a total of up to 560 acre-feet annually at a maximum pump rate of 2.22 cfs for industrial and commercial purposes in an existing and proposed sand and gravel operation, located in portions of Sections 14, 23, and 24; all in T102N-R48W.
4. Water availability in Split Rock Creek was determined for this application by assuming that the current pump rate authorized by Water Right No. 6388-3 could be pumping at any time year-round. Except under very dry climatic conditions, there is a reasonable probability that water will be available from flows of Split Rock Creek.
5. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights with the following recommended qualifications:
 - a. Split Rock Creek low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
 - b. Diversion of water is subject to senior water rights and any written orders, including shut-off orders, issued by the Chief Engineer.



Brittan R. Hullinger
Natural Resources Engineer II
SD DANR, Water Rights Program

References

- Lindgren, R.J. and Niehus, C.A. 1992. Water Resources of Minnehaha County, South Dakota. Water Resources Investigations Report 91-4101. U.S. Geological Survey. Huron, South Dakota.
- GNIS. 2025. Geographic Names Information System. U.S. Geological Survey.
<<https://edits.nationalmap.gov/apps/gaz-domestic/public/search/names>> Accessed October 1, 2025.
- StreamStats. 2019. U.S. Geological Survey. <<https://streamstats.usgs.gov>> Accessed October 1, 2025.
- USGS. 2025. Water Data for the Nation: U.S. Geological Survey National Water Information System.
<<https://waterdata.usgs.gov/sd/nwis/>> Accessed September 29, 2025.
- Water Rights. 2025a. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025b. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- WPA (Work Projects Administration). 1940. South Dakota Place-Names, Part III River and Creek Names. Compiled by Workers of the Writers' Program of the Works Projects Administration in the State of South Dakota. University of South Dakota. Vermillion, SD.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, October 16, 2025 9:43 AM
To: Rodriguez, Rachel
Cc: colin.chatterton@kniferiver.com
Subject: RE: [EXT] 11762438 8975-3 Sweetman Construction - Public Notice
Attachments: 11762438.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on October 23. The order cost is \$66.10 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, October 16, 2025 9:31 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11762438 8975-3 Sweetman Construction - Public Notice

Attached is a notice to be published on October 23, 2025.

Sweetman Construction Co. (dba Knife River), 1500 N Sweetman Pl, Sioux Falls SD 57107, 605-336-5776, colin.chatterton@kniferiver.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, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,



Order Confirmation

Not an Invoice

Account Number:	1248861
Customer Name:	Knife River
Customer Address:	Knife River 1500 N Sweetman PL Colin Chatterton Sioux Falls SD 57107-8501
Contact Name:	_ Colin Chatterton
Contact Phone:	
Contact Email:	colin.chatterton@kniferiver.com
PO Number:	

Date:	10/16/2025
Order Number:	11762438
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	187.0000
Height in Inches:	20.6000

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	10/23/2025 - 10/23/2025	Public Notices
SFA argusleader.com	1	10/23/2025 - 10/23/2025	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	\$66.10
Tax Amount	\$0.00
Service Fee 3.99%	\$2.64
Cash/Check/ACH Discount	-\$2.64
Payment Amount by Cash/Check/ACH	\$66.10
Payment Amount by Credit Card	\$68.74

Order Confirmation Amount	\$66.10
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DEC 01 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 21, 2025

Sweetman Construction Co.
Dba Knife River
c/o Ron Klinker
1500 N Sweetman Pl
Sioux Falls SD 57107

Dear Mr. Klinker:

Enclosed is Water Permit No. 8975-3 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,

Mark Mayer, PE
Director of Office of Water

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 8975-3**

Date of first receipt of application August 6, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8975-3 to Sweetman Construction Co. (dba Knife River), 1500 N Sweetman Pl, Sioux Falls SD 57107, 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. 8975-3 authorizes the appropriation of an additional 450 acre-feet of water annually from Split Rock Creek with no increase in the diversion rate currently authorized by Water Right No. 6388-3. Water Right No. 6388-3 appropriates up to 110 acre-feet of water annually at a maximum pump rate of 2.22 cubic feet of water per second (cfs) from Split Rock Creek at a diversion point located in the SE 1/4 NW 1/4 Section 23-T102N-R48W. This Permit and Water Right No. 6388-3 authorize a combined total annual appropriation of up to 560 acre-feet of water, at a maximum pump rate of 2.22 cfs for industrial and commercial purposes in an existing and proposed sand & gravel operation located in portions of Sections 14, 23, and 24; all in T102N-R48W, approximately one mile north of Brandon SD.
2. The water appropriated shall be used for the purpose of commercial and industrial 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. 8975-3 is November 3, 2025.
5. The date from which applicant may claim right is August 6, 2025.
6. One-fifth of the construction is to be completed on or before May 3, 2028.
7. All construction is to be completed on or before November 3, 2030.
8. Water is to be put to beneficial use on or before November 3, 2034.
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. Diversion of water from Split Rock Creek is subject to all the following:
 - a) Flow as needed for domestic use, including livestock water and prior rights must be bypassed.
 - b) Diversion of water is subject to senior water rights and any written orders, including shut-off orders, issued by the Chief Engineer.
2. The Water Management Board retains jurisdiction in the event additional information shows changes need to be made to protect domestic uses or senior water rights.

(continued)

3. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the property for the purpose of inspecting works and determining if the pumping system is operating.
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from Split Rock Creek.
5. This Permit and Water Right No. 6388-3, combined, appropriate up to 560 acre-feet of water annually.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

4/24/25
date



NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date _____

TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

(name)

(address)

(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. _____ states that the water use system is to be constructed by _____, and water is to be put to beneficial use by _____.

(date) (date)

The water use system was completed on _____ .
(date)

Applying the water to beneficial use was completed on _____ .
(date)

You may schedule an investigation so that the water license may be issued.

(signature)



? COMMON WATER RIGHT QUESTIONS?

When do I need a Water Right?

- If you store more than 25 acre feet of water in a drydraw dam or any water in a dam on a navigable water course.
- If you use water at a rate greater than 25 gpm or more than 25,920 gal. per day for household or livestock water.
- If you use water for irrigation of more than one acre, or any use for commercial, municipal, institutional, or industrial.
- A new water permit is required to change permitted water sources, increase permitted diversion rate, or increase the irrigated acreage.

As a water right holder what responsibilities do I have?

- If you are a new owner of property with existing water rights, you need to file a transfer of ownership.
- Adhere to all qualifications on water right.
- Irrigators must complete and return the annual irrigation questionnaire sent each fall.
- If chemicals or fertilizer are applied through system, you must have properly installed pollution prevention equipment and report your chemical use along with the irrigation questionnaire.

Why are you here to look at my system, I thought I already had a Water Right?

- When the Water Management Board approves a water right permit application it becomes a water permit.
- The permit allows 5 years to construct the system.
- After the 5 year construction period, a permit investigation is conducted to determine the extent of the developed project.
- If the project is developed as permitted, a water license will then be issued and the water permit becomes a water right.
- Issuance of a water license is the final step in obtaining a water right to use water in South Dakota.

Can I drill more wells or replacement wells under my Water Permit or Right?

To be approved, a replacement well or additional well(s) must:

- Be in the same water source and is not for more water than is authorized by the existing Water Permit.
- Be within a reasonable distance of the original well site.
- Not cause adverse interference with existing water rights and domestic wells.
- Contact the Water Rights Program prior to drilling a new well to confirm whether or not a new permit is needed.

When can a Water Permit or Right be canceled?

- Project not constructed within the 5 year construction period.
- Abandonment - no intent to use water and use is abandoned.
- Forfeiture - no use of water for a three year period without legal excuse.
- For a third violation of a condition of a water permit/right such as failure to submit annual irrigation questionnaire.
- Water Management Board must take formal action to cancel a water permit, water right, or vested water right.

This is not intended to answer all questions in regard to obtaining and keeping a water right and may in fact invite more questions. Please don't hesitate to contact the Water Rights Program at (605) 773-3352 or visit us at our web site: danr.sd.gov. We are here to assist you!