

WATER PERMIT NO. 8815-3

Name of Applicant: **Charles Dupraz Trust**

Address: **21136 477th Avenue, Aurora SD 57002**

Phone: **605-690-3406**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **132**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Brookings**

Type of Waste Disposal System:

Location: **Approx. 3 miles northeast of Aurora**

PRIORITY Date Received: **01-04-24**

Application/License Fee: **\$1,050.00**

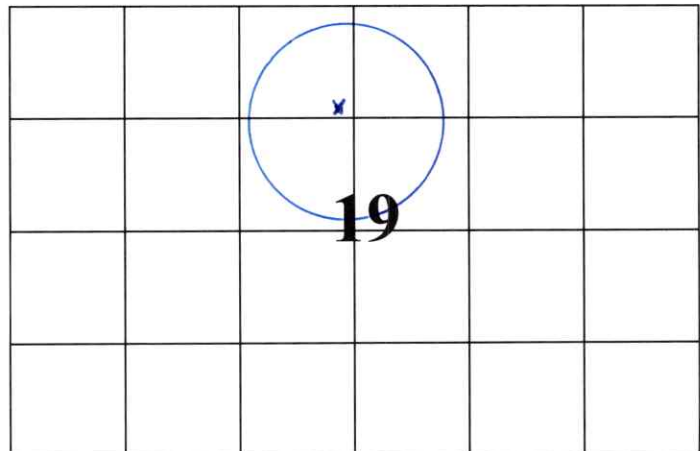
Corrected Application Received: **01-09-24**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **NE 1/4 NW 1/4 Sec 19-T110N-R48W**

Land to be Irrigated: **E 1/2 NW 1/4, W 1/2 NE 1/4
Sec 19-T110N-R48W**



Depth of Well: **168**

Well Driller: **Kaiser Well Drilling**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **01-11-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8815-3**

Date of first receipt of application January 4, 2024.

Date of return to applicant for corrections, amendments, or changes January 5, 2024.

Date of receipt of corrected application January 9, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8815-3 to Charles Dupraz Trust, 21136 477th Avenue, 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. 8815-3 appropriates 1.78 cubic feet of water per second from up to two wells to be completed into the Rutland Aquifer (approximately 168 feet deep) located in the NE 1/4 NW 1/4 Section 19 for irrigation of 132 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 19; all in T110N-R48W. This site is located approximately 3 miles northeast of Aurora 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 January 4, 2024.
4. The date of approval of Permit No. 8815-3 is April 2, 2024.
5. One-fifth of the construction is to be completed on or before October 2, 2026.
6. All construction is to be completed on or before April 2, 2029.
7. Water is to be put to beneficial use on or before April 2, 2033.
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. 8815-3 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. The wells authorized by Permit No. 8815-3 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. 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

APR 11 2024
date



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

RECEIVED

JAN 04 2024

OFFICE OF
WATER

check #6933
Received 1-9-24

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8815-3</u>	Hydrologic Unit <u>10170202</u>
	Basin <u>Middle Big Sioux</u>	
	Newspaper <u>Brookings Register</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 Charles Dupraz Trust

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

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

Phone (605)695-5091 Mobile (605)690-3406 Andy Email adupraz@itctel.com

2. Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1-2 well

4. Location of point of diversion 1-2 wells in NE 1/4 NW 1/4 section 19-T110N-R48W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Brookings

5. County or counties where water will be used Brookings

6. Annual period during which water is to be used Growing season as needed Apr 11 - Oct 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
NE 1/4 NW 1/4 Section 19 -T110N-R48W	<u>34 33</u>		
SE 1/4 NW 1/4 Section 19- T110N-R48W	<u>34 33</u>		
SW 1/4 NE 1/4 Section 19-T110N-R48W	<u>34 33</u>		
NW 1/4 NE 1/4 Section 19-T110N-R48W	<u>34 33</u>		

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

Installing a center pivot for irrigation of farm ground.

I, Charles Dupraz, the applicant, certify under

Name of Person

Title (if applicable)

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

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 1-2 Have test holes been drilled? ☒ Yes ☐ No Drilled by Kaiser Well Drilling
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

c) Well Depth (required) 168 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 44

d) Distance to nearest domestic well on applicant's property about 1.75 m Property owned by others about 1/2

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)

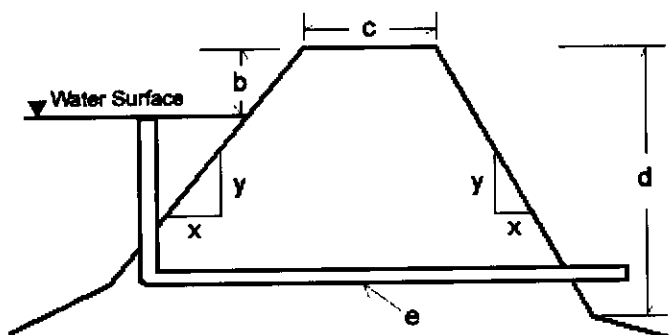
Upstream _____

Downstream _____

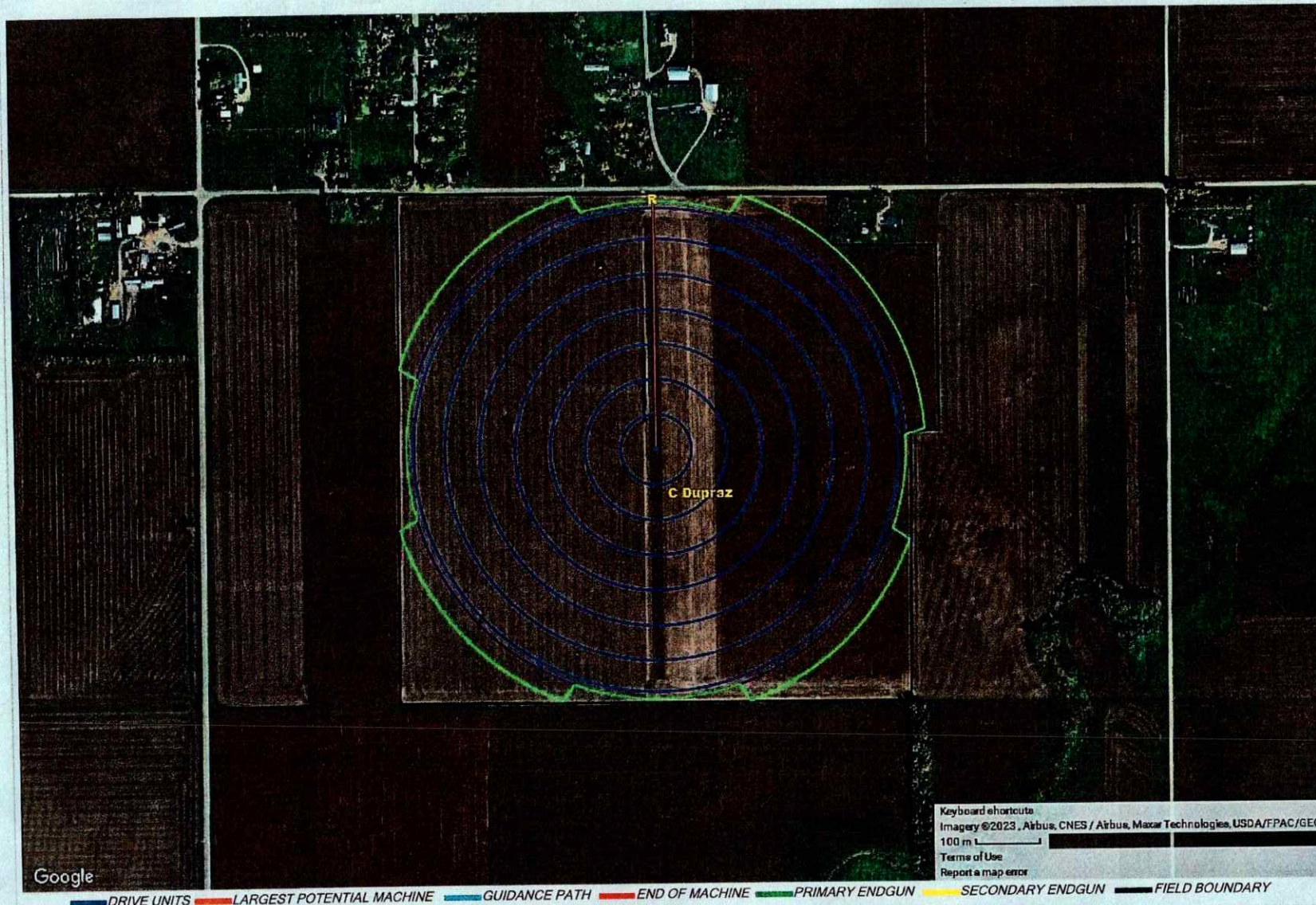
h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Map Summary Report - C Dupraz



FARMERS IMPLEMENT & IRR. - 3023 Hwy 14 Bypass, Brookings, SD, 57006, United States



Common Land Unit ☐ Tract Boundary
☒ Non-Cropland
☐ Cropland

Wetland Determination Identifiers

- Restricted Use
- ▲ Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather, it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data as is and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

Unless otherwise noted,
crops listed below are:
Non-irrigated
Intended for Grain
Corn = Yellow
Soybeans = Conquest
Wheat = NDS or NDS
Sunflowers = Oil or Non

Producer Initial _____

Date _____

2023 Program Year

Map Created April 25, 2023

Farm 9818

19 -110N -48W

SOUTH DAKOTA WATER WELL COMPLETION REPORT

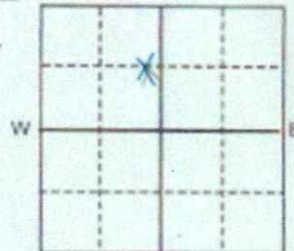
11-02

Location NE 1/4 NW 1/4 Sec 19 Twp 110N Rg 48W

County Brookings

North

Please mark well location with an "X"



Well Completion Date

12/21/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe:

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
Sch 40	3 IN	+2 FT	158 FT	6 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GrtWellDF	6	54 Lb/bag	0 Ft	158 Ft
		Lb/bag	Ft	Ft

Describe grouting procedure

pressure pull

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 3 Inches Length 10 Feet

Material PVC

Slot Size 60 Set From 158 Feet to 168 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☐ No, Why Not?

Lab to which water quality sample sent for analysis

test hole

Well Owner: Charles & Andy Dupraz

Business Name: Charles Dupraz Trust

Address: 21136 477th Ave

City, State, Zip: Aurora SD 57002

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1 1/2
Yellow Sandy Clay	1 1/2	8
Mixed Gravel	8	30
Yellow Clay	30	32
Blue Clay	32	133
Grey Sharp Broken Rock with Gravel	133	136
Blue Clay	136	158
Grey med-Fine	158	168

STATIC WATER LEVEL 44 FEET

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: 80++ GPM☐ Bailed with air☐ Other

Pumping Level Below Land Surface

Ft. After His. pumped GPM

Ft. After His. pumped GPM

If pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 689 and this report is true and accurate

Drilling firm: Kaiser Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

1-4-24

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 9, 2024

RECEIVED OF Charles Dupraz Trust 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. _____ to Appropriate Water, to construct and to put water to beneficial use	<u>\$850.00</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>\$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>\$1050.00</u>

By *Eric Gronlund*
Chief Engineer
vm

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 5, 2024 1:58 PM
To: adupraz@itctel.com
Subject: RE: [EXT] Irrigation permit

Sure, if you like, I can correct the application for 132 acres. However, just to let you know, when one of our engineers does an inspection, if they find that you are irrigating more than the 132 acres, you would need to submit another application to amend this one.

Thank you,

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



From: adupraz@itctel.com <adupraz@itctel.com>
Sent: Friday, January 5, 2024 1:51 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Irrigation permit

Hello-

For #6 that time frame looks fine.

For #7, I would go 33 on each quadrant. I believe the 132 is a more accurate number, I just did my math wrong when I filled out the form.

Thanks
Andy

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, January 5, 2024 1:44 PM
To: adupraz@itctel.com
Subject: RE: Irrigation permit

Good Afternoon Andy,

I was able to print these images. In looking over your application, I see two items that need clarification.

1. For # 6 on the application - annual use period we need something more specific (i.e., April 1 – October 31). Is it okay to add that timeframe?

2. For # 7 on the application – land description is $34 \times 4 = 136$. However, you have total acreage of 132 in #2. These two need to match, is it okay if I cross out 132 and replace with 136 acres?

Once I receive your check, I can begin processing your application. You will be communicating with me as we move forward.

Thank you,

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



From: adupraz@itctel.com <adupraz@itctel.com>
Sent: Friday, January 5, 2024 12:46 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Irrigation permit

[Elston 1.bmp](#) [Elston 2.bmp](#) [Elston 3.bmp](#)

Thanks for responding. Here is pictures again see if this works. I sent check in mail yesterday. If these pics wont open for you, I will print and send to you.

Will you be communicating with me as the steps for this process moves forward? Would just like to keep up with the progress.

Thanks
Andy

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Friday, January 5, 2024 10:54 AM
To: Andy Dupraz <adupraz@itctel.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: Irrigation permit

Andy,

Got your email, none of the links are showing me anything – see following screen snip...

 Name	Modified	File size	Sharing
--	----------	-----------	---------



This item might not exist or is no longer available

This item might have been deleted, expired, or you might not have permission to view it. Contact the owner of this item for more information.

Retry

Regarding the time to approve/disapprove – we have 60 days from the date we have your completed application with the fee to make a recommendation on your application. After that, it will be public noticed in the local paper(s) and then we see whether anyone contests your application. If we are recommending approval and no one contests the application in response to the public notice, then the permit can be issued. So, from beginning to end with an uncontested application you are looking at around three months.

If you send me another set of links, I will try to get your attachments again or you can just mail them with your application fee. Based on applying for 132 acres, the total fee is \$1,050.00 (\$850.00 application fee plus \$200.00 license fee).

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Munyon, Dana <Dana.Munyon@state.sd.us>
Sent: Thursday, January 4, 2024 4:57 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Munyon, Dana <Dana.Munyon@state.sd.us>
Subject: FW: [EXT] Irrigation permit

From: adupraz@itctel.com <adupraz@itctel.com>
Sent: Thursday, January 4, 2024 4:26 PM
To: DANR Mail <DANRMail@state.sd.us>
Subject: [EXT] Irrigation permit

Hello-



**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. 8815-3, Charles Dupraz Trust**

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. 8815-3, Charles Dupraz Trust, 21136 477th Avenue, Aurora SD 57002.

The Chief Engineer is recommending APPROVAL of Application No. 8815-3 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. 8815-3 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. The wells authorized by Permit No. 8815-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 11, 2024

NOTE: The two wells authorized by Water Permit No. 8815-3, if approved, are to be completed into the Rutland aquifer at an approximate depth of 168 feet. Completion of a well into the shallower Big Sioux:Aurora aquifer will require a new water permit to be obtained from that separate water source.

*Report to the Chief Engineer
Water Permit Application No. 8815-3
Charles Dupraz Trust
28 February 2024*

Water Permit Application No. 8815-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.78 cubic feet of water per second (cfs) from up to two wells to be completed into the Rutland aquifer (approximately 168 feet deep) for the irrigation of 132 acres. The wells are to be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19 for the irrigation of land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19, all in T110-R48W. The site is located in Brookings County, approximately 3 miles northeast of Aurora, South Dakota.

Review of the well completion report submitted indicates a shallower aquifer, called the Big Sioux: Aurora aquifer, that is present at a higher elevation than the targeted Rutland aquifer. The applicant has already drilled one well which is screened into the Rutland aquifer. This report will address only the Rutland aquifer. If the second well is completed into the Big Sioux: Aurora aquifer, another application to appropriate water will need to be approved prior to construction of the well to reflect the different water source.

Aquifer: Rutland (RUT)

Description of Aquifer:

The Rutland aquifer is a glacial outwash composed of mostly fine to very coarse sand, and very fine to medium gravel (Hamilton, 1989). The aquifer is generally buried and confined, and has not been extensively mapped, but is located in the southeast portion of Brookings County and possibly Moody County, and likely extends into western Lincoln County in Minnesota (Beste, 2024; Hansen, 1986; Hamilton, 1989; Minnesota, 2024; Water Rights, 2024d). Areal extent of the Rutland aquifer in South Dakota is listed on Table 1. The areas were calculated using ArcGIS Pro from maps made by Hamilton (1989) and Hansen (1986). Those maps are likely outdated, and current data suggest a smaller areal extent of the aquifer.

Table 1. Mapped Areal Extents of the Rutland aquifer in Brookings and Moody Counties, South Dakota

County	Area (acres)	Source
Brookings	151,200	Hamilton (1989)
Moody	21,258	Hansen (1986)

Depth to the Rutland aquifer ranges from 23 feet east of Brookings, to 432 feet near the Minnesota state line (Hamilton, 1989). Depth to the aquifer generally increases nearer to the Minnesota border (Hamilton, 1989; Minnesota, 2024). Within three miles of the proposed diversion point for this application, depth to the Rutland aquifer ranges from 103 feet to 179 feet below land elevation. The location of the proposed well for Application No. 8815-3 has a depth to the Rutland aquifer of 158 feet. The static water level at the time of well completion was 44 feet below land surface. This report is for the evaluation of the Rutland aquifer, with the

assumption that the applicant will be drilling any additional wells into the same aquifer. The Rutland aquifer at this location is under confined conditions (Water Rights, 2024c and 2024d).

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 there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 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 water uses and water rights within the Rutland aquifer.

SDCL 46-6-3.1:

SDCL 46-6-3.1 states that “no application to appropriate groundwater may be approved if, according to the best possible 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.”

Water Permit Application No. 8815-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the Rutland aquifer is not older or stratigraphically lower than the Greenhorn formation. Therefore, in order to approve an application to appropriate water, there needs to be evidence showing a reasonable probability that unappropriated water is available. This report will address whether average annual recharge exceeds discharge with available data and observation well analysis.

Hydrologic Budget Analysis:

Recharge

The Rutland aquifer may be recharged by slow leakage of precipitation through thick till, and through adjacent sand and gravel outwashes (Hamilton, 1989). There is no estimated recharge rate to this aquifer, as additional studies would be necessary. However, Hedges et al. (1985) uses a range of 0.15 to 0.6 inches/year to estimate recharge to confined aquifers when a more specific recharge rate has not been found. Applying this rate range to the areal extent calculated in Table 1, recharge to the Rutland aquifer is approximately 2,156 to 8,623 acre-feet/year, which is likely an overestimation as current data suggest a smaller areal extent of the aquifer.

Using Darcy’s law, Hamilton (1989) estimated the outflow through the Rutland aquifer from Brookings County into Moody County to be approximately 6,000 acre-feet/year. This value is a likely minimum recharge rate to the aquifer since outflow through Moody County should be equal or less than total aquifer recharge. Since 6,000 acre-feet/year is within the range calculated

from Hedges et al. rate for confined aquifers (1985), that will be the recharge used for the hydrologic budget analysis.

Discharge

Discharge from the Rutland aquifer to the Big Sioux aquifer may occur where the aquifers are in direct contact or where the till is thin between the two aquifers, and where the potentiometric surface of the Rutland aquifer is above the Big Sioux aquifer (Hamilton, 1989). There are currently 21 existing water rights/permits authorized to appropriate water from the Rutland aquifer. Due to the Rutland not being the top-most aquifer, and the use of water distribution systems, domestic well withdrawals are estimated to be negligible for the hydrologic budget.

Of the 21 water rights/permits, 16 are for irrigation use (Water Rights, 2024c). Irrigation water rights/permits have been typically required to report annual usage on an irrigation questionnaire since 1979. Prior to 1989, there were no irrigation water rights/permits authorized to withdraw from the Rutland aquifer (Water Rights, 2024a). The average annual withdrawal for the Rutland aquifer irrigation water rights/permits that have reported from the years 1989 to 2022 is approximately 466 acre-feet (Water Rights, 2024a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2013 to 2022 will be used for the budget, and is approximately 657 acre-feet (Water Rights, 2024a).

Water Permit No. 8611-3 is included in the 2022 irrigation questionnaire but reported zero acre-feet of annual use and indicated the system was not yet constructed. Previous reports on the Rutland aquifer by the Water Rights Program estimate irrigation use to be 10 inches of water per acre per year (Water Rights, 2024c). Using this method, Permit No. 8611-3 is estimated to have an average annual withdrawal of 67 acre-feet. Water Permit No. 8737-3 was not included in the 2022 irrigation questionnaire, as that water permit was approved by the Chief Engineer in 2023. Applying 10 inches of water per acre per year over its 150 acres, Permit No. 8737-3 is estimated to have an average annual withdrawal of 125 acre-feet. Application No. 8815-3 is requesting to irrigate 132 acres. This application, if approved, will be assumed to pump approximately 110 acre-feet.

Of the 21 water rights/permits appropriating water from the Rutland aquifer, 5 are for non-irrigation use. Non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of the time at their respective permitted diversion rate. Using this method, non-irrigation water rights/permits are estimated to withdrawal an average annual volume of 717 acre-feet.

Hydrologic Budget Summary

Recharge to the Rutland aquifer is estimated to be 6,000 acre-feet/year. The estimated average withdrawal is approximately 1,566 acre-feet/year, listed on Table 2. This application seeks to withdraw an estimated 110 acre-feet/year. Based on the hydrologic budget analysis, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

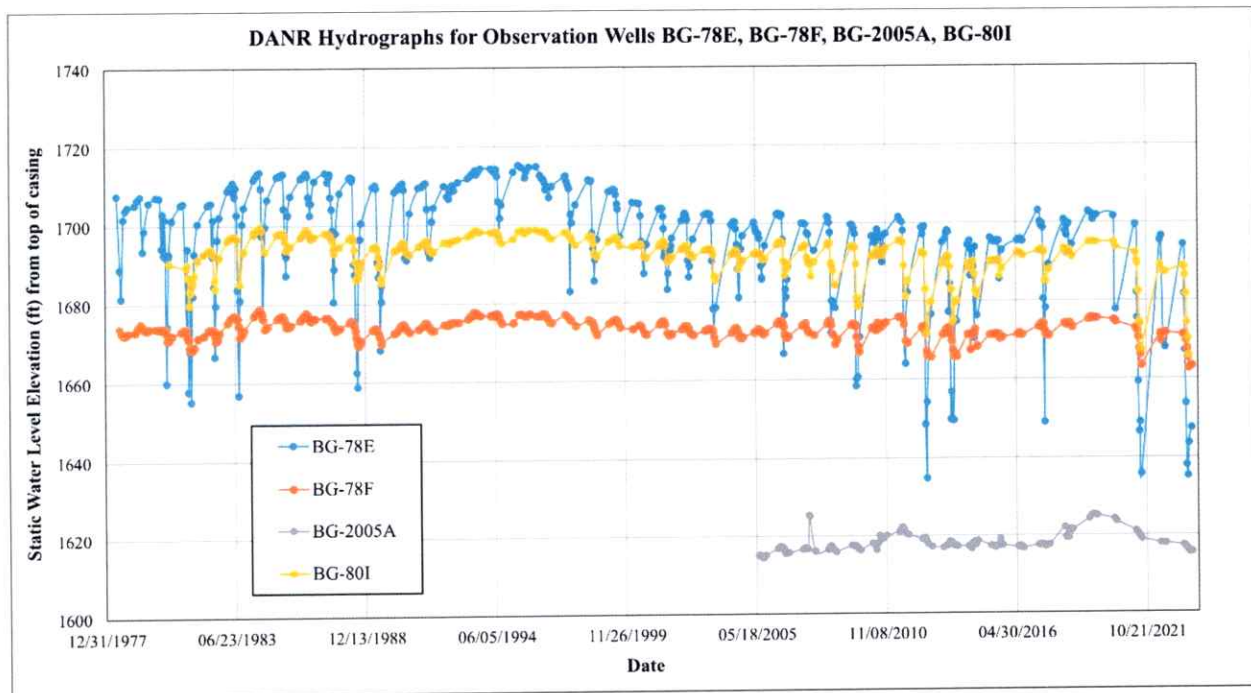
Table 2. Summary of estimated withdrawals from the Rutland aquifer (Water Rights, 2024a and 2024c).

Type of Water Right/Permit	Estimated Annual Withdrawal (acre-feet)
Water Permit No. 8611-3	67
Water Permit No. 8737-3	125
Irrigation (average annual withdrawal from 2013-2022)	657
Non-Irrigation	717
Total	1,566

Observation Well Analysis:

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 SD DANR Water Rights Program monitors 4 observation wells completed into the Rutland aquifer (Water Rights, 2024b). BG-2005A is located approximately 3 miles southwest, BG-80I is located approximately 3.6 miles east, BG-78F is located approximately 5 miles southeast, and BG-78E is located approximately 6.8 miles southeast. Hydrographs for these observation wells are shown in Figure 1. Static water level elevations are referenced to NGVD29 vertical datum. Water levels for observation wells illustrate water level trends, climatic conditions, and pumping from the Rutland aquifer at those locations (Water Rights, 2024b).

**Figure 1.** Hydrographs for observation wells in the Rutland aquifer (Water Rights, 2024b).

When looking at observation well hydrographs, trends over the entire period of record are key when evaluating the overall behavior of the aquifer. The Rutland aquifer is a confined aquifer, meaning that static water level represents the pressurized water level, called the hydraulic head. The hydraulic head is not a direct indication of water in storage but can show the effect of pumping and recharge to the confined aquifer.

Beginning in 1994 until the early 2000's, there was a steady decline of artesian head pressure in Rutland aquifer observation wells. From 1989 to 1993, reported irrigation pumping in the Rutland aquifer did not exceed 26 acre-feet/year. In 1994, reported pumping jumped to 266 acre-feet/year. Between 1994 and 1998, two high-yield (pumping at a rate greater than 0.2 cfs) water permits were approved for dairy operations (Water Right Nos. 5822-3 and 6087-3) (Water Rights, 2024c). These high yield wells are closest to observation well BG-78E, which also shows the greatest change during this time period compared to the other nearest observation wells, BG-78F and BG-80I.

Since the decline between 1994 to the early 2000's, hydraulic head in the Rutland aquifer has stabilized with only a slight downward trend in observation well BG-78E. Short-term trends in Figure 1 show that the aquifer recovers in the spring after the previous irrigation season. The long-term stabilization of the aquifer after the early 2000's show that recharge to and natural discharge from the aquifer governs the long-term water level trends in the aquifer rather than the impacts of pumping. Due to the short- and long-term stabilization of static water levels in the Rutland aquifer observation wells, and since both recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Potential for Unlawful Impairment:

Nearby Water Rights/Permits

Currently, there are 21 water rights/permits authorized to appropriate water from the Rutland aquifer (Water Rights, 2024c). The nearest water right/permit is Water Right No. 6622-3, held by Sandra Hanson, and is located approximately 0.8 miles north of the proposed diversion point for this application.

There are domestic wells on file with the SD DANR Water Rights Program that are completed into the Rutland aquifer, with the closest domestic wells on file (not held by the applicant) located approximately 2.8 miles southeast of the proposed diversion point (Water Rights, 2024d). There could potentially be other domestic wells completed into the Rutland aquifer that are not on file with the Water Rights Program. Domestic wells in South Dakota have a priority over other use types and are protected from unlawful impairment when the well is constructed under adequate well standards, defined in ARSD 74:02:04:20(6) as:

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as

near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

Potential of Drawdown

The Rutland aquifer is confined at the proposed diversion point for this application, confirmed by the well completion report submitted with this application. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. However, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. A pumping test would be required to know the exact drawdown behavior of the aquifer in this area.

The well completion report submitted with this application indicates 10 feet of saturated aquifer material, and the saturated thickness of the aquifer in this area ranges from approximately 16 to 23 feet (Water Rights, 2024c and 2024d). This does not generally allow enough thickness for a pump to be placed 20 feet below the top of the aquifer, but placed as near to the bottom of the aquifer as is practical, in order for the well to be considered adequate.

Observation well BG-78E is located near several high-yield wells and its hydrograph can provide insight to how the aquifer responds to pumping (Figure 1). This aquifer did not fully recover after the initial drawdown caused by the nearby dairies from 1994-1998, but did stabilize, showing that the aquifer is not being over-pumped. There is almost 50 feet of artesian head pressure in BG-78E even at the lowest recorded water level (Figure 1).

Hilltop Dairy LLP (Water Right No. 6087-3) is only 0.4 miles away from BG-78E, and drawdown from the dairy’s pumping impacted artesian head pressure in that observation well the most (Figure 1). The other two observation wells near the dairy (BG-78F and BG-80I) are approximately 2.2 miles east and 3.4 miles northwest, respectively. However, these wells don’t show the impact of pumping from the dairy nearly as much, meaning that the notable drawdown effect of the Rutland aquifer at that location doesn’t extend much more than 0.5 miles from heavy pumping. It is unlikely that the nearest domestic well (2.8 miles southeast) or the nearest well with an older priority date (0.8 miles north) will be affected by the pumping proposed by Application No. 8815-3, which would divert at a lower rate than the dairy. Additionally, irrigation is the use type for both this application and the nearest water right. Since irrigation is a seasonal use, there would be no pumping over winter months and would allow for water level recovery.

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.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted the Findings of Fact and Conclusions of Law from the case of Water Right No. 2313-2, which said that reserving artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4. SDCL 46-1-4 states that "general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable..." (Water Rights, 1995). Depending on specific characteristics of the Rutland aquifer, some existing well owners may need to lower pumps at their location. There have not been any complaints of unlawful interference for wells in Brookings County or Moody County (Water Rights, 2024e).

Due to the stabilization of Rutland aquifer observation wells after heavy pumping created drawdown, the distance of the nearest domestic wells and water rights with senior priority dates to the proposed diversion point, abundant artesian head pressure indicated by observation wells, ARSD 74:02:04:20(6) and (7), SDCL 46-1-4, and the lack of unlawful interference complaints in Brookings and Moody County, it is reasonable that any drawdown for this application is not expected to unlawfully impair nearby adequate wells.

Conclusions:

1. Water Permit Application No. 8815-3 proposes to appropriate 1.78 cfs from up to two wells to be completed into the Rutland aquifer for the irrigation of 132 acres. The wells are to be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19 for the irrigation of land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19, all in T110-R48W. The site is located in Brookings County, approximately 3 miles northeast of Aurora, South Dakota.
2. This report assumes that the applicant will complete both proposed wells into the Rutland aquifer, the second uppermost aquifer (well depth of approximately 168 feet) as logged by the well completion report for the first well. Water Rights are administered by water source. If a second well is drilled, it also needs to be completed into the Rutland aquifer. Otherwise, a new permit will be needed before completing a second well into the uppermost aquifer which is the Big Sioux: Aurora aquifer.
3. Based on a hydrologic budget and observation well analyses, there is reasonable probability that unappropriated water is available from the Rutland aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the proposed diversion by Application No. 8815-3 will not unlawfully impair adequate wells for existing South Dakota water rights/permits and domestic uses.



Brittan R. Hullinger
Natural Resources Engineer I
SD DANR, Water Rights Program

Reviewed By:



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

References

- Beste, Brent. 2024. District Appropriations Hydrologist, Minnesota DNR. Personal Communication. February 22, 2024.
- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water Resources Investigations Report 88-4185. U.S. Geological Survey. Huron, South Dakota.
- Hansen, D.S. 1986. Water Resources of Lake and Moody Counties, South Dakota. Water Resources Investigations Report 84-4209. U.S. Geological Survey. Huron, South Dakota.
- Hedges, et al. 1985. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Groundwater Recharge. South Dakota Geological Survey. Vermillion, South Dakota.
- Minnesota Water Use Data, Permit Index Report. 2024. Department of Natural Resources. Accessed February 26, 2024.
<https://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/wateruse.html>
- Water Rights. 1995. Findings of Fact, Conclusions of Law, and Final Decision in the matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2024a. "1979-2022 Irrigation Summaries by Aquifer." SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2024b. Observation Well Data. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2024c. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2024d. Well Completion Reports. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2024e. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**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 NEWSPAPER RIGHT AWAY.**

March 13, 2024

Charles Dupraz Trust
21136 477th Avenue
Aurora SD 57002

Dear Mr. Dupraz:

Water Permit Application No. 8815-3 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 in Brookings SD (Ph # 605 692-6271). You will need to contact the newspaper 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 to authorize publication of your Notice and to arrange for payment. Early contact with the paper 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,

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. 8815-3 to Appropriate Water

Notice is given that Charles Dupraz Trust, 21136 477th Avenue, Aurora SD 57002 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from up to two wells to be completed into the Rutland Aquifer (approximately 168 feet deep) located in the NE 1/4 NW 1/4 Section 19 for irrigation of 132 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 19; all in T110N-R48W. This site is located approximately 3 miles northeast of Aurora SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8815-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 2, 2024.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 2, 2024.

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, March 13, 2024 11:54 AM
To: registerclassifieds@brookingsregister.com
Subject: 8815-3 Charles Dupraz Public Notice
Attachments: 8815-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2024.

Charles Dupraz Trust, 21136 477th Avenue, Aurora SD 57002, 605-690-3406 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



Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

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 #31950 Notice of Application

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

March 20, 2024

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:

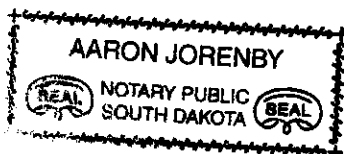
Forty-Four Dollars and Ninety-Seven Cents \$44.97

PUBLIC NOTICES

Legal 31950 1X
3/20

**NOTICE OF APPLICATION
NO. 8815-3 TO
APPROPRIATE WATER**

Notice is given that Charles Dupraz Trust, 21136 477th Avenue, Aurora SD 57002 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from up to two wells to be completed into the Rutland Aquifer (approximately 168 feet deep) located in the NE 1/4 NW 1/4 Section 19 for irrigation of 132 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 19; all in T110N-R48W. This site is located approximately 3 miles northeast of Aurora SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8815-3 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



KMFoiles

26 day of

March

2024
Ag

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

RECEIVED

APR 02 2024

OFFICE OF
WATER

a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 2, 2024.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 2, 2024.

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 March 20, 2024 at the total approximate cost of \$44.97 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, March 13, 2024 12:08 PM
To: adupraz@itctel.com
Subject: 8815-3 Charles Dupraz Public Notice
Attachments: 8815-3 rec.pdf; 8815-3 Ltr.pdf; 8815-3 PubNotice.pdf

Good afternoon,

Attached is a copy of the report, chief engineer's 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.** This information is also being mailed to you today.

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 11 2024

Charles Dupraz Trust
c/o Charles Dupraz
21136 477th Avenue
Aurora SD 57002

Dear Mr. Dupraz:

Enclosed is Water Permit No. 8815-3 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,

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
Posting on DANR Website**

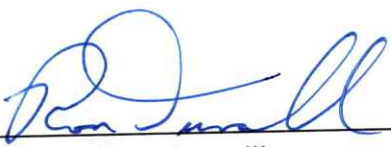
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8815-3

Name of Applicant: Charles Dupraz Trust

Date of Posting: 3/18/2024

Date of Removal: 4/11/2024



Ron Duvall, Engineer III

4/11/2024

Date

Subscribed and sworn to before me, a notary public, this 11th day of April, 2024.



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: 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