



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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September 15, 2016

NOTICE

To: Richard & Robert Bollmann, 2425 S Taylor Dr, Sheboygan WI 53081
Richard Rausch, 15526 Lower Spring Creek Rd, Hermosa SD 57744

From: Jeanne Goodman, Chief Engineer
Water Rights Program 

Subject: Continuation of Hearing for Cancellation Consideration of Water Right Filing No.
0494-2

Notice of Location of Water Right Filing No. 0494-2 was filed by John Plunkett and Edward Lynch in June of 1896 to locate and appropriate 1,000 miners inches from Rapid Creek. Based on an investigation last spring which found no evidence of a water use system, a Notice of Cancellation was mailed August 29, 2016, scheduling a hearing before the Water Management Board to consider cancellation.

In response to this letter, Mr. Rausch submitted a letter requesting to keep the 1896 water right in place. Based on this letter, the October 13th scheduled hearing date will be continued until the Water Management Board's next meeting. This will enable further investigation into whether works were ever developed or if there has been a routine beneficial use made of the water so that Filing No. 0494-2 is not subject to abandonment and/or forfeiture.

I have asked Mark Rath, Water Rights Program engineer, with years of experience dealing with Rapid Creek water appropriations to investigate this matter further. Please expect Mr. Rath to be in contact with you in the coming month.

Your letter mentions you have filled out the annual irrigation questionnaires and paid fees to the Rapid Valley Water Conservancy District. Please understand the use of water for irrigation under existing Permit No. 1276-2 and from land authorized through the Conservancy District's water right is a separate matter and is not impacted by the pending cancellation proceeding. This cancellation proceeding involves only to the extent water use was developed and used as contemplated by Filing No. 0494-2.

There will not be a hearing on October 13, 2016, to consider cancellation of Water Right Filing No. 0494-2. Future notice will be provided scheduling a hearing likely for the Board meeting on November 30th and December 1st.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.