

WATER PERMIT NO. 1869-1

Name of Applicant: Travis Schenk

Address: 10307 Chicken Creek Rd, Spearfish SD 57783

Phone: 605 642-2188

Amount of Water Claimed: 0.33 cfs

Total Acres: 60 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Lawrence

Type of Waste Disposal System:

Location: 6 miles northwest of Spearfish

PRIORITY

Date Received: 9-19-06

Application/License Fee: \$200

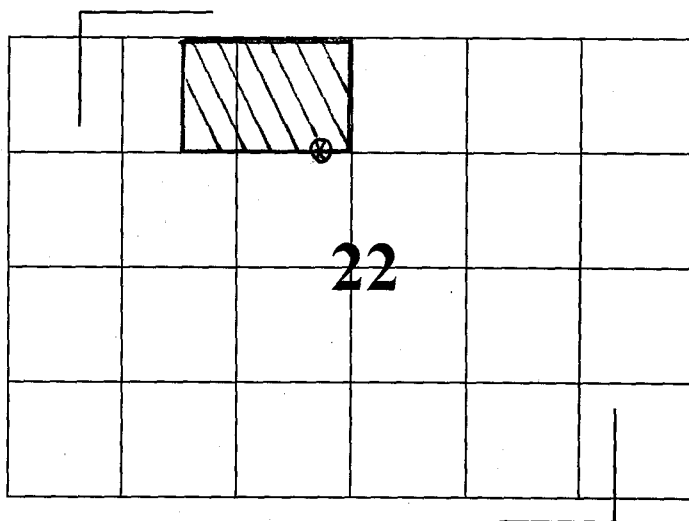
Corrected Application Received:

Period of Annual Use: April 1 – October 1

Remarks:

Diversion Point: E ½ NW ¼ Sec 22-T7N-R1E

Land to be Irrigated: N ½ NW ¼ Sec 22-T7N-R1E



Depth of Well: 680 feet deep

Well Driller: : Graf Drilling

Remarks:

Type of Map: aerial

Prepared by: Thomas G Quinn, NRCS

Reviewed and the Number Assigned on: 9-19-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1869-1</u> (office use only) Hydrologic Unit <u>#10120203</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Black Hills Pioneer</u>

RECEIVED
SEP 19 2006
WATER RIGHTS PROGRAM

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 of Applicant Travis Schenk Phone 605-642-2188
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 10307 Chicken Creek Road, Spearfish State SD 57783
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.33*CFS or 150 **GPM 14 ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet (storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Minnelusa Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lawrence
E 1/2 NW 1/4 Sec. 22 T7N R1E
5. County or counties where water will be used Lawrence SD
6. Annual period during which water is to be used Apr 1 to Oct 1
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
<u>T7N R1E NE 1/4 NW 1/4 S22</u>	<u>40</u>	<u>all in T7N-R1E</u>	
<u>T7N R1E NW 1/4 NW 1/4 S22</u>	<u>20</u>		

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

A center pivot irrigator will be located in the NE 1/4 NW 1/4 S22 water will be diverted from an existing well to a storage dam. Water will then be pumped from the dam to the center pivot

STATE OF SOUTH DAKOTA) SS
County of Lawrence

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

I, T-Sch, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature T-Sch

Subscribed and sworn to before me this 18th day of September 20 2006

Marian J. Alderman
Notary Public signature

My Commission Expires August 19, 2011.

SOUTH DAKOTA
WATER PERMIT NO. 1869-1

Date of first receipt of application September 19, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1869-1 to Travis Schenk, 10307 Chicken Creek Road, Spearfish SD 57783 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. 1869-1 appropriate 0.33 cubic feet of water per second from one well completed into the Minnelusa Aquifer (680 feet deep) located in the E ½ NW ¼ Section 22 to irrigate 60 acres located in the N ½ NW ¼ Section 22; all in T7N-R1E. Water will be diverted from the well to storage dam (14 acre-feet storage capacity) located in SE ¼ NE ¼ Section 21-T7N-R1E to irrigate the acreage.
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 1.
3. The date from which applicant may claim right is September 19, 2006.
4. The date of approval of Permit No. 1869-1 is January 2, 2007.
5. One-fifth of the construction is to be completed on or before June 2, 2009.
6. All construction is to be completed on or before January 2, 2012.
7. Water is to be put to beneficial use on or before January 2, 2016.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 1869-1 authorizes a pond with a storage capacity of 14 acre feet of water. The pond may be maintained by diversion of water from the well prior to application to the authorized land.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 14 2007
date



(type or print in ink)

1. Well Information - Proposed Construction

see attached

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

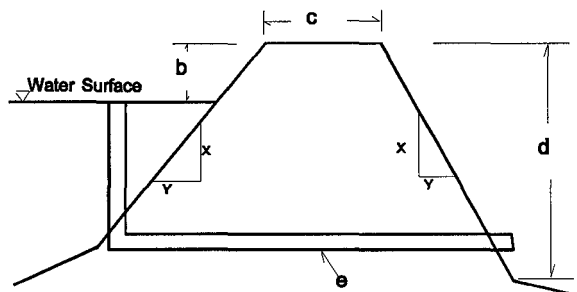
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard 8'
- c) Crest Width 12'
Crest Length 274'
- d) Height 18'
- e) Primary Outlet Capacity _____
If pipe, diameter 12"
- f) Secondary Spillway Capacity _____
Spillway Width 60' 30"
- g) X & Y Slope _____
Upstream 3:1
Downstream 2:1
- h) Surface Area of Impoundment 2.8 ac
- i) Storage 14 Acre Feet
- j) Drainage Area Above Dam _____ Acres

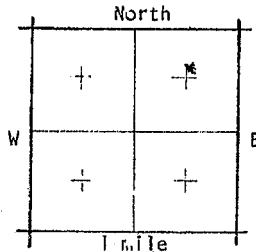
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location SW 1/4 NE 1/4 Sec. 22 Twp 7 Rg 1

County

LAWRENCE

Please mark well location with an "X"



Well Completion Date _____

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

FORWARD ROTARY

WELL CONSTRUCTION:

Diameter of hole 7 7/8 inches Depth 483 feetCasing: ☒ Steel ☐ Plastic ☐ Other
Specify _____Pipe Weight Diameter From To
15 lb/ft 5 1/2 inches 0 feet 483 feet25 lb/ft 8 7/8 inches 0 feet 100 feetWas a well screen used? ☐ Yes ☒ NoIf Not Specify OPEN HOLE 483-680-48

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☒ Yes ☐ NoWas a Packer or seal used? ☒ Yes ☐ NoIf so what material? CEMENTWas well gravel packed? ☐ Yes ☒ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure PRESSUREGROUT - BOTTOM TO TOP

To what depth? _____ Feet

What was grouting material? 170 SKSIf cement, how many sacks? CEMENT

Location of packer(s) and screen or perforated pipe _____

Well Owner:

Name JOE M. SCHENKAddress R.R. 1 Sheffield 5778

Well Log: _____ Depth _____

Formation	From	To
RED BEDS GYP LAYERS	0	325
GYP HONEY COMBED	325	355
LIMESTONE	355	395
ORANGE RED BED	395	480
MIN. LOOSA-FINE	480	680
SAND AT TOP		

STATIC WATER LEVEL FLOW _____ FeetIf flowing: closed in pressure 5 PSIGPM flow 120 through 5 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? YES

WELL TEST DATA:

☐ Pumped☐ Bailed☐ Other

Pumping Level Below Pump Surface

_____ ft. After _____ hrs. pumped _____ GPM

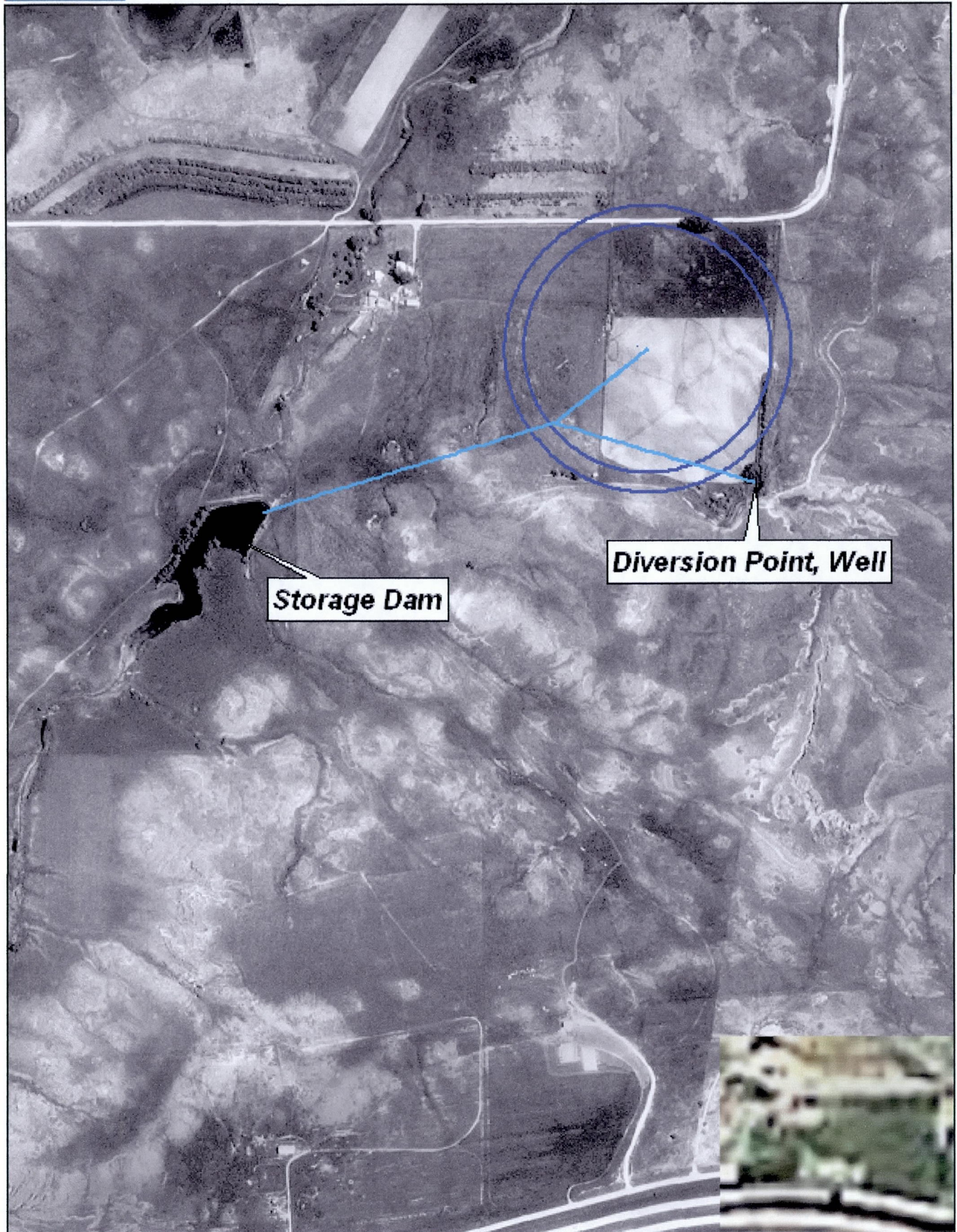
_____ ft. After _____ hrs. pumped _____ GPM

_____ ft. After _____ hrs. pumped _____ GPM

Remarks: PRESSURE GROUTED SURFACE
PIPE - 25 SKS CEMENT - 100 FT.
11" HOLEThis well was drilled under license # 327

and this report is true and accurate.

Drilling Firm GRAF DRILLINGSigned by [Signature]Date 2, 9, 1984[Signature]
4-12-84



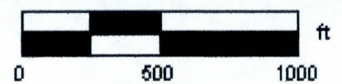
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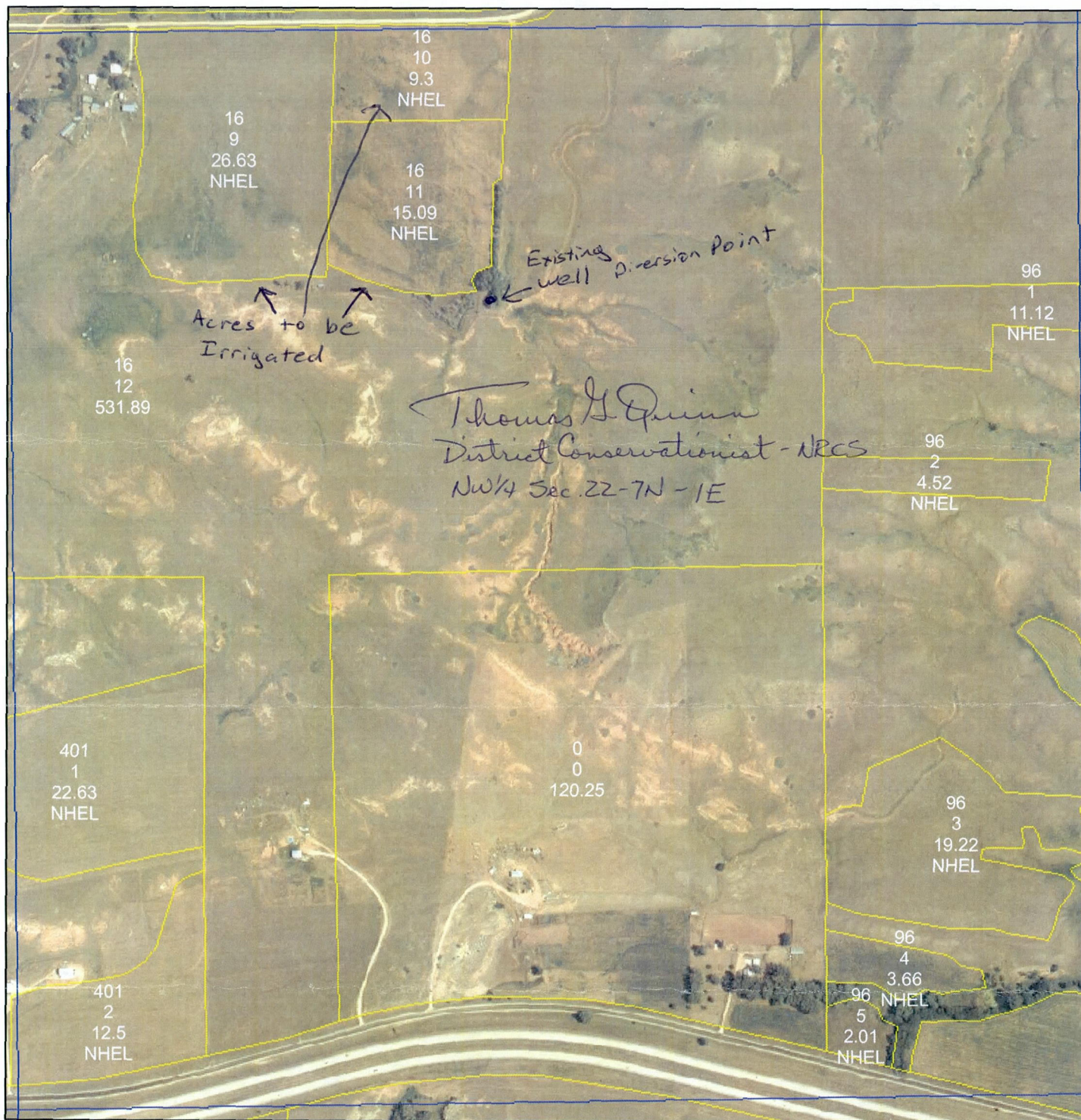
www.delorme.com



MN (9.4° E)



Data Zoom 14-0



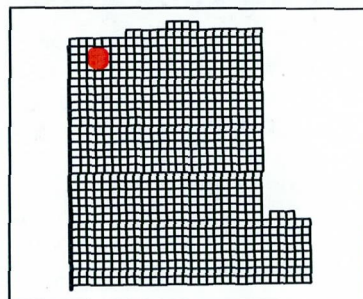
USDA U.S. Dept. of Agriculture
Farm Service Agency



South Dakota

Lawrence County

22-7N-1E



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August 04, 2006

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 19, 20 06

RECEIVED OF Travis Schenk, 10307 Chicken Creek Road, Spearfish SD 57783

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

Fee for Application for Permit No. <u>1869-1</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1869-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

02590

By

Darland White
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

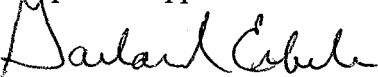
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1869-1, Travis Schenk**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1869-1, Travis Schenk, 10307 Chicken Creek Road, Spearfish SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1869-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 1869-1 authorizes a pond with a storage capacity of 14 acre feet of water. The pond may be maintained by diversion of water from the well prior to application to the authorized land.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Garland Erbele, Chief Engineer
December 7, 2006

WATER PERMIT APPLICATION NO. 1869-1
TRAVIS SCHENK
NOVEMBER 21, 2006

Water Permit Application No.1869-1 proposes to appropriate 0.33 cubic feet of water per second from one existing well completed into the Minnelusa Formation (680 feet deep), located in the E½ NW¼ Sec. 22, T7N-R1E, Lawrence County. The water will be diverted to a storage dam with a storage capacity of 14 acre-feet, located in the SE¼ NE¼ Sec. 21, T7N-R1E. Water from the dam will be used to irrigate 60 acres located in the N½ NW¼ Sec. 22, T7N-R1E.

AQUIFER: Minnelusa aquifer (MNLS)

GENERAL:

The Minnelusa Formation consists of alternating beds of sandstone and dolomitic limestone with lesser amounts of shale and chert, approximately 550 feet thick in this area (Carter and Redden, 1999a; Carter and Redden, 1999b). The Minnelusa Formation outcrops about two and one-half miles from this well site (Strobel and others, 1999) and the SD Water Well Completion Report for the existing well that is to be used for this project reports the top of the formation to be 480 feet below grade. The porous portions of the formation form the Minnelusa aquifer. Well sorted sand lenses have porosity's approaching 25%, but generally the sands have porosity's of 10%. The average porosity of the Minnelusa is estimated to be 10% and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa Formation underlies virtually all of western South Dakota and the Minnelusa aquifer contains over 755 million acre-feet of recoverable water in storage in the state (Allen and others, 1985). The Minnelusa aquifer underlies approximately 199,680 acres of Lawrence County and contains an estimated 5,591,040 acre-feet of recoverable water in storage in the county (Allen and others, 1985). Ground water movement in the aquifer is probably toward the north in this area (Strobel, and others, 2000). The water quality of the aquifer is generally good near the outcrop but deteriorates considerably with distance from the recharge area. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from 0.86 to 12,000 ft²/d, and the storage coefficient ranges from 0.003 to 5.0 x10⁻⁹ (Driscoll, and others, 2002). There are a number of prolific wells in this vicinity, possibly because the area has undergone extensive tectonic activity. The completion report submitted for this well indicates the well had a closed in pressure of five psi and flowed 120 gallons per minute.

WATER AVAILABILITY:

The availability of unappropriated water from an aquifer can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

There are reports of declines of the potentiometric surface of the Minnelusa aquifer in this area since the first wells were completed. Although Cox, (1962), alluded to poor well construction as one reason some wells were experiencing decreased flow and/or pressure, he did report that "a serious overdraft" [withdrawals exceed recharge] of the Minnelusa aquifer exists in the Spearfish-Belle Fourche area.

Recharge to the Minnelusa aquifer is primarily from infiltration of precipitation on the outcrop and stream flow losses. Average annual recharge from 1931-1998 is estimated to be approximately 112,000 acre-feet per year (Carter and others, 2001a).

There are a total of 191 appropriations from the Minnelusa aquifer in South Dakota, including two Future Use Reservations (Water Rights, 2005c). The aquifer is used primarily for domestic, commercial, municipal, suburban housing and irrigation uses. There are 55 permits/rights appropriating water from the Minnelusa aquifer in Lawrence County (Water Rights, 2005c). In addition to appropriative rights, there are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program (Water Rights, 2005a). Water permits and rights represent appropriations up to 11,085.04 acre-feet annually for irrigation use (Water Rights, 2004) and a combined diversion rate of 29.67 cfs for non-irrigation uses (Water Rights, 2005c). The Future Use Permits (No. 902-1 and 969-1) reserve 1,460 acre-feet annually. Maximum well withdrawals from the Minnelusa aquifer, assuming (1) that permits/rights with an annual withdrawal limitation (ac-ft/yr.) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); would be approximately 25,000 acre-feet per year. The actual amount of water used from the aquifer is considerably less than this estimate, for example the reported pumpage for irrigation use in 2003 was 2,310.83 ac-ft (Water Rights, 2004) compared with the 11,085.04 ac-ft/yr appropriation. Withdrawal from wells (domestic and appropriative) completed into the Minnelusa aquifer was estimated to be 8,108 acre-feet annually from 1987-1996 (Carter and others, 2001b).

Comparison of annual recharge estimates and estimated annual well withdrawals show that well withdrawals from the Minnelusa are only a fraction of estimated average annual recharge. Therefore, based on a simple water budget, it is clear that unappropriated water is available for this appropriation.

The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area (Water Rights, 2005b). Water Rights' Observation Well LA-87B is located approximately one and one-half miles south-southwest of this well. Water Rights' Observation Well LA-86A is located about four and one-half miles east-southeast of this well. The hydrographs for the wells, (figure 1 and figure 2) are fairly typical for the Minnelusa aquifer. That is, the water levels reach their peak in the early summer each year

and gradually decline until spring. The majority of the recharge to the system occurs between March and July.

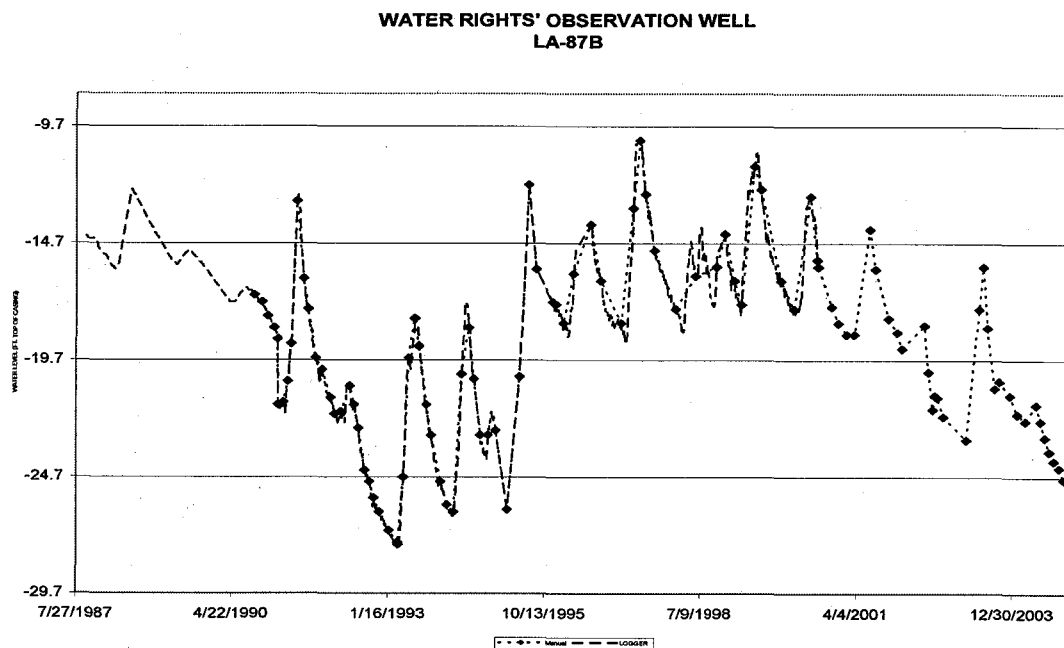


Figure 1. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately one and one-half miles south-southwest of 1830-1.

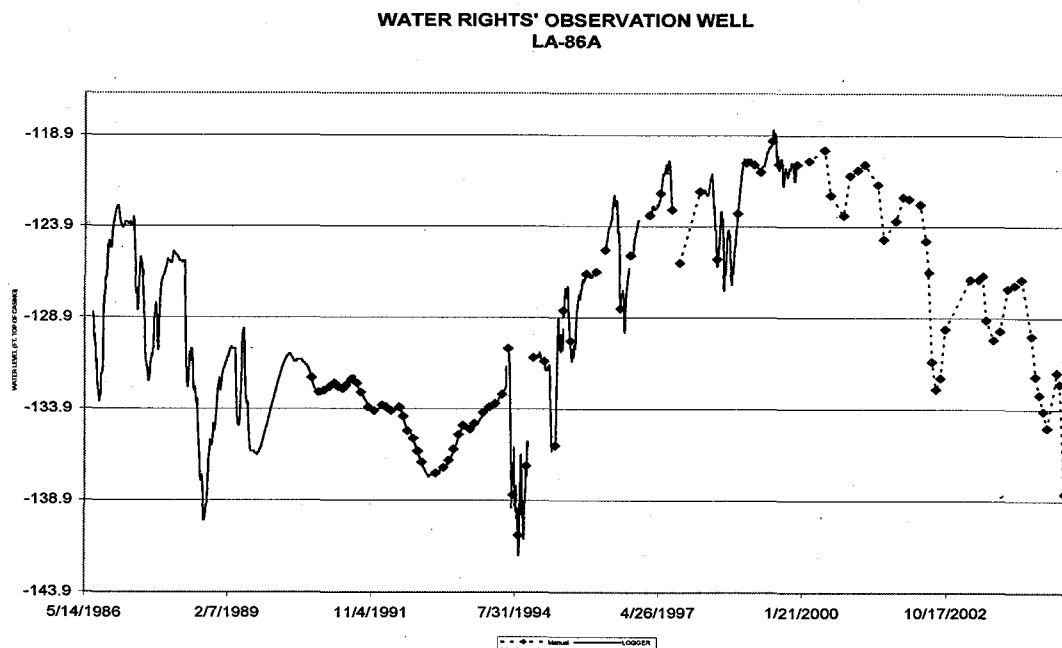


Figure 1. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately four and one-half miles east-southeast of 1830-1.

The hydrographs also show the magnitude of fluctuation in the water levels in the area ($\cong 17'$ in LA-87B and $\cong 22'$ in LA-86A) with the lowest water levels of record occurring in

the early 1990's and the highest occurring in the late 1990's. The significance of the recent lower area water levels is not clear. This may be reflecting the extremely dry conditions that occurred in the area during 2004.

It is obvious from the hydrographs of Minnelusa observation wells, that withdrawals have not exceeded recharge for the period of record. The observation well data suggests that the aquifer is capable of sustaining additional withdrawals.

AFFECTS ON EXISTING RIGHTS:

There are twelve Water Rights/ Permits appropriating ground water within approximately two and one-half miles of this site, they are shown in table 1.

PERMIT NO	NAME	AQUIFER	USE	CFS	ACRES
1009-1	DONALD F/ANN J BRADY	MDSN	IRR	0.78	53.73
1181-1A	KEITH/LELAND JOHNSON	MDSN	IND	0.16	
1185-1	DONALD F/ANN J BRADY	MDSN	IRR	0.38	22.52
1254-1A	CARL L/MELVIN ANDERSON	MNLS	IRR	2.24	156.77
1584-1	RICHARD D SLEEP	MNLS	IRR	0.90	63.00
1585-1	RICHARD D SLEEP	MNLS	IRR	0.53	27.00
1772-1	FISHER SAND & GRAVEL	MNLS	COM	0.08	
1816-1	RICHARD D SLEEP	SPRF	IRR	1.69	112.00
1830-1	JAMES F WUNDER	MNLS	IRR	0.13	10.00
341A-1	CRIS D/DIANNE K MILLER	MNLS	IRR	3.40	391.00
341B-1	PAUL M MILLER, SR TRUST	MNLS	IRR	1.19	83.50
514-1	ROLAND BRYAN	SPRF	IRR	2.72	191.00
749-1	DEPT OF GAME FISH & PARKS	SPRF	FWP	2.23	
752A-1	DEPT OF GAME FISH & PARKS	SPRF	FWP	3.23	
775-1	JOHN E SWANSON	MNLS	IRR	1.97	138.50

Table 1. Groundwater appropriations within two and one-half miles of 1869-1

The water levels of the Minnelusa aquifer are around 80 feet lower than those of the Madison and Minnekahata aquifers in this area, the water levels of the Spearfish Formation also appear to be similar to the Minnekahta aquifer, indicating a *potential* for leakage of water from the aquifers to the Minnelusa.

Although it has been argued that "it is likely that the water from the upper Minnelusa is hydraulically connected to the Minnekahta and Spearfish formation" (Goodman, 1993). There is no physical evidence (i.e. pump test data) supporting a hydraulic connection between the aquifers in the area. In fact, Naus and others, (2001) report that "Although some exchange of water must occur in locations where hydraulic head differences occur, conclusive geochemical evidence of extensive mixing resulting from general areal leakage between the aquifers is not apparent." Therefore, the pumping of the Minnelusa aquifer well proposed by this application is not expected to have a measurable impact on wells supplied by other aquifers in this area.

The nearest groundwater appropriation from this well is Water Permit No. 1254-1A, Carl L/Melvin Anderson, located approximately 4,200 feet northeast of 1869-1. The well is completed into the Minnelusa aquifer. In addition to the wells supplying Water Permits/Rights, there are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program (Water Rights, 2006d).

Although the impact of approving this application cannot be quantified precisely, it is still possible to address whether this appropriation can be made without adversely affecting water rights, including domestic wells. Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide protection to prior appropriators only to the degree necessary to maintain an adequate depth of water in wells that have the ability to produce water independent of artesian pressure. Simply put, the pump placement, or artesian flow, in a prior appropriator's well is not necessarily protected. In fact, in past action, the Water Management Board it has concluded that if increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

Since the Minnelusa is under artesian conditions in this area and pumping may cause a decline in the potentiometric surface over a fairly widespread area. Considering the Board's past actions, any well interference this proposed use would have on area water rights/permits and domestic wells is not expected to be significant or adverse. It may be necessary to lower pumps in some wells to maintain water use at the present level.

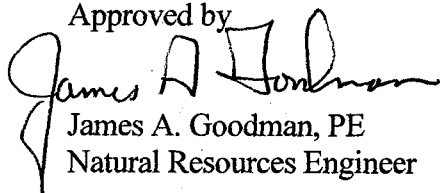
Any interference this proposed use would have on these or other water rights/permits is not expected to be adverse due to the distance between wells, and the relatively low diversion rate requested by this application.

CONCLUSIONS:

1. The Minnelusa Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The Minnelusa is under artesian conditions and drawdown due to this diversion can be expected. This drawdown is not expected to adversely affect adequate wells in the area.
3. The Completion Report submitted with this application indicates the existing well has been constructed in compliance with the SD Well Construction Standards.



Ken Buhler
Natural Resources Engineer

Approved by

James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Carter, J.M., and Redden J.A., 1999a, Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-C, 2 sheets, scale 1:100,000
- Carter, J.M., and Redden J.A., 1999b, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey: Hydrologic Investigations Atlas HA-744-D, 2 sheets, scale 1:100,000
- Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001a, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years, 1931-98: U.S. Geological Survey Water Resources Investigations Report 00-4278, 66 p.
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-96: U.S. Geological Survey Water-Resources Investigations Report 01-4119, 53 p.
- Cox, E.J., 1962, Artesian Water, Minnelusa and Pahasapa Formations, Spearfish-Belle Fourche Area: South Dakota Geological Survey, Special Report 19, 17 p.
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Water Rights Program, 2006a, 2005 Irrigation Summary by Aquifer, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006b, Observation Well Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006c, Water Permit/Right Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006d, Well Completion Report Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

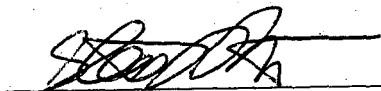
Affidavit of Publication

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application No. 1869-1

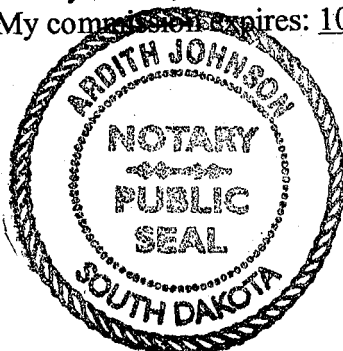
a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 14th day of Dec., 2006, and the last publication on the 21st day of Dec., 2006, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 38.68, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 21st day of Dec., 2006



Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2010



NOTICE OF APPLICATION NO. 1869-1 to Appropriate Water

Notice is given that Travis Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from one well completed into the Minnelusa Aquifer (680 feet deep) located in the E 1/2 NW 1/4 Section 22 to irrigate 60 acres located in the N 1/2 NW 1/4 Section 22; all in T7N-R1E. Water will be diverted from the well to storage dam (14 acre-foot storage capacity) located in SE 1/4 NE 1/4 Section 21-T7N-R1E to irrigate the acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1869-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 2, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

#998
Dec. 14, 21

RECEIVED

DEC 28 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2006

Black Hills Pioneer
PO Box 7
Spearfish SD 57783-0007

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1869-1 to Appropriate Water to be published twice. Please publish the first notice on December 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Travis Schenk, 10307 Chicken Creek Rd., Spearfish SD (Ph # 605-692-2188).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 1869-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of December 7, 2006 enclosing Notice to Appropriate Water by Application No. 1869-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

December 7, 2006

Travis Schenk
10307 Chicken Creek Rd
Spearfish SD 57783

Dear Mr. Schenk:

Water Permit Application No. 1869-1 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 Publisher of the Black Hills Pioneer printed at Spearfish, SD (Ph # 605-642-9060). 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 a 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, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on December 14, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1869-1 to Appropriate Water

Notice is given that Travis Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from one well completed into the Minnelusa Aquifer (680 feet deep) located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22 to irrigate 60 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22; all in T7N-R1E. Water will be diverted from the well to storage dam (14 acre-feet storage capacity) located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21-T7N-R1E to irrigate the acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1869-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 2, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



MAR 14 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Travis Schenk
10307 Chicken Creek Road
Spearfish SD 57783

Dear Mr. Schenk:

Enclosed is Water Permit No. 1869-1 authorizing construction of your 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,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

1869-1
RECEIVED

DEC 19 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 12-12-07TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Travis Schenk

(name)

10307 Chicken Creek Road

(address)

Spearfish SD 57783

(city, state, zip)

605-642-2188

(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. 1869-1 states that the water use system is to be constructed by1-2-2012

(date)

, and water is to be put to beneficial use by

1-2-2006

(date)

The water use system was completed on 6-10-07

(date)

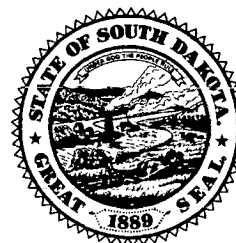
Applying the water to beneficial use was completed on 6-10-07

(date)

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

T. Schenk

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2007

1869-1

Travis Schenk
10307 Chicken Creek Rd
Spearfish SD 57783

Dear Mr. Schenk:

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 irrigation system.

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,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Permit No. 1869-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have made a thorough examination of the water use system constructed by Travis Schenk of 10307 Chicken Creek Rd., Spearfish, SD 57783 holder of Permit No. 1869-1, bearing the priority of September 19, 2006 authorizing the diversion of 0.33 cu. ft. per second and/or the storage of 14 acre-feet of the waters of the Minnelusa Aquifer for Irrigation purposes, in Lawrence County.

Inspection contact & relationship
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Graf Drilling
- 2) No. of Wells 1
- 3) Depth(s) 680 feet
- 4) Well log is available Y

Casing:

Diameter 8 5/8 and 5 1/2 inches

- 1) Length 483 feet
- 2) Type Steel

Screen:

- 1) Type Open Hole
- 2) Length 197 feet
- 3) Static water level Flowing

Dam Information:

- 1) Height to crest 18 feet
- 2) Crest width 12 feet
- 3) Crest length 274 feet
- 4) Primary Outlet 12 inch (pipe)
- 5) Spillway width 30 feet
- 6) Approx. storage 14 ac-ft

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T&L
- 2) Number of towers 4
- 3) Distance between towers 158 feet
- 4) High or low pressure Low

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

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

The system is in Good condition with the point(s) of diversion located as follows:

Well: Approximately 1,345 feet south and 2,295 feet east of the NW corner of Section 22-T07N-R01E
(N 44.55763, W -103.98262) (SE ¼ NW ¼)

Dam: Approximately 1,465 feet south and 90 feet west of the NE corner of Section 21-T07N-R01E
(N 44.55734, W -103.99203) (SE ¼ NE ¼)

The works are capable of diverting and conveying to the place of use 0.33 cu. ft. per second of water and/or storing 14 acre-feet of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 22-T07N-R01E

NE ¼ NW ¼ - 36 acres

NW ¼ NW ¼ - 6 acres

comprising a total of 42 acres of land and the license should be issued for 0.33 cfs.

All structures, wells and lands on map Y

Report of Examination of Works

Permit No. 1869-1

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

Water Permit No. 1869-1 is authorized to divert 0.33 cfs of water from one well completed into the Minnelusa Fm. located in Section 22 for irrigation of 60 acres. Water from the well is diverted to a storage dam located in Section 21 then pumped back to the irrigation system located in Section 22: all in T7N-R1E. There is no information available for the submersible pump in the well to deliver water to the holding pond. This permit should be licensed for 0.33 cfs and the 42 acres which are being irrigated.



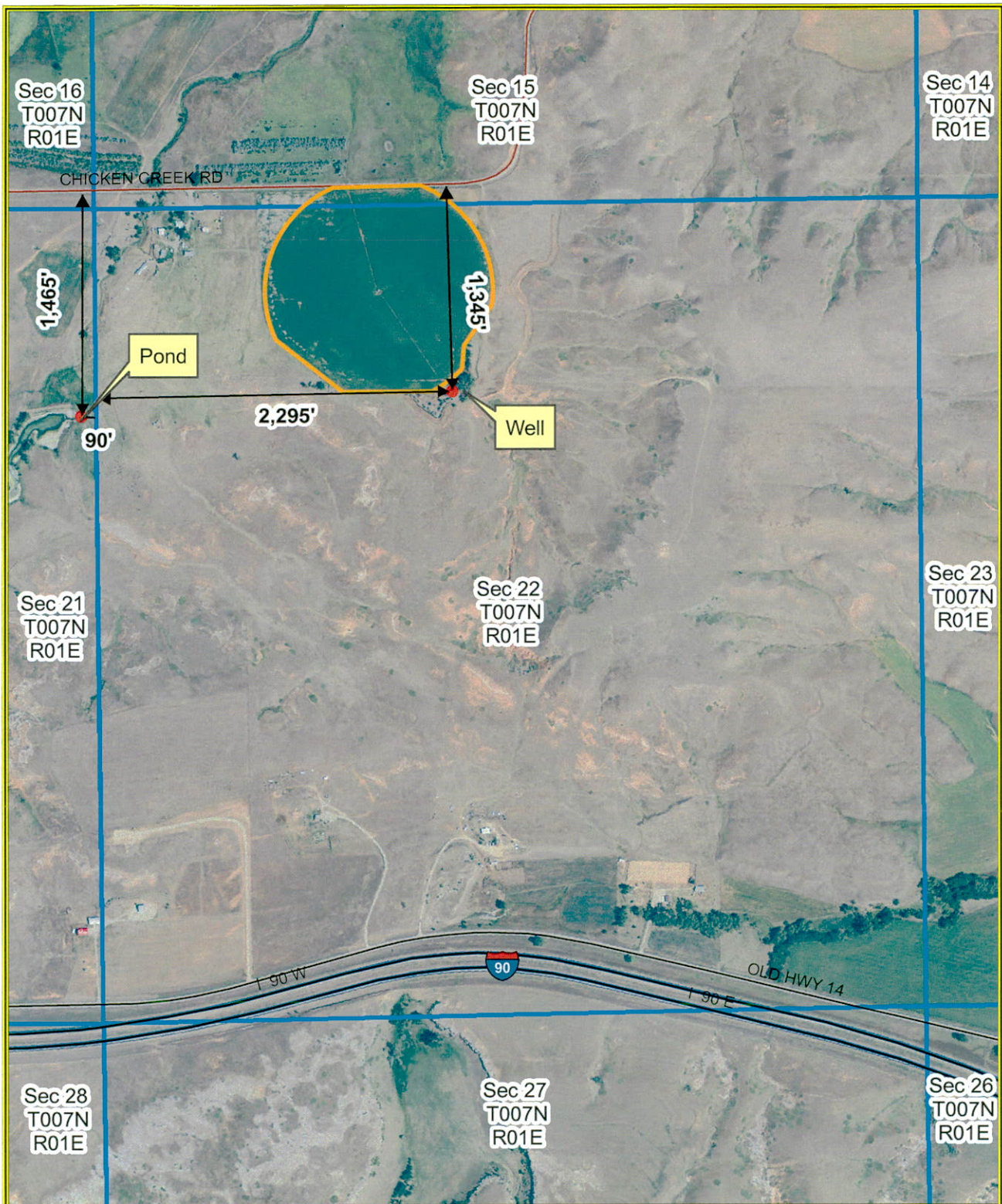
Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **July 21, 2014**

Water Permit No. 1869-1

Travis Schenk



0 625 1,250 2,500
Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 15, 2014



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



JUL 24 2014

1869-1

Travis Schenk
10307 Chicken Creek Rd
Spearfish SD 57783

Dear Mr. Schenk:

Enclosed is Water License No. 1869-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1869-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Note: The annual irrigation questionnaires you submit show you typically apply chemicals or fertilizer through your irrigation system. Enclosed is a copy of Board Rules dealing with chemigation. They include a schematic showing minimum requirements for placement of the equipment to meet those rules.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1869-1**

(1) Travis Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783 made Application No. 1869-1, September 19, 2006 for a water permit to divert 0.33 cubic feet of water per second from ground water (one well, Minnelusa Aquifer) into a 14 acre-feet storage dam in Lawrence County, South Dakota for irrigation purposes. Permit No. 1869-1, with a priority date of September 19, 2006 was approved January 2, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2012 and for the application to beneficial use of said water on or before January 2, 2016.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.33 cubic feet of water per second for beneficial use. The well and storage dam are located as follows:

- well: approximately 1,345 feet south and 2,295 feet east of the NW corner of Section 22, T7N, R1E (SE ¼ NW ¼ Section 22);
- storage dam: approximately 1,465 feet south and 90 feet west of the NE corner of Section 21, T7N, R1E (SE ¼ NE ¼ Section 21).

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

Section 22, T7N, R1E	NE ¼ NW ¼	36 acres
	NW ¼ NW ¼	<u>6 acres</u>
	Total	42 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Travis Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783 the holder and/or owner of Water Right No. 1869-1 is issued a license to appropriate water, the right to divert 0.33 cubic feet of water per second from ground water (one well – Minnelusa Aquifer) into a 14 acre-feet storage dam from the locations specified in (2) of this license for irrigation purposes. The water right carries a priority date of September 19, 2006.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1869-1 and subject to the following qualifications:

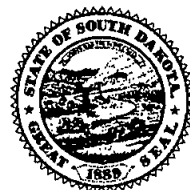
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Water Permit No. 1869-1 authorizes a pond with a storage capacity of 14 acre feet of water. The pond may be maintained by diversion of water from the well prior to application to the authorized land.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 24 2014

date





**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: TRAVIS SCHENK, 19757 RED HILL RD, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 958-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1869-1 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) 1869-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 958-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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: WHHFCL**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 19, 2025

958-1

1869-1

Travis & Jody Schenk
19757 Red Hill Rd
Spearfish SD 57783

Dear Mr. & Ms. Schenk:

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). 958-1 & 1869-1. 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