

WATER PERMIT NO. 6838-3

Name of Applicant: **Karl M Schenk**

Address: **44352 308th St, Mission Hill SD 57046**

Phone: **605 665-6113**

Amount of Water Claimed: **2.22**

Total Acres: **120**

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

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **3 miles northeast of Yankton**

PRIORITY

Date Received: **3-20-06**

Application/License Fee: **\$275**

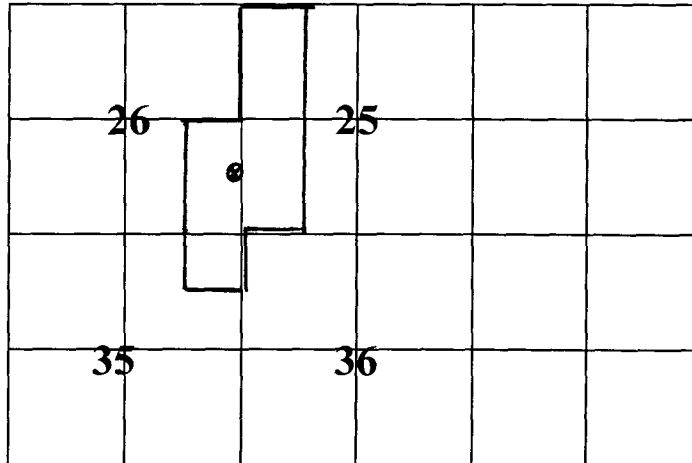
Corrected Application Received: **3-2207**

Period of Annual Use: **April 1 – Oct 7**

Remarks: **Requestion more water than statutory limit**

Diversion Point: **NE ¼ SE ¼ Sec 26-T94N-R55W**

Land to be Irrigated: **E ½ SE ¼ Sec 26, NE ¼ NE ¼ Sec 35, W ½ SW 1/4, W ½ NW ¼ Sec 25; all in T94N-R95W**



Depth of Well: **258**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **SRM, Yankton Co. FSA**

Reviewed and the Number Assigned on: **3-22-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6838-3</u>	Hydrologic Unit <u>101 70101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Yankton Daily Press & Dakotan</u> <u>605-665-7811</u> <u>Yankton 57078</u>	

RECEIVED
MAR 20 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 Schenk, Karl M Phone 605-665-6113
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 44352 308th St. Mission Hill State SD 57846
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 222*CFS or 1000 **GPM ***AF Total Acreage 120
(*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)
East Property Line center point of the W1/2 SE1/4 Section 26
94-55 (NE1/4 SE1/4) County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used April 1 thru October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>E1/2 SE1/4 Sec. 26 94-55</u>	<u>60</u>		
<u>NE1/4 NE1/4 Sec. 35 94-55</u>	<u>30</u>		
<u>W1/2 W1/2 SW1/4 Sec. 26 94-55</u>	<u>15</u>		
<u>W1/2 W1/2 NW1/4 Sec. 26 94-55</u>	<u>15</u>		

- Give a description of the project. (Attach sheet if more space is needed)
a half circle 1300' center point located at the center point of the
SE1/2 (East boundary line) and a 600' radius center point located
in the W1/2 W1/2 of the SW1/4 and W1/2 W1/2 NW1/4 Sec. 26 94-55
& 600' center point located at center NE1/4 NE1/4

STATE OF SOUTH DAKOTA)
County of Yankton SS

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, Karl M Schenk, 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 Karl M Schenk

Subscribed and sworn to before me this 18 day of March 20 06

Dennis Brech
Notary Public signature
10-11-06

SOUTH DAKOTA
WATER PERMIT NO. 6838-3

Date of first receipt of application March 20, 2006.

Date of return to applicant for corrections, amendments or changes March 21, 2006.

Date of receipt of corrected application March 22, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6838-3 to Karl M Schenk, 44352 308th St, Mission Hill SD 57046 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. 6838-3 appropriates 2.22 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (approximately 258 feet deep) located in the NE 1/4 SE 1/4 Section 26 to irrigate 120 acres located in the E 1/2 SE 1/4 Section 26, NE 1/4 NE 1/4 Section 35, W 1/2 NW 1/4, W 1/2 SW 1/4 Section 25; all in T94N-R55W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is March 22, 2007.
4. The date of approval of Permit No. 6838-3 is June 11, 2007.
5. One-fifth of the construction is to be completed on or before December 11, 2009.
6. All construction is to be completed on or before June 11, 2012.
7. Water is to be put to beneficial use on or before June 11, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

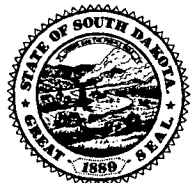
QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6838-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6838-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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 03 2007
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 258
- b) Casing Type PVC Diameter 16 Thickness 1"
- c) Screen Type PVC Diameter 16 Thickness 1"
- d) Gravel Pack pea gravel Length of Gravel Pack 130-250
130-260
- e) Depth to Top of Water Bearing Material 120
- f) Depth to Water (ground surface to water level) Static Level 122'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

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 _____

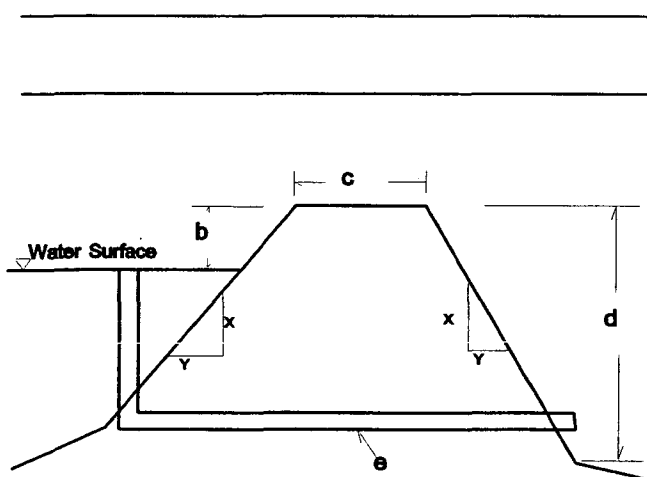
3. Dugout Information

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

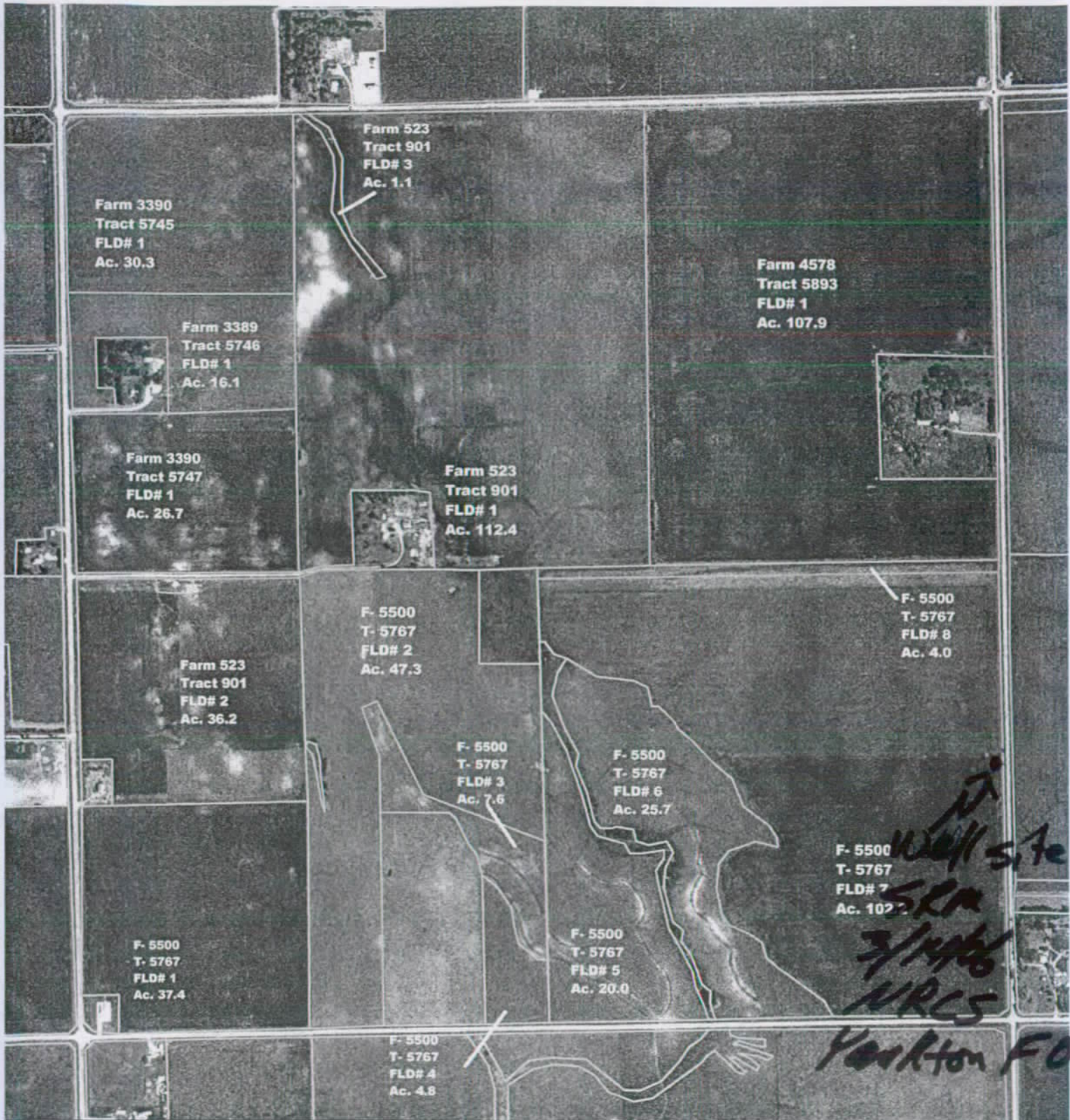
4. Water Storage Dams

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



United States Department of Agriculture
Farm Service Agency

26-94-55

Yankton County

May 24, 2005

1997 Digital Orthophotography - Not To Scale



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 20, 2006

RECEIVED OF Karl Schenk, 44352 308th St., Mission Hill SD 57046

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

Fee for Application for Permit No. <u>0235-3</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>0238-3</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.

02366

By

Darland Ebele

Chief Engineer

gm



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 21, 2006

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

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

- For each well, please submit a well log or test hole log signed by a licensed South Dakota well driller, if available. I have reviewed our files and can find no well logs for these locations.
- On each application, you are requesting more water than the statutory limit. State Statutes limit diversions to 1 cubic foot of water per second for each 70 acres irrigated. This would mean that you are allowed approximately 450 gallons per minute to irrigate each 70 acres (example: the statutory limit for 120 acres is 770 gallons per minute). We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for each project).
- On the application for irrigation of 120 acres, the lands listed in Item 7 do not match the area outlined on the map. I have included copies of both the map and application. It appears you are proposing to irrigate 15 acres in the W ½ SW ¼ Section 25 and 15 acres in the W ½ NW ¼ Section 25; all in T94N-R55W. The application states the land is in Section 26. I am assuming Section 26 should be changed to Section 25. Is this correct?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 2006

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

On March 20, 2006, you submitted three Applications for Permits to Appropriate Water Within the State of South Dakota for irrigation. You were notified what additional information was required to complete the applications. A copy of that letter is enclosed.

On April 4th, you called and indicated that no test holes had been drilled yet. You further indicated that the proposed pivots would make partial circles, thus the need for the greater diversion rate. Also, the application to irrigate 120 acres should be amended to state the lands to be irrigated will be located in Section 25.

At that time, I informed you that a letter stating the above and requesting the greater diversion rate for each application was necessary from you. To date, we have not received that letter.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

September 22, 2006

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

This is a reminder that last spring you submitted three *Applications for Permit to Appropriate Water Within the State of South Dakota for Irrigation*. A review indicates that the applications are incomplete.

- In order to complete the applications, a letter or email requesting a diversion rate greater than the statutory limit of 1 cubic feet of water per second for each 70 acres irrigated is required. You have indicated that the proposed pivots will make partial circles, thus the need for greater diversion rates. Please submit that request in writing.
- Also, if the test holes have been drilled, please submit the logs.

If you have any questions, please contact me.

Sincerely,

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

Schlaak, Karen

From: karl and nancy schenk [schenk@cedarwb.net]
Sent: Thursday, March 22, 2007 10:08 AM
To: Schlaak, Karen
Subject: irrigation permit

Karen:

This email is to address a concerns in regards to an irrigation application.

1. Your assumption regarding the land located in Section 26 94-55 is correct. The application should have read Section 25 instead of Section 26.

2. The pivots in those section will be half circle pivots. The additional requirement in water over the statutory requirement would allow the pivots to function properly.

I hope this satisfies the application deficiencies. Should you have any other issue please contact me.

Karl M. Schenk
605-665-6113
605-660-6113 cell



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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6838-3, Karl Schenk**

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. 6838-3, Karl Schenk, 44352 308th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6838-3 because; 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6838-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6838-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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
May 11, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6838-3

For Karl M Schenk

April 30, 2007

Application No. 6838-3 proposes to appropriate 2.22 cfs from one well approximately 258 feet deep located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 26 to irrigate 120 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of section 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of section 25; all in T94N R55W in Yankton County.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that can be encountered either under artesian or water table conditions in Yankton County. Even though technically the aquifer may be considered under artesian conditions the behavior of the water levels mimics water table conditions in this area. The aquifer underlies 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Hutchinson County to the north, blends into the Missouri Elk Point aquifer to the south and blends into the Lower James Missouri Scotland aquifer to the west (also extending into Bon Homme County). The aquifer appears to be hydraulically connected to the James River over portions of Yankton County. Bugliosi in the Yankton County Study divided the Lower James Missouri aquifer into the northern and southern areas which roughly coincide with the Lower James Missouri and Missouri Elk Point aquifer as mapped by Hedges. The aquifer is prolific and well yields from the Lower James Missouri aquifer can be expected to be at least 500 gpm (Bugliosi, 1986).

No test wells were drilled for this application. The estimate of 258 feet is not documented but certainly that should be sufficient to penetrate the entire aquifer with some footage left over. Test wells need to be drilled to determine if the site chosen has sufficient water for development for irrigation. The county study, other irrigation and domestic wells and observation wells all indicate irrigation potential. Also this area should have about 100 feet of saturated thickness in the aquifer (Bugliosi, 1986).

The Water Rights Program monitors two observation wells within one and one-half miles of this site. These are observation wells YA-78I (located about one mile northeast) and YA-79H (located about one and one-half miles southeast) from this proposed application. Water levels for these wells show good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 4251-3 (1.56 cfs, 152 acres) with that well located about one mile northwest of this proposed well site. Drawdown created by pumping at this distance is not expected to be significant. This is shown by the observation well hydrograph for YA-78I that is located within one-half mile of the existing irrigation well. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The applicant does not justify the increase in pumping rate above the statutory limit. The rate approved should not exceed 1.71 cfs.



James A Goodman
Natural Resources Engineer

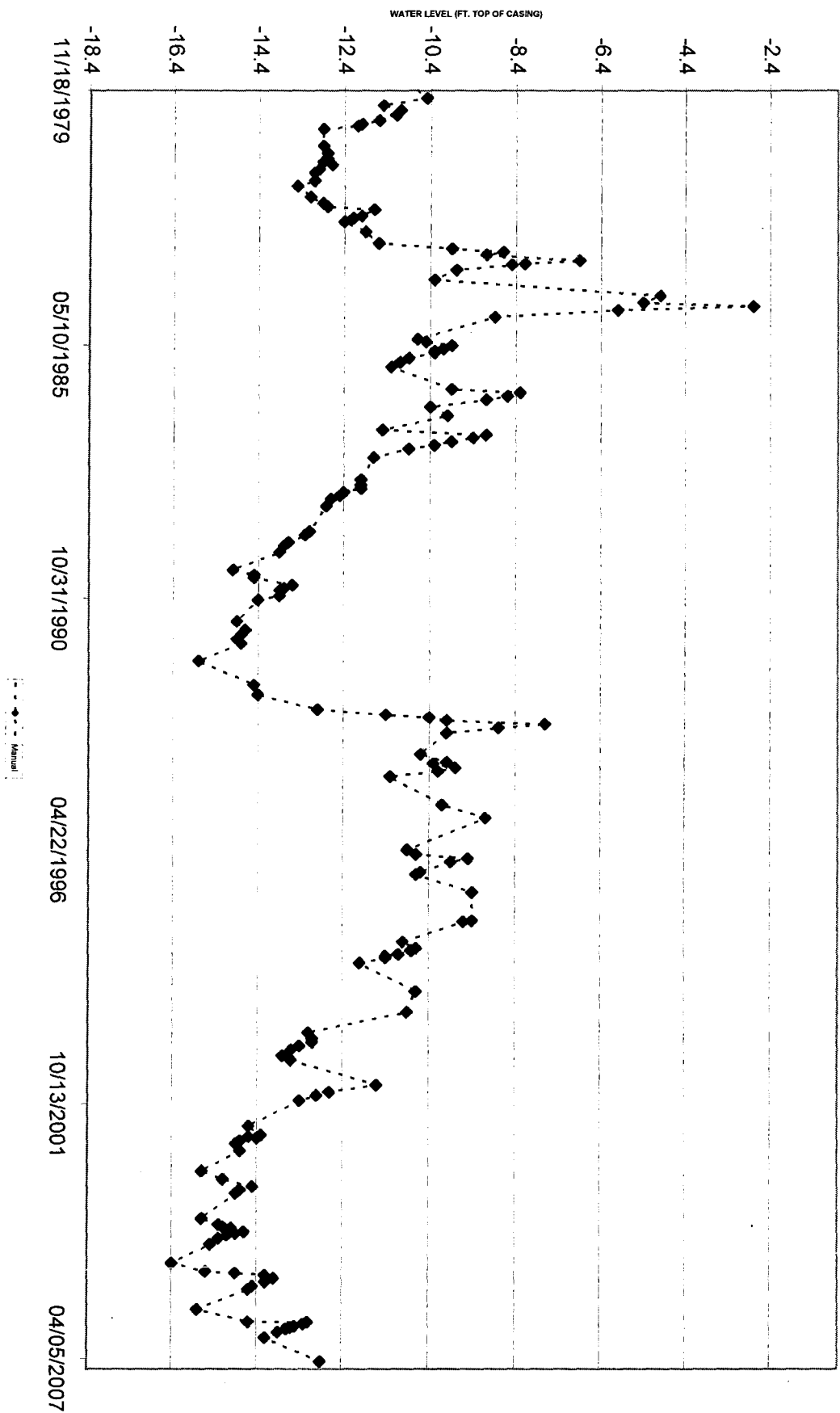
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water-Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.

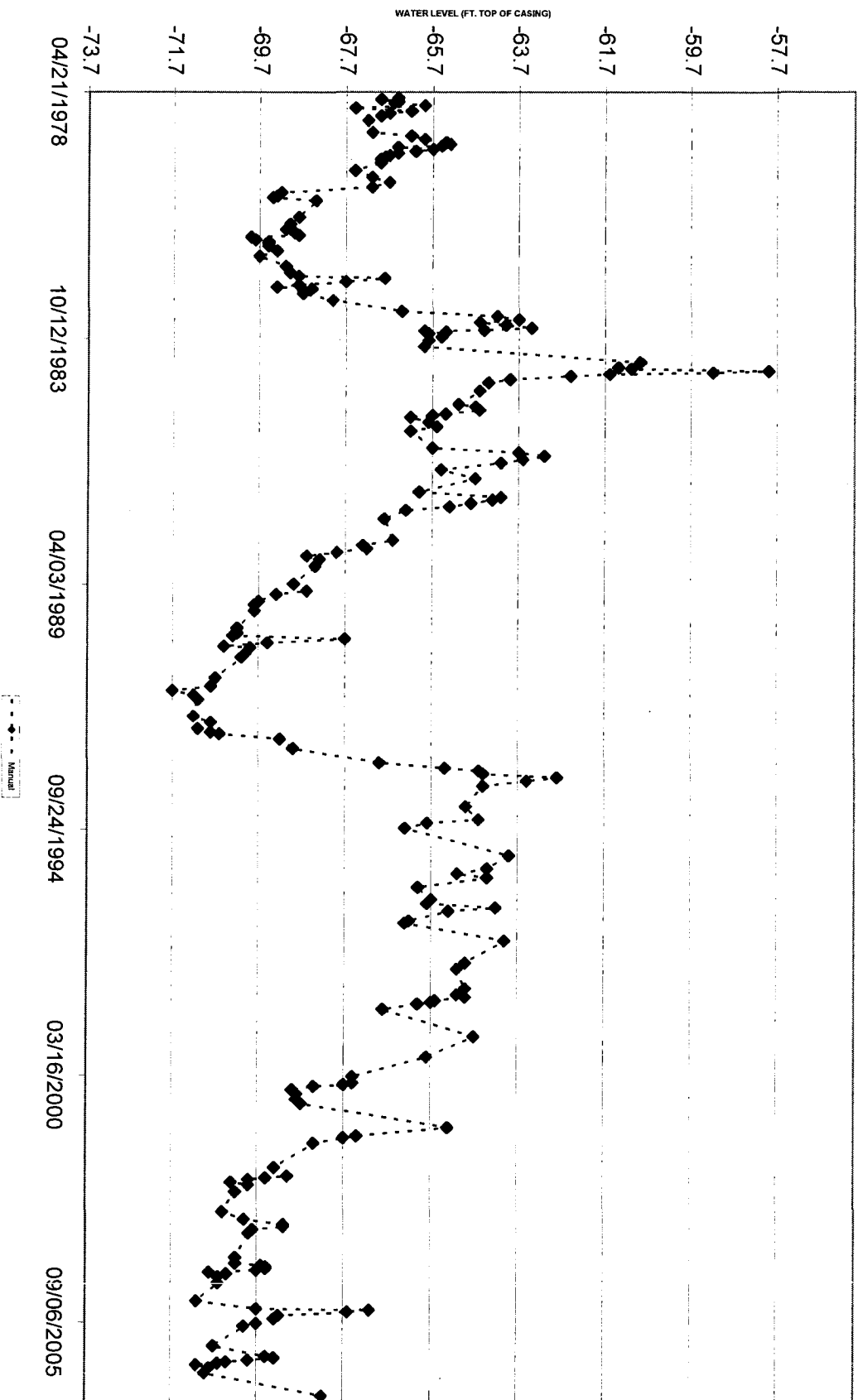
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2007, Unpublished Observation Well Records for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-79H



WATER RIGHTS' OBSERVATION WELL
YA-781



RECEIVED

JUN - 4 2007

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 31st DAY OF May, 2007.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$182.25 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 5/24, 5/31

FILED ON: 5/31/2007

SUBSCRIBED AND SWORN TO BEFORE ME THIS 31st DAY OF May, 2007

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009

5+24+31

**NOTICE OF APPLICATION NOS. 6838-3, 6839-3 and 6840-3
to Appropriate Water**

Notice is given that Karl M Schenk, 44352 308th St, Mission Hill SD
57046 has filed the following applications for water permits.

Application No. 6838-3 proposes to appropriate 2.22 cubic feet of
water per second (cfs) from one well to be completed into the Lower
James:Missouri Aquifer (approximately 258 feet deep) located in the
NE 1/4 SE 1/4 Section 26 to irrigate 120 acres located in the E 1/2 SE
1/4 Section 26, NE 1/4 NE 1/4 Section 35, W 1/2 NW 1/4, W 1/2 SW
1/4 Section 25; all in T94N-R55W.

Application No. 6839-3 proposes to appropriate 2.11 cfs from one well
to be completed into the Missouri:Elk Point Aquifer (approximately
110 feet deep) located in the center of the SW 1/4 Section 9 to irrigate
118 acres located in the SW 1/4 Section 9; all in T93N-R54W.

Application No. 6840-3 proposes to appropriate 2.11 cfs from one well
to be completed into the Missouri:Elk Point Aquifer (approximately
110 feet deep) located in Government Lot 1 (center of the NE 1/4)
Section 16 to irrigate 67 located in Government Lot 1, 2 and C (NE
1/4) Section 16; all in T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends
APPROVAL of Application Nos. 6838-3, 6839-3 and 6840-3 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 these applications, as recommended, unless a peti-
tion is filed opposing the application or the applicant files a petition
contesting the Chief Engineer's recommendation. If a petition oppos-
ing the applications or contesting the recommendations are filed, then
a hearing will be scheduled and the Water Management Board will
consider these 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 recommendation. The Chief Engineer's address is
"Water Rights Program, Foss Building, 523 E Capitol, Pierre SD
57501 (605 773-3352)" and the applicant's mailing address is given
above. A petition filed by either an interested person or the applicant
must be filed by June 11, 2007.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 16, 2007

DAILY PRESS AND DAKOTAN
PO BOX 56
YANKTON SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6838-3, 6839-3 and 6840-3 to Appropriate Water to be published twice. Please publish the first notice on May 24, 2007 with the second publication 7 days later. The text of the notices 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 Karl Schenk, 44352 308th St, Mission Hill SD 57046 (Ph # 605-665-6113).

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. 6838-3, 6839-3 & 6840-3

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

Date _____

We are in receipt of your letter of May 16, 2007 enclosing Notice to Appropriate Water by Application Nos. 6838-3, 6839-3 & 6840-3 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

May 16, 2007

KARL M SCHENK
44352 308TH ST
MISSION HILL SD 57046

Dear Mr. Schenk:

Water Permit Application Nos. 6838-3, 6839-3 & 6840-3 for irrigation use have 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 Daily Press and Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 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 recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on May 24, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6838-3, 6839-3 and 6840-3 to Appropriate Water

Notice is given that Karl M Schenk, 44352 308th St, Mission Hill SD 57046 has filed the following applications for water permits.

Application No. 6838-3 proposes to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (approximately 258 feet deep) located in the NE 1/4 SE 1/4 Section 26 to irrigate 120 acres located in the E 1/2 SE 1/4 Section 26, NE 1/4 NE 1/4 Section 35, W 1/2 NW 1/4, W 1/2 SW 1/4 Section 25; all in T94N-R55W.

Application No. 6839-3 proposes to appropriate 2.11 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in the center of the SW 1/4 Section 9 to irrigate 118 acres located in the SW 1/4 Section 9; all in T93N-R54W.

Application No. 6840-3 proposes to appropriate 2.11 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in Government Lot 1 (center of the NE 1/4) Section 16 to irrigate 67 located in Government Lot 1, 2 and C (NE 1/4) Section 16; all in T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6838-3, 6839-3 and 6840-3 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 these applications, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendations are filed, then a hearing will be scheduled and the Water Management Board will consider these 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 recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 11, 2007.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 03 2007

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Enclosed are Water Permit Nos. 6838-3, 6839-3 and 6840-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Three copies of Form 10, *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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6838-3

07-92

Location NE 1/4 SE 1/4 Sec 26 Twp 94N Rg 55WCounty Jackson

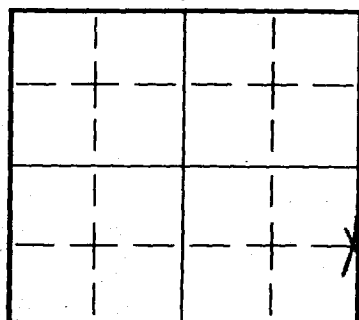
Please mark well location with an "X"

W

North

E

Well-Completion Date

5-15-08

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
1100 LB/FT 16 IN 0 FT 85 FT 28 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Cement 55 _____ lb./gal 0 ft. 80 ft.
 _____ lb./gal _____ ft. _____ ft.

Describe grouting procedure Pump cement grout down tremie lineSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 60 FEETMaterial PVC
Slot Size .085 Set From 85 Feet to 145 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: chlorine

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

Well Owner: Paul Schenk

Business Name: _____

Address: 44352 308 st
Mission Hill, SD 57046

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top + brown clay</u>	<u>0</u>	<u>40</u>
<u>blue clay</u>	<u>40</u>	<u>90</u>
<u>gravel + ROCKS</u>	<u>90</u>	<u>100</u>
<u>blue clay</u>	<u>100</u>	<u>110</u>
<u>gravel + BAD ROCKS</u>	<u>110</u>	<u>145</u>

STATIC WATER LEVEL 85' 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: pumped w/ turbine pump + engine
☐ Bailed
☐ Other

Pumping Level Below Land Surface

105 ft. After 2 Hrs. pumped 1100 GPM98 ft. After 2 Hrs. pumped 700 GPMIf pump installed, pump rate 750 GPM

REMARKS

RECEIVED

AUG - 7 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 4114

And this report is true and accurate.

Drilling firm Christensen Wells & SuptonSignature of License Representative: Colly W. Christensen

Signature of Well Owner or Equitable Property Holder: _____

Date: 7-24-08

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 22, 2014 made a thorough examination of the water system used by the Karl M Schenk, 44352 308th St., Mission Hill, SD 57046, holder of Water Permit No. 6838-3, bearing the priority date of March 22, 2007. Water Permit No. 6838-3 authorizes the diversion of 2.22 cubic feet per second (cfs) from one well completed into the Lower James Missouri aquifer at approximately 258 feet below ground surface for the purposes of irrigating 120 acres in Yankton County as follows: 60 acres in the E ½ SE ¼ Sec 26, 30 acres in the NE ¼ NE ¼ Sec 35, 15 acres in the W ½ SW ¼ Sec 25, 15 acres in the W ½ NW ¼ Sec 25, T94N-R55W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One irrigation pump, manufactured by Kroy-Midwest
- 2) Works used to transport water to a place of use:
Underground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
Four Zimmatic Pivots

The system is in the following condition: well maintained. The exact location the well is as follows:

- 1) **1,300 feet north and 10 feet west of the southeast corner of Section 26, T94N-R55W. Lat 42.92717N Lon 97.29882W**

The lands irrigated by the fore mentioned well are as follows:

- 1) 60 acres in the E ½ SE ¼ of Section 26, T94N-R55W.
- 2) 27 acres in the W ½ SW ¼ of Section 25, T94N-R55W.
- 3) 33 acres in the W ½ NW ¼ of Section 25, T94N-R55W.

For a total of 120 acres authorized by Water Permit No. 6838-3.

License should be issued for the developed diversion rate of: **2.0 cfs or 900**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **June 4, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NOS. 6838-3

DATE OF INVESTIGATION:	September 22, 2014
NAME & ADDRESS OF PERMIT HOLDER	Karl M Schenk 44352 308th St. Mission Hill, SD 57046
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Karl M Schenk
DIVERSION POINT LEGAL LOCATIONS	1,300 feet north and 10 feet west of the southeast corner of Section 26, T93N-R54W. Lat 42.92717N Lon 97.29882W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Christensen Well & Irrigation
- 2) Number of Wells: **1**
- 3) Depth: **145 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

Motor

- 1) Make: **US Motors**
- 2) Model No:
- 3) Power: **50 hp**

System Type

- 1) Make: **4 Zimmatic Pivots**
- 2) Overall length: **1,300, 900, 900, 500 feet**
- 3) Number of Towers: **7, 5, 5, 3 towers**
- 4) End Gun: **Yes**
- 5) Pressure:
- 6) Capacity: **Up to 900 gpm**

Pumps

- 1) Make: **Kroy Midwest**
- 2) Model:
- 3) Size:
- 4) Capacity: **Unknown**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **85 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Manufactured**
- 2) Length: **60 feet**
- 3) Static Water Level: **85**

CHEMIGATION EQUIPMENT: No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive
Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigation from 2008 to present.**



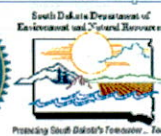
Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Location



0 0.05 0.1 0.2 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 18 2015

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Enclosed are Water License Nos. 6838-3, 6917-3, 6918-3, 6939-3, 7240-3, 7241-3, 7670-3, 7819-3 and 7842-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with each license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by these water rights, 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 Licenses, 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

Note: The applicable portions of No. 6916-3 are incorporated into Water License No. 7670-3.
The applicable portions of No. 7669-3 are incorporated into Water License No. 7842-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6838-3

(1) Karl M Schenk, 44352 308th St, Mission Hill SD 57046 made Application No. 6838-3, March 20, 2006 for a water permit to divert 2.22 cubic feet of water per second (cfs) from one well (Lower James:Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6838-3, with a priority date of March 22, 2007 was approved June 11, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 11, 2012 and for the application to beneficial use of water on or before June 11, 2016.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6838-3 is issued a license, bearing a priority date of March 22, 2007 to appropriate 2.0 cubic feet of water per second from one well (Lower James:Missouri Aquifer) to irrigate 120 acres.

The diversion point is located: 1,300 feet north and 10 feet west of the SE corner of Section 26-T94N-R55W (SE 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 26-T94N-R55W	E 1/2 SE 1/4	60 acres
Section 25-T94N-R55W	W 1/2 SW 1/4	27 acres
Section 25-T94N-R55W	W 1/2 NW 1/4	<u>33 acres</u>
	Total	120 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6838-3 including 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.
- The well authorized by Permit No. 6838-3 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.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6838-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. **Original qualification authorized maximum diversion of 2.22 cfs. License now limited to developed capacity of 2.0 cfs (900 gpm).**
- 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

JUN 18 2015

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: KARL M SCHENK, 44352 308TH ST, MISSION HILL, SD 57046

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4506-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4506-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **ESGTCO****

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

4506-3, 4855-3, 6838-3, 6839-3
6917-3, 6918-3, 7017-3, 7667-3
7668-3, 7670-3, 7819-3, 7842-3
7939-3, 7955-3, 8192-3 & 8816-3

Karl Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4506-3, 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda. However, the 2024 reporting has not been completed for 8192-3, held by Stop Lock Drop Inc.

Please contact our office to report 2024 irrigation water use for Water Right No. 8192-3, prior to March 5, 2025.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us