

WATER PERMIT NO. 6477-3

Name of Applicant: Delbert Tschakert

Address: 16150 442nd Ave, Florence SD 57235

Phone: 605 758-2265

Amount of Water Claimed: no add'l

Total Acres: 100

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Codington

Type of Waste Disposal System:

Location: 1 miles southwest of Florence

PRIORITY

Date Received: 3-3-04

Application/License Fee: \$275

Corrected Application Received: 3-10-04

Period of Annual Use: May 1 – October 31

Remarks: Using same well as authorized by Water Right No. 5310-3

Diversion Point: SE ¼ SW ¼ Sec 7-T118N-R54W

Land to be Irrigated: SE ¼ Sec 7-T118N-R54W

Depth of Well: 96 feet deep

Well Driller: : Stadheim Irri & Well Drilling

Remarks:

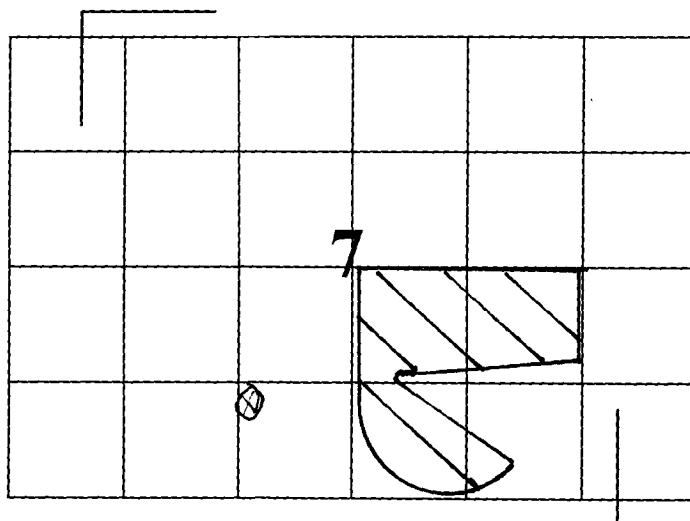
Type of Map: aerial

Prepared by: Cathy Dolly, Codington Co. FSA

Reviewed and the Number Assigned on: 3-10-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>10477-3</u> (office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Public Opinion, Watertown</u>

RECEIVED
MAR 03 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 5310-3
(Use predates Mar 2, 1955)

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

- Name of Applicant Delbert Tschakert Phone (605) 758-2265
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 16150 442nd Ave Florence S.D. 57225
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 950 *CFS or 950 **GPM ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Codington
1 well at the center of SW 1/4 Sec 7-118-54
(Authorized by water right 5310-3) SE 1/4 SW 1/4
- County or counties where water will be used Codington
- Annual period during which water is to be used May - thru Sept Oct 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each. # 225.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SW 1/4 Sec 7-118-54</u>	<u>120 Acres</u>	<u>SE 1/4 Sec 7-118-54</u>	<u>100 Acres</u>

8. Give a description of the project. (Attach sheet if more space is needed) *This project is being done to increase efficiency of exist well. This will utilize water on additional acres on an adjoining quarter of land. This will allow the use of existing well during the harvest periods of my existing hay operation.*

STATE OF SOUTH DAKOTA) SS
County of Codington

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)

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

Applicant's signature Delbert Tschakert

Subscribed and sworn to before me this 2nd day of March, 20 04

Steven Schlenner
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6477-3**

Date of first receipt of application March 3, 2004.

Date of return to applicant for corrections, amendments or changes March 4, 2004.

Date of receipt of corrected application March 10, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6477-3 to Delbert Tschakert, 16150 442nd Ave, 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. 6477-3 authorizes irrigation of 100 additional acres. Water Right No. 5310-3 authorizes 1.88 cubic feet of water per second (cfs) from one well (Prairie Coteau Aquifer) located in the SE ¼ SW ¼ Section 7 to irrigate 132 acres located in the SW ¼ Section 7; all in T118N-R54W. This permit authorizes irrigation of 100 additional acres located in the SE ¼ Section 7-T118N-R54W from the existing well. This permit does not authorize any increase in the diversion rate.
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 – October 31.
3. The date from which applicant may claim right is March 3, 2004.
4. The date of approval of Permit No. 6477-3 is April 19, 2004.
5. One-fifth of the construction is to be completed on or before October 19, 2006.
6. All construction is to be completed on or before April 19, 2009.
7. Water is to be put to beneficial use on or before April 19, 2013.
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: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 30 2004

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth ~~100~~ 96'
- b) Casing Type plastic Diameter 10" Thickness _____
- c) Screen Type plastic Diameter 10" Thickness _____
- d) Gravel Pack pee rock Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) 40'
- g) Distance to nearest existing domestic well:

On applicants property 4000' On property owned by others 3500'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

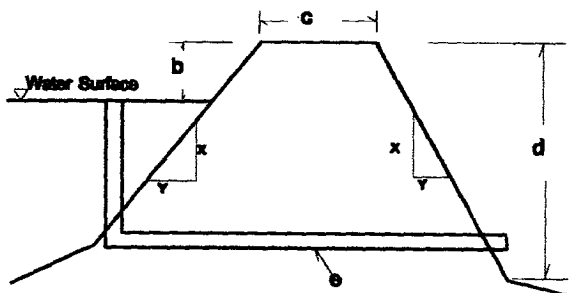
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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 _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 4, 20 04

RECEIVED OF Delbert Tschakert, 16150 442nd Ave. 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	225	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 _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	225.00

No.

001212

By

Garland Erbeley
Chief Engineer

1K5

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 10, 20 04

RECEIVED OF Delbert Tschakert, 16150 442nd Ave., Florence SD 57235

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

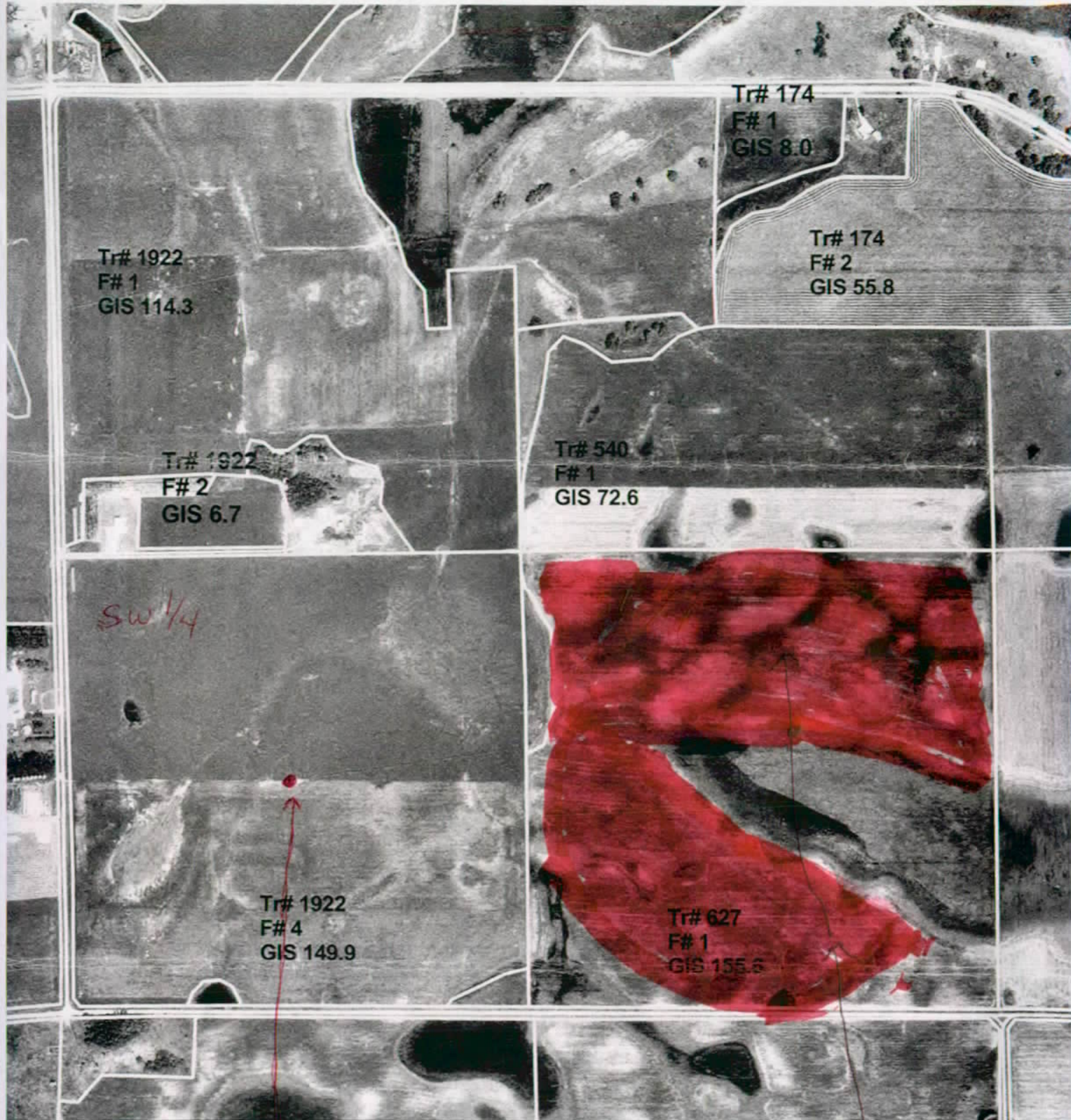
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6477-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

001228

By

Darland Ebel
Chief Engineer



Tr# 174
F# 1
GIS 8.0

Tr# 1922
F# 1
GIS 114.3

Tr# 174
F# 2
GIS 55.8

Tr# 1922
F# 2
GIS 6.7

Tr# 540
F# 1
GIS 72.6

Tr# 1922
F# 4
GIS 149.9

Tr# 627
F# 1
GIS 155.6

existing well

United States Department of Agriculture
Farm Service Agency

~~SW~~ SE 1/4
N

07-118-54

December 8, 2003

Codington County

1991
1997 Digital Orthophotography - Not To Scale



6477-3

Cathy Doherty, PT Farm Service Agency
886-8202 2-26-2004

Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Amendment to Permit No. 5310-3

Dear Sirs:

When I received the original permit no. 5310-3, I could irrigate the full circle. With the flooding that occurred from 1995 through 2001 Dry Lake backed onto about one-quarter of the circle. Currently I'm raising alfalfa and just windshield wiper three-fourths of the circle. During the four harvest periods throughout the summer I am unable to pump water for up to 10 days from the existing well. So to better utilize the dollars invested in the well and pump I am requesting to increase the acres under this existing permit. This will let me water ground in the SE ¼ of sec 7-118-54 during those 10 days intervals while harvesting the alfalfa.

My soils have very good water holding capacities so this irrigation becomes more supplemental to mother nature. I am simply trying to more efficiently utilize this resource that has been developed at this time.

Thank you for your consideration.



Delbert Tschakert
16150 442nd Ave.
Florence SD 57235



March 4, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation in Codington County. In order to complete the applications the following is required.

- Enclosed is the map submitted for irrigation of the SE ¼ Section 7-T118N-R54W. On the map, please outline the 100 acres you are proposing to irrigate from the existing well located in the SW ¼ Section 7.
- We have received the two application filing fees (total \$525.00). In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit a total of \$100 for the licensing of the two water permits.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Because there is a large slough in the middle east side of this quarter a full pivot is not possible. I am thinking of either two used less expensive half circles. I also have some aluminum pipe with sprinklers that could be used for watering alfalfa or fall watering to replenish soil reserves.

Both of these fields have been in alfalfa while I have farmed it. What I have found is that after 5 years of alfalfa, it ~~take~~ takes two years of normal rainfall to be able grow a normal crop again.

Thanks

Delbert Tschabert

RECEIVED

MAR 10 2004

WATER RIGHTS
PROGRAM

REPORT ON WATER PERMIT NO. 6477-3
For Delbert Tschakert
March 24, 2004

Application No. 6477-3 proposes to irrigate 100 acres. Water Right No. 5310-3 authorizes 1.88 cfs (846 gpm) from one well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 7 to irrigate 132 acres located in the SW $\frac{1}{4}$ of section 7; all in T118N R54W in Codington County. This application is to irrigate 100 additional acres located in the SE $\frac{1}{4}$ of section 7, T118N R54W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

AQUIFER – PRAIRIE COTEAU (PCO)

The Prairie Coteau is a buried outwash (sand and gravel) that is under confined or artesian conditions at this site. The aquifer 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 aquifer extends into Day County to the north and into Clark County to the west. Ground water movement appears to be from northwest to the southwest in this portion of the aquifer (Hansen, 1990).

The driller's log for water right No. 5310-3 indicates brown and gray clay to a depth of 52 feet, followed by fine from 52 feet to 80 feet, followed by coarse pea rock from 80 to 96 feet all below land surface. The completed well had a static water level of 28 feet below land surface and was capable of producing 1,000 to 1,200 gpm. The well appears to have been constructed with SD Well Construction Standards.

The Water Rights Program monitors two observation wells completed into the Prairie Coteau aquifer and located about four miles from this application. Water levels for these wells do show some response to nearby pumping and to climatic conditions. Water levels respond to wet years by generally trending upward and to dry years by trending downward. The hydrographs illustrate the generally wet years of the early 1990's with a distinctive upward trend. Hydrographs for CD-77D and CD-77E are included with this report (Water Rights, 2004).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

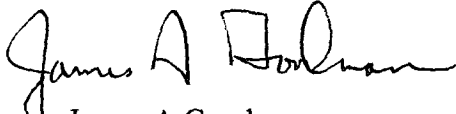
The only other nearby irrigation well (about $\frac{1}{2}$ mile to the north) is Water Right No. 5560-3 (1.88 cfs, 150 acres) is also owned by this applicant. Interference may occur but should not be significant. These wells have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Prairie Coteau aquifer.
2. The aquifer is under artesian conditions at this site. Drawdown will occur as a result of pumping but is not expected to be significant. Interference is not

expected to be a problem. There have been no complaints from this area and the observation wells do not fluctuate very much.

3. This application will use the existing well authorized by Water Right No. 5310-3. That well has been constructed in accordance with SD Well Construction Standards. No increase in diversion rate is authorized by this application.



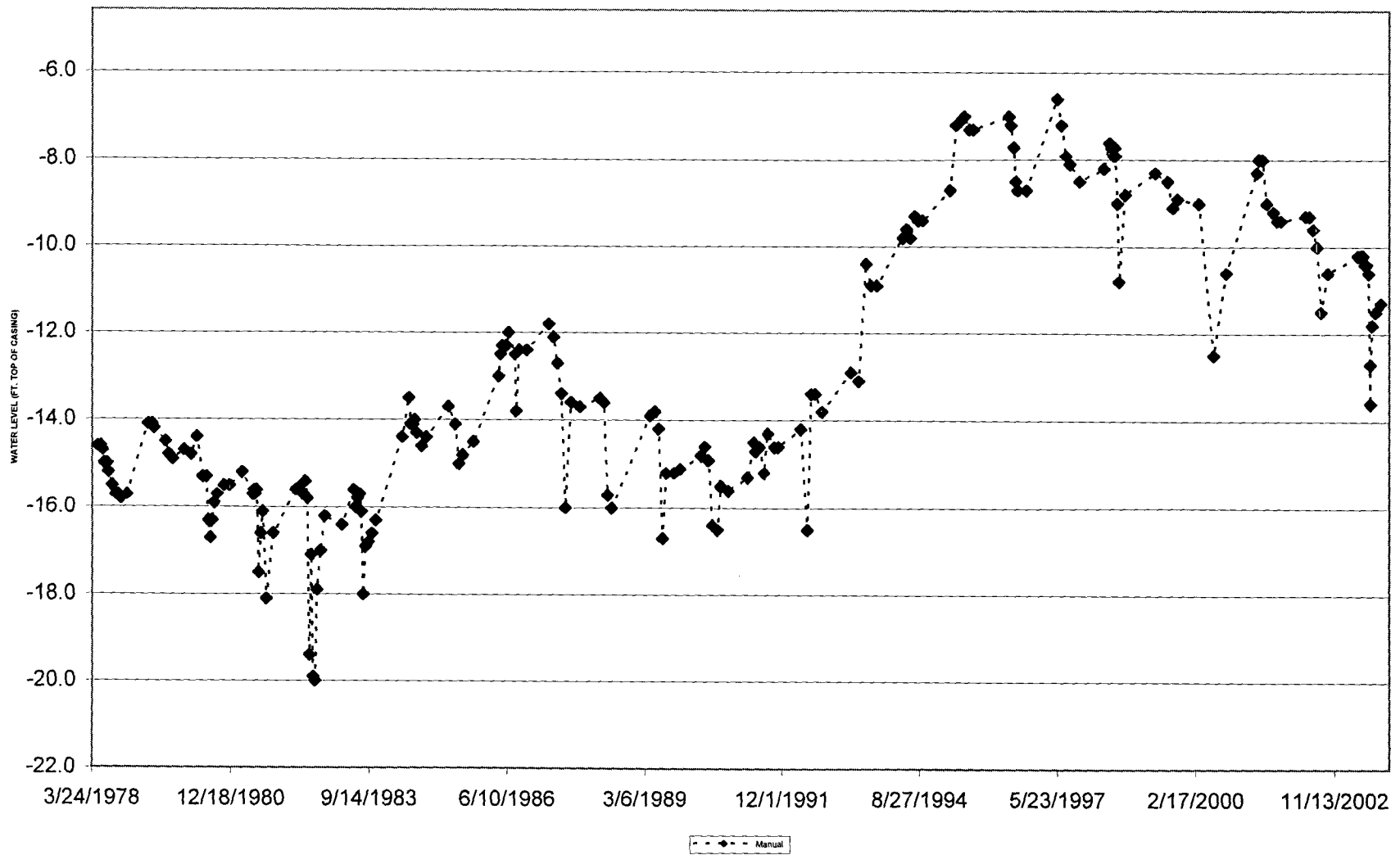
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

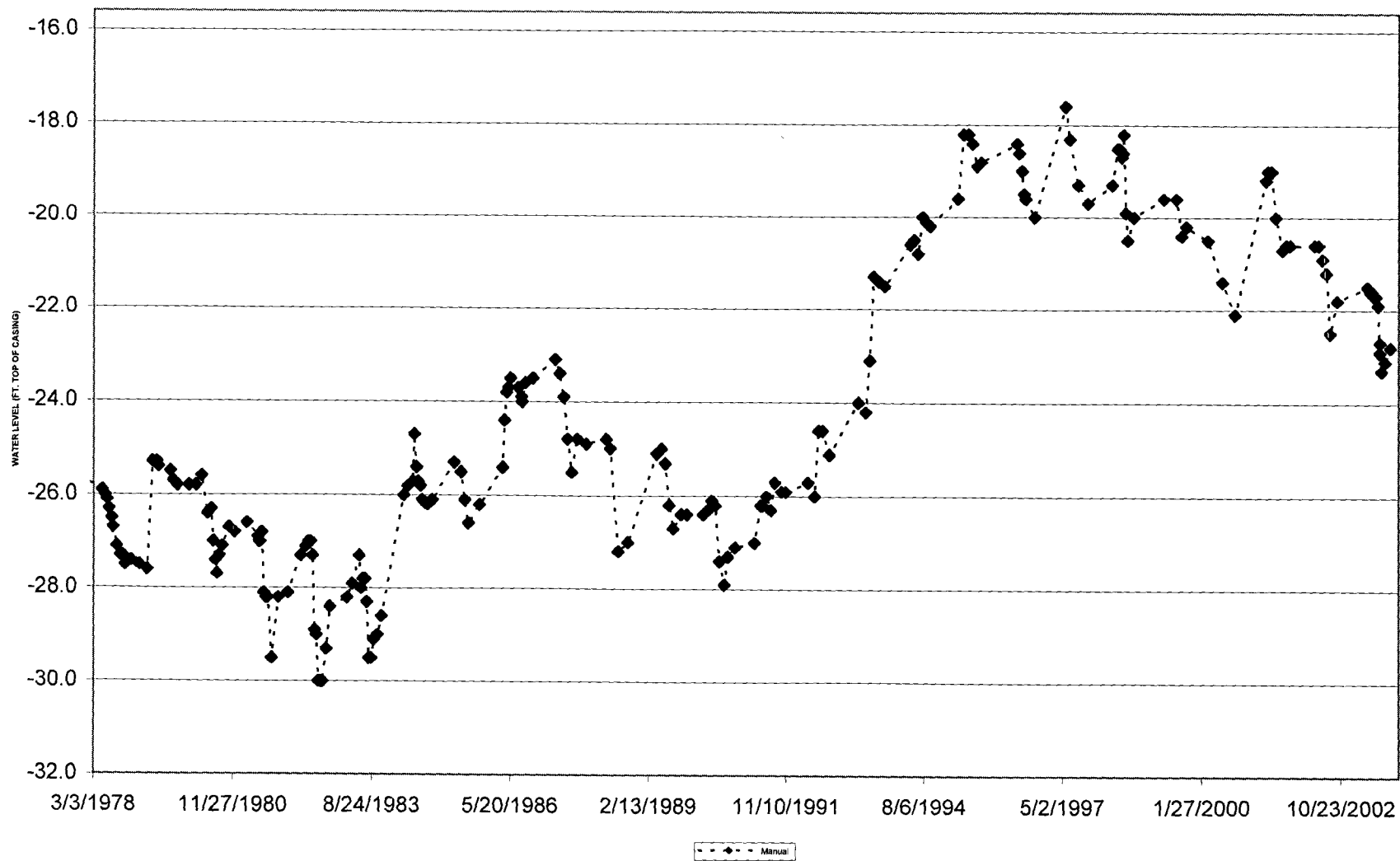
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.

Water Rights, 2004, Unpublished Observation Well Data for the Prairie Coteau Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
CD-77D**



WATER RIGHTS' OBSERVATION WELL
CD-77E





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6477-3, Delbert Tschakert**

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. 6477-3, Delbert Tschakert, 16150 442nd Avenue, Florence SD 57235.

The Chief Engineer is recommending APPROVAL of Application No. 6477-3 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) it is 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.

Garland Erbele, Chief Engineer
March 25, 2004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of CODINGTON)

I, MONICA K. SAATHOFF

certify that the attached printed Notice was
taken

from the _____

WATERTOWN PUBLIC OPINION

printed and published in WATERTOWN

County of CODINGTON and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

APRIL 2nd, 2004

APRIL 9th, 2004

Cost of Printing \$114.60

Monica K. Saathoff
(Signature)

BOOKKEEPER

(Title)

APRIL 9th, 2004

(Date Signed)

DENR

NOTICE OF APPLICATION NOS. 6477-3 AND 6478-3 to Appropriate Water

Notice is given that Delbert
Tschakert, 16150 442nd Ave.,
Florence, SD 57235 has filed
the following applications for a
water permit.

Application No. 6477-3 pro-
poses to irrigate 100 addition-
al acres. Water Right No.
5310-3 authorizes 1.88 cubic
feet of water per second (cfs)
from one well (Prairie Coteau
Aquifer) located in the SE 1/4
SW 1/4 Section 7 to irrigate

132 acres located in the SW
1/4 Section 7; all in T118N-
R54W. This application is to
irrigate 100 additional acres
located in the SE 1/4 Section
7-T118N-R54W from the
existing well. This application,
if approved, does not author-
ize any increase in the diver-
sion rate.

Application No. 6478-3 pro-
poses to appropriate 2.0 cfs
from one well (Prairie Coteau
Aquifer) 100 feet deep located
in the E 1/2 NW 1/4 Section 12
to irrigate 260 acres located in
the W 1/2 NE 1/4, E 1/2 NW
1/4, SW 1/4 Section 12; all in
T118N-R55W.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of
Application Nos. 6477-3 and
6478-3 because 1) unappro-
priated 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 applications, as recom-
mended, unless a petition is
filed opposing the applications
or the applicant files a petition
contesting the Chief
Engineer's recommendations.
If a petition opposing the appli-
cations or contesting the rec-
ommendations is filed, then a
hearing will be scheduled and
the Water Management Board
will consider the applications.

Notice of the hearing will be
given to the applicant and any
person filing a petition.

Any person interested in
opposing or supporting these
applications or recommenda-
tions must file a written petition
with BOTH the applicant and
Chief Engineer. The applicant
must file a petition if contesting
the Chief Engineer's recom-
mendations. 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
April 19, 2004.

The petition may be informal,
but must include a statement
describing the petitioner's
interest in the applications, the
petitioner's reasons for oppos-
ing or supporting the applica-
tions, and the signature and
mailing address of the petiti-
oner 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 these applica-
tions.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.

(April 2; 9, 2004) \$ 11460

RECEIVED
APR 15 2004
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

March 26, 2004

Delbert Tschakert,
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Water Permit Application Nos. 6477-3 & 6478-3 for irrigation use have 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 Public Opinion printed at Watertown, SD (Ph # 605-886-6901). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 26, 2004

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 6477-3 & 6478-3 to Appropriate Water to be published twice. Please publish the first notice on April 2, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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, 16150 442nd Ave, Florence (Ph # 605-758-2265).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6477-3 & 6478-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of March 26, 2004 enclosing Notice of Hearing to Appropriate Water by Application Nos. 6477-3 & 6478-3 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 April 2, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6477-3 and 6478-3 to Appropriate Water

Notice is given that Delbert Tschakert, 16150 442nd Ave, Florence SD 57235 has filed the following applications for a water permit.

Application No. 6477-3 proposes to irrigate 100 additional acres. Water Right No. 5310-3 authorizes 1.88 cubic feet of water per second (cfs) from one well (Prairie Coteau Aquifer) located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 to irrigate 132 acres located in the SW $\frac{1}{4}$ Section 7; all in T118N-R54W. This application is to irrigate 100 additional acres located in the SE $\frac{1}{4}$ Section 7-T118N-R54W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Application No. 6478-3 proposes to appropriate 2.0 cfs from one well (Prairie Coteau Aquifer) 100 feet deep located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12 to irrigate 260 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 12; all in T118N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6477-3 and 6478-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 April 19, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



APR 30 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Enclosed is Water Permit No. 6477-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6477-3

I have this day, May 8 and November 13, 2023, made a thorough examination of the water use system constructed by Delbert Tschakert, 16150 442nd Ave, Florence, SD 57235 of Permit No. 6477-3, bearing the priority of March 3, 2004 authorizing the diversion of 1.88 cu. ft. per second of the waters of the Prairie Coteau Aquifer for irrigation purposes, in Codington County.

A. Works used to divert the water:

Well Information: (SEE WATER RIGHT 5310-3 FOR WELL DETAILS as this well serves two
(2) pivots)

Pump:

- 1) Make Turbine – Layne Bowler
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 845 GPM

Motor:

- 1) Make John Deere
- 2) Model No. Unknown
- 3) Horsepower rating 80 hp

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

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

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T & L
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 845 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

List any extended period of nonuse: **Did not use pivot the last 5 years due to high surface water conditions. System was constructed 7 years ago, so only used 2 years.**

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in fair condition with the point(s) of diversion located as follows: 1326 ft E & 1446 ft N of the SW corner Sec 7, T118N, R54W (NE ¼ SW ¼) lat 45.03977/long -97.36620
2. 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:

All in Section 7 T118N R54W

legal description/acreage

NW SE – 35 acres

NE SE – 29 acres

SE SE – 11 acres

SW SE – 21 acres

SW NE – 2 acres

SE NE -2 acres

legal description/acreage

NE SW – 33 acres

NW SW – 33 acres

SW SW – 33 acres

SE SW – 33 acres

comprising a total of 232 acres of land and the license should be issued for 1.88 cfs

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address is current but the telephone number should be 605/881-5967.

I talked to Delbert Tschakert during a field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 14, 2023

Diversion Point Location

From the NE corner of
Sec 3 T118N-R54W
** Well**
1326 ft E & 1446 ft N
Lat 45.03977 Long -97.36620

Irrigated Land

Sec 7 T114N-R54W
NW1/4 SW 1/4 - 33 ac
NE 1/4 SW1/4 - 33 ac
SE1/4 SW1/4 - 33 ac
SE1/4 SE1/4 - 33 ac
SW1/4 NE1/4 - 2 ac
SW1/4 NW1/4 - 2 ac
NW1/4 SE 1/4 - 35 ac
NE 1/4 SE1/4 - 29 ac
SE1/4 SE1/4 - 11 ac
SW1/4 SE1/4 - 21 ac

Section 7
T118N-R54W

Well

Reference
Corner



0 625 1,250 2,500 3,750 5,000 Feet

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6477-3**

(1) Delbert Tschakert; 16150 442nd Ave, Florence SD 57235, made Application No. 6477-3, March 3, 2004, for a water permit to irrigate an additional 100 acres, with no increase to the rate of diversion, from groundwater, one existing well (authorized under Water Right No. 5310-3). Permit No. 6477-3, with a priority date of March 3, 2004, was approved April 19, 2004, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 19, 2009, and for the application to beneficial use of water on or before April 19, 2013.

Water Right No. 5310-3 authorizes a diversion rate of 1.88 cubic feet of water per second (cfs) from groundwater, one well (Prairie Coteau Aquifer) for the irrigation of 132 acres in the SW $\frac{1}{4}$ Section 7, T118N, R54W. The applicable portions of Water Right No. 5310-3 are incorporated into this license.

An investigation conducted for licensing purposes found the diversion point slightly North of where it was previously thought to be. The investigation also found acreage for irrigation developed outside the locations authorized under Permit No. 6774-3. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(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 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,326 ft E & 1,446 ft N of the SW corner of Section 7, T118N, R54W (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 45.03977 & Longitude -97.36620)

(3) The amount of 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 – October 31.

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

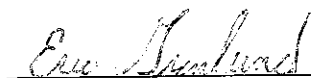
Section 7, T118N, R54W			
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	29 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	21 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2 acres		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2 acres	TOTAL:	232 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Delbert Tschakert, the holder and/or owner of Water Right No. 6477-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), with priority dates of March 13, 1989 for 132 acres and 1.88 cfs, and March 3, 2004 for 100 acres, from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6477-3 and subject to the following qualifications:

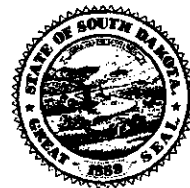
1. The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate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



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

DEC 04 2023

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

DEC 04 2023

5310-3
6477-3

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Enclosed is Water License No. 6477-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of Water Right No. 5310-3 have been incorporated into Water Right No. 6477-3.

enclosures

Approval of Location Change and/or Additional Diversion Point(s) and Acres as Developed

NAME: Delbert Tschakert

ADDRESS: 16105 442nd Ave, Florence SD 57235

DATE: November 30, 2023

COUNTY: Codington

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to divert water from one pre-existing well (96 ft deep – Prairie Coteau Aquifer), authorized by WR No. 5310-3, located in the SE ¼ SW ¼ Sec 7 to irrigate 132 acres SW ¼ Section 7; all in T118N-R54W and 100 acres in the SE ¼ Section 7 authorized by WP No. 6477-3.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated.**

The source of water is one pre-existing well (96 ft deep – Prairie Coteau Aquifer). Newer and more accurate GPS technology has allowed us to better pinpoint locations. It has subsequently been found in the licensing of Permit No. 6477-3 that the point of diversion is located NE ¼ SW 1/4, Sec 7, T118N-R54W (Lat 45.03977/Long -97.36620)

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 232 acres as compared to 232 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The relocated 4 acres is in the S ½ NE1/4 immediately adjacent to permitted acres in the SE1/4 all in Section 7 T118N-R54W

- **Owned by Same Property Owner**

The additional acres are located on property owned by the Mr. Tschakert.

- **Developed Prior to Expiration of Construction Period**

The construction completion date was to be completed by April 19, 2009. Irrigation was reported being performed in 2016

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 4 acre area be included in the water license.

- **Review of Existing Diversions**

There are two existing rights from the Prairie Coteau Aquifer located within 2 miles, both are held by Mr. Tschakert.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) and irrigated acres be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) and additional acres in the S ½ NE ¼ do not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program