

WATER PERMIT NO. 2803-2

Name of Applicant: XA Quarter Circle Ranch LLLP

Address: PO Box 9076, Rapid City SD 57009 Phone: 605 209-0175

Amount of Water Claimed: 1.0 cfs Total Acres: 65 acres

Source of Water Supply: Cheyenne River

Water to be used for: irrigation County: Fall River

Type of Waste Disposal System:

Location: 17 miles east of Hot Springs

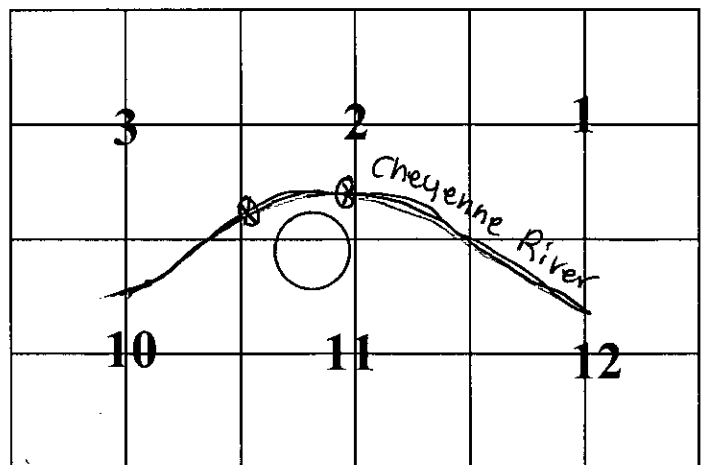
PRIORITY Date Received: 8-2-19 Application/License Fee: \$ 950

Corrected Application Received: 8-28-19 Period of Annual Use: May 1 – Oct 31

Remarks: Requesting diversion rate greater than statutory limit

Diversion Point: a point in the S 1/2 SW 1/4 Sec 2-
T7S-R8E

Land to be Irrigated: S 1/2 SW 1/4 Sec 2 and N 1/2
NW 1/4 Sec 11; all in T7S-R8E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-3-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2803-2**

Date of first receipt of application August 2, 2019.

Date of return to applicant for corrections, amendments or changes August 6, 2019.

Date of receipt of corrected application August 28, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2803-2 to XA Quarter Circle Ranch LLLP, C/o Robert Scull, PO Box 9076, Rapid City SD 57709 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. 2803-2 appropriates 1.0 cubic feet of water per second (cfs) from the Cheyenne River located at a point between the SW 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 2 to irrigate 65 acres located in the S 1/2 SW 1/4 Section 2 and the N 1/2 NW 1/4 Section 11; all in T7S-R8E. This site is located approximately 17 miles east of Hot Springs SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is August 2, 2019.
4. The date of approval of Permit No. 2803-2 is December 2, 2019.
5. One-fifth of the construction is to be completed on or before June 2, 2022.
6. All construction is to be completed on or before December 2, 2024.
7. Water is to be put to beneficial use on or before December 2, 2028.
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. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This permit does not authorize the diversion of water from the Cheyenne River at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2803-2 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 65 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 05 2019

date



PAID

AUG 05 2019

Ck# 1731

RECEIVED

AUG 02 2019

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2803-2</u> (office use only)	Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hot Springs Star</u>	
	<u>Rapid City Journal</u>	

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 XA QUARTER CIRCLE RANCH, LLLP (ROBERT SCULL)

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

Mailing Address PO BOX 9076 RAPID CITY SD 57709-9076
(Address) (City) (State) (Zip Code)

Phone 605-342-3787 Mobile 605-209-0175 Email bobscull@rcsconst.com

2. Amount of water claimed 1.0 *CFS or 450 **GPM 65 ***AF Total Acreage 65
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply CHEYENNE RIVER

4. Location of point of diversion PUMP-SEC 44 T007SR08E (SEE ENCLOSED MAPS-2)
a point (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

between the SW1/4 SW1/4 and SE1/4 SW1/4

County FALL RIVER

5. County or counties where water will be used FALL RIVER

6. Annual period during which water is to be used MAY-OCT

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
SEC 11 T007S R08E all in T7S-R8E	65		
SW1/4 SW1/4 Sec 2	12	NW1/4 NW1/4 Sec 2	12
SE1/4 SW1/4 Sec 2	18	NE1/4 NW1/4 Sec 11	30

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

Install 65 acre pivot for the purpose of growing corn/alfalfa

Requesting diversion rate greater than 1 cfs/70 acres.

I, ROBERT C. SCULL Robert C. Scull OWNER, the applicant, certify under
Name of Person Title (if applicable)

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

TEPASKE, J

HAMMEL, T R

HAMMEL, T R

03

02

01

DIVERSION
POINT

HAMMEL, T R

HAMMEL, T R

XA QUARTER-CIRCLE
RANCH LLLP

XA QUARTER-CIRCLE
RANCH LLLP

65 ACRE PILOT

WHITCHER
LAND LLLP

10

TEPASKE, J

XA QUARTER-CIRCLE
RANCH LLLP

XA QUARTER-CIRCLE
RANCH LLLP

11

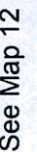
12

XA QUARTER-CIRCLE
RANCH LLLP

XA QUARTER-CIRCLE
RANCH LLLP



Legend
Parcel
Section



See Map 22

p

A compass rose with four points labeled N (North), S (South), E (East), and W (West). The rose is black and white, with the letters N, S, E, and W positioned at the top, bottom, right, and left of the rose respectively.

T007S R08E

	FOREST SERVICE		Buffalo Gap Nat'l Grassland
	COUNTY ROAD: NO MAINTENANCE		BLM
	PRIVATE ROAD		Bureau of Reclamation
	COUNTY ROAD		Corps of Engineers
	SUBDIVISION		Game, Fish, and Parks
	HIGHWAY		State of SD Leased Land
	AREAS OF HIGH PARCEL DENSITY		State of SD
	WATER		<all other values>
	CORPORATE LIMITS		RIGHT OF WAY
	SECTION		SAME OWNER ON BOTH SIDES
	Black Hills National Forest		LAND UNDER CONTRACT

22

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	
24	25	26	27	28	29	30	31	32			
33	34	35	36	37	38	39	40	41			
42	43	44	45	46	47	48	49	50			
51	52	53	54	55	56	57	58	59			

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 5

2019

XA Quarter Circle Ranche, LLLP PO Box 9076 Rapid City SD 57709-9076

RECEIVED OF _____

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

Fee for Application for Permit No. <u>2803-2</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
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>2803-2</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **09178**

By

Jeanne Goodman
Chief Engineer

27M



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **XA QUARTER-CIRCLE RANCH, LLLP**

General Information

SOS Business ID DP001792
Filing Type: Limited Partnership - Domestic
02/09/2007
Status: Good Standing
Duration Term: Perpetual

Registered Agent Address

ROBERT C. SCULL
2400 COMMERCE RD
RAPID CITY, SD 57702-8005

The following document(s) was/were filed in this office on the date(s) indicated below:

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
04/15/2009	Common Amendment	
02/14/2007	Initial Filing	
02/09/2007	Initial Filing	DP001792



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 6, 2019

XA Quarter Circle Ranch LLLP
c/o Robert Scull
PO Box 9076
Rapid City SD 57709

Dear Mr. Scull:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Fall River County. In order to complete the application, the following is required.

On the map, please mark the Cheyenne River diversion point location with an "X".

When the public notice is prepared for your irrigation project, we include all the area to be irrigated. From the map submitted with the application it appears the pivot will cover acreage located in the S 1/2 SW 1/4 Section 2 and well as in Section 11-T7S-R8E. Using your map and our ArcMap program, I made a map with a breakdown of the acres and area to be irrigated as follows:

Section 2-T7S-R8E	SW 1/4 SW 1/4	6 acres
	SE 1/4 SW 1/4	18 acres
Section 11-T7S-R8E	NW 1/4 NW 1/4	12 acres
	NE 1/4 NW 1/4	30 acres
	Total	65 acres

Is my understanding of the project correct? Please return the map with the diversion point location marked.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

Center
Section 2-T7S-R8E

SW 1/4 SW 1/4
6 ac

SE 1/4 SW 1/4
18 ac

NW 1/4 NW 1/4
12 ac

NE 1/4 NW 1/4
30 ac

Center
Section 11-T7S-R8E

RECEIVED

AUG 28 2019

WATER RIGHTS
PROGRAM

August 26, 2019

Ms. Karen Schlaak
Water Rights Program
Karen.schlakk@state.sd.us

Dear Ms. Schlaak,

Thank you for getting back to me on the water permit application. Your understanding of the project acreage is correct. I have located the diversion point on the enclosed map.

Please let me know if you need additional information.

Cordially,



Robert C. Scull
XA Quarter Circle Ranch, LLLP
bobscull@rcsconst.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2803-2, XA Quarter Circle Ranch LLLP**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2803-2, XA Quarter Circle Ranch LLLP, c/o Robert Scull, PO Box 9076, Rapid City SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 2803-2 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 rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This permit does not authorize the diversion of water from the Cheyenne River at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2803-2 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 65 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
November 7, 2019

REPORT ON WATER PERMIT APPLICATION NO. 2803-2
XA Quarter Circle Ranch
October 23, 2019

Application No. 2803-2, proposes to appropriate 1.0 cubic feet of water per second (cfs) from the Cheyenne River located at a point between the SW 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 2 to irrigate 65 acres located in the S 1/2 SW 1/4 Section 2 and the N 1/2 NW 1/4 Section 11; all in T7S-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 17 miles east of Hot Springs SD in Fall River County.

Review of the Proposed Water Source

The water source for the proposed project is from the Cheyenne River downstream from Angostura Reservoir and the confluence of the Fall River with the Cheyenne River. The Cheyenne River headwaters in the high plains of Wyoming in the Thunder Basin National Grasslands and meanders around the southern extent of the Black Hills entering South Dakota about 14 miles northwest of the town of Edgemont, SD in Fall River County. The river is impounded by Angostura Dam located approximately 6 miles south of Hot Springs, SD and is capable of impounding up to 138,761 acre-feet of water stored in Angostura Reservoir for irrigation at the Angostura Irrigation District and other purposes. Construction of Angostura Reservoir was completed in 1949 as part of the Angostura Unit and supplies the Angostura Irrigation District water for irrigation of 12,218 acres in northeastern Fall River and southeastern Custer counties, (US Bureau of Reclamation, 2002). A major source of flow for the Cheyenne River in the river reach of this proposed diversion comes from irrigation return flows from the Angostura Irrigation District. In addition, there are numerous tributaries located along the southern and eastern flanks of the Black Hills that contribute flow to the Cheyenne River with the most prominent being the Fall River with its confluence located 24 miles upstream from this proposed project.

Staff relies on historical streamflow records to give an indication of the flow characteristics of a particular stream throughout the year. The U.S. Geological Survey (USGS) maintains a long-term stream gaging monitoring network in South Dakota providing real-time flow information that can be accessed by the public. The USGS provides a repository for several years of historical daily flow data and statistical daily, monthly and annual flow information. Figure 1 depicts the location of the proposed diversion in relation to the rivers and USGS gaging stations referenced in this report.

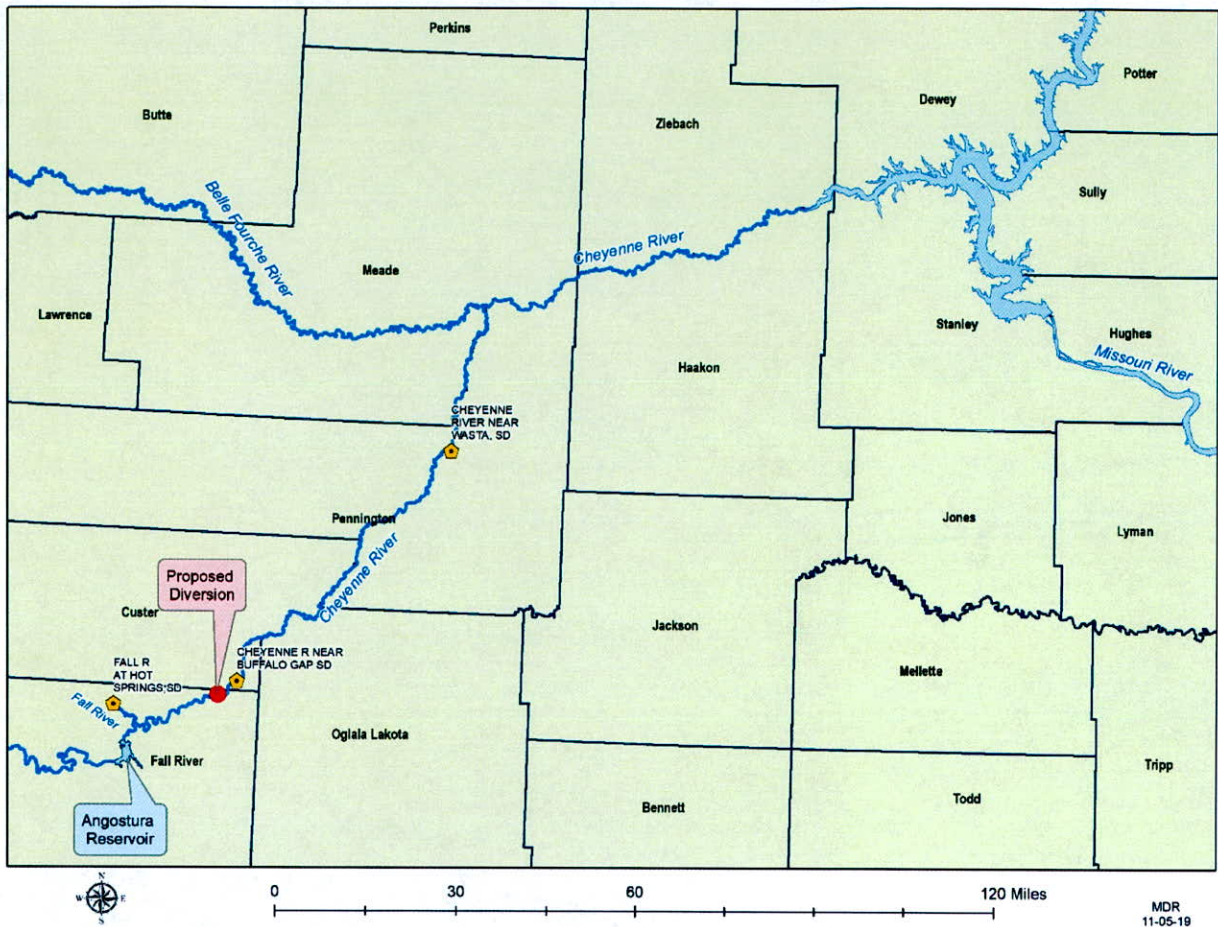


Figure 1. Area Map for Application No 2803-2.

Mean, often referred to as average, and median, otherwise referred to as 50 percentile, are statistical terms having a similar role in understanding the central tendency of a set of statistical results. Mean is often used to describe a middle value of a set of data values and is calculated by determining the sum of the data values and by dividing the sum by the number of data values. Median can be described as the value separating the higher half of a set of data values from the lower half and may be thought of as the central value of a data set. The disadvantage of using mean to describe flow is the mean value can be significantly affected by any single value in the data set being very high or very low compared to the rest of the data values. In the analysis of long-term flow data, large flood event data values skew the calculated mean value giving an unreasonable expectation of a higher flow value for a period of time. An example of this is shown in Figure 2, which is a comparison of the daily mean flow value versus the daily median flow value for the USGS Cheyenne River gaging station, Cheyenne River near Buffalo Gap, SD USGS No. 06402600, (USGS. 2019). This illustrates an improbable expectation of more river flow during months of irrigation, especially in June and July.

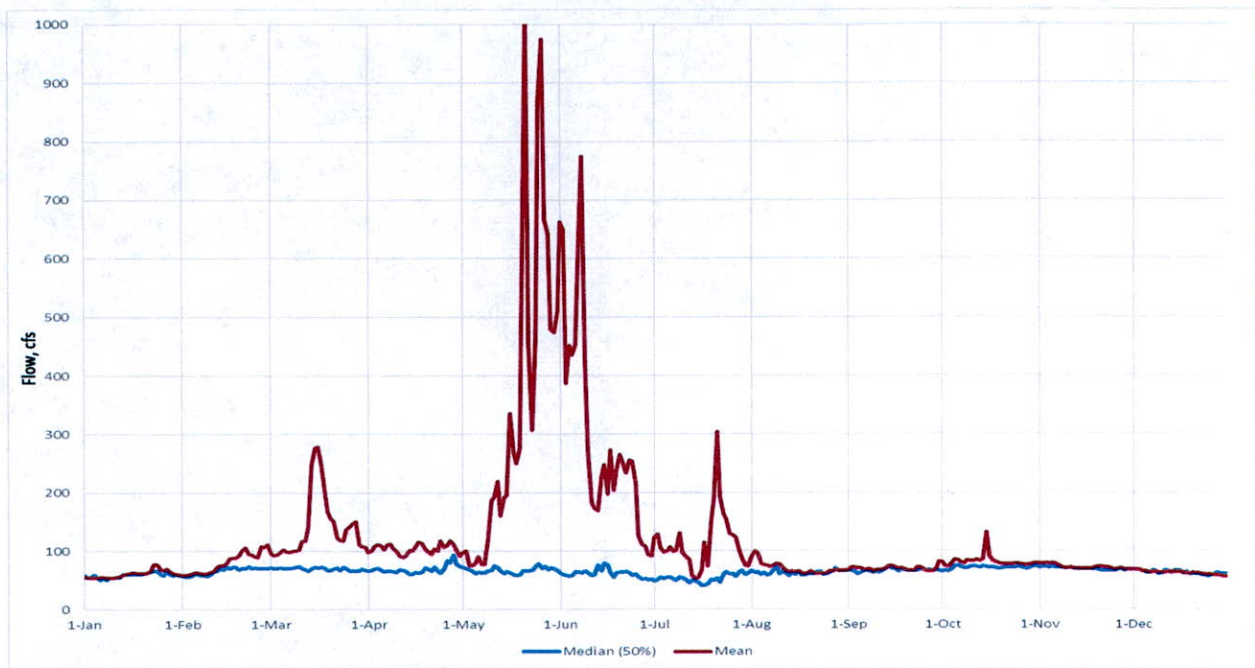


Figure 2. USGS Cheyenne River near Buffalo Gap, Mean versus Median daily flow 1968-2019. Contributing drainage area of 9,788 mi² (USGS, 2019).

Perennial Cheyenne River flows, above and below Angostura Reservoir, are normally low with occasional high flows occurring during spring snowmelt and periodic rainstorms. Average precipitation in the area is about 16 inches per year, most of which occurs from April through September. In dry to normal periods, Angostura Reservoir does not contribute flow to the Cheyenne River. The Fall River is a tributary to the Cheyenne River with the confluence located approximately 5 miles below Angostura Reservoir and approximately 23 miles upstream from this project's diversion point (USGS, 2019). The USGS maintains a stream flow gaging station on the Fall River at Hot Springs (Figure 3). A significant portion of the flow in this reach below the reservoir is provided by the Fall River, which is fed by thermal springs, therefore, the base stream flow of Fall River does not vary far from the median throughout the year.

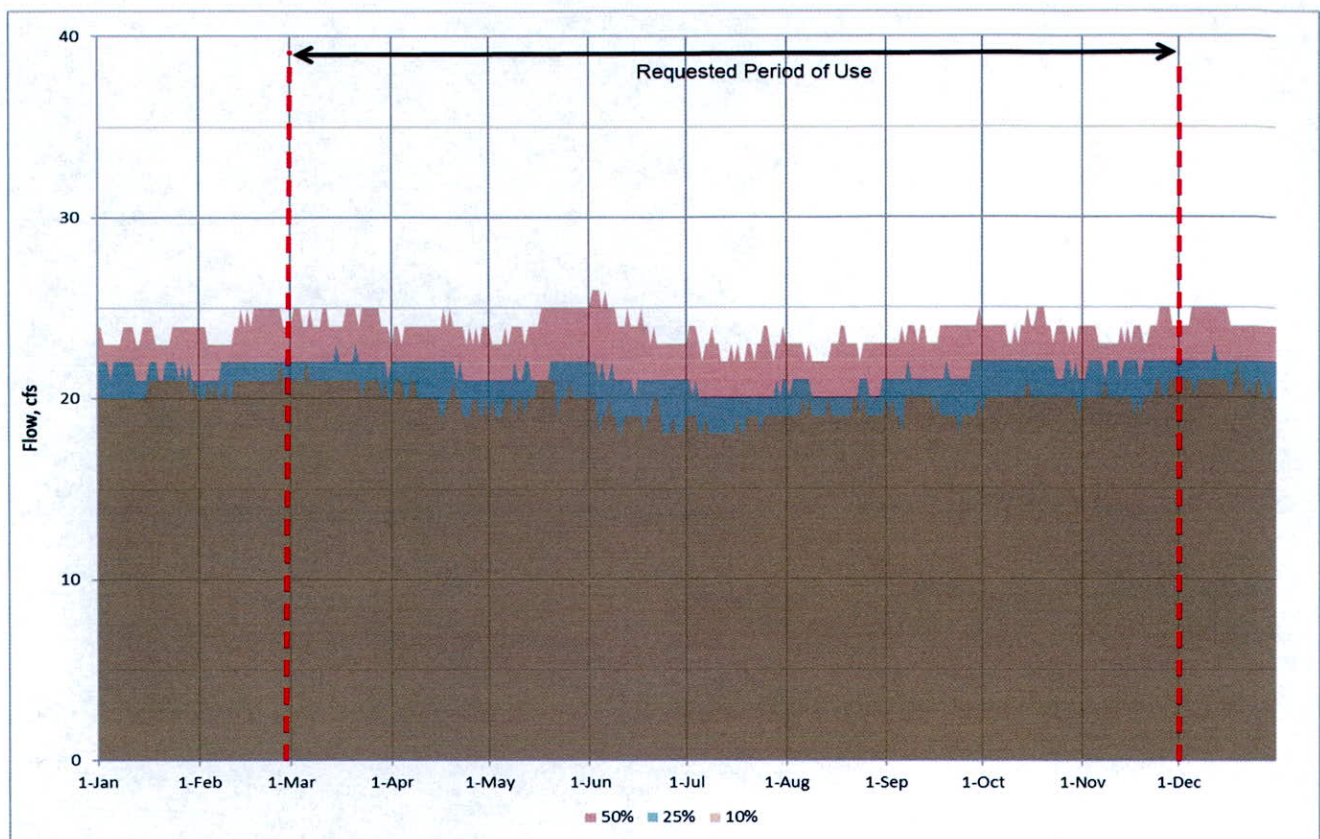


Figure 3. - Daily percentile flow hydrograph for the USGS Stream Gage No. 06402000 Fall River at Hot Springs 1969-2018, contributing drainage area 136 mi² (USGS, 2019).

The USGS maintains a stream flow gaging station on the Cheyenne River approximately 5 miles downstream of the proposed project near Buffalo Gap, South Dakota (Figure 4). During the period of proposed use, the 25-percentile level, on average one out of four years, shows the daily flow values ranging between near 60 cfs during the early and late months of the irrigation season but dropping to near 30 cfs in mid-July. The 10-percentile, corresponding to the daily flow values at or below this level on average one out of ten years, indicates a similar trend with higher flow levels during the early spring and later fall months before dropping off in July to mid-August with flow levels dropping to approximately 20 cfs.

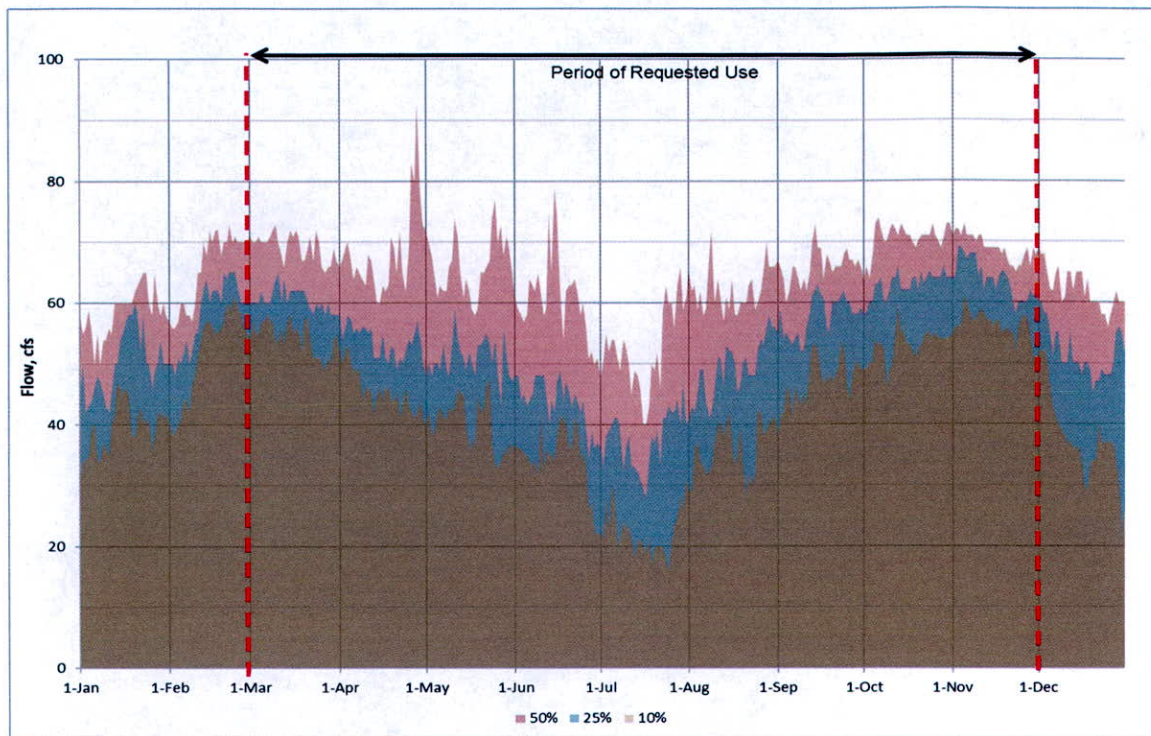


Figure 4. Daily percentile flow hydrograph for the USGS Gage No. 06402600 Cheyenne River near Buffalo Gap, 1968-2018, contributing drainage area 9,792 mi² (USGS, 2019).

The USGS has maintained a stream flow gaging station on the Cheyenne River near Wasta for several years (Figure 5). The 25-percentile level shows the daily flow values at or below the indicated level on average one out of four years, and there is an increase in flow in the spring months before dropping off in late June. The 25-percentile curve drops to a low of approximately 50 cfs in mid-July before beginning to edge upward through the remainder of the summer months and fall. The 10-percentile, corresponding to the daily flow values at or below this level on average one out of ten years, indicates a similar trend with increasing flow levels through most of the spring months before dropping off in July to mid-August with flow levels dropping to approximately 20 cfs .

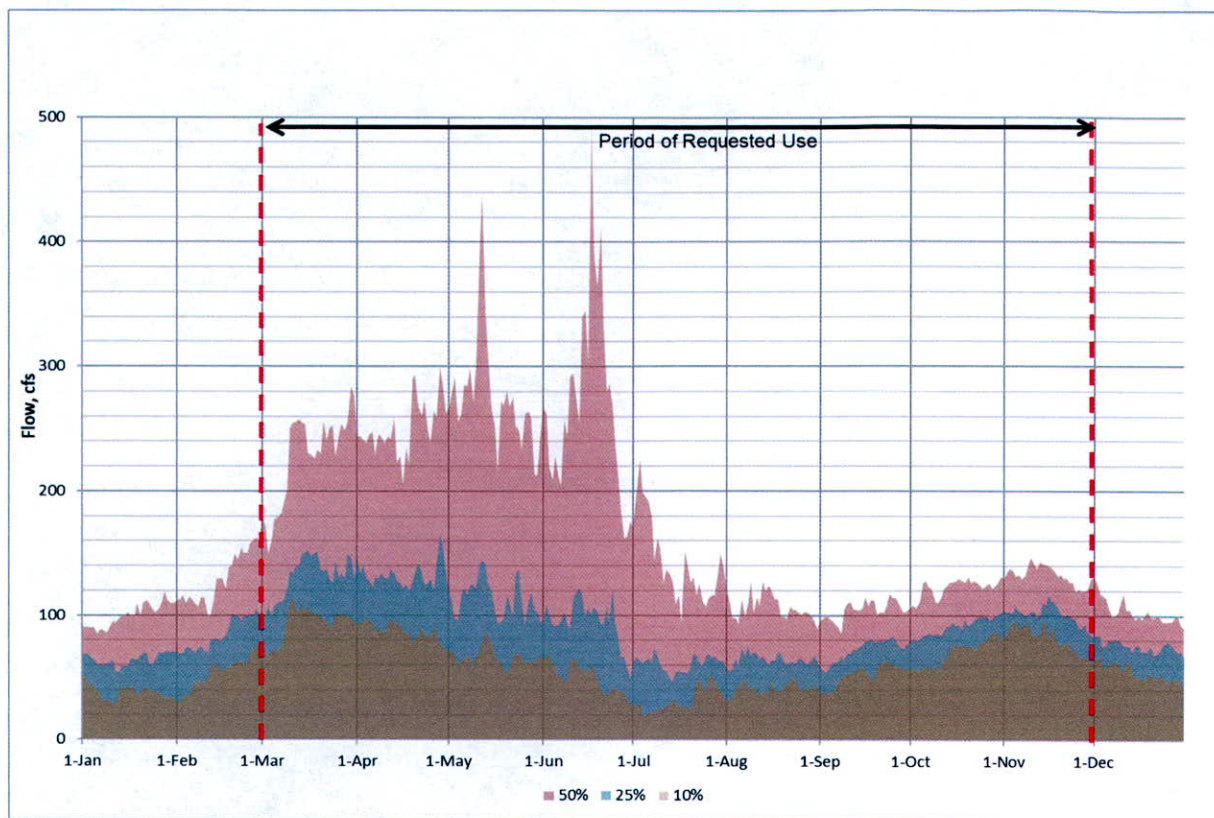


Figure 5. Daily percentile flow hydrograph for the USGS Gage No. 06423500 Cheyenne River near Wasta, 1963-2018, contributing drainage area 12,674 mi² (USGS, 2019).

Review of Existing Water Rights

There are 52 existing water rights/permits appropriating 148.88 cfs from the Cheyenne River located between this project's diversion point and the confluence with the Missouri River. During extremely dry climatic conditions, the Cheyenne River cannot be considered a reliable water source. Junior priority Water Rights with diversions from the Cheyenne River between the Angostura Reservoir and the confluence with the Belle Fourche River have been subject to shutoff orders issued by the Chief Engineer multiple times in the past 30 years. These shutoff orders were issued during the droughts of the late 1980's and early 1990's and during the drought of 2000-2007. Currently there are 37 existing water rights/permits appropriating 134.08 cfs from the Cheyenne River located between this project's diversion point and the Belle Fourche River confluence (Water Rights, 2019).

Discussion

This application requests to appropriate 1.0 cfs from the Cheyenne River water to irrigate 65 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. South Dakota Codified Law (SDCL) 46-5-6 states in part that "The Water Management Board may allow a greater diversion in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires". The proposed diversion

rate is slightly greater than 1 cfs per 70 acres, and the applicant will be utilizing a center pivot irrigation system to apply the water, which usually requires a higher diversion rate. There is no request to go beyond the statutory limit of two acre-feet per irrigated acre.

The source of water for this project is the Cheyenne River in the reach between Angostura Reservoir and the confluence with the Belle Fourche River. Based upon a review of the available flow data from the USGS gaging stations and a review of existing rights located downstream from the proposed diversion point, there is a reasonable probability that water will be available for this project most years. However, during periods of extremely dry climatic conditions, this reach has been subject to shutoff orders based upon priority, and there is a likelihood shutoff orders will need to be issued during future droughts. This permit if issued will be junior to all other existing rights.

Conclusions

1. This application proposes to appropriate 1.0 cubic feet of water per second (cfs) from the Cheyenne River for irrigation of 65 acres.
2. Based upon a review of the available flow data from the USGS gaging stations and a review of existing rights, there is a reasonable probability that water will be available for this project.
3. During periods of extremely dry climatic conditions, this reach has been subject to shutoff orders based upon priority, and there is a likelihood shutoff orders will need to be issued during future droughts.
4. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.
5. SDCL 46-5-6 states in part that "The Water Management Board may allow a greater diversion in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires".
6. The proposed diversion rate is slightly greater than 1 cfs per 70 acres and the applicant will be utilizing a center pivot irrigation system to apply the water which usually requires a higher diversion rate. There is no request to go beyond the statutory limit of two acre-feet per irrigated acre.



Mark D. Rath
Natural Resources Engineer III

References

1. USGS. 2019. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.

2. Water Rights. 2019. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
3. US Bureau of Reclamation, 2002. Angostura Unit Contract Negotiation and Water Management Final Environmental Impact Statement. Bureau of Reclamation, Great Plains Region - Dakotas Area Office: Bismarck, ND and Rapid City, SD.

Affidavit of Publication

RECEIVED

DEC 04 2019

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

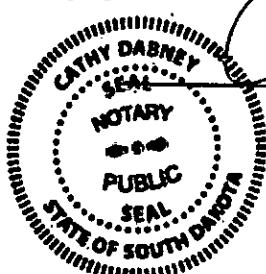
County of Pennington

SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 20th day of Nov 2019 that the fees charged for the publication there of are 95 dollars and 46 cents.

Sheri Sponder

Subscribed and sworn to before me this 3rd day of December, 2019.



Cathy Dabney
Notary public

4-16-2024

My commission expires

Nov. 20 11045

NOTICE OF APPLICATION NO. 2803-2 to Appropriate Water

Notice is given that XA Quarter Circle Ranch LLLP, c/o Robert Scull, PO Box 9076, Rapid City SD 57709 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (cfs) from the Cheyenne River located at a point between the SW 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 2 to irrigate 65 acres located in the S 1/2 SW 1/4 Section 2 and the N 1/2 NW 1/4 Section 11; all in T7S-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 17 miles east of Hot Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2803-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 2, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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

(Published once at the total approximate cost of \$146.26)

RECEIVED

DEC 04 2019

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Fall River

SS:

**NOTICE OF APPLICATION NO.
2803-2 to Appropriate Water**

Nov. 20 11045
Notice is given that XA Quarter Circle Ranch LLLP, c/o Robert Souli, PO Box 9076, Rapid City SD 57709 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (cfs) from the Cheyenne River located at a point between the SW 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 2 to irrigate 65 acres located in the S 1/2 SW 1/4 Section 2 and the N 1/2 NW 1/4 Section 11; all in T7S-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 17 miles east of Hot Springs SD.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2803-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 2, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained.

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

(Published once at the total approximate cost of \$148.26)

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the Rapid City Journal, a corporation of Rapid City, South Dakota, the owner and publisher of the HOT SPRINGS STAR, a legal and daily newspaper printed and published in Sturgis, in said County of Fall River, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies weekly, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Hot Springs, in said Fall River County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Hot Springs Star, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 20th day of Nov 2019 that the fees charged for the publication there of are 49 dollars and 12 cents.

Sheri Sponder

Subscribed and sworn to before me this 3rd day of December, 2019.



Cathy Dabney
Notary public

4-16-2024

My commission expires

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 7, 2019 11:03 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2803-2, XA Quarter Circle Ranch LLLP
Attachments: 2803-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 20, 2019 in BOTH the Rapid City Journal and the Hot Springs Star.

XA Quarter Circle Ranch LLLP, c/o Robert Scull, PO Box 9076, Rapid City SD 57709 (605 209-0175) 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, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

November 7, 2019

XA Quarter Circle Ranch LLLP
c/o Robert Scull
PO Box 9076
Rapid City SD 57709

Dear Mr. Scull:

Water Permit Application No. 2803-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. The text of this notice has been sent to the Hot Springs Star and the Rapid City Journal. Please contact the Rapid City Journal (605 394-8335) to authorize publication in BOTH papers. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the 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,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on November 20, 2019. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2803-2 to Appropriate Water

Notice is given that XA Quarter Circle Ranch LLLP, c/o Robert Scull, PO Box 9076, Rapid City SD 57709 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (cfs) from the Cheyenne River located at a point between the SW 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 2 to irrigate 65 acres located in the S 1/2 SW 1/4 Section 2 and the N 1/2 NW 1/4 Section 11; all in T7S-R8E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 17 miles east of Hot Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2803-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 2, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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

Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

DEC 05 2019

XA Quarter Circle Ranch LLLP
c/o Robert Scull
PO Box 9076
Rapid City SD 57709

Dear Mr. Scull:

Enclosed is Water Permit No. 2803-2 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

2803-2



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: XA QUARTER CIRCLE RANCH LLLP, ROBERT SCULL, PO BOX 9076, RAPID CITY, SD 57709 9076

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2803-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2803-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2803-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MGVMUO**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2803-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 3, 2022

2803-2

Robert Scull
XA Quarter Circle Ranch LLLP
PO Box 9076
Rapid City SD 57709 9076

Dear Mr. Scull:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 2803-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

Water Rights Program - File Documentation

NAME: Bob Scull, XA Quarter Circle Ranch

ADDRESS: Rapid City SD

DATE: 3-14-22

RE: Status of water permit

COMMENTS:

Bob Scull called and reported that he may not have one-fifth of his project completed by June 2, 2022. They have ordered the equipment, but the pivot probably will not be installed by that date. They have done dirt work.

I told Mr. Scull the date for all construction to be completed is December 3, 2024. He indicated they would be irrigating by that time.



Karen Schlaak
Water Rights Program

2803-2
RECEIVED

OCT 13 2022

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEOFFICE OF
WATERDate 10-10-22

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

FROM: XA QUARTER CIRCLE RANCH (ROBERT SCHULZ)
(name)
PO box ~~9076~~ 9076
(address)
RAPID CITY, SD 57709
(city, state, zip)
605-342-3787 OFFICE
(phone)
605-209-0175 CELL

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. 2803-2 states that the water use system is to be constructed by
DEC 2, 2024 (date), and water is to be put to beneficial use by DEC 2, 2028 (date).

The water use system was completed on SEPT 20, 2022 (date).

Applying the water to beneficial use was completed on TESTING COMPLETED SEPT 25, 2022 (date).
FIRST CROP WILL BE PLANTED

You may schedule an investigation so that the water license may be issued. SPRING 2023.


(signature)



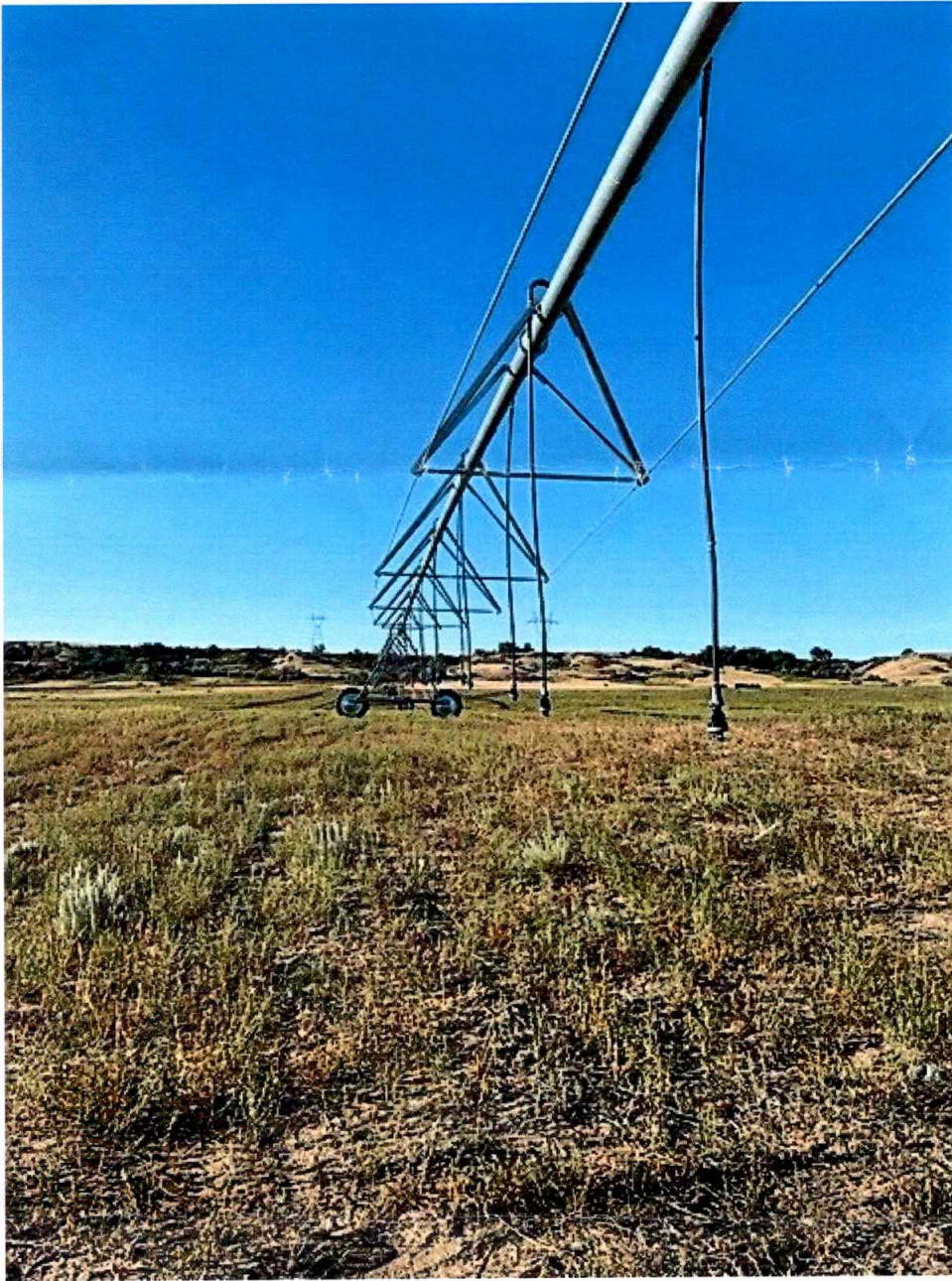
Robert Scull

From: Robert Scull
Sent: Monday, October 10, 2022 10:04 AM
To: Robert Scull









Sent from my iPhone



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 13, 2022

2803-2

Robert Scull
XA Quarter Circle Ranch
PO Box 9076
Rapid City SD 57709

Dear Mr. Scull:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Note: Next week the annual irrigation questionnaires will be mailed out. Go ahead and mark it "no irrigation until 2023" and return it to us. Thanks Mr. Scull.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2803-2

I have this day, December 14, 2023, made a thorough examination of the water use system constructed by XA Quarter Circle Ranch LLLP, PO Box 9076, Rapid City, SD 57709 of Permit No. 2803-2, bearing the priority of August 2, 2019, authorizing the diversion of 1.0 cu. ft. per second of water from the Cheyenne River for irrigation purposes, in Fall River County.

Inspection contact & relationship to permit holder, if applicable: **Robert Scull, permit holder**
605-209-0175

A. Works used to divert the water:

Well Information:

Pump:

- 1) Make Cornell
- 2) Model 4RB-EM16-4
- 3) Size 6"x4"

Power:

- 1) Make Husker Power Products
- 2) Model 4LE2X
- 3) Source Diesel engine
- 4) Horsepower rating 31.2 hp

B. Works used to transport water to place of use:

- 1) Type PVC pipe
- 2) Size 8 inches
- 3) Length ~1,250 feet

C. Works used to apply water to beneficial use:

- 1) Make Reinke
- 2) Machine Length 901 feet
- 3) Number of towers 5 End Gun Yes
- 4) Capacity 650 gpm
- 5) Acres 65

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by No

If no, describe: **Pump rate is in excess of the permitted authorized diversion rate.**

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: none

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: 1,317' N and 2,120 E of the SW corner of Section 2-T7SR8E(SE ¼ SW ¼) (43.46606146°, -103.13658396°).
2. The works are capable of diverting and conveying to the place of use 1.44 cu. ft. per second of water which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 2-T7S-R8E

SW ¼ SW ¼ 5 acres

SE ¼ SW ¼ 18 acres

Section 11-T7S-R8E

NW ¼ NW ¼ 12 acres

NE ¼ NW ¼ 30 acres

comprising a total of 65 acres of land and the license should be issued for 1.0 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Pump rate is in excess of the permitted authorized diversion rate.

Nakaila Steen

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

Date report completed: January 8, 2024



Center Pivot



Trailer mounted engine pump



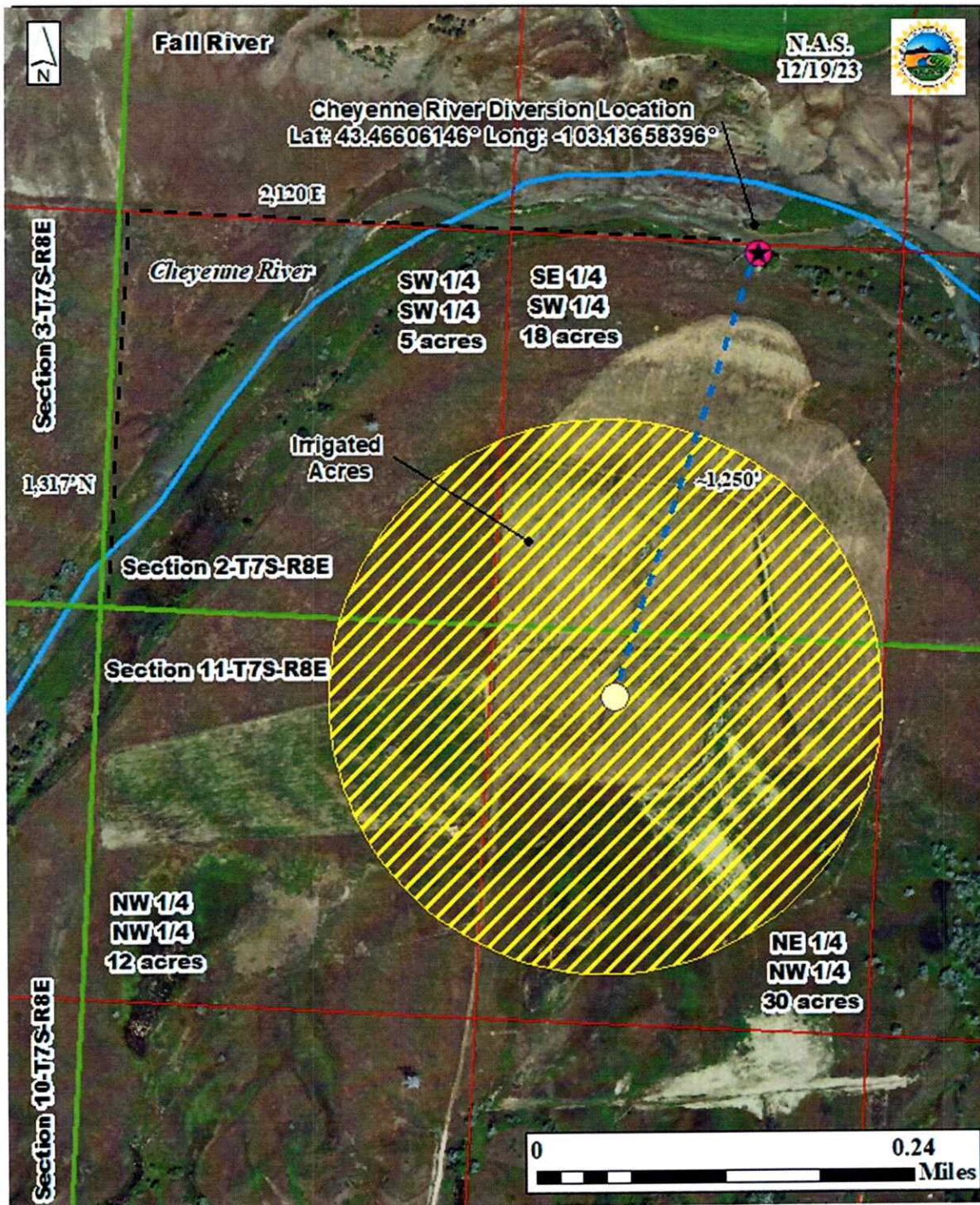
Cornell General Purpose Pump plate

Water Right No. 2803-2

XA Quarter Circle Ranch

c/o Robert Scull

01/08/2024



Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DNR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 19 2024

2803-2

XA Quarter Circle Ranch
c/o Robert Scull
PO Box 9076
Rapid City SD 57709

Dear Mr. Scull:

Enclosed is Water License No. 2803-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The investigation found your irrigation system capable of diverting 1.44 cfs (approximately 650 gallons per minute). Diversion under this license is limited to 1.0 cfs (approximately 450 gallons per minute).

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2803-2**

(1) XA Quarter Circle Ranch LLLP; PO Box 9076, Rapid City SD 57709, made Application No. 2803-2, August 2, 2019, for a water permit to divert 1.0 cubic feet of water per second from the Cheyenne River, Fall River County, South Dakota for irrigation purposes. Permit No. 2803-2, with a priority date of August 2, 2019, was approved December 2, 2019, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 2, 2024, and for the application to beneficial use of water on or before December 2, 2028.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on October 10, 2022. The Notice stated the diversion system was completed on September 20, 2022, and the water was placed to beneficial September 25, 2022.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.0 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,317 ft N & 2,120 ft E of the SW corner of Section 2, T7S, R8E (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 43.46606 & Longitude -103.13658)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land: all in T7S – R8E

Section 2		Section 11	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	12 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	18 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres
TOTAL: 65 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 XA Quarter Circle Ranch LLLP, the holder and/or owner of Water Right No. 2803-2 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from the Cheyenne River, with a priority date of August 2, 2019, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2803-2 and subject to the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This Water Right does not authorize the diversion of water from the Cheyenne River at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversion under this Water Right shall be in accordance with any written orders issued by the Chief Engineer.

continued

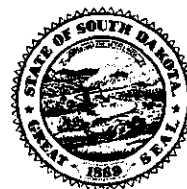
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 2803-2 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 65 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JAN 19 2024

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 15, 2024

2803-2

XA Quarter Circle Ranch LLLP
c/o Robert Scull
PO Box 9076
Rapid City SD 57709

Dear Mr. Scull:

I am writing in regard to Water Right No. 2803-2. The water right authorizes diversion 1.0 cfs (approx. 450 gpm) of water from the Cheyenne River for the irrigation of 65 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2 & N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11; all in T7S, R8E, Fall River County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 2803-2 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 65 acres irrigated
- Reported water use – 178.97 ac-ft of water (approximately 33 inches)
- Authorized water use – 130 acre-feet (65 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Water Right No. 2803-2 authorizes a diversion rate of 1.0 cubic feet or water per second (approx. 450 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 900 gpm. A new permit would be required to increase the rate of diversion from 1.0 cfs to 2.0 cfs.

enclosure