

WATER PERMIT NO. 6915-3

Name of Applicant: **Karl Schenk**

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

Phone: **605 665-6113**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **70**

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

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **3 miles north of Mission Hill**

PRIORITY

Date Received: **12-7-07**

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

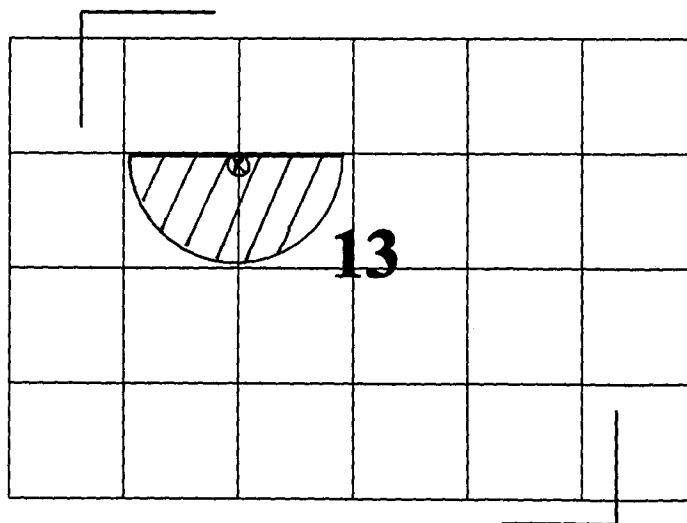
Corrected Application Received:

Period of Annual Use: **May 1 – September 30**

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

Diversion Point: **approximate center of NW ¼ Sec**
13-T94N-R55W

Land to be Irrigated: **S ½ NW ¼ Sec 13-T94N-**
R55W



Depth of Well: **180 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Marty Bertsch, Yankton Co NRCS**

Reviewed and the Number Assigned on: **12-10-07**

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. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
DEC - 7 2007
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 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)
- Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 70
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
one well at the center point of the north boundary
of the ~~SW~~ south half of the northwest 1/4 section 13
T94N Range 55W
- County or counties where water will be used Yankton
- Annual period during which water is to be used may-september
- 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)

SW1/4 Land Description	Acres	Land Description	Acres
W1/2 S1/2 NW1/4	35		
E1/2 SW NW1/4	35		
SE1/4			
all in Sec 13 T94N R55W			

- Give a description of the project. (Attach sheet if more space is needed)
a 1300' center pivot setup as a half circle pivot
powered by diesel engine

Requesting more water than Statutory Limit

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 4th day of DECEMBER 2007

Notary Public signature [Signature]

SOUTH DAKOTA
WATER PERMIT NO. 6915-3

Date of first receipt of application December 7, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6915-3 to Karl 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. 6915-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (approximately 180 feet deep) located in approximate center of the NW 1/4 Section 13 to irrigate 70 acres located in the S 1/2 NW 1/4 Section 13; 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: May 1 – September 30.
3. The date from which applicant may claim right is December 7, 2007.
4. The date of approval of Permit No. 6915-3 is February 4, 2008.
5. One-fifth of the construction is to be completed on or before August 4, 2010.
6. All construction is to be completed on or before February 4, 2013.
7. Water is to be put to beneficial use on or before February 4, 2017.
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. 6915-3 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 require, Permit No. 6915-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 70 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

APR 04 2008
date



Form 2A **Supplemental Information**
(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 180'
- b) Casing Type 2165 steel Diameter 16" Thickness 2"
- c) Screen Type Plastic Diameter 16" Thickness 4"
- d) Gravel Pack 6" Length of Gravel Pack 160'
- e) Depth to Top of Water Bearing Material ~~210'~~ 110'
- f) Depth to Water (ground surface to water level) 90'
- g) Distance to nearest existing domestic well:

On applicants property none

On property owned by others 2000'

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

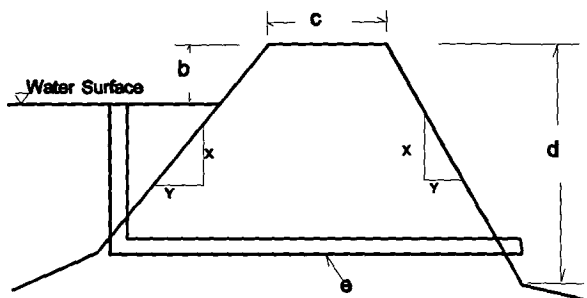
3. Dugout Information

- 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.

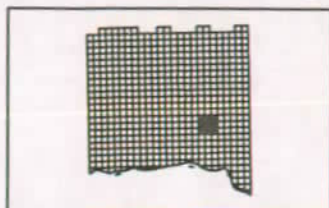
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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



USDA U.S. Dept. of Agriculture
Farm Service Agency



South Dakota Yankton County

2007 13-94N-55W

Legend

- Wetlands
- ▭ Tract Boundaries
- ▭ Section-Township-Range
- ▭ Easements
- ▭ CRP
- ▭ Common Land Units
- ▭ Rangeland

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

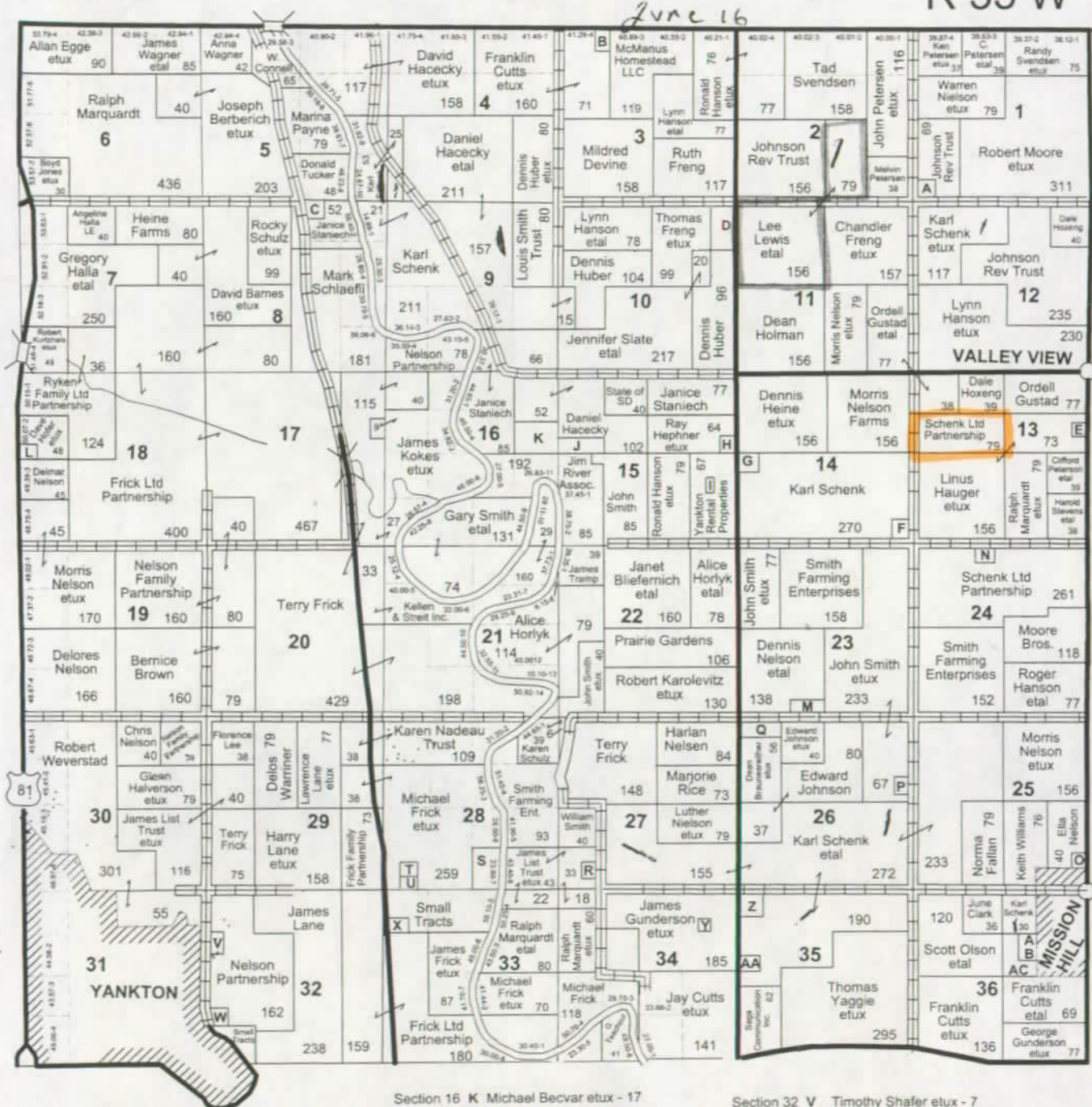
March 23, 2006

"NORTH" MISSION HILL TWP.

T 94 N

Land Owner

R 55 W



- Section 1 A Myler Holmgren etux - 10
- Section 3 B Dale Knode etux - 8
- Section 8 C Pamela Fritz etux - 18
- Section 10 D Randy Freng etux - 19
- Section 13 E Todd Quatler etux - 6
- Section 14 F David Helgeson - 27
- Section 15 G Scott Rembold etux - 15
- Section 15 H Elwyn Aase etux - 15
- Section 15 I James Williams etux - 11
- Section 15 J Michael Becvar etux - 17

- Section 16 K Michael Becvar etux - 17
- Section 18 L Michael Andrews - 14
- Section 23 M Dean Braunesreither etux - 18
- Section 24 N Richard Adams etux - 9
- Section 25 O Elmer Hasker - 12
- Section 26 P Margaret Sarringer - 10
- Section 26 Q Daniel Dolejsi - 21
- Section 27 R Gordon Olson etux - 6
- Section 28 S Velma Lane etal - 24
- Section 28 T Terry Stucky etux - 5
- Section 28 U Pierre Montagne etux - 5

- Section 32 V Timothy Shafer etux - 7
- Section 33 W Myron Weinandt etux - 19
- Section 33 X Joe Christensen etux - 7
- Section 34 Y David Aune - 11
- Section 35 Z Harlan Nelsen etux - 25
- Section 35 AA John Yaggie etux - 7
- Section 36 AB Karl Schenk - 18
- Section 36 AC Jay Cutts etux - 19

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 12/10, 20 07

RECEIVED OF Karl M 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>6915-3</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>6915-3</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.

03237

By

Michael Ervick

Chief Engineer

[Signature]

12/04/2007

State of South Dakota
Department of Environment & Natural Resources
Water Rights Division
Joe Foss Building
Pierre, SD 57501-3181

Karl Schenk
44352 308th Street
Mission Hill, SD 57046
605-665-6113
605-660-0933 cell
Schenk@cedarwb.net

*2 checks
\$1175.00 - & \$200.00*

RECEIVED

DEC - 7 2007

**WATER RIGHTS
PROGRAM**

To Whom it may concern:

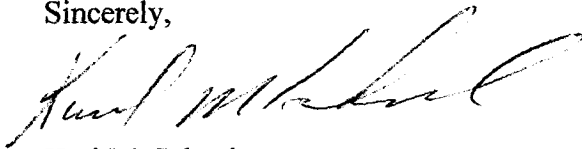
Enclosed please find five irrigation permit applications.

The Clay County irrigation application is on property that was once irrigated. It's permit number was 3036-3. Most of the particulars shall remain the same. The only difference shall be a submersible pump instead of a turbine drive pump. The pivot will be a 7 tower Valley instead of the 10 tower Lockwood. The same well is being utilized.

Most of the applications are for half circle center pivot fields. So, if the amount of water requested exceeds the allowable amount; the reason for the extra water requirement is so the center pivot will function properly.

Please contact me with any questions.

Sincerely,



Karl M. Schenk



**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. 6915-3, 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. 6915-3, Karl Schenk, 44352 308th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6915-3 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. 6915-3 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 require, Permit No. 6915-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 70 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
January 10, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6915-3

For Karl Schenk

January 8, 2008

Application No. 6915-3 proposes to appropriate 1.78 cfs from one well approximately 180 feet deep located in the approximate center of the NW $\frac{1}{4}$ of section 13 to irrigate 70 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of section 13, all in T94N R55W in Yankton County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

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 180 feet should be sufficient to get into the aquifer but would probably not penetrate the entire thickness of the aquifer. In order to develop a prolific irrigation well in this area more than likely the entire thickness of sand and gravel would need to be penetrated. Two nearby observation wells indicate the top of the aquifer was encountered between 135 and 157 feet below land surface and the bottom of the aquifer was between 210 and 230 plus feet below land surface. 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 mile of this site. These are observation wells YA-78E (located about one fourth mile northwest) and YA-80IA (located about three fourth 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 are three existing Water Right Nos. 4827-3 (1.83 cfs, 128 acres), 4855-3 (1.78 cfs, 206 acres), and 4506-3 (2.45 cfs, 203 acres) all with wells located about one mile from the location of this proposed well. Drawdown created by pumping at this distance is not expected to be significant. This is shown by the observation well hydrographs for YA-78E and YA-80IA. These observation wells are located within a one and one-half mile radius of the existing irrigation wells. 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 justifies the increase in pumping rate above the statutory limit by indicating that a full size pivot will be used to irrigate 70 acres. In effect it will require the full rate of water to operate this system however, the volume of water authorized will remain at two acre feet per acre or 140 acre-feet annually.



James A Goodman
Natural Resources Engineer

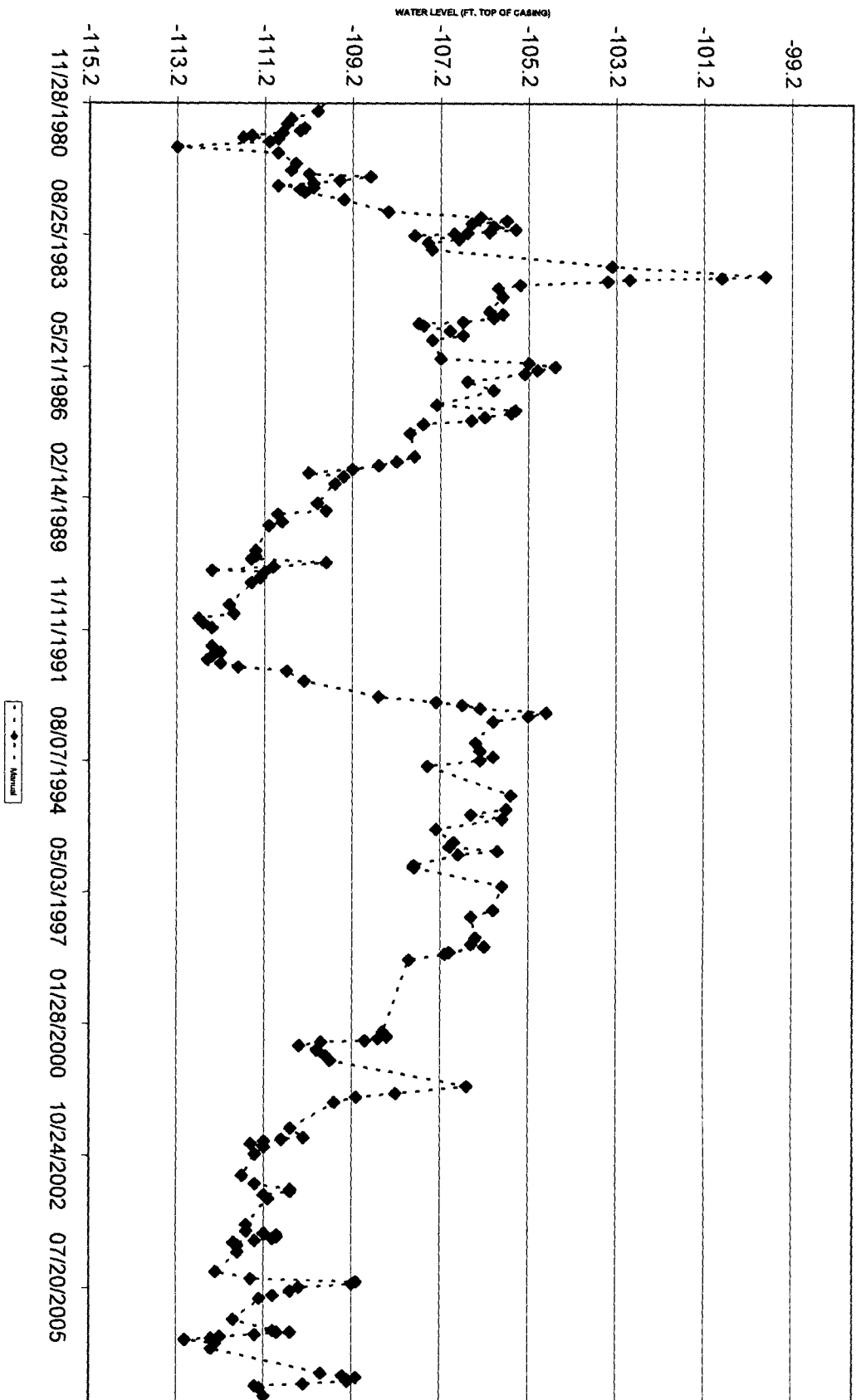
BIBLIOGRAPHY

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

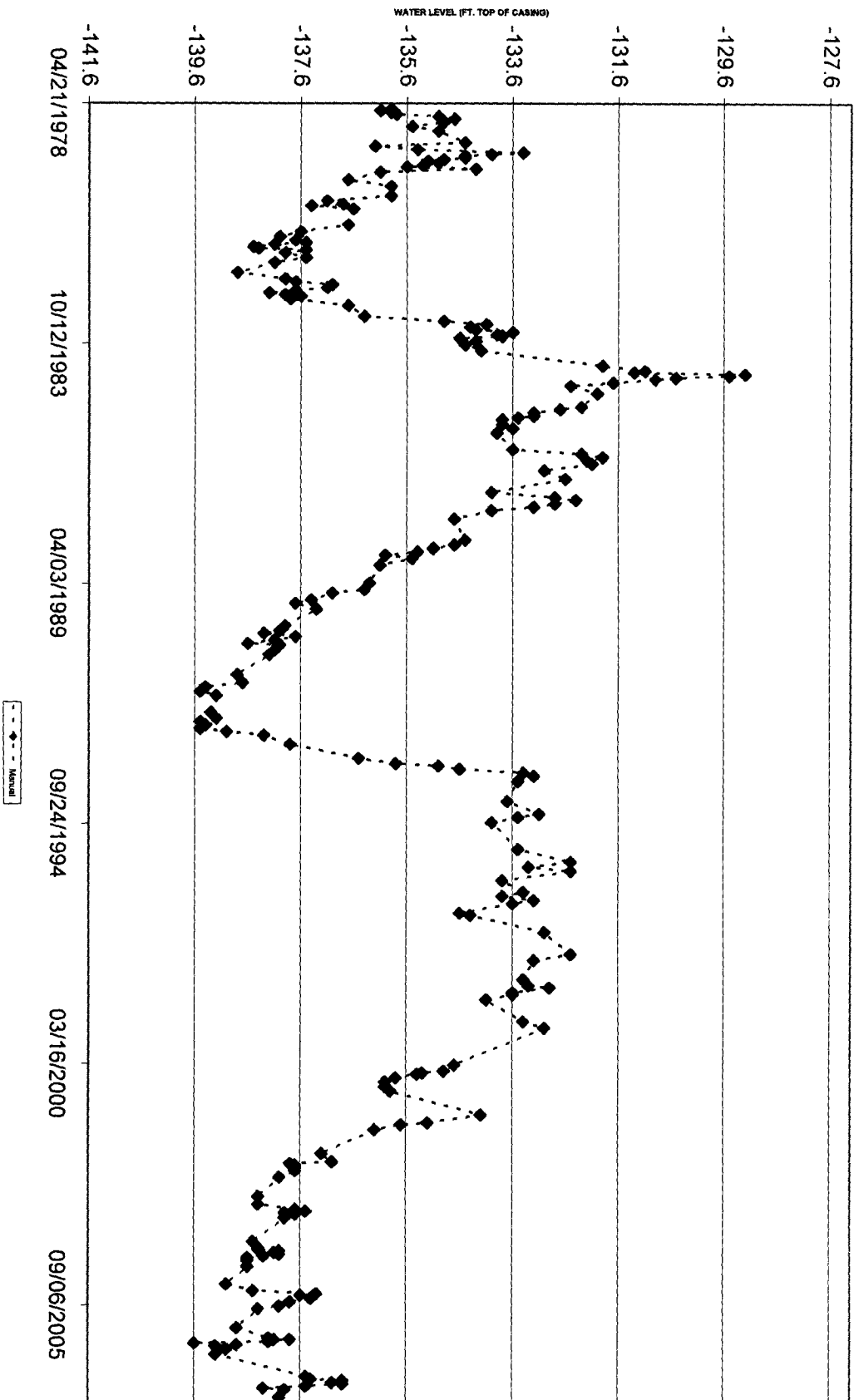
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

WATER RIGHTS' OBSERVATION WELL YA-801A



**WATER RIGHTS' OBSERVATION WELL
YA-78E**



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JAN 28 2008

**WATER RIGHTS
PROGRAM**

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 Nos. 6915-3 thru 6918-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 24th DAY OF January 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$61.99 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: 1/17, 1/24

FILED ON: 1/24/2008

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24th DAY OF January, 2008

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2009

1+17+24

NOTICE OF APPLICATION
NOS. 6915-3 thru 6918-3 to
Appropriate Water

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

Application No. 6915-3 proposes
to appropriate 1.78 cubic feet of
water per second (cfs) from one
well to be completed into the
Lower James:Missouri Aquifer
(approximately 180 feet deep)
located in approximate center of
the NW 1/4 Section 13 to irrigate
70 acres located in the S 1/2 NW
1/4 Section 13; all in T94N-R55W.
The applicant is requesting a
diversion rate greater than the
statutory limit of 1 cfs per 70
acres.

Application No. 6916-3 proposes
to appropriate 1.78 cfs from one
well to be completed into the
Missouri:Elk Point Aquifer
(approximately 80-100 feet deep)
located in the approximate center
of the SE 1/4 Section 17 to irrigate
70 acres located in the N 1/2 SE
1/4 Section 17; all in T94N-R54W.
The applicant is requesting a
diversion rate greater than the
statutory limit of 1 cfs per 70
acres.

Application No. 6917-3 proposes
to appropriate 1.78 cfs from one
well to be completed into the
Lower James:Missouri Aquifer
(approximate 180 feet deep) locat-
ed in the approximate center of the
SW 1/4 Section 26 to irrigate 140
acres located in the SW 1/4
Section 26; all in T94N-R55W.

Application No. 6918-3 proposes
to appropriate 1.33 cfs from one
well to be completed into the
Missouri:Elk Point Aquifer
(approximately 80-100 feet deep)
located in the approximate center
of the SW 1/4 Section 27 to irri-
gate 55 acres located in the E 1/2
SW 1/4 Section 27; all in T94N-
R55W. The applicant is requesting
a diversion rate greater than the
statutory limit of 1 cfs per 70
acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6915-3, 6916-3, 6917-3 and 6918-3 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 applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-5352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 4, 2008.

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

January 10, 2008

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

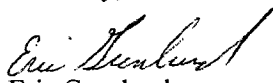
Enclosed is a Notice on Application Nos. 6915-3 thru 6918-3 to Appropriate Water to be published twice. Please publish the first notice on January 17, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is 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. 6915-3 thru 6918-3

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

Date _____

We are in receipt of your letter of January 10, 2008 enclosing Notice to Appropriate Water by Application Nos. 6915-3 thru 6918-3 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.

January 10, 2008

Karl Schenk
44352 308th St
Mission Hill SD 57078

Dear Mr. Schenk:

Water Permit Application Nos. 6915-3 thru 6918-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Daily Press & 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 Notices 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 January 17, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6915-3 thru 6918-3 to Appropriate Water

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

Application No. 6915-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (approximately 180 feet deep) located in approximate center of the NW $\frac{1}{4}$ Section 13 to irrigate 70 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6916-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 80-100 feet deep) located in the approximate center of the SE $\frac{1}{4}$ Section 17 to irrigate 70 acres located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17; all in T94N-R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6917-3 proposes to appropriate 1.78 cfs from one well to be completed into the Lower James:Missouri Aquifer (approximate 180 feet deep) located in the approximate center of the SW $\frac{1}{4}$ Section 26 to irrigate 140 acres located in the SW $\frac{1}{4}$ Section 26; all in T94N-R55W.

Application No. 6918-3 proposes to appropriate 1.33 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 80-100 feet deep) located in the approximate center of the SW $\frac{1}{4}$ Section 27 to irrigate 55 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6915-3, 6916-3, 6917-3 and 6918-3 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 applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's 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 February 4, 2008.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 04 2000

Karl Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Enclosed are Water Permit Nos. 6915-3, 6916-3, 6917-3 & 6923-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the 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 Erbe, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

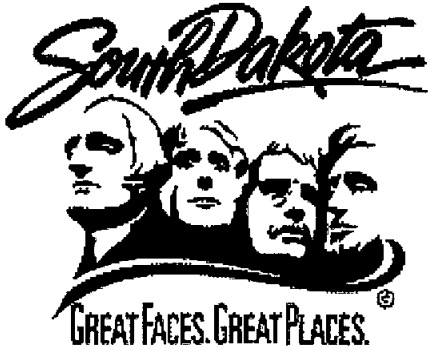
McMath, Genny

From: Jeff Mueller <jeff@co.yankton.sd.us>
Sent: Tuesday, February 04, 2014 4:24 PM
To: McMath, Genny
Subject: Re: land ownership

Genny,

The current owner of the S1/2 NW/14 of 13-94-55 is Gary Smith. The deed records usually do not include a phone number for the buyer or seller, but his address is: PO BOX 151, Mission Hill, SD 57046. However, I did check the phone book and there is a G.E. Smith in Mission Hill listed under 605-665-5479. This is most likely the same guy. Please let me know if I may be of further assistance. Thank you.

All The Best,
Jeffrey Mueller
Yankton County Register of Deeds
(605) 260-4400 Ext. 5
Jeff@co.yankton.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2014

6915-3

Gary Smith
PO Box 151
Mission Hill SD 57046

Dear Mr. Smith:

Thank you for visiting with me about the land you purchased from Karl Schenk. I filled out the irrigation questionnaire based on our phone conversation.

In answer to your question concerning movement of the pivot, you should be okay without any additional permitting. You are currently permitted for most of the SW $\frac{1}{4}$ Section 13, T94N, R55W. The land you purchased from Mr. Schenk is located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13. The current wells are into the same aquifer so you could actually use either well and be using the same source. As long as no new acres are going to be irrigated as you shift the pivot, nothing further needs to be done.

At some point when we come out to do an inspection for licensing purposes, Water Permit Nos. 6915-3, 7014-3 & 7824-3 will most likely be incorporated together if you configure them to operate as one system.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change for Water Permit No. 6915-3. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

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

RECEIVED
MAR 19 2014
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6915-3

Date: _____

I/We request that Water Permit No. 6915-3

formerly owned by: Karl Schenk

be transferred to: (name & address) Gary Smith

PO Box 151 Mission Hill SD 57046

Telephone No. 605 661 5479

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

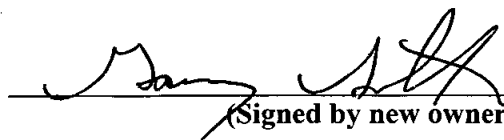
70 acres - S 1/2 NW 1/4 Section 13, T94N, R55W

I/We understand that the validity of Water Permit No. 6915-3 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 Gary Smith, 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 3/18, 20 14

RECEIVED OF Gary Smith PO Box 151 Mission Hill SD 57046

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>6915-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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. **06791**

By *Jeanne Hoodman*
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

March 19, 2014

6915-3

Gary Smith
PO Box 151
Mission Hill SD 57046 0151

Dear Mr. Smith:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 6915-3.

The ownership change has been completed. Water Permit No. 6915-3, formerly held by Karl Schenk is now listed in your name.

Enclosed for your records is Receipt No. 06791 in the amount of \$50. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosure

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6915-3**

I have this day, August 2, 2021, made a thorough examination of the water use system owned by Gary Smith, PO Box 151, Mission Hill, SD 57046, holder of Permit No. 6915-3, bearing the priority of December 7, 2007 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 70 acres located in Yankton County.

Inspection contacts: Gary Smith

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 229 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 165 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 135 feet

Pump:

- 1) Make: Flowserve
- 2) Model: 5-12skl-b
- 3) Capacity: 740 GPM

Motor:

- 1) Make: General Electric
- 2) Model No.: 5K6254XM501B
- 3) Horsepower rating: 60 hp

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

- 1) Type: Aluminum
- 2) Size: 8 inches
- 3) Length: 100 feet

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

- 1) Make Zimmatic (hybrid)
- 2) Overall length 1,268 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 740 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

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

The well is 1,440 feet east and 1,350 feet south of the northwest corner of Section 13-T94N-R55W (Latitude 42.963303, Longitude -97.293225 – SE1/4 of the NW1/4).

2. The works are capable of diverting and conveying to the place of use 1.65 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 13-T94N-R55W

SW1/4NW1/4 31 acres

SE1/4NW1/4 33 acres

comprising a total of 64 acres of land and the license should be issued for 1.65 cfs.

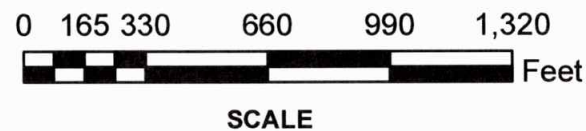
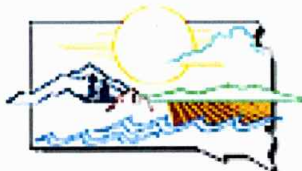
3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: The pump and well information was obtained from Dick Hammond.

Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **November 23, 2021**

Water Right No. 6915-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
September 1, 2021

6915-3

Halunson N. well -

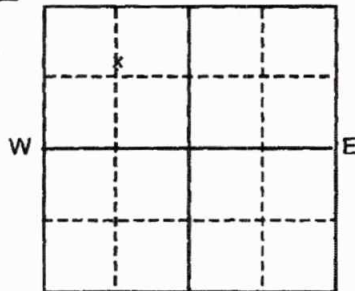
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location ne $\frac{1}{4}$ nw $\frac{1}{4}$ Sec 7 Twp 94n Rg 55wWell Owner: Karl SchenkCounty Yankton

North

Please mark well
location with an "X"

Well Completion Date

12/13/09

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	165.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	39	9.5 Lb/gal	0.0 Ft	155.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 60.0 FeetMaterial pvcSlot Size .060 Set From 165.0 Feet to 225.0 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 to which water
quality sample sent for analysis

Business Name:

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

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, clayey	0	3
Clay, brown, silty, pebbly till	3	36
Clay, gray, silty, pebbly, till	36	160
Gravel, fine, sandy	160	229

STATIC WATER LEVEL 135.0 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: air lift development
☒ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This 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:

RECEIVED

JAN 29 2010

Date:

WATER RIGHTS
PROGRAM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 17 2022

6915-3

Gary Smith
PO Box 151
Mission Hill SD 57046

Dear Mr. Smith:

Enclosed is Water License No. 6915-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6915-3**

(1) Karl Schenk, Mission Hill SD made Application No. 6915-3, December 7, 2007 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6915-3, with a priority date of December 7, 2007 was approved February 4, 2008, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 4, 2013, and for the application to beneficial use of said water on or before February 4, 2017.

On March 19, 2014, Water Permit No. 6915-3 was transferred to Gary Smith, Mission Hill, SD.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.65 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,440'E and 1,350'S of the NW corner of Section 13, T94N, R55W (SE ¼ NW ¼)
Latitude 42.963303, Longitude -97.293225

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

Section 13, T94N, R55W	SW ¼ NW ¼	31 acres
	SE ¼ NW ¼	33 acres
	Total	64 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Smith, PO Box 151, Mission Hill SD 57046 the holder and/or owner of Water Right No. 6915-3 is issued a license to appropriate water, the right to use 1.65 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of December 7, 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. 6915-3 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 water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6915-3 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 2009 by Hammond Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.***

continued

Water License No. 6915-3

Page 2

- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so require, No. 6915-3 authorizes a maximum diversion rate of 1.65 cfs for the irrigation of 64 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. *The diversion rate and acreage were modified to reflect the system as developed.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer

Water Rights Program

Department of Agriculture and Natural Resources

MAR 17 2022

date

