

Considered: _____

WATER PERMIT NO. 5560-3

Phone: 758-22652

Name of Applicant: Delbert Tschakert

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

Amount of Water Claimed: no add'l (1.5 cfs) 0.38 Total Acres: 92 add'l

Source of Water Supply: groundwater

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: 1-4-91 Fee: \$225 Remarks See Permit

No. 5311-3

Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

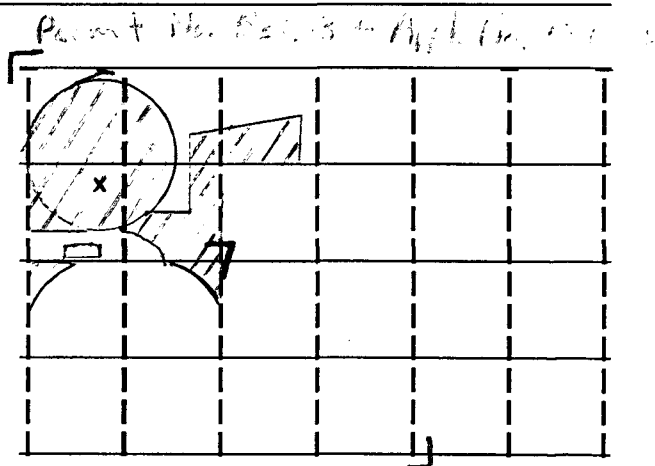
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: Lot 2 NW 1/4 Sec 7-T118N-R54W

Land to be Irrigated: Lot 1, 2, 3, 5, 6 NW 1/4 &

NE 1/4 SW 1/4 Sec 7-T118N-R54W



Well Log: Driller: Stadheim Irrigation Licensed YES X NO _____

Depth of Well: 92' REMARKS _____

Type of Map: aerial PREPARED BY: Norma Job Reviewed and the Number

Assigned on 6-19-91 By Karen Schlaak

10170201

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352
P.L. 12/7/90 RD

(See instructions)

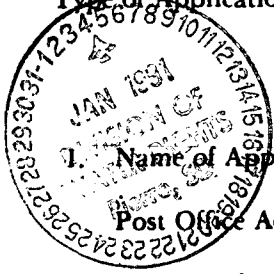
No. 5560-3 Hydrologic Unit Pierre-Coteau
Basin Big Sioux
Newspaper Watertown Public Opinion

PO Box 10, Watertown SD 57201-0010 (Daily)

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

Type of Application:

- ☐ New ☐ Vested Right ☒ Amend Permit No. 5311-3
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____



1. Name of Applicant Delbert Tschakert Phone No. 758-2265
Post Office Address RRI Box 130A Florence State S.D. 57235
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 15.38 Total acres irrigated 128 92 add'l
3. Source of Water supply Well - Log ahead on file
4. Location of point of diversion Lot 2 NW 1/4 - 118-54 Sec 7
(1000 ft East of Township road 1500 ft South of county highway)
(west line) (south line) County Codington
5. Counties where water will be used Codington
6. Annual period during which water is to be used May 1 to 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 1 NW 1/4 Sec 7-118-54	40 40
Lot 2 NW 1/4 Sec 7 118-54	40 72
Lot 5 NW 1/4 Sec 7 118-54	40 28
Lot 16 NW 1/4 Sec 7 118-54	40 18.3

Land Description	No. Acres Irr.
NE 1/4 SW 1/4 Sec 7-118-54	7 Approx
Lot 3 NW 1/4 SW 1/4	7

Attach sheet if more space is needed

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

Center Pivot Added as shown on map. Need to include Lot 1 to the permit ^{no} 5311-3 Lot 1 was not included on the original permit through an oversight and also because I didn't intend to irrigate it at that time. Well log is already on file with original permit.

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 2nd day of January 1991

Steven Schlenner
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5560-3 FOR IRRIGATION

Date of first receipt of application January 4, 1991.
Date Soil/Water Compatibility Permit received June 25, 1991.
Date of return to applicant for corrections, amendments or changes
January 7, 1991.
Date of receipt of corrected application June 6, 1991.

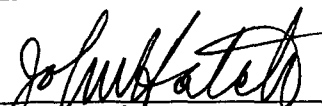
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5560-3 to Delbert Tschakert, RR 1, Box 130A, Florence SD 57235 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5560-3 appropriates 0.38 cubic feet of water per second (cfs) to irrigate 92 additional acres and to change the location of the point of diversion of Water Permit No. 5311-3. Water Permit No. 5311-3 appropriates 1.5 cfs from one well located in S 1/2 Lot 5 Section 7-T118N-R54W to irrigate 60 acres located in Lots 2, 5 and 6 Section 7-T118N-R54W. This permit is to irrigate 92 additional acres located in Lots 1, 2, 3, 5, 6 NE 1/4 SW 1/4 Section 7 from one well, 97 feet deep (Prairie Choteau Aquifer) located in Lot 2 (NW 1/4) Section 7; all in T118N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1- September 30.
3. The date from which applicant may claim right is June 6, 1991 for 92 additional acres and March 13, 1989 for 60 acres (Established by Water Permit No. 5311-3).
4. The date of approval of Permit No. 5560-3 is September 4, 1991.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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 Environment and Natural Resources

NOV 20 1991

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1992

Permit No. 5560-3

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

Dear Mr. Tschakert:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5311-3 and 5560-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5311-3 will be incorporated into 5560-3.

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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

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

310

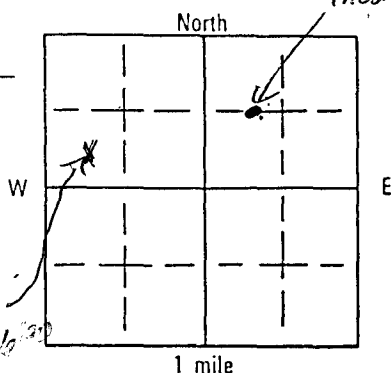
3311-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NE 1/4 Sec 7 Twp 118N Rg 54WCounty Coolington

Please mark well location with an "X"

Well Completion Date 7-29-89

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>77</u> FT	<u>19</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 50 FEETWhat is grouting material? CementIf cement, number of sacks? 25Describe grouting procedure Pumped to 50 ftWhat was grout weight? thick LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 20 FEETMaterial Fiber GlassSlot Size 60 Set From 77 Feet To 77 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was 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 ☒ NO

Laboratory sent to _____

Well Owner:

Name Detbert TschakertAddress Rt 1 Box 130A Florence SDWell Log: _____ Depth 572.35

Formation	From	To
<u>Black Dirt</u>	<u>0</u>	<u>2</u>
<u>Yel Clay</u>	<u>2</u>	<u>27</u>
<u>Blue 11</u>	<u>27</u>	<u>50</u>
<u>Fine Sand Clay Straks</u>	<u>50</u>	<u>60</u>
<u>Med to Fine Sand</u>	<u>60</u>	<u>80</u>
<u>Coarse Sand & Rock</u>	<u>80</u>	<u>99</u>

STATIC WATER LEVEL 21 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? _____

WELL TEST DATA:

☒ Pumped Air☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

21 ft. After 5 Hrs. pumped 800-900 GPM21 ft. After 5 Hrs. pumped 900-1200 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Excellent well
1500 ft from Road
Lot 2

This well was drilled under license # 414

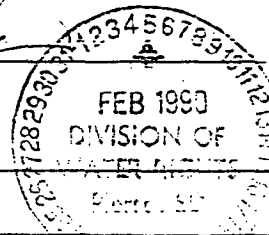
And this report is true and accurate.

Drilling firm Stedheim Irrig & Well Drilling

Signature of License Representative:

Harlan Stedheim

Signature of Well Owner:

Date 1-30-90

Lot 4
38.96 acres

Lot 3
38.80 acres

149.8

Lot 2

Re Lot 1

71.5

South 25 acres of
Lot 2 excluding Trees and my house
are what is on the permit application

Trees
House
70 acres
18 acres

Well No. 1

Well No. 2

SE 1/4 SW 1/4 40 Acres

NE 1/4 SW 1/4 40 Acres

Well No. 3

20 acres AIP

Lot 5

29.1

155.3

T627
Cedarvale County ASCS Office
by J. Stanley Lamb, CED

71.9

Lot 6
15 acres
Alfalfa

I-4

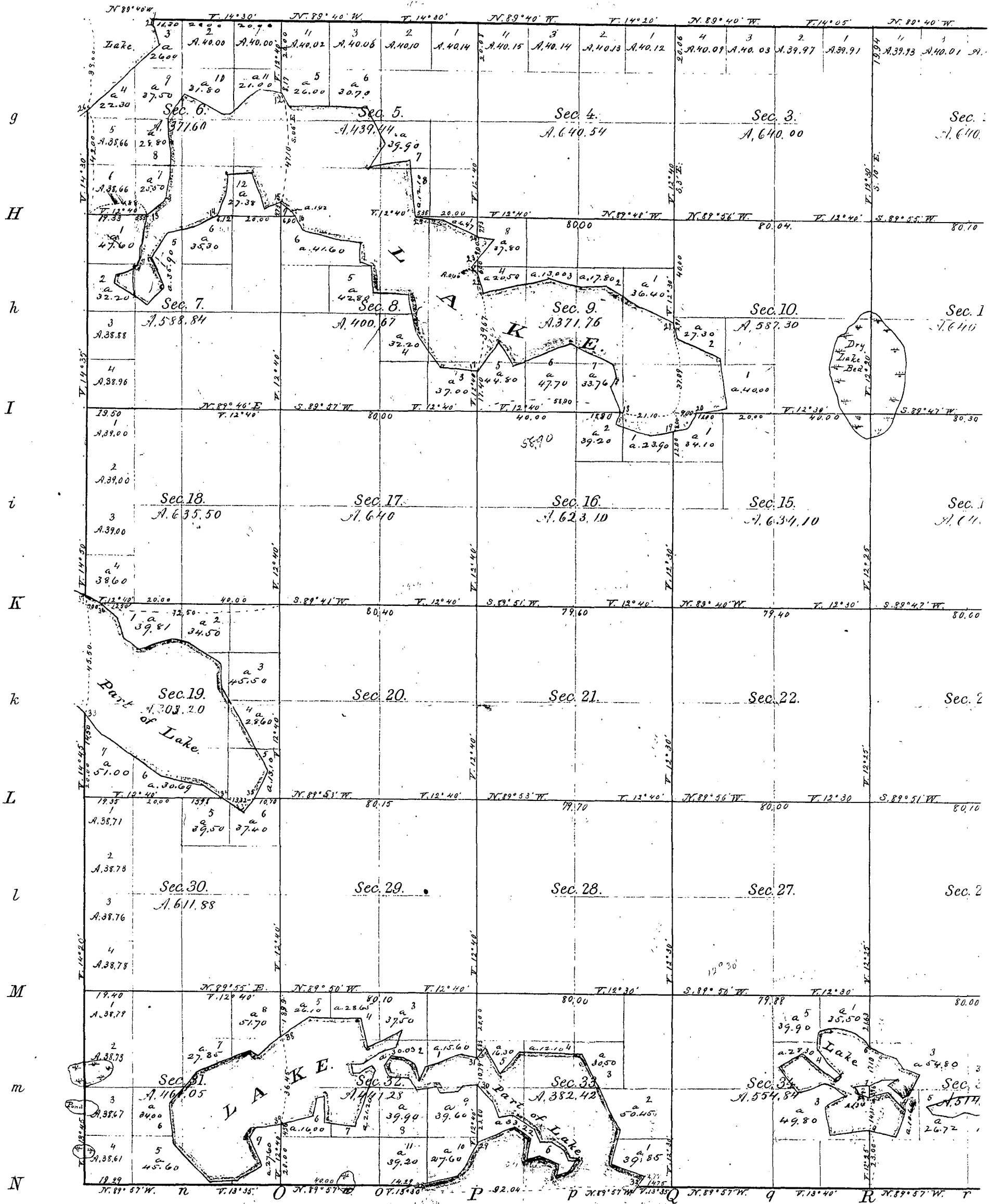
55.1

8-11-54



Appl. No. 5311-3

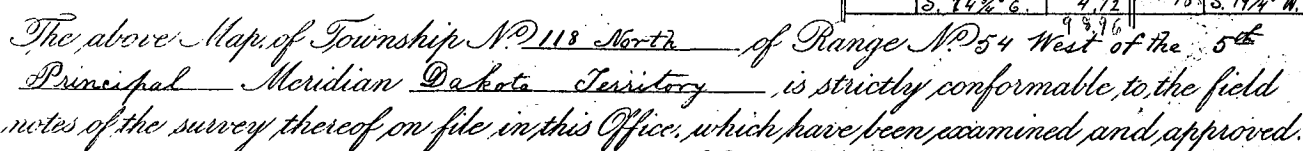
TOWNSHIP N: 118 North RANGE N: 54 West of the 5th Prince
G f F e E d D c C b



Total number of Acres. 21,666.86

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	Horace J. Austin	June 5 th 1873	M. 23. 06. 12. 37	August 1873
Subdivisions	Melvin Grigsby	May 5 th 1875	55-10-55	July 19 to 27, inclusive 1875
Accepted: Commissioner's letter No. 10 dated Dec 2, 1875				

The above
Principal
notes of the
Survey

$$C \qquad b \qquad B \qquad a \qquad A$$


Wm. Lawrence
Genl. Genl.

51, 12
110, 10
143, 32
98, 82
146, 68
237, 63
218, 77
194, 11
153, 70
87, 01
128, 95
85, 82
198, 67
154, 49
188, 07
145, 24
61, 33

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4619

WR#

OWNERS NAME: TSCHAKERT, DELBERT OWNERS ADDRESS: RR I BOX 130A

FLORENCE, SD 57235

COUNTY LAND LOCATED IN: CODINGTON PHONE: 758-2265

LEGAL DESCRIPTION:

☒ Well ☐ Surface

1. LOCATION LOT 2 - NW $\frac{1}{4}$ 7-T118N-R54W 1000' E of Township Road (West Line)
Depth 1500' S of County Highway (North Line)

Legal Description	Acres	Legal Description	Acres
Lot 1 NW $\frac{1}{4}$ 7-T118N-R54W	40	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7-T118N-R54W	7
Lot 2 NW $\frac{1}{4}$ 7-T118N-R54W	7	Lot 3 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7-T118N-R54W	7
Lot 5 NW $\frac{1}{4}$ 7-T118N-R54W	28		
Lot 6 NW $\frac{1}{4}$ 7-T118N-R54W	3		

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

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

The areas mapped as Oldham & Parnell silty clay loam 0-3% slope (Op) and Oldham & Parnell silty clay loams, wet (Ow) shall remain in permanent vegetation; i.e., grass and alfalfa.

Director, Division of Conservation

JUNE 17, 1991

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412669

Pierre, _____

May 13, 19 91

RECEIVED OF Delbert 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. 5560-7 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 (Signature)

Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412695

Pierre, June 6, 19 91

RECEIVED OF Delbert 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. <u>5560-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	75	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	75 00

By John H. Ketchum
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 7, 1991

Delbert Tschakert
RR 1, Box 130A
Florence SD 57235

Dear Mr. Tschakert:

In regard to your water permit application received on January 4, 1991, the following information needs to be submitted and/or clarified in order to process your application.

1. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. Water Permit No. 5311-3 indicated the point of diversion was located in the S 1/2 Lot 5, Section 7-T118N-R54W. This new application indicates the well is located in Lot 2, NW 1/4 Section 7-T118N-R54W. Since the points of diversion differ between the new application and Water Permit No. 5311-3, is this application for an additional diversion point or to change the diversion point?
3. An application fee of \$150.00 must be submitted.

The water permit application can not be considered by the Water Management Board until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Please submit the above listed items and the application will be processed.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Delbert TschakertADDRESS: _____ COUNTY CodingtonDATE: 5/13/91 TELEPHONE _____

RE: _____

COMMENTS:

Spoke to Jim Stukel about the s/w
if Mr. Tschakert will need to send a new ^{the} sample
in. Stukel said probably not.

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: Norma C. Tob

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 24, 1991

Delbert Tschakert
RR 1 Box 130A
Florence SD 57235

Dear Mr. Tschakert:

Since our phone conversation on May 22, 1991, I have located some acreage discrepancies. You mention only irrigating 120 acres in this section. When I digitized out the areas that you wanted on the permit, I come up with 145 acres. If this is so, you will need to submit another \$75.00.

I will be in Watertown again during the week of May 28 - 31, 1991 doing more inspections. Since it is difficult to reach you on the phone, give me a call to set up a time convenient for you. That way, we can clear up the total acreage and locations. I will be staying at the Ramkota Inn (605) 886-8011. Leave a message there for me.

If you have any other questions at that time, feel free to contact me.

Sincerely,

Norma C. Job

Norma C. Job
Natural Resources Engineer I
Division of Water Rights

REPORT ON WATER PERMIT APPLICATION NO. 5560-3
DELBERT TSCHAKERT
JULY 25, 1991

Application No. 5560-3 proposes to appropriate 0.38 cubic feet of water per second (cfs) to irrigate 92 additional acres and to change the location of the diversion point of Water Permit No. 5311-3. Water Permit No. 5311-3 appropriates 1.5 cfs from one well located in S 1/2 Lot 5 Section 7-T118N-R54W to irrigate 60 acres located in Lots 2, 5 and 6 Section 7-T118N-R54W. This application is to irrigate 92 additional acres located in Lots 1, 2, 3, 5, 6, NE 1/4 SW 1/4, Section 7 from one well 97 feet deep located in Lot 2 (NW 1/4) Section 7; all in T118N-R54W in Codington County.

Aquifer - Prairie Coteau (PCO)

The PCO aquifer is composed of brown to gray, coarse to very coarse, well-rounded sand and fine gravel (Hansen, 1990). The PCO is a buried glacial outwash (sand and gravel) which is under artesian conditions at this site. The well log received indicates 37 feet of sand of which: 10 feet is fine sand, 10 feet is medium to fine sand, and 17 feet is coarse sand.

The PCO underlies 590 square miles of Grant and Codington Counties and contains an estimated 1.5 million acre-feet of water in storage (Hansen, 1990). The Division of Water Rights monitors 3 wells (CD-77D, CD-77E, and CD-78B) which are within 5 miles of this application in the PCO aquifer. 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, 1991).

Review of Existing Water Permits

The nearest existing permit is No. 4051-3 for the City of Florence. Water Right No. 4139-3 is about 5 miles to the northwest of this application and should not be effected. This proposed change of diversion point is 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 not be significant. The observation well data for this area confirms this (Goodman, 1989).

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 well log shows the well meets well construction standards.

4. An inspection of the permit shows that 1.88 cfs for irrigation of 152 acres was developed, and should be licensed for this amount if this application is approved.
5. If this application is approved, it should contain the following qualification:
Subject to the irrigation questionnaire being submitted each year.

Norma C. Job

NORMA C. JOB
Natural Resources Engineer I

Approved by

James A. Goodman (CF)

JAMES A. GOODMAN, P.E.
Natural Resources Engineer IV

References

- Goodman, J. A., 1989, Report on Application Nos. 5310-3 and 5311-3, SD DENR, Division of Water Rights, Joe Foss Bldg., Pierre, SD 57501.
- Hansen, D. S., 1990, Water Resources of Codington and Grant Counties, South Dakota, Water-Resources Investigations Report 89-4147, USGS, Huron, SD 57350
- Water Rights, 1991, Observation Well Records for PCO Aquifer in Codington County, SD DENR, Division of Water Rights, Joe Foss Bldg., Pierre, SD 57501

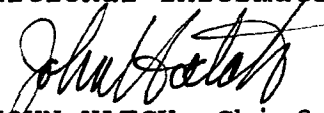
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5560-3, Delbert Tschakert

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5560-3, Delbert Tschakert, RR 1, Box 130A, Florence, SD 57235.

The Chief Engineer is recommending APPROVAL of Application No. 5560-3 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 approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 29, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 1, 1991

**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. 5560-3 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, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 1991

Watertown Public Opinion
P.O. Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5560-3 to be published twice. Please publish the first notice on August 7, 1991 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 August 7, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5560-3 to Appropriate Water
and to Amend Water Permit No. 5311-3

Notice is given that Delbert Tschakert, RR 1, Box 130A, Florence, SD 57235 has filed an application for a water permit to appropriate 0.38 cubic feet of water per second to irrigate 92 additional acres and to change the location of the point of diversion of Water Permit No. 5311-3. Water Permit No. 5311-3 appropriates 1.5 cubic feet of water per second (cfs) from one well located in S 1/2 Lot 5 Section 7-T118N-R54W to irrigate 60 acres located in Lots 2, 5 and 6 Section 7-T118N-R54W. This application is to irrigate 92 additional acres located in Lots 1, 2, 3, 5, 6, NE 1/4 SW 1/4, Section 7 from one well, 97 feet deep (Prairie Coteau Aquifer) located in Lot 2 (NW 1/4) Section 7; all in T118N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5560-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 26, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5560-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for September 4, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 4, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 4, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 26, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PRO APPLICATION

STATE OF SOUTH DAKOTA

County CodingtonI, Monica K. Saathof

certify that the attached

from the Watertown Pub.A newspaper which during the
said notice herein after stated
published in the _____

city _____ of _____

County of Codingtonthat the said notice was published in said newspaper on the
following two dates:August 7th, 1991August 14th, 1991

(Signature)

Bookkeeper

(Title)

August 14th, 1991

(Date Signed)

Cost of Printing: \$140.18

R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5560-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 26, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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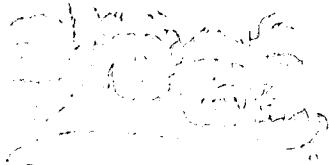
This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

(August 7, 14, 1991)

153424.55X2 = \$140.18



South Dakota



GREAT FACES. GREAT PLACES.

NOV 20 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 Permit No. 5560-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

413603

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 22 _____, 19 93

RECEIVED OF Delbert 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 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>5560-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch / gme
Chief Engineer

Permit No. 5311-3 & 5560-3**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, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Delbert Tschakert of RR 1 Box 130A Florence SD 57235 holder of Permit No. 5311-3 & 5560-3, bearing the priority of March 13, 1989 and June 6, 1991 for 92 acres authorizing the diversion of 1.50 & 0.38 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:

One well 97 feet deep using an 8" Wel-line pump model no. MA-5869-89 capable of 850 gpm and using a 90 hp Diesel Engine Model No. SP111 HP3

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

460 feet of 6 inch aluminum pipe to the center pivot
2700' of 6" aluminum for the traveling gun.

C. Works used to apply water to beneficial use:

A T & L center pivot with 6 towers and a length of 1000 feet with an end gun. The system is capable of 600 gpm and runs at high pressure. A Boss traveling gun is also used. It is capable of 450 gpm and uses a 4 inch hose.

The system is in the following condition good. The point of diversion is located 1055' east and 1520' south of the northwest corner of 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:

<u>Lot 1</u>	<u>38 acres</u>	<u>Lot 2</u>	<u>32 acres</u>	<u>NW 1/4 SW 1/4</u>	<u>7 acres</u>
<u>Lot 5</u>	<u>48 acres</u>	<u>Lot 6</u>	<u>18 acres</u>	<u>NE 1/4 SW 1/4</u>	<u>7 acres</u>

comprising a total of 132 acres of land and the license should be issued for 1.88 cfs. (150) pm

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are:

Date: 5/8/1991

Norma C. Job

Norma C. Job
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5311-3DATE: 5/8/1991Other permit(s) associated with the project: 5560-3DIVERSION POINT LEGAL LOCATION: Lot 2 Section 7-T118N-R54W**WELL INFORMATION:**

- 1) Well Drilling Firm: Harlan Stadheim
- 2) No. of Wells 1
- 3) Depth(s) 97 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 12 inches
- 2) Length 77 feet
- 3) Type fiberglass

Screen:

- 1) Type fiberglass
- 2) Length 20 feet
- 3) Static water level 21 feet

Pump:

- 1) Make Wel-line
- 2) Model MA-5869-89
- 3) Size 8"
- 4) Capacity 850 GPM

Motor:

- 1) Make Diesel Engine - Twin Disc, Inc
- 2) Model No. SP111 HP3
- 3) Horsepower rating 90 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 6 inches
- 3) Length 460 feet

SYSTEM TYPE:**Center pivot:**

- 1) Make T&L
- 2) Overall length 1000 feet
- 3) Number of towers 6
- 4) Distance between towers 166 feet
- 5) End gun Y
- 6) High or low pressure high
- 7) Capacity 600 GPM

Gun:

- 1) Make BOSS S/N 10371
- 2) Nozzle size 1 inches
- 3) Capacity 450 GPM
- 4) Hose size 4 inches

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Appl. No. 5560-3

Prepared by
Norma C. Tob
Natural Resources Eng. I
Division of Water Rights
5/29/91

5/29/91

72.5

71922

15

1520

38 Acres

Lot 5

29.1

48 Acres

10551 - Kwell

249

32 acres

2.4

$$K_{11} = 1.5 \times 10^4$$

7 Acres

 $\frac{1}{2} \text{mg } \frac{1}{2} \text{mV}$

7 Acres

155.3

7627

6.16

OFFICIAL

14.9

77

$$h=1$$

Lot 6

18 Acres

7.6

pull

55

45-211-8

75-811

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5560-3

(1) Delbert Tschakert, of RR #1 Box 130A, Florence, SD 57235 made Application No. 5560-3, January 4, 1991 for a water permit to appropriate 0.38 cubic feet of water per second from groundwater (one existing well), Codington County, South Dakota for irrigation purposes. Permit No. 5560-3, with a priority date of June 6, 1991 was approved September 4, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

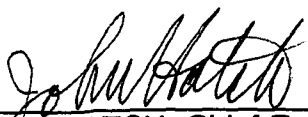
Water Permit No. 5560-3 authorizes a change in the point of diversion specified in Water Permit No. 5311-3 and the diversion of 0.38 cubic feet of water per second to irrigate an additional 92 acres. The applicable portions of Water Permit No. 5311-3 have been incorporated into this Water License No. 5560-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(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 1055'E and 1520'S of the NW corner of Section 7, T118N, R54W (Lot 2 of the NW¼).

(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: all in Section 7, T118N, R54W

		March 13, 1989	June 6, 1991
Lot 1	38 acres		all
Lot 2	32 acres	25 acres	7 acres
Lot 5	48 acres	20 acres	28 acres
Lot 6	18 acres	15 acres	3 acres
NW¼SW¼	7 acres		all
NE¼SW¼	7 acres		all
	150 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Delbert Tschakert of RR #1 Box 130A, Florence, SD 57235 the holder and/or owner of Incorporated Water Permit No. 5560-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with priority dates of March 13, 1989 and June 6, 1991 from the location specified in (2) of this license. The water 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 Incorporated Water Permit No. 5560-3 and subject to South Dakota State Law.



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

SEP 17 1993



**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, 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.



5560-3
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