

WATER PERMIT NO. 6700-3

Name of Applicant: Tschetter Colony

Address: 27709 Tschetter Ave, Olivet SD 57052

Phone: 605 928-7430

Amount of Water Claimed: no add'l

Total Acres: 74 acres

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System:

Location: 12 miles west of Freeman

PRIORITY

Date Received: 2-28-06

Application/License Fee: \$275

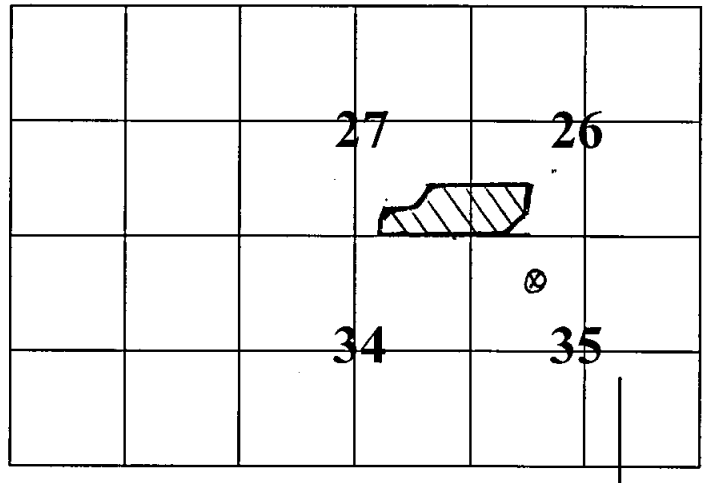
Corrected Application Received:

Period of Annual Use: May 1 – August 31

Remarks: utilizing existing well authorized by Water Right No. 5458-3

Diversion Point: NE ¼ NW ¼ Sec 35-T99N-R58W

Land to be Irrigated: S ½ SE ¼ Sec 27 and SW ¼
SW ¼ Sec 26; all in T99N-R58W



Depth of Well: 240 feet feep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 3-1-06

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>6700-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Freeman Courier, Freeman</u>

RECEIVED
FEB 28 2006
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 Tschetter Colony Phone (605) 928-7430
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 27709 Tschetter Avenue Olivet State SD 57052
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed no add'l CFS or ***GPM ***AF Total Acreage 74
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply existing well authorized by Water Right No. 5485-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hutchinson
NE 1/4 NW 1/4 Sedction 35, T99N, R58W
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used May 1 - August 31 (extend season one month earlier)
- 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
SW 1/4 SE 1/4 Section 27, T99N, R58W	7		
SE 1/4 SE 1/4 Section 27, T99N, R58W	28		
SW 1/4 SW 1/4 Section 26, T99N, R58W	39		

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

Add 74 acres of irrigation from the well authorized by Water Right No. 5485-3. No additional diversion rate authority is requested.

STATE OF SOUTH DAKOTA) SS
County of Hughes

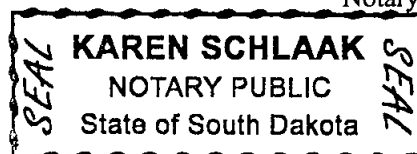
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Aaron Hofer, 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 Aaron Hofer

Subscribed and sworn to before me this 28th day of February 20 06

Karen Schlaak
Notary Public signature



My Commission Expires
April 1, 2007

**SOUTH DAKOTA
WATER PERMIT NO. 6700-3**

Date of first receipt of application February 28, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6700-3 to Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Ave, Olivet SD 57052 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. 6700-3 authorizes irrigation of 74 additional acres. Water Right No. 5485-3 authorizes 1.78 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (240 feet deep) located in the NE ¼ NW ¼ Section 35 to irrigate 173 acres located S ½ SW ¼ Section 26 and NW ¼, W ½ NE ¼ Section 35; all in T99N-R58W. This permit will utilize the existing well authorized by Water Right No. 5485-3 to irrigate an additional 74 acres located in the S ½ SE ¼ Section 27 and SW ¼ SW ¼ Section 26; all in T99N-R58W. No increase in the diversion rate is authorized by this permit.
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 February 28, 2006.
4. The date of approval of Permit No. 6700-3 is April 24, 2006.
5. One-fifth of the construction is to be completed on or before October 24, 2008.
6. All construction is to be completed on or before April 24, 2011.
7. Water is to be put to beneficial use on or before April 24, 2015.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

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

JUN 12 2008
date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 28, 2006

RECEIVED OF Tschetter Colony, 27709 Tschetter Ave. Olivet SD 57052

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

Fee for Application for Permit No. <u>6700-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6700-3</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. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

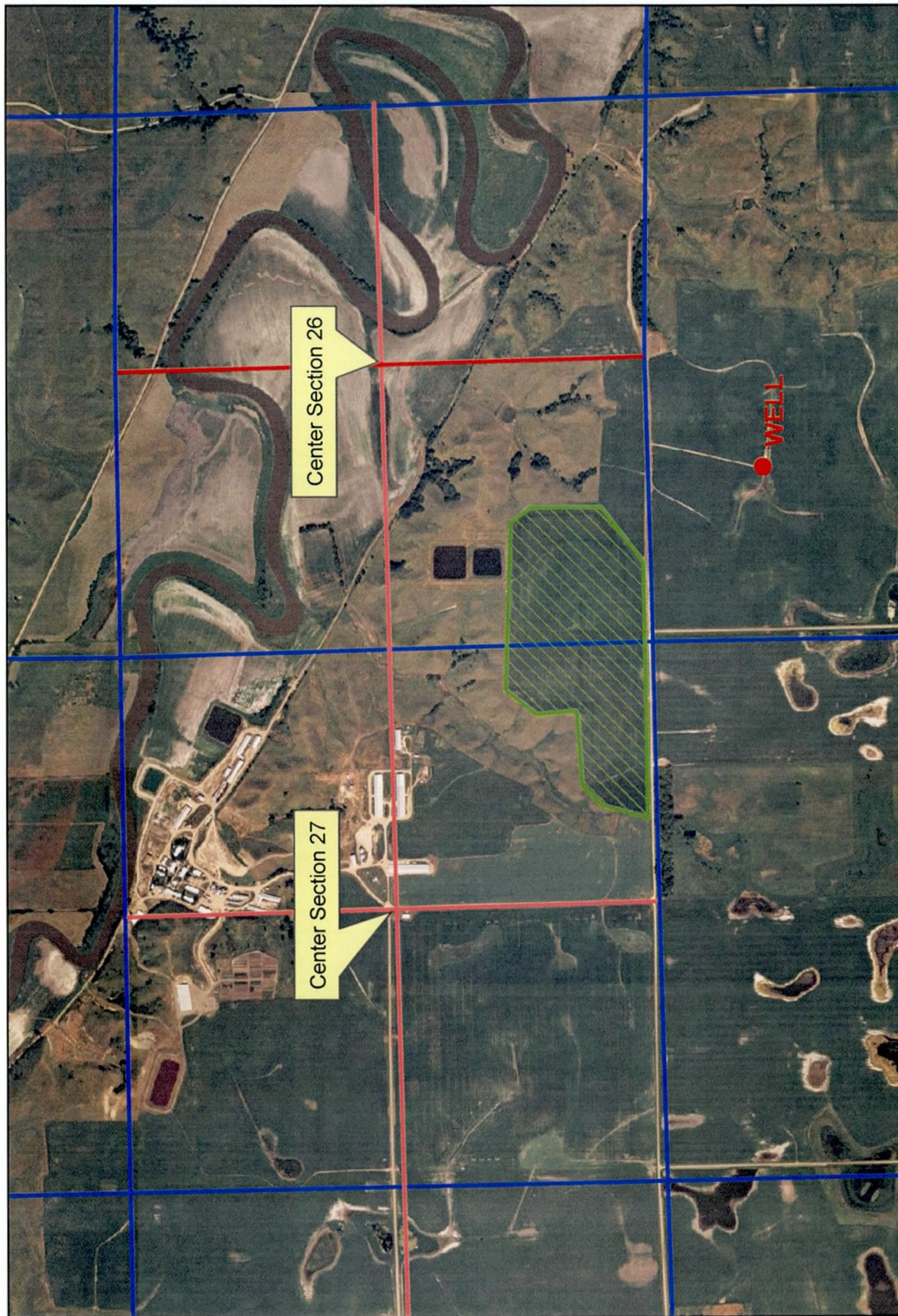
No.

By

Darland Eibel
Chief Engineer

02325

Tschetter Colony Water Permit Application



Irrigation of 74 additional acres from the well authorized by Water Right No. 5485-3 located in the NE 1/4 NW 1/4 Section 23, T99N, R58W



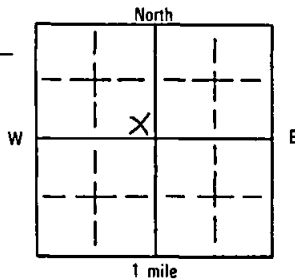
Eric Gronlund
 Eric Gronlund
 Water Rights Program
 February 28, 2006

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 NW 1/4 Sec 35 Twp 99-N Rg 56-WCounty Hutchinson

Please mark well location with an "X"

Well Completion Date 8-17-90

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>1.3</u> IN	<u>0</u> FT	<u>240</u> FT	<u>6</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20 FEETWhat is grouting material? 5 bags CementIf cement, number of sacks? 5Describe grouting procedure
Benite to 160 ft with line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 30 FEETMaterial B.V.C.Slot Size 0.01 Set From 210 Feet To 240 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Tschetter ColonyAddress Olivet, SD. 57052

Well Log: _____ Depth _____

Formation	From	To
Yellow Clay	0	18
Blue Clay	18	20
Blue Clay w/ sand streak	20	40
Blue Clay	40	80
Blue Clay w/ sand streak	80	120
Blue Clay w/ open streak	120	140
Blue Clay	140	160
Tight Sand Med-fine	160	200
Medium-Fine Sand	200	220
Pea Rock	220	240

TD

STATIC WATER LEVEL 110 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped 45 gpm w/ air☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

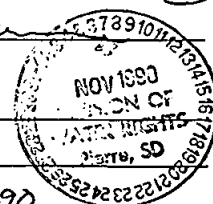
REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well DrillingSignature of License Representative Jerri Pullman

Signature of Well Owner: _____

Date 11-30-90

REPORT ON APPLICATION NO. 6700-3

For Tschetter Colony

March 22, 2006

Application No. 6700-3 proposes to amend Water Right No. 5485-3 to irrigate 74 additional acres. Water Right No 5485-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed in to the Lower James: Missouri Aquifer (approximately 240 feet deep) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35 to irrigate 173 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26 and NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35; all in T99N R58W in Hutchinson County. This application proposes to utilize the existing well authorized by Water Right No. 5485-3 to irrigate an additional 74 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 27 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; all in T99N R58W. No increase in the diversion rate is authorized by this application.

AQUIFER – LOWER JAMES: MISSOURI (LJM)

The Lower James: Missouri Aquifer consists of mantled outwash (sand and gravels) under predominantly water table conditions in the area of this application. The aquifer underlies 93,800 acres and contains an estimated 633,150 acre-feet of recoverable water in Hutchinson County (Hedges, 1982). The aquifer is hydraulically connected to the Choteau East Aquifer to the north, the Lower James: Missouri Scotland Aquifer to the south and the James River. The aquifer extends to Bon Homme and Yankton counties to the south and into Clay County to the southeast. The estimated water use from the Lower James: Missouri was found to be less than the estimated annual recharge to the aquifer.

The Water Rights Program monitors four observation wells located within a five mile radius of this location. The hydrographs for these wells all show the same characteristics with water levels indicating response to climatic conditions; that is, rising water levels during wet periods (recharge) and gradually declining water levels during dry periods. The water level record indicates that the Lower James: Missouri Aquifer is capable of sustaining additional withdrawals. A hydrograph for well HT-82B is included in this report and labeled as Figure 1. (Water Right, 2006).

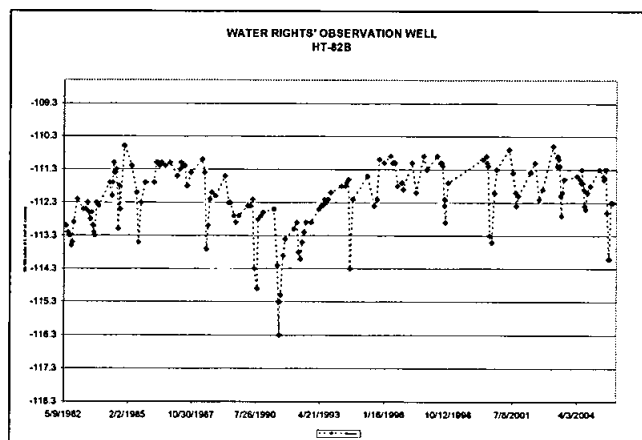


Figure 1. Hydrograph of observation well HT-82B.

There is a test well drillers report on file for this application. The test report indicates clay from surface to 160 feet and medium sand from 160 to 220 feet and pearock from 220 to 240 feet below land surface. The test well was drilled in August of 1990 by Pullman Well Drilling with a static water level of 110 feet and a total depth of 240 feet below land surface. No information is available for the as build production well.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

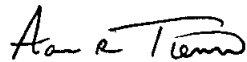
There are several existing Water Rights appropriating ground water within a five mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Lower James: Missouri Aquifer is located approximately 1 mile southeast of this application. This well is for Water Right No. 4996-3 (1.78 cfs for irrigation). The aquifer is under water table conditions in this area, interference is not expected to be a problem.

Table 1. Table identifying water rights within a five mile radius of the application.

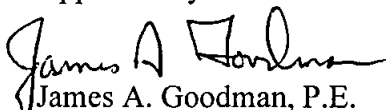
PERMIT NO	LAST NAME	AQUIFER	USE	CFS
4902-3	HERMAN JR	LJM	IRR	1.550
4996-3	HAUCK	LJM	IRR	1.780
5191-3	BAUER	LJM	IRR	1.310
5485-3	TSCHETTER COLONY	LJM	IRR	1.780
5919-3	WOLF CREEK HTRN BRTH	LJM	IRR	1.330
5980-3	HOFER	LJM	IRR	2.000
6249-3	HOFER	LJM	IRR	1.780
6320-3	WOLF CREEK HTRN BRTH	LJM	COM	0.167

CONCLUSIONS

1. Water is available from the Lower James: Missouri Aquifer.
2. The aquifer is under water table conditions at this site. Drawdown created by pumping is not significant as shown by the observation well hydrograph. Interference should not be a concern.
3. This is an existing well and there is not sufficient information available from the well drillers report to indicate if the well is constructed in accordance with SD Well Construction Standards.
4. Application No. 6700-3 proposes to amend Water Right No. 5485-3 to irrigate 74 additional acres. No increase in the diversion rate is authorized by this application.



Aaron R. Tieman
Natural Resources Engineer
Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Water Right, 2006, Unpublished Observation Well Data for Hutchinson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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. 6700-3, Tschetter Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6700-3, Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Avenue, Olivet SD 57052.

The Chief Engineer is recommending APPROVAL of Application No. 6700-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
March 24, 2006

AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.

State of South Dakota)

NOTICE OF APPLICATION NOS. 6699-3 and 6700-3 to Appropriate Water

Tim L. Waltner, of said county and state, being c sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county state by Tim L. Waltner, and has been such news during the time hereinafter mentioned: That I, Tim Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the stated in this affidavit, and that the advertisement headed **Appropriate Water**

a printed copy of which is hereto attached, was and published in the said newspaper for two successive issues to-wit:

The first publication on:
April 5, 2006

the second publication on:
April 12, 2006

and the third publication on:

That the full amount of the fees charged for publication the same to-wit: The sum of \$51.99 insures sole benefit of the publisher of the Freeman Courier, agreement or understanding for any division thereof has been made with any other person whomsoever the amount of \$51.99 is the rate for publishing notices.

Notice is given that Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Ave., Olivet, SD 57052 has filed the following applications for a water permit.

Application No. 6699-3 proposes to appropriate 5.82 cubic feet of water per second (cfs) from two wells to be completed into the Lower James: Missouri Aquifer (approximately 240 feet deep) located in the NW 1/4 SW 1/4 and NE 1/4 SE 1/4 Section 28 to irrigate 408 acres located in the S 1/2 Section 28 and SW 1/4 Section 27; all in T99N-R58W.

Application No. 6700-3 proposes to irrigate 74 additional acres. Water Right No. 5485-3 authorizes 1.78 cfs from one well completed into the Lower James: Missouri Aquifer (240 feet deep) located in the NE 1/4 NW 1/4 Section 35 to irrigate 173 acres located S 1/2 SW 1/4 Section 26 and NW 1/4, W 1/2 NE 1/4 Section 35; all in T99N-R58W. This application proposes to utilize the existing well authorized by Water Right No. 5484-3 to irrigate an additional 74 acres located in the S 1/2 SE 1/4 Section 27 and SW 1/4 SW 1/4 Section 26; all in T99N-R58W. No increase in the diversion rate is authorized by this application.

Pursuit to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6699-3 and 6700-3 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 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also 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 24, 2006.

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.

2-02

Tim L. Waltner

Subscribed and sworn to before me this 12th day of April 2006.

Linda Wigg

Notary Public
Commission expires: 10/9/06

Publication fee: \$51.99
Notary fee:
Total: \$51.99

RECEIVED

APR 13 2006

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on April 5, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6699-3 and 6700-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6699-3 and 6700-3 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 24, 2006.

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

March 24, 2006

Freeman Courier
PO Box 950
Freeman SD 57029-0950

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6699-3 & 6700-3 to Appropriate Water to be published twice. Please publish the first notice on April 5, 2006 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 Tschetter Colony, % Aaron Hofer, 27709 Tschetter Ave., Olivet SD (Ph # 605-928-7430).

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. 6699-3 & 6700-3

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

Date _____

We are in receipt of your letter of March 24, 2006 enclosing Notice to Appropriate Water by Application Nos. 6699-3 & 6700-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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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.

March 24, 2006

Tschetter Colony
% Aaron Hofer
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Hofer:

Water Permit Application Nos. 6699-3 & 6700-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Freeman Courier printed at Freeman SD (Ph # 605 925-7033). 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 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. 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

JUN 12 2006

Tschetter Colony
% Aaron Hofer
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Hofer:

Enclosed are Water Permit Nos. 6699-3 and 6700-3 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

Water Permit No. 6700-3
James River - Water District

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

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

I have this day, September 29, 2014, made a thorough examination of the water use system constructed by Tschetter Colony of 27709 Tschetter Ave., Olivet, SD 57052 holder of Permit No. 6700-3, bearing the priority of February 28, 2006 authorizing the irrigation of 74 additional acres and No Additional cu. ft. per second of water in Hutchinson County.

Inspection contact & relationship **Herman Decker**
to permit holder, if applicable:

A. Well Information:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 240 feet
- 4) Well log is available N
- 5) **Comments:** There is no well log available for this well. A well completion report is on file for the test hole constructed by Pullman Well Drilling in 1990. The well authorized to irrigate the additional acres of this permit is licensed under Water Right No. 5485-3. An inspection of Water Right No. 5485-3 was conducted in 1994 and licensed in 1995. Also on file, is a letter from Pullman Well Drilling to the Water Rights Program, received on February 10, 1995. The letter indicates a clerical error had been made by them in reporting the number of wells drilled for their licensing renewal and they had also lost the well log for Tschetter Colony's irrigation well. The letter stated the well was in Section 35-T99N-R58W as authorized by Water Right No. 5485-3.

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lockwood
- 2) Number of towers 6
- 3) End gun Y
- 4) High or low pressure Low

C. 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

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,100 feet south and 1,520 feet east of the NW corner of Section 35-T99N-R58W

(N 43.35445, W -97.67277) (NE ¼ NW ¼)

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 use. Water has been put to beneficial use to the maximum extent as follows:

Water Permit No. 6700-3

Section 26-T99N-R58W

SW ¼ SW ¼ - 22 acres

Section 27-T99N-R58W

SE ¼ SE ¼ - 27 acres

Water Right No. 5485-3

Section 26-T99N-R58W

SW ¼ SW ¼ - 5 acres

SE ¼ SW ¼ - 10 acres

Section 35-T99N-R58W

NW ¼ NW ¼ - 36 acres

NE ¼ NW ¼ - 40 acres

NW ¼ NE ¼ - 10 acres

SW ¼ NW ¼ - 30 acres

SE ¼ NW ¼ - 37 acres

SW ¼ NE ¼ - 5 acres

comprising a total of 222 acres of land.

The license should be issued for 222 acres.

All structures, wells and lands on map Y

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

Water Permit No. 6700-3 authorizes irrigation of 74 additional acres of land located in the S ½ SE ¼ Section 27 and SW ¼ SW ¼ Section 26; all in T99N-R58W. This permit utilizes an existing well authorized by Water Right No. 5485-3. No increase in diversion rate is authorized.

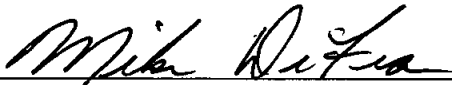
Water Right No. 5485-3 authorizes the diversion of 1.78 cfs of water from one well located in the NE ¼ NW ¼ Section 35 for irrigation of 173 acres located in Section 26 and Section 35; all in T99N-R58W.

Report of Examination of Works

Permit No. 6700-3

At the time of the inspection, a six tower pivot irrigation system was being used to irrigate 54 acres of land authorized by Water Permit No. 6700-3. The pivot was being operated in a “windshield wiper” fashion to irrigate 27 acres in Section 26 and 27 acres in Section 27; all in T99N-R58W. Of the 27 acres located in Section 26, five acres authorized by Permit No. 6700-3 located in SW ¼ SW ¼ in Section 26 “overlap” acres previously licensed by Water Right No. 5485-3.

Water Permit No. 6700-3 and Water Right No. 5485-3 should be incorporated to reflect the entire system as developed while each retaining their Priority Dates of February 28, 2006 and December 5, 1990.



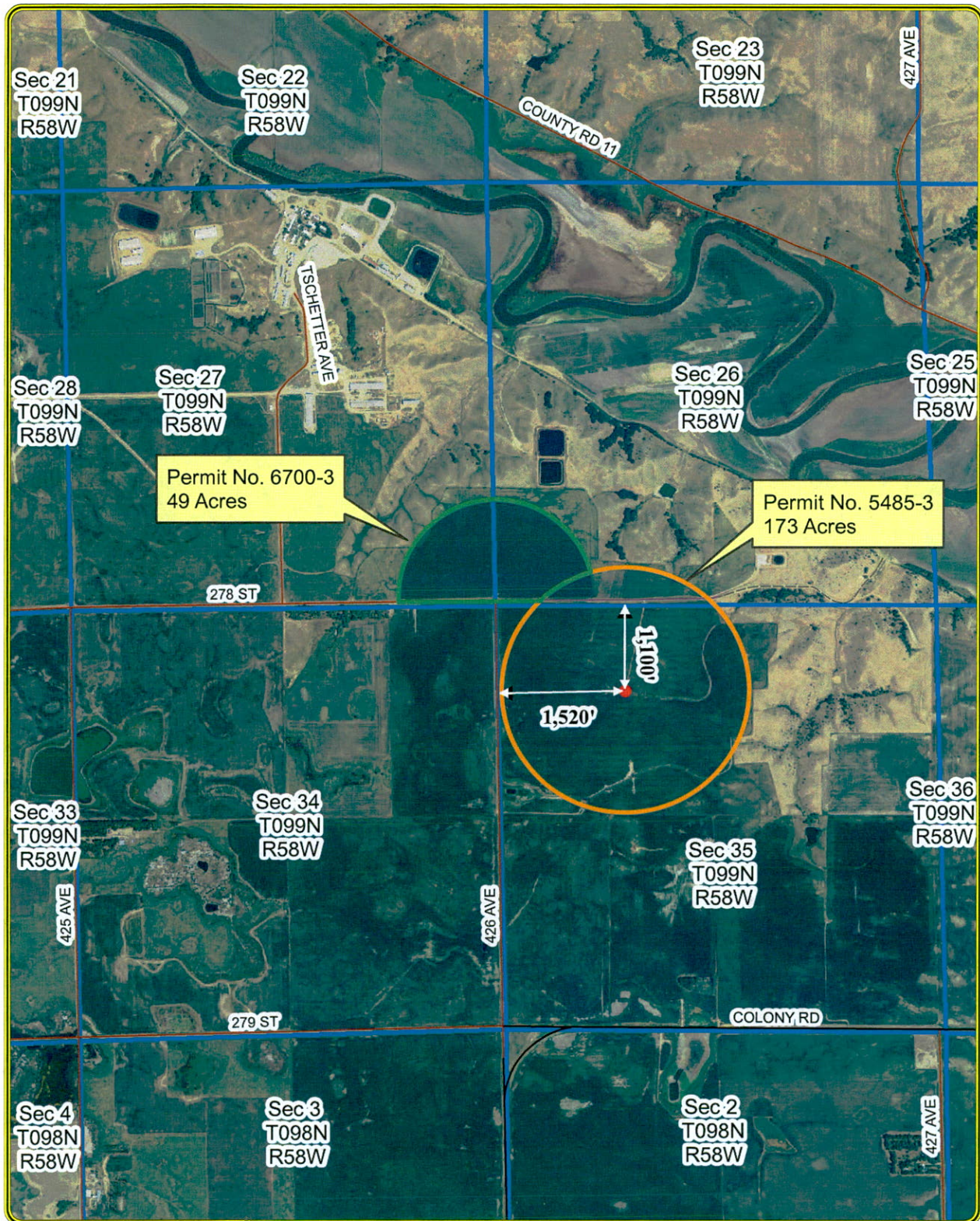
Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **February 6, 2015**

Tschetter Colony

Water Permit No. 6700-3



0 0.25 0.5 1 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 5, 2015



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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<http://denr.sd.gov>

MAR 19 2015

5485-3
6700-3

Herman Decker, Sr
Tschetter Colony
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Hofer:

Enclosed is Water License No. 6700-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6700-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

The applicable portions of Water Right No. 5485-3 were incorporated into Water License No. 6700-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6700-3**

(1) Tschetter Colony, 27709 Tschetter Ave., Olivet SD 57052 made Application No. 6700-3, February 28, 2006 for a water permit to authorize an additional 74 acres to an existing irrigation system located in Hutchinson County, South Dakota. Permit No. 6700-3 did not allow for an increase in the developed diversion rate from the existing well completed into the Lower James Missouri Aquifer. Water Permit No. 6700-3, with a priority date of February 28, 2006 was approved April 24, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 24, 2011 and for the application to beneficial use of said water on or before April 24, 2015.

Water Right No. 5485-3, with a priority date of December 5, 1990, authorizes diversion of 1.78 cfs from one well completed into the Lower James Missouri Aquifer to irrigate 173 acres. The applicable portions of Water Right No. 5485-3 are incorporated into this Water License No. 6700-3. Priority dates as they pertain to the acreage irrigated are described in (3) below.

(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 approximately 1,100 feet south and 1,520 feet east of the NW corner of Section 35-T99N-R58W (NE ¼ NW ¼).

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

T99N, R58W Section 26	SW ¼ SW ¼	27 acres	February 28, 2006 (22 acres) December 5, 1990 (5 acres)
	SE ¼ SW ¼	10 acres	December 5, 1990
T99N, R58W Section 27	SE ¼ SE ¼	27 acres	February 28, 2006
T99N, R58W Section 35	NW ¼ NW ¼	36 acres	December 5, 1990
	NE ¼ NW ¼	40 acres	December 5, 1990
	SW ¼ NW ¼	30 acres	December 5, 1990
	SE ¼ NW ¼	37 acres	December 5, 1990
	SW ¼ NE ¼	5 acres	December 5, 1990
	NW ¼ NE ¼	10 acres	December 5, 1990
Total		222 acres	

- **February 28, 2006 priority date established under Water Permit No. 6700-3**
- **December 5, 1990 priority date established under Water Right No. 5485-3**

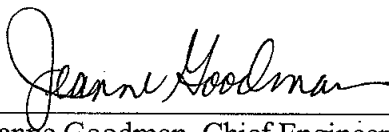
(4) Pursuant to South Dakota Water Law 46-5-30.1 Tschetter Colony, 27709 Tschetter Ave., Olivet SD 57052 the holder and/or owner of Incorporated Water Right No. 6700-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Lower James Missouri Aquifer) with priority dates of December 5, 1990 and February 28, 2006 from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 6700-3

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6700-3 and subject to the following qualifications:

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 19 2015

date

