

WATER PERMIT NO. 6560-3

Name of Applicant: Louis Fritz

Address: RR 2 Box 10, Raymond SD 57258

Phone: 605 532-5744

Amount of Water Claimed: 2.0 cfs

Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clark

Type of Waste Disposal System:

Location: 2 miles ^{east} northwest of Raymond

PRIORITY

Date Received: 12-30-04

Application/License Fee: \$300

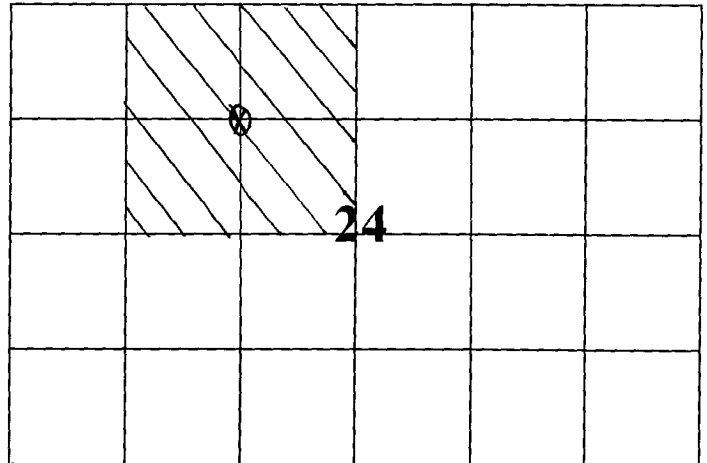
Corrected Application Received: 1-6-05

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: Centers of NW ¼ Sec 24-T117N-R59W

Land to be Irrigated: NW ¼ Sec 24-T117N-R59W



Depth of Well: 238 feet deep

Well Driller: : Manikowski Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Lisa Clausen, Clark Co. FSA

Reviewed and the Number Assigned on: 1-6-05

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>6560-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Clark County Courier, Clark S.D.</u>	

RECEIVED
DEC 30 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 Louis Fritz Phone 605-532-5744
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address Rt 2 Box 10 Raymond State SD 57258
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 160
(*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) Center of NW 1/4 Sec 24 (117-59) & Center of SW 1/4 14 (T117-R59)
(Do not have test hole for Sec. 14) County Clark
- County or counties where water will be used Clark
- Annual period during which water is to be used May 1 - Sept 30
- 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
NW 1/4 N 1/2 SW 1/4 24-117-59	40	NW 1/4 SW 1/4 14-117-59	40
NE 1/4 N 1/2 SW 1/4 24-117-59	40	NE 1/4 SW 1/4 14-117-59	40
SE 1/4 N 1/2 SW 1/4 24-117-59	40	SE 1/4 SW 1/4 14-117-59	40
SW 1/4 N 1/2 SW 1/4 24-117-59	40	SW 1/4 SW 1/4 14-117-59	40

- Give a description of the project. (Attach sheet if more space is needed)
Install Well and Pump and Apply water
For irrigation By means of a Center Pivots
Sec 14 will not be done for at least one year Need Test hole

STATE OF SOUTH DAKOTA) SS
County of Clark

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, Louis Fritz, 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 Louis Fritz

Subscribed and sworn to before me this 27th day of Dec. 19 04

Joan Lamb

Notary Public signature

My comm expires: 7-27-2008

SOUTH DAKOTA
WATER PERMIT NO. 6560-3 FOR IRRIGATION

Date of first receipt of application December 30, 2004.

Date of return to applicant for corrections, amendments or changes December 30, 2004.

Date of receipt of corrected application January 6, 2005.

The Water Management Board approved Water Permit No. 6560-3 on July 6, 2005 for Louis Fritz, Rt 2 Box 10, Raymond SD 57258 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. 6560-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 238 feet deep) located in the center of the NW ¼ Section 24 to irrigate 160 acres located in the NW ¼ Section 24; all in T117N-R59W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 –September 30.
3. The date from which applicant may claim right is December 30, 2004.
4. One-fifth of the construction is to be completed on or before January 6, 2008.
5. All construction is to be completed on or before July 6, 2010.
6. Water is to be put to beneficial use on or before July 6, 2014.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well 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 approved under this Permit will be located near a fen. The well owner under this Permit shall control his withdrawals so that his withdrawals do not cause significant reduction in the flow of water of the fen. By determining that the permit holder is to control his withdrawals so that they do not cause a significant reduction in the flow of water of the fen, the Board holds that such reduction in pumping would be merited upon a showing by the complainant that the reduction in flows were actually caused by the pumping.
3. The location of the fen which is protected by paragraph 2 above and the spring are located as follows:

Kopriva spring/dugout – N 44° 55.852' W 97° 51.852'
Weber "fen" – N 44° 55.526' W 97° 51.925'

(continued)

Water Permit No. 6560-3

Louis Fritz

Page 2

4. The well authorized by Permit No. 6560-3 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.
5. 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

AUG 24 2005

date



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 6560-3, Louis Fritz

ADDRESS: COUNTY: Clark

DATE: August 24, 2005 TELEPHONE:

RE: Condition No. 3

COMMENTS:

In issuing Water Permit No. 6560-3, the wording of Qualification No. 3 was changed slightly from the adopted findings for the purpose of making the condition clear.

NAME: Eric Hankins

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction - TEST LOG ATTACHED

- a) Drill Hole Diameter _____ Depth 180 ±
- b) Casing Type PVC Diameter 16 Thickness Sch 80
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 1.25 miles On property owned by others 1/2 mile

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 _____

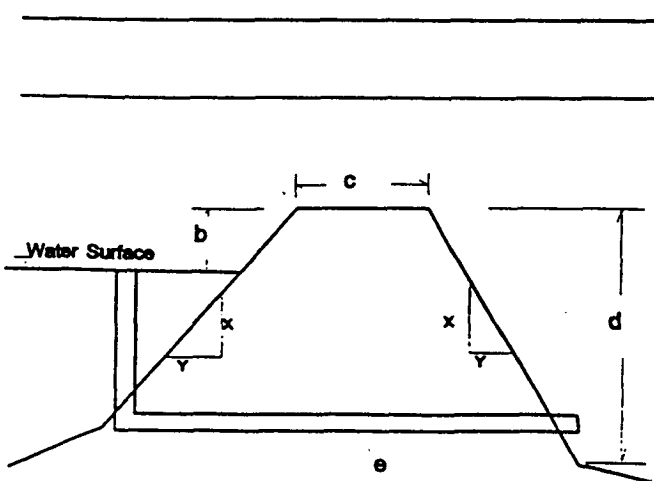
3. Dugout Information

- 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 NW 1/4 Sec 24 Twp 117 Rg 59
County Clark North

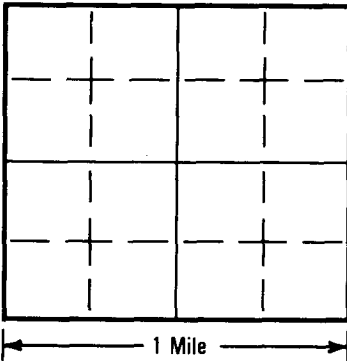
Please mark well location with an "X"

W

E

Well Completion Date

11-15-04



LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe None installed

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	<u>4 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Bentonite No. of Sacks 4 Grout Weight _____ lb./gal From 0 ft To 100 ft
_____ lb./gal _____ ft _____ ft

Describe grouting procedure Pump Grout with tremie line from 100' to Ground Surface

SCREEN: ☐ Perforated pipe ☐ Manufactured None Installed

Diameter _____ IN Length _____ FEET

Material _____

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? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: used chlorox

☐ NO, Why Not? Water when Drilling

Laboratory sent to for water quality analysis

No Sample taken Test hole

Well Owner: Louis Fritz
Business Name: Same
Address: Rt 2 Box 10 Baymond S.D.
605-532-5744

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>yellow clay</u>	<u>1</u>	<u>28</u>
<u>Blue clay</u>	<u>28</u>	<u>114</u>
<u>Rock</u>	<u>114</u>	
<u>Blue clay</u>	<u>114</u>	<u>120</u>
<u>Gravel</u>	<u>120</u>	<u>121</u>
<u>Blue clay</u>	<u>121</u>	<u>151</u>
<u>Fine sand</u>	<u>151</u>	<u>170</u>
<u>medium sand</u>	<u>170</u>	<u>181</u>

STATIC WATER LEVEL unknown 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: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Fine sand 181 - 182
medium sand 182 - 187
fine sand 187 - 200
coarse sand 200 - 238

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling

Signature of License Representative: Byron Manikowski

Signature of Well Owner or Equitable Property Holder: Louis Fritz

Date: 12-27-04

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DEC 30 2004

WATER RIGHTS PROGRAM

T# 2208
Fld# 1
GIS A= 127.9

T# 2215
Grassland Easement
GIS A= 128.5

T# 2215
Fld# 1
GIS A= 26.7

T# 1407
Fld# 1
GIS A= 10.9

Clark Co. Farm
Service Agency by
24-117-59

United States Department of Agriculture
Farm Service Agency

Lisa Clausen
11-26-04

Clark County

January 21, 2004

1997 Digital Orthophotography - Not To Scale



6560-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 30, 20 04

RECEIVED OF Louis Fritz, RR 2 Box 10, Raymond SD 57258

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

Fee for Application for Permit No. <u>6560-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>6560-3</u>	50	00
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. _____		
<i>\$75 of this fee transferred to No 6578-3</i>		
(Any Other Work Provided by Law)	TOTAL	375.00

No. 001572

By

Stanley E. White
Chief Engineer
gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 30, 2004

Louis Fritz
Rt 2 Box 10
Raymond SD 57258

Dear Mr. Fritz:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Clark County. In order to complete the application the following needs to be clarified.

The application indicates you are proposing to irrigate the SW $\frac{1}{4}$ Section 24 and SW $\frac{1}{4}$ Section 14; T117N-R59W. The areas outlined for irrigation on the aerial photo maps are the NW $\frac{1}{4}$ Section 24 and NW $\frac{1}{4}$; T117N-R59W. Which location is correct? I have enclosed copies of the application and maps. Please make the necessary changes.

Also, are you requesting 900 gallons per minute from each well or 900 gallons per minute total from both wells?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

Louis Fritz
RR 2 Box 10
Raymond SD 57258

Dear Mr. Fritz:

The Water Rights Program has received and reviewed your water permit application to appropriate water for irrigation of two quarter sections in Clark County. Upon final review for the purpose of making a recommendation, the Chief Engineer determined that a separate application is necessary for each quarter section.

The decision to require separate applications was based on water rights law which states "Any application and permit to appropriate water shall refer to one water use system, the location of which shall be described in the application". The two quarter sections proposed to be irrigated are approximately one mile apart and operate entirely independent of each other.

The application filing fee for each application to irrigate 160 acres is \$300. The total for the two applications is \$600. You submitted \$375 with your original filing so the balance to be submitted is \$225. Please submit a check in this amount made payable to the "State of South Dakota" and return in the enclosed self addressed stamped envelope. The application you previously submitted will be amended by splitting it into two separate applications to appropriate 900 gallons per minute to irrigate a 160 acre quarter section. We will then proceed to public notice your applications.

If you have any questions on why the determination for two separate applications was made, please feel free to contact me.

Sincerely,

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

enclosure

Water Rights Program - File Documentation

NAME: Louis Fritz

ADDRESS: RR 2 Box 10, Raymond SD 57258

DATE: 4-6-05 **COUNTY:** CK **TELEPHONE:** 605 532-5744

RE: Pending Application

COMMENTS:

Louis Fritz called regarding my letter of December 30th. Mr. Fritz indicated the application should be changed. The lands he intends to irrigate are located in the **NW ¼ Section 24** and **NW ¼ Section 14**; T117N-R59W. The wells will be located in the approximate centers of each quarter.

Mr. Fritz further indicated that he is requesting 900 gpm from each well for a total of 1800 gpm.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 6560-3
For Louis Fritz
February 1, 2005

Application No. 6560-3 proposes to appropriate 2.0 cfs (900 gpm) from one well approximately 238 feet deep located in the center of the NW ¼ of section 24 to irrigate 160 acres located in the NW ¼ of section 24; in T117N R59W in Clark County.

AQUIFER- ALTAMONT (A)

The Altamont is a buried outwash (sand and gravel) that is under confined or artesian conditions at this site. The Altamont aquifer underlies 537,200 acres and contains an estimated 3.326 million acre-feet of recoverable water in storage in Clark County (Hedges, 1982). Ground water movement is from east to west across the area of this application (Hamilton, 1986). The Altamont aquifer as described in the Hedges report is roughly equivalent to the combined Altamont No. 2 and Altamont No. 3 aquifers as described in the Hamilton report. Hamilton reported that the Altamont No. 2 aquifer (source aquifer for this application) has an extent of 630 square miles and contains an estimated 3.23 million acre-feet of water in storage in Clark County (Hamilton, 1986). The Altamont aquifer system also receives about 54,000 acre-feet of recharge annually (Hamilton, 1986).

The driller's log filed with the application indicates fine sand (aquifer) beginning at a depth of 151 feet changing to medium, fine and coarse sand with a total depth of 238 feet. This test well log was located in the NW ¼ of section 24, T117N R59W. No test pumping or water level data is available for this well but an irrigation well located one mile west of this application was capable of producing 425 gpm with four feet of drawdown or a specific capacity of 106 gpm/ft of drawdown. It appears the existing irrigation well and the proposed well at this site would be in the same aquifer.

The Water Rights Program monitors two observation wells completed into the Altamont aquifer and within two miles of this application. CK-78D is located about two miles northwest of this application and CK-78E is located about one mile southwest of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). Even though the drilling data indicates that the aquifer is under artesian conditions the observation well data would show that the aquifer behaves more like a water table situation. That is, there is not a very large fluctuation in the water table as would be expected in the artesian situation.

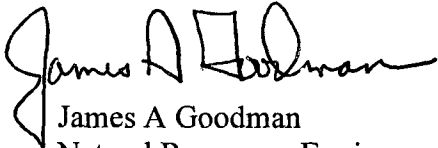
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest water permits are Nos. 6442-3 and 6188-3 and both are for the applicant. Interference is not a concern. This is primarily because of the well test information

provided with water permit No. 6188-3 and the fact that the observation well water levels do not fluctuate significantly.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is buried and under artesian conditions. However, the aquifer appears to behave more like a water table situation. Interference is not expected to be a concern. Drawdown created by pumping does not appear to be significant. All the high capacity wells in the immediate area are held by the applicant.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.

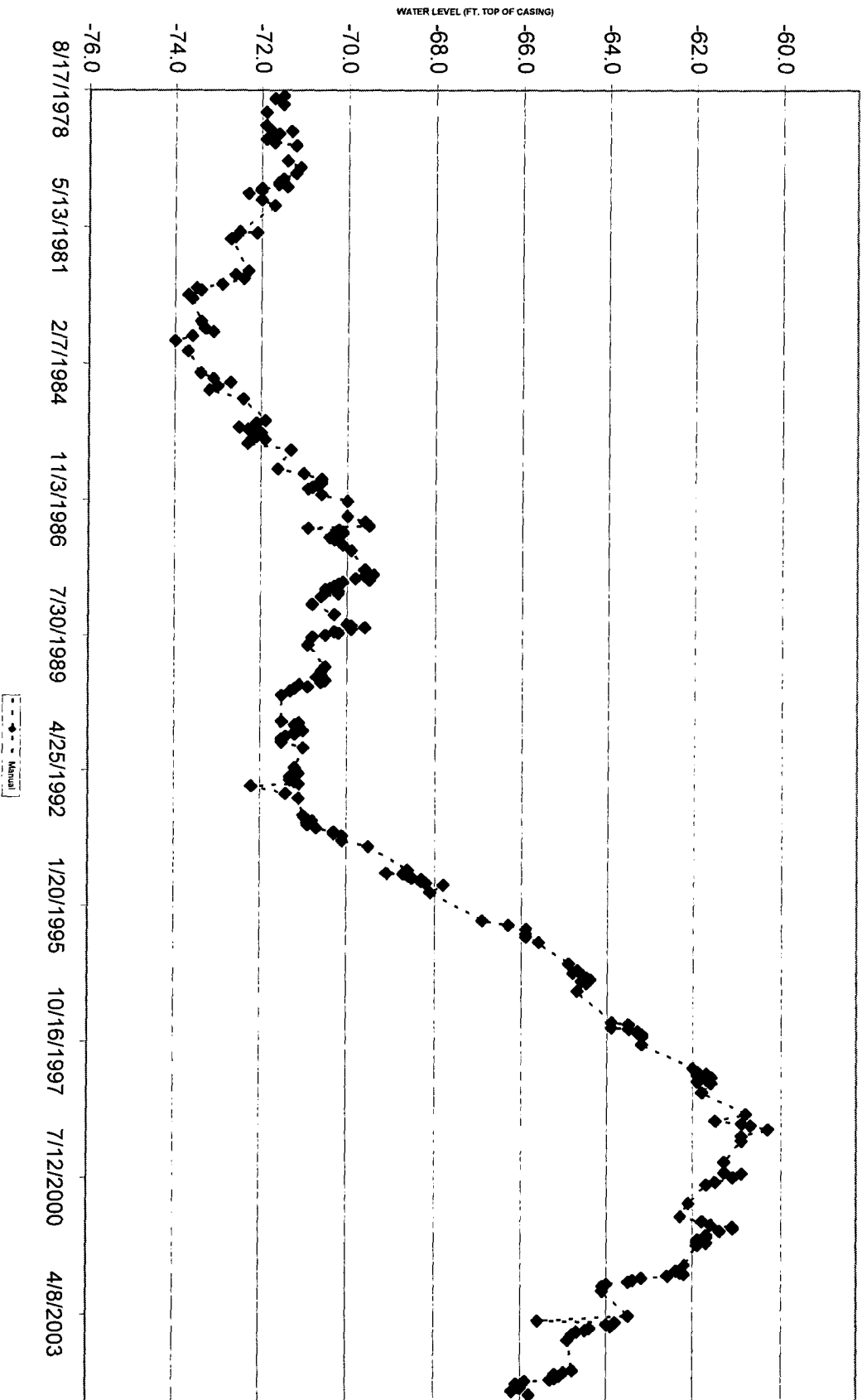


James A Goodman
Natural Resources Engineer

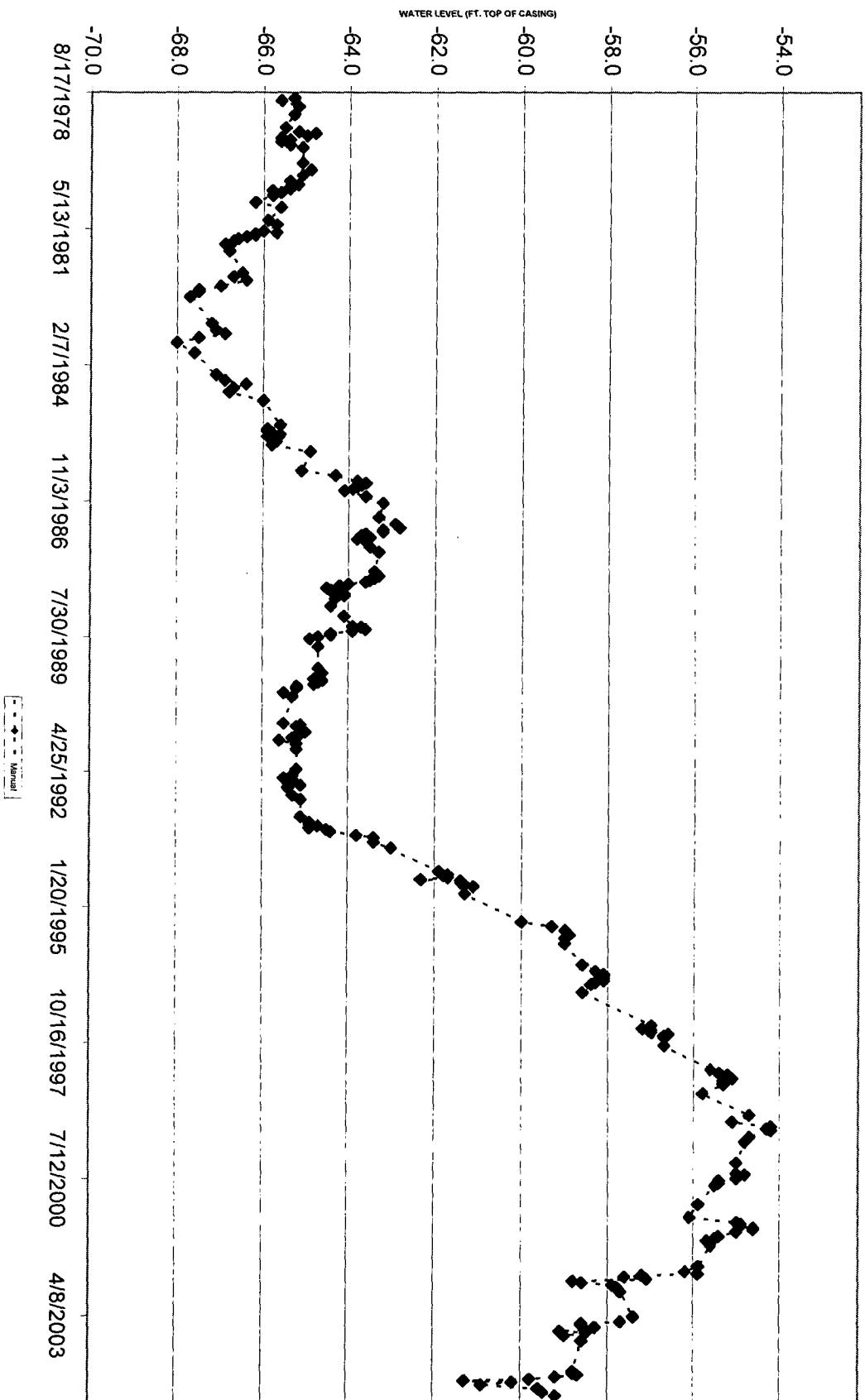
BIBLIOGRAPHY

- Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., and others, 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, 2005, Unpublished Observation Well Data for Clark County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL CK-78D



WATER RIGHTS' OBSERVATION WELL
CK-78E





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6560-3, Louis Fritz**

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. 6560-3, Louis Fritz, RR 2 Box 10, Raymond SD 57258.

The Chief Engineer is recommending APPROVAL of Application No. 6560-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. 6560-3 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
February 2, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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.

February 3, 2005

Louis Fritz
RR 2 Box 10
Raymond SD 57258

Dear Mr. Fritz:

Water Permit Application Nos. 6560-3 & 6578-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. The notice has been sent to the Publisher of the Clark County Courier printed at Clark, SD (Ph # 605-532-3654). You will need to contact the newspaper and authorize publication of the 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notices once each week for two consecutive weeks. 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 application.

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.

Instruction to Newspaper - Publish first Notice on February 9, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOs. 6560-3 and 6578-3 to Appropriate Water

Notice is given that Louis Fritz, RR 2 Box 10, Raymond SD 57258 has filed two applications for a water permit. Application No. 6560-3 to appropriate 2.0 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 238 feet deep) located in the center of the NW ¼ Section 14 to irrigate 160 acres located in the NW ¼ Section 14; all in T117N-R59W.

Application No. 6578-3 for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 238 feet deep) located in the center of the NW ¼ Section 24 to irrigate 160 acres located in the NW ¼ Section 24; all in T117N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6560-3 and 6578-3 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 February 28, 2005.

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

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

February 3, 2005

Clark County Courier
119 1st Ave East
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice for Application Nos. 6560-3 & 6578-3 to Appropriate Water to be published twice. Please publish the first notices on February 9, 2005 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 Louis Fritz, RR 2 Box 10, Raymond SD (Ph # 605-532-5744).

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-----

Nos. 6560-3 & 6578-3

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

Date _____

We are in receipt of your letter of February 3, 2005 enclosing Notice to Appropriate Water by Application Nos. 6560-3 & 6578-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

File No. 6578-3
6560-3

Water Rights Program - File Documentation

NAME: Louis Fritz

ADDRESS: Raymond SD

DATE: 8-18-05 **COUNTY:** CK **TELEPHONE:**

RE: Publication Notice

COMMENTS:

When writing up these two water permits, it was discovered that the public notice as sent and published in the Clark County Courier had the permit numbers switched. The legal descriptions of the lands and diversion points are all correct. Just the permit numbers were switched.

It was determined by staff that this would not invalidate the public notice.

Karen Schlaak

Karen Schlaak
Environmental Scientist



CLARK COUNTY COURIER

119 First Avenue East
Clark, SD 57225

Voice: (605) 532-3654
Fax: (605) 532-5424

NOTICE OF APPLICATION NOs. 6560-3 and 6578-3 to APPROPRIATE WATER

Notice is given that Louis Fritz, RR 2 Box 10, Raymond, SD 57258, has filed two applications for a water permit. Application No. 6560-3 to appropriate 2.0 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 238 feet deep) located in the center of the NW1/4 Section 14 to irrigate 160 acres located in the NW1/4 Section 14; all in T117N-R59W.

Application No. 6578-3 for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 238 feet deep) located in the center of the NW1/4 Section 24 to irrigate 160 acres located in the NW1/4 Section 24; all in T117N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6560-3 and 6578-3 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 February 28, 2005.

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. Pinner Secretary

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

NOTICE TO APPROPRIATE WATER NOs. 6560-3 6578-3

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

February 9, 2005
February 16, 2005

RECEIVED

MAR - 7 2005

WATER RIGHTS
PROGRAM

that the full amount of the fees for the publication of the annexed notice is

\$45.18

William J. Krikac

Subscribed and sworn to before me this

2nd day of March, 2005

Antwentyl Seefeldt

Notary Public
Clark County, South Dakota

My commission expires: 10-02-07

February 22, 2005

Jim Goodman, Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

RECEIVED

FEB 23 2005

WATER RIGHTS
PROGRAM

I, Gregory J. Kopriva, Jr., do hereby file this petition contesting application number 6578-3 to appropriate water. The proposed irrigation well would endanger the improved spring located in the North East quarter of section 24-T117N-59W Clark County, South Dakota. This spring is the only dependable source of domestic water on this tract. The spring flowed in 1934, the height of the drought, and all thru the 1930's. It also flowed during the locally severe drought in 1976 and 1977. If this spring is compromised by the proposed irrigation well, I will be forced to trench in rural water from a mile and a half away at a cost of over \$2.00 per foot, plus the hook up fee, plus the monthly bill which would average around \$50.00 per month. Digging a well might cost less but would require maintenance and would still have about the same monthly fee for electricity, a bill that needs to be paid every month forever. I know of a similar situation about 10 miles south of here. A free flowing spring on the edge of the Coteau Hills was dried up by a nearby irrigation well into the Altamont Aquifer. The experts and engineers say this event is unlikely but they cannot guarantee this new proposed well will not dry up my spring.

In conclusion, this proposed well puts my livelihood at risk. After 3 open winters (looks like this current one is number 4) with little or no runoff, 16 of my 18 dams and dugouts were dry, this spring and one other spring were my only dependable water. This spring is an integral part of my livestock operation. This new irrigation well will likely put a heavy financial burden upon me and my children justified by a risk from which I have nothing to gain. I, therefore have no choice but to stand in opposition to this water application.



Gregory J. Kopriva, Jr.
RR 2 Box 8
Raymond, SD 57258

cc Louis Fritz
cc Valois Danekas

Feb. 23, 2005

Jim Goodman, Chief Engineer
Water Rights Program
Foss Building
523 E Capital
Pueblo, S.D. 57501

RECEIVED

FEB 24 2005

WATER RIGHTS
PROGRAM

Dear Sir:

I have recently learned from the farmer, who rents my native grass pasture in the NE $\frac{1}{4}$ of 24-117N-59 in Clark County, that a proposed irrigation well may be dug near by. Gregory Kopriva is my renter, and he has filed a petition to Contest this application, 6578-3.

My husband, Willie Danekas, bought that quarter of land shortly after we were married in 1947 because there was a spring fed Creek that was used to supply water for our cows. Since then we never had to worry about the dug-out drying up because the spring produced water all year long. Now that my husband has passed away, I intend to continue renting that pasture. I do not want an irrigation well drilled near that spring if there is a chance it will diminish the generous flow of water.

I may also add that I have a grassland easement

with the U.S. Department of Interior and the U.S. Wild Life Service that prohibits any cultivation on that quarter of land. The pasture will always be used for grazing and that spring is the only source of water. For these reasons I definitely oppose this water application.

Sincerely,
Valois J. Kenekas

February 24, 2005

RECEIVED
FEB 28 2005
WATER RIGHTS
PROGRAM

Re: Louis Fritz
Applications No. 6578-3
and 6560-3

From: Dan and Kathy Weber
RR 2 Box 91
Clark, SD 57225

We own and operate land in Raymond Township- S 1/2 of Sec. 24 and N 1/2 Sec 25 in Raymond Twsp. and Pasture in Section 19 & 30 in Garfield Twsp and rent land in Sec 19 in Garfield. Our program is mostly grass cattle and we rely heavily on our spring fed creeks to water these cattle.

We are concerned about another application for irrigation by Louie Fritz. We have contacted him and while we believe he has the right to do his program, we are concerned it could affect our livelihood, causing undue hardships for us and our neighbors. We do feel we can work with Louie and have visited with him regarding our concerns- however we wonder if there will be a problem with future land owners if circumstances dictate that change. We wonder about future expenses if a well needs to be dug or rural water put in at \$10,000 /mi. and \$200.00/mo. as we now have no monthly expenses with our current situation. We experienced no water shortage in the drought of 1976 and understand as far back as 1934 there was water in those springs.

The engineer we spoke with stated he didn't think there would be any problems - however in visiting with farmers in the southern part of the county - when the irrigation pumps run - their springs dry up. We understand that there could be 7 to 8 wells pulling off the same aquifer within 8 to 10 miles.

While we don't wish to hold off neighbors profits , we've worked awfully hard for the last 30 plus years to let this go without expressing our concerns.

Thank you for your consideration.

 
CC: Louis Fritz



**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 4, 2005

NOTICE

TO: Louis Fritz
RR 2 Box 10
Raymond SD 57258

Gregory J. Kopriva, Jr.
RR 2 Box 8
Raymond SD 57258

Dan and Kathy Weber
RR 2 Box 91
Clark SD 57225

Valois J Danekas
1014 Pebble Beach Drive
Clark SD 57225

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application Nos. 6560-3 and 6578-3, Louis Fritz

Petitions have been submitted in opposition to issuance of Water Permit Application Nos. 6560-3 and 6578-3 filed by Louis Fritz. Specifically, all petitioners opposed Application No. 6578-3 while only the Weber's petition opposed Application No. 6560-3. The petitions were filed in response to the Notice of Application to appropriate water published in the Clark County Courier. This notice schedules a hearing for the Water Management Board to consider these applications.

Application No. 6560-3 proposes to appropriate 2.0 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 238 feet deep) located in the center of the NW ¼ Section 14 to irrigate 160 acres located in the NW ¼ Section 14; all in T117N-R59W.

Application No. 6578-3 proposes to appropriate 2.0 cubic feet of water per second from one well to be completed into the Altamont Aquifer (approximately 238 feet deep) located in the center of the NW ¼ Section 24 to irrigate 160 acres located in the NW ¼ Section 24; all in T117N-R59W.

The Water Management Board will conduct hearings to consider Application Nos. 6560-3 and 6578-3 at 10:30 AM, Wednesday, May 4, 2005, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD 57501. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items. Future notice will be provided to all parties if there is a change in the hearing date or time.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6560-3 and 6578-3 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. The Chief Engineer's recommendation is not final or

binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny either of these applications based on the evidence presented at the public hearing.

The May 4, 2005, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party of record opposing the applications. The request for an automatic delay must be filed by April 22, 2005.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by April 22, 2005, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

The applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-6-3, 46-6-3. 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by April 22, 2005.

CERTIFICATION

I hereby certify that on March 4, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2005 regarding Notice of Hearing on Water Permit Application Nos. 6560-3 & 6578-3 addressed as stated below:

Louis Fritz
RR 2 Box 10
Raymond SD 57258

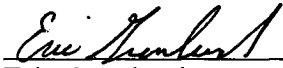
Gregory J Kopriva Jr
RR 2 Box 8
Raymond SD 57258

Dan & Kathy Weber
RR 2 Box 91
Clark SD 57225

Valois J Danekas
1014 Pebble Beach Dr
Clark SD 57225

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



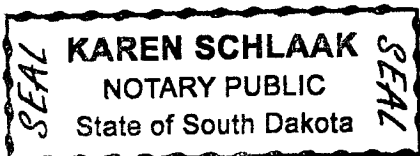
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 6, 2005

NOTICE

TO: Louis Fritz
RR 2 Box 10
Raymond SD 57258

Gregory J. Kopriva, Jr.
RR 2 Box 8
Raymond SD 57258

Dan and Kathy Weber
RR 2 Box 91
Clark SD 57225

FROM: Garland Erbele, Chief Engineer,
Water Rights Program, DENR

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, Assistant Attorney General, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the approval of Water Permit Application Nos. 6560-3 and 6578-3 filed by Louis Fritz. The Board will consider adoption of Findings, Conclusions and Final Decision at 1:00 PM, on July 6, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and parties by June 16, 2005. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) by June 27, 2005.

At the Board's discretion, oral arguments by parties who timely filed written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on July 6, 2005. The public hearing was completed on May 4, 2005. No additional testimony will be received on July 6, 2005.

If either parties has questions about the findings process, please contact Eric Gronlund at (605) 773-3352.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

WATER MANAGEMENT BOARD MEMBERS

Francis E. Brink
1214 South Wells Street
Aberdeen, SD 57401-7351

Leo Holzbauer
29416 395TH Avenue
Wagner, SD 57380

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Marian Gunderson
811 West 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S
Brookings SD 57006-2741

James Hutmacher
802 East 7th Street
Oacoma SD 57365

BOARD ATTORNEY

John Guhin, Deputy Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

WATER RIGHTS PROGRAM

Department of Environment and
Natural Resources

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

STAFF ATTORNEY

Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

CERTIFICATION

I hereby certify that on May 6, 2005, I personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 6, 2005, regarding a consideration of findings of fact, conclusions of law and final decision in the matter of Water Permit Application Nos. 6560-3 and 6578-3, Louis Fritz, addressed as stated below.

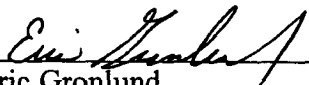
Louis Fritz
RR 2 Box 10
Raymond SD 57258

Gregory J. Kopriva, Jr.
RR 2 Box 8
Raymond SD 57258

Dan and Kathy Weber
RR 2 Box 91
Clark SD 57225

A copy of the Notice was sent Inter-office to:

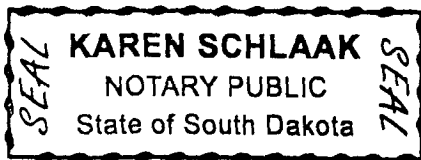
John Guhin, Assistant Attorney General
Diane Best, Assistant Attorney General


Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 2005.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

MARK BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED
JUN 15 2005
WATER RIGHTS
PROGRAM

June 14, 2005

Francis E. Brink
1214 S. Wells St.
Aberdeen, SD 57401-7351

Leo Holzbauer
29416 395th Ave.
Wagner, SD 57380

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd St.
Rapid City, SD 57702-0240

Marian Gunderson
811 W. 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S.
Brookings, SD 57006-2741

James Hutmacher
802 E. 7th St.
Oacoma, SD 57365

Louis Fritz
RR 2, Box 10
Raymond, SD 57258

Gregory J. Kopriva, Jr.
RR 2, Box 8
Raymond, SD 57258

Dan and Kathy Weber
RR 2, Box 91
Clark, SD 57225

INTEROFFICE:

HAND DELIVERY:

✓ Garland Erbele
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Diane Best
Assistant Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501-5070

RE: Proposed Findings of Fact, Conclusions of Law, and Final
Decision in No. 6560-3, Louis Fritz

Dear Members of the Water Management Board/Interested Parties:

Pursuant to the direction of the Board, I am herewith enclosing
proposed Findings of Fact, Conclusions of Law and a Final
Decision.

Please see the Notice of the Chief Engineer of May 6, 2005.
Please also note that the Final Decision may be modified to

Water Management Board

June 14, 2005

Page 2

include the actual location of the sources of water protected by the permit.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John P. Guhin". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Guhin".

John P. Guhin

Assistant Attorney General

JPG:dp

Enclosures

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	FINDINGS OF FACT,
PERMIT APPLICATION NO.	)	CONCLUSIONS OF LAW AND
6560-3, LOUIS FRITZ	)	FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate 2.0 cfs from one well approximately 238 feet deep. The proposed use of the water is to irrigate 160 acres in Clark County.

2. The proposed source of water is the Altamont aquifer, a buried outwash of sand and gravel that is under confined or artesian conditions at the site. The Altamont aquifer underlies 537,200 acres and contains an estimated 3.326 million acre feet of recoverable water in storage in Clark County.

3. The Altamont aquifer system receives approximately 54,000 acre feet of recharge annually.

4. The driller's log for the well proposed to be used in this application indicates that the driller encountered clay from ground level to roughly 150 feet below ground level and encountered fine, medium to course sand from 151 feet to 238 feet below surface level. The driller's log did not indicate a static water level.

5. At the test of that well, the driller was able to produce 425 gallons per minute with four feet of draw down.

6. An observation well roughly a mile and a half to the southwest of the proposed well indicates water levels in the aquifer rose between 1978 and 2000. Water levels appear to be declining after the year 2000 to the present.

7. It appears that a well into the Altamont aquifer at this location would be viable and prolific.

8. The issue in this case arises from the presence of an uncommon natural phenomenon - a fen. A fen is an outpouring of ground water rich in calcium and magnesium. The water is said to spew out or bubble out of the ground. Photographs included in Weber Exhibit 2 indicate a definitive change in vegetation in the area identified as a fen.

9. The fen is located approximately 7/10ths of a mile southeast of the proposed well. It is found in rough, hilly country at about 1600 feet msl.

10. The evidence indicates that the fen has been flowing for an extended period of time, including the very dry period which accompanied the depression of the 1930s.

11. Because of the uncommon nature of fens, this fen is worthy of protection in its own right. Moreover, this fen produces water which Mr. Weber utilizes for the watering of cattle.

12. The State's expert had not visited the site of the fen, but testified that pumping under this application was unlikely to affect the fen. The State's expert explained his view that the fen is located at 1600 feet msl. Thus, the water must rise to 1600 feet msl so that the area can operate as a fen. The State's expert, however, also explained his view that water in the Altamont aquifer rises only to the level of 1450 or 1460 feet msl. Therefore, the State's expert reasons, the source of water of the fen must be different than the Altamont aquifer.

13. The opponents of the application reply, essentially, that (1) there has been no study of the relationship of the fen and the proposed pumping under the application; (2) that the fen is of such exceptional importance special care should be taken to preserve it; (3) the proximity of the fen and the proposed well (7/10th of a mile) raises a special concern, and that, (4) if the fen is depleted not only will a natural resource be lost, a valuable source of water for cattle will be lost.

14. Although it is a close question, the Board finds that the concerns articulated by the opponents, in combination, require the imposition of a condition on the permit to protect this uncommon natural resource.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.
3. The proposed diversion can be developed without unlawful impairment of existing rights if an appropriate condition is imposed on the permit. In particular, the Board concludes that an appropriate condition will require identification of the sources of water of the fen and will specifically require protection of those sources of water from depletion of the fen such that pumping under this application does not significantly impair the flow of water in the fen.
4. The proposed use for irrigation is a beneficial use.
5. The proposed use is in the public interest when qualified as set forth below.

FINAL DECISION

The application for Water Permit #6560-3 is granted 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 rights.

2. The well approved under this permit is located near a fen. The well owner under this permit shall control his withdrawals so that his withdrawals do not cause a significant reduction in the flow of water of the fen.

3. The underground water sources which supply the fen and which are protected by paragraph 2 above, are located as follows:
(to be added)

5. The well authorized by Permit No. 6560-3 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.

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

Dated this _____ day of _____, 2005.

By the Board:

Chairman

p1d.jpg FOF, COL and Final Decision in Water Permit No. 6560-3 (dp)

INVESTIGATION OF SPRING (FEN) AREA NEAR RAYMOND
LOCATION – CLARK COUNTY, T117N R59W sec 24
DATE – June 15, 2005

CONTACTS: Gregory J Kopriva (532-3544), Dan Weber (532-5689)

PURPOSE : During the Water Management Board Hearing for Water Permit No. 6560-3 both Kopriva and Weber expressed concern over the possible impacts of this irrigation withdrawal upon their domestic water supplies. Both Kopriva and Weber use section 24 for livestock pasture and depend upon springs for a water supply. Kopriva uses the northeast quarter of section 24 and Weber the south one-half of section 24. The purpose of this investigation was to look at the springs (fen), locate using GPS and provide a write up of the investigation for the Chief Engineer.

I met Kopriva at Weber home about 10 AM on June 15, 2005. Weber was at work and unable to go along. Kopriva took me on a tour of section 24. The first stop (#3) was at Kopriva's dugout located in the SE ¼ NE ¼ of section 24. (latitude N 44° 53.499' longitude W 97° 03.697') **For some reason this GPS reading appears to be in error, it should read latitude N44°55.852' longitude W97°51.852'. This second reading was calculated from the map.** This site was standing at the southern edge of the dugout. The dugout is constructed next to the creek. The creek is routed around the west side of the dugout and the dugout is blocked off from the stream by the spoils from the excavation. This is to prevent runoff from getting into the dugout and filling it up with sediment. The stream at this site was free flowing. The dugout was full and appeared to have some flow out of the north end into the small stream. From the dugout we walked downstream about one-half mile where the stream was dry. This downstream location is in the SW ¼ NE ¼ of section 24.

Kopriva went back to get his pickup and I walked over the hill into the S ½ of section 24 to look at an outcrop Kopriva described as badlands. It appeared to me to be loess with some till and formed a nearly vertical cliff. The next stop was the "fen" area on Weber's land located near the center of the SE ¼ of section 24. This is site (#4). The coordinates are (latitude N 44° 55.526' and longitude W 97° 51.925'). This site is at the upper end of the standing water in the draw. The "fen" is a large area of vegetation (cattail type) with standing water. There is mound in the middle of the ponded water that has some woody vegetation. We were able to walk out onto the solid area by walking on the vegetation. It was very spongy and like walking on a water bed around the mound but the mound was solid. However, this area does not appear to be a fen like the ones I am familiar with but there is water seeping from the ground and collecting into a definite stream. Downstream there is a continuous flow. To me it is not important whether this is a fen or not. This is a water supply and the crux of the matter is if this water supply will be affected by the irrigation withdrawal.

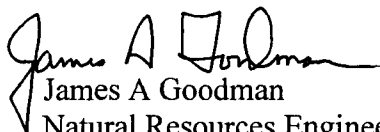
We continued on down the draw with the "fen" until it intersected the larger stream coming in from the southeast located in the SW ¼ SE ¼ of section 24. This stream

intersection was called site (#5) with coordinates (latitude N 44° 55.368' and longitude W 97° 52.021'). The flow from the larger stream was greater than the flow from the fen area. I am not comfortable with my estimated rates of flow but from the creek intersection on downstream the flow appeared to increase considerably downstream (2 to 3 feet wide and six inches deep). We continued to walk downstream probably about one-half mile to site (#6) the cottonwood trees. Walking along the stream and going downstream the flow appeared to diminish going around the large oxbow near the center of section 24. Just west of the oxbow area the creek from the north (which drains Kopriva's pasture) comes into the main creek but there was no flow from the north. The main creek was flowing at this intersection but with diminished rate. We continued on downstream to the cottonwood trees site #6 (latitude N 44° 55.537' and longitude W97° 52.458'). At this site the creek is much larger, with ponded water in natural washouts. The creek may be 2 to 5 feet deep and 15 to 20 feet across. No visible flow at this site. This ended the observations in the pasture and we walked back to the pickup.

The last site was downstream where the creek crosses from section 23 to section 26 (T117N R59W). There are two large culverts at this site and there was some flow from the drainage through the culverts. This site was not located but only observed to determine if there was flow present at this point on the stream.

The bottom line Kopriva and Weber are both concerned that these springs will be affected by irrigation withdrawals located just to the north and west. They use these springs for a water supply for cattle. This report and maps are meant to provide both Kopriva and Weber with some documentation of the water sources located in section 24. Kopriva would like to have some way to measure water levels in the pasture with an observation point (referenced mark of some sort).

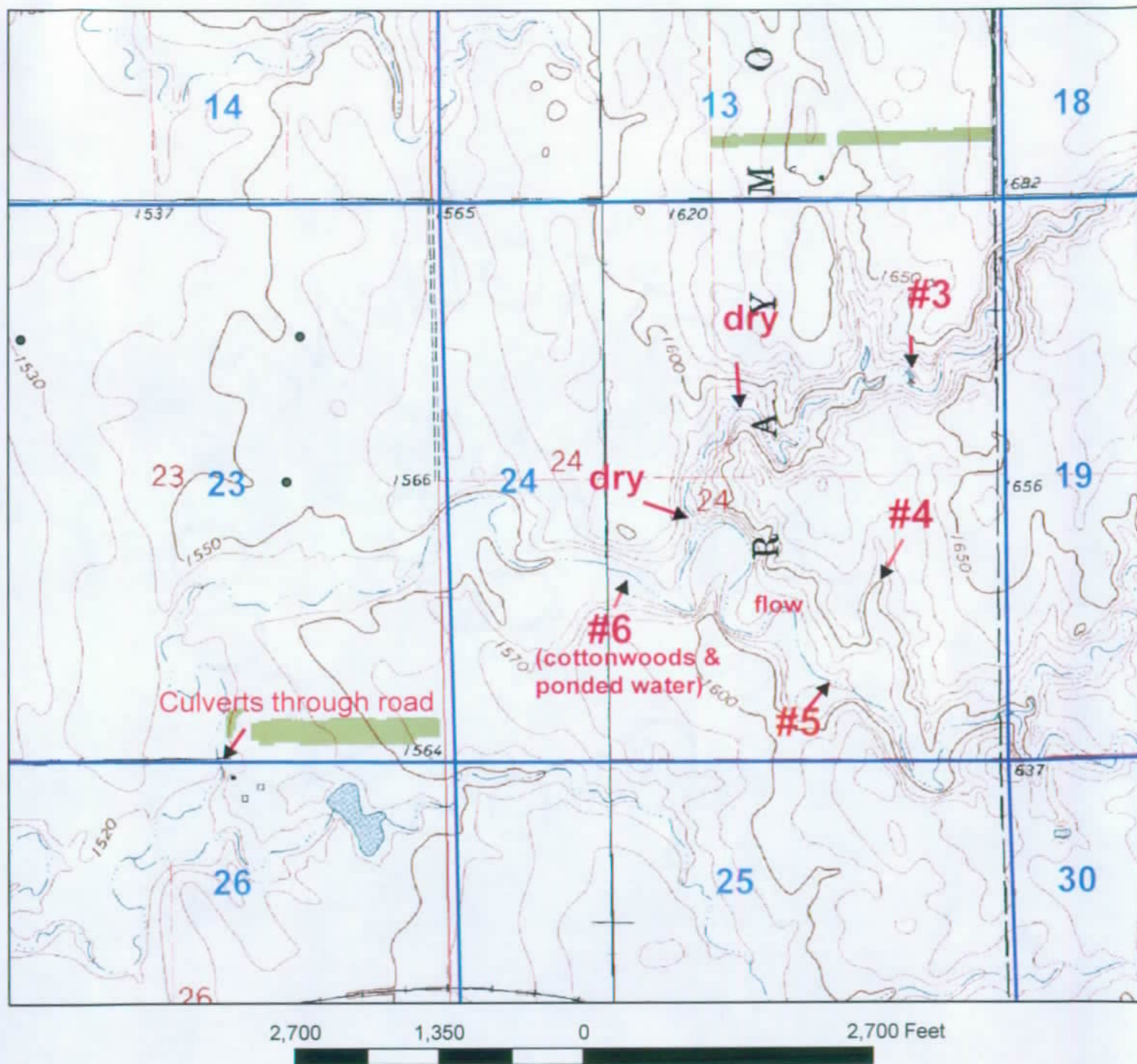
NOTE: For some reason the GPS coordinate for #3 was not correct (my error). The other three sites check out perfectly. The results for #3 were calculated from the map. Also, the topographic contour interval is 10 feet for both maps. If there are any questions or comments let me know.



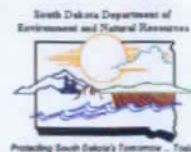
James A Goodman

Natural Resources Engineer
SD DENR, DES, Water Rights Program
(605) 773-3352

MAP
Investigation of Springs (Fen) area near Raymond
Date -- June 15, 2005



Location -- Clark County, T117N, R59W, Section 24



This aerial map illustrates the San Joaquin River watershed, divided into a grid of numbered sections (13, 14, 18, 19, 23, 24, 25, 26, 30). The river is depicted as a blue line, with flow direction indicated by red arrows. Sampling points are marked with red numbers and arrows: #3, #4, #5, and #6. Point #6 is located in section 24, near a road crossing, and is labeled "(cottonwoods & ponded water)". Other points are labeled "dry" or "flow". A scale bar at the bottom indicates distances of 2,700 feet.

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

RECEIVED

JUN 28 2005

WATER RIGHTS
PROGRAM

LARRY LONG
ATTORNEY GENERAL
June 27, 2005

MARK BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

Francis E. Brink
1214 S. Wells St.
Aberdeen, SD 57401-7351

Leo Holzbauer
29416 395th Ave.
Wagner, SD 57380

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd St.
Rapid City, SD 57702-0240

Marian Gunderson
811 W. 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S.
Brookings, SD 57006-2741

James Hutmacher
802 E. 7th St.
Oacoma, SD 57365

John P. Guhin
Assistant Attorney General
500 East Capitol
Pierre, SD 57501-5070

RE: In the Matter of Water Permit Application No. 6560-3,
Louis Fritz and
In the Matter of Water Permit Application No. 6578-3, Louis
Fritz

Dear Board Members:

Enclosed find the DENR Response to Proposed Findings of Fact, Conclusions of Law and Final Decision In the Matter of Water Permit Application No. 6560-3, Louis Fritz.

Another set of Findings of Fact and Conclusions of Law were prepared in In the Matter of Water Permit Application No. 6578-3. The DENR has no objection to entry of those Findings of Fact, Conclusions of Law and Final Decision as drafted.

Sincerely,

Diane Best
Diane Best
Assistant Attorney General

DB:dp

Enclosure

cc: Gregory J. Kopriva, Jr.
Dan and Kathy Weber

Louis Fritz
✓Garland Erbele

STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	DENR RESPONSE TO FINDINGS OF
PERMIT APPLICATION NO.	)	FACT, CONCLUSIONS OF LAW AND
6560-3, LOUIS FRITZ	)	FINAL DECISION

COMES NOW, the Department of South Dakota Department of Environment and Natural Resources, Water Rights Program (hereinafter DENR) and makes its response to the proposed Findings of Fact, Conclusions of Law and Final Decision drafted by Board counsel:

1. The Final Decision, at paragraph 3, requires that the exact location of the "underground water sources which supply the fen" be added to the final decision. At hearing, the DENR agreed to provide this information to the Board. Accordingly, the DENR (Jim Goodman) went to the Weber and Kopriva property and located the latitude and longitude of the Weber "fen" and Kopriva spring/dugout water sources using GPS technology. The water sources involved consisted of a spring and another wet area identified by Weber as a fen. The latitude and longitude of these water sources are as follows:

Kopriva spring/dugout - N44° 55.852' W97° 51.852'

Weber "fen" - N44° 55.526' W 97° 51.925'

2. Mr. Weber testified during the hearing that one of the water sources involved is a fen. The DENR asks that additional language be included in the findings of fact to clarify that

Mr. Weber provided the factual basis for the fen determination:

Nearby landowner Dan Weber testified at hearing that a fen is located approximately one half mile southeast of the proposed well. Although Mr. Weber offered no expert testimony as to the existence of the fen, no other party offered expert testimony either. Accordingly, the Board concludes that this wet area is a fen on the basis of Mr. Weber's testimony.

3. Conclusion of Law 3 is designed to protect water sources on the Weber and Kopriva property from depletion or a significant impairment. As discussed at hearing, the DENR expects that such impairment will not occur since the source of water for this wetland or fen is different from the source of water for the irrigation well (Altamont aquifer). In the event, however, that impairment is claimed, a full examination will likely be required to determine whether the diminishment of water in the wetland or fen is caused by pumping or other factors such as climatic influences. In other words, a decline in water elevation in this wet area ought not automatically invoke a restriction on pumping for this irrigator. The DENR recognizes, of course, that lowered water levels in this area should not automatically be discounted as relating only to climatic influences, either. In light of this situation, the DENR asks that additional language be included in the final decision stating as follows:

By determining that the permit holder is to control his withdrawals so that they do not cause a significant reduction in the flow of water of the fen, the Board holds that such reduction in pumping would be merited upon a showing by the complainant that the reduction in flows were actually caused by the pumping.

4. At the close of hearing, Mr. Weber and Mr. Kopriva asked that the DENR take GPS readings of water elevations of the water sources involved in this case. The DENR indicated that this may be possible. The DENR has not done so at this point. The reasoning of the DENR on this issue is that (a) use of current and future water elevations will not provide automatic relief against pumping in the future absent significant additional analysis; (b) that State expenditure to use this type of GPS technology at this level is unwarranted in light of the state expert's analysis that a completely separate water source is involved anyway; and (c) it is unclear as to whether current water elevations would be representative of the "normal" elevation of the water sources involved.

Dated this 27th day of June, 2005.

Respectfully submitted,



Diane Best
Assistant Attorney General
500 East Capitol
Pierre, SD 57501-5070
Telephone: (605) 773-3215

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of DENR Response to Findings of Fact, Conclusions of Law and Final Decision In the Matter of Water Permit Application No. 6560-3, Louis Fritz, was served by United States mail, first class, postage prepaid, this 27th day of June, 2005 upon the following:

Francis E. Brink
1214 S. Wells St.
Aberdeen, SD 57401-7351

Leo Holzbauer
29416 395th Ave.
Wagner, SD 57380

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd St.
Rapid City, SD 57702-0240

Marian Gunderson
811 W. 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S.
Brookings, SD 57006-2741

James Hutmacher
802 E. 7th St.
Oacoma, SD 57365

Louis Fritz
RR 2, Box 10
Raymond, SD 57258

Gregory J. Kopriva, Jr.
RR 2, Box 8
Raymond, SD 57258

Dan and Kathy Weber
RR 2, Box 91
Clark, SD 57225

INTEROFFICE:

HAND DELIVERY:

Garland Erbele
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

John P. Guhin
Assistant Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501-5070



Diane Best
Assistant Attorney General
500 East Capitol
Pierre, SD 57501-5070
Telephone: (605) 773-3215

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	FINDINGS OF FACT,
PERMIT APPLICATION NO.	)	CONCLUSIONS OF LAW AND
6560-3, LOUIS FRITZ	)	FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate 2.0 cfs from one well approximately 238 feet deep. The proposed use of the water is to irrigate 160 acres in Clark County.

2. The proposed source of water is the Altamont aquifer, a buried outwash of sand and gravel that is under confined or artesian conditions at the site. The Altamont aquifer underlies 537,200 acres and contains an estimated 3.326 million acre feet of recoverable water in storage in Clark County.

3. The Altamont aquifer system receives approximately 54,000 acre feet of recharge annually.

4. The driller's log for the well proposed to be used in this application indicates that the driller encountered clay from ground level to roughly 150 feet below ground level and encountered fine, medium to course sand from 151 feet to 238 feet below surface level. The driller's log did not indicate a static water level.

5. At the test of that well, the driller was able to produce 425 gallons per minute with four feet of draw down.

6. An observation well roughly a mile and a half to the southwest of the proposed well indicates water levels in the aquifer rose between 1978 and 2000. Water levels appear to be declining after the year 2000 to the present.

7. It appears that a well into the Altamont aquifer at this location would be viable and prolific.

8. Nearby landowner Dan Weber testified at hearing that a fen is located approximately one half mile southeast of the proposed well. Although Mr. Weber offered no expert testimony as to the existence of the fen, no other party offered expert testimony either. Accordingly, the Board concludes that this wet area is a fen on the basis of Mr. Weber's testimony.

9. The issue in this case arises from the presence of this uncommon natural phenomenon - the fen. A fen is an outpouring of ground water rich in calcium and magnesium. The water is said to spew out or bubble out of the ground. Photographs included in Weber Exhibit 2 indicate a definitive change in vegetation in the area identified as a fen.

10. The fen is located approximately 7/10ths of a mile southeast of the proposed well. It is found in rough, hilly country at about 1600 feet msl.

11. The evidence indicates that the fen has been flowing for an extended period of time, including the very dry period which accompanied the depression of the 1930s.

12. Because of the uncommon nature of fens, this fen is worthy of protection in its own right. Moreover, this fen produces water which Mr. Weber utilizes for the watering of cattle.

13. The State's expert had not visited the site of the fen, but testified that pumping under this application was unlikely to affect the fen. The State's expert explained his view that the

fen is located at 1600 feet msl. Thus, the water must rise to 1600 feet msl so that the area can operate as a fen. The State's expert, however, also explained his view that water in the Altamont aquifer rises only to the level of 1450 or 1460 feet msl. Therefore, the State's expert reasons, the source of water of the fen must be different than the Altamont aquifer.

14. The opponents of the application reply, essentially, that (1) there has been no study of the relationship of the fen and the proposed pumping under the application; (2) that the fen is of such exceptional importance special care should be taken to preserve it; (3) the proximity of the fen and the proposed well (7/10th of a mile) raises a special concern, and that, (4) if the fen is depleted not only will a natural resource be lost, a valuable source of water for cattle will be lost.

15. Although it is a close question, the Board finds that the concerns articulated by the opponents, in combination, require the imposition of a condition on the permit to protect this uncommon natural resource.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.
3. The proposed diversion can be developed without unlawful impairment of existing rights if an appropriate condition is imposed on the permit. In particular, the Board concludes that an appropriate condition will require identification of the sources of water of the fen and will

specifically require protection of those sources of water from depletion of the fen such that pumping under this application does not significantly impair the flow of water in the fen.

4. The proposed use for irrigation is a beneficial use.

5. The proposed use is in the public interest when qualified as set forth below.

FINAL DECISION

The application for Water Permit #6560-3 is granted 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 rights.

2. The well approved under this permit is located near a fen. The well owner under this permit shall control his withdrawals so that his withdrawals do not cause a significant reduction in the flow of water of the fen. By determining that the permit holder is to control his withdrawals so that they do not cause a significant reduction in the flow of water of the fen, the Board holds that such reduction in pumping would be merited upon a showing by the complainant that the reduction in flows were actually caused by the pumping.

3. The underground water sources which supply the fen and which are protected by paragraph 2 above are located as follows:

Kopriva spring/dugout - N44° 55.852' W97° 51.852'

Weber "fen" - N44° 55.526' W 97° 51.925'

4. The well authorized by Permit No. 6560-3 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.

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

Dated this 13 day of July, 2005.

By the Board:


Chairman

pld.jpg FOF, COL and Final Decision in Water Permit No. 6560-3 (dp)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

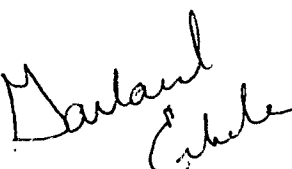
July 18, 2005

NOTICE

TO: Louis Fritz
RR 2 Box 10
Raymond SD 57258

Gregory J. Kopriva, Jr.
RR 2 Box 8
Raymond SD 57258

Dan and Kathy Weber
RR 2 Box 91
Clark SD 57225

FROM: Garland Erbele, Chief Engineer
Water Rights Program, DENR 

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decisions, including Findings of Fact and Conclusions of Law, were adopted July 6, 2005, by the Water Management Board approving Water Right Permit Nos. 6560-3 and 6578-3 filed by Louis Fritz. A copy of the signed Findings of Fact, Conclusions of Law and Final Decisions are enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: John Guhin, Assistant Attorney General
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on July 18, 2005, I personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 6, 2005, regarding a consideration of findings of fact, conclusions of law and final decision in the matter of Water Permit Application Nos. 6560-3 and 6578-3, Louis Fritz, addressed as stated below.

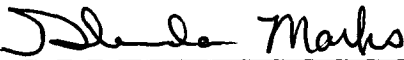
Louis Fritz
RR 2 Box 10
Raymond SD 57258

Gregory J. Kopriva, Jr.
RR 2 Box 8
Raymond SD 57258

Dan and Kathy Weber
RR 2 Box 91
Clark SD 57225

A copy of the Notice was sent Inter-office to:

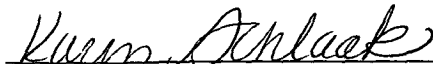
John Guhin, Assistant Attorney General
Diane Best, Assistant Attorney General



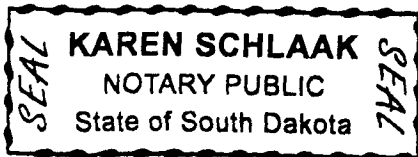
Glenda Marks

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of July, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 24 2005

Louis Fritz
Rt 2 Box 10
Raymond SD 57258

Dear Mr. Fritz:

Enclosed are Water Permit Nos. 6560-3 and 6578-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Two Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

6560-3

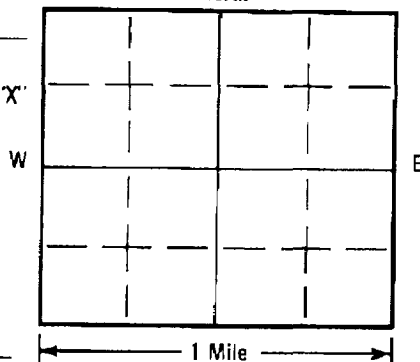
5

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location Center 1/4 NW 1/4 Sec 24 Twp 117 Rg 59
County Clark North

Please mark well location with an "X"



Well Completion Date

4-29-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1600 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1655</u> LB/FT	<u>12</u> IN	<u>+1</u> FT	<u>150</u> FT	<u>14 1/2</u> IN
<u>200</u> LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>1/2 Solid Bentonite</u>	<u>21</u>	<u>8.8</u> lb./gal	<u>0</u> ft.	<u>100</u> ft.
<u>Grout well</u>		(lb./gal)	ft.	ft.

Describe grouting procedure Mixed Grout Pumped through tremie line from 100' To Top of holeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 20 FEETMaterial stainless steelSlot Size 10/40 Set From 150 Feet to 170 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: chlorinated☐ NO, Why Not? water

laboratory sent to for water quality analysis

tremie line from bottom to top of screenWell Owner: Louie Fritz

Business Name: _____

Address: Rt 2 Box 10
Raymond, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>38</u>
<u>Blue clay</u>	<u>38</u>	<u>70</u>
<u>Gravel</u>	<u>70</u>	<u>78</u>
<u>Blue Clay</u>	<u>78</u>	<u>100</u>
<u>Fine sand</u>	<u>100</u>	<u>122</u>
<u>Medium sand</u>	<u>122</u>	<u>135</u>
<u>Coarse Sand & Gravel</u>	<u>135</u>	<u>170</u>
<u>Fine sand</u>	<u>170</u>	<u>190</u>
<u>shale</u>	<u>190</u>	<u>190</u>

STATIC WATER LEVEL 79 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: Submersible Pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

97 ft. After 1 Hrs. pumped 950 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 900 GPM

REMARKS

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling, Inc.Signature of License Representative: Lyron Manikowski

Signature of Well Owner or Equitable Property Holder: _____

Date: 7-30-06

6560-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 3 0 2023

Louis Fritz
41725 168th St
Raymond ST 57258

6560-3

Dear Mr. Fritz:

Enclosed is Water License No. 6560-3. 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.

As 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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6560-3

(1) Louis Fritz, 41725 168th St, Raymond SD 57258, made Application No. 6560-3, December 30, 2004, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Altamont Aquifer), Clark County, South Dakota for irrigation purposes. Permit No. 6560-3, with a priority date of December 30, 2004, was approved July 6, 2005, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 6, 2010, and for the application to beneficial use of water on or before July 6, 2014.

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

- 1,320 ft S & 1,320 ft E of the NW corner of Section 24, T117N, R59W (center of NW ¼)
(Latitude 44.93182 Longitude -97.87625)

(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 24, T117N, R59W	
NW ¼ NW ¼	32.5 acres
NE ¼ NW ¼	32.5 acres
SE ¼ NW ¼	32.5 acres
SW ¼ NW ¼	32.5 acres
TOTAL: 130.0 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Louis Fritz, the holder and/or owner of Water Right No. 6560-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Altamont Aquifer), with a priority date of December 30, 2004, 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. 6560-3 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. The well approved under this Water Right will be located near a fen. The well owner under this Right shall control their withdrawals so that their withdrawals do not cause significant reduction in the flow of water of the fen. By determining that the permit holder is to control their withdrawals so that they do not cause a significant reduction in the flow of water of the fen, the Board holds that such reduction in pumping would be merited upon showing by the complainant that the reduction in flows were actually caused by the pumping.

continued

3. The location of the fen which is protected by paragraph 2 above and the springs are located as follows
 - Kopriva Spring/Dugout: N 44° 55.52' W 97° 51.852'
 - Weber Fen: N 44° 55.526' W° 97 51.925
4. The well authorized by Permit No. 6560-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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 by Manikowski Well Drilling Inc. in 2006. A copy of the well completion report is on file with the Water Rights Program.)*
5. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

JUN 30 2023
date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6560-3

I have this day, June 12, 2023, made a thorough examination of the water use system constructed by Louis Fritz, 41725 168th St, Raymond, SD 57258 of Permit No. 6560-3, bearing the priority of December 30, 2004 authorizing the diversion of 2.0 cu. ft. per second of the waters of the Altamont Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Manikowski Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 170 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 150 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 79 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 GPM

Motor:

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

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

- 1) Type Steel
- 2) Size 8 inches
- 3) Length 10 feet

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: **Uses commercially available injection equipment**

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

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 24 T117N R59W, 1320 ft S & 1320 ft E, Lat 44.93182 Long -97.87625 (center of NW 1/4)
2. 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. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage**All land in Sec 24 T117N R59W**

NW 1/4 NW 1/4 - ~~32.2~~ acres 32.5

NE 1/4 NW 1/4 - ~~30.7~~ acres 32.5

SE 1/4 NW 1/4 - ~~28.3~~ acres 32.5

SW 1/4 NW 1/4 - ~~32.8~~ acres 32.5

comprising a total of ³⁰124.0 acres of land and the license should be issued for 1.78 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.

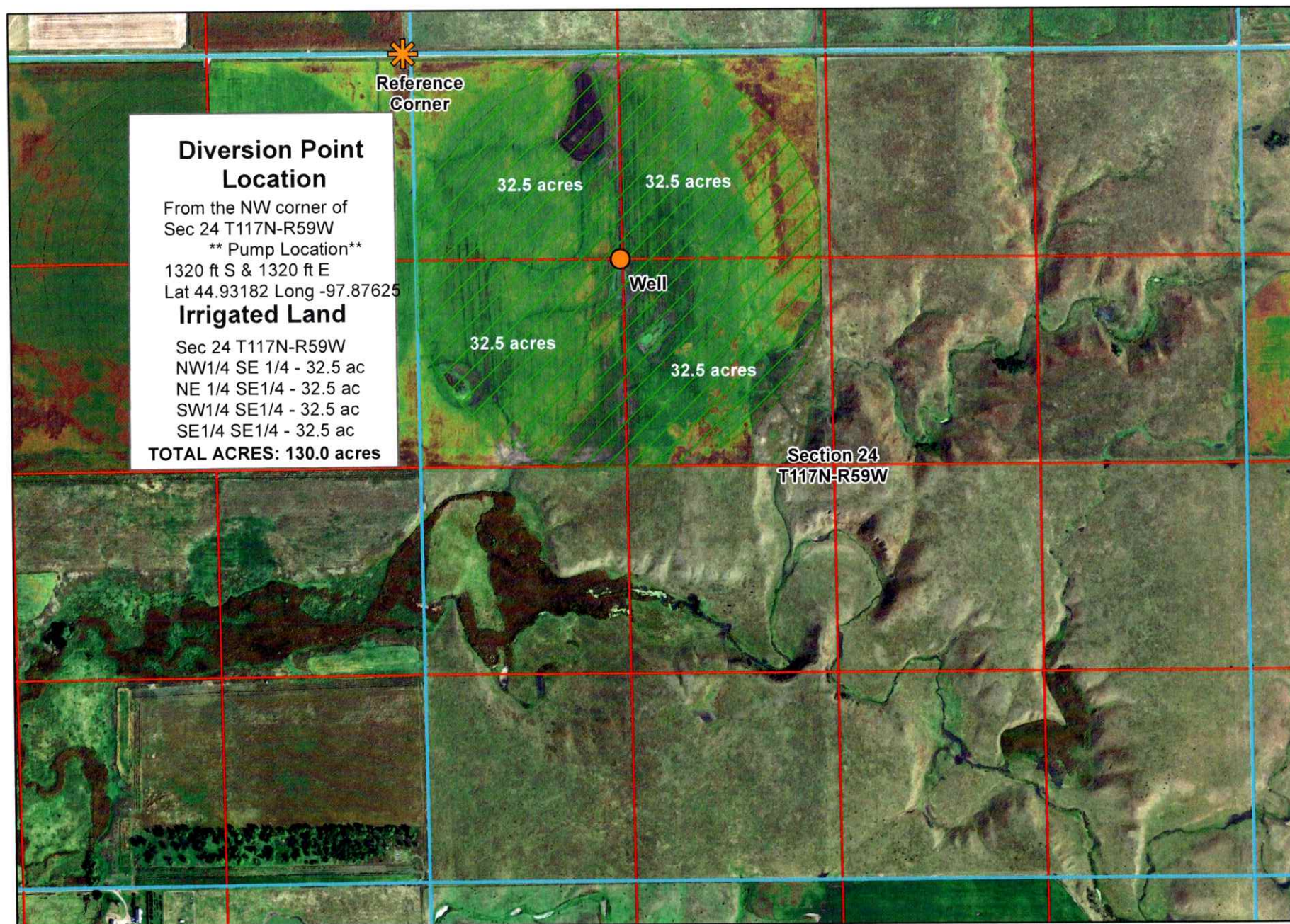
The mailing address in the permit materials is current but the telephone number is 605/881-5841.

I talked to Louis Fritz during the field inspection visit.

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

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **June 21, 2023**



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