

WATER PERMIT NO. 8000A-3

Name of Applicant: Earl or Dwight Althoff

Address: 44768 140th St, Waubay SD 57273

Phone: 605 947-4706

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation

County: Day

Type of Waste Disposal System:

Location: 3 miles northeast of Waubay

PRIORITY

Date Received: 3-24-22

Application/License Fee: \$100

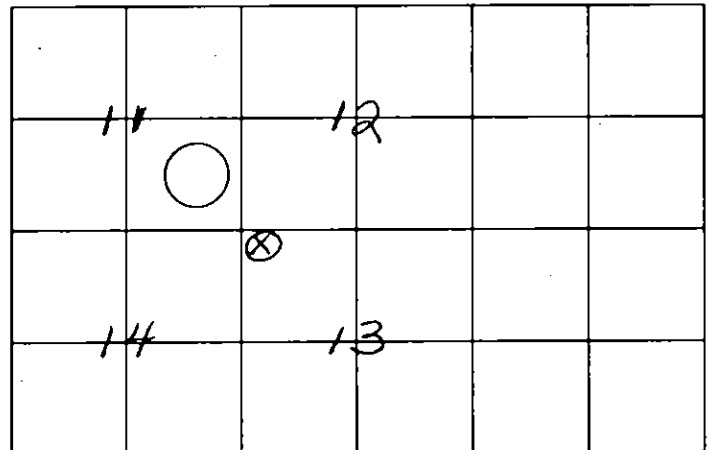
Corrected Application Received:

Period of Annual Use: May 1 - September

Remarks: Applicant is requesting to expand the period of annual use

Diversion Point: NW 1/4 NW 1/4 Sec 13-T122N-R53W

Land to be Irrigated: SE 1/4 Sec 11-T122N-R53W



Depth of Well:

Well Driller:

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 3-24-22

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8000A-3**

Date of first receipt of application March 24, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8000A-3 to Earl or Dwight Althoff, 44768 140th St, Waubay SD 57273 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. 8000A-3 amends Water Permit No. 8000-3 by lengthening the period of annual use. Water Permit No. 8000-3 appropriates 1.22 cubic feet of water per second from one well completed into the Coteau Lakes Aquifer located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Lake Traverse Indian Reservation. The period of annual use as authorized by Water Permit No. 8000-3 is July 1 through August 31. The permit holder is authorized to expand the period of annual use from May 1 through September 30. This permit does not authorize any increase in the diversion rate or number of acres irrigated. This site is located approximately 3 miles northeast of Waubay 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 – September 30.
3. The date from which applicant may claim right is April 11, 2014 (established by No. 8000-3).
4. The date of approval of Permit No. 8000A-3 is April 21, 2022.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit and Water Permit No. 8000-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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, this Permit and Water Permit No. 8000-3 authorize a maximum, combined, diversion rate of 1.22 cfs for the irrigation of 75 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: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 01 2022
date



RECEIVED

MAR 24 2022

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

Mail to: SD DNR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8000A-3</u> Hydrologic Unit <u>10160001</u>	WATER RIGHTS PROGRAM
	Basin <u>James River</u>	
	Newspaper <u>Reporter & Farmer</u>	
	<u>Public Opinion</u> (office use only)	

PAID

MAR 24 2022

Ck# 4633

Rec't# _____

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 8000-3
(Use predates Mar 2, 1955)

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

Wanting to irrigate more in dry years

1. Name to Appear on Irrigation Permit Earl or Dwight Althoff

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

Mailing Address 44768 140th st Waubay SD 57273
(Address) (City) (State) (Zip Code)

Phone 605-947-4706 Mobile _____ Email _____ (no add'l)

2. Amount of water claimed 1.22 ^(no add'l) *CFS or **GPM ***AF Total Acreage 75
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 Well -

4. Location of point of diversion SE 1/4 section 11-T22N-R53W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

same as Permit No. 8000-3 County Day

5. County or counties where water will be used Day

6. Annual period during which water is to be used May 1 - September 30

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
<u>SE 1/4 Sec 11-T122N-R53W</u>	<u>75</u>		

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

I, Dwight Althoff Partner, 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.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 24, 2022

RECEIVED OF Earl Althoff/Dwight Althoff 44768 140th St., Waubay SD 57273

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

Fee for Application for Permit No. <u>8000A-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>100.00</u>

By Eric Gronlund
Chief Engineer
me

Water Rights Program - File Documentation

NAME: Dwight Althoff

ADDRESS: Waubay SD

DATE: 3-24-22

RE: Pending application

COMMENTS:

Dwight Althoff indicated he would like the Annual Period during which water is to be used to be **May 1 – September 30.**

I told him Permit No. 8000-3 was listed in Earl Althoff's name and address. Dwight said they were partners and Earl was getting up there in age. Dwight said it would be best if all correspondence went to him (Dwight).



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8000A-3, Earl Althoff**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8000A-3, Earl Althoff, 44768 140th Street, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8000A-3 because 1) the amendment can be developed without unlawful impairment of existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under this Permit and Water Permit No. 8000-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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, this Permit and Water Permit No. 8000-3 authorize a maximum, combined, diversion rate of 1.22 cfs for the irrigation of 75 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.

Eric Gronlund, Chief Engineer
March 29, 2022

REPORT ON WATER PERMIT APPLICATION NO. 8000A-3

Earl Althoff

March 29, 2022

Water Permit Application No. 8000A-3 proposes to amend Water Permit No. 8000-3. Water Permit No. 8000-3 appropriates 1.22 cubic feet of water per second (cfs) from one well completed into the Coteau Lakes aquifer (30 feet deep) located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Lake Traverse Indian Reservation. The annual period of use is July 1 through August 31. This application requests to change the period of annual use to May 1 through September 30. No additional water appropriation is authorized by this application. This site is located in Day County approximately three miles northeast of Waubay SD.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application including amendment to an existing permit or license. SDCL 46-2A-12 provides that amendment of an existing permit or license may be granted for a change in use, a change in point of diversion or other change only if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest. SDCL 46-5-30.4 provides further guidance that subject to the limitations in SDCL 46-5-33 and 46-5-34 governing changes in irrigation rights from one parcel of land to another, any water permit or right holder may apply for a change of use of the water, a change of location of the use or other amendment to the permit or right. Permits or rights may be amended pursuant to the procedure contained in chapter 46-2A. Priority shall be retained upon amendment. An amendment of a water permit or right may not increase the rate of diversion or increase the volume of water to be appropriated under the original water permit or right. The amendment may not impair existing rights.

This report analyzes available information to determine whether the amendment may unlawfully impair existing rights in order to make a recommendation to the Water Management Board.

WATER SOURCE:

Water Permit No. 8000-3 appropriates water from the Coteau Lakes aquifer. The hydrogeology of the Coteau Lakes aquifer is fully described by Mathiowetz in the report on Application No. 8000-3 (Mathiowetz, 2014). In general, the Coteau Lake aquifer is described as a shallow outwash in Day County consisting of several discontinuous outwash bodies generally surrounding the area lakes. The aquifer is under unconfined conditions in this area.

OBSERVATION WELL DATA:

The DANR-Water Rights Program monitors ten observation wells completed into the Coteau Lakes aquifer with two of those being located in Day County (Water Rights, 2022a). The closest observation well is DA-78D approximately 0.15 miles northwest of the well authorized by Water Permit No. 8000-3. The hydrograph for this observation well is displayed in Figure 1, The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on the hydrographs.

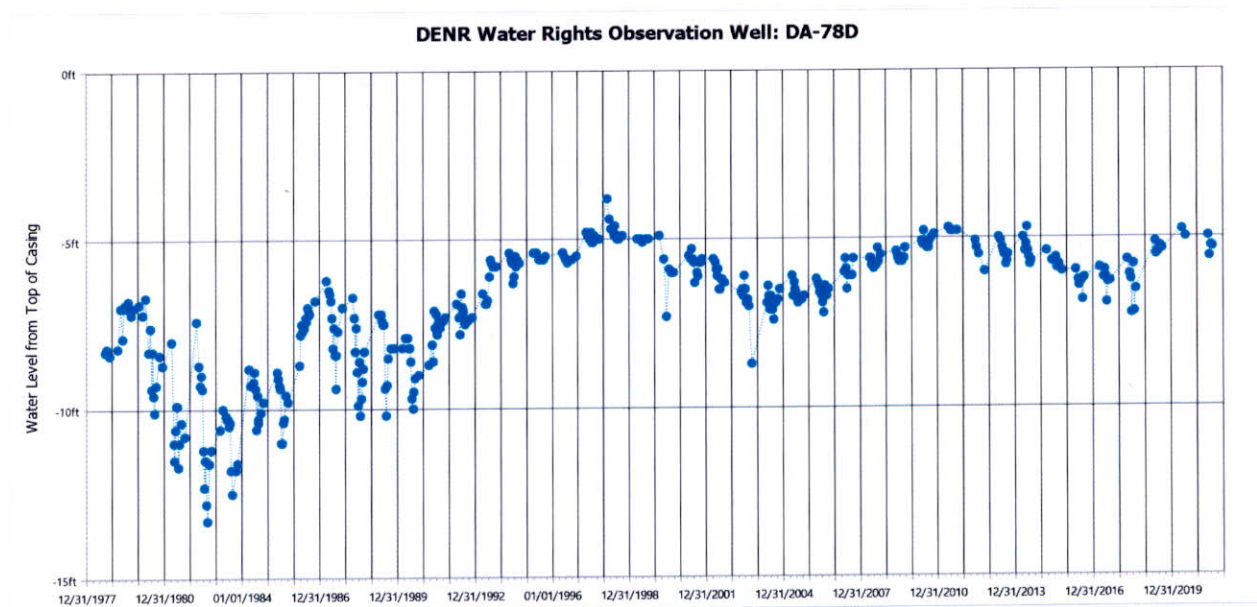


Figure 1. Hydrograph for observation well DA-78D (Water Rights, 2022a)

The water level in this observation well shows good response to climatic conditions. The water levels rises during wet years and gradually declines during dry years. The observation well shows minimal effects from pumping.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

There are four domestic wells on file with the DANR-Water Rights Program that believed completed into the Coteau Lakes aquifer with approximately 1.5 miles of the well authorized by Water Permit No. 8000-3, with the closest two domestic wells on file approximately 0.8 miles northwest and southwest of the existing well (Water Rights, 2022b). There could potentially be other domestic wells completed into the Coteau Lakes aquifer near this well that are not on file with the DANR-Water Rights Program. The nearest well authorized by a water permit is approximately 1.4 miles south of the well (Water Rights 2022c)

Since the Coteau Lakes aquifer is under unconfined conditions, drawdown created from pumping the well this application uses is not likely to be significant far from the pumped well. In fact, Observation well DA-78D is much closer to the proposed well than the domestic wells or wells

authorized under water rights and shows minimal effects from pumping of the well under Water Permit No. 8000-3. Based on the observation well recorded water levels showing minimal drawdown created by pumping and the distance between wells, there is a reasonable probability that extending the period of use can be authorized without adversely impacting the existing domestic water uses and water rights.

CONCLUSIONS

1. The applicant proposes to amend Water Permit No. 8000-3 to extend the period of use from July 1 through August 31 to May 1 through September 30.
2. The proposed amendment does not increase the diversion rate or number of acres irrigated.
3. The Coteau Lakes aquifer is under unconfined conditions in this area, and drawdown from pumping is not expected to be significant very far from the production well.
4. There is a reasonable probability that amending the Permit to extend the period of use will not adversely impact existing domestic uses or water rights.


Eric Gronlund
Chief Engineer

References

1. Mathiowetz. 2014. Report on Water Permit Application No. 800-3. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
2. Water Rights. 2022a, Observation well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre South Dakota
3. Water Rights. 2022b, Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre South Dakota
4. Water Rights. 2022c, Water Right Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre South Dakota

RECEIVED

APR 25 2022

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

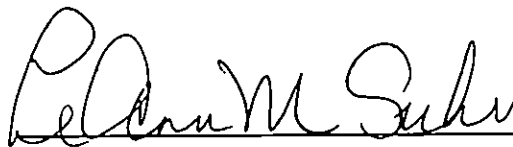
County of Day
State of South Dakota,

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed, Althoff water appropriations, a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

First Publication	April 11;
Second Publication	:
Third Publication	:
Fourth Publication	:

That the full amount of fees for publication of the annexed notice is \$50.19 and insures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 11th day of April, 2022.



Notary Public, Day County, South Dakota

LeAnn M. Suhr
Day County South Dakota
My Commission Expires January 12, 2024

Application to amend water permit to lengthen use

NOTICE OF APPLICATION NO. 8000A-3

Notice is given that Earl or Dwight Althoff, 44768 140th St., Waubay, SD 57273 have filed an application to amend Water Permit No. 8000-3 by lengthening the period of annual use. Water Permit No. 8000-3 appropriates 1.22 cubic feet of water per second from one well completed into the Coteau Lakes Aquifer located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Lake Traverse Indian Reservation. The period of annual use as authorized by Water Permit No. 8000-3 is July 1 through August 31. The applicant is requesting to expand the period of annual use from May 1 through September 30. This permit, if approved, does not authorize any increase in the diversion rate or number of acres irrigated. This site is located approximately three miles northeast of Waubay, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8000A-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner

requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 21, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 21, 2022.

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 \$50.19.

APR 21 2022

WATER RIGHTS
PROGRAM**LOCALiQ**Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATIONSd Dept Of Environment
Sd Dept Of Environment
WATER RIGHTS PROGRAM
523 E. CAPITOL
Pierre SD 57501**STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON**

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

04/11/2022

and that the fees charged are legal.
Sworn to and subscribed before on 04/11/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$48.68

Order No: 7113167

Customer No: 561450

of Copies:

1

PO #:

THIS IS NOT AN INVOICE!*Please do not use this form for payment remittance*

SARAH BERTELSEN
Notary Public
State of Wisconsin

NOTICE OF APPLICATION NO. 8000A-3
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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8000A-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://dair.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.
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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, April 11, 2022 #7113167

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 30, 2022 9:40 AM
To: Watertown Public Opinon (legals@thepublicopinion.com)
Subject: 8000A-3, Earl and Dwight Althoff
Attachments: 8000A-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 11, 2022.

Dwight Althoff, 44768 140th St, Waubay SD 57273 (605 947-4706) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 30, 2022 9:40 AM
To: 'news@reporterandfarmer.com'
Subject: 8000A-3, Earl and Dwight Althoff
Attachments: 8000A-3public.short_final.docx; FORM8.FRM.doc

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Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

March 30, 2022

Earl or Dwight Althoff
44768 140th St
Waubay SD 57273

Dear Sirs:

Water Permit Application No. 8000A-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Reporter and Farmer printed at Webster (Ph # 605 845-3356) and the Public Opinion printed at Watertown (Ph # 605 886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

NOTICE OF APPLICATION NO. 8000A-3

Notice is given that Earl or Dwight Althoff, 44768 140th St, Waubay SD 57273 have filed an application to amend Water Permit No. 8000-3 by lengthening the period of annual use. Water Permit No. 8000-3 appropriates 1.22 cubic feet of water per second from one well completed into the Coteau Lakes Aquifer located in the NW 1/4 NW 1/4 Section 13 for irrigation of 75 acres located in the SE 1/4 Section 11; all in T122N-R53W within the former boundaries of the Lake Traverse Indian Reservation. The period of annual use as authorized by Water Permit No. 8000-3 is July 1 through August 31. The applicant is requesting to expand the period of annual use from May 1 through September 30. This permit, if approved, does not authorize any increase in the diversion rate or number of acres irrigated. This site is located approximately 3 miles northeast of Waubay SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8000A-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 21, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 21, 2022.

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.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2022

Earl or Dwight Althoff
44768 140th St
Waubay SD 57273

Dear Sirs:

Enclosed is Water Permit No. 8000A-3 which amends Water Permit No. 8000-3 by lengthening the period of annual use for your water diversion system.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosures