Considered: _____

WATER PERMIT NO. 5311-3

MAP No. same 758-2265

Name of Applicant Delbert Tschakert

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

Amount of Water Claimed 1.5 cfs Total Acres 60

Source of Water Supply groundwater - 1 well

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.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received March 13, 1989 Fee $150.00 Remarks _____

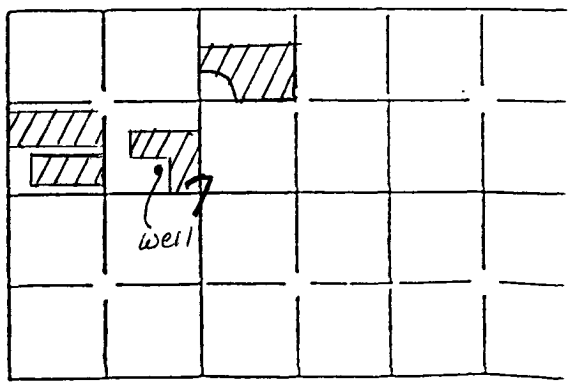
Corrected Application Received Apr 6, 1989 Period of Annual Use May 1 - Sept 30

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

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

Diversion Point S½ Lot 5 Sect 7 - T118N - R54W

Land to be Irrigated Lots 2, 5, 6 Sect 7 - T118N - R54W



Well Log: Driller Bullis Bros. Licensed YES X NO ___

Depth of Well 80' REMARKS Test hole

(Well 70')

Type of Map aerial photo PREPARED BY _____ Reviewed and the Number

assigned on March 30, 1989 By Susan A. Bowers

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

(See instructions)

No. 5311-3 Hydrologic Unit 10170201
Basin Big Sioux
Newspaper Watertown Public Opinion
Box 10 5120 daily

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

MAR 1989 DIVISION OF WATER RIGHTS Pierre, SD

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

Type of Application: [X] New [ ] Vested Right [ ] Amend Permit No. _____
[ ] Change Acreage [ ] Change diversion point(s) [ ] Add diversion point(s)
[ ] Add Acreage [ ] Increase diversion rate [ ] Other _____

1. Name of Applicant Delbert Tschakert Phone No. (605) 758-2265
   Post Office Address RR I Box 130 A (Street, RR or Box) Florence (City) State S.D. Zip Code 57235
2. Amount of water claimed (c.f.s) 1.5 Total acres irrigated 60
3. Source of Water supply well groundwater - 1 well
4. Location of point of diversion S½ Lot 5 Sec 7-118-54
   County Codington
5. Counties where water will be used Codington
6. Annual period during which water is to be used May 1 thru Sept. 30
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.
Lot 6 Sec 7-118-54	15
Lot 5 Sec 7-118-54	20
Lot 2 Sec 7-118-54	25

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: Alfalfa, Corn & Soybeans
10. Give a description of proposed project. (Attach sheet if more space is needed)

I have 4 small fields of Alfalfa on the described land. I will drill a well as described to water these alfalfa field with a traveling big gun

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 24th day of March 19 89

Steven Schlanner
Notary Public

4-87

SOUTH DAKOTA
WATER PERMIT No. 5311-3 FOR IRRIGATION

Date of first receipt of application March 13, 1989.
Date Soil/Water Compatibility Permit received April 10, 1989.
Date of return to applicant for required corrections, amendments or changes March 17, 1989.
Date of receipt of corrected application March 28, 1989.

The Water Management Board approved Water Permit Application No. 5311-3 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. 5311-3 appropriates 1.5 cfs from one 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.

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, ~~1991~~. 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 well authorized by Permit No. 5311-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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

WATER MANAGEMENT BOARD

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

SEP 12 1989
(date)

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 12, 1990

5311-3

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

Dear Mr. Tschakert:

Enclosed is a corrected copy of your Water Permit No. 5311-3. The original permit, issued on September 12, 1989, contained an error in the priority date.

Number 3 of Water Permit No. 5311-3 read as follows:

> **The date from which applicant may claim right is March 13, 1991.**

The permit has been changed to read:

> **The date from which applicant may claim right is March 13, 1989.**

We apologize for the error and any inconvenience this may have caused. If you have any questions concerning the enclosed permit or the correction that was made, please contact us.

Very truly yours,

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

enclosure

Form 2A

Supplemental Information

(type or print in ink)

Bullis Drilling log for test well.

1. Well Information - Proposed construction

   a) Drill Hole Diameter 19 Depth 70 FT

   b) Casing Type Fiberglass SPUN CONTINUOUS Diameter 12 in Thickness 1/4 in

   c) Screen Type Fiberglass SLOT Diameter 12 in Thickness 1/4

   d) Gravel Pack Thickness 3 1/2 Length of Gravel Pack 40 FT

   e) Depth to Top of Water Bearing Material 27 FT

   f) Depth to Water (ground surface to water level) 11 FT

   g) Distance to nearest existing domestic well:

   On applicants property 300 FT On property owned by others 4500 FT

2. Dugout Information Estimates

   a) Surface Dimensions _____ Depth _____

   b) Depth to water (ground surface to water level) _____

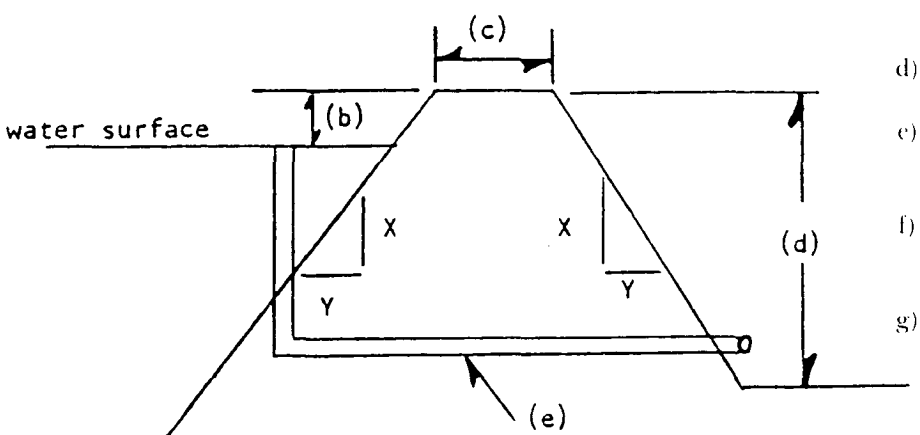
3. Water Storage Dams

   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 Tschokert

Signature of Applicant

SOUTH Dakota 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

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

enclosure

CELEBRATE THE CENTURY
1889 · 1989
South Dakota

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 Tschabert

MAR 1989
DIVISION OF
WATER RIGHTS
Pierre, SD

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411712

Pierre, March 28, 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. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. 5311-3 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/mra

Chief Engineer John Hatch/mra

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only: 4366

WR#:

OWNERS NAME: Delbert Tschakert

OWNERS ADDRESS: RR 1, Box 130 A
Florence, SD 57235

COUNTY LAND LOCATED IN: Codington PHONE: 758-2265

LEGAL DESCRIPTION: ☒ Well ☐ Surface

1. LOCATION S½ Lot 5 Sec. 7-T118N-R54W

Depth

Legal Description	Acres	Legal Description	Acres
Lot 6 Sec. 7-T118N-R54W	15		
Lot 5 " "	20		
Lot 2 " "	25		
		TOTAL ACRES =	60

2. **TYPE OF IRRIGATION:** GRAVITY ___ TOWLINE ___ CENTER PIVOT ___ GUN: X OTHER: (Specify) ___

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

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0146
5. SALINITY (EC X 10^6): 1200
6. SODIUM (SAR): 0.60
7. ADJUSTED (SAR): 1.64
8. PERCENT SODIUM 10.80

Requirements: The areas mapped as Oldham & Parnell silty clay loam, 0-3% slope (Op), are subject to wetness & periods of flooding, making farming them hazardous. These hazards would only be complicated by irrigation. For this reason, these areas shall not be irrigated. This will eliminate Lot 6 and portions of Lot 5 from the project.

APR 1989 DIVISION OF WATER RIGHTS Pierre, SD

Director, Division of Conservation

Date 4/17/89

X APPROVED
___ DISAPPROVED
___ WAIVER

X REQUIREMENTS

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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only: 4366

WR#:

OWNERS NAME: Delbert Tschakert

OWNERS ADDRESS: RR 1, Box 130 A
Florence, SD 57235

COUNTY LAND LOCATED IN: Codington PHONE: 758-2265

LEGAL DESCRIPTION: [X] Well [ ] Surface

1. LOCATION S½ Lot 5 Sec. 7-T118N-R54W

Depth

Legal Description	Acres	Legal Description	Acres
Lot 6 Sec. 7-T118N-R54W	15		
Lot 5 " "	20		
Lot 2 " "	25		
		TOTAL ACRES =	60

2. **TYPE OF IRRIGATION**: GRAVITY ___ TOWLINE ___ CENTER PIVOT ___ GUN X OTHER: (Specify) ___

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

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0146
5. SALINITY (EC X 10^6): 1200
6. SODIUM (SAR): 0.60
7. ADJUSTED (SAR): 1.64
8. PERCENT SODIUM: 10.80

Requirements: ~~The areas mapped as Oldham & Parnell silty clay loam, 0-3% slope (Op), are subject to wetness & periods of flooding, making farming them hazardous. These hazards would only be complicated by irrigation. For this reason, these areas shall not be irrigated. This will eliminate Lot 6 and portions of Lot 5 from the project.~~

AMENDED BY THE STATE CONSERVATION COMMISSION ON MAY 11, 1989, TO READ AS FOLLOWS:

The areas mapped as Oldham & Parnell silty clay loam, 0-3% slope (Op), be maintained in permanent vegetation, ie. alfalfa or grass.

APR 1989 DIVISION OF WATER RIGHTS Pierre, SD

Director, Division of Conservation

4/17/89
Date

X APPROVED
___ DISAPPROVED
___ WAIVER

X REQUIREMENTS

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

BULLIS BROTHERS

LeRoy Bullis
1201 Karen Street
886-4044

Well Boring
Trenching
Water and Sewer System

1201 Karen Street
Watertown, South Dakota 57201

Duane Bullis
1120 North Broadway
886-6746

MAR 1989
DIVISION OF
WATER RIGHTS
Pierre, SD

Drilling Log

Date Aug 19 85

Name Delbert Tschekart

Address RR

City & State Florence S.D.

County Codington

SE ¼ NW ¼ Sec 7 Twp Fuller Rg 54W

Irrigation Test Hole

x	

Formation	From	To
Black Soil	0	2
yellow Clay	2	16
Blue Clay	16	35
Fine Grey Sand	35	44
Good Grey Sand w/ Course	44	70
Blue Clay	70	80
Jet Well #4		
Static		
5 ft 2 ½		

Casing		
Length	Diam.	Type
52'	4"	Plastic

Screen		
Length	Diam.	Slot & Type
20'	4"	.035 Slotted Plastic Pipe

Completed depth 70 FT

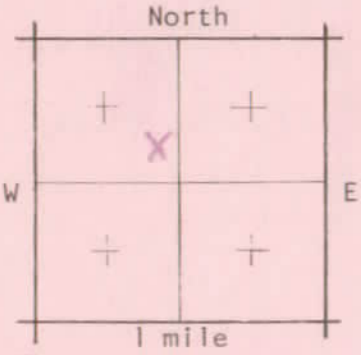
Comments Very Good Pumped w/air produced at least 200 gpm possibly more

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location SE ¼ NW ¼ Sec 7 Twp Fullers Rg 54W

County Codington

Please mark well location with an "X"



Irrigation Test Hole

Well Completion Date 8-3-85

PROPOSED USE:
/ / Domestic / / Municipal / / Test Holes
/X/ Irrigation / / Industrial / / Stock

Method of Drilling: Rotary

WELL CONSTRUCTION:

Diameter of hole 4 inches Depth 70 feet

Casing: / / Steel /X/ Plastic / / Other

Specify

Pipe Weight	Diameter	From	To
200 lb/ft	4 inches	0 feet	50 feet
lb/ft	inches	feet	feet

Was a well screen used? /X/ Yes / / No

If Not Specify

Screen Type Plastic Slot Size .35

Length 20 FT Diameter 4"

Was Casing left open end? / / Yes /X/ No

Was a Packer or seal used? / / Yes /X/ No

If so what material?

Was well gravel packed? /X/ Yes / / No

Was well grouted? / / Yes /X/ No

Describe grouting procedure

To what depth? Feet

What was grouting material?

If cement, how many sacks?

Location of packer(s) and screen or perforated pipe Screen 50-70'

WAS WELL PLUGGED OR ABANDONED / / Yes /X/ No

If so how and with what material?

WNR-836 4/82

Well Owner:

Name Delbert Tschakert

Address RR Florence, S.D.

Well Log:

Formation	Depth From	Depth To
Black Soil	0	2
yellow Clay	2	16
Blue Clay	16	35
Fine Gray Sand	35	44
Good Gray Sand w/ Course S	44	70
Blue Clay	70	80

STATIC WATER LEVEL 24 ? 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 off?

WELL TEST DATA:

/ / Pumped

/ / Bailed Describe: Developed w/air

/ / Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

MAR 1989 DIVISION OF WATER RIGHTS Pierre, SD

Remarks: Extremely Strong Pumped possibly 200 gpm w/air

This well was drilled under license # 4

and this report is true and accurate.

Bullis Bros. Roy Bullis

Drilling Firm Signed by

8-3-85

Date

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
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 DWNR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5311-3, 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. 5311-3, Delbert Tschakert, RR 1, Box 130A, Florence SD.

The Chief Engineer is recommending APPROVAL of Application No. 5311-3 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 well authorized by Permit No. 5311-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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

See the attached report for additional information.

JOHN HATCH, Chief Engineer
April 6, 1989

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 10, 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. 5311-3 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

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CELEBRATE THE CENTURY
1889 · 1989
South Dakota

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 10, 1989

Watertown Public Opinion
Box 10
Watertown SD 57201

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5311-3 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

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

CELEBRATE THE CENTURY 1889 · 1989 South Dakota

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. 5311-3 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. 5311-3 is to appropriate 1.5 cfs from one well, approximately 80 feet deep, to be located in the S 1/2 Lot 5 to irrigate 60 acres located in Lots 2, 5, 6; 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. 5311-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. 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.

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

No. 5311-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Codington)

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 Watertowb

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: $78.92

WNR-808-7/79
Proof of Publication

APR 1989

FLORENCE

NOTICE OF HEARING ON APPLICATION NO. 5311-3 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. 5311-3 is to appropriate 1.5 cubic feet of water per second from one well, approximately 80 feet deep, to be located in the S 1/2 Lot 5 to irrigate 60 acres located in Lots 2, 5, 6; 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. 5311-3 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, 989)

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SOUTH Dakota 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.

CELEBRATE THE CENTURY 1889 · 1989 South Dakota

Form 10

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date 10-30-89

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Delbert Tschakert RR I 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. 5311-3.

Water Permit No. 5311-3 states that the diversion system is to be constructed by May 10-1994, and that the water it put to beneficial use by May 10-1994.

The diversion system was completed on August 10-1989.
Applying the water to beneficial use was completed on August-15-1989
This well is ready to pump but we did not use in 1989
You may schedule an inspection so that the Water License may be issued.
because it started raining and we didn't need to use the water

Delbert Tschakert
signature

5311-1

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 17 1993

5560-3

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

Dear Mr. Tschakert:

Enclosed is Water License No. 5560-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413603 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. 5560-3, 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

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 5311-1 have been incorporated into this Water License No. 5560-3.