

WATER PERMIT NO. 6478-3

Name of Applicant: Delbert Tschakert

Address: 16150 442nd Ave, Florence SD 57235

Phone: 605 758-2265

Amount of Water Claimed: 2.0

Total Acres: 260

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: \$350

Corrected Application Received: 3-10-04

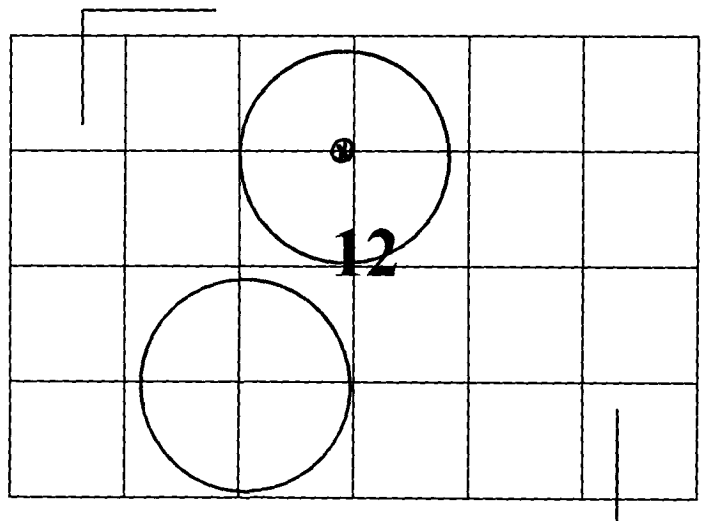
Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: E ½ NW ¼ Sec 12-T118N-R55W

Land to be Irrigated: W ½ NE ¼, E ½ NW ¼, SW

¼ Sec 12-T118N-R55W



Depth of Well: 100 feet deep

Well Driller:

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: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6478-3</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. _____

(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 State S.D. 57235
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 850 900 **GPM ***AF Total Acreage 260 acres
 (*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 in the NW 1/4 Sec 12-118-55 (E 1/2 NW 1/4)
- County or counties where water will be used Codington
- Annual period during which water is to be used May 1 - ~~March~~ October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each. 300
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NE 1/4 - Sec 12-118-55	32	SW 1/4 SW 1/4 Sec 12-118-55	32
SW 1/4 NE 1/4 Sec 12-118-55	32	SE 1/4 SW 1/4 Sec 12-118-55	32
NE 1/4 NW 1/4 Sec 12-118-55	32	NE 1/4 SW 1/4 Sec 12-118-55	32
SE 1/4 NW 1/4 Sec 12-118-55	32	NW 1/4 SW 1/4 Sec 12-118-55	32

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

please see attached letter of explanation.

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 2004

Steven Schlenner
 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6478-3**

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. 6478-3 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. 6478-3 appropriates 2.0 cfs from one well (Prairie Coteau Aquifer) 100 feet deep located in the E ½ NW ¼ Section 12 to irrigate 260 acres located in the W ½ NE ¼, E ½ NW ¼, SW ¼ Section 12; all in T118N-R55W.
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. 6478-3 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. The well authorized by Permit No. 6478-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 11 1/2" Depth 100'
- b) Casing Type plastic Diameter 10" Thickness _____
- c) Screen Type plastic Diameter 10" Thickness _____
- d) Gravel Pack pea rock Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) 35' - 40'
- g) Distance to nearest existing domestic well:
On applicants property 3500' On property owned by others 3500' - 4000'

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

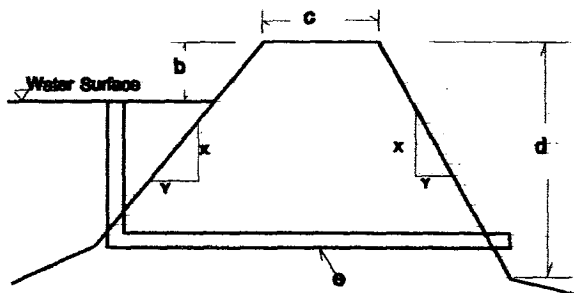
3. Dugout Information

- 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

36
60
2100

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>6478-3</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. 001227

By J. Darland Erbe
Chief Engineer gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Delbert Tschakert, 16159 442nd Ave, Florence SD 57235 Date March 4, 20 04

RECEIVED OF _____

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	300	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	300.00

No.

001211

By

Garland Erbeley
Chief Engineer
KS



United States Department of Agriculture
Farm Service Agency

12-118-55

December 8, 2003

Codington County

1991
1997 Digital Orthophotography - Not To Scale



Cathy Dally, PT Farm Service Agency 882-8202

4478-3
2-26-2004

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

Dear Sirs:

This project would include drilling one irrigation well in the NW $\frac{1}{4}$ of Sec 12-118-55. My father owns this ground. I have been farming it now for 25 years. There was a test well drilled at this location in 1990 while I was developing the irrigation in Sec 7-118-54. This well would be approximately 3800 feet west of the well currently being used to irrigate the NW $\frac{1}{4}$ of Sec 7-118-54. The test well at the time indicated nearly the same water formation. The well would be approximately 100 feet deep, 80 feet to the water formation and about 20 feet of gravel producing water.

This land will be developed much the same as I currently am operating. The well will be at the center of the pivot with a diesel engine powering the pump. Also included with this permit, I am including the SW $\frac{1}{4}$ with this initial well. At the time I did the test drilling, we were unable to find a good location for a well in the center of the SW quarter. Also during the last 15 years of irrigating I have found that the cost for piping the water to the second quarter would be about the same as the drilling, operating and maintenance costs for a second well. I have also found that when producing alfalfa, there is generally about 10 days per month of down time during the harvest cycle. This down time will certainly allow for water the second quarter with the same gpm water appropriation.

Thank you for your consideration,

Delbert Tschakert
16150 442nd Ave.
Florence SD 57235

REPORT ON WATER PERMIT NO. 6478-3
For Delbert Tschakert
March 24, 2004

Application No. 6478-3 proposes to appropriate 2.0 cfs (900gpm) from one well about 100 feet deep located in the E ½ NW ¼ of section 12 to irrigate 260 acres located in the W ½ NE ¼, E ½ NW ¼, SW ¼ of section 12; all in T118N R55W in Codington County.

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).

No test well information was filed with the application. However, the landowner indicates that when he was developing the irrigation well located about 3,800 feet to the east, a test hole was drilled at this proposed site which indicated the aquifer was nearly the same as the well in the NW ¼ of section 7, T118N R54W. That log indicates fine to medium sand from 60 to 80 feet below land surface and coarse sand and rocks from 80 to 97 feet below land surface. This information coupled with the mapping done for the Codington County study provides enough information to evaluate this application.

The Water Rights Program monitors two observation wells completed into the Prairie Coteau aquifer and located three to four miles northwest of 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).

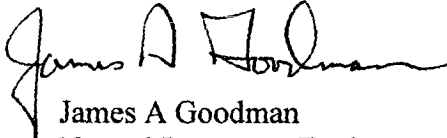
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two nearby irrigation wells, Water Right No. 5560-3 (1.88 cfs, 150 acres) is located about 3,800 feet to the east and second, Water Right No. 5310-3 (1.88 cfs, 132 acres) is located about 4,750 feet southeast of the proposed well for this application. Interference may occur but should not be significant. Two of these wells have been in use for many years with no apparent problems. Both of these existing wells are owned by the applicant.

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 significantly.
3. The well authorized by this application if approved must be constructed in accordance with SD Well Construction Standards.



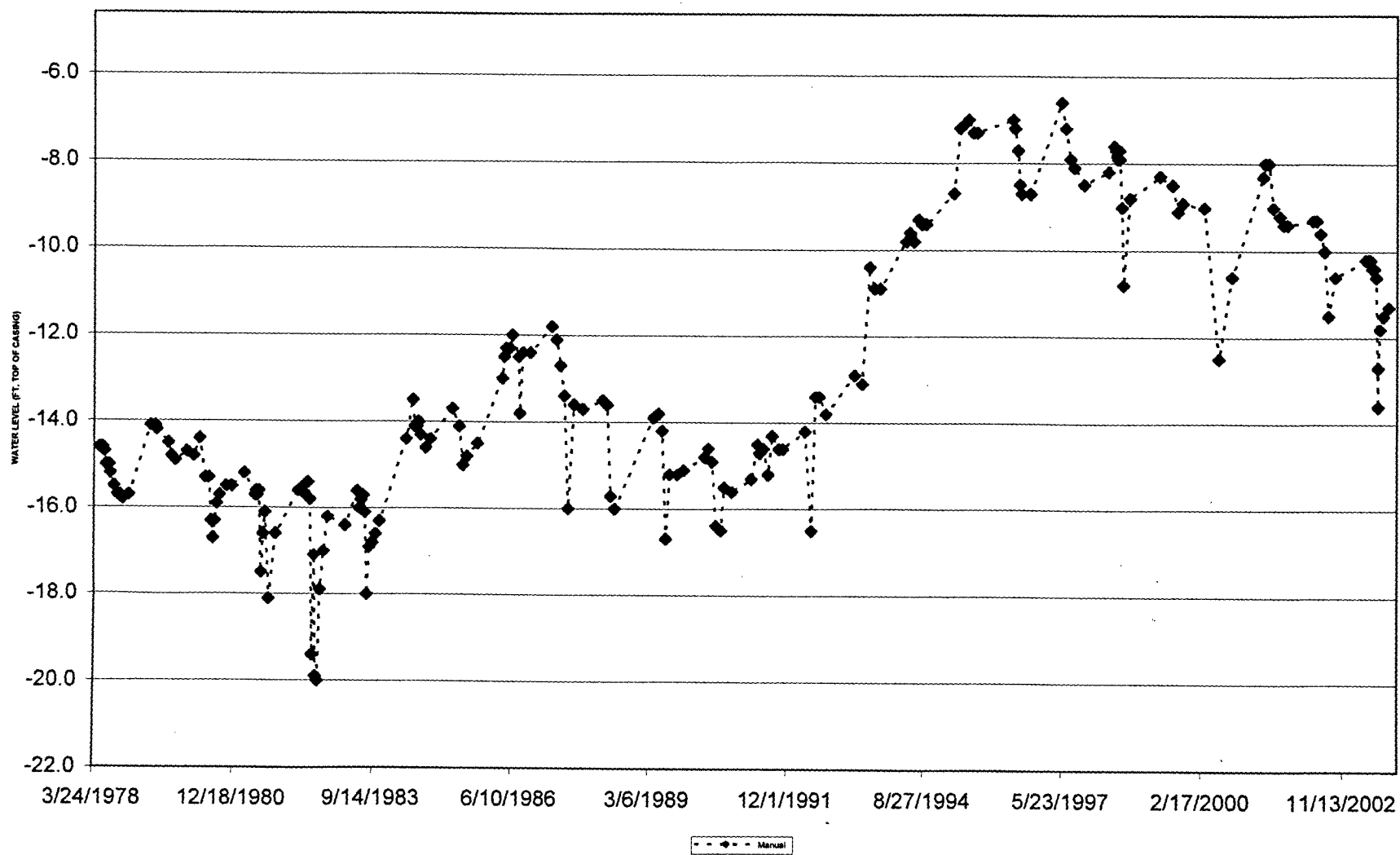
James A Goodman
Natural Resources Engineer

BIBLIOGAPHY

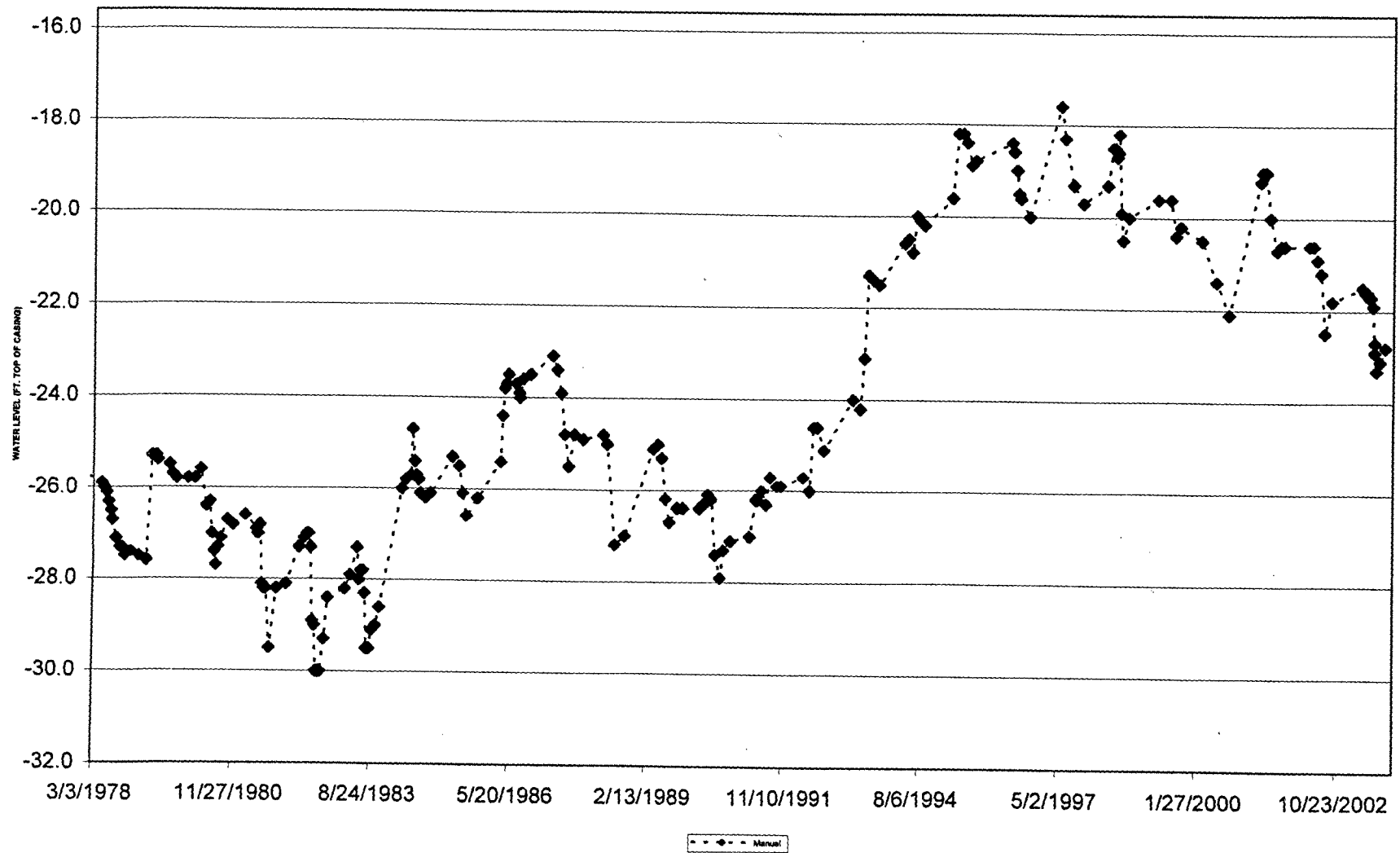
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.

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. 6478-3, 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. 6478-3, Delbert Tschakert, 16150 442nd Avenue, Florence SD 57235.

The Chief Engineer is recommending APPROVAL of Application No. 6478-3 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. The well authorized by Permit No. 6478-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 petition-
 er 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. Pimer, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 30 2004

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Enclosed is Water Permit No. 6478-3 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

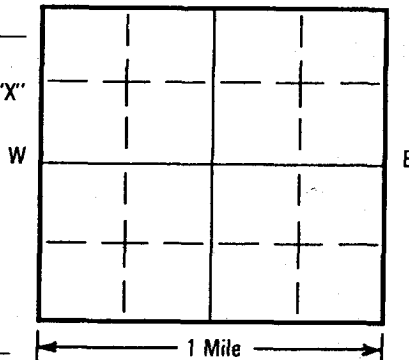
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6478-3

07-92

Location 1/4 1/4 Sec 12 Twp 118 Rg 55
County Codington

Please mark well location with an "X"



Well Completion Date

7-30-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150' ft. from test hole (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Direct Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.440</u> LB/FT	<u>12</u> IN	<u>246</u> FT	<u>83</u> FT	IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	IN

GROUTING DATA

Grout Type Ben Seal No. of Sacks 60 Grout Weight 34 lb./gal From 0 ft To 75 ft
lb./gal _____ ft _____ ft

Describe grouting procedure pressure pull method

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12" IN Length 20' FEET

Material Plastic

Slot Size 1085 Set From 83 Feet to 103 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Owner Pulbert Tschakert

Business Name: _____

Address: 16150 442nd Ave.
Florence SD, 57235

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
yellow clay	1	33
Blue clay	33	63
Grey fine sand no well	63	72
yellow fine to medium	72	87
yellow medium to coarse w/ L 20 lb. ft.	87	103
Blue clay	103	120

STATIC WATER LEVEL 35 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: Sn b

☐ Bailed

☐ Other

Pumping Level Below Land Surface

50 ft. After 4 Hrs. pumped 750 GPM

65 ft. After 12 Hrs. pumped 600 GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED
DEC 13 2007
WATER RIGHTS PROGRAM

This well was drilled under license # 689

And this report is true and accurate.

Drilling firm Kaiser Well Drilling

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date: _____

10-6-07

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

Date 3-06-2013

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED**MAR 14 2013****WATER RIGHTS
PROGRAM**

FROM:

Delbert Tschakert
(name)16150 442nd Ave
(address)Florence S.D. 57235
(city, state, zip)605-758-2265
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6478-3 states that the water use system is to be constructed by

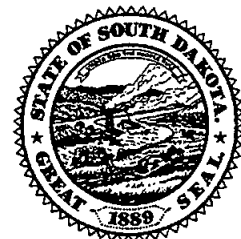
April 19, 2009, and water is to be put to beneficial use by April 19, 2013
(date) (date)

The water use system was completed on June 10th 2009 SW 1/4-12-18-55
(date)

Applying the water to beneficial use was completed on July 1st - 2012
(date)

You may schedule an investigation so that the water license may be issued.

Delbert Tschakert
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

April 3, 2013

6478-3

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the irrigation system authorized under Water Permit No. 6478-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 6478-3 & 7809-3

I have this day, May 8, 2023, made a thorough examination of the water use system constructed by Delbert Tschakert, 16150 442nd Ave, Florence, SD 57235 of Permit Nos. 6478-3 & 7809-3, bearing the priority dates of March 3, 2004 (6478-3) & March 14, 2013 (7809-3) authorizing the diversion of 2.0 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: (approved under Permit No. 6478-3)

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 103 feet
- 4) Well log is available Y

Screen:

- 1) Type Plastic
- 2) Length 20 feet
- 3) Static water level 35 feet

Casing:

- 1) Diameter 12 inches
- 2) Length 83 feet
- 3) Type Plastic

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 850 GPM

Motor:

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

B. Works used to transport water to place of use: (7809-3)

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 1450 feet

B. Works used to transport water to place of use: (6478-3)

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 2900 feet

C. Works used to apply water to beneficial use:**Center pivot: (7809-3)**

- 1) Make T & L
- 2) Overall length 1140 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) Capacity 850 GPM

Chemigation Equipment: 6478-3 & 7809-3

- 1) Does chemigate N

D. Compliance with Permit Requirements: 6478-3 & 7809-3

- 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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION FROM THE NW CORNER SEC 12 T118N R55W 1301 ft S & 2551 ft E, Lat 45.04662 Long - 97.38193 (SE ¼ NW ¼) A SHARED WELL
2. The works are capable of diverting and conveying to the place of use 1.89 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 12, T118N, R55W**legal description/acreage**

NW ¼ NE ¼ - 28 ac
 SW ¼ NE ¼ - 30 ac
 NE ¼ NW ¼ - 37 ac
 NW ¼ NW ¼ - 33 ac
 SW ¼ NW ¼ - 19 ac
 SE ¼ NW ¼ - 33 ac

legal description/acreage

NE ¼ SW ¼ - 35 ac
 NW ¼ SW ¼ - 34 ac
 SW ¼ SW ¼ - 33 ac
 SE ¼ SW ¼ - 33 ac
 NW ¼ SE ¼ - 1 ac
 SW ¼ SE ¼ - 1 ac

comprising a total of 317 acres of land and the license should be issued for 1.89 cfs (One well – shared with two (2) pivots – operating on rotation)

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.

A handwritten signature in black ink, appearing to read 'Darrell W DeBoer', written in a cursive style.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **November 14, 2023**



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Delbert Tschakert

ADDRESS: 16150 442nd Ave, Florence SD 57235

DATE: November 21, 2023 COUNTY: Codington

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 317 acres as compared to 320 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The relocated 2 acres are in the W ½ SE ¼ immediately adjacent to permitted acres in the SW ¼; all in Section 12 T118N-R55W

- **Owned by Same Property Owner**

All the property involved is listed under the Delbert Tschakert

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

The construction completion date was to be completed by May 28, 2022. Irrigation was reported being performed in 2016

RECOMMENDED ACTION

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



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7809-3**

(1) Delbert Tschakert; 16150 442nd Ave, Florence SD 57235, made Application No. 6478-3, March 3, 2004, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), Codington County, South Dakota for irrigation purposes. Permit No. 6478-3, 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.

The permit holder made Application No. 7809-3, March 14, 2013, for a water permit to add an additional 60 acres to the system developed under Permit No. 6478-3, with no addition to the rate of diversion. Permit No. 7809-3, with a priority date of March 14, 2013, was approved May 28, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 28, 2018, and for the application to beneficial use of water on or before May 28, 2022.

The applicable portions of Permit No. 6478-3 will be incorporated into Water Right No. 7809-3.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights 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 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,301 ft S & 2,551 ft W of the NW corner of Section 12, T118N, R55W (SE ¼ NW ¼)
(Latitude 45.04662 & Longitude -97.38193)

(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 12, T118N, R55W			
NW ¼ NE ¼	28 acres	NE ¼ SW ¼	35 acres
SW ¼ NE ¼	30 acres	NW ¼ SW ¼	34 acres
NE ¼ NW ¼	37 acres	SW ¼ SW ¼	33 acres
NW ¼ NW ¼	33 acres	SE ¼ SW ¼	33 acres
SW ¼ NW ¼	19 acres	NW ¼ SE ¼	1 acre
SE ¼ NW ¼	33 acres	SW ¼ SE ¼	1 acre

TOTAL: 317 acres

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Delbert Tschakert, the holder and/or owner of Water Right No. 7809-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), with priority dates of March 3, 2004 for 260 acres in the W ½ NE ¼, E ½ NW ¼, and SW ¼, and March 14, 2013 for 57 acres in the NW ¼ and W ½ SE ¼; all in Section 12, T118N, R55W, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7809-3 and subject to the following qualifications:

1. The well approved under Water Permit Nos. 6478-3 & 7809-3 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. The well authorized by Permit No. 6478-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in 2007 by Kaiser Well Drilling. A copy of the Well Completion Report is on file with the Water Rights Program.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

NOV 21 2023

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOV 21 2023

6478-3
7809-3

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Enclosed is Water License No. 7809-3. 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 Permit No. 6478-3 have been incorporated into Water Right No. 7809-3.

enclosures