

Considered: _____

WATER PERMIT NO. 5696-3

Phone: 886-6845

Name of Applicant: ^uRawville Cafe

Post Office Address: RR 1, Box 95, Watertown SD 57201

Amount of Water Claimed: 10 gpm (0.022 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Codington

About 4 miles North of Watertown

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 8-3-92 Fee: \$50 Remarks _____

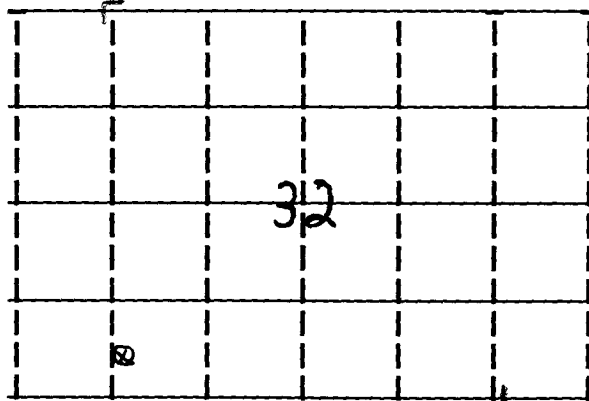
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SW 1/4 SW 1/4 Sec 32-T118N-R52W

Land to be Irrigated: _____



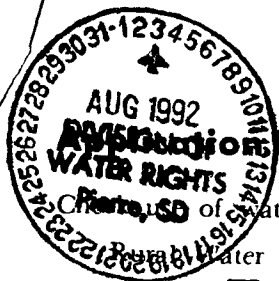
Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 16' REMARKS no log available

Type of Map: topo PREPARED BY: Don E Frye Reviewed and the Number

Assigned on 8-7-92 By Karen Schlaak

No. 5696-3 Hydrologic Unit 10170202
 Map No. _____ Basin Bg. Sioux River
 Newspaper Public Opinion, Box 10, Watertown



For Permit To Appropriate Water Within The State Of South Dakota

Check one use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant RAWVILLE CAFE Phone No. 886-6845

Post Office Address RR 1 BOX 95 WATERTOWN State SD Zip Code 57201
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 10 GPM (0.022 cfs)

3. Source of water supply 1 WELL

4. Location of point of diversion SEC 32, T118N, R52W

County CODINGTON

5. Counties where water will be used CODINGTON

6. Annual period during which water is to be used JANUARY 1 TO DECEMBER 31

7. Give a brief description of proposed 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)

PROVIDES WATER TO A CAFE AND BAR PLUS A PRIVATE RESIDENCE

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of Codington)^{ss}

I, Gerardine X. Lege the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Gerardine X. Lege

Subscribed and sworn to before me this 31 day of July 1991

Susan M. Walker
 Notary Public 5-31-96

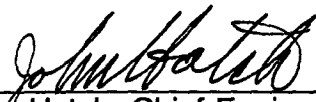
**SOUTH DAKOTA
WATER PERMIT NO. 5696-3**

Date of first receipt of application August 3, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5696-3 to Rauville Cafe, RR 1, Box 95, Watertown SD 57201 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. 5696-3 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well (Big Sioux:North Aquifer) 16 feet deep located in the SW 1/4 SW 1/4 Section 32-T118N-R52W.
2. The water appropriated shall be used for the purpose of supplying water to a bar and cafe and may not exceed the amount of water needed for beneficial use for commercial purposes.
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. 5696-3 is December 2, 1992.
5. The date from which applicant may claim right is August 3, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 12 1993
date

Supplemental Information

RAUVILLE CAFE

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 4" Depth 16' No well log available
- b) Casing Type PVC Diameter 2" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 200 YARDS

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

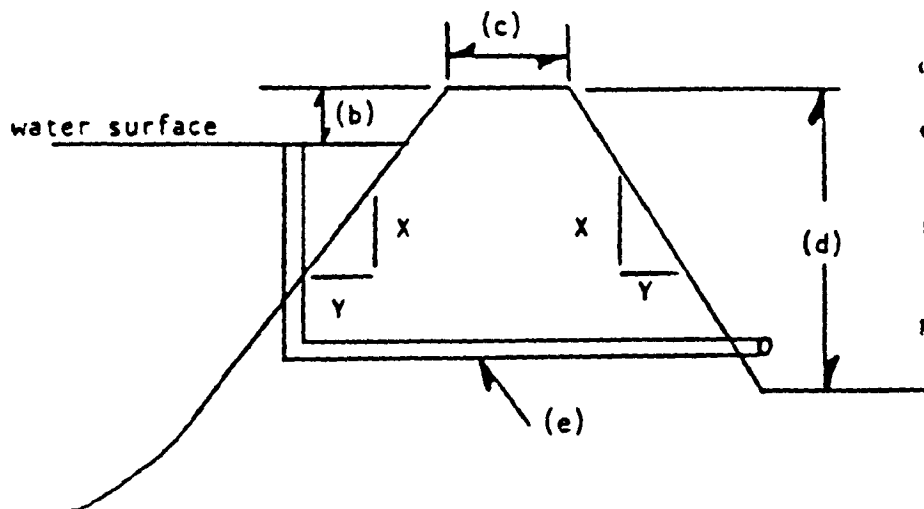
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

413359

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 3, 19 92

RECEIVED OF Geraldine Kleigel/FM Bank, Watertown, SD 57201-0877

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

Fee for Application for Permit No. <u>5696-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 30, 1991

RAUVILLE CAFE
GERALDINE KLIEGEL
RR 1 BOX 95
WATERTOWN SD 57201

Dear MR. KLIEGEL:

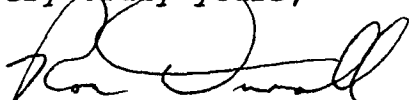
I am contacting you regarding the possibility that you need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

The enclosed "Summary of South Dakota Water Law and Water Rights Information" provides general information regarding what uses of water need to be permitted. Water uses that require permits, such as commercial use, are listed under item 7 in the enclosed summary. Domestic water uses that do not require permits are listed under item 5. Pursuant to South Dakota Codified Laws (SDCL) 46-1-15 and 46-5-10, you must have a water permit to use water for any purpose, except for domestic uses defined by SDCL 46-1-6(4). A vested water right can be claimed for water use beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by October 4, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,



RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

November 8, 1991

RAUVILLE CAFE
GERALDINE KLIEGEL
RR 1 BOX 95
WATERTOWN SD 57201

Dear MR. KLIEGEL:

I am writing to follow-up on my August 30, 1991 letter regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your facility.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

An existing business without a water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by . If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 12, 1992

GERALDINE KLIEGEL
RAUVILLE CAFE
RR 1 BOX 95
WATERTOWN SD 57201

Dear MS. KLIEGEL:

I am writing to follow-up on my August 30, 1991 and November 8, 1991 letters regarding the need for a permit to appropriate water for use in your facility. Based on the information we have, we believe you need a permit. We would appreciate your earliest attention to this matter.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, except for private domestic use, a water permit is required to use water from any water source. Examples of commercial enterprises that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of institutions that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building.

An existing business or institution without a required water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

We have previously sent you water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501". If you have questions, or don't believe you need a water permit, contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 21, 1992

Geraldine Kliegel
Rauville Cafe
RR1 Box 95
Watertown SD 57201

Dear Ms. Kliegel:

Enclosed are two Affidavits of Water Use so you can claim a vested water right. If you need help with filling out the application forms, or if I can help in any way, please call me at 605-773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Division of Water Rights

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Rauville Cafe WP Application No. 5696-3

ADDRESS: RR 1, Box 95, Watertown COUNTY: Codington

DATE: 9/24/92 TELEPHONE: 886-6845

RE: Conversation with Cafe regarding their waste water disposal

COMMENTS:

I contacted the Cafe regarding the type of waste water disposal system they utilize. I was told they have a septic tank with a drain field. The system was constructed not too many years ago.

Jay Cofer from the regional office was contacted by Jim Goodman. Jay stated that he had no knowledge of their system.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Henderson

REPORT ON APPLICATION NO. 5696-3
for Rauville Cafe
September 24, 1992

Application No. 5696-3 proposes to appropriate 10 gpm (0.022 cfs) from one well approximately 16 feet deep located in the SW 1/4 SW 1/4 of section 32, T118N R52W in Codington County. The water is for commercial use in the cafe and bar.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North aquifer is an alluvium mantled outwash (sand and gravel) under unconfined (water table) conditions in this area. The Big Sioux North aquifer underlies 67,300 acres and contains an estimated 151,430 acre feet of recoverable water in storage in Codington County (Hedges, 1982). Recharge to the formation is by direct infiltration of rainfall and snowmelt through the soil into the aquifer. Recharge to the aquifer in this area has been estimated to range from 4 to 10 inches per year (Hansen, 1990) depending largely upon climatic conditions.

The Division of Water Rights monitors 3 observation wells within approximately 1 mile of this application. These are CD-76B, CD-81B and CD-81A. Water levels for these wells show good response to climatic conditions, that is, rapidly rising water levels during wet years and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

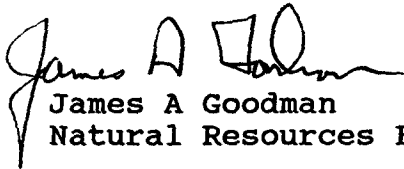
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights which obtain water from the Big Sioux North aquifer in this area. The nearest permitted diversion of over 2 miles away. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. Interference is not expected to be a concern.
3. Very little information concerning the well construction is available. It can not be determined, if this well is constructed in accordance with SD Well Construction Standards.

4. The status of the wastewater system is not known.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, USGS WRI 89-4147, USGS, Huron, SD, 57350.

Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1992, Unpublished Observation Well Records for Codington County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5696-3, Rauville Cafe

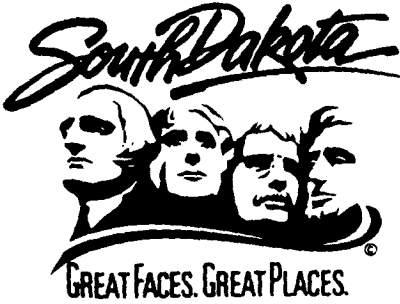
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5696-3, Rauville Cafe, c/o Geraldine Kliegel, RR 1 Box 95, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 5696-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
September 25, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

October 30, 1992

Geraldine Kliegel
Rauville Cafe
RR 1 Box 95
Watertown, SD 57201

Dear Ms. Kliegel:

Water Permit Application No. 5696-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Public Opinion printed at Watertown, SD (Ph # 886-6901). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

October 30, 1992

Public Opinion
PO Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5696-3 to be published twice. Please publish the first notice on November 5, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Rauville Cafe, RR 1 Box 95, Watertown, SD 57201 (Ph # 886-6845).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on November 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5696-3 to Appropriate Water

Notice is given that Rauville Cafe, RR 1 Box 95, Watertown, SD 57201 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Big Sioux:North Aquifer) 16 feet deep located in the SW 1/4 SW 1/4 Section 32-T118N-R52W. The water is for commercial use in the cafe and bar.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5696-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 November 23, 1992. 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 a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Codington) ss.



I, Monica K. Saathoff

certify that the attached printed Notice was taken
 from the Watertown Public Opinion

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

_____ city _____ of Watertown

County of Codington and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

November 5th, 1992

November 12th, 1992

Monica K. Saathoff
 (Signature)

Bookkeeper

(Title)

November 12th, 1992

(Date Signed)

Cost of Printing: 122.38

WATERTOWN

**NOTICE OF HEARING ON
 APPLICATION NO. 5696-3 TO
 APPROPRIATE WATER**

Notice is given that Rauville Cafe, RR 1, Box 95, Watertown, SD 57201 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Big Sioux North Aquifer) 16 feet deep located in the SW 1/4 SW 1/4 Section 32-T118N-R52W. The water is for commercial use in the cafe and bar.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5696-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 November 23, 1992. 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 a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 a.m., December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December

(over)

2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division

address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(November 5, 12, 1992)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAR 12 1993

Geraldine Kliegel
Rauville Cafe
RR 1 Box 95
Watertown, SD 57201

Dear Ms. Kliegel:

Enclosed is Water Permit No. 5696-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 2, 1993

SECOND NOTICE

Permit No: 5696-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Gordon
~~Geraldine~~ Kliegel
Rauville Cafe
RR 1, Box 95
Watertown, SD 57201

m.R.
Dear ~~Ms.~~ Kliegel:

On March 12, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 5696-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

for 
John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5696-3

Geraldine Kliegel
Rauville Cafe
RR 1, Box 95
Watertown, SD 57201

4a. Article Number

P 318 052 525

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

JUN 3-93

5. Signature (Addressee)

6. Signature (Agent)

Blenda Lee

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

*U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Permit No. 5696-3
Water District: Big Sioux River

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

I have this day made a thorough examination of the water use system constructed by The Rauville Cafe holder of Permit No. 5696-3, bearing the priority of August 3, 1992 authorizing the diversion of 0.022 cu. ft. per second of groundwater for commercial purposes in Codington County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
One well, 16' deep and a submersible pump which produces 10 GPM.
- B. Works used to transport water to place of use:
One 50 gallon pressure tank and 150' of 1 1/2" PVC pipe that connects to the plumbing system of a house and a cafe.
- C. Works used to apply water to beneficial use:
The plumbing systems of the house a cafe.

The system is in the following condition fair. The point of diversion is located 940' north and 75' east of the SW corner Sec 32, T118N, R52W.

The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial purposes.

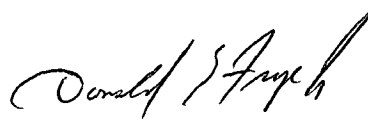
Water has been put to beneficial use to the maximum extent as follows:

Water is used in a cafe and a private residence and should be issued for 0.022 cfs.

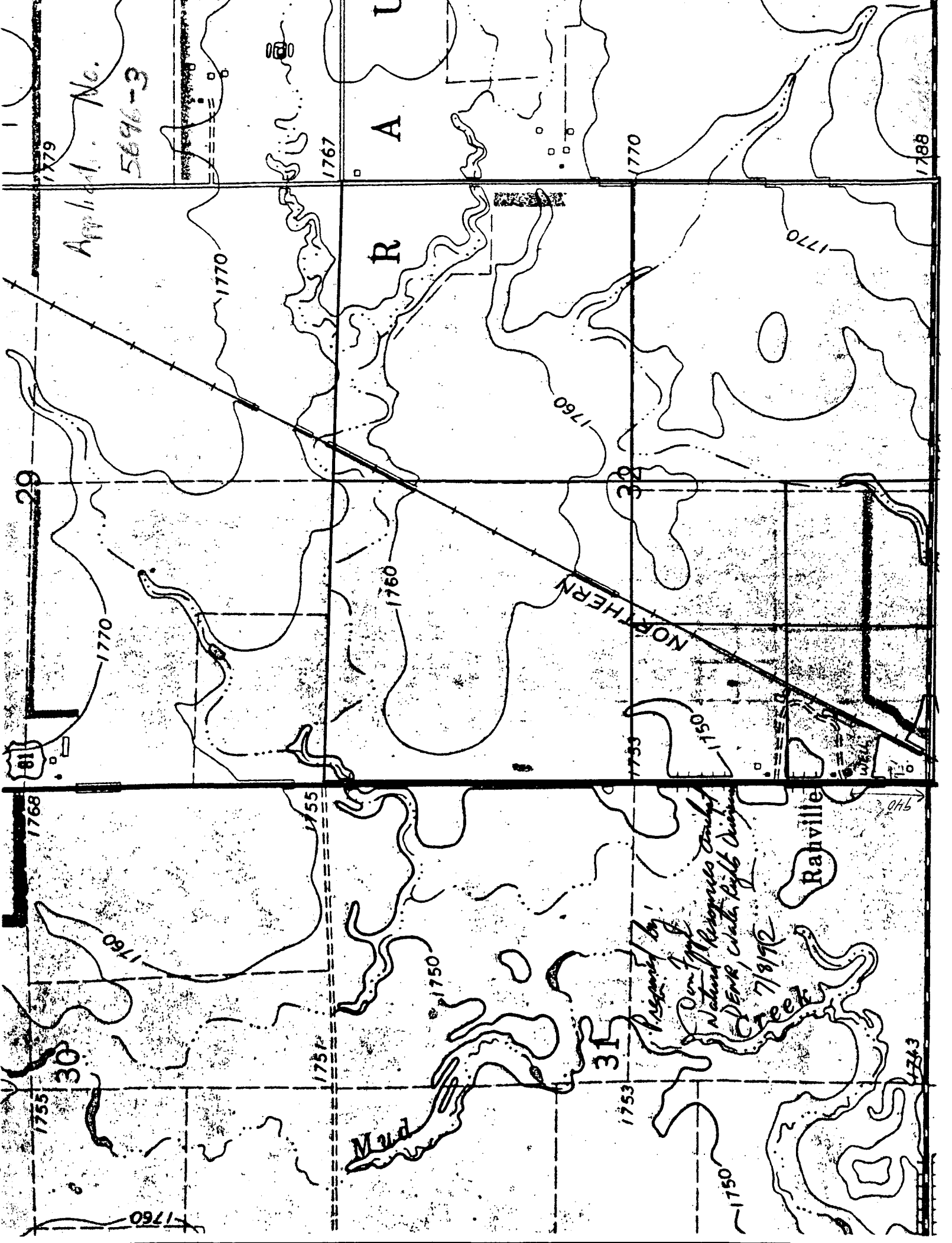
Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date Inspected: 7/9/92



DONALD E. FRYE, JR.
Natural Resources Analyst
DENR, Water Rights Division



Applied No.
5696-3

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Prepared by:
Don T. [unclear]
Natural Resources Council
Denver, with Bill [unclear]
7/9/72

Ravville

Creek

4343

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5696-3

(1) The Rauville Cafe of RR 1, Box 95, Watertown SD 57201 made Application No. 5696-3, August 3, 1992 for a water permit to appropriate 0.022 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for commercial purposes. Permit No. 5696-3, with a priority date of August 3, 1992 was approved December 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and application to beneficial use of said water.

(2) It is certified that the applicant 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 0.022 cubic feet of water per second for beneficial use. The location of the diversion point(s) is 940 feet north and 75 feet east of the southwest corner of Section 32-T118N-R52W (SW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for providing water to a cafe and bar plus a private residence.

(4) Pursuant to South Dakota Water Law 46-5-30.1 The Rauville Cafe of RR 1, Box 95, Watertown SD 57201 the holder and/or owner of Water Permit No. 5696-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from groundwater (one well) with a priority date of August 3, 1992 from the location specified in (2) of this license. The water is conducted to and upon lands specified in (3) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5696-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date

RECEIPT

413795

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, June 7, 19 93

RECEIVED OF Gordon Kliegel, Rauville Station, Inc., RR 1 Box 95, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>5696-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

5696-3

Gordon Kliegel
The Rauville Cafe
RR 1, Box 95
Watertown, SD 57201

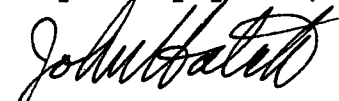
Dear Mr. Kliegel:

Enclosed is Water License No. 5696-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413795 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5696-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

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enclosures