

WATER PERMIT NO. 5627A-3

Name of Applicant: **Poinsett Colony**

Address: **RR 1 Box 146, Estelline SD 57234**

Phone: **605 873-2630**

Amount of Water Claimed: **1.85 cfs** Total Acres: **160**

Source of Water Supply: **groundwater (one existing well)**

Water to be used for: **irrigation** County: **Hamlin**

Type of Waste Disposal System: **NA**

Location: **5 miles north and 1 west of Estelline**

PRIORITY Date Received: **6-17-97** Fee: **\$50**

Corrected Application Received: Period of Annual Use: **April 1 - October 31**

Remarks: **Reinstatement of Water Permit No. 5627-3**

Diversion Point: **SE 1/4 NE 1/4**

Sec 27-T114N-R51W

Land to be Irrigated: **NW 1/4**

Sec 26-T114N-R51W

Depth of Well: **80 feet deep**

Well Driller: **Pullman Well Drilling**

Remarks:

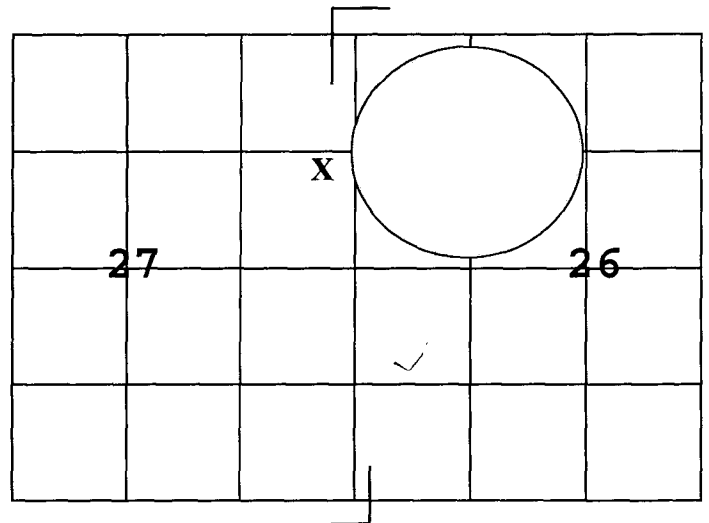
Type of Map: **aerial**

Prepared by: **Alan Bender, SDSU**

Reviewed and the Number Assigned on: **6-17-97**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



ESS 6/13/87

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5627A-3</u> Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux ~~R~~ River</u>
	Newspaper <u>Hamlin Co. Republican, Castlewood, SD</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right _____ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

1. Name of Applicant Poinsett Colony ☒ Owner ☐ Tenant/Lessee Phone 873-2630
Mailing Address RR1 Box 146, Estelline SD (Street, RR, or Box) State 57234 (Zip Code)
2. Amount of water claimed 1.85 *CFS or 830 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Big Sioux: Brooking Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 NE 1/4 Section 27, T114N R51W County Hamlin
5. County or counties where water will be used Hamlin
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>See Water Permit No. 5627-3</u>			
<u>NW 1/4 SEC 26 - T114N - R51W</u>	<u>160</u>		

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

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

STATE OF SOUTH DAKOTA)

ss

County of _____)

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

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19 _____

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5627A-3**

Date of first receipt of application June 17, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5627A-3 to Poinsett Colony, RR, Box 146, Estelline SD 57234 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. 5627A-3 reinstates Water Permit No. 5627-3. Water Permit No. 5627-3 appropriates 1.85 cubic feet of water per second from one existing well (Big Sioux:Brookings Aquifer) 80 feet deep located in the SE 1/4 NE 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 26; all in T114N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1- October 31.
3. The date from which applicant may claim right is June 17, 1997.
4. The date of approval of Permit No. 5627A-3 is September 15, 1997.
5. One-fifth of the construction is to be completed on or before March 15, 2000.
6. All construction is to be completed on or before September 15, 2002.
7. Water is to be put to beneficial use on or before September 15, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 12 1997

date



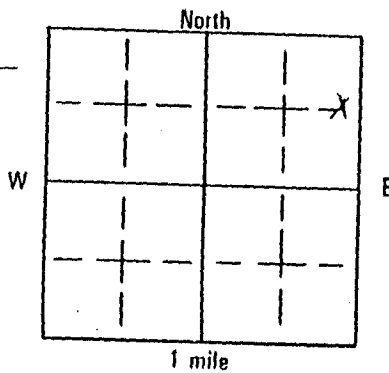
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

NE 1/4 NE 1/4 Sec 27 Twp 114 N Rg 51 W

County

Hamlin

Please mark well
location with
an "X"

Well Completion Date 11-4-88

PROPOSED USE:

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

Method of Drilling:

reverse

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT 16	IN 16	FT 0	FT 60	IN 25
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 20 FEET

What is grouting material? Cement-bentonite

If cement, number of sacks? 50

Describe grouting procedure line

What was grout weight? LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 20 FEET

Material plastic

Slot Size .051 Set From 60 Feet To 80 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

Expain

Biological analysis ☐ YES ☒ NO

nt to

Well Owner:

Name Claremont Colony

Address P.O. Box 132A RR2 Castlewood, S.D.

Well Log:

Depth 572.3

Formation

	From	To
yellow clay sandy	0	10
rocky yellow clay	10	20
sandy yellow + blue clay	20	36
rocky	36	38
blue clay - rocky	38	50
rocks & gravel	50	80
blue clay	80	81

STATIC WATER LEVEL 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☐ Bailed

Describe:

☐ Other

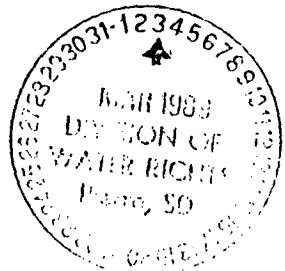
Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

REMARKS:



This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

Ralph Pullman

Signature of Well Owner:

Date

2-10-89

NE

198

NOT TO SCALE

155.6
T590 379-200-R
D15

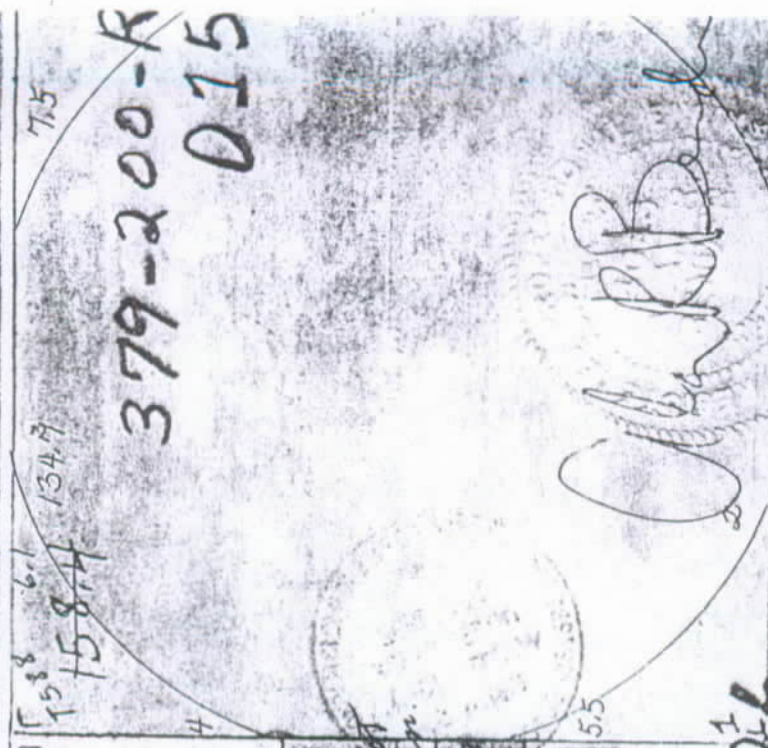


OK RB

all on Sec 27 R51 T114
all be used to irrigate
-26 NW Quarter R51-114
as enclosed on form,

NOT TO SCALE

7.5
134.7
158.4
379-200-R
D15



5627A-3

RECEIPT

415393

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 17, 19 97

RECEIVED OF Poinsett Hutteig Brethren, Inc., RR 1, Box 146, Estelline, SD 57234

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

Fee for Application for Permit No. <u>5627A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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 _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John H. Hatch

Post-it® Fax Note 7671		Date	# of pages ▶ 2
To Levi	From Eric Gronlund		
Co./Dept. Poinsett Colony	Co. DENR		
Phone #	Phone #		
Fax # 873-2703	Fax #		



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 1997

SENT VIA FAX

Levi Tschetter
Poinsett Colony
RR 1 Box 146
Estelline, SD 57234

Dear Mr. Tschetter:

I am faxing you a partially completed application form to either file for an '*extension of time*' or '*reinstatement*' of Water Permit No. 5627-3. The time to complete construction under Permit No. 5627-3 is June 17, 1997.

Levi, a permit may be amended by extending the time for the completion of construction only to account for delays due to physical or engineering difficulties which could not have been anticipated, due to operation of law or other special circumstances. You stated that the reason the system has not been developed is because plenty of water was available for the crops. I'm not sure whether state law allows for an extension of time for that reason. You will need to provide written justification if you chose for file for an extension of time.

Another alternative is to request reinstatement of Permit No. 5627-3. Reinstatement of a permit is allowed within three years of the expiration of the original construction period. However, a reinstated permit will receive a new priority date.

Please indicate on the application whether you are requesting an '*extension of time*' or '*reinstatement*' of Permit No. 5627-3. If you are filing for an extension of time you will need to provide written justification for the extension of time.

The application will need to signed and notarized. Either application will require a \$50 application filing fee. The existing map and well information on file for Permit No. 5627-3 will be used for this application. The application for an extension of time must be filed by June 17, 1997.

Please give me a call if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 5627A-3

for Poinsett Colony

July 17, 1997

Application No. 5627A-3 proposes to reinstate Water Permit No. 5627-3 to appropriate 1.85 cfs from one existing well approximately 80 feet deep located in the SE 1/4 NE 1/4 of Section 27 to irrigate 160 acres located in the NW 1/4 of Section 26; all in T114N-R51W in Hamlin County.

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a glacial outwash (sand and gravel) which is under predominantly unconfined (water table) conditions in this area. According to the well log submitted with the application the aquifer was encountered from 50 to 80 feet below land surface and had a static water level of seven feet below land surface. This would indicate that the aquifer is confined or under artesian conditions at this particular site. A well completion report indicates the well was capable of producing 800 gpm. The well is completed in accordance with SD Well Construction Standards. The Big Sioux Brookings aquifer underlies 88,500 acres and contains an estimated 331,880 acre feet of recoverable water in storage in Hamlin County (Hedges, 1982).

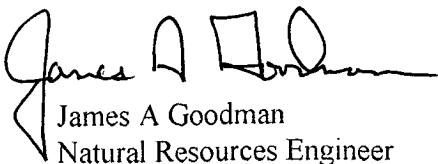
The Water Rights Program monitors 22 observation wells in Hamlin County which are completed into the Big Sioux Brookings aquifer. The water level record indicates that the aquifer responds to climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). Hydrographs for two monitoring wells HN-77F and HN-77E which are within two miles of this application are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing irrigation wells in the section of land including the well for this application. These wells have been in use for many years with no apparent problems. Drawdown will occur as a result of pumping but this is not expected to be adverse and interference should not be a concern.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. Even though the aquifer is under artesian conditions at this site drawdown created by pumping should not be significant and is not expected to adversely affect water availability from the aquifer.
3. This well is completed in accordance with SD Well Construction Standards.
4. This application requests a reinstatement of the original permit No. 5627-3. There are no changes to the original permit and this application can be approved with a new priority date.



James A Goodman
Natural Resources Engineer

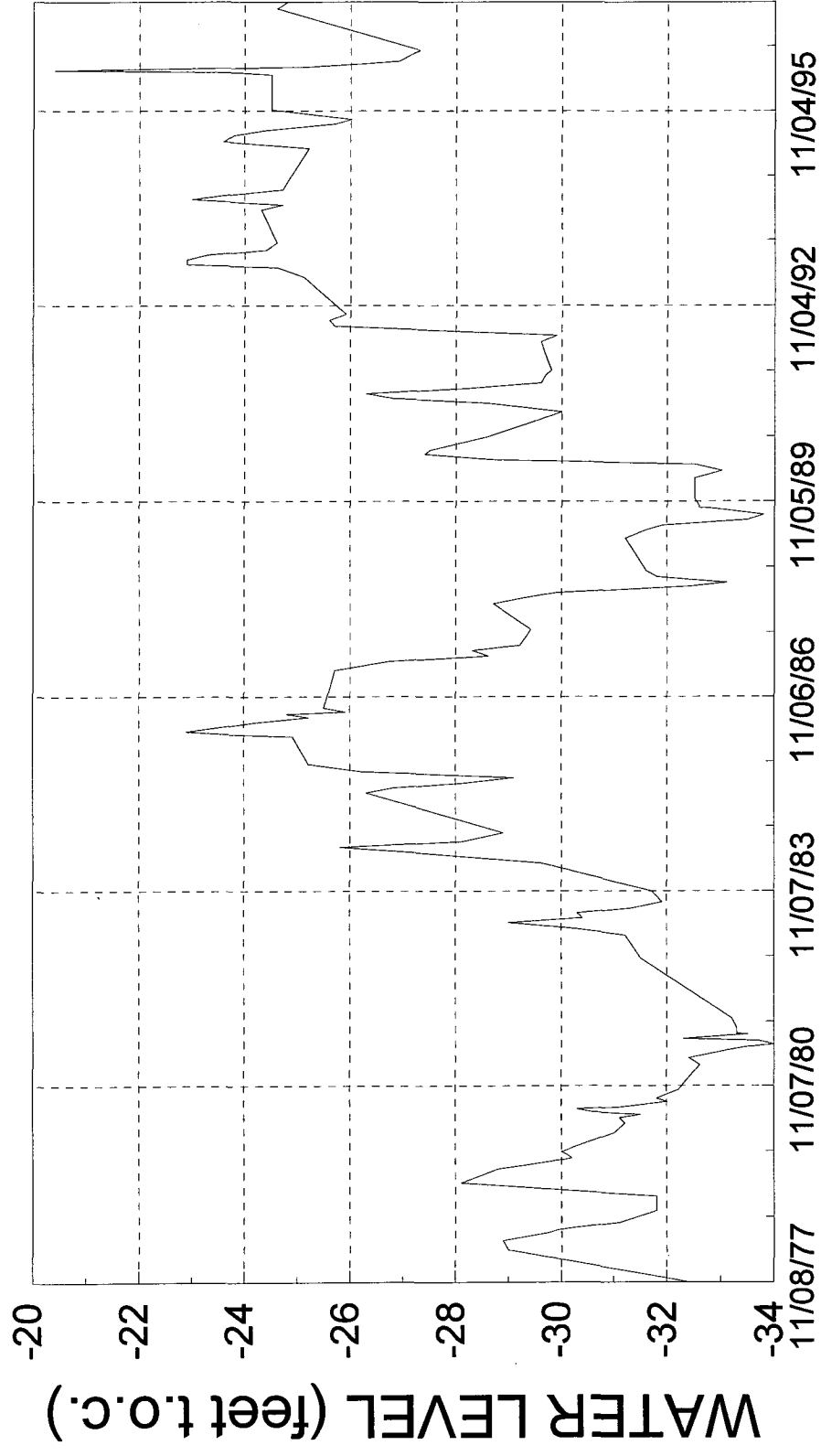
BIBLIOGRAPHY

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1997, Unpublished Observation Well Data for Hamlin County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

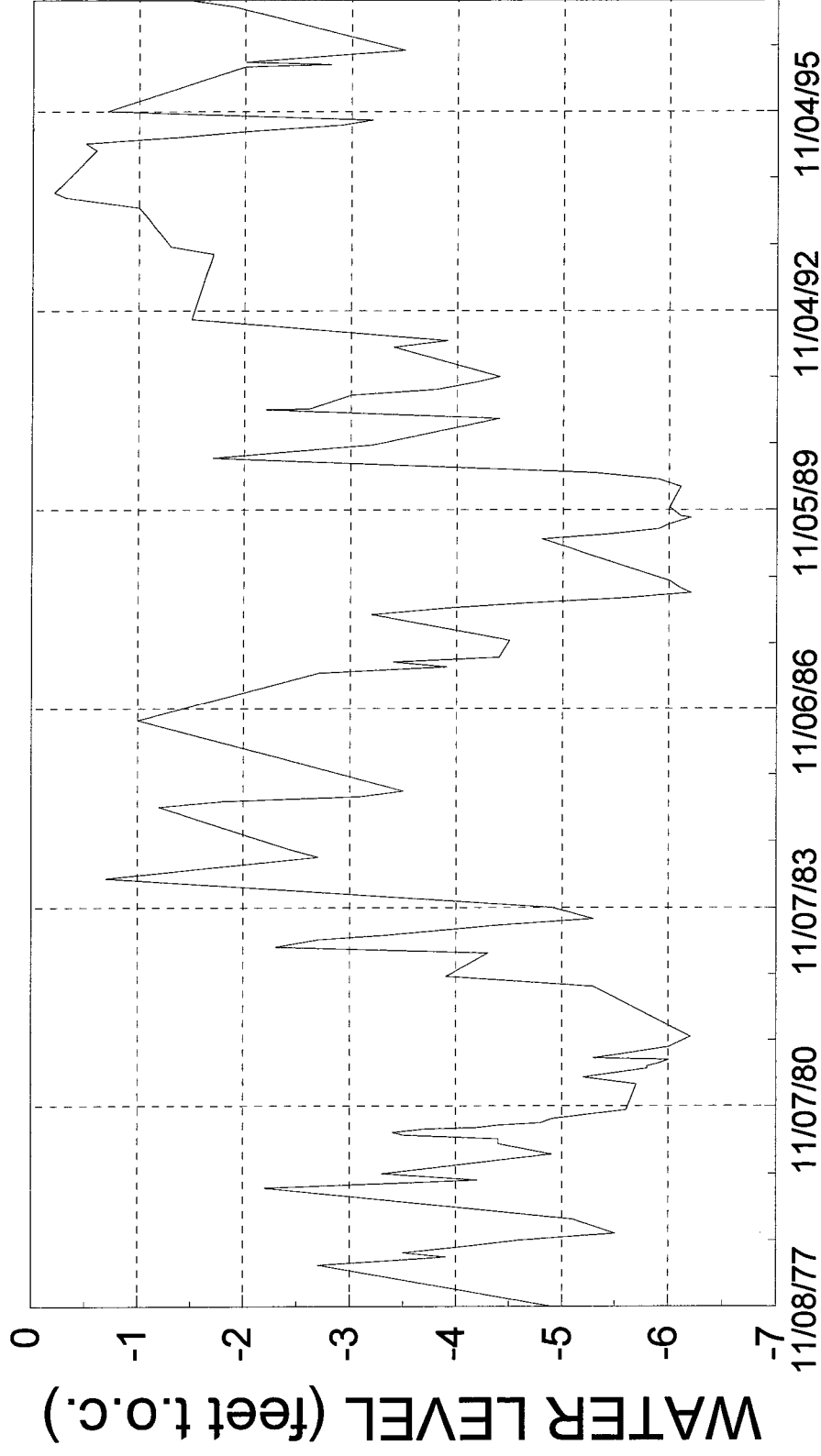
WATER RIGHTS OBSERVATION WELL

HN-77F



WATER RIGHTS OBSERVATION WELL

HN-77E



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5627A-3, Poinsett Colony

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5627A-3, Poinsett Colony, C/o Levi Tschetter, RR 1, Box 146, Estelline, SD 57234

The Chief Engineer is recommending APPROVAL of Application No. 5627A-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.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
August 5, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 1997

Hamlin Co. Republican
Box 50
Castlewood, SD 57223-0050

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5627A-3 to be published twice. Please publish the first notice on August 13, 1997, 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 Poinsett Colony, %Levi Tschetter, RR 1, Box 146, Estelline, SD 57234 (Ph # (605) 873-2630).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 /ks
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 6, 1997

Levi Tschetter
Poinsett Colony
RR 1, Box 146
Estelline, SD 57234

Dear Mr. Tschetter:

Water Permit Application No. 5627A-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 Hamlin Co. Republican printed at Castlewood, SD (Ph # (605) 793-2293). 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.

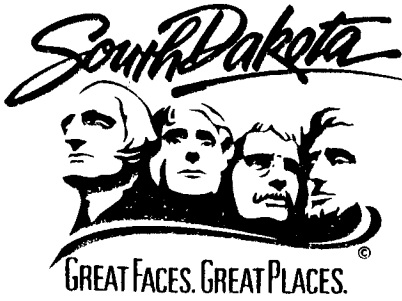
Sincerely,

Eric Gronlund /KS

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 25, 1997

Levi Tschetter
Poinsett Colony
RR 1, Box 146
Estelline, SD 57234

Dear Mr. Tschetter:

Water Permit Application No. 5627A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. The newspaper stated they did not receive the original notice of hearing; therefore, a new notice of hearing has been sent to the Publisher of the Hamlin Co. Republican printed at Castlewood, SD (Ph # (605) 793-2293). For your information, a copy of the notice on the application is 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

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 1997

Hamlin Co. Republican
Box 50
Castlewood, SD 57223-0050

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5627A-3 to be published twice. Please publish the first notice on August 27, 1997, 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 Poinsett Colony, %Levi Tschetter, RR 1, Box 146, Estelline, SD 57234 (Ph # (605) 873-2630).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 27, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5627A-3 to Appropriate Water
and to Reinstate Water Permit No. 5627-3

Notice is given that Poinsett Colony, c/o Levi Tschetter, RR 1 Box 146, Estelline SD 57234 has filed an application for a water permit to reinstate Water Permit No. 5627-3 to appropriate 1.85 cubic feet of water per second from one existing well (Big Sioux:Brookings Aquifer) 80 feet deep located in the SE 1/4 NE 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 26; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of reinstatement of Application No. 5627-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 15, 1997.

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

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

Cost of Printing \$ 40.37

Sept. 3, 1997
(Date Signed)

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of reinstatement of Application No. 5627-3 because 1) unappropriated water is available, 2) existing right will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will action the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applica-

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources
(publish aug. 27 and sept. 3, 1997)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

Poinsett Colony
%Levi Tschetter
RR, Box 146
Estelline, SD 57234

Dear Mr. Tschetter:

Enclosed is Water Permit No. 5627A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2001

5627A-3

Levi Tschetter
Poinsett Colony
46527 189th St
Estelline, SD 57234

Dear Mr. Tschetter:

On June 27, 2001, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5627A-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued. The applicable portions of Water Permit No. 5627-3 will be incorporated into Water License No. 5627A-3.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2002

REMINDER NOTICE

5627A-3

Levi Tschetter
Poinsett Colony
46527 189th St
Estelline, SD 57234

Dear Mr. Tschetter:

On August 17, 2001, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit Nos. 5627-3 and 5627A-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on February 19, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 19, 2002 regarding Reminder Notice Nos. 1913-2, 2471B-3, 5627A-3, 5685-3, 5711-3, 5780-3, 6096-3 addressed as stated below:

5627A-3
Levi Tschetter
Poinsett Colony
46527 189th St.
Estelline, SD 57234

2471B-3
Buell & Craig Slepikas
542 4th St SW
Huron, SD 57350

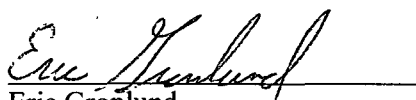
1913-2
Greg Bryant
Happy Holiday Campground
8990 S Hwy 16
Rapid City, SD 57702

5711-3
Mabel Almos
Buffalo Lake Restaurant
11977 BIA Rd
Eden, SD 57232

5685-3
Jim Geier
Bowdle Livestock Exchange
32575 Hwy 12
Bowdle, SD 57428

5780-3
Walter C. Wolf
Box 349
Leola, SD 57456

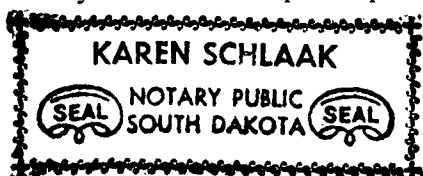
6096-3
Alvin Waldner
Huron Colony
40068 Huron Colony Lane
Huron, SD 57350


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of February, 2002.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417098

Pierre, February 25, 20 02

RECEIVED OF Levi, Tschetter, Poinsett Colony, 46527 189th St., Estelline, SD 57234
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. 5627A-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Ebele
Chief Engineer

Permit No. 5627A-3
Big Sioux River - Water District

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

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

I have this day, June 27, 2001, made a thorough examination of the water use system constructed by Poinsett Colony of 46527 189th Street, Estelline SD 57234 holder of Permit No. 5627A-3, bearing the priority of June 17, 1997 authorizing the diversion of 1.85 cu. ft. per second of the waters of ground water (Big Sioux – Brookings aquifer) for irrigation purposes, in Hamlin County.

Inspection contact & relationship to permit holder, if applicable: **Levi Tschetter**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman
- 2) No. of Wells 1
- 3) Depth(s) 80 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 60 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 20 feet

Pump:

- 1) Make Western Land Roller
- 2) Model 890158

Motor:

- 1) Make Westinghouse
- 2) Model No. 8508
- 3) Horsepower rating 60 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,375 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lockwood
- 2) Number of towers 9
- 3) End gun Y
- 4) Low impact system
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

Report of Examination of Works

Permit No. 5627A-3

The system is in good condition with the point of diversion located as follows: Well: $\approx$ 1,370 feet S and $\approx$ 50 feet W from the NE corner section 27-T114N-R51W ($SE\frac{1}{4}NE\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: **All in section 26-T114N-R51W**

$NE\frac{1}{4}NW\frac{1}{4}$ 34 acres

$NW\frac{1}{4}NW\frac{1}{4}$ 34 acres

$SW\frac{1}{4}NW\frac{1}{4}$ 34 acres

$SE\frac{1}{4}NW\frac{1}{4}$ 34 acres

comprising a total of 136 acres of land and the license should be issued for 1.78 cfs.

Comments or other permit(s) associated with the project: **5627-3*** | All structures, wells and lands on map Y

***Water Permit No. 5727A-3 reinstated No. 5627-3 pursuant to SDCL 46-2A-8.1.**

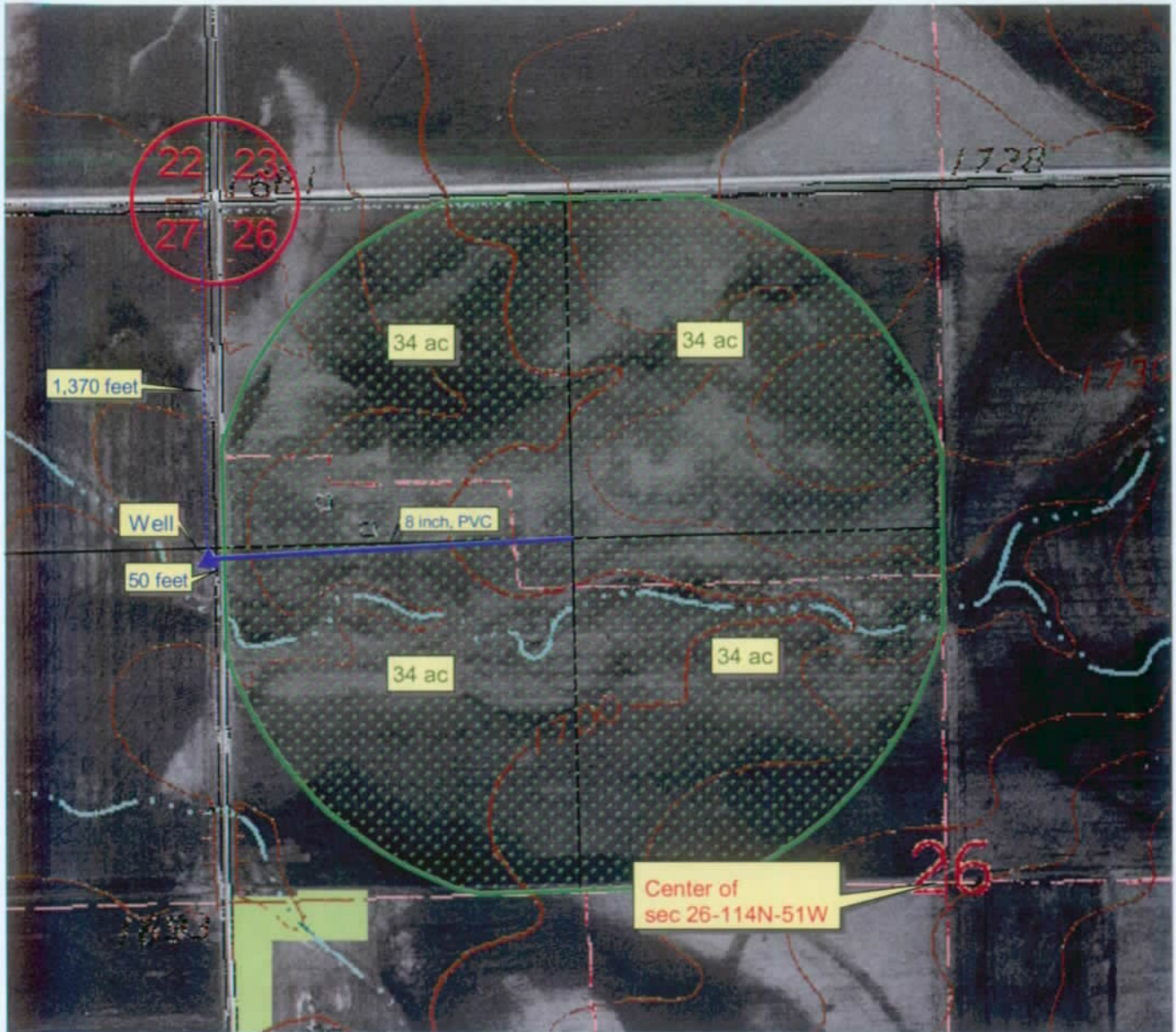


Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 14, 2001

700 0 700 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
August 14, 2001

No. 5627A-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5627A-3

(1) Poinsett Colony, 46527 189th St, Estelline, SD 57234 made Application No. 5627A-3, June 17, 1997 for a water permit to reinstate Water Permit No. 5627-3. Water Permit No. 5627-3 appropriates 1.85 cubic feet of water per second from ground water (one well – Big Sioux:Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 5627A-3, with a priority date of June 17, 1997 was approved September 15, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 15, 2002 and for the application to beneficial use of said water on or before September 15, 2006.

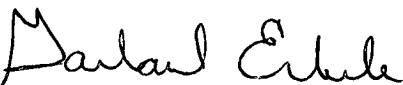
The applicable portions of Water Permit No. 5627-3 have been incorporated into this Water License No. 5627A-3.

(2) It is certified that the permit holder 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 1.85 cubic feet of water per second for beneficial use. The location of the diversion point is ≈ 1,370'S and ≈ 50'W of the NE corner of Section 27, T114N, R51W (SE ¼ NE ¼).

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

Section 26, T114N, R51W	NE ¼ NW ¼	34 acres
	NW ¼ NW ¼	34 acres
	SW ¼ NW ¼	34 acres
	SE ¼ NW ¼	34 acres
Total		136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Poinsett Colony, 46527 189th St, Estelline, SD 57234 the holder and/or owner of Incorporated Water Right No. 5627A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Big Sioux:Brookings Aquifer) with a priority date of June 17, 1997 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 Right No. 5627A-3 and subject to South Dakota State Law.


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

APR 16 2002
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 16 2002

5627A-3

Levi Tschetter
Poinsett Colony
46527 189th St.
Estelline, SD 57234

Dear Mr. Tschetter:

Enclosed is Water License No. 5627A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417098 in the amount of \$50.00 which you paid for the investigation 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. 5627A-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.

Sincerely,

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

NOTE: The applicable portions of No. 5627-3 are incorporated into Water License No. 5627A-3.

enclosures