

WATER PERMIT NO. 8193-3

Name of Applicant: **Charles Dupraz**

Address: **21136 477th Ave, Aurora SD 57002** Phone: **605 695-5091**

Amount of Water Claimed: **1.56 cfs** Total Acres: **110**

Source of Water Supply: **groundwater (2 existing wells)**

Water to be used for: **irrigation** County: **Brookings**

Type of Waste Disposal System:

Location: **2 miles north of Aurora**

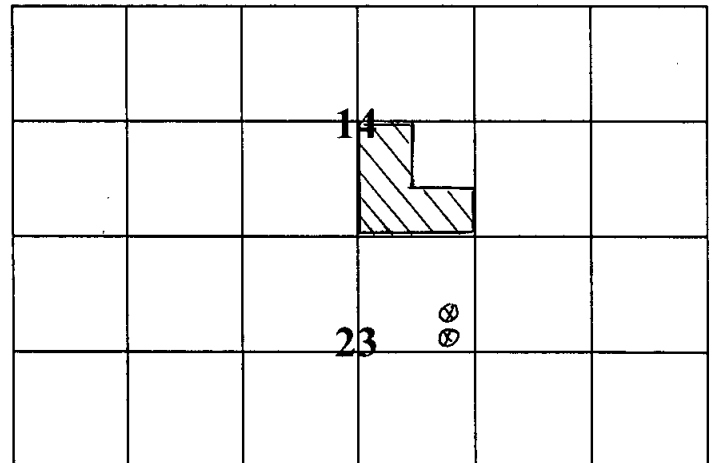
PRIORITY Date Received: **1-19-16** Application/License Fee: **\$ 950**

Corrected Application Received: Period of Annual Use: **May 1 – September 30**

Remarks: **Proposing to use wells authorized by Water Right No. 4971-3**

Diversion Point: **SE 1/4 NE 1/4 Sec 23-T110N-R49W**

Land to be Irrigated: **S 1/2 SE 1/4, NW 1/4 SE 1/4, Sec 14-T110N-R49W**



Depth of Well: **53 & 54 feet deep**

Well Driller: **Ed Lacey Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-27-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

950

4971-3

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JAN 19 2016
WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8193-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register</u>
	<u>605-692-6271</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 Charles Dupraz
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
 (name and complete address if different than above name)

 Mailing Address 21136 477th Ave Aurora SD 57002
 (Address) (City) (State) (Zip Code)

 Home Phone _____ Cell (605) 695-5091 Email _____

 2. Amount of water claimed 1.56*CFS or 700**GPM 110A***AF Total Acreage 110A
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

 3. Source of water supply Wells C SE 1/4 NE 1/4 Sec 23 - T110N - R49W

 4. Location of point of diversion Well #1 300ft south 400ft from East SE 1/4 of SE 1/4 sec 23
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Well #2 300ft from south 400ft from East SE 1/4 of SE 1/4 sec 23 County Brookings

 5. County or counties where water will be used Brookings

 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
SE 1/4 of the SE 1/4 sec 14 110N - 49W	40A		
N 1/4 of the SE 1/4 sec 14 110N - 49W	30A		
S 1/4 of the SE 1/4 sec 14 110N - 49W	40A		

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

using water from permit # 4971.3

 I, Charles Dupraz Charles Dupraz, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 8193-3**

Date of first receipt of application January 19, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8193-3 to Charles Dupraz, 21136 477th Ave, Aurora SD 57002 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. 8193-3 appropriates 1.56 cubic feet of water per second from two existing wells completed into the Big Sioux:Aurora Aquifer (53 and 54 feet deep) located in the SE 1/4 NE 1/4 Section 23 for irrigation of 110 acres located in the S 1/2 SE 1/4, NW 1/4 SE 1/4 Section 14; all in T110N-R49W.
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 January 19, 2016.
4. The date of approval of Permit No. 8193-3 is February 29, 2016.
5. One-fifth of the construction is to be completed on or before August 29, 2018.
6. All construction is to be completed on or before March 1, 2021.
7. Water is to be put to beneficial use on or before March 1, 2025.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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

MAR 31 2016
date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable)

~~Drilling new well(s)~~

permit # 4971-3
~~Using existing well(s)~~

- a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Lacey well drilling
- c) Well Depth _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest existing domestic well:
On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

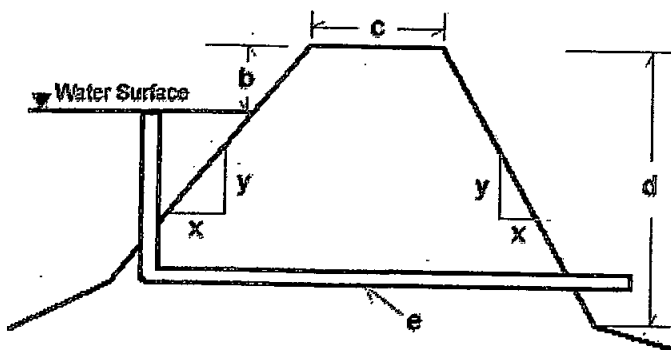
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

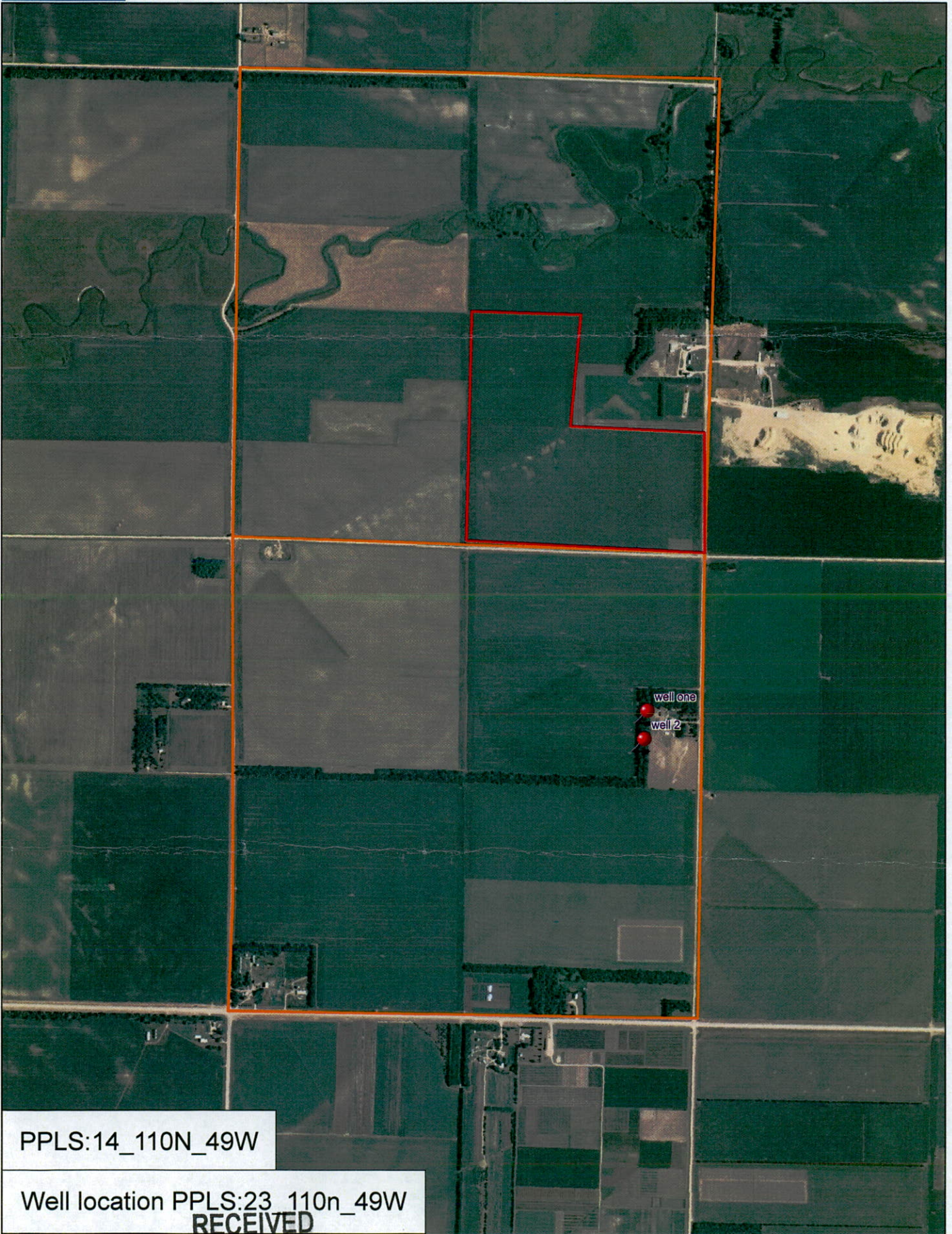
4. Water Storage Dams

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

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

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

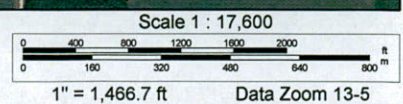




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PPLS:14_110N 49W
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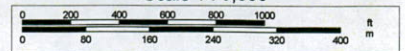
JAN 19 2016

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950

Scale 1 : 9,600



1" = 800.0 ft

Data Zoom 14-4

NOT TO SCALE 2540-3

5.1

151.0

133.7

75L

2540-3

N 155° W
N 67° W

52°
Well #1
Well #2

7.2

23

137.7

123.2

Sal M. Selken
19 Aug 83
DWNR Water Rights
Hydrologist III

.9

110-49

9.6

9.5

APPL & MAP # 4971-3

NOTICE OF WELL CONSTRUCTION

Location of well: 1/4 1/4 22 Section 2 Township 14 N Range 7 E

Wall Corner (Sign)

Date well drilling completed 12-11-76 Purpose of well domestic, irrigation, municipal, industrial, other

1. Layers, top to top in feet	Depth within of layer	Depth to top of water producing aquifer	35'
2. 0.2	Topsoil	Depth to static water level	25'
3. 0.6	Gravelly	Name of producing aquifer (if known)	
4. 3.0	Gravelly	Total depth of drill hole	56'
5. 1.0	Gravelly	Depth to bottom of casing	

Young information in the space below when time, size, weight, length, sex, etc., for prediction using and various using, if used.

44' x 18" x 1/4" steel
C/W

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or mesh perforations.

10' x 14" x .100 Johnson

If a flowing well, flow of completed well _____ g p m

Ed H. Long, Jr.
Name of Drilling Contractor

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump 300 GPM

Depth of pump placement _____ ft. Date of pump installation _____

On some wells an air-tight water surface measuring pipe is required. See Section 46.404 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft. tube diameter _____

tube material _____

Summary of Future Institutional Commitments

NOTICE OF WELL CONSTRUCTION

WELL CONSTRUCTION

Location of well: 1/4 NW 1/4 SE 1/4 NE Section 7.3 Township 10 N Range 42 W

Well owner: B. J. Dyer (Owner) (Adressor)

Date well drilling completed: 12-4-76 Purpose of well: (Domestic, irrigation, stockwater, industrial, other)

WELL LOG		
Layers, top to top in feet	Description of layer	
0-1	Topsoil	Depth to top of water producing layer 3' 1" FT.
1-5	Yellow clay	Depth to static water level 23' 7" FT.
5-7	Fine sand	Name of producing layer (if known) _____ FT.
7-11	Arcky Rocky Gravel	Total depth of drill hole 54' 6" FT.
11-12	Arcky & clay Gravel	Depth to bottom of casing 54' 6" FT.
Casing information in the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.		
45' 6" x 12" x 1/4 steel casing		
Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.		
10' x 12" x .100 Johnson		
If flowing well, flow or combined well _____ G.P.D.		
Attach sheet if more space is needed		
Ed H. L. ...		

PUMP INSTALLATION

Company name and size of pump Western Land Pumps HP 30

Type of pump Turbine Capacity of installed pump 300 G.P.M.

Depth of pump placement 48 ft., Date of pump installation

WATER SURFACE MEASURING TUBE

On some wells an all-steel water surface measuring tube is required. See Section 48.408 of Chapter 48.4, UNPREGULATED WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft, tube diameter _____, tube material _____.

State of Kansas

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/19, 20 16

RECEIVED OF Charles DuPraz 21136 477th Ave Aurora SD 57002

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

Fee for Application for Permit No. <u>8193-3</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>8193-3</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. 07665

By Jean Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8193-3, Charles Dupraz**

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. 8193-3, Charles Dupraz, 21136 477th Avenue, Aurora SD 57002.

The Chief Engineer is recommending APPROVAL of Application No. 8193-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
February 11, 2016

REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8193-3
Charles Dupraz
January 29, 2016

Water Permit Application No. 8193-3 proposes to appropriate water from the Aurora Management Unit of the Big Sioux aquifer at 1.56 cubic feet per second. Water will be diverted from two existing wells located in the SE ¼ NE ¼ of Section 23, T110N-R49W completed to depths of 53 and 54 feet. This water is to be used for the irrigation of 110 acres in the SE ¼ of Section 14, T110N-R49W.

The two wells proposed for use in this application are currently authorized by Water Permit No. 4971-3 to appropriate 1.34 cfs for the irrigation of 126 acres in the NE ¼ of Section 23, T110N-R49W.

AQUIFER: Aurora Management Unit of the Big Sioux aquifer.

The Big Sioux aquifer is an alluvium mantled outwash consisting of silt and fine to coarse sand and gravel that is generally under unconfined conditions near the Big Sioux River but can be confined elsewhere. The aquifer is hydraulically connected to the Big Sioux River, and water in the aquifer generally moves from north to south and locally towards the Big Sioux River (Hamilton, 1989). The Aurora Management Unit of the Big Sioux aquifer underlies approximately 83,000 acres in Brookings and Moody Counties in South Dakota and Lincoln and Pipestone Counties in Minnesota. In the center of T109N-R47W, groundwater flow in the aquifer divides: flowing west-northwest in the northern portion and flowing southwest in the southern portion, functionally creating two subunits of the Aurora Management Unit. The northern subunit, where this application proposes to divert water, underlies approximately 63,000 acres all in Brookings County (Buhler, 2012).

In Brookings and Kingsbury Counties the Big Sioux aquifer has an average thickness of 30 feet and, where present, is encountered at depths ranging from ground surface to 212 feet with the depth to water ranging from zero to 120 feet below ground surface (Hamilton, 1989). The well log submitted with this application shows the aquifer to be present at 35 feet to at least 54 feet below ground surface with a static water level of approximately 35 feet below ground surface.

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of

water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved. Therefore, the withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Big Sioux: Aurora aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface, seepage through till, lake deposits, and underlying aquifers, and inflow from the Big Sioux River at times of relative high stage (Hamilton, 1989).

Hedges and others (1985) determined the average recharge to the entire Big Sioux aquifer system by base flow analysis to be 6.5 inches per year (in/yr). Koch (1980) estimated average recharge to the Big Sioux aquifer in Brookings, Deuel, and Hamlin Counties by modeling to be 6.57 in/yr in the unconfined portions. Hansen (1988) estimated recharge to the Big Sioux aquifer in Moody County by modeling to be on average 4.85 in/yr. Hedges and others (1985) estimated recharge specifically of the Aurora management unit by observation well analysis to be 5.0 in/yr. For the purpose of this report the last recharge estimate of 5.0 in/yr (Hedges et al., 1985) will be used because of its focus on the Aurora Management Unit. However, it is likely that increased pumping will induce recharge from the Big Sioux River (Koch, 1980).

Given a recharge rate of 5.0 in/yr for the Aurora Management Unit (Hedges et al., 1985) and an area of 63,000 acres for the northern subunit, recharge to this subunit was calculated to be 26,250 ac-ft/yr.

Discharge:

Discharge from the Big Sioux: Aurora aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, outflow to streams during dry years, and well withdrawals. There are 43 water rights and permits appropriating water for irrigation use, 11 for industrial, municipal, rural water, and commercial use, and one future use permit reserving water from the northern subunit of the Big Sioux: Aurora aquifer (Water Rights, 2016b).

Non-irrigation water rights/permits that do not report annual use currently authorize a total maximum diversion rate of 3.15 cfs. The City of Brookings reports an annual average use for the past 10 years of 2,036 ac-ft/yr (Water Rights, 2015b). Water Permit No. 7167-3 and Water Right No. 6325-3 also report annual usage which averages 16.4 and 1,208.8 ac-ft/yr over the time that they’ve been reporting, respectively. Future Use Permit No. 1598-3 for the City of Brookings currently reserves 2,426 ac-ft/yr. The City of Aurora no longer regularly uses their water system and instead relies on Brookings Municipal Utilities. However, the City of Aurora maintains Water Right No. 1952-3 for standby (Water Rights, 2016b).

In an email sent to the Water Rights Program from Dennis Harstad of the Brookings Economic Development Agricultural Technology Center on May 26, 2015, it was stated that the diversion rate under Water Permit No. 8146-3 will average 30 gpm, continuously. This diversion rate equates to 48.4 ac-ft/yr. Therefore, annual usage is not expected to exceed 48.4 ac-ft.

The amount of water that can be expected to be withdrawn by non-irrigation water rights/permits is estimated by assuming the maximum diversion rate is pumped 60 percent of the time. Making this assumption, the annual volume pumped by non-irrigation, non-reporting users was calculated to be 1,284 ac-ft. Assuming that the future use permit will be fully developed and that average use is representative of expected future use, the amount of water expected to be pumped from the Big Sioux: Aurora aquifer by non-irrigation sources is estimated to be 7,019 ac-ft/yr (Water Rights, 2016b).

Although there are numerous domestic wells on file, their relatively small withdrawals compared to water rights/permits in the area renders them an insignificant part of the overall water budget meaning they are not taken into consideration when estimating overall usage.

Capen (2015) found that over the history of irrigation questionnaires for the Aurora Management Unit of the Big Sioux aquifer, new information regarding the hydrogeologic setting in the region has led to changes in the aquifers that various water permits/rights are understood to be pumping from (Water Rights, 1980-2015). Consequently, Table 1, displaying historic irrigation use from the Big Sioux: Aurora aquifer does not reflect the irrigation questionnaire record as it currently stands, but rather a modified version of that record that incorporates our current understanding of which aquifers and management units water permits/rights in the region are pumping from. Average irrigation water use from the Northern Subunit of the Big Sioux: Aurora aquifer from 1979 to 2014 is 2,420.8 ac-ft/yr with a minimum of 227.1 ac-ft/yr and a maximum of 4,593.5 ac-ft/yr. This wide range of annual use can be attributed primarily to varying climatic conditions. Expected use is assumed to be equal to average use.

Hydrologic Budget:

The sum of the average or expected use from all water permits/rights appropriating water from the North Subunit of the Big Sioux: Aurora aquifer is estimated to be 9,440 ac-ft/yr. Comparing this rate to the estimated annual recharge of 26,250 ac-ft/yr shows unappropriated water is available from the aquifer for the proposed use.

Year	Number of Irrigation Permits/Rights	Total Irrigation Appropriation, North Subunit (ac-ft/yr)	Usage From North Subunit (ac-ft/yr)
1979	34	15830.00	1068.86
1980	35	16142.00	1261.33
1981	44	19356.00	2875.07
1982	44	19933.00	1585.08
1983	45	20245.00	2205.22
1984	45	19834.00	1685.89
1985	45	19834.00	3282.64
1986	45	19834.00	1523.00
1987	45	19834.00	2734.20
1988	45	19782.00	4593.50
1989	46	19810.00	3248.93
1990	39	15396.00	2346.50
1991	40	15465.00	1286.44
1992	40	15465.00	660.16
1993	40	15465.00	227.10
1994	39	15566.00	1790.85
1995	38	15524.00	250.10
1996	37	15224.00	1995.45
1997	37	15226.00	2932.79
1998	37	15226.00	3543.97
1999	37	15226.00	2407.85
2000	37	15226.00	2992.18
2001	37	15226.00	2812.14
2002	37	14976.00	3120.50
2003	36	14502.00	3175.96
2004	35	14364.00	2695.57
2005	35	14364.00	2312.50
2006	35	14364.50	2829.95
2007	35	14364.50	3221.37
2008	38	15062.50	3732.33
2009	38	15086.00	3431.34
2010	39	15366.00	536.97
2011	38	14930.00	2487.42
2012	38	14930.00	4274.18
2013	42	15772.00	3984.75
2014	43	15782.00	2037.98
MIN	34	14364.00	227.10
MAX	46	20245.00	4593.50
AVE	39	16348.13	2420.83

Table 1: Historic irrigation water use in the North and South Subunits of the Big Sioux: Aurora aquifer (Water Rights, 1980-2015).

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the [Water Management Board] shall rely upon the record of observation well measurements and other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 15 observation wells in the Aurora Management Unit of the Big Sioux aquifer, 14 of which are in the Northern Subunit. Of these wells, Observation Well BG-79E is the closest to the well sites proposed in Water Permit Application No. 8193-3 at approximately one mile to the northwest. The hydrograph for Observation Well BG-79E shows up to eight feet of seasonal drawdown with full annual recovery and some climatic variation. The majority of observation wells completed into the Big Sioux: Aurora appear to have similar conditions with seasonal drawdown visible in most hydrographs along with a full annual recovery and some visible climatic variation. Those hydrographs in which the effects of pumping are not readily visible, such as Observation Well BG-89A (located 1.5 miles to the southwest of the proposed well site), appear to be primarily climatically controlled with water levels rising in wet years and declining in dry years (see Figure 2).

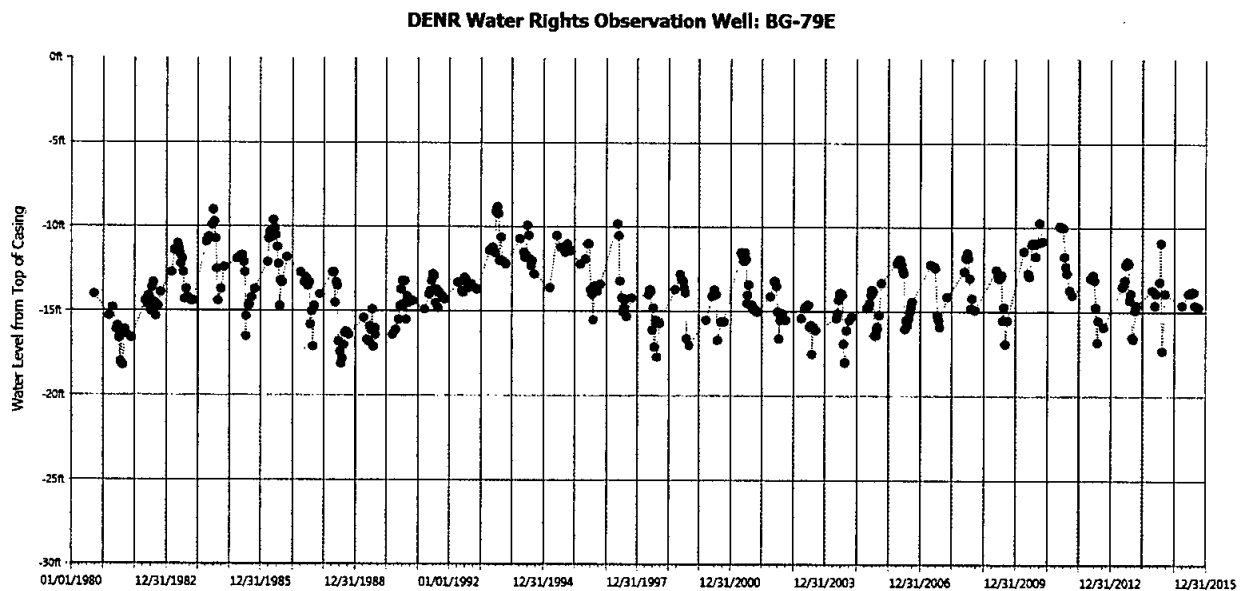


Figure 1: Historic water levels in Observation Well BG-79D (Water Rights, 2016a).

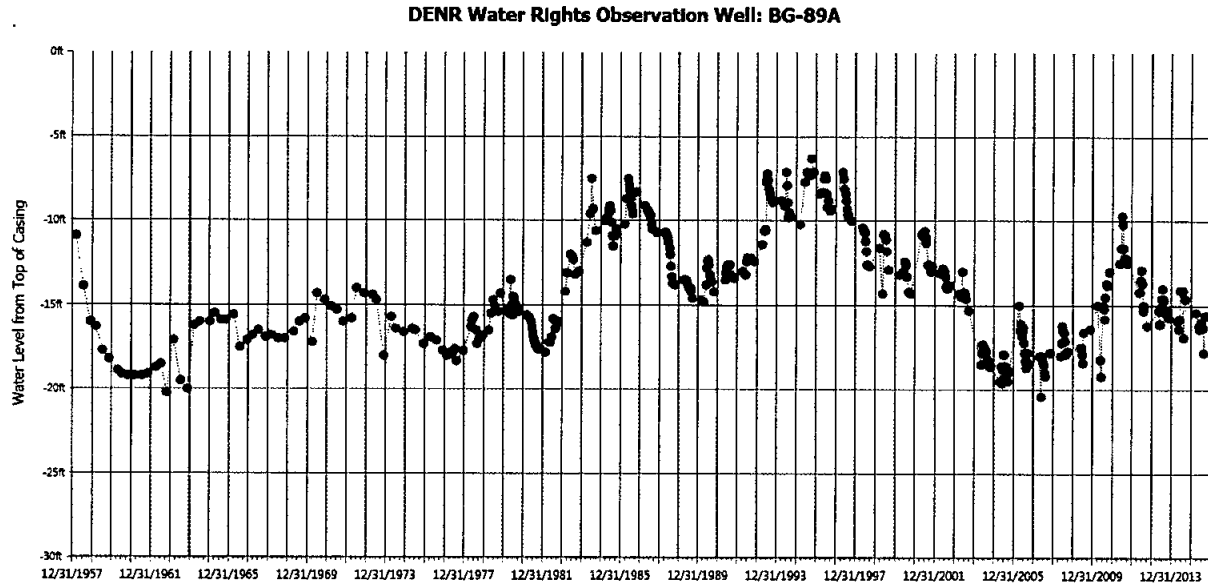


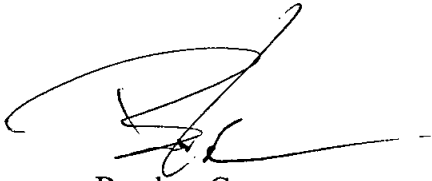
Figure 2: Historic water levels in Observation Well BG-89A (Water Rights, 2016a).

EXISTING WATER RIGHTS:

Currently, there are 73 water permits/rights appropriating water from the Big Sioux: Aurora aquifer, 54 of which are appropriating water from the northern subunit (Water Rights, 2015b) along with one future use permit held by the City of Brookings. Of these, the closest is Water Right No. 3213-3A, located approximately 2,000 feet to the east of the existing well site (Water Rights, 2016c). Although water usage will likely be less, it is assumed the applicant will pump approximately 110 acre-feet per year in order to irrigate the 110 acres in this application. This rate equates to approximately 0.31 cfs pumped continuously over the 180 day irrigation season. With unconfined conditions in the area, a transmissivity of approximately 15,000 gallons per day per foot (calculated from well logs obtained from Brookings Economic Development Center) and an assumed storativity value of 0.075, the drawdown at 2,000 feet from the proposed well (the distance to the nearest well) as a result of pumping at the proposed rate continuously for 180 days was calculated to be approximately one foot. Assuming adequate construction of nearby wells, this level of drawdown is not expected to impair existing water rights or domestic wells.

CONCLUSIONS:

1. Water Permit Application No. 8193-3 proposes to withdraw groundwater from two wells completed into the Big Sioux: Aurora aquifer in Section 23, T110N-R49W for the irrigation of 110 acres in Section 14, T110N-R49W.
2. Water Permit Application No. 8193-3 proposes to pump water at a maximum rate of 1.56 cfs.
3. There is a reasonable probability that unappropriated water is available from the Big Sioux: Aurora aquifer to supply the proposed appropriation.
4. The diversion rate is not expected to adversely impair nearby adequate wells.



Bracken Capen
SD DENR-Water Rights Program

Approved by,



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K. 2012. Report on Water Permit Application Nos. 7392-3 and 7393-3 for Lincoln Pipestone Rural Water: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water-Resources Investigations Report 88-4185, 82 p. USGS, Huron, South Dakota.
- Hansen, H.S. 1988. Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota. Water-Resources Investigations Report 87-4057. USGS, Huron, South Dakota.
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- Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations 80-100, 46 p.
- Water Rights. 1990-2015. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

MAR 07 2016

Affidavit of Publication
State of South Dakota

WATER RIGHTS
PROGRAM

10/

Exhibit "A"

County of Brookings

ss

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

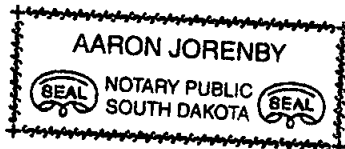
Leg#541 Notice of Application 8193-3

same was published, is hereto attached marked Exhibit
said newspaper for _____ 1 times, to-wit:

February 18, 2016

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Twenty-Four Dollars and Sixty-Five Cents \$24.65



[Signature]

19 day of

February

2016

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 541, 1x, 2/18
NOTICE OF APPLICATION NO. 8193-3 to
Appropriate Water
Notice is given that Charles Dupraz, 21136 477th Ave, Aurora SD 57002 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from two existing wells completed into the Big Sioux-Aurora Aquifer (53 and 54 feet deep) located in the SE 1/4 NE 1/4 Section 23 for irrigation of 110 acres located in the S 1/2 SE 1/4, NW 1/4 SE 1/4 Section 14; all in T110N-R49W. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8193-3 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 February 29, 2016. 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$24.65

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 12, 2016 7:46 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: No. 8193-3, Charles Dupraz
Attachments: 8193-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on February 18, 2016.

Charles Dupraz, 21136 477th Ave, Aurora SD 57002 (605 695-5091) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 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 NEWSPAPER(S) RIGHT AWAY.**

February 11, 2016

Charles Dupraz
21136 477th Ave
Aurora SD 57002

Dear Mr. Dupraz:

Water Permit Application No. 8193-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper(s) 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 newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) 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.

NOTICE OF APPLICATION NO. 8193-3 to Appropriate Water

Notice is given that Charles Dupraz, 21136 477th Ave, Aurora SD 57002 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from two existing wells completed into the Big Sioux:Aurora Aquifer (53 and 54 feet deep) located in the SE 1/4 NE 1/4 Section 23 for irrigation of 110 acres located in the S 1/2 SE 1/4, NW 1/4 SE 1/4 Section 14; all in T110N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8193-3 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 February 29, 2016.

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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 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

denr.sd.gov

MAR 31 2016

Charles Dupraz
21136 477th Ave
Aurora SD 57002

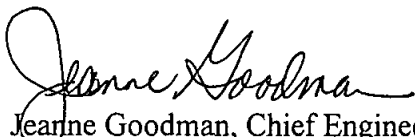
Dear Mr. Dupraz:

Enclosed is Water Permit No. 8193-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,


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

enclosures



8193-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: CHARLES DUPRAZ, 21136 477th AVE, AURORA, SD 57002 6508
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4971-3 & 8193-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 4971-3 & 8193-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 4971-3 & 8193-3 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 1, 2017** 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: <http://denr.sd.gov/iq.aspx>

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.



8193-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

4971-3
8193-3

Charles Dupraz
21136 477th Ave
Aurora SD 57002 6508

Dear Sir:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 4971-3 and Water Permit No. 8193-3. 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
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8193-3

I have this day, May 11, 2021, made a thorough examination of the water use system constructed by Charles Dupraz, 21136 477th Ave, Aurora, SD 57002 of Permit No. 8193-3, bearing the priority of January 19, 2016 authorizing the diversion of 1.56 cu. ft. per second of the waters of Big Sioux: Aurora Aquifer for irrigation purposes, in Brookings County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Ed Lacey Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) 53 & 54 feet
- 4) Well log is available Y If no, explain in comments

Comments: **It is proposed to expand irrigated acreage but to use the two (2) existing wells permitted under Water Right 4971-3 (no new wells)**

Pump:

- 1) Make NA
- 2) Model submersible
- 3) Size NA
- 4) Capacity 700 GPM

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

- 1) Type buried - PVC
- 2) Size NA inches
- 3) Length 3,700 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1076 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From NE corner of Sec 23, T110N, R49 (North well) 1900 ft S & 730 ft W (SE ¼ NE ¼ of Sec 23) Lat 44.32040, Long - 96.67003 (South well) 2240 ft S & 820 ft W (SE ¼ NE ¼ of Sec 23) Lat 44.31949, Long -96.67031.
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All irrigated land in Sec 14, T110N, R49W

NW ¼ SE ¼ - 29 ac

NE ¼ SE ¼ - 3 ac

SE ¼ SE ¼ - 19 ac

SW ¼ SE ¼ - 30 ac

comprising a total of 81 acres of land and the license should be issued for 1.16 cfs

3. All structures, wells and lands on map Y

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

A conversation with the producer indicated that he is seriously considering the addition of a corner arm to the existing center pivot which would allow him to add significant irrigated acreage in all four quadrants of the quarter section. Also, no new wells are being proposed or used but only the two (2) wells authorized under Water Right 4971-3.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 13, 2021

Licensing of Acreage Outside of Permitted Area

NAME: Charles Dupraz, 21136 477th Ave., Aurora SD 57002

DATE: September 9, 2021

COUNTY: Brookings

TELEPHONE: 605 695-5091

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 81 acres as compared to 110 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Water Permit No. 8193-3 authorized 110 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 14, T110N, R49W. The pivot, as developed, covers 3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ that are not within the permitted area. Inclusion of the 3 acres does not impair existing water rights and does not exceed the number of permitted acres.

- **Owned by Same Property Owner**

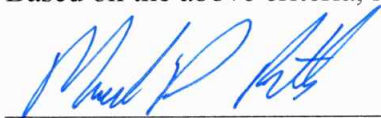
yes

- **Developed Prior to Expiration of Construction Period**

yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the xx acre area be included in the water license.



Mark Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



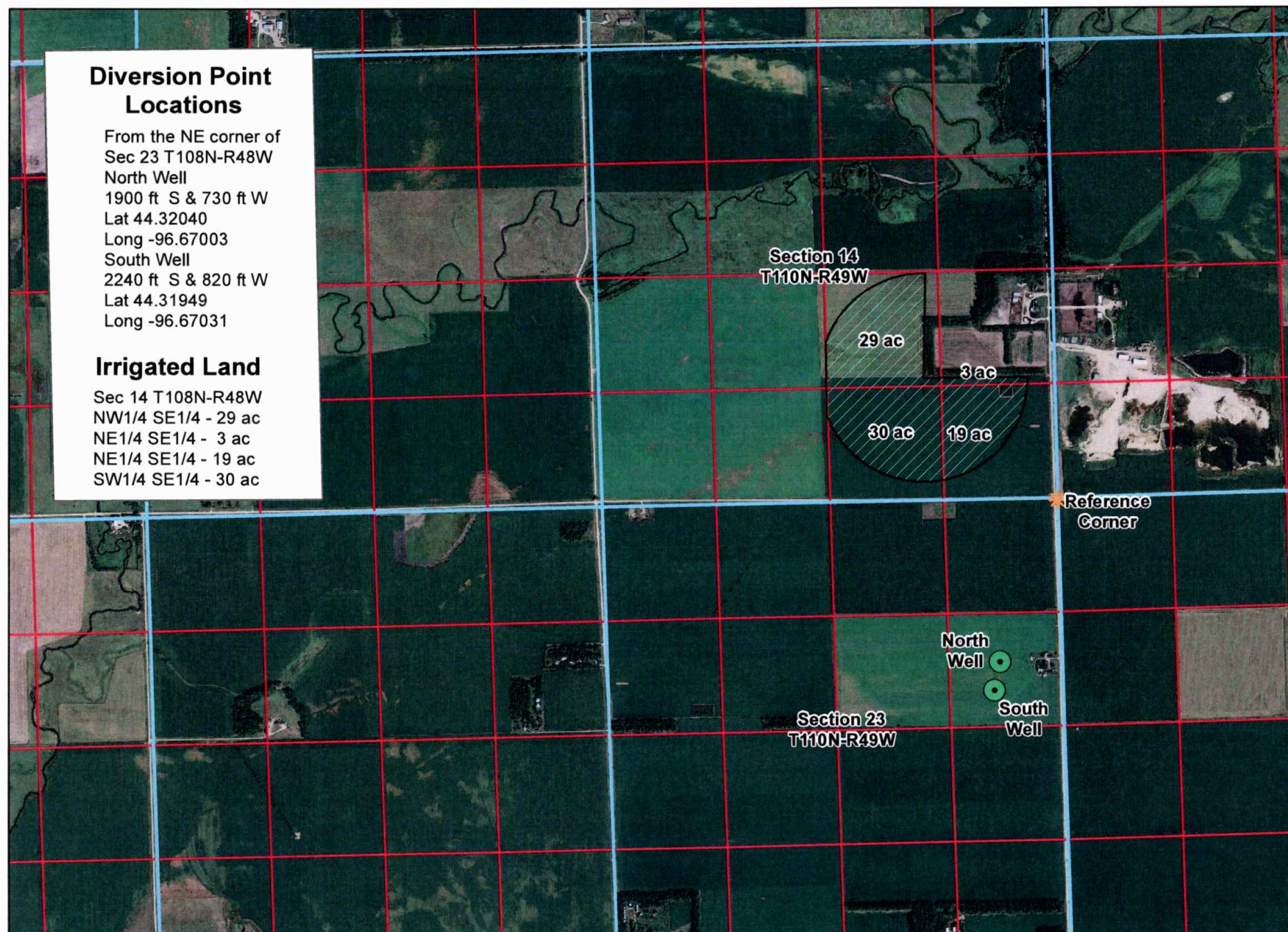
Eric Gronlund, Chief Engineer
Water Rights Program

Diversion Point Locations

From the NE corner of
Sec 23 T108N-R48W
North Well
1900 ft S & 730 ft W
Lat 44.32040
Long -96.67003
South Well
2240 ft S & 820 ft W
Lat 44.31949
Long -96.67031

Irrigated Land

Sec 14 T108N-R48W
NW1/4 SE1/4 - 29 ac
NE1/4 SE1/4 - 3 ac
NE1/4 SE1/4 - 19 ac
SW1/4 SE1/4 - 30 ac



0 1,200 2,400 4,800 7,200 9,600 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 09 2021

8193-3

Charles Dupraz
21136 477th Ave
Aurora SD 57002

Dear Mr. Dupraz:

Enclosed is Water License No. 8193-3. 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.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

NOTE: The investigation found your irrigation system capable of diverting 1.56 cubic feet of water per second (cfs) which is equivalent to approximately 700 gallons per minute. The statutory limit for the 81 acres developed is 1.16 cfs (equivalent to approximately 520 gpm). Diversion of water under this water license is limited to 1.16 cfs.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8193-3**

(1) Charles Dupraz, 21136 477th Ave., Aurora SD 57002 made Application No. 8193-3, January 19, 2016 for a water permit to divert 1.56 cubic feet of water per second from ground water, two existing wells (Big Sioux Aurora Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 8193-3, with a priority date of January 19, 2016 was approved February 29, 2016 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 1, 2021 and for the application to beneficial use of said water on or before March 1, 2025.

An investigation of the water use system found 3 acres outside of the permitted area. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding the change in acreage did not impair existing water rights and the overall project, as developed, was consistent with the original application.

(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 1.16 cubic feet of water per second for beneficial use. The location of the diversion point is:

North Well: 1,900' S & 730' W of the NE corner of Section 23, T110N, R49W (SE ¼ NE ¼ Sec 23)
Latitude 44.32040 Longitude -96.67003

South Well: 2,240' S & 820' W of the NE corner of Section 23, T110N, R49W (SE ¼ NE ¼ Sec 23)
Latitude 44.31949, Longitude -96.67031

Both of the above wells are also used to irrigate land described in Water Right No. 4971-3.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T110N, R49W, Section 14	NW ¼ SE ¼	29 acres	
	NE ¼ SE ¼	3 acres	
	NE ¼ SE ¼	19 acres	Total of 81 acres
	SW ¼ SE ¼	30 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Charles Dupraz, 21136 477th Ave., Aurora SD 57002 the holder and/or owner of Water Right No. 8193-3 is issued a license to appropriate water, the right to use 1.16 cubic feet of water per second from ground water, two wells (Big Sioux Aurora Aquifer) with a priority date of January 19, 2016 from the locations 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. 8193-3 and subject to the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

SEP 09 2021
date





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

January 20, 2023

NOTICE

TO: CHARLES DUPRAZ, 21136 477th AVE, AURORA, SD 57002 6508

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4971-3 & 8193-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 4971-3 & 8193-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 4971-3 & 8193-3 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 8, 2023** 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: MYWXBN**

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.



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

February 2, 2023

4971-3
8193-3

Charles Dupraz
21136 477th Ave
Aurora SD 57002-6508

Dear Mr. Dupraz:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 4971-3 & 8193-3. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 24, 2024

8193-3

Charles Dupraz
21136 477th Ave
Aurora SD 57002

Dear Mr. Dupraz:

I am writing in regard to your Water Right No. 8193-3. The water right authorizes diversion 1.16 cfs (approx. 520 gpm) of water from groundwater, two wells, completed into the Aurora Aquifer, for the irrigation of 81 acres in the SE ¼ of Section 14, T110N, R49W.

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. 8193-3 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:

- 81 acres irrigated
- Reported water use – 199.53 ac-ft of water (approximately 29.5 inches)
- Authorized water use – 162 acre-feet (81 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. Often, irrigators do not keep track of their days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. 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. 8193-3 authorizes a diversion rate of 1.16 cubic feet or water per second (approx. 520 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 700 gpm.

enclosure



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

January 14, 2025

NOTICE

TO: CHARLES DUPRAZ, 21136 477TH AVE, AURORA, SD 57002 6508

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4971-3, 8193-3 & 8815-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4971-3, 8193-3 & 8815-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 4971-3, 8193-3 & 8815-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SEVEL**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

4971-3, 8193-3 & 8815-3

Charles Dupraz
21136 477th Ave
Aurora SD 57002

Dear Mr. Dupraz:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4971-3, 8193-3 & 8815-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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