

WATER PERMIT NO. 6840-3

Name of Applicant: **Karl M Schenk**

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

Phone: **605 665-6113**

Amount of Water Claimed: **2.11**

Total Acres: **67**

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

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **½ east of Yankton**

PRIORITY

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

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

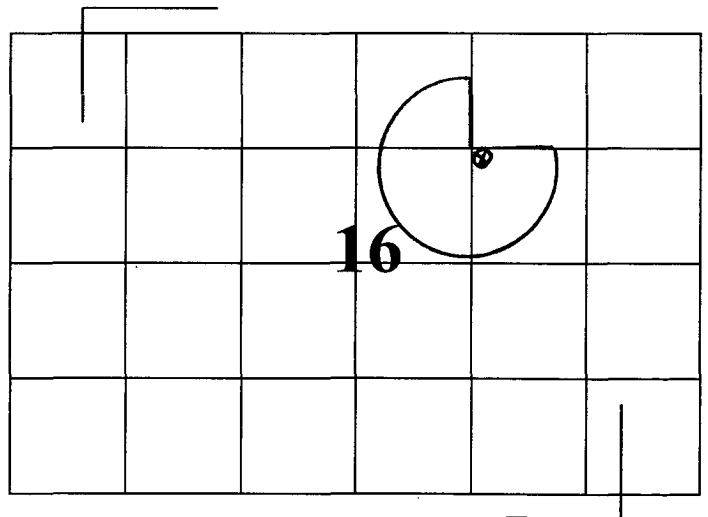
Corrected Application Received: **3-2207**

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

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

Diversion Point: **approximate center NE ¼ Sec 16-T93N-R55W**

Land to be Irrigated: **Govt Lot 1, 2 and C (NE ¼)
Sec 16-T93N-R55W**



Depth of Well: **110**

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: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6840-3</u> (office use only) <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Yankton Daily Press & Dakotan</u>
	<u>Yankton SD 57069</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. 1960-3
(Use predates Mar 2, 1955)

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

Permit was originally for surface water from Missouri River
division was changed to a well many years ago.

1. Name of Applicant Schenk, Karl M Phone 605-665-6113
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 44352 308th St Mission Hill State SD 57046
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.25*CFS or 950**GPM ***AF Total Acreage 67
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well, Missouri Elk Point aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) ext. lot 2 & 3
the extreme NW corner of Government lot 1, section 16, 93-55
Yankton County, SD (approximate center NE 1/4) County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used Approx. April 1 - October 31

7. 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>Govt lot 2 sec 16 T104N R53W</u>	<u>20</u>		
<u>"</u>	<u>22</u>		
<u>Govt lot 1 sec 16 T104N R53W</u>	<u>25</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
1100' Lockwood center pivot, supplied by an electric hole well

STATE OF SOUTH DAKOTA) SS
County of Yankton)

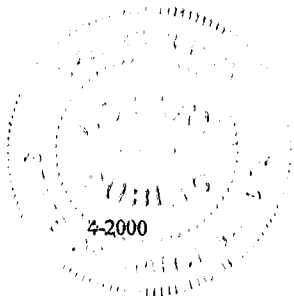
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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 16 day of March 2006

Dennis Breck
Notary Public signature
10-11-06



**SOUTH DAKOTA
WATER PERMIT NO. 6840-3**

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. 6840-3 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. 6840-3 appropriates 1.25 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.
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. 6840-3 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

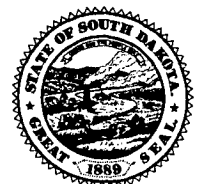
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6840-3 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. 6840-3 authorizes a maximum diversion rate of 1.25 cfs for the irrigation of 67 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 110'
- 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 _____
- e) Depth to Top of Water Bearing Material ≈ 45'
- f) Depth to Water (ground surface to water level) ≈ 60'
- g) Distance to nearest existing domestic well:

On applicants property none

On property owned by others unknown

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 _____

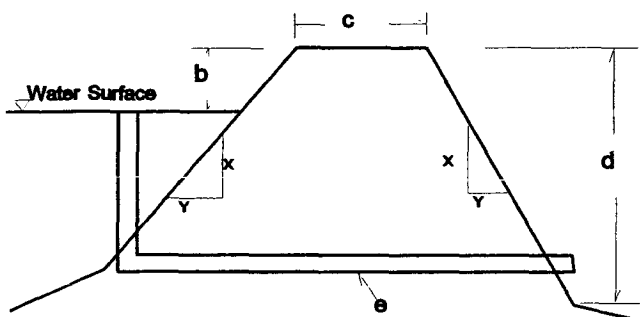
3. Dugout Information

- 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

Exhibit "B"

Farm 1220
Tract 2063
FLD# 1
Ac. 12.8

Farm 3513
Tract 2076
FLD# 1
Ac. 9.4

Farm 3513
Tract 2076
FLD# 2
Ac. 30.8

Farm 4864
Tract 6266
FLD# 1
Ac. 62.0

Farm 4864
Tract 6266
FLD# 2
Ac. 27.7

Farm 4373
Tract 6267
FLD# 2
Ac. 6.3

Farm 4373
Tract 6267
FLD# 1
Ac. 10.2

Farm 4373
Tract 6267
FLD# 3
Ac. 0.9

well site

3/14/06
NCLS

Yankton Fd

United States Department of Agriculture
Farm Service Agency

16-93-55

Yankton County

February 12, 2004

1997 Digital Orthophotography - Not To Scale



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 20, 20 06

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>6840-3</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>6840-3</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.

02367

By

Darland Erbe
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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6840-3, 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. 6840-3, Karl Schenk, 44352 308th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6840-3 for 1.25 cfs 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. 6840-3 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. 6840-3 authorizes a maximum diversion rate of 1.25 cfs for the irrigation of 67 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

Note: The recommended diversion rate is 1.25 cfs (560 gpm) based on the statutory limit if the pivot were to make full rotation to irrigate 87 acres which is the coverage by pivot with a 1,100 foot radius

REPORT ON WATER PERMIT APPLICATION NO. 6840-3
For Karl M Schenk
May 1, 2007

Application No. 6840-3 proposes to appropriate 2.11 cfs from one well approximately 110 feet deep located in the approximate center of the NE ¼ section 16 to irrigate 67 acres located in the NE ¼ of section 16; all in T93N R55W in Yankton County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is a surficial outwash (sand and gravel) that under water table conditions in this portion of Yankton County. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Clay County to the east, blends into the Lower James Missouri aquifer to the north and is hydraulically connected to the James and Missouri Rivers 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 can be expected to be at least 500 gpm and may be more than 1,000 gpm (Bugliosi, 1986).

No test wells were drilled for this application. The estimate of 110 feet is not documented but certainly that should be sufficient to penetrate the entire aquifer. 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).

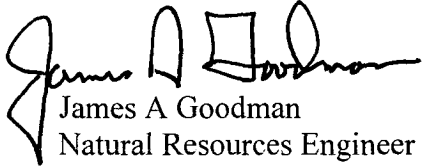
The Water Rights Program monitors observation well YA-57D located about three miles east of this proposed well site. Water levels for this well show good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is located about one-half mile to the east of this proposed well. That is Water Permit No. 6793-3. The proposed irrigation wells would be about ¾ miles apart. Drawdown created by pumping at this distance is not expected to be significant. This is shown by the observation well hydrograph for YA-57D. Note that water levels this near the river appear to have declined over the years. This is probably because of entrenching of the Missouri River since the construction of the upstream dam. This phenomenon is apparent from all the observation well records that are located near the Missouri River from the Yankton area to the Sioux City area. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. 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 is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres. No justification has been provided with the application. The recommended rate should be 0.96 cfs for 67 acres.



James A Goodman
Natural Resources Engineer

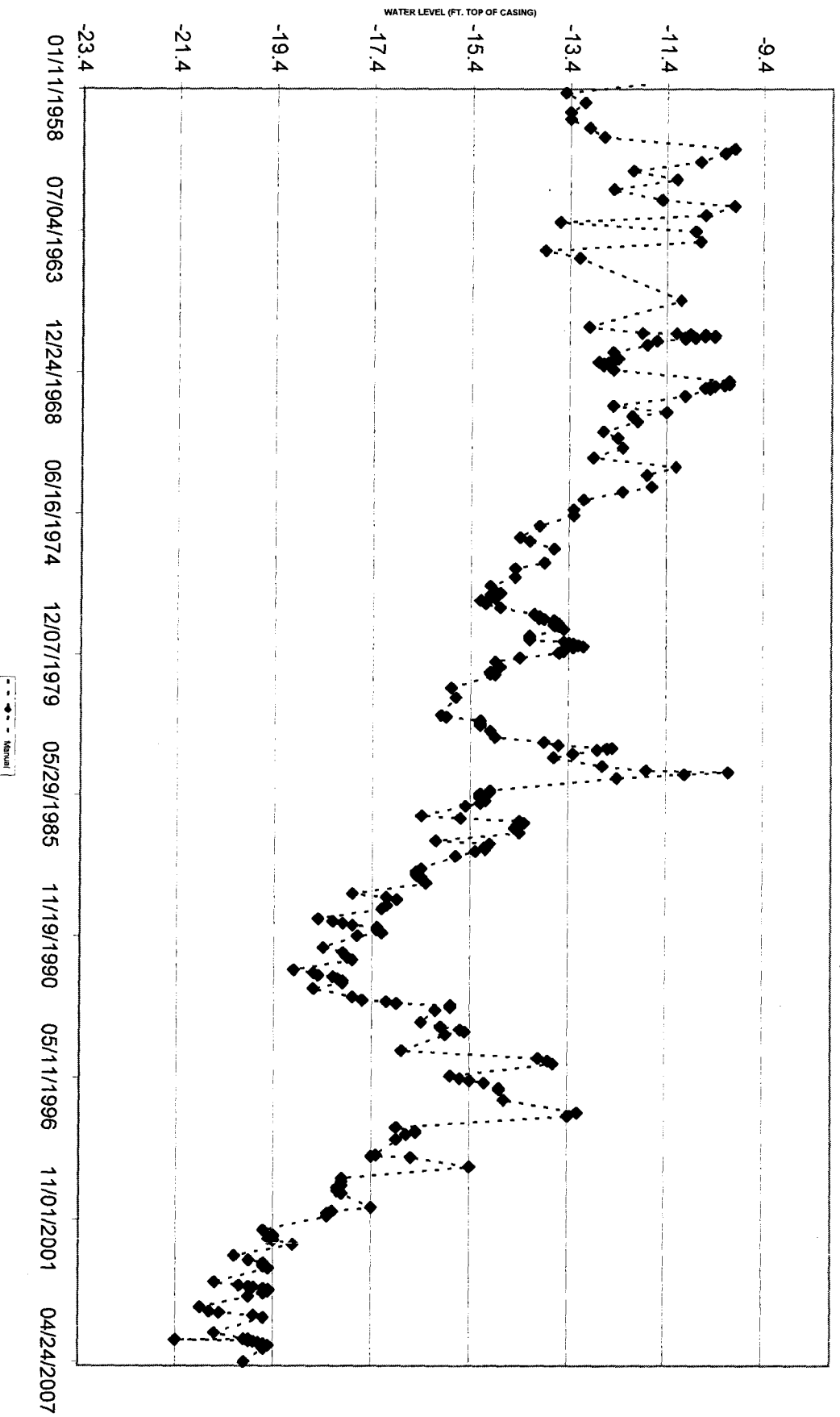
BIBLIOGRAPHY

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-57D



File No. 1960-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Karl Schenk, 44352 308th St, Mission Hill SD 57046

DATE: January 19, 2007

TELEPHONE: 605 665-6113

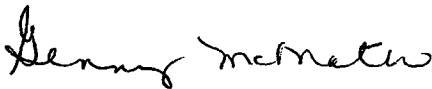
RE: Water Right No. 1960-3

COMMENTS:

Water Right No. 1960-3, (formerly Gurney Seed & Nursery and later Parks Limited Inc) authorizes diversion of water from the Missouri River for irrigation purposes. Mr. Schenk owns the land described in the water right.

He indicated the river diversion point has not been used for years. A well was drilled for irrigation of the land in 1972. He is working towards getting a new permit in place for the system as it exists.

I visited with Mr. Schenk concerning cancellation of 1960-3 since the river source has been abandoned and now only ground water is used. He agreed that the old water right was no longer used and could be cancelled.



Genny McMath
Water Rights Program

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

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.

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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

11-02

Location nw $\frac{1}{4}$ ne $\frac{1}{4}$ Sec 16 Twp 93n Rg 55w

County

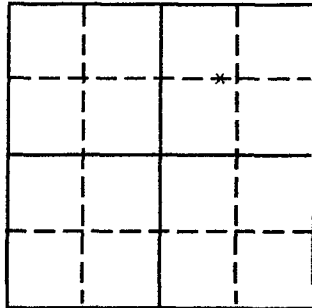
Yankton

North

Please mark well
location with an "X"

W

E



Well Completion Date

3/22/2007

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 800.0 ft. from septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

direct rotary

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	30.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	27.0 Ft
Bent grt	17	9.5		

Describe grouting procedure
Tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 40.0 Feet
 Material PVC slotted
 Slot Size .050 Set From 30.0 Feet to 70.0 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? HTH tablets
☐ No, Why Not?
 Lab sample sent to for water quality analysis
Well Owner: Karl Schenk

Business Name:

Address: 44352 308th StreetCity, State, Zip: Mission Hill SD 57046

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil, Dk Brn, Silty	0	1
Sand, brown, medium	1	33
gravel, v large rocky	33	83
Shale, dk gray	83	103

STATIC WATER LEVEL 22.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

33.0 Ft. After 2.0 Hrs. pumped 750.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: \$25.0 GPM

REMARKS

RECEIVED

FEB - 1 2008

WATER RIGHTS
PROGRAMThis well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/21/07

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
FEB - 3 2014
WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6840-3

Date: 1-28-14

I/We request that Water Permit No. 6840-3

formerly owned by: Karl Schenk

be transferred to: (name & address) Ron & Angela Kneip

1380 Turnberry Ave
LeMars, IA 51031 Telephone No. 712 548-8555

Title to the following described land(s)/property has been transferred as described above:

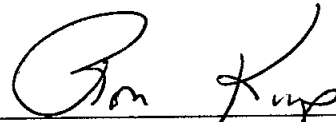
67 acres - NE 1/4 Section 16, T93N, R55W

I/We understand that the validity of Water Permit No. 6840-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ron Kneip, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/3, 20 14

RECEIVED OF Ron Knapp 1380 Turnberry Ave LeMars IA 51031

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6840-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06716**

By *James L. Linsman*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 3, 2014

6840-3

Ron & Angela Kneip
1380 Turnberry Ave
LeMars IA 51031

Dear Mr. & Mrs. Kneip:

I am writing to acknowledge receipt of the 2013 irrigation questionnaire and the transfer of ownership form and filing fee you submitted for Water Permit No. 6840-3.

The ownership change has been completed. Water Permit No. 6840-3 formerly held by Karl Schenk is now listed in your names.

Enclosed for your records is Receipt No. 06716 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

McMath, Genny

From: McMath, Genny
Sent: Wednesday, November 12, 2014 8:42 AM
To: 'RON KNEIP'
Subject: RE: irrigation questionnaire

Thanks for the info, I must have mistaken one of your zeros on the back as a 6. I will edit the form and call it good. Thanks again for the quick response.
Genny

From: RON KNEIP [<mailto:rjkkneip@yahoo.com>]
Sent: Wednesday, November 12, 2014 8:41 AM
To: McMath, Genny
Subject: Re: irrigation questionnaire

pump rate is the same
67 acres irrigated
never ran this year

Thanks

Ron Kneip
TCOOL Inc
24 1st St N.W.
LeMars, Ia 51031
712-546-7851

On Wednesday, November 12, 2014 8:37 AM, "McMath, Genny" <Genny.McMath@state.sd.us> wrote:

Ron and Angela,
I have received your irrigation questionnaire and am sending a note to you for clarification. The only thing you had listed on the back was 92 acres of beans and 6 days. A pump rate is needed and also the average hours per day. I made an assumption that you pumped 24 hours per day but am not sure if that is what actually happened. The pump rate reported by Mr. Schenk in 2012 says 600 gpm. Is the rate still the same? Another item is that you reported 92 acres. The permit covers 67. If you are actually irrigating the additional acres, I can send you an application to add land and we will work with you to get everything covered.

Please give me a call when you can so I can complete your questionnaire by the deadline.

Items needed would be:

- clarification on # of acres irrigated
- pump rate
- hours per day system ran

Thank you in advance,

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6840-3**

I have this day, February 7, 2020, made a thorough examination of the water use system constructed by Ron & Angela Kneip, 1380 Turnberry Ave, Lemars, IA 51031, holder of Permit No. 6840-3, bearing the priority of March 22, 2007 authorizing the diversion of 1.25 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 67 acres located in Yankton County.

Inspection contacts: Frank Kralicek, Jr.

A. Works used to divert the water:

Well Information:

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

Casing:

- 1) Diameter 16 inches
- 2) Length 30 feet
- 3) Type PVC

Screen:

- 1) Diameter 16 inches
- 2) Length 40 feet
- 3) Type PVC
- 4) Static water level 22 feet

Pump:

- 1) Make Western Land Roller
- 2) Serial No. 16270
- 3) Capacity 1,000 GPM

Motor:

- 1) Make General Electric
- 2) Model No. 5K6247XH4A
- 3) Horsepower rating 40 hp

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

- 1) Type Galvanized
- 2) Size 8 inches
- 3) Length 40 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make Zimmatic
- 2) Overall length 1,120 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: The pump is rated for 2.23 cfs instead of 1.25 cfs.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,290 feet west and 1,340 feet south of the northeast corner of Section 16-T93N-R55W (Latitude 42.876160, Longitude -97.342750 – SE1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows, all in Section 16-T93N-R55W

<u>NW1/4NE1/4</u>	<u>15 acres</u>
<u>SW1/4NE1/4</u>	<u>26 acres</u>
<u>SE1/4NE1/4</u>	<u>26 acres</u>

comprising a total of 67 acres of land and the license should be issued for 1.25 cfs.

3. All structures, wells and lands on map Yes

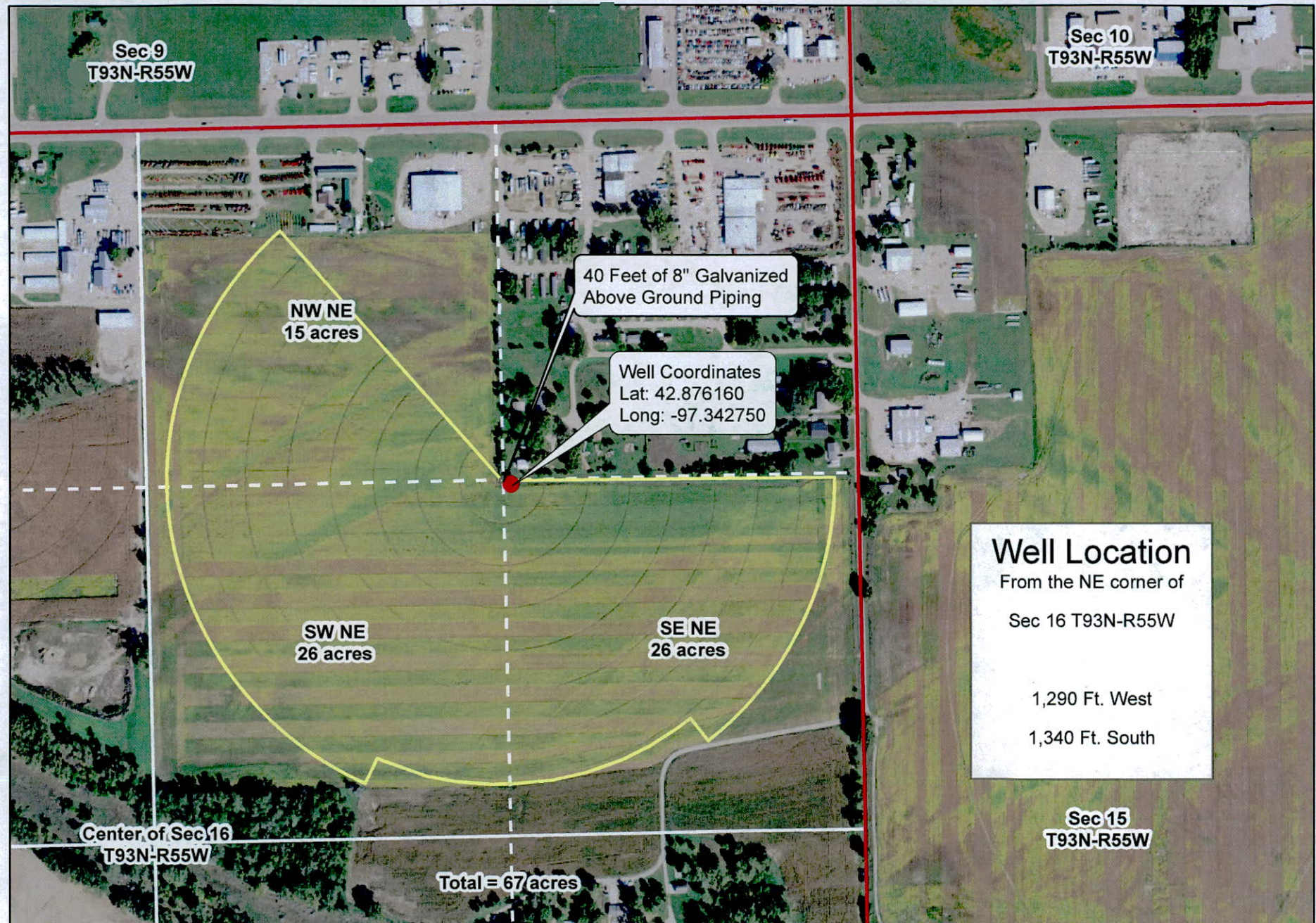
F. Comments or other permit(s) associated with the project: The well pump produces 2.23 cfs instead of the permitted amount of 1.25 cfs.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: March 6, 2020

Water Right No. 6840-3



0 165 330 660 990 1,320
Feet

SCALE



Keith DeJong

Keith DeJong, PE
Staff Engineer
March 6, 2020



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 11 2020

6840-3

Ron & Angela Kneip
1380 Turnberry Ave
LeMars IA 51031

Dear Mr. & Mrs. Kneip:

Enclosed is Water License No. 6840-3. 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, 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

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

enclosures

NOTE: The field investigation found the center pivot irrigation system capable of diverting 1.78 cubic feet of water per second (cfs) which is equivalent to approximately 800 gallons per minute. The water license is limited to 1.25 cfs (equivalent to 560 gpm) based on the original permitted diversion rate.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6840-3

(1) Karl M Schenk, Mission Hill SD made Application No. 6840-3, March 20, 2006 for a water permit to divert 1.25 cubic feet of water per second (cfs) from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6840-3, 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.

On February 3, 2014, Water Permit No. 6840-3 was transferred to Ron and Angela Kneip.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.25 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,290' W and 1,340' S of the NE corner of Section 16, T93N, R55W also described as Government Lot 1 (approximate center of the NE ¼) Latitude 42.876160, Longitude -97.342750

(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: *

T93N, R55W Section 16	NW ¼ NE ¼	15 acres
	SW ¼ NE ¼	26 acres
	SE ¼ NE ¼	26 acres
	Total	67 acres

* *Surveyed land description is Lots 1, 2 and C of the NE ¼ Section 16, T93N, R55W.*

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ron & Angela Kneip, 1380 Turnberry Ave., LeMars IA 51031 the holders and/or owners of Water Right No. 6840-3 are issued a license to appropriate water, the right to use 1.25 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of March 22, 2007 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. 6840-3 and subject to the following qualifications:

- 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 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.

continued

- The well authorized by Permit No. 6840-3 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 in March 2007 by Hammond-Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- 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, Water Right No. 6840-3 authorizes a maximum diversion rate of 1.25 cfs for the irrigation of 67 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
- 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 Environment and Natural Resources

MAR 11 2020

date

