

WATER PERMIT NO. 8884-3

Name of Applicant: **Cronin Farms Inc.**

Address: **16410 302nd Avenue, Gettysburg SD 57442**

Phone: **605-769-0232**

Amount of Water Claimed: **4.0**

Total Acres: **295**

Source of Water Supply: **Surface**

Water to be used for: **Irrigation**

County: **Potter**

Type of Waste Disposal System:

Location: **Approx. 16 miles northwest of Gettysburg SD**

PRIORITY

Date Received: **06-24-24**

Application/License Fee: **\$1,250.00**

Corrected Application Received: **N/A**

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

Remarks: **Using the same diversion point and source as WR 1316-3**

Diversion Point: **Between SE 1/4 Sec 6 and NE 1/4**

Sec 7 -T118-R78W

Land to be Irrigated: **S 1/2 NE 1/4, SE 1/4 Sec 31,**
SW 1/4 NW 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4 Sec
32, NE 1/4 NE 1/4 Sec 6, N 1/2 NW 1/4, SW 1/4
NW 1/4 Sec 5; all in T118N-R78W

	31			32	
	6			5	

Depth of Well: **N/A**

Well Driller: **N/A**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **06-27-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8884-3

Date of first receipt of application June 24, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8884-3 to Cronin Farms, Inc., 16410 302nd Avenue, Gettysburg SD 57442, 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. 8884-3 appropriates 4.0 cubic feet of water per second from the Missouri River located between SE ¼ SE 1/4 Section 6 and NE 1/4 NE ¼ Section 7; all in T118N-R78W, for irrigation of 295 acres located in the S 1/2 NE 1/4, SE 1/4 Section 31; SW 1/4 NW 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 32; all in T119N-R78W; NE 1/4 NE 1/4 Section 6; N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 5; all in T118N-R78W. This site is located approximately 16 miles west northwest of Gettysburg 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 June 24, 2024.
4. The date of approval of Permit No. 8884-3 is September 16, 2024.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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

SEP 27 2024
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8884-3</u> Hydrologic Unit <u>10130105</u> Basin <u>Missouri R</u> Newspaper <u>Potter Co. News</u> <u>Aberdeen American News</u> (office use only)
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PAID
JUN 24 2024
Ck# 5339
Rec't# _____

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 Cronin Farms Inc

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

Mailing Address 16410 302nd Ave Gettysburg SD 57442
(Address) (City) (State) (Zip Code)
Phone 605-769-0232 Mobile 605-769-0232 Email cronincnc@gmail.com

2. Amount of water claimed 4.0 *CFS or 1800 **GPM ~~1800~~ ***AF Total Acreage 295
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River Between SE 1/4 Sec 6 & NE 1/4 Sec 7

4. Location of point of diversion Same as 1316-3 Sec 6 - T118N - R78W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Potter

5. County or counties where water will be used Potter

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
S 1/2 NE 1/4 Sec 31-T119N-R78W	55.0	SE 1/4 SW 1/4 Sec 32 - T119N-R78W	9.0
SE 1/4 Sec 31-T119N-R78W	95.0	NE 1/4 NE 1/4 Sec 6-T118N-R78W	24.0
SW 1/4 NW 1/4 Sec 32 - T119N-R78W	6.5	N 1/2 NW 1/4 Sec 5-T118N-R78W	51.0
W 1/2 SW 1/4 Sec 32 - T119N-R78W	52.0	SW 1/4 NW 1/4 Sec 5-T118N-R78W	2.5

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

2 large center pivots, approx 147.5 acres each, already constructed and in use

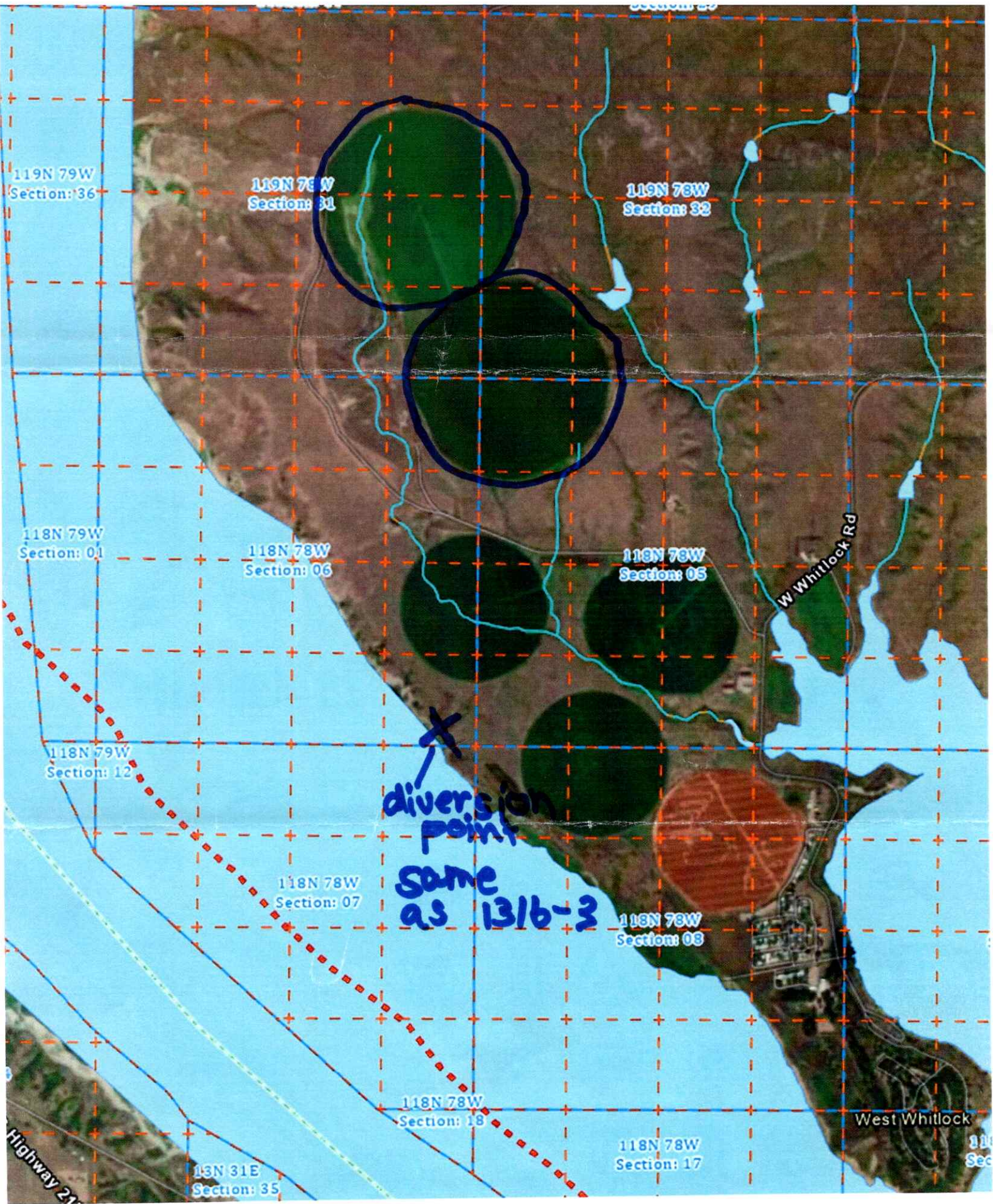
I, Casey Cronin Casey C. President, the applicant, certify under
Name of Person Title (if applicable)

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)

RECEIVED
JUN 24 2024
OFFICE OF
WATER



119N 79W
Section: 36

119N 78W
Section: 31

119N 78W
Section: 32

118N 79W
Section: 01

118N 78W
Section: 06

118N 78W
Section: 05

118N 79W
Section: 12

118N 78W
Section: 07

118N 78W
Section: 08

118N 78W
Section: 18

118N 78W
Section: 17

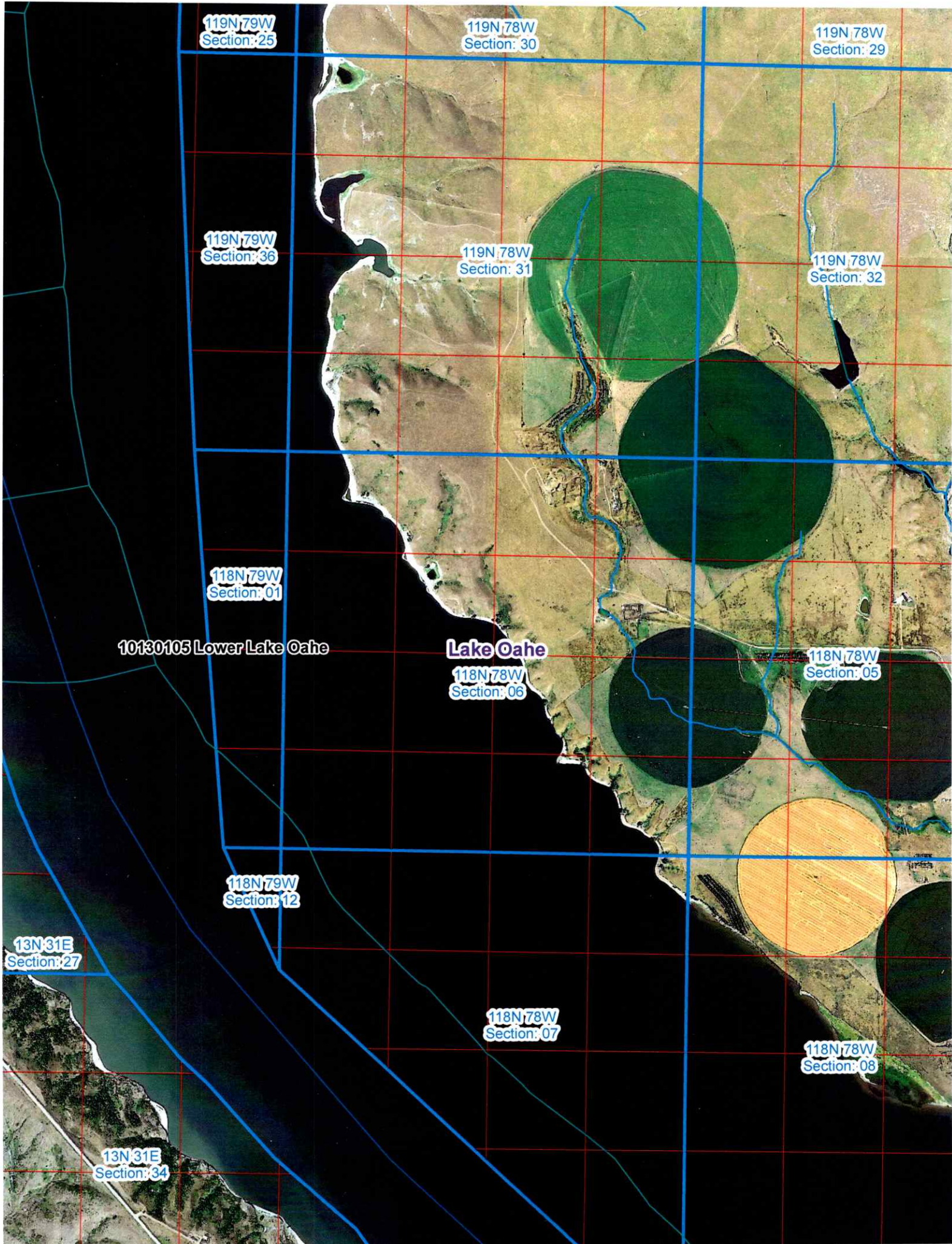
13N 31E
Section: 35

W Whitlock Rd

West Whitlock

Highway 21

diversion
point
same
as 1316-3





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 16, 2024

1316-3

Cronin Farms Inc
c/o Casey Cronin
16410 302nd Ave
Gettysburg SD 57442

Dear Mr. Cronin:

I am writing you today in regard to Water Right No. 1316-3, held by Cronin Farms Inc. Water Right No. 1316-3 authorizes the appropriation of 4.26 cubic feet of water per second (approx. 1900 GPM) from the Missouri River for irrigation of 330 acres located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ & E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ Section 8; all in T118N-R78W, Potter County, South Dakota.

In review of recently submitted annual irrigation questionnaires, it has been discovered that more acres are regularly being reported than are authorized by Water Right No. 1316-3. Copies of irrigation questionnaires from 2020-2023 have been enclosed for you to reference. Recent ariel imagery suggests the irrigation of 295 un-authorized acres.

I will note that in 1993, Cronin Farms Inc was issued a water right for two large pivots at the location in question. However, Water Right No. 2865-3, authorizing irrigation of 273.5 acres, was cancelled by the South Dakota Water Management Board in 2008 after Monty Cronin reported that the systems were being dismantled and irrigation was being abandoned.

The increase in irrigated acres requires additional permitting. For your convenience I have enclosed a partially completed permit application and map for you to review and return to our office with the associated fees. The fees for the additional 295 acres would be \$1,250.00. Checks can be made payable to "SD Water Rights Program". You may also submit the necessary fees over the phone by calling our Fiscal Office (605)773-5559.

Obtaining a water permit is in the interest of the permit holder, as it provides protections against loss of water availability due to junior water users.

If you have any questions concerning the application process or need help completing the application, please don't hesitate to call. My direct line is (605) 910-5187.

Sincerely,

Amanda Dewell

Water Rights Program, Permitting Administrator

605 773-3352

Amanda.Dewell@state.sd.us

enclosures

1316-3

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1316-3**

(1) Daniel Cronin, of HCR 3 Box 64, Gettysburg, SD 57442 made Application No. 1316-3, October 10, 1966 for a water permit to appropriate 6.75 cubic feet of water per second from the Missouri River, Potter County, South Dakota for irrigation purposes. Permit No. 1316-3, with a priority date of October 10, 1966 was approved November 9, 1966 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 9, 1971 and for the application to beneficial use of said water on or before November 9, 1975.

The original "Notice of Hearing" published in 1966 omitted a portion of the legal description of the acreage to be irrigated. Water Permit No. 1316-3 was readvertised March 19 and 26, 1992 to correct the error.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.26 cubic feet of water per second for beneficial use. The location of the diversion point is 75'S and 460'W of the NE corner of Section 7, T118N, R78W (NE¼NE¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: All in T118N, R78W

Section 6

SE¼NE¼ 2.5 acres
NE¼SE¼ 33.5 acres
SE¼SE¼ 10.5 acres

Section 5

SW¼NW¼ 1.5 acres
NW¼SW¼ 25.0 acres
SW¼SW¼ 10.0 acres
NE¼SW¼ 30.0 acres
SE¼SW¼ 27.5 acres
NW¼SE¼ 24.0 acres
SW¼SE¼ 12.0 acres

Section 8

NW¼NW¼ 15.0 acres
NE¼NW¼ 40.0 acres
SE¼NW¼ 7.5 acres
NW¼NE¼ 24.0 acres
NE¼NE¼ 13.0 acres
SW¼NE¼ 37.0 acres
SE¼NE¼ 17.0 acres

TOTAL ACRES IRRIGATED 330.0

(4) Pursuant to South Dakota Water Law 46-5-30.1 Daniel Cronin of HCR 3 Box 64, Gettysburg, SD 57442 the holder and/or owner of Water Permit No. 1316-3 is issued a license to appropriate water, the right to use 4.26 cubic feet of water per second from the Missouri River with a priority date of October 10, 1966 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1316-3 and subject to South Dakota State Law.



SEP 17 1993

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 25th, 2024

RECEIVED OF Cronin Farms Inc. 16410 302nd Ave Gettysburg SD 57442

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>1050.00</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>1250.00</u>

By Eric Gronlund
Chief Engineer

Sh



**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. 8884-3, Cronin Farms Inc.**

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. 8884-3, Cronin Farms Inc, 16410 302nd Avenue, Gettysburg SD 57442.

The Chief Engineer is recommending APPROVAL of Application No. 8884-3 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 qualification:

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
August 19, 2024

Report to the Chief Engineer
Water Permit Application No. 8884-3
Cronin Farms Incorporated
13 August 2024

Water Permit Application No. 8884-3 proposes to appropriate 4.0 cubic feet of water per second (cfs) from the Missouri River located between the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, all in T118N-R78W for the irrigation of 295 acres. The land to be irrigated is located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 31, the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, all in T119N-R78W, as well as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, and the N $\frac{1}{2}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, all in T118N-R78W. The site is located in Potter County, approximately 16 miles west northwest of Gettysburg, South Dakota.

South Dakota Codified Law (SDCL) 46-2A-2

“Within sixty days of receipt of a completed application, the chief engineer shall recommend in writing approval, disapproval or deferral until further notice and shall schedule the application for hearing by the Water Management Board. The recommendation shall include any terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity which are consistent with this chapter, necessary to protect the public interest and related to matters within the jurisdiction of the chief engineer or the board.”

SDCL 46-2A-9

“A permit to appropriate water may only be issued if there is 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 SDCL 46-2-9 and 46-2-11.”

Background

The applicant for Water Permit Application No. 8884-3 also holds Water Right No. 1316-3. In review of recently submitted annual irrigation questionnaires, it had been discovered that more acres were being reported than were authorized by Water Right No. 1316-3. This application requests to authorize an additional 295 acres for irrigation using two large center pivots, which are already constructed and have been in use. Figure 1 shows the existing diversion point (same as Water Right No. 1316-3) and the additional acreage (Water Rights, 2024).

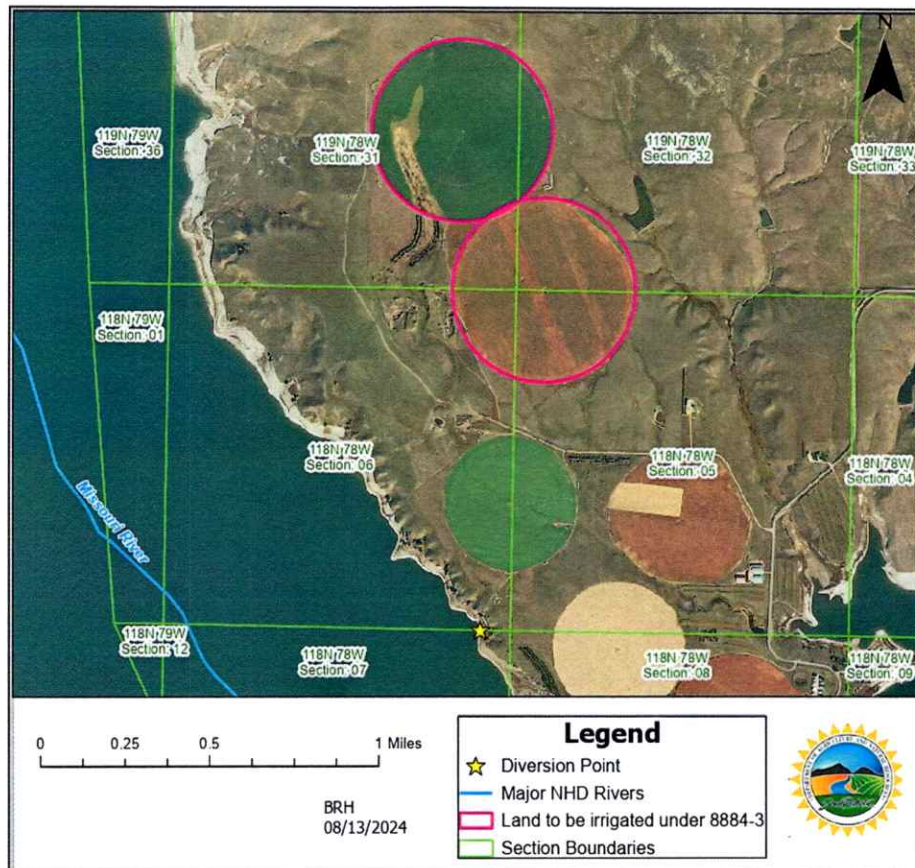


Figure 1. Map showing the diversion point to be used for this application (same as existing Water Right No. 1316-3) and the additional acreage.

Description of Proposed Water Source

The proposed water source for this application is the Missouri River from a pump site located approximately 42 miles upstream of Oahe dam. The Missouri River is a regulated system, and flow hydrographs of the river are affected by the presence of the mainstem reservoir system, with natural flows stored and released according to an annual operating plan.

The Missouri River Basin Mainstem System is comprised of six reservoirs that were constructed by the U.S. Army Corps of Engineers (USACE). Overall, the six reservoirs contain approximately 72.4 million acre-feet of water storage capacity. The dams at each of these reservoirs are Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavin's Point.

Natural flow in an instream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from storage. This flow is available for appropriation without the need for releases to augment the flow. Although the general pattern of summer flows being higher than winter flows still prevails, system regulation serves to reduce high spring and summer flows in most years and to release the stored water to increase flows during the lower flow fall and winter periods (USACE, 2018).

In 2001, the United States Geological Survey (USGS) conducted a study calculating flow percentiles with modeled daily discharge data for the years 1898 to 1997 at Oahe dam and Gavin's Point dam (Jacobson and Heuser, 2001). The data is a flow alternative for the Missouri River where streamflow is modeled for the condition of constantly full reservoirs and provides a realistic description of flows in the absence of flow regulation by the reservoirs. For each day of the year, flow exceedance probabilities (10th, 25th, 50th, 75th, and 90th percentiles) were calculated for all the years of modeled data. For example, the 90th percentile line shows the flow that was equaled or exceeded 90% of the time on that day for each year. Figure 2 shows the five flow exceedance curves made for modeled flow downstream of Oahe dam.

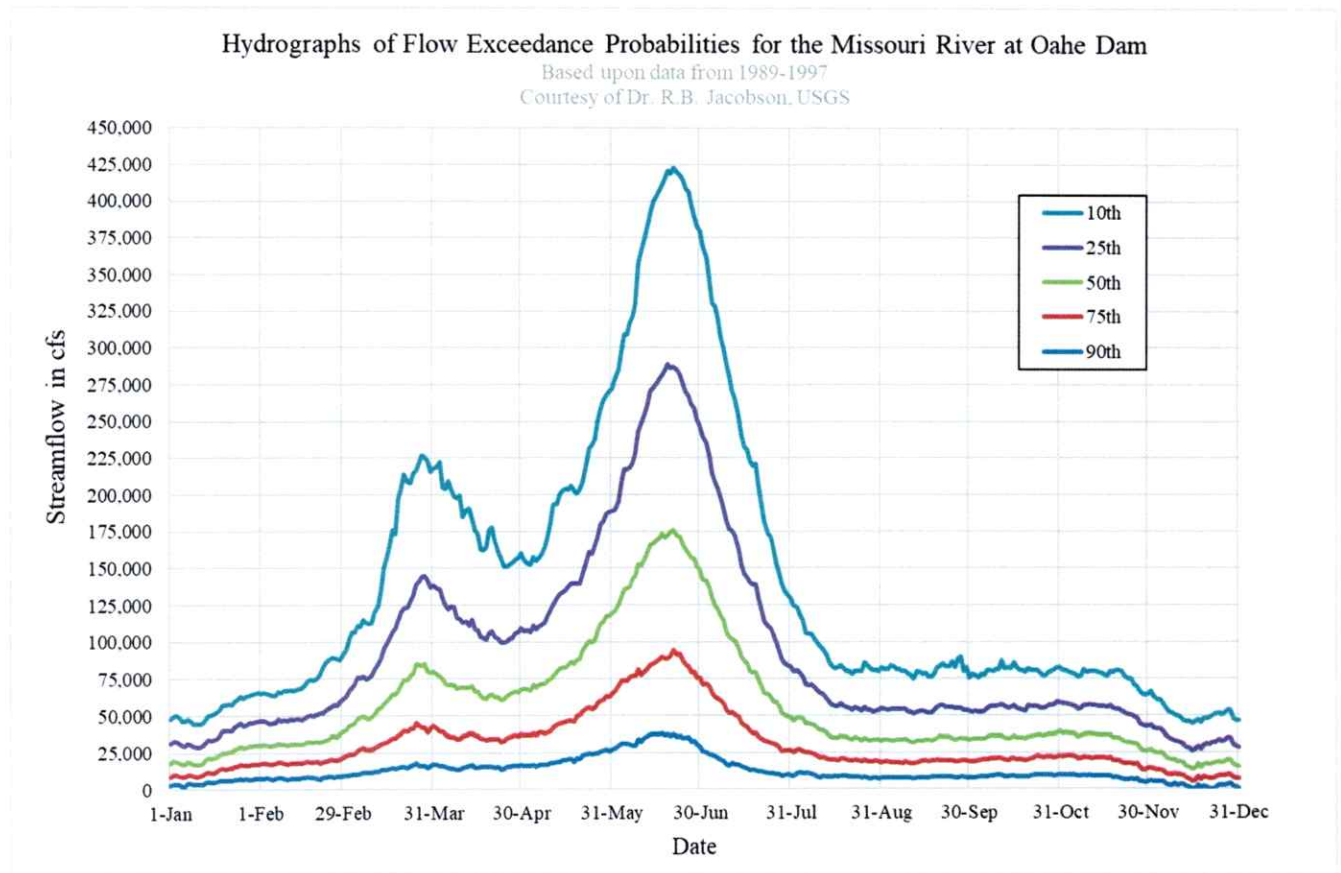


Figure 2. Flow exceedance probabilities for Missouri River modeled flows below Oahe dam, depicting flows in the absence of regulation (Jacobson and Heuser, 2001).

The annual variability of historical inputs for the Missouri River is reflected in the variability of the output discharge, and Figure 2 shows a range of available natural flows in the river throughout the year. Vertical variation in the graph is a measure of variation among years, and horizontal variation is a measure of seasonal variation (Jacobson and Heuser, 2001). Seasonal variability shows two peaks, the first in February, March and April, which correspond to the rapid melting of ice and snow from the plains in the early spring. The largest peak is late spring to early summer, which shows rainfall over large areas of the Missouri Basin, including severe local thunderstorms and rapid melting of mountain snow. Late summer and fall show diminishing rainfall, and low runoff and light precipitation in the winter (USACE, 2018).

Existing Users

There are currently 250 existing water rights/permits appropriating approximately 1,214 cfs from the natural flows of the Missouri River in South Dakota. There are currently 20 future use permits reserving 365,201 acre-feet of water (Water Rights, 2024). When a future use permit requests to put their reserved water to beneficial use, a new water permit is issued, which includes a pump rate and the annual volume for that water permit is subtracted from the volume of water reserved by the future use permit. Any active pumping of water reserved by future use permits are included in the 1,214 cfs previously mentioned. This application, if approved, requests to appropriate 4.0 cfs from the natural flows of the Missouri River.

Future Use Permit No. US594-3 held by the U.S. Bureau of Reclamation reserves approximately 1.1 million acre-feet of water from the Missouri and James Rivers for the suspended Oahe Irrigation Project. The federal irrigation project for which the water was reserved has not been constructed and is currently defunded. Since the project has not been deauthorized, the future use permit remains in place (Water Rights, 2024).

The 90th flow exceedance hydrograph shows modeled natural flows that will likely exceed a certain flow 90% of the time. This application proposes to pump from April 1 to October 31 during the irrigation season. Even at the 90th flow exceedance hydrograph, there will likely be an estimated 16,755 cfs on April 1 to 9,676 cfs on October 31. Water availability is not an issue at the current flow appropriation of 1,214 cfs, and for this application, especially when irrigation occurs mostly during high flow months. Existing water rights will not be adversely impacted by this project.

Conclusions

1. This application proposes to appropriate 4.0 cfs from the Missouri River for the irrigation of 295 additional acres that had not been authorized under existing Water Right No. 1316-3, using the same existing diversion location.
2. The proposed water source for this application is from the natural flow of the Missouri River, approximately 42 miles upstream from Oahe dam.
3. Water availability is not a concern when using the natural flows of the Missouri River as a source.
4. Approval of this permit will not adversely impact existing rights.



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

References

- Jacobson, R.B. and Heuser, J. 2001. Visualization of Flow Alternatives, Lower Missouri River. U.S. Geological Survey. Open-File Report OF02-122.
- USACE. 2018. Missouri River Mainstem Reservoir System Master Water Control Manual. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.
- Water Rights. 2024. Water Right/Permit 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 NEWSPAPERS RIGHT AWAY.**

August 26, 2024

Cronin Farms Inc.
c/o Casey Cronin
16410 302nd Avenue
Gettysburg SD 57442

Dear Mr. Cronin:

Water Permit Application No. 8884-3 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 Potter County News printed in Gettysburg SD (Ph # 605 765-2464) and the American News printed in 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. 8884-3 to Appropriate Water

Notice is given that Cronin Farms Inc., 16410 302nd Avenue, Gettysburg SD 57442, has filed an application for a water permit to appropriate 4.0 cubic feet of water per second from the Missouri River located between SE ¼ SE 1/4 Section 6 and NE 1/4 NE ¼ Section 7; all in T118N-R78W, for irrigation of 295 acres located in the S 1/2 NE 1/4, SE 1/4 Section 31; SW 1/4 NW 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 32; all in T119N-R78W; NE 1/4 NE 1/4 Section 6; N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 5; all in T118N-R78W. This site is located approximately 16 miles west northwest of Gettysburg SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8884-3 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 September 16, 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 September 16, 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, August 27, 2024 10:44 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10515886 8884-3 Cronin Farms Inc. - Public Notice
Attachments: 10515886.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on September 5. The order cost is \$51.69 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!
Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

If you would like to utilize our online self-serve ad portal to place your legal notices in the future, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, August 26, 2024 10:21 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 10515886 8884-3 Cronin Farms Inc. - Public Notice

Attached is a notice to be published on September 5, 2024.

Cronin Farms Inc., c/o Casey Cronin, 16410 302nd Avenue, Gettysburg SD 57442, 605-769-0232, 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.**

Order Confirmation
Not an Invoice

Account Number:	1480115
Customer Name:	Cronin Farms Inc
Customer Address:	Cronin Farms Inc 16410 302Nd AVE Gettysburg SD 57442-8315
Contact Name:	Casey Cronin
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriquez@state.sd.us
PO Number:	8884-3

Date:	08/27/2024
Order Number:	10515886
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	161.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	09/05/2024 - 09/05/2024	Public Notices
ABD aberdeennews.com	1	09/05/2024 - 09/05/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$51.69
Tax Amount	\$0.00
Service Fee 3.99%	\$2.06
Cash/Check/ACH Discount	-\$2.06
Payment Amount by Cash/Check/ACH	\$51.69
Payment Amount by Credit Card	\$53.75

Order Confirmation Amount	\$51.69
----------------------------------	----------------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, August 26, 2024 10:16 AM
To: molly@pottercountynews.com
Subject: 8884-3 Cronin Farms Inc. - Public Notice
Attachments: 8884-3 public.short_final.docx; FORM8.FRM.doc

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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: Rodriguez, Rachel
Sent: Monday, August 26, 2024 10:21 AM
To: aan-legals@aberndeennews.com
Subject: 8884-3 Cronin Farms Inc. - Public Notice
Attachments: 8884-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 5, 2024.

Cronin Farms Inc., c/o Casey Cronin, 16410 302nd Avenue, Gettysburg SD 57442, 605-769-0232, 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



Notice of application to appropriate water

NOTICE OF APPLICATION

NO. 8884-3
Notice is given that Cronin Farms Inc., 16410 302nd Avenue, Gettysburg SD 57442, has filed an application for a water permit to appropriate 4.0 cubic feet of water per second from the Missouri River located between SE 1/4, SE 1/4, Section 6 and NE 1/4 NE 1/4, Section 7; all in T18N- R78W, for irrigation of 295 acres located in the S 1/2 NE 1/4, SE 1/4, Section 31; SW 1/4 NW 1/4, W 1/2 SW 1/4, SE 1/4, SW 1/4, Section 32; all in T19N-R78W; NE 1/4 NE 1/4, Section 6; N 1/2 NW 1/4, SW 1/4 NW 1/4, Section 5; all in T18N-R78W. This site is located approximately 16 miles west northwest of Gettysburg SD.
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8884-3 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 Duval 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 September 16, 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 September 16, 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 \$41.79 and can be viewed free of charge at www.sdpublicnotices.com

-090524

Potter County News

Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF POTTER, ss.

I, Lori Cox being first duly sworn, on oath says, that she is the bookkeeper of the POTTER COUNTY NEWS, a weekly newspaper published in Gettysburg, County of Potter, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Notice of application of appropriate water

Cronin Farms

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said

newspaper at least once each week for 1 successive weeks, on the day of each week on which said newspaper was regularly published to-wit:

1- Potter County News: 9/5/2024

That the full amount of the fees for the publication of the annexed notice is \$41.79

Subscribed and sworn to before me on 9/5/2024

Arden Pahl
State of South Dakota
My commission expires August 1, 2025



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol AVE
Pierre SD 57501-3182

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:

09/05/2024

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 09/05/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$51.69	
Tax Amount:	\$0.00	
Payment Cost:	\$51.69	
Order No:	10515886	# of Copies:
Customer No:	1480115	1
PO #:	8884-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KEEGAN MORAN
Notary Public
State of Wisconsin

RECEIVED

SEP 10 2024

OFFICE OF
WATER

NOTICE OF
APPLICATION NO. 8884-3
to Appropriate Water

Notice is given that Cronin Farms Inc., 16410 302nd Avenue, Gettysburg SD 57442, has filed an application for a water permit to appropriate 4.0 cubic feet of water per second from the Missouri River located between SE 1/4 SE 1/4 Section 6 and NE 1/4 NE 1/4 Section 7; all in T118N-R78W, for irrigation of 295 acres located in the S 1/2 NE 1/4, SE 1/4 Section 31; SW 1/4 NW 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 32; all in T119N-R78W; NE 1/4 NE 1/4 Section 6; N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 5; all in T118N-R78W. This site is located approximately 16 miles west northwest of Gettysburg SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8884-3 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

RECEIVED

SEP 10 2024

OFFICE OF
WATER

or the applicant must be filed by September 16, 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 September 16, 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 \$51.69 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

SEP 10 2024

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, August 27, 2024 10:56 AM
To: 'cronincnc@gmail.com'
Subject: 8884-3 Cronin Farms Inc. - Public Notice
Attachments: 8884-3 Rec.pdf; 8884-3 Ltr.pdf; 8884-3 PubNotice.pdf; 8884-3 American News.pdf

Good morning,

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

SEP 27 2024

Cronin Farms, Inc.
c/o Casey Cronin
16410 302nd Avenue
Gettysburg SD 57442

Dear Mr. Cronin:

Enclosed is Water Permit No. 8884-3 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.: 8884-3

Name of Applicant: Cronin Farms Inc., Casey Cronin

Date of Posting: 9/3/2024

Date of Removal: 9/27/2024



Ron Duvall, Engineer III

9/27/2024

Date

Subscribed and sworn to before me, a notary public, this 27th day of Sept, 2024.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



RCVD 11/5/24

8884-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 10-30-24

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

FROM:

Cronin Farms Inc.

(name)

16410 302nd Ave

(address)

Gettysburg SD 57442

(city, state, zip)

605-769-0232

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8884-3 states that the water use system is to be constructed by

June 24, 2024, and water is to be put to beneficial use by June 24, 2024.

(date)

(date)

The water use system was completed on June 24 - 2024.

(date)

Applying the water to beneficial use was completed on June 24 - 2024.

(date)

You may schedule an investigation so that the water license may be issued.

Casey C.

(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 6, 2024

8884-3

Cronin Farms Inc
c/o Casey Cronin
16410 302nd Ave
Gettysburg SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized by Water Permit No. 8884-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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