

WATER PERMIT NO. 8755-3

Name of Applicant: **C. H. Rau**

Address: **12553 309th Ave, Selby SD 57472** Phone: **605-848-7370**

Amount of Water Claimed: **4.45 cfs** Total Acres: **246**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Walworth**

Type of Waste Disposal System:

Location: **Approx. 22 miles east of Mobridge**

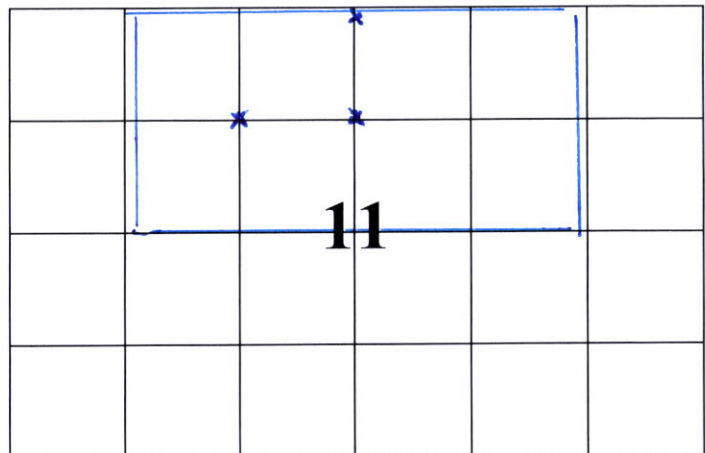
PRIORITY Date Received: **4-27-2023** Application/License Fee: **\$1,250.00**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks: **3 existing wells**

Diversion Point: **N 1/2 Section 11 -T124N-R76W**

Land to be Irrigated: **NW 1/4, NE 1/4 Section 11 -
T124N-R76W**



Depth of Well: **75**

Well Driller: **M & W Drilling**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **4-28-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8755-3**

Date of first receipt of application April 27, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8755-3 to C.H. Rau, 12553 309th Avenue, Selby SD 57472 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. 8755-3 appropriates 4.45 cubic feet of water per second (cfs) from 3 existing wells completed into the Selby Aquifer (approximately 75 feet deep) located in the N 1/2 Section 11 for irrigation of 246 acres located in the N 1/2 Section 11; all in T124N-R76W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 22 miles east of Mobridge 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: April 1 – October 31.
3. The date from which applicant may claim right is April 27, 2023.
4. The date of approval of Permit No. 8755-3 is July 24, 2023.
5. One-fifth of the construction is to be completed on or before January 24, 2026.
6. All construction is to be completed on or before July 24, 2028.
7. Water is to be put to beneficial use on or before July 24, 2032.
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 Water Permit No. 8755-3 are 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. If wells authorized by Permit No. 8755-3 require replacing, any new well shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8755-3 authorizes a maximum diversion rate of 4.45 cfs for the irrigation of 246 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

JUL 31 2023

date



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

PAID

APR 27 2023

Ck# 16193
Rec't# 4/27/23

RECEIVED

APR 27 2023

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8755-3</u> Hydrologic Unit <u>10130106</u>
	Basin <u>West Missouri Coteau</u>
	Newspaper <u>Mobridge Tribune</u>
	<u>Aberdeen American News</u> (office use only)

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 C. H. Rau

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

Mailing Address 12553 309th Ave Selby SD 57472
(Address) (City) (State) (Zip Code)

X Phone 605 649 7370 Mobile 605 848 7370 Email ranfarmranch@live.com

X 2. Amount of water claimed 4.45 *CFS or 2000 **GPM ***AF Total Acreage 246
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

X 3. Source of water supply underground water "OLD GRAND RIVER" AQUIFER?

X 4. Location of point of diversion 3 wells in N 1/2 Sec 11 T124N 76W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Walworth

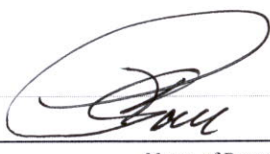
5. County or counties where water will be used Walworth

6. Annual period during which water is to be used April 1 - October 31

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
NW 1/4 Sec 11-T124N-R76W	123 X		123
NE 1/4 Sec 11-T124N-R76W	123 X		123

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

X I,  _____
Name of Person

Owner, the applicant, certify under
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.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☐ Drilling new well(s) ☒ 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 3 Provide copy of log(s), if available. Drilled by M+W drilling
Bismarck ND

For either existing or proposed wells:

- c) Well Depth (required) 75' Depth to Top of Water Bearing Material 37' 11" Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property 5/8 mile Property owned by others 1/4 mile

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

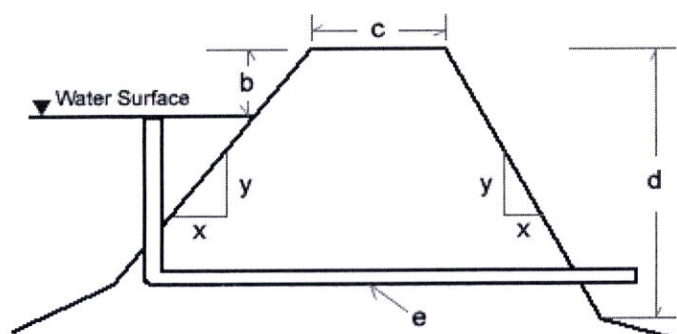
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

124N 76W
Section: 03

124N 76W
Section: 02

124N 76W
Section: 01

124N 76W
Section: 10

124N 76W
Section: 11

124N 76W
Section: 12

124N 76W
Section: 15

124N 76W
Section: 14

124N 76W
Section: 13

July 31, 2023

PAYMENT REQUEST FORM

PAYEE: C.H. Rau
12553 309th Avenue
Selby SD 57472

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over payment of Application Fee

AMOUNT: \$100.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eve Monland 7/31/2023*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 27, 2023

RECEIVED OF CH (Skip)/Marlys Rau 12553 309th Ave., Selby SD 57472

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

Fee for Application for Permit No. <u>8755-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1150.00</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. <u>8755-3</u>	\$ <u>200.00</u>
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>1350.00</u>

By Eric Gronlund
Chief Engineer
vm

Refund
\$100

Water Rights Program - DANR
File Documentation

No. 8755-3

NAME OF PERSON OR FILE: C H Rau

ADDRESS: 12553 309th Avenue, Selby SD 57472 COUNTY: Walworth

DATE: June 24, 2023 TELEPHONE: 605 848 7370

SUBJECT: Discussion with Mr. Rau

I contacted Mr. Rau to inquire about his water permit application to irrigate the N ½ Section 11, T124N, R76W.

First, asked why the proposed pump rate of 2,000 gallons per minute (gpm) to irrigate 246 acres. Indicated the statutory limit for irrigation of 246 acres is 1,577 gpm which is about 800 gpm per center pivot. The rate of 800 gpm is commonly the needed rate to supply a quarter section center pivot. Mr. Rau indicated he has three well and the 2,000 gpm is what the irrigation supply person told him was necessary to operate the planned two pivots.

Secondly, inquired about how he arrived at the depth being 75 feet for the three wells. Two of these wells were authorized by cancelled Water Permit No. 4173-3 indicate the well depth to be 40 feet deep. However, Water Permit No. 4173A-3 which was an application to change one of the diversion point indicates the wells are 60 – 75 feet deep. Mr. Rau stated he did not measure the well depth in each well. Instead he relied on information on the nearby Thorstenson irrigation well.

I thanked Mr. Rau for his time and told him the application should be ready for public notice next week.

NAME: Eve Humlund



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 12, 2023

C. H. Rau
12553 309th Ave
Selby SD 57472

Dear Mr. Rau:

As requested, enclosed is a partially completed *Application for Permit to Appropriate Water Within the State of South Dakota*. Please complete both Form 2 and 2A.

On Form 2A, Supplemental Information, please complete Item No. 1, the Well Information portion. Include the well depth for each well and the other requested information. I have included one well driller's report found with cancelled Water Permit No. 3173-3A.

Enclosed is a map of the area. Please outline the acres you are proposing to irrigate and mark the location for each well with an "X".

The application/license fee is based on the number of acres to be irrigated. If you plan to irrigate the entire 320 acres, the fee will be \$1,350.00. If you are planning a pivot for each quarter-quarter the number of acres irrigated would be less and the fee may be less also.

If you need help calculating the fee or have any additional questions, please call me.

Sincerely,

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

enclosures



**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. 8755-3, C. H. Rau**

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. 8755-3, C. H. Rau, 12553 309th Avenue, Selby SD 57472.

The Chief Engineer is recommending APPROVAL of Application No. 8755-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 8755-3 are 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. If wells authorized by Permit No. 8755-3 require replacing, any new well shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8755-3 authorizes a maximum diversion rate of 4.45 cfs for the irrigation of 246 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
June 26, 2023

NOTE: The existing wells are about 50 years old and likely have not been in use for a long time. If the wells cannot be brought back into service, any replacement wells need to be completed as set forth in qualification No. 2. Furthermore, if any of the existing wells are abandoned, they need to be plugged in accordance with the well construction standards.

Report to the Chief Engineer
On Water Permit Application No. 8755-3

C. H. Rau

June 20th, 2023

Water Permit Application No. 8755-3 proposes to appropriate 4.45 cubic feet per second (cfs) from three existing wells completed into the Selby aquifer (75 feet deep) located in the N ½ Section 11 for irrigation of 246 acres located in the N ½ Section 11; all in T124N-R76W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site of interest is located approximately 5 miles north of Selby, SD in Walworth County.

AQUIFER: Selby (S)

HYDROGEOLOGY:

The Selby aquifer is a Quaternary aged glacial outwash that consists of fine to coarse sand and gravel (Kume and Howells, 1987). In Campbell, Walworth, and McPherson Counties, the Selby aquifer is estimated to underly approximately 170,900 acres and contain approximately 605,000 acre-feet of recoverable water in storage (Hedges et al, 1982). The Selby aquifer is hydrologically connected to surface water features such as the Blue Blanket Lake, Sand Lake, and Salt Lake (Koch, 1970; Kume and Howells, 1987). In Walworth County, the average saturated thickness of the Selby aquifer is 18 ft (Kume and Howells, 1987). The Selby aquifer is predominantly under unconfined conditions, but there are a few areas that are confined by clay layers (Hedges et al, 1982).

A water well completion report was not submitted with Water Permit Application No. 8755-3. A nearby water well completion reports will be used instead to evaluate local aquifer conditions. A well report for canceled Water Permit No. 4173-3A is located in the same approximate area as this application and completed on May 4th, 1982. The well is completed into the Selby aquifer and has a depth to the top of aquifer material of 55 feet below the ground surface, static water level of 37 feet 11 inches below the ground surface, and saturated aquifer thickness of 15 feet at the time of well completion (Water Rights, 2023d). This well seems to be under confined conditions, however there are multiple nearby water well completion reports that suggest the Selby aquifer to be under unconfined conditions. Another nearby well is located approximately 0.47 miles northwest of the diversion points and was completed on September 13th, 1987. This well is completed into the Selby aquifer and has a depth to the top of aquifer material of 4 feet below the ground surface, static water level of 15 feet below the ground surface, and saturated aquifer thickness of 50 feet at the time of well completion (Water Rights, 2023d). Based on the water well completion reports near the diversion points, the Selby aquifer is expected to behave under unconfined conditions at the diversion points (SDGS, 2023; Water Rights, 2023b and 2023d).

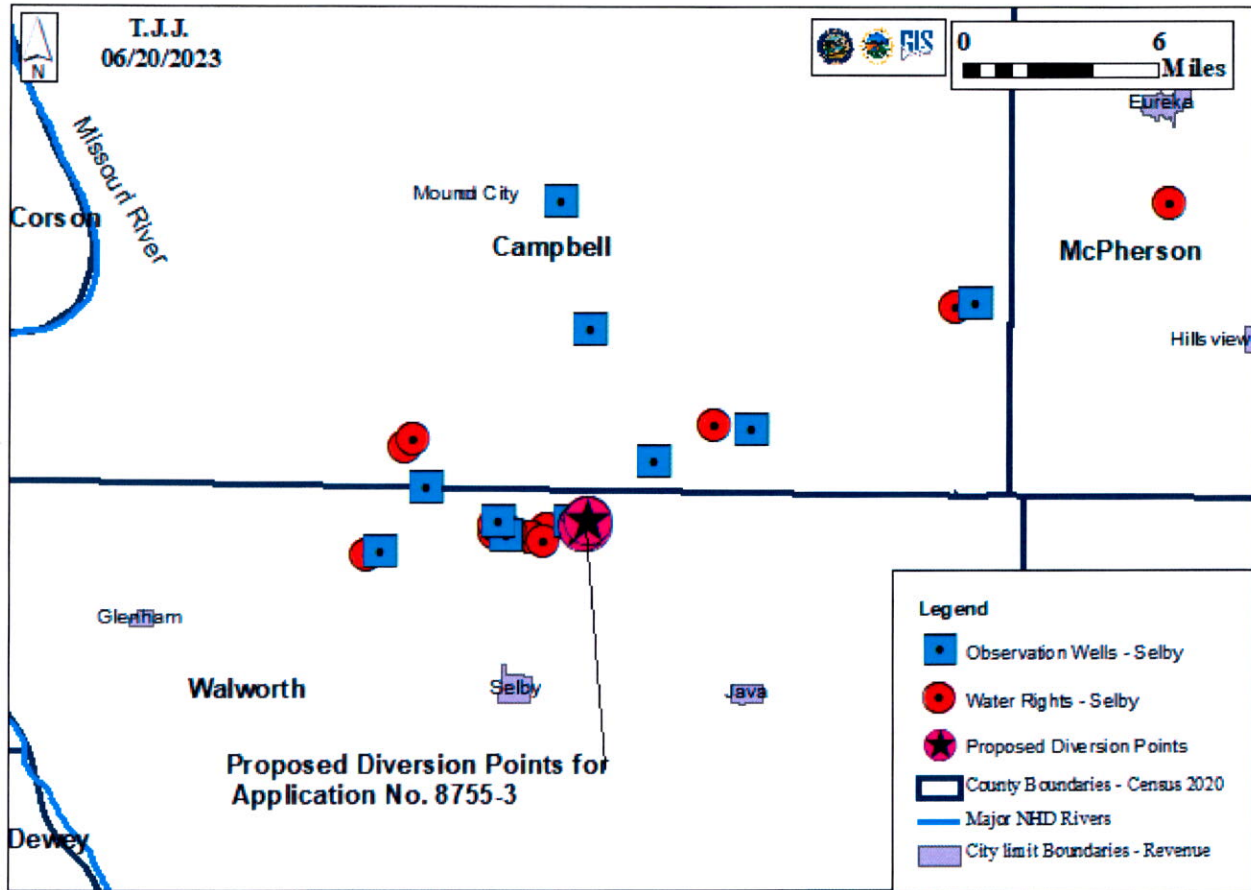


Figure 1. The location of water rights/permits and observation wells in the Selby aquifer (Water Rights, 2023b) and diversion points for Water Permit Application No. 8755-3.

South Dakota Codified Law (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 unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by §§ 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Selby aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8755-3 proposes to appropriate water from the Selby aquifer for irrigation use. The probability of unappropriated water being available from the 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 that 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Selby aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Selby aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Selby aquifer is received primarily by infiltration of precipitation, via snow melt and spring/early summer months rains (Koch, 1970). During the summer months most of the rainfall does not reach the water table because it is held as soil moisture until it is removed by evapotranspiration (Koch, 1970). To recharge the aquifer, there must be enough rainfall to exceed the soil moisture holding capacity so that any additional infiltrating rainfall will contribute to the recharge of the underlying aquifer (Koch, 1970).

Using observation well analysis Hedges et al (1985) estimated a recharge rate of 2.0 inches per year for the unconfined portions of the Selby aquifer. The Selby aquifer has an estimated areal extent of approximately 170,900 acres (Hedges et al, 1982). Therefore, the average annual recharge rate (based on Hedges et al, 1982 and 1985) is approximately 28,483 acre-feet/year. It is likely this value is somewhat greater than the actual recharge because there are some minor portions of the aquifer that are confined.

Discharge

Discharge from the Selby aquifer in South Dakota primarily occurs through well withdrawals and evapotranspiration in areas where the aquifer is at or near land surface (Koch, 1970). Currently, there are 13 water rights/permits authorized to appropriate water from the Selby aquifer (Water Rights, 2023c). There are no future use permits reserving water from the Selby aquifer (Water Rights, 2023c).

Table 2 summarizes the 3 non-irrigation water rights/permits authorized to appropriate water from the Selby aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60% of the time. The 60% estimation was established by Water Rights Staff to be a reasonable and safe estimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60% estimate has been accepted by the Water Management Board. Many municipalities may also source their water from other rural water systems. The City of Selby sources 100% of their water from another system and the City of Eureka sources 74%

of their water from another system (Drinking Water, 2023). Assuming the 60% estimate will apply to the remaining 26% from the City of Eureka, the average annual withdrawal rate for the Selby aquifer non-irrigation water rights/permits is approximately 151 acre-feet/year (Table 2) (Water Rights, 2023c).

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Selby aquifer (Water Rights, 2023c)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
2249-3	CITY OF EUREKA	LC	MUN	1.34	N/A	151.3
781-3	CITY OF SELBY	LC	MUN	0.78	N/A	0
837-3	CITY OF SELBY	LC	MUN	0.78	N/A	0
LC Licensed Water Right, MUN Municipal					TOTAL:	151

Currently, there are 10 irrigation water rights/permits appropriating water from the Selby aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for the Selby aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 1,019 acre-feet per year (Table 3) (Water Rights, 2023a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2012 to 2021 is approximately 1,004 acre-feet per year (Table 3) (Water Rights, 2023a).

This Application (No. 8755-3) is requesting to irrigate 246 acres. Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water rights/permits. Therefore, the estimated average annual withdrawal rate for this application is approximately 246 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (1,004 acre-feet/year), plus this application (246 acre-feet per year), is approximately 1,250 acre-feet per year.

Table 3. Reported historic irrigation use from the Selby aquifer (Water Rights, 2023a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	34	965.00
1980	34	2202.00
1981	37	1740.00
1982	20	1305.85
1983	22	1128.89
1984	34	1445.00
1985	33	2318.00
1986	34	1192.90
1987	26	1478.00
1988	24	2320.00
1989	24	1265.20
1990	25	1119.40
1991	24	835.60
1992	24	590.00
1993	23	119.50
1994	23	1293.85
1995	21	492.66
1996	19	680.09
1997	19	361.00
1998	19	522.44
1999	17	342.48
2000	17	313.43
2001	17	287.32
2002	17	943.59
2003	16	775.66
2004	17	1117.37
2005	16	861.29
2006	15	1402.74
2007	13	1019.51
2008	13	738.39
2009	12	672.59
2010	12	1076.91
2011	12	846.86
2012	12	912.98
2013	12	1257.15
2014	11	782.71
2015	11	904.98
2016	11	1035.05
2017	10	1274.42
2018	10	1089.53
2019	10	259.77
2020	10	1088.58
2021	10	1437.06
Max	37	2320.00
Min	10	119.50
Avg (1979-2021)	19	1019
Avg (2012-2021)	11	1004

There are domestic wells completed into the Selby aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2023d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Selby aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Selby aquifer is approximately 28,483 acre-feet/year (Hedges et al, 1982 and 1985). The average withdrawal rate from the Selby aquifer totals to approximately 1,401 acre-feet/year; (non-irrigation: 151 acre-feet/year; irrigation (avg 2012 to 2021 and this application): 1,250 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Selby aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to 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 DANR-Water Rights Program monitors 10 observation wells completed into the Selby aquifer (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The 4 closest observation wells to the proposed diversion points are WL-76K (approximately 0.5 miles west), WL-76I (approximately 2.5 miles west), WL-76H (approximately 2.8 miles west), and CA-78O (approximately 2.9 miles northeast) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 5 (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurement 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 hydrographs. The data shown on Figures 2 to 5 share a similar trend with most of the other observation wells in the Selby aquifer.

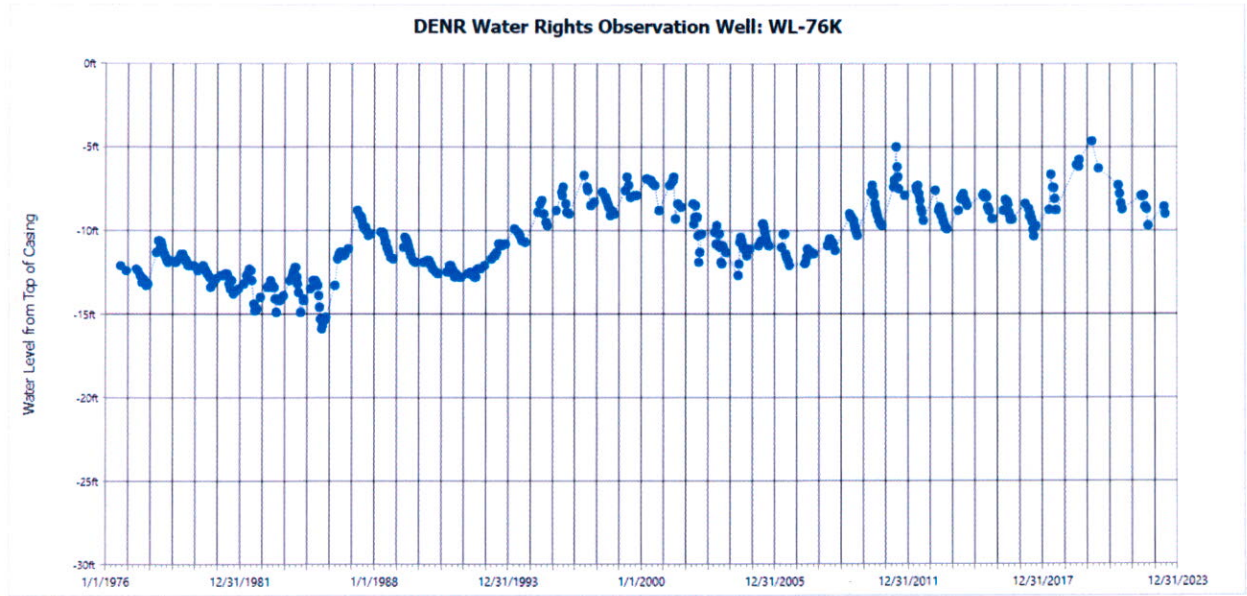


Figure 2. Hydrograph for observation well WL-76K (Water Rights, 2023b)

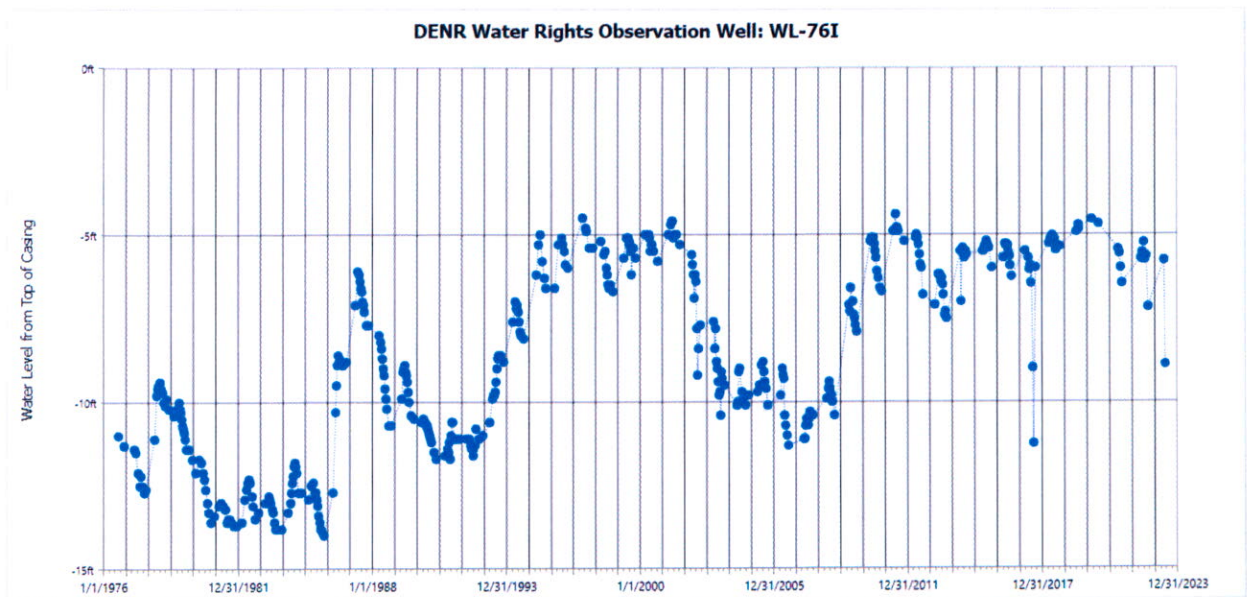


Figure 3. Hydrograph for observation well WL-76I (Water Rights, 2023b)

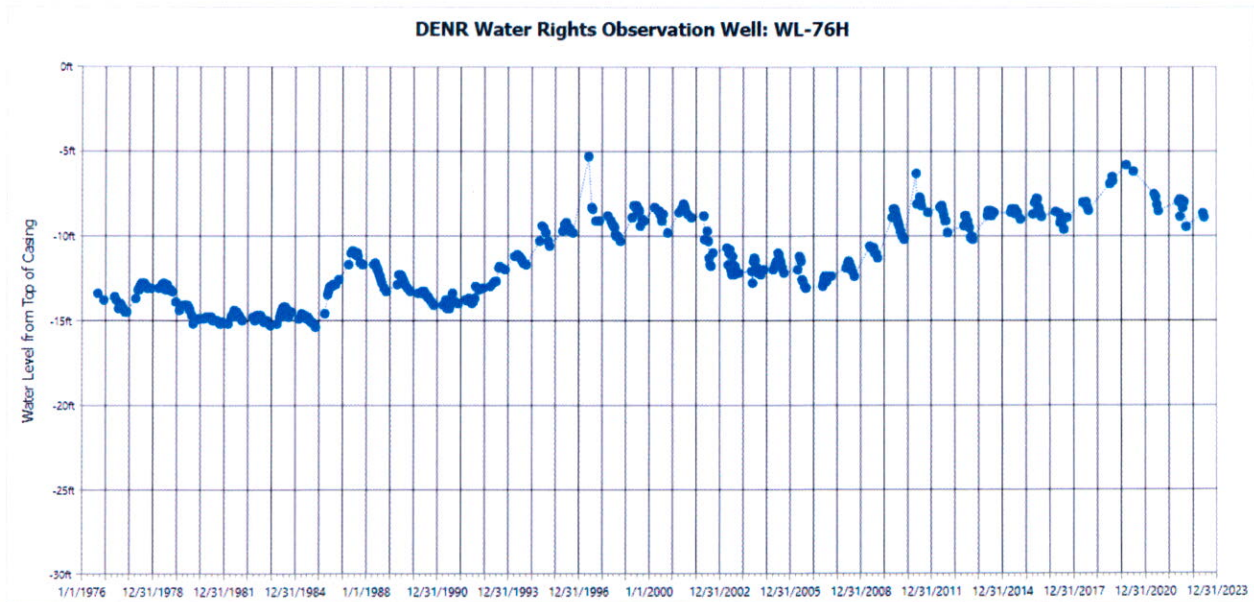


Figure 4. Hydrograph for observation well WL-76H (Water Rights, 2023b)

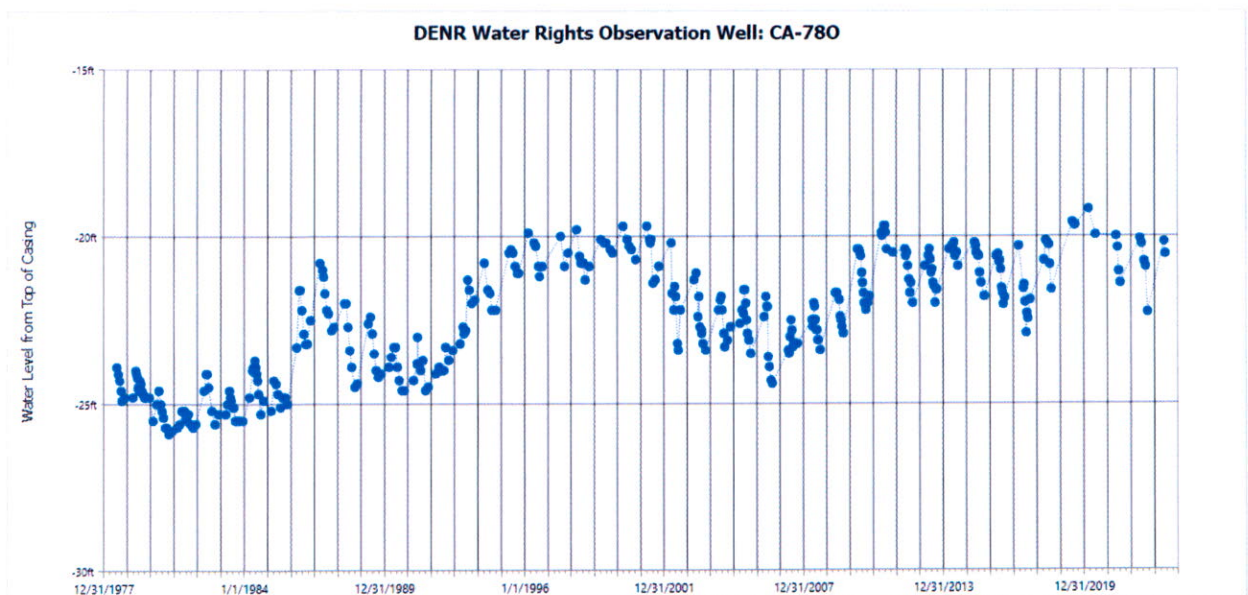


Figure 5. Hydrograph for observation well CA-780 (Water Rights, 2023b)

The hydrographs for the observation wells display generally stable to slightly rising water levels over their respective periods of record. The hydrographs for the Selby aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Selby aquifer. By recognizing that both recharge to and natural discharge

from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits competed into the Selby aquifer in the general vicinity of the proposed well sites for this application are shown in Figure 6 and summarized in Table 5. The closest water right/permit, not held by the applicant, to the diversion points is Water Permit No. 2772-3, as shown on Figure 6, which is held by Lazy TV Ranch. The diversion point for Water Permit No. 2772-3 is located approximately 1 mile west of the nearest diversion point for this application (Water Rights, 2023c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Selby aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.4 miles northwest of the nearest diversion point for this application (Water Rights, 2023d). The locations of the domestic wells are provided by the well driller at the time of well completion.

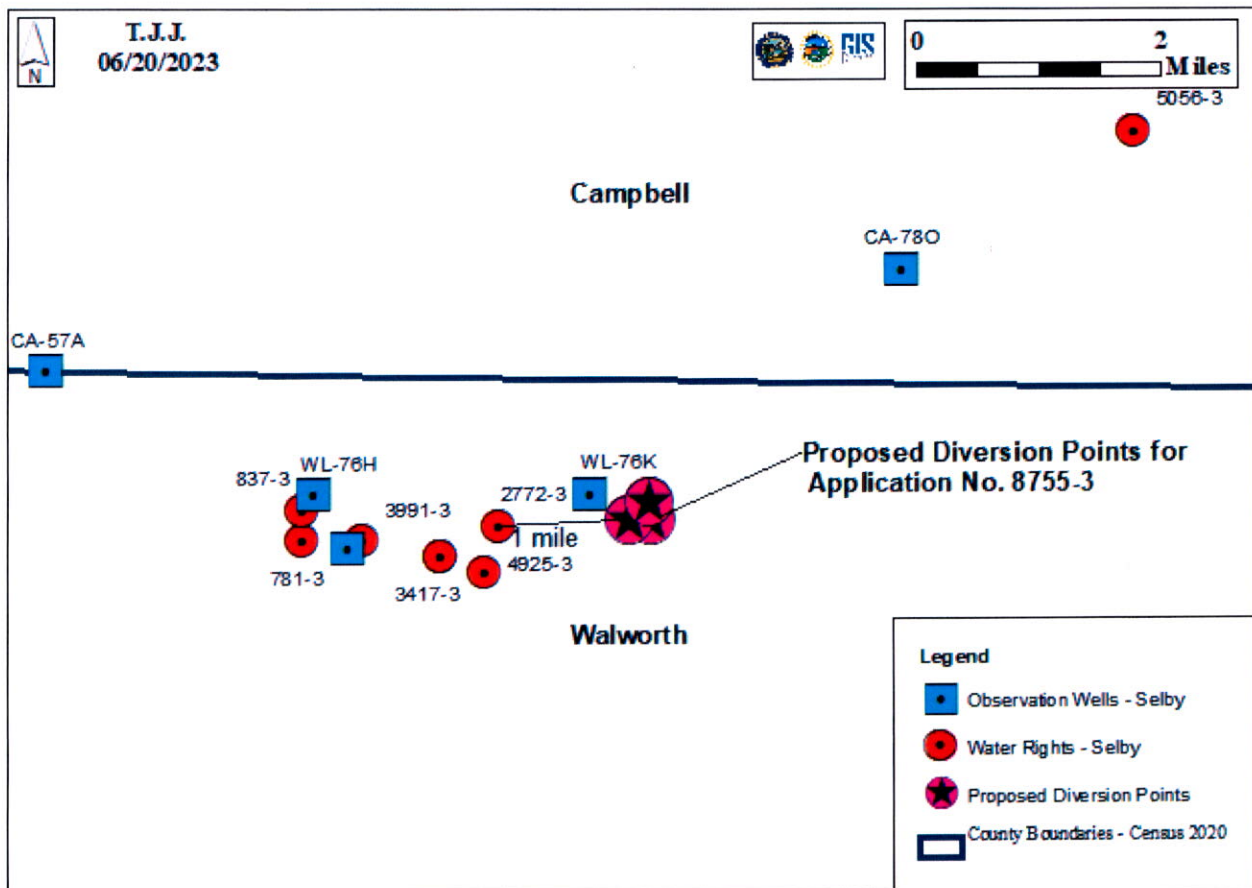


Figure 6. The Selby aquifer water rights/permits and observation wells within 4 miles of the proposed diversion point (Water Rights, 2023c), and the location of proposed diversion points for Water Permit Application No. 8755-3.

Table 4. List of Selby aquifer water rights/permits shown on Figure 6 (Water Rights, 2023c)

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
781-3	City of Selby	06/07/1961	License	Municipal	0.78	N/A
837-3	City of Selby	10/04/1961	License	Municipal	0.78	N/A
2772-3	Lazy TV Ranch	06/18/1976	License	Irrigation	1.78	124
3417-3	Rory Thorstenson	12/13/1976	License	Irrigation	1.33	124
3991-3	Rory Thorstenson	01/31/1977	Permit	Irrigation	1.93	160
4925-3	Lazy TV Ranch	08/25/1982	License	Irrigation	1.78	130
5056-3	Todd Biel	02/01/1985	License	Irrigation	1.97	138

The Selby aquifer is primarily under unconfined conditions and is expected to be unconfined at the diversion points for this application. In an unconfined aquifer, drawdown created by pumping does not extend far from the pumped well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

In Walworth County, the Selby aquifer has an average saturated aquifer thickness of approximately 18 feet (Kume and Howells, 1987). Drawdown is likely to occur in the Selby aquifer, with more drastic drawdowns occurring near the boundary of the aquifer. However, precise drawdown in the aquifer cannot be known without an aquifer performance test. While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the diversion point, and the lack of recent well interference complaints for adequate wells completed into the Selby aquifer in Walworth, Campbell, or McPherson Counties, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells (Water Rights, 2023e). Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1.0 cfs per 70 acres or "the equivalent thereof." The statute does provide that: "The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires..."

If approved, Water Permit Application No. 8755-3 would authorize a maximum instantaneous diversion rate of 4.45 cfs from one well for the irrigation of 246 acres. The applicant was contacted for the reason for requesting 4.45 cfs (2,000 gpm). This is the amount the irrigation supply person indicated is needed to operate both planned center pivots simultaneously.

CONCLUSIONS:

1. Water Permit Application No. 8755-3 proposes to appropriate 4.45 cubic feet per second (cfs) from three existing well completed into the Selby aquifer (75 feet deep) located in the N ½ Section 11 for irrigation of 246 acres located in the N ½ Section 11; all in T124N-R76W. The site of interest is located approximately 5 miles north of Selby, SD.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The reason given was the method of irrigation requires the greater amount.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Selby aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8755-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



for Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Drinking Water, 2023. Drinking Water Reports, SD DANR-Drinking Water Program, Joe Foss Bldg, Pierre, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Koch, N., 1970. Geology and Water Resources of Campbell County, South Dakota, Part II: Water Resources: South Dakota Geological Survey Bulletin 20 (2) 38p.
- Kume, J. and Howes, L. 1987. Water Resources of Walworth County, South Dakota. Water-Resources Investigations Report 85-4015. United State Geological Survey. Huron, SD.
- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed June 20, 2023. <http://cf.sddanr.net/lithdb/>.
- Water Rights, 2023a. "1979-2022 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2023b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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.**

June 28, 2023

C.H. Rau
12553 309th Avenue
Selby Sd 57472

Dear Mr. Rau:

Water Permit Application No. 8755-3 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 Mobridge Tribune printed at Mobridge SD (Ph # 605 845-3646) and the Aberdeen News printed at Aberdeen SD (see attachment for contact number). 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,

Rachel Rodriguez

Rachel Rodriguez
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. 8755-3 to Appropriate Water

Notice is given that C.H. Rau, 12553 309th Ave, Selby SD 57472 has filed an application for a water permit to appropriate 4.45 cubic feet of water per second (cfs) from 3 existing wells completed into the Selby Aquifer (approximately 75 feet deep) located in the N 1/2 Section 11 for irrigation of 246 acres located in the N 1/2 Section 11; all in T124N-R76W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 22 miles east of Mobridge SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8755-3 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 July 24, 2023.

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 July 24, 2023.

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 _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, June 28, 2023 11:49 AM
To: ads@mobridgetribune.com
Subject: 8755-3 C H Rau - Public Notice
Attachments: 8755-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 12, 2023.

C.H. Rau, 12553 309th Ave, Selby SD 57472, (605 848-7370) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, June 28, 2023 11:50 AM
To: aan-legals@aberndeennews.com
Subject: FW: 8755-3 C H Rau - Public Notice
Attachments: 8755-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 12, 2023.

C.H. Rau, 12553 309th Ave, Selby SD 57472, (605 848-7370) has been notified to contact you to authorize publication and arrange for payment.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, June 28, 2023 1:28 PM
To: Rodriguez, Rachel
Subject: [EXT] 8998685 RE: 8755-3 C H Rau - Public Notice
Attachments: Order_Confirmation_Liners - 2023-06-28T142629.295.pdf

Hello!

Your notice is scheduled to run 7/12 in the Aberdeen American.

The total cost is \$48.68.

Prepayment is required in order for the notice to run. Please call the number below my signature before Monday, 7/10 @ 9am to make payment. Anyone who answers can help you.

Please reference ad #8998685 when calling. A proof of the notice is attached for your review.

Affidavits should be received 7-10 business days after the last day of the ad printing.

Any revisions or corrections to the notice should be emailed as soon as possible.

In the future, be on the lookout for access to our online self-serve ad portal in your local publication to conveniently place future legal notices.

Thank you!

Kerri Furnace

Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, June 28, 2023 12:50 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: FW: 8755-3 C H Rau - Public Notice

Attached is a notice to be published on July 12, 2023.

C.H. Rau, 12553 309th Ave, Selby SD 57472, (605 848-7370) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

Mobridge Tribune Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Lori Cox, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Mobridge Publishing, Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

C.H. Rau files application to appropriate water

Marlys Rau

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive weeks upon the following dates, to-wit:

1- Mobridge Tribune: 7/12/2023

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$43.05** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Lori Cox

Subscribed and sworn to before me this date of
7/20/2023

Arden Pahl

Arden Pahl, Notary Public

State of South Dakota

My commission expires August 1, 2025



RECEIVED

AUG 04 2023

OFFICE OF
WATER

C.H. Rau files application to appropriate water

NOTICE OF APPLICATION

NO. 8755-3 to Appropriate Water
Notice is given that C.H. Rau, 12553 309th Ave, Selby SD 57472 has filed an application for a water permit to appropriate 4.45 cubic feet of water per second (cfs) from 3 existing wells completed into the Selby Aquifer (approximately 75 feet deep) located in the N 1/2 Section 11 for irrigation of 246 acres located in the N 1/2 Section 11; all in T124N-R76W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 22 miles east of Mobridge SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8755-3 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.

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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 July 24, 2023.

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 \$43.05 and can be viewed free of charge at www.sdpublicnotices.com

-071223

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Water Rights Program
Rau C.H.
12553 309th AVE
Selby SD 57472-5302

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

07/12/2023

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 07/12/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$48.68

Order No: 8998685

of Copies:

Customer No: 971802

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8755-3
to Appropriate Water

Notice is given that C.H. Rau, 12553 309th Ave, Selby SD 57472 has filed an application for a water permit to appropriate 4.45 cubic feet of water per second (cfs) from 3 existing wells completed into the Selby Aquifer (approximately 75 feet deep) located in the N 1/2 Section 11 for irrigation of 246 acres located in the N 1/2 Section 11; all in T124N-R76W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 22 miles east of Mobridge SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8755-3 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

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The petition shall include a statement describing the

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Published on July 12, 2023 at the total approximate cost of \$48.68 and may be viewed free of charge at www.sdpublishnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, June 28, 2023 2:03 PM
To: raufarmranch@live.com
Subject: FW: 8755-3 C H Rau - Public Notice
Attachments: 8755-3rec.pdf; 8755-3Ltr.pdf; 8755-3 public.short_final.docx; Aberdeen News.docx

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. The Aberdeen News requires prepayment, please see attached information. This information is being mailed to you today.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 31 2023

C.H. Rau
12553 309th Avenue
Selby SD 57472

Dear Mr. Rau:

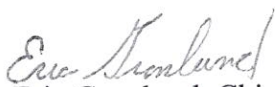
Enclosed is Water Permit No. 8755-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$1,350.00 was submitted with the application. The correct fee for this permit is \$1,250.00. Therefore, \$100.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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,


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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

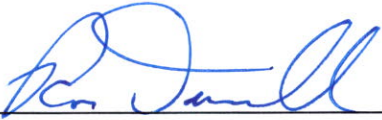
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8755-3

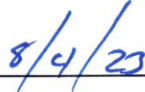
Name of Applicant: C. H. Rau

Date of Posting: 7/10/2023

Date of Removal: 7/31/2023



Ron Duvall, Water Rights Permitting Administrator



Date

Subscribed and sworn to before me, a notary public, this 4 day of August, 2023.



Notary Public - South Dakota
My commission expires:
Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)





**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: C H RAU, 12553 309TH AVE, SELBY, SD 57472

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) 8755-3. 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) 8755-3 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) 8755-3 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: QRUXVV**

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 25, 2025

8755-3

CH Rau
12553 309th Ave
Selby SD 57472

Dear Mr. Rau:

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). 8755-3. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: C H RAU, 12553 309TH AVE, SELBY, SD 57472

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8755-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 8755-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 8755-3 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GXNHPD**

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 26th, 2026

8755-3

C H Rau
12553 309th Ave
Selby, SD 57472

Dear Mr. Rau:

I am writing to acknowledge receipt of your 2025 irrigation questionnaires.

You may disregard the January 20, 2026, "Notice" concerning reporting requirements for Water Permit No. 8755-3. 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us