

WATER PERMIT NO. 6923-3

Name of Applicant: **Karl Schenk**

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

Phone: **605 665-6113**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **206**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **1 mile northwest of Vermillion**

PRIORITY

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

Application/License Fee: **\$325**

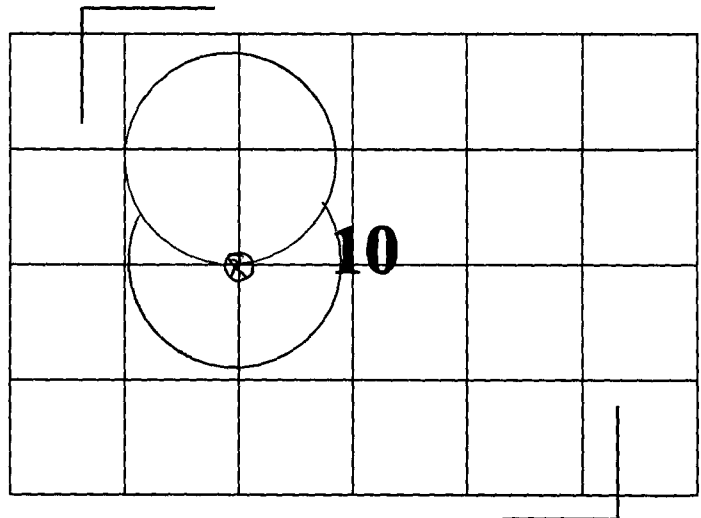
Corrected Application Received: **12-14-07**

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

Remarks: **Cancelled Water Right No. 3036-3 originally covered this area.**

Diversion Point: **approximate center W ½ Sec 10-
T92N-R52W**

Land to be Irrigated: **NW ¼, N ½ SW ¼ Sec 10-
T92N-R52W**



Depth of Well: **108 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Valeria A Schimkutz, Yankton FSA**

Reviewed and the Number Assigned on: **12-17-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED 325

DEC - 7 2007

WATER RIGHTS
PROGRAMFORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>10923-3</u>	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk</u>	<u>PO Box 256</u> <u>605-624-2695</u> <u>Vermillion 57069</u>

101111

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 3036-3
(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 1.56 *CFS or 700 **GPM ***AF Total Acreage 206
(*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 Clay
S63°E, 172 Rods from the NW corner
Section 10, T92N, R52W approximate center W1/2
- County or counties where water will be used Clay
- Annual period during which water is to be used may/september 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4	34	NW 1/4 SW 1/4	32
NE 1/4 NW 1/4	34	NE 1/4 SW 1/4	32
SW 1/4 NW 1/4	37		
SE 1/4 NW 1/4	37	Sec 10 T92N R52W	

- Give a description of the project. (Attach sheet if more space is needed)
a full circle 7 tower 1320' pivot w/ drops; water (low)
provided by a 35 hp electric submersible pump
1320' of 10" buried plastic to water pivot pad.

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. SchenkSubscribed and sworn to before me this 4th day of DECEMBER 20 07

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6923-3**

Date of first receipt of application December 7, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6923-3 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. 6923-3 appropriates 1.56 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (108 feet deep) located in approximate center of the W 1/2 Section 10 to irrigate 206 acres located in the NW 1/4, N 1/2 SW 1/4 Section 10; all in T92N-R52W.
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. 6923-3 is February 11, 2008.
5. One-fifth of the construction is to be completed on or before August 11, 2010.
6. All construction is to be completed on or before February 11, 2013.
7. Water is to be put to beneficial use on or before February 11, 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. If a replacement well is necessary, the new well 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. Any abandoned well shall be plugged in accordance with South Dakota Well Construction Standards.
3. 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



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 108'
- b) Casing Type Plastic Diameter 16" Thickness 4"
- c) Screen Type Plastic Diameter 16" Thickness 4"
- d) Gravel Pack 6" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 20
- g) Distance to nearest existing domestic well:

On applicants property None

On property owned by others 1 1/4 miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

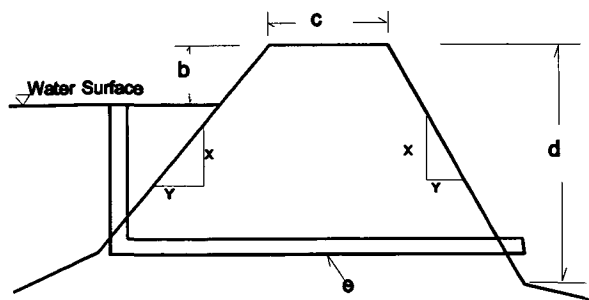
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

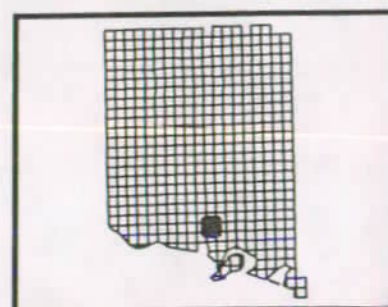


United States Department of Agriculture
Farm Service Agency



South Dakota
Clay County
10-92N-52W

1:8,655



February 28, 2007

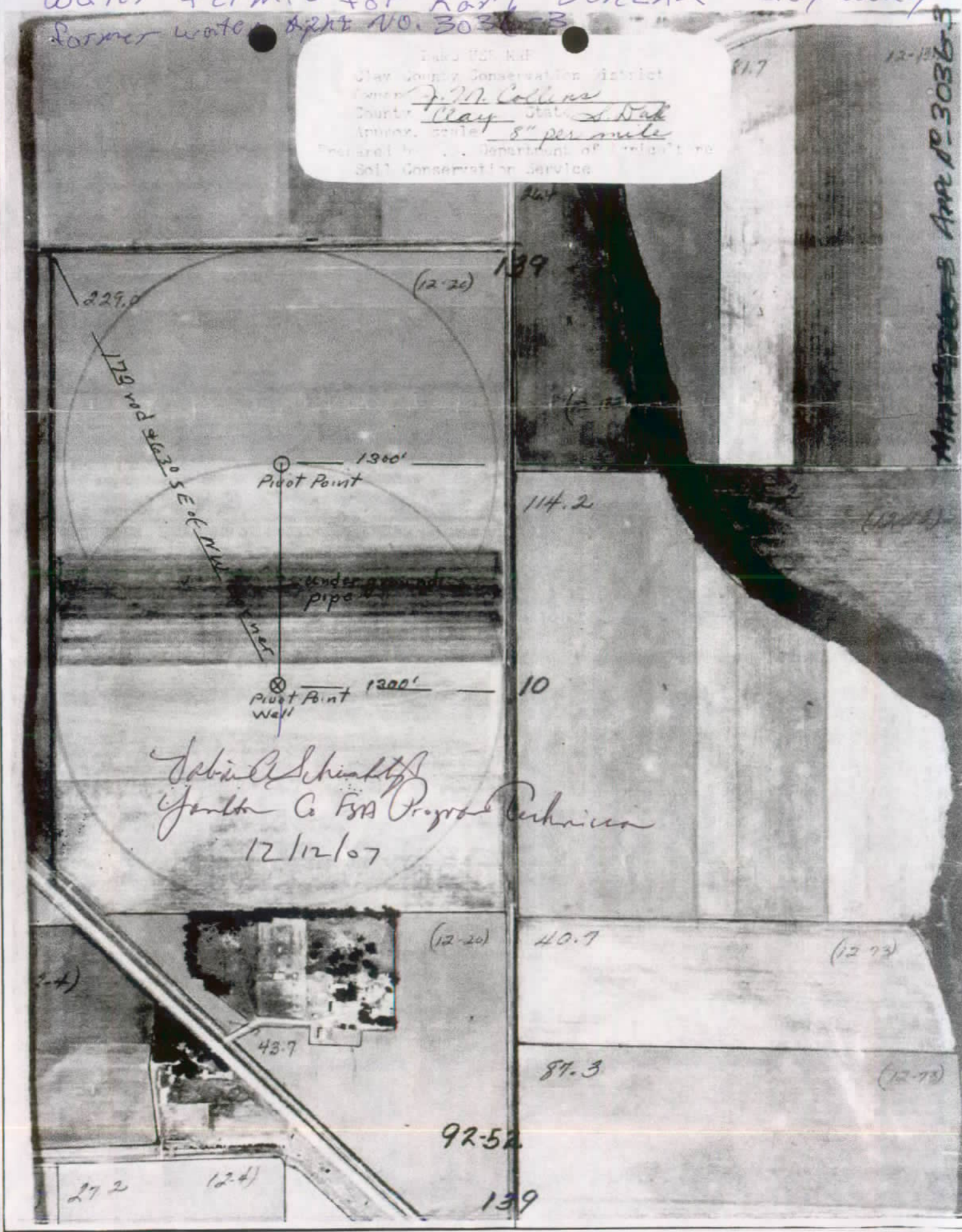
Water Permit for Karl Schenk clay county
former water right NO. 3036-3

Map No. 141
Clay County Conservation District
Owner J. M. Collins
County Clay State Ark
Approx. scale 8" per mile
Prepared by U.S. Department of Agriculture
Soil Conservation Service

11.7

12-13

Map No. 141
NO. 3036-3

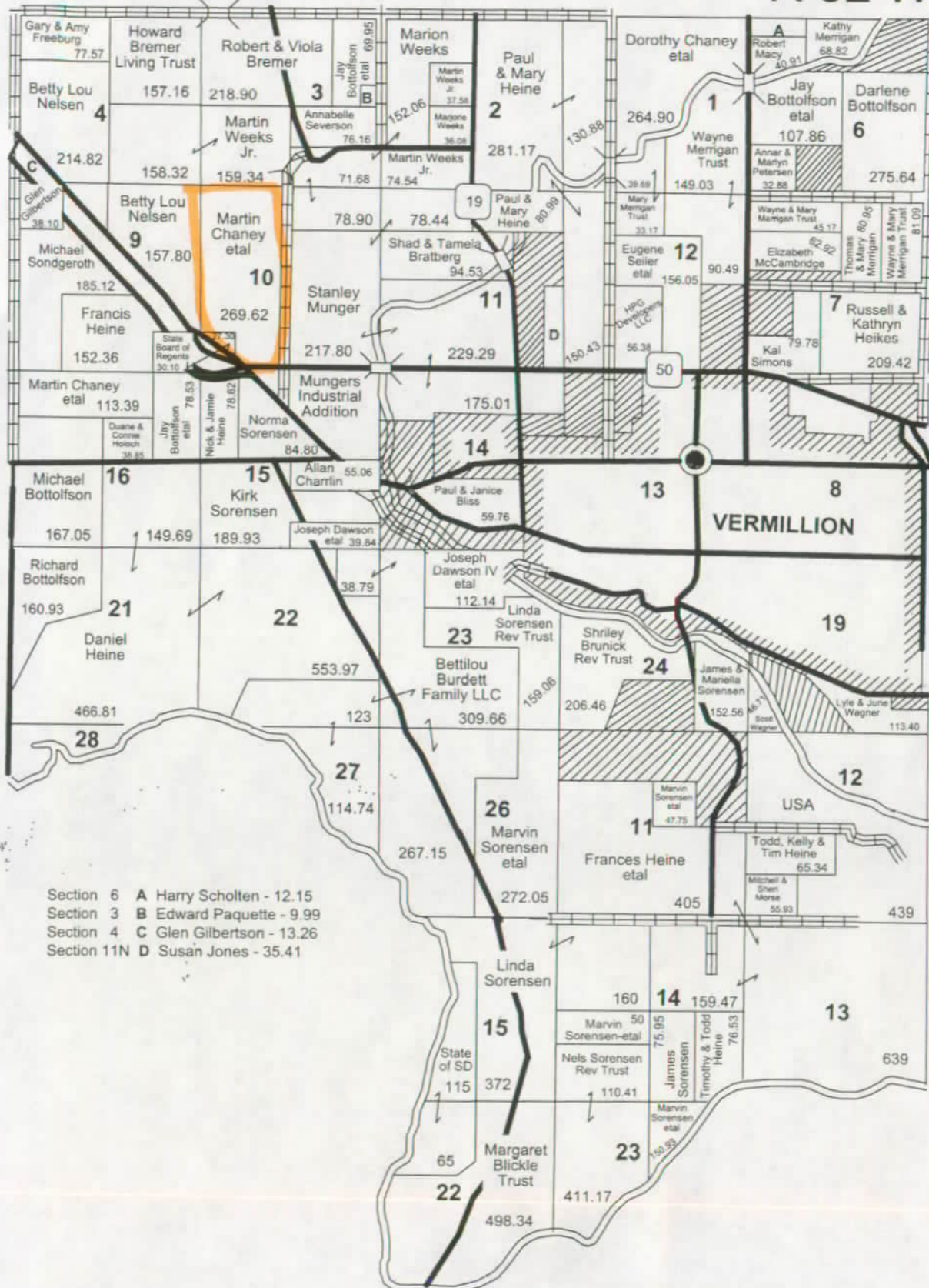


VERMILLION TWP.

T 92 & 91 N

Land Owner

R 52 W



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location se $\frac{1}{4}$ sw $\frac{1}{4}$ Sec 10 Twp 92n Rg 52w

County

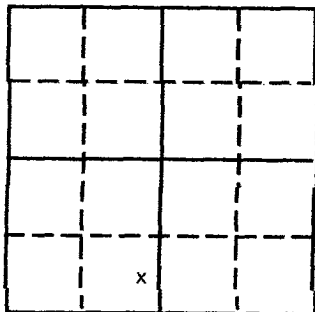
clay

North

Please mark well location with an "X"

W

E



Well Completion Date

5/17/2007

1 Mile

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

? 500.0 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:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	5.00 IN	0.0 FT	80.0 FT	9.00 IN
	IN	FT	FT	IN
	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	77.0 Ft
Bent grt	12	9.5 Lb/gal		
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 5.00 Inches Length 20.0 Feet
Material PVC slottedSlot Size .040 Set From 80.0 Feet to 100.0 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: Loren ForrestBusiness Name: Rural Energy MarketingAddress: 500 Russell Street, #2City, State, Zip: Luverne MN 56156

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil, Dk Brn, Silty	0	1
Silt, brn, Clayey	1	17
sand, brown, fine	17	32
clay, gray, silty	32	56
sand, brown, medium to coarse	56	77
Gravel, sandy	77	103

STATIC WATER LEVEL 15.0 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

21.0 Ft. After 8.0 Hrs. pumped 45.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 45.0 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: 12/26/07

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>6923-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>6923-3</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	325 00

No.

03234

By

Garland Erbe
Chief Engineer

2

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
\$1,175⁰⁰ & \$200⁰⁰

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

December 10, 2007

Karl Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing concerning the *Application for a Permit to Appropriate Water* for irrigation in Clay County. This would be the application for the land originally irrigated under Water Right No. 3036-3.

Enclosed are the aerial photo maps submitted with the application. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office). I realize that one of the maps submitted is a copy from our files but it doesn't appear to have the required signature. To avoid any legal complications, I am returning the maps for the proper signature. Enclosed is a postage prepaid envelope for your use.

The other four applications located in Yankton County are complete and nothing further is required.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6923-3, 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. 6923-3, Karl Schenk, 44352 308th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6923-3 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. If a replacement well is necessary, the new well 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. Any abandoned well shall be plugged in accordance with South Dakota Well Construction Standards.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 16, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6923-3

For Karl Schenk

January 15, 2008

Application No. 6923-3 proposes to appropriate 1.56 cfs (700 gpm) from one well approximately 108 feet deep located in the approximate center of the W $\frac{1}{2}$ of section 10 to irrigate 206 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 10; all in T92N R52W in Clay County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in this area. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, into Yankton County to the west, blends into the Upper Vermillion Missouri aquifer to the north and is hydraulically connected to both the Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast in the area of this application (Christensen, 1967). The hydrogeologic map in the Christensen report indicates the aquifer should be 100 to 125 feet thick in this area. Christensen described the aquifer as follows "On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium--- gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash" (Christensen, 1967).

There is an existing irrigation well at this site. At one time these same lands were irrigated under Water Right No. 3036-3 and that right was cancelled upon abandonment. There is a record of the production well at this site drilled by Wetmore Drilling. This well will need to be tested to determine its viability. The information available from the county study, area domestic and irrigation wells and the observation wells all indicates the aquifer is present at this site. It is possible that the existing well at this site will not produce the amount of water requested and will need to be replaced.

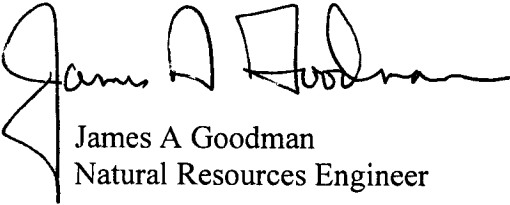
The Water Rights Program monitors an observation well CL-80G that is located about two miles north of this application. Water level records for this observation well shows good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. The water level record indicates 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 No. 6509-3 and located about one and one-half miles northeast from this well site. Interference is not a concern. Drawdown created by pumping will not be significant at this distance. This is also shown by the observation well record. Also there has never been any reported water availability problems for the Missouri Elk Point aquifer in Clay County.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer appears to behave like it is under water table conditions. The log for the existing well indicates the aquifer is under artesian conditions at this site. It is not anticipated that drawdown created by pumping will be significant nor cause any adverse effect. Interference is not a concern.
3. It can not be determined from the well completion report if this well is constructed in accordance with SD Well Construction Standards. If it is necessary to replace this well, the new well must be constructed in accordance with SD well Construction Standards and the old well plugged.



James A Goodman
Natural Resources Engineer

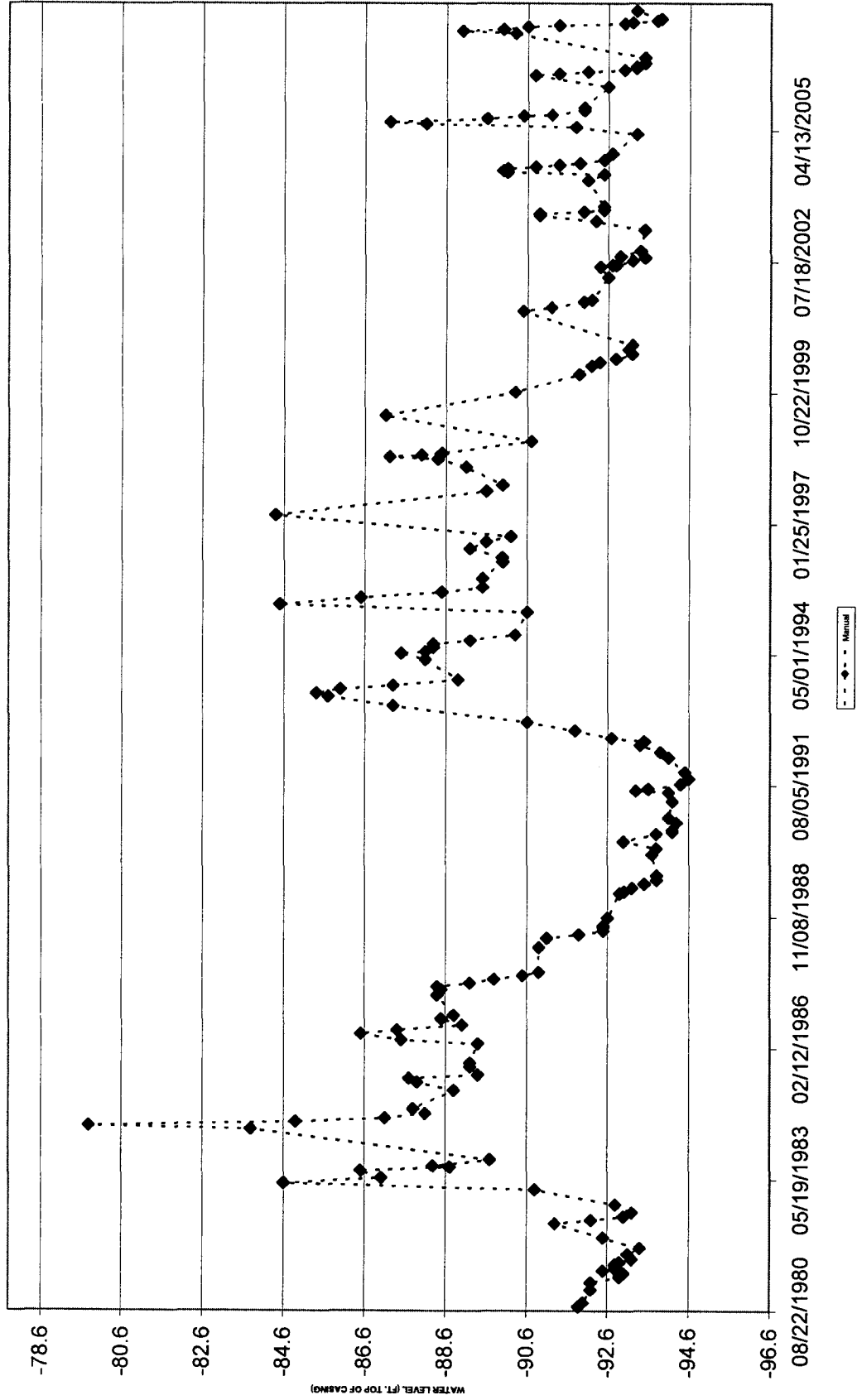
BIBLIOGAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrogeology of Clay County, South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

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, 2005, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
CL-80G**



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION NO. 6923-3

to Appropriate Water

Karl Schenk

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 25th day of January, 20 08, and that the succeeding publications were severally

on Friday, the 1st day of February, 20 08,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Forty _____ dollars and 52 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or 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 other person whomsoever.

Penny Tucker

Subscribed and sworn to before me

this 8th day of February, 20 08

Nicole J. Savoie
Exp. 4-5-2013

RECEIVED

FEB 11 2008

WATER RIGHTS
Notary Public

NOTICE OF APPLICATION

NO. 6923-3 to Appropriate Water

Notice is given that Karl Schenk, 44352 308th St., Mission Hill, SD 57046 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (108 feet deep) located in approximate center of the W 1/2 Section 10 to irrigate 206 acres located in the NW 1/4, N 1/2 SW 1/4 Section 10; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6923-3 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 this application, as rec-

ommended, 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 application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application 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 11, 2008.

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 application, 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 this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish: January 25 & February 1, 2008



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 17, 2008

Plain Talk
PO Box 256
Vermillion, SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6923-3 to Appropriate Water to be published twice. Please publish the first notice on January 25, 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-----

No. 6923-3

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

Date _____

We are in receipt of your letter of January 17, 2008 enclosing Notice to Appropriate Water by Application No. 6923-3 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 17, 2008

Karl Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Water Permit Application No. 6923-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report 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 application.

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 25, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6923-3 to Appropriate Water

Notice is given that Karl Schenk, 44352 308th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (108 feet deep) located in approximate center of the W ½ Section 10 to irrigate 206 acres located in the NW ¼, N ½ SW ¼ Section 10; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6923-3 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 this application, 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 application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application 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 11, 2008.

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 application, 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 this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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www.state.sd.us/denr

APR 04 2008

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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denr.sd.gov

December 5, 2013

6840-3
6915-3
6923-3

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Thank you for returning the 2013 Irrigation Questionnaires. Three of the questionnaires had a note that you did not own them. Do you know who now owns the land authorized under each of the permits listed below?

Permit No. 6840-3 authorizes irrigation of 67 acres located in the NE 1/4 Section 16-T93N-R55W.

- Ron Kneip - emailed him I @ + transfer 1-29-14

Permit No. 6915-3 authorizes irrigation of 70 acres located in the S 1/2 NW 1/4 Section 13-T94N-R55W.

- Gary Smith - sent transfer 2-5-14

Permit No. 6923-3 authorizes irrigation of 206 acres located in the NW 1/4 and N 1/2 SW 1/4 Section 10-T92N-R52W.

It is important for us to maintain accurate records. Any help in determining the current owner will be appreciated. If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

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

McMath, Genny

From: Ray Hofman <Ray.Hofman@claycountysd.org>
Sent: Tuesday, February 04, 2014 1:42 PM
To: McMath, Genny
Subject: RE: land ownership in Clay County

Hi Genny, The new owners are THE DONSCHELL FAMILY LIMITED PARTNERSHIP LLP, 26912 Baker Park Place, Sioux Falls SD 57108. This Deed was record 4-11-2013. Raay Hofman

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Tuesday, February 04, 2014 11:27 AM
To: Ray Hofman
Subject: land ownership in Clay County

Mr. Hofman,
Karl Schenk of Mission Hill SD wrote and told us he sold his land described under one of his water rights. I am searching for the name and mailing address of the person who now owns the land.

The land authorized for irrigation is 206 acres in the **NW ¼ and N ½ SW ¼ Section 10, T92N, R52W.**

Thank you in advance for your help. I do not need copies of anything – just the new contact information so I can call or write to them about transferring the water right.

Genny McMath
Water Rights Program
605.773.5455



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 14, 2014

6923-3

Donschell Family Ltd Partnership
26912 Baker Park Place
Sioux Falls SD 57108

Dear Sir:

I am contacting you in regard to ownership of land described in Water Permit No. 6923-3 (copy enclosed). The permit is currently listed in the name of Karl Schenk. Mr. Schenk notified our office that he no longer owned the property. I obtained your name from the Clay County Register of Deeds office.

In order to update the records, please complete the enclosed Notice of Transfer of Ownership form for filing an ownership change. 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.

Also needed for our records is the 2013 irrigation questionnaire. I have enclosed the form Mr. Schenk returned to us. Please complete the form and return it along with the transfer form and filing fee.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

RECEIVED

JUL - 1 2014

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6923-3

Date: 6/21/14

I/We request that Water Permit No. 6923-3

formerly owned by: Karl Schenk

be transferred to: (name & address) Don Schell Family LLP
26912 Baker Park Place
Sioux Falls, S.D. 57108 Telephone No. 331-3861

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

206 acres – NW ¼ and N ½ SW ¼ Section 10, T92N, R52W

I/We understand that the validity of Water Permit No. 6923-3 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 Don Schell Family LLP, the new owner, certify that the above information is true and correct.

Don Schell Family LLP by
Donald Schell Jeffery General Partner
(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

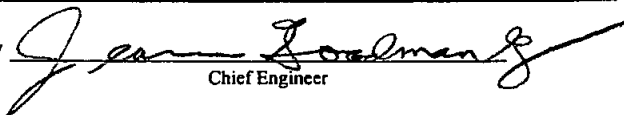
Date 7/1, 20 14

RECEIVED OF Donschell Family LLP 26912 Baker Park Place Sioux Falls SD 57108

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>6923-3</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. **06899**

By 
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



July 24, 2014

6923-3

Don Schell Family LLP
26912 Baker Park Place
Sioux Falls SD 57108

Dear Mr. Schell:

On July 1st we received a "Notice of Transfer of Ownership" form and filing fee from you for changing ownership on Water Permit No. 6923-3.

The ownership change has been completed. The water permit formerly held by Karl Schenk is now listed in the name of Don Schell Family LLP. Enclosed for your records is Receipt No. 06899 in the amount of \$50 which you paid for filing the ownership change.

For informational purposes, we have also now received the updated 2013 irrigation questionnaire from your renter. The annual irrigation questionnaire is mailed out each year in October and is typically due back the first week in December.

If you have any questions, please contact me.

Sincerely,

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

enclosure



6923-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 16, 2015

NOTICE

TO: DON SCHELL FAMILY LLP, 26912 BAKER PARK PL, SIOUX FALLS, SD 57108
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6923-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6923-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 2, 2015

6923-3

Don Schell Family LLP
26912 Baker Park PL
Sioux Falls SD 57108

Dear Mr. Schell:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 6923-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6923-3
DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 20, 2017

NOTICE

TO: DON SCHELL FAMILY LLP, 26912 BAKER PARK PL, SIOUX FALLS, SD 57108

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6923-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6923-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



6923-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 2, 2017

6923-3
8162-3

Donald Schell Family LLP
26912 Baker Park Place
Sioux Falls SD 57108

Dear Sir:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6923-3 and 8162-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

8304-3
6923-3

NOV 15 2017

Don Schell Family LLP
c/o Donald Schellpfeffer
26912 Baker Park Place
Sioux Falls SD 57108

Dear Mr. Schellpfeffer:

Enclosed are Water Permit and License No. 8304-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included is a map prepared by the staff engineer who conducted the investigation.

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

Sincerely,

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

Note: The applicable portions of No. 6923-3 are incorporated into Water License No. 8304-3.

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