

Considered: _____

WATER PERMIT NO. 5310-3 42

HAP No. same 758-2265

Name of Applicant Delbert Tschakert

Post Office Address RR1, Box 130A Florence, SD 57235

Amount of Water Claimed 2.23 cfs Total Acres 150

Source of Water Supply groundwater - 2 wells

Water to be used for irrigation County Codington

About 1 miles SW of Florence

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received March 13, 1989 Fee \$250⁰⁰ Remarks _____

Corrected Application Received Apr 6, 1989 Period of Annual Use May 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

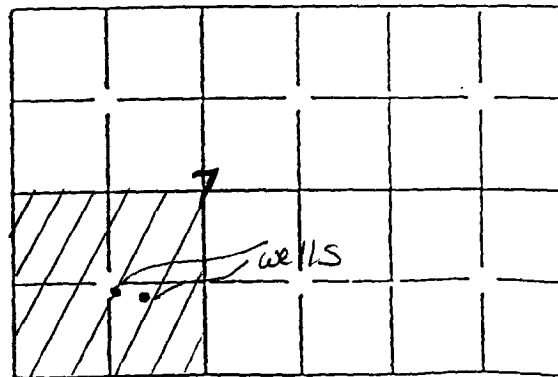
WI-1 Description same as Application YES NO REMARKS _____

Diversion Point _____

near the center of the SW $\frac{1}{4}$ Sect 7-T18N-R54W
~500' east of the center of " " " "

Land to be Irrigated _____

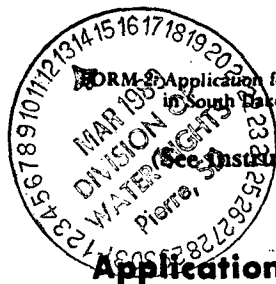
Lot 3, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sect 7-T18N-R54W



Well Log: Driller Stadheim Licensed YES X NO _____

Depth of Well 140' REMARKS test hole
(well 95')

Type of Map aerial PREPARED BY _____ Reviewed and the Number
assigned on March 30, 1989 By Susan A. Bower

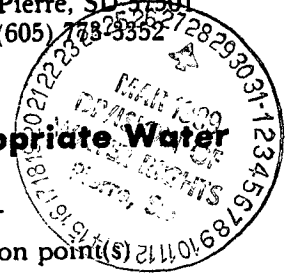


FORM 2 Application for irrigation (type or print)
in South Dakota

(See Instructions)

No. 5310-3 Hydrologic Unit 10170201
 Basin Big Sioux
 Newspaper Water-town Public Opinion

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 778-3332



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 _____

- Name of Applicant Delbert Tschakert Phone No. (605) 758-2245
- Post Office Address RR I Box 130A Florence State S.D. 57235
(Street, RR or Box) (City) 158 Zip Code
- Amount of water claimed (c.f.s) 2.23 Total acres irrigated acres 760
- Source of Water supply well groundwater (2 wells) 157.76
- Location of point of diversion Applying for 2 wells first well near the center of the quarter SE 1/4 Sec 7-118-54. Second well: 500 ft. East of the first well approximately
 County Codington
- Counties where water will be used Codington
- Annual period during which water is to be used May 1 thru Sept. 30
- 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.
Lot 3 & 4 Sec 7-118-54	77.76
E 1/2 SW 1/4 Sec 7-118-54	80.00

Land Description	No. Acres Irr.
Lot 3 Sec 7-118-54	38.80 39
Lot 4 Sec 7-118-54	38.90 39
SE 1/4 SW 1/4 Sec 7-118-54	40.00
NE 1/4 SW 1/4 Sec 7-118-54	40.00

Attach sheet if more space is needed

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

Drill two wells, one at the center and the second 500 ft to the east of the first well to get 1000 gal/minute of water to put through a center pivot irrigation system. The system will be a high pressure system because the ground is slightly rolling.

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
27th day of March 19 89
Steven Schommer
Sotary Public

SOUTH DAKOTA
WATER PERMIT No. 5310-3 FOR IRRIGATION

Date of first receipt of application March 13, 1989.

Date Soil/Water Compatibility Permit received April 24, 1989.

Date of return of applicant for correction, amendments or changes required March 17, 1989.

Date of receipt of corrected application April 6, 1989.

The Water Management Board approved Water Permit Application No. 5310-3 on May 10, 1989 for Delbert Tschakert, RR #1 Box 130A, Florence, South Dakota 57235 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. 5310-3 appropriates 2.23 cubic feet of water per second from two wells to irrigate 158 acres. The 2 wells, 94 feet deep, are to be located near the center of the SW1/4 and 500 feet east of the center of the SW1/4 and the acres to be irrigated are located in Lots 3 and 4, NE1/4 SW1/4, SE1/4 SW1/4; all in Section 7-T118N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second 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: May 1 to September 30.
3. The date from which applicant may claim right is March 13, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) The wells authorized by Permit No. 5310-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
- 2) The wells 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.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- 4) Approval of this Permit authorizes construction of wells approximately 94 feet deep.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)

Stadheim's drilling log for test well

1. Well Information - Proposed construction

- a) Drill Hole Diameter 19 in Depth 95 FT
- b) Casing Type Fiber Glass Diameter 12 in Thickness $\frac{1}{4}$ in
SPLIT TYPE CONTINUOUS SLOT
- c) Screen Type Fiber Glass Diameter 12 in Thickness $\frac{1}{4}$ in
- d) Gravel Pack Thickness $3\frac{1}{2}$ Length of Gravel Pack 40 FT
- e) Depth to Top of Water Bearing Material 60 FT
- f) Depth to Water (ground surface to water level) 27 FT
- g) Distance to nearest existing domestic well:
- On applicants property 1500 On property owned by others 5400 FT

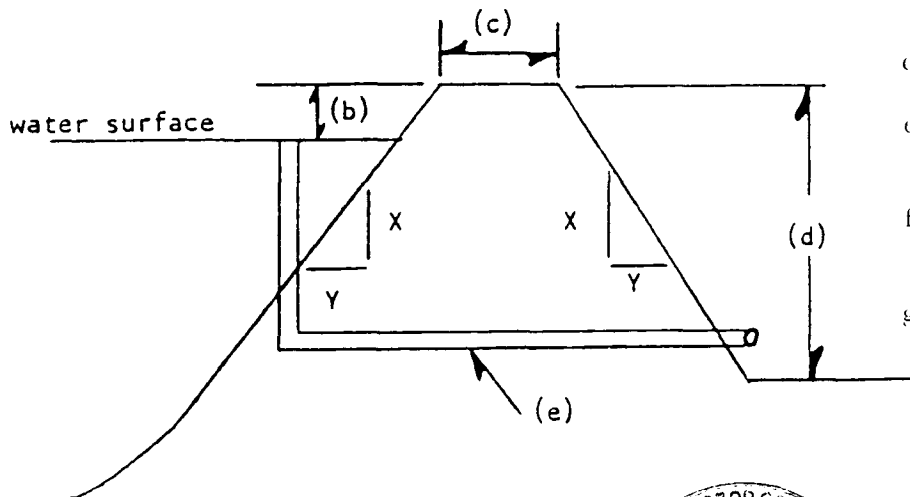
2. Dugout Information Estimates

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

3. Water Storage Dams

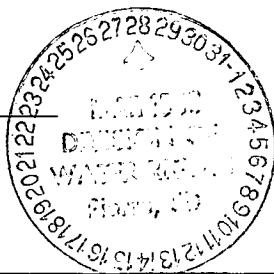
If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- 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) Primary Outlet Capacity _____
If Pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage _____ acre feet
- Drainage area above dam _____

Delbert Tschobert
Signature of Applicant



**Department of
Water & Natural Resources**

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

March 17, 1989

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

Dear Mr. Tschakert:

This letter is in response to the water permit application received from you March 13, 1989.

The application is not complete for the following reason(s):

- (1) The acreage to be irrigated needs to be **clearly** outlined on the enclosed map that was submitted. In addition, the lots as labelled on the map are incorrect. I am enclosing a copy of the map as shown in our archives. Please revise the aerial photo, with respect to both the lot locations and the outline of the acreages to be irrigated.
- (2) The legal location of the point of diversion and of the acreages to be irrigated (No.4 and No.7) on the enclosed application form will also need to be revised according to the corrected map.
- (3) The enclosed Form 2A needs to be completed and submitted for the proposed well.
- (4) The amount of water claimed (No. 2) needs to be indicated on the enclosed application form.

The Water Management Board cannot consider a water permit application until it is complete. Please return a signed map with the acreages to be irrigated **clearly** indicated, the enclosed application forms with all corrections/additions made, the enclosed Form 2A, and the required fee to begin processing of your water permit application.

Feel free to contact us if you have any questions.

Sincerely,

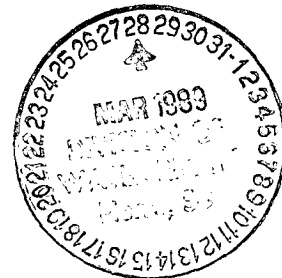


Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605)773-3352

enclosure



I am sending another check
for \$100 because I broke the
original application into two
applications. I thought it
would be easier to keep
legal descriptions straight this
way. ~~and~~ I will also be doing
more test drilling before the
May meeting so we will have
a better idea where the wells
will be located *Delbert Fischer*





Department of Water & Natural Resources

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

March 30, 1989

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

Dear Mr. Tschakert:

This is in response to the water permit applications received from you on March 28, 1989.

The applications are still incomplete for the following reason(s):

- (1) The enclosed map needs to be signed by a South Dakota Registered Engineer, a South Dakota Licensed Land Surveyor, or by a government employee who normally prepares maps as part of his/her duties (ASCS or SCS).

Since you have submitted two applications, it will be necessary to have a signed map for each application. Please outline the 25 acres to be irrigated in Lot 2, as well.

The Water Management Board cannot consider a water permit application until it is complete and until a soil/water compatibility permit has been approved by the Division of Conservation. Please return two copies of the enclosed map with the required signatures as soon as you can.

Feel free to contact us if you have any questions.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division

enclosure



Conversation or File Documentation

NAME OF PERSON OR FILE: Delbert TschakertADDRESS: RR1, Box 130A, Florence SD COUNTY CodingtonDATE: April 11, 1989 TELEPHONE _____RE: Notice of Hearing for 5310-3

COMMENTS:

I notified Delbert Tschakert via phone that no soil/water compatibility permit had been received for Application No. 5310-3. Mr. Tschakert indicated that Jim Stukel would be out for an inspection of the area in the near future. I informed Mr. Tschakert of the publication deadline and asked Mr. Tschakert if he wanted the notice of hearing published. I further told Mr. Tschakert that if the S/W permit was not received prior to the W.M.B. meeting, then the Board would not consider the application and it would need to be readvertised. Mr. Tschakert was informed that he is responsible for publication costs. Mr. Tschakert instructed me to fax the notice to the Watertown Public Opinion.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron D. Small

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 29, 19 89

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>5310-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By

Chief Engineer

John Hatch/mra
John Hatch/mra

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4371

WR#

OWNERS NAME: Delbert Tschakert

OWNERS ADDRESS: RR 1, Box 130A

Florence, SD 57235

COUNTY LAND LOCATED IN: Codington PHONE: 758-2265

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION #1 Near center of SW $\frac{1}{4}$ Sec. 7-T118N-R54W; #2 Approx. 500 ft. E of 1st well

Depth (SW $\frac{1}{4}$ Sec. 7-T118N-R54W)

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ Sec. 7-T118N-R54W	158		

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

3. CROPS TO BE IRRIGATED: alfalfa, corn, soybeans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0146

7. ADJUSTED (SAR): 1.64

5. SALINITY (EC X 10⁶): 1200

8. PERCENT SODIUM: 10.80

6. SODIUM (SAR): 0.60

Requirements: Through the use of surface drainage, areas which would normally pond under irrigation are adequately drained. This surface drainage shall be maintained & managed in a manner to prevent erosion.

Wells #1 & #2 shall be within 2,000 ft. & in the same aquifer as well #3, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7-T118N-R54W.



☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

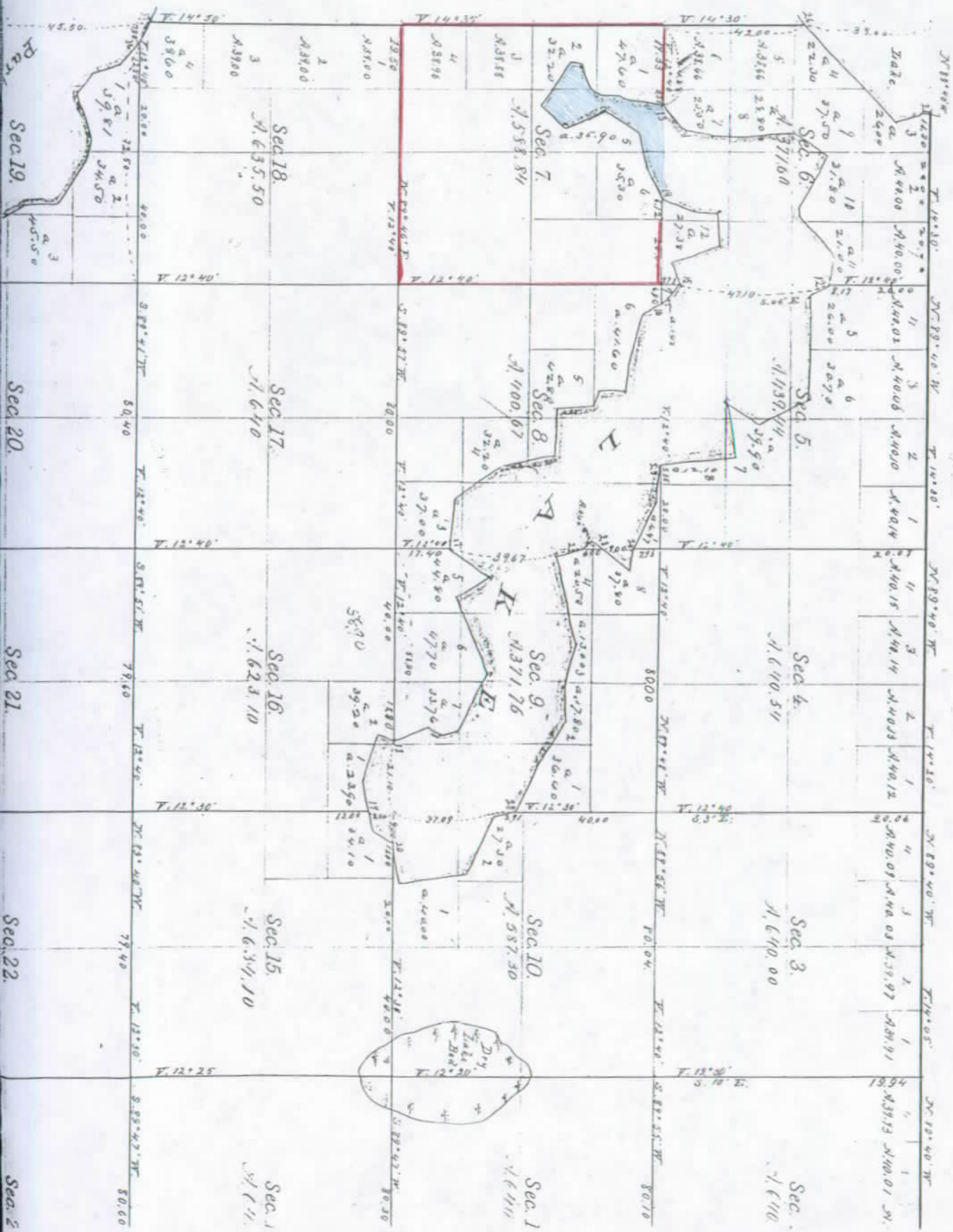
☒ REQUIREMENTS

Director, Division of Conservation

Date 4/21/89

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

TOWNSHIP N: 118 North RANCE N: 54 West of the 5th Princ



SAND

5310-3

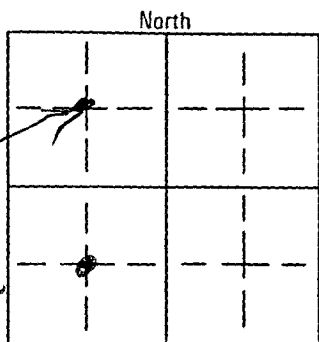
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location $\frac{1}{4}$ Sec 7 Twp 116R Rg 54WCounty Cooking

Please mark well location with an "X"

incorrect W



well should be
be dead center in
corner. RF 10/26/90

Well Completion Date 7-13-89

Well Owner:

Name DeLbert TschakertAddress RR#1 Box 130A Florence SD

Well Log:

Depth 572.35

Formation

From

To

Black Dirt	0	2
Yel Clay	2	28
Blue "	28	52
Fine Sand	52	70
Fine Sand	70	80
Coarse RA Rock	80	96

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

- ☐ Steel ☐ Plastic ☒ Other
 If other describe Fiber Glass

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>300</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>76</u> FT	<u>19</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

STATIC WATER LEVEL 28 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 50 FT FEETWhat is grouting material? CementIf cement, number of sacks? 25Describe grouting procedure Pumped
To BottomWhat was grout weight? thick LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 20 FEETMaterial Fiber Glass - SPON CONT SLOTSlot Size 20 Set From 76 Feet To 81 FeetSlot Size 60 Set From 81 Feet To 96 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information SAME OPENING ASSTAINLESS STEELWas a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NOLaboratory sent to Sam's Hole By it was
tested breaking

WELL TEST DATA:

☒ Pumped☐ BailedDescribe: Air☐ Other

Pumping Level Below Land Surface

28 ft. After 3 Hrs. pumped EST 800 GPM28 ft. After 5 Hrs. pumped 1000-1200 GPM

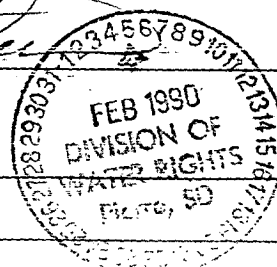
_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS: PUMP SOME FINE SAND
AFTER Irrig - 1 circle -
Practi NONEThis well was drilled under license # 414

And this report is true and accurate.

Drilling firm Stadheim Irr. & Well DrillingSignature of License Representative: Harold Stadheim

Signature of Well Owner: _____

Date 1-30-90

Report on Application Nos. 5310-3 and 5311-3
Delbert Taschkert
April 6, 1989

Application No. 5310-3 proposes to appropriate 2.23 cfs from 2 wells approximately 94 feet deep to irrigate 158 acres. The wells will be located near the center of the SW1/4 and 500 feet east of the center of the SW1/4 and the acres to be irrigated are located in Lot 3, Lot 4, NE1/4 SW1/4, SE1/4 SW1/4; all in Section 7, T118N, R54W. Application No. 5311-3 proposes to appropriate 1.5 cfs from 1 well approximately 80 feet deep to be located in the S1/2 Lot 5 to irrigate 60 acres located in Lots 2, 5, 6; all in Section 7, T118N, R54W in Codington County.

Aquifer - Prairie Coteau (PCO)

The Prairie Coteau is a buried glacial outwash (sand and gravel) which is under artesian conditions at this site. Test drilling by the applicant indicates 35 feet and 34 feet of sand and gravel. Preliminary testing at one drill hole indicated 200 gpm of yield using air.

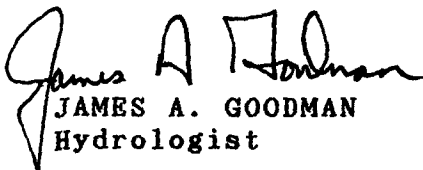
The Prairie Coteau underlies 760 square miles of Grant and Codington Counties and contains an estimated 1.5 million acre-feet of water in storage (Hanson, pers comm., 1988). The Division of Water Rights monitors 3 wells (CD-77D, CD-77E and CD-78B) which are within 5 miles of this application. Water levels in these wells respond to pumping (slight 1-2 feet in change) and to climatic conditions, that is, rising during wet periods (recharge) and declining water levels during droughts. There have been no significant changes or trends which have developed (Water Rights, 1989).

Review of Existing Water Permits

The nearest existing permit is No. 4051-3 for the City of Florence. These proposed diversion points are approximately 2 miles west of Florence. Interference is not expected to be a problem. Some fluctuations due to pumping can be expected but this should be significant. The observation well data for this area confirms this.

Conclusions

1. Water is available from the PCO Aquifer.
2. The aquifer is under artesian conditions and fluctuations due to pumping are expected. There should be no adverse interference with adequately constructed wells.
3. The wells must be completed in accordance with SD Well Construction Standards.


JAMES A. GOODMAN
Hydrologist

Bibliography

- Hanson, D., 1988, Personal Communication, Codington-Grant Water Resources Study, PCO Aquifer, USGS, Huron SD 57350
- Water Rights, 1989, Observation Well Records for PCO Aquifer in Codington County, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5310-3, 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. 5310-3, Delbert Tschakert, RR 1, Box 130A, Florence SD.

The Chief Engineer is recommending APPROVAL of Application No. 5310-3 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 qualifications:

1. The wells authorized by Permit No. 5310-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The wells 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Approval of this Permit authorizes construction of wells approximately 94 feet deep.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 6, 1989

 **Department of
Water & Natural Resources**

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

April 11, 1989

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

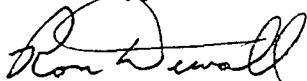
Delbert Tschakert
RR 1, Box 130A
Florence SD 57235

Dear Mr. Tschakert:

Water Permit Application No. 5310-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Watertown Public Opinion printed at Watertown SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. 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 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 twenty 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
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

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

April 11, 1989

Watertown Public Opinion
Box 10
Watertown SD 57201

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5310-3 to be published twice. Please publish the first notice on or before April 13, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Delbert Tschakert, RR 1, Box 130A, Florence SD 57235.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before April 13, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5310-3 to Appropriate Water

Notice is given that Delbert Tschakert, RR 1, Box 130A, Florence SD 57235 has filed an application for a water permit to appropriate water. Application No. 5310-3 is to appropriate 2.23 cubic feet of water per second from two wells to irrigate 158 acres. The 2 wells, approximately 140 feet deep, are to be located near the center of the SW 1/4 and 500 feet east of the center of the SW 1/4 and the acres to be irrigated are located in Lots 3 and 4, NE 1/4 SW 1/4, SE 1/4 SW 1/4; all in Section 7-T118N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5310-3 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBL

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, Monica K. Saathoff

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

Water was taken from the Watertown Public Opin

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

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:

April 13th, 1989

April 20th, 1989

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

April 20th, 1989
(Date Signed)

Cost of Printing: \$82.78

FLORENCE

**NOTICE OF HEARING ON
APPLICATION NO. 5310-3 TO
APPROPRIATE WATER**

Notice is given that Delbert Tschakert, RR 1, Box 130A, Florence, SD 57235 has filed an application for a water permit to appropriate water. Application No. 5310-3 is to appropriate 2.23 cubic feet of water per second from two wells, to irrigate 158 acres. The 2 wells, approximately 140 feet deep, are to be located near the center of the SW 1/4 and 500 feet east of the center of the SW 1/4 and the acres to be irrigated are located in Lots 3 and 4, NE 1/4 SW

1/4, SE 1/4 SW 1/4; all in Section 7-T118N-R54W.

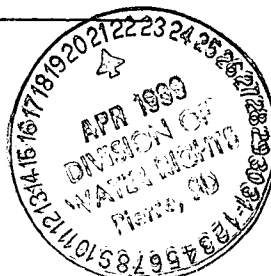
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5310-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on May 10, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
(April 13, 20, 1989)

103/40385x2 = 82.78





Department of Water & Natural Resources

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

May 17, 1989

Delbert Tschakert
RR 1, Box 130A
Florence SD 57235

Dear Mr. Tschakert:

Enclosed is the Report and Recommendations of the Chief Engineer
for Water Permit Application Nos. 5310-3 and 5311-3.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

SEP 12 1989

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

Dear Mr. Tschakert:

Enclosed are Water Permit Nos. 5310-3 and 5311-3 as approved by the Water Management Board authorizing you to construct your water diversion systems and put the water to beneficial use, not exceeding the limits as specified in the Water Permits.

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 the Water Licenses may be issued, thus completing your acquisition of the Water Rights.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permits within the five year construction period, usually without affecting the priority dates provided an application to amend your permits are 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.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-30-89TO: Water Rights Division, DWNH
Joe Foss Building
Pierre SD 57501-3181FROM: Delbert Tschakert RR1 Box 130A Florence
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5310-3.

Water Permit No. 5310-3 states that the diversion system is to be constructed by May 10-1994, and that the water it put to beneficial use by May 10-1998.

The diversion system was completed on July 15-1989.
Applying the water to beneficial use was completed on July 15-1989

You may schedule an inspection so that the Water License may be issued.

Delbert Tschakert
signature



Water & Natural Resources

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

November 20, 1990

5310-3
5311-3

Paul Reisch
Farm Credit Services
PO Box 786
Watertown, SD 57201

Dear Mr. Reisch:

Enclosed are copies of Water Permit Nos. 5310-3 and 5311-3. They are currently listed in the name of Delbert Tschakert, Florence, SD.

If you have any questions or need additional information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

Permit No. 5310-3
Big Sioux River Water District

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, DWRN, 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. 5310-3, bearing the priority of March 13 1989 authorizing
 the diversion of 2.23 cu. ft. per second of the waters of groundwater
 for irrigation purposes, in Codington County.

RR#1 Box 130 A of Florence SD 57235 holder of

Permit No. 5310-3, bearing the priority of March 13 1989 authorizing

the diversion of 2.23 cu. ft. per second of the waters of groundwater

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 90 HP Well line pump Model # MA-5869-89. capable of 850 gpm run by a diesel Twin Disc Inc. engine Model # SP111HP3.

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

8" aluminum piping 5' in length

C. Works used to apply water to beneficial use:

T & L Irrigation center pivot with 8 towers + an end gun with a length of 1290' and capable of 850 gpm.

The system is in the following condition good

The point of diversion is located 1380' east and 1190' North of the SW corner
Section 7-T118N-R54W

Section 7-T118N-R54W

The works are capable of diverting and conveying to the place of use 1.88

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 7-T118N-R54W

NW 1/4 SW 1/4 = 33 acres

NE 1/4 SW 1/4 = 33 acres

SW 1/4 SW 1/4 = 33 acres

SE 1/4 SW 1/4 = 33 acres

comprising a total of 132 acres of land and the license should be issued for 1.88 cfs

Applicable permit qualifications have been complied with X Yes No

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

Norma C. Bob
(signature)

(signature)

LICENSE FOR PERMIT NUMBER 5310-3

1. Legal location of wells: SE 1/4 SW 1/4 Section 7-T118N-R54W

dams & structures: _____

2. Well Information: Well Drilling Firm Stadheim Well Drilling

Completion Report Yes ☒ No _____ No. of Wells 1 Depth 98 Log: 96' (Bw)

Casing	a) diameter <u>12"</u>	Screen	a) type <u>Fiberglass</u>
	b) length <u>98</u>		b) length <u>20</u>
	c) type <u>Fiberglass</u>	Static Water Level	<u>30</u>
Pump	a) make <u>Well line</u>	Motor	a) make <u>Diesel Engine</u> <u>TWIN Disc Inc.</u>
	b) model <u>MA-5869-89</u>		b) model No. <u>SP111 HP3</u>
	c) size <u>8"</u>		c) horsepower rating <u>90</u>
	d) capacity <u>850</u> gpm		
	e) turbine pump - no. of stages _____		
	f) operating PSI <u>70</u>		

3. Distribution lines or canals

a) size 8"

b) type Aluminum

c) length 5

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

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 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 T & L IRR
- 2) number of towers 8
- 3) distance between towers _____
- 4) overall length 1290
- 5) end gun (Y/N) Y 175' to corner
- 6) high or low pressure high
- 7) make & size of nozzles 70 psi
- 8) capacity (GPM) 850

g) siphons

- 1) size _____
- 2) number _____

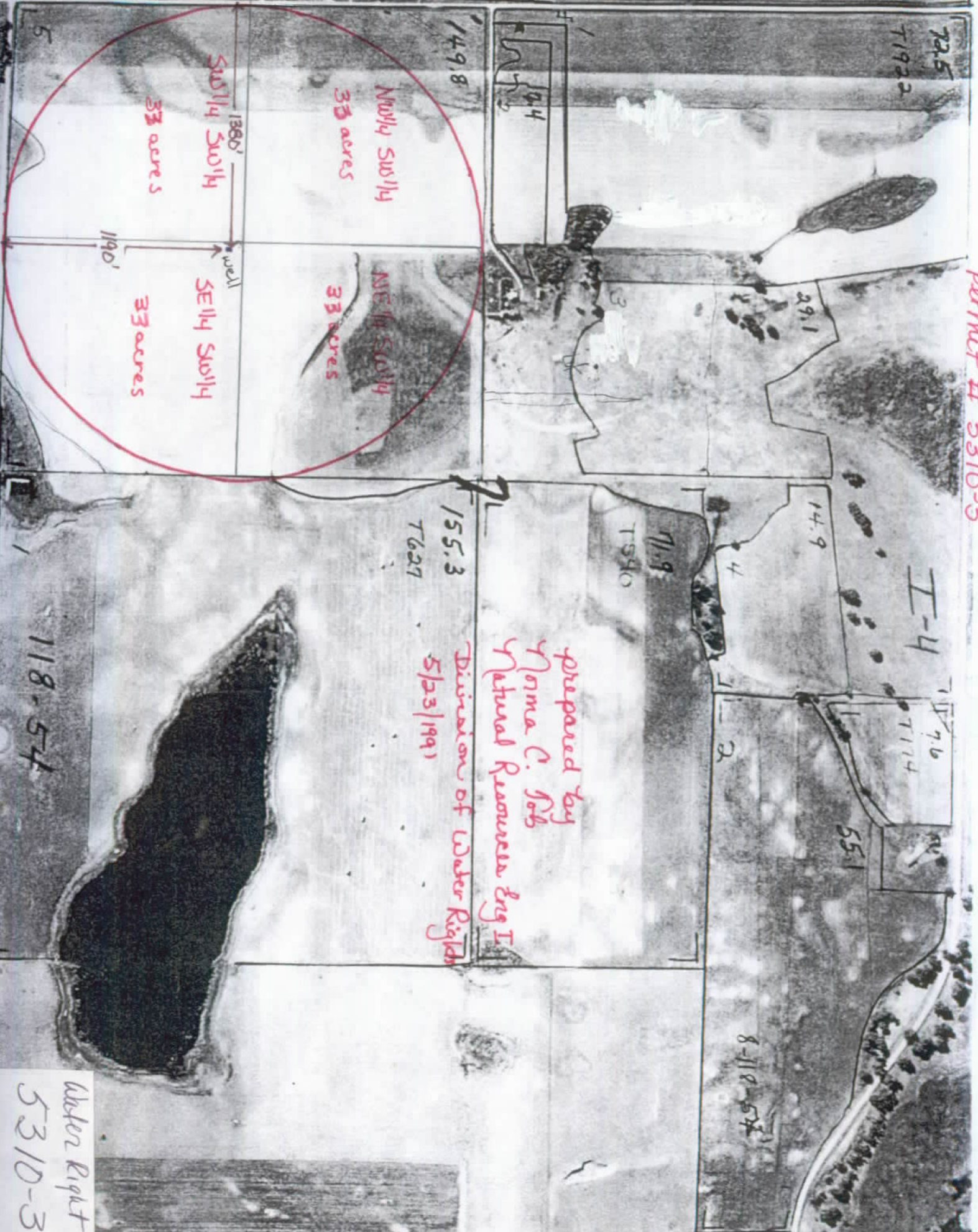
NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

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: If they chemigate, he said that he would spray it on and not through the center pivot.

Permit # 5310-3



prepared by
Norma C. Job
Natural Resources Eng I
Division of Water Rights
5/23/1991

Water Right
5310-3

South Dakota



GREAT FACES. GREAT PLACES.

**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

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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412765

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>5310-3</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. 5310-3

(1) Delbert Tschakert of RR 1, Box 130A, Florence, SD 57235 made Application No. 5310-3, March 13, 1989 for a water permit to appropriate 2.23 cubic feet of water per second from groundwater, Codington County, South Dakota for irrigation purposes. Permit No. 5310-3 with a priority date of March 13, 1989 was approved May 10, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

(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 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is: 1380'E and 1190'N of the SW corner Section 7, T118N, R54W (SE 1/4 SW 1/4).

(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, R54W Section 7	NW 1/4 SW 1/4	33 Acres
	NE 1/4 SW 1/4	33 Acres
	SW 1/4 SW 1/4	33 Acres
	SE 1/4 SW 1/4	33 Acres
	Total-----	132 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. 5310-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with a priority date of March 13, 1989 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. 5310-3 and subject to South Dakota State Law.

 SEP 17 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

SEP 17 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5310-3

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

Dear Mr. Tschakert:

Enclosed is Water License No. 5310-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412765 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5310-3, 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.

Very truly yours,

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

enclosures



5310-3
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.



**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