

Considered: _____

WATER PERMIT NO. 5096-

MAP No. same

Name of Applicant Delbert Tschakert

Post Office Address RR 1, Box 130A, Florence SD 57235

Amount of Water Claimed 1.14 cfs, 120 ac-ft annually Total Acres 80

Source of Water Supply slough

Water to be used for irrigation County Codington

About 2 miles W of Florence

PROOF OF PUBLICATION: Received 8/7/86 Not Received _____

APPLICATION: Approved Sept. 3, 1986 Subject to irrigation ques.

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received May 8, 1986 Fee \$150.00 Remarks _____

5/8/86 limited to 120 ac-ft annually

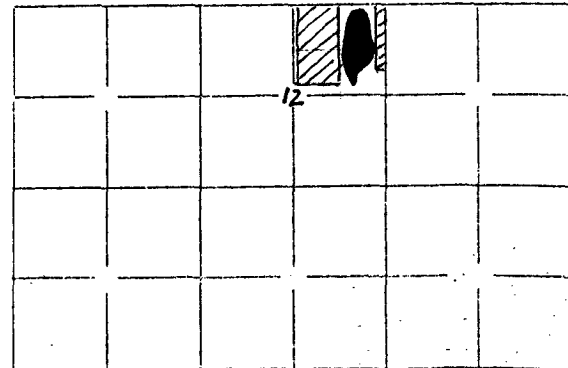
Corrected Application Received _____ Period of Annual Use May 1 - Sept 1

WATER QUALITY APPROVAL RECEIVED ☒ APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point slough: E $\frac{1}{2}$ NE $\frac{1}{4}$, sec 12-T118N-
R55W

Land to be Irrigated E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$,
sec 12-T118N-R55W



Well Log: Driller NA Licensed YES _____ NO _____

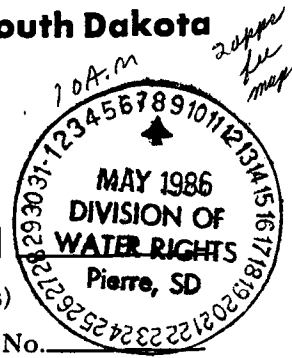
Depth of Well _____ REMARKS _____

Type of Map soil map aerial photo PREPARED BY Ron Duvall Reviewed and the Number
assigned on June 25, 1986 By Ron Duvall

No. 5096-3 Hydrologic Unit 10170201
 Map No. same Basin Big Sioux River
 Newspaper Water town Public Opinion Box 10
 (daily)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following;



New ☒ Vested Right ☐ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Delbert Tschakert Phone No. 605-758-2265

Post Office Address RR. I Box 130 A Florence State S.D. 57235
 (Street, RR or Box) 1.14 Acre Feet 80 Zip Code

2. Amount of water claimed (c.f.s) 0.17 cfs Total acres irrigated 80 acres

3. Source of Water supply slough snow trap run off

4. Location of point of diversion W 1/2 E 1/2 NE 1/4 Sec 12-118-55

County Codington

5. Counties where water will be used Codington

6. Annual period during which water is to be used May 1 to Sept 1

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
N 1/2 W 1/2 NE 1/4 12-118-55	40
S 1/2 W 1/2 NE 1/4 12-118-55	30
E 1/2 E 1/2 E 1/2 NE 1/4 12-118-55	10

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Would pump from 40 acre slough across 7 rows of trees onto a proposed corn field with a traveling big gun. The slough is solely on Clarence Tschakert's land (my father). The slough collects the run off from a 7 row tree belt one mile long so it is just run off water that would be used.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of Codington)^{ss}

I, Delbert Tschakert the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Delbert Tschakert

Subscribed and sworn to before me this 18th day of APRIL 1986

Steven Schlenner

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5096-3
Delbert Tschakert RR1, Box 130A, Florence
(Applicant) (Post Office Address)
SD 57235 With the following qualifications.
(State) (Zip Code)

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Approval of this permit is limited to an annual use of 120 acre feet.

Date of first receipt of application May 8, 1986.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved September 3, 1986.

The Water Management Board hereby approves this Water Permit No. 5096-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 8, 1986.
2. One-fifth of the work is to be completed on or before February 3, 1989.
3. The whole of said work is to be completed on or before September 3, 1991.
4. The time limit for proof of beneficial use of water is September 3, 1995.
5. The water appropriated shall be used for the purpose of irrigation.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
or 120 acre-feet annually,
7. The amount of the appropriation herein granted shall not exceed 1.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before Sept. 3, 1995, 19____; said water to be used during the following described annual period: May 1 - Sept. 1, 19____.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

NOV 14 1986

_____, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

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

2. Dugout Information Estimates

- a) Surface Dimensions Approx 40 acres ⁺ Depth 3-4 ft.
- b) Depth to water (ground surface to water level) 3 ft. deep

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

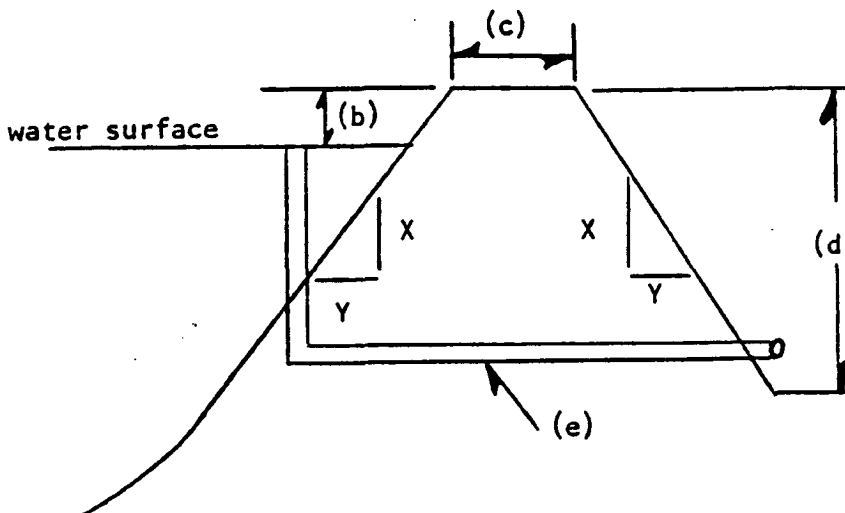
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Delbert Tschakert
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410469

Pierre, June 24, 19 86

RECEIVED OF Delbert Tschakert, RR 1, Box 130A, Florence, SD 57235

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

Fee for Application for Permit No. <u>5096-3</u> to Appropriate Water, to construct works 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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By

John Hatch

Chief Engineer

JOHN HATCH (MS)

13-15)

NOT TO SCALE

3.1 Row Trees

118.55

17.6

9.64

5.3

491-1

T2473

I-4

Land to be
watered will
be in corn
and possibly
seeded to alfalfa
in the future.

88.0

T2473

slough

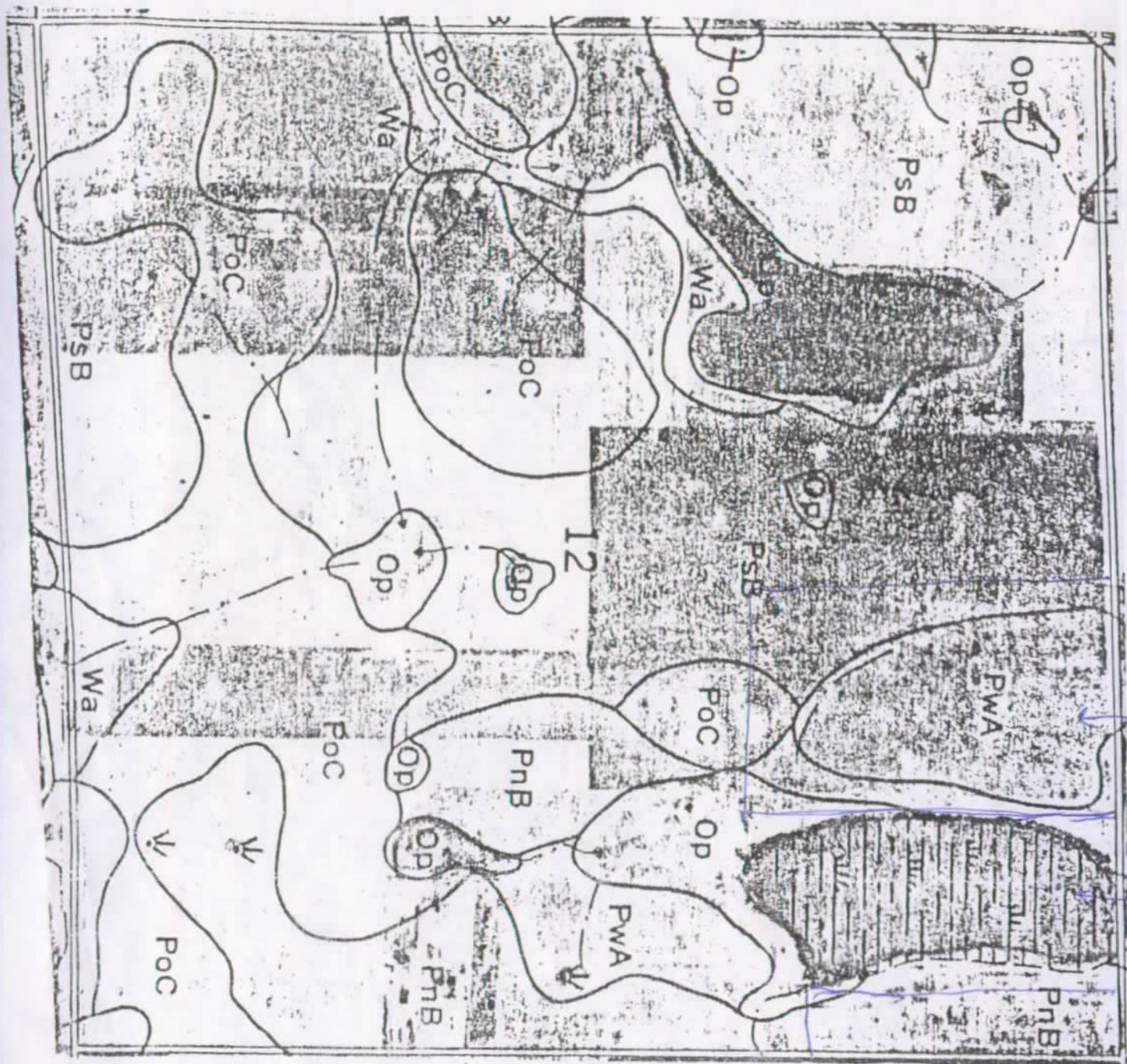
12

Trees

Ron Duvall
Natural Resources Eng
6/25/86

118.55

Appl. No 5096-3



(Joins sheet 11)

Codington County Soil Book

Ron Duwall
Natural Resources Engineer
6/25/86

Appl. No. 5096-3

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Office Use Only

Division of Conservation

WR#

OWNERS NAME: Clarence TschakertOWNERS ADDRESS: R.R. I Box 131
Florence S.D. 57235COUNTY LAND LOCATED IN: Codington PHONE: 758-2339TENANT'S NAME AND ADDRESS: Delbert Tschakert & 758-2265
R.R. I Box 130 A Florence S.D. 57235

LEGAL DESCRIPTION: (Show Legal Descriptions to Nearest 10 Acres)

1. WELL LOCATION

Depth

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: 1 mile long 7 row tree belt
Diversion Location W 1/2 E 1/2 NE 1/4 Sec 12-118-55 snow runoff and surface runoff

Legal Description	Acres	Legal Description	Acres
<u>N 1/2 W 1/2 NE 1/4 12-118-55</u>	<u>40</u>		
<u>S 1/2 W 1/2 NE 1/4 12-118-55</u>	<u>30</u>		
<u>E 1/2 E 1/2 NE 1/4 12-118-55</u>	<u>10</u>		



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED

LEGAL DESCRIPTION:

IN WHAT NAME:

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: ☒ OTHER: (Specify)6. CROPS TO BE IRRIGATED: Corn and Alfalfa in the future

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 1 86-0226 10. ADJUSTED (SAR): 1.15
 8. SALINITY (EC X 10⁶): 700 11. PERCENT SODIUM: 10.97%
 9. SODIUM (SAR): 0.54

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 1 a.m. 4-18 on 4-18 1986, at the following location: North End of Slough located in W 1/2 E 1/2 NE 1/4 12-118-55 by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

18th DAY OF April, 1986

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

☒ APPROVED☐ DISAPPROVED☐ WAIVER☒ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Approved with Requirements

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Clarence Tschakert

LEGAL DESCRIPTION: NE1/2 WL/2 NE1/2 12 - 40; S1/2 WL/2 NE1/4 12-118-55 = 30
E1/2 E1/2 E1/2 NE1/4 12-118-55 = 10SOIL REQUIREMENTS:

The area mapped as Poinsett-Buse-Forman loams, 6 to 9% slope is subject to a severe erosion hazard. For this reason this area shall remain in grass or alfalfa. The area mapped as Oldham and Parnell silty clay loams, 0 to 3% slope (OP) are somewhat poorly to poorly drained soils which make them difficult to irrigate. This area shall remain in grass or alfalfa or shall not be irrigated.

RECOMMENDED MANAGEMENT:

We recommend that a form of conservation tillage be used to control runoff and erosion. We also recommend the use of a deep soil ripper to enhance the soils ability to take in water.

Please note that the use of a gun on these soils may result in large amounts of runoff and erosion, due to the large volume of water applied and the slow intake of the soils.

Lab M. Z. Fule
SIGNATURE
5-8-86
DATE

WATER RIGHTS DIVISION
(605) 773-3352

April 17, 1986

Delbert Tschakert
RR 1, Box 130A
Florence, South Dakota 57235

Dear Mr. Tschakert:

This letter is in response to our telephone conversation on April 16, 1986.

Enclosed are two sets of application forms. The forms need to be completed and returned with the application fees. The permit application needs to be returned quickly if you want the application considered at the July 1 and 2 Water Management Board meeting. The water sample analysis must be completed and received by the Division of Conservation by May 1, 1986.

Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

REPORT ON APPLICATION NO. 5096-3

Delbert Tschakert

June 30, 1986

Water Permit Application No. 5096-3 requests the diversion of 1.4 cfs (120 acre feet annually) to irrigate 80 acres in Codington County. The diversion point is located in the W1/2 of the E1/2 of the NE1/4 of Section 12 - T118N - R55E. The water source will be a slough.

DISCUSSION

The 80 acres will be irrigated with a traveling big gun. The slough occupies 40 acres and is approximately three to four feet deep. The period of water use will be May 1 to September 1.

Water Right No. 881-3, Department of Game, Fish & Parks, is for the storage of 4200 acre feet annually to fill Grass Lake. The slough used as the water source for this permit is located within Grass Lake's drainage area, but does not contribute to Grass Lake unless there are unusually high water levels.

CONCLUSION

1 Existing water rights will not be impaired by the approval of Application No. 5096-3.

2. Recommend approval of this application subject to the irrigation questionnaire being submitted each year.



Tim Tollefsrud
Natural Resource Engineer

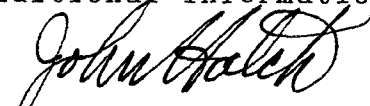
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5096-3, Delbert Tschakert

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5096-3, Delbert Tschakert, RR 1, Box 130A, Florence SD.

The Chief Engineer is recommending APPROVAL of Application No. 5096-3 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 rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
July 11, 1986



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

July 16, 1986

NOTE:

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

Delbert Tschakert
RR 1, Box 130 A
Florence, South Dakota 57235

Dear Mr. Tschakert:

Your Application No. 5096-3 for a permit to appropriate water for

irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Watertown Public Opinion printed at Watertown

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this 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
of intent to appropriate water and to arrange for payment. Early contact with
the paper can eliminate delays. The publisher has been instructed to publish
your notice once each week for two consecutive weeks with the last publication
to occur at least thirty days before the board meeting. We must receive
Proof of Publication before the application can be considered by the Water
Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before July 25, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5096-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Delbert Tschakert whose mailing address is
RR 1, Box 130A, Florence, South Dakota has made an application for a permit

to appropriate 1.14 cubic feet of water per second (120 acre-feet annually) from a slough to irrigate 80 acres. The point of diversion will be located in the E1/4NE1/4, Section 12 and the land to be irrigated will be located in the W1/4NE1/4, E1/4NE1/4, Section 12, all in T118N-R55W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5096-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD, September 3 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 5096-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, Monica K. Saathoff hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Watertown Public Opinion

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ city _____ of _____ Watertown _____

County of Codington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

July 25th, 1986

August 1st, 1986

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

August 1st, 1986

(Date Signed)

Cost of Printing: 68.00

FLORENCE

NOTICE OF HEARING ON
APPLICATION No. 5096-3
TO APPROPRIATE WATER

Notice is hereby given that
Delbert Tschakert whose mailing
address is RR 1, Box 130A,
Florence, South Dakota has
made an application for a permit
to appropriate 1.14 cubic feet of
water per second (120 acre-feet
annually) from a slough to ir-
rigate 80 acres. The point of
diversion will be located in the
E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 12 and the land
to be irrigated will be located in
the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec-
tion 12, all in T118N-R55W.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
5096-3 because 1) unappropriated
water is available, 2) will be no
unlawful impairment of existing
rights, 3) is beneficial use of
water and 4) is in the public in-
terest.

This application will be con-
sidered by the Water Manage-
ment Board at room 216, Joe
Foss Building, 523 E. Capitol,
Pierre, SD, September 3, 1986 at
10:00 am.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) ap-
prove, 2) approve with qualifica-
tions, 3) defer, or 4) deny this
application after it reaches a
conclusion based upon facts
presented at the public hearing.
Any interested person who may
be affected by a Board decision
and who intends to participate in
the hearing before the Board and
present evidence or cross-ex-
amine witnesses according to
SDCL 1-26, must file a written
petition with BOTH the applicant
and the Chief Engineer by
August 22, 1986. The petition may
be informal, but it must include a
statement describing the peti-
tioners interest in the applica-
tion, the reasons for the peti-
tioner's opposition to or support
of the application, and the
signature and mailing address of
the petitioner or his legal counsel
if legal counsel is obtained. The
applicant need not file a petition.

This application is made pur-
suant to the provisions of SDCL

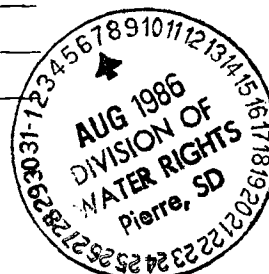
46-1-1 thru 46-1-9, 46-1-12 thru 46-
1-15; 46-2-3,1, 46-2-9, 46-2-11, 46-2-
13, 46-2-17; 46-2A-1 thru 46-2A-10,
46-2A-12, 46-2A-14, 46-2A-15; 46-5-1
thru 46-5-11, 46-5-13 thru 46-5-15,
46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4,
46-5-31; and Board Rules ARSD
74:02:01:01 thru 74:02:01:15.

This hearing is an adversary
proceeding. The applicant or any
person, after filing a petition, 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 exer-
cised. Decisions of the Board
may be appealed to the Circuit
Court and the State Supreme
Court as provided by law.

Any person wishing a copy of
the Chief Engineer's recommen-
dation, further information on
this application or to assure ac-
cess to the hearing by the handi-
capped can contact the Water
Rights Division, DWNR, Joe
Foss Bldg, Pierre, SD (605-773-
3352) for assistance prior to the
hearing date. The time of the
hearing will be automatically ex-
tended for at least twenty days
upon written request of the ap-
plicant or any person who has
filed a petition to oppose or sup-
port the application. The request
for extension must be filed with
the Chief Engineer by August 22,
1986.

(July 25; Aug. 1, 1986)

10" @ 3.40X2 = 68.00





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

NOV 14 1985

Delbert Tschakert
RR 1, Box 130A
Florence SD 57235

Dear Mr. Tschakert:

Enclosed herewith is your Water Permit No. 5096-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5096-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 18, 1990

DELBERT TSCHAKERT
RR #1 BOX 130A
FLORENCE SD 57235

Dear MR. TSCHAKERT:

A well drillers report filed with this office by STADHEIM IRRIGATION & WELL DRILL. indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you of the responsibilities you have incurred. Specifically:

1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
3. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface pursuant to SDCL 46-6-27.

Based on the legal description of the well described on the enclosed well completion report, you may need a water permit for your well. The legal description on the well completion report does not match the legal description described on the enclosed water permit. Please clarify whether or not the well is intended to be covered by the enclosed permit. If the water permit is intended to cover the well, then is the legal description correct on the well completion report or on the water permit. Please respond by 11/19/90.

October 18, 1990

WATER PERMIT COMPLIANCE

PAGE 2

Contact Regan Fanning, Natural Resources Analyst, at "Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) if you have any questions.

The Centennial Environmental Protection Act (House Bill 1291) as passed by the 1989 Legislature included Section 46 (SDCL 34A-3A-18) which states:

"Following completion of any new well for domestic use, a water quality sample shall be collected and submitted to the department of health laboratory or another laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller shall collect and submit the water quality sample. If the pump is not installed by the well driller, the owner shall collect and submit the water sample. The completed analysis shall be submitted to the department by the well driller or owner within thirty days after the submittal of well completion report which is filed with the department pursuant to 46-6-11. At a minimum, the water sample shall be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The owner or well driller shall pay for the cost of all analyses."

If you have questions or need assistance contact Regan Fanning, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

cc: well driller

enclosure

Permit No. 5096-3

Big Sioux River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Delbert Tschakert
RR 1 Box 130 A of Florence SD 57235 holder of
Permit No. 5096-3, bearing the priority of May 8 1986 authorizing
the diversion of 1.14 cu. ft. per second of the waters of Slough
for irrigation purposes, in Codington County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

1. 110-HP Berkely pump Model # B3JRM BMW
Imp 13 1/2" Intake 3" x 4" with a capacity of 650 gpm run by
a diesel Rockford Power Takeoff engine Model # PTA 31185

B. Works used to transport water to place of use:

6" aluminum piping 800' long.

C. Works used to apply water to beneficial use:

a 600gpm traveling gun

The system is in the following condition good

The point of diversion is located 920' west & 10' south of the NE corner
Section 12-T118N455W

The works are capable of diverting and conveying to the place of use 1.33

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: Section 12-7118N-R55W

NE 1/4 NE 1/4 = 15 acres

SE 1/4 NE 1/4 = 3 acres

comprising a total of 18 acres of land and the license should be issued for 0.25 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 5/8/1991

Norma C. Tob
(signature)

(signature)

5/8/91

LICENSE FOR PERMIT NUMBER 5096-3

1. Legal location of ~~wells~~ ^{Slough} NE 1/2 NE 1/4 Section 12-T118N15W

dams & structures: _____

2. Well Information: Well Drilling Firm N/A

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Berkely Motor a) make ^{diesel} Rockford Power takeoff

b) model B3JRN BMCW b) model No. PTA 31185

c) size IMP 13 1/2" Intake 3" x 4" c) horsepower rating 11D

d) capacity 650 gpm

e) turbine pump - no. of stages _____

f) operating PSI 120

3. Distribution lines or canals

a) size 6"

b) type Aluminum

c) length 800'

Slough 35-40 acres

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

:

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun traveling

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) 600
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

100 psi
shoots #20 150'

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

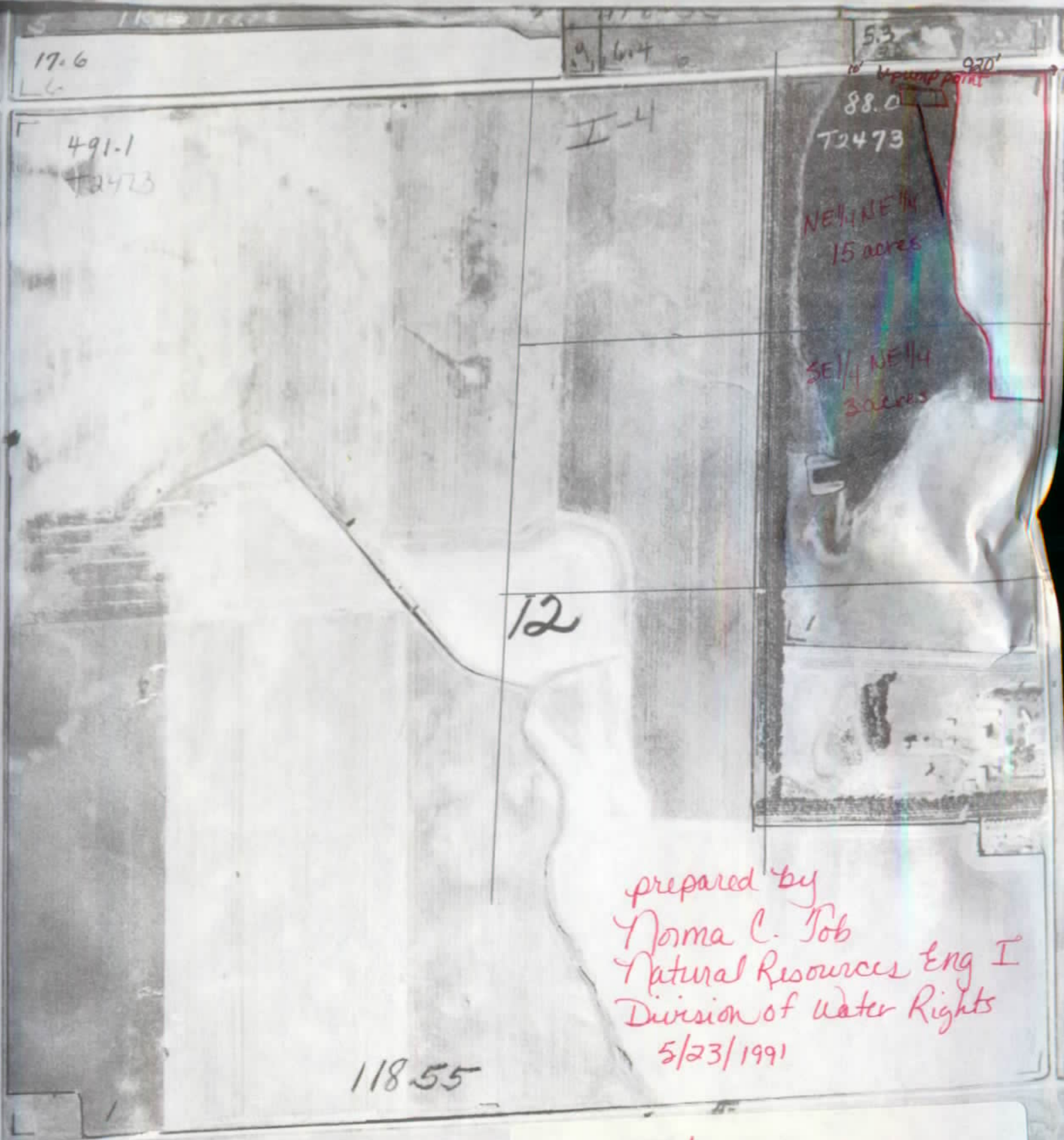
Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

permit # 5096-3

NOT TO SCALE



No. 5096-3

(See instructions)

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____

Application For Soil/Water Compatibility Permit ~~and Permit To Appropriate Water~~

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☒ Other see 5096-3
1. Name of Applicant Delbert Tschakert Phone No. 758-2265
- Post Office Address RR 1 Box 1304 Florence State S.D. 57235
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 20
3. Source of Water supply Slough
4. Location of point of diversion W 1/2 E 1/2 NE 1/4 Sec 12-118-55
- County Codington
5. Counties where water will be used Codington
6. Annual period during which water is to be used May 1 to September 1
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

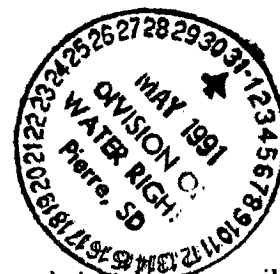
Land Description	No. Acres Irr.
<u>E 1/2 E 1/2 E 1/2 NE 1/4</u>	<u>20</u>
<u>Sec 12-118-55</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____
(Specify) _____
9. Crops to be Irrigated: Corn, Soybeans, and Alfalfa
10. Give a description of proposed project. (Attach sheet if more-space is needed)

Refer to S/W # 4174



Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Codington) ss

I, Delbert Tschakert, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Delbert Tschakert

Subscribed and sworn to before me this 30th day of MAY 1991

Steven Schlenner
Notary Public

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4618

WR#

OWNERS NAME: TSCHAKERT, DELBERT OWNERS ADDRESS: RR 1 BOX 130A
FLORENCE, SD 57235

COUNTY LAND LOCATED IN: CODINGTON PHONE: 758-2265

LEGAL DESCRIPTION:

☐ Well

☒ SLOUGH
Surface

1. LOCATION W_{1/2} E_{1/2} NE_{1/4} 12-T118N-R55W
Depth _____

Legal Description	Acres	Legal Description	Acres
<u>E_{1/2} E_{1/2} NE_{1/4} 12-T118N-R55W</u>	<u>20</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: XXX (Specify) _____ OTHER: _____

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS & ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>86-0226</u>	7. ADJUSTED (SAR): <u>1.15</u>
5. SALINITY (EC X 10 ⁶): <u>700</u>	8. PERCENT SODIUM: <u>10.97</u>
6. SODIUM (SAR): <u>0.54</u>	

Requirements:

That a buffer strip along the slough be maintained in permanent vegetation and shall not be irrigated.

Director, Division of Conservation

JUNE 17, 1991
Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 18, 1991

5096-3
5310-3

Delbert Tschakert
RR #1 Box 130
Florence, SD 57235

Dear Mr. Tschakert:

The inspection of your water use systems and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5096-3 and 5310-3, have been completed. The Water License for permit each can now be issued.

Statutes require that we charge a \$50.00 fee (each) for the inspection and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fees have been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



GREAT FACES. GREAT PLACES.

SEP 16 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Delbert Tschakert
RR 1, Box 130A
Florence, SD 57235

Dear Mr. Tschakert:

Enclosed is Water License No. 5096-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412764 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412764

Pierre, August 1, 1991

RECEIVED OF Delbert or Kay Tschakert, Rt 1, Box 130A, Florence, SD 57235

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>5096-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5096-3

(1) Delbert Tschakert of RR 1, Box 130A, Florence, SD 57235 made Application No. 5096-3, May 8, 1986 for a water permit to appropriate 1.14 cubic feet of water per second (not to exceed 120 acre feet annually) from a slough, Codington County, South Dakota for irrigation purposes. Permit No. 5096-3 with a priority date of May 8, 1986 was approved September 3, 1986 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 3, 1991 and for the application to beneficial use of said water on or before September 3, 1995.

(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 0.25 cubic feet of water per second for beneficial use (not to exceed an annual use of 36 acre feet). The location of the diversion point is: 920 feet West and 10 feet South of the NE corner Section 12, T118N, R55W.

(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:

T118N, R55W	Section 12	NE 1/4 NE 1/4	15 Acres
		SE 1/4 NE 1/4	3 Acres
		Total-----	18 Acres

(4) Pursuant to Section 46-5-30.1 Delbert Tschakert of RR 1, Box 130A, Florence, SD 57235 the holder(s) and/or owner(s) of Water Permit No. 5096-3 is issued a license to appropriate water, the right to use 0.25 cubic feet of water per second (not to exceed an annual use of 36 acre feet) from a slough with a priority date of May 8, 1986 from the location specified in (2) of this license. The water is 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. 5096-3 and subject to South Dakota State Law.

 SEP 16 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



5096-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: DELBERT TSCHAKERT, 16150 442ND AVE, FLORENCE, SD 57235
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5096-3, 5310-3 & 5560-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5096-3, 5310-3 & 5560-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, 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) 5096-3, 5310-3 & 5560-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DELBERT TSCHAKERT
16150 442ND AVE
FLORENCE SD 57235

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Delbert Tschakert 01-18

C. Signature

X Delbert Tschakert ☒ Agent ☐ Addressee

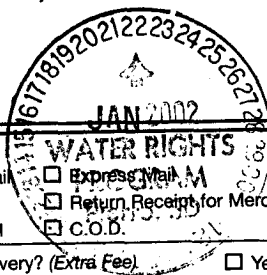
D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



7001 2510 0004 4797 3787



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2002

5096-3
5310-3
5560-3

Delbert Tschakert
16150 442nd Ave
Florence, SD 57235

Dear Mr. Tschakert:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 5096-3, 5310-3 and 5560-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 5, 2019

5096-3

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

I am contacting you in regard to the 2018 irrigation questionnaire for Water Right No 5096-3. The water right authorizes irrigation from a slough area (copy enclosed).

Last December when you submitted all of the questionnaires for your various water permits and rights, you made a notation on No. 5096-3 that the use had been abandoned. Questionnaire records on file for the water right indicate the land was last irrigated in 1987. For a majority of those years you indicated you had sufficient moisture or you did not have enough water to irrigate with. A few of questionnaires indicated no system was constructed.

Typically when an irrigator indicates the use has been abandoned, the water right is then scheduled for cancellation, thus eliminating the need for annual reporting. Prior to scheduling the water right for cancellation, I wanted to touch base with you to find out if your intent was to abandon the water right. Please take a few minutes and either give me a call or respond by regular mail as to your intent.

Thank you in advance for your help.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Delbert Tschakert, 16150 442nd Ave, Florence SD 57235

DATE: April 23, 2021

TELEPHONE: 605 881-5967

RE: status of Water Right No. 5096-3

COMMENTS:

The water right covers 18 acres in the E ½ NE ¼ Section 12, T118N, R55W with diversion of water from a slough. Mr. Tschakert has been randomly indicating he has abandoned the use or that his system has not been constructed. The water right was licensed in 1991.

I called and talked to him to find out his intent towards the water right. He indicated that he has not been able to irrigate that area because the water from the slough is unpredictable and is either flooding or too low to use.

He has another water right for a well (for different acreage) which he said is better than relying on a slough. For now, he is not ready to give up the right to irrigate from the slough. I explained legal excuse to him, and he said he would keep us posted on the irrigation questionnaire as to his intent.



Genny McMath
Water Rights Program