

WATER PERMIT NO. 6936-3

Name of Applicant: **Jack Wellnitz**

Address: **20195 415th Ave, Yale SD 57386** Phone: **605 546-0205**

Amount of Water Claimed: **2.0 cfs** Total Acres: **240**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **irrigation** County: **Beadle**

Type of Waste Disposal System:

Location: **2 miles northeast of Yale**

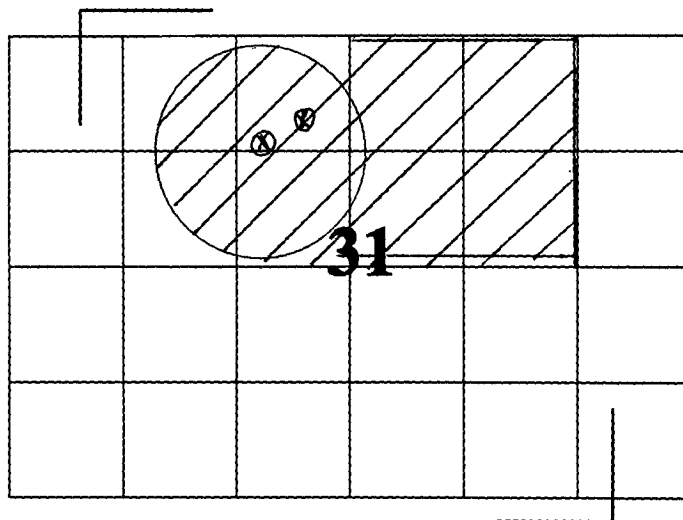
PRIORITY Date Received: **1-15-08** Application/License Fee: **\$375**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **NE ¼ NW ¼ Sec 31-T112N-R59W**

Land to be Irrigated: **N ½ Sec 31-T112N-R59W**



Depth of Well: **52 feet deep**

Well Driller: : **Manikowski Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Laurie Stoltenberg, Beadle Co FSA**

Reviewed and the Number Assigned on: **1-15-08**

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	No. <u>6936-3</u> (office use only) <u>10/60006</u>	
	Basin <u>James River</u>	
	Newspaper <u>Plainsman</u> <u>P.O. Box 1278 Huron</u>	
	<u>605-352-6401</u> <u>57350</u>	

RECEIVED

JAN 15 2008

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 Jack Wellnitz Phone 605-546-0205
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 2019 S 415th Ave Yale State SD 57386
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 240
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Wells (2)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells in
NE 1/4 NW 1/4 Section 31-112N-59W
 County Beadle
- County or counties where water will be used Beadle
- Annual period during which water is to be used 4-1 thru 10-31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 Section 31-112N-59W	96		
NE 1/4 Section 31-112N-59W	130		
See Attachment map			

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

STATE OF SOUTH DAKOTA

County of Beadle

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, Jack Wellnitz, 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.



DEE BARRETT
 Notary Public, State of Ohio
 My Commission Expires
 November 26, 2011

Applicant's signature Jack Wellnitz
 Subscribed and sworn to before me this 10th day of January 2008

Dee Barrett

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6936-3**

Date of first receipt of application January 15, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6936-3 to Jack Wellnitz, 20195 415th Ave, Yale SD 57386 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. 6936-3 appropriates 2.0 cubic feet of water per second from two wells to be completed into the Floyd:East James Aquifer (approximately 52 feet deep) located in NE ¼ NW ¼ Section 31 to irrigate 240 acres located in the N ½ Section 31; all in T112N-R59W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is January 15, 2008.
4. The date of approval of Permit No. 6936-3 is March 10, 2008.
5. One-fifth of the construction is to be completed on or before September 10, 2010.
6. All construction is to be completed on or before March 10, 2013.
7. Water is to be put to beneficial use on or before March 10, 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 wells 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 wells authorized by Permit No. 6936-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

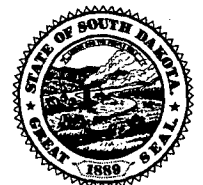
WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 17 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 1/2 Depth 50'
- b) Casing Type PVC Diameter 12" Thickness 3/4"
- c) Screen Type SS Diameter 12" Thickness _____
- d) Gravel Pack yes Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 14'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:

On applicants property noneOn property owned by others app 3800'

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 _____

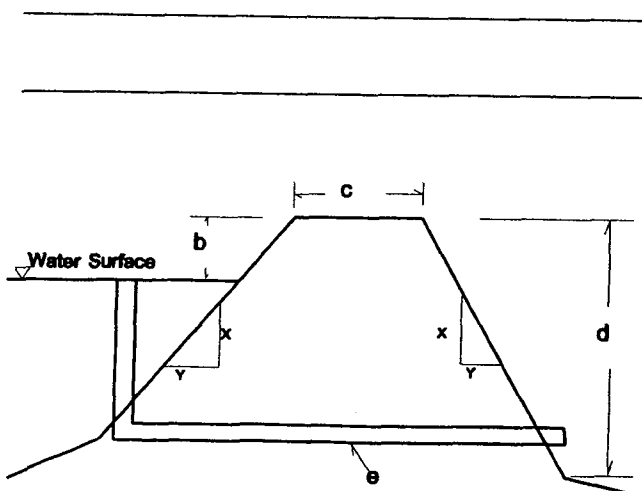
3. Dugout Information

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

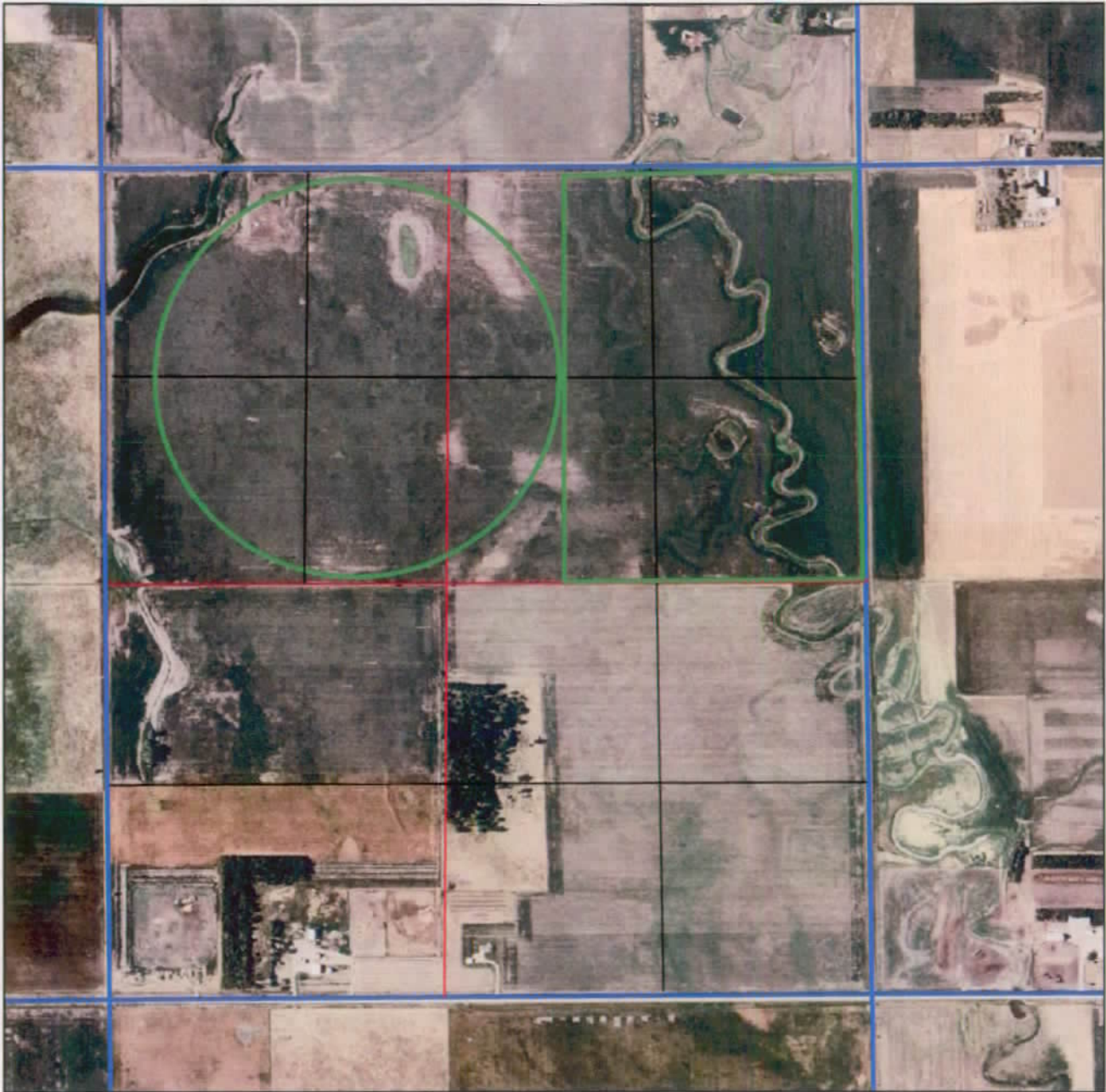
4. Water Storage Dams

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



Using ArcMap the proposed irrigated acres were digitized by the Water Rights Program. It appears that Section 31, T112N, R59W is an irregular section. For the purpose of digitizing, the east half was considered standard size. The following are the acreages digitized. Please note that the northwest quarter was just broke down to the N1/2 NW 1/4 & S 1/2 NW 1/4. Additional the creek was included in the irrigated acres since it was outlined but it is unlikely that it will be irrigated.

all in Section 31, T112N, R59W

NW 1/4 NE 1/4 -- 33 acres

NE 1/4 NE 1/4 - 40 acres

SW 1/4 NE 1/4 - 33 acres

SE 1/4 NE 1/4 - 40 acres

N 1/2 NW 1/4 - 47 acres

S 1/2 NW 1/4 - 47 acres

TOTAL - 240 acres

Eric Gronlund
Water Rights Program, DENR
Date of digitizing - 1/15/2008



USDA - Farm Service Agency

Beadle County, SD

September 19, 2007

2006 Digital Imagery

1 inch equals 614 feet



31-112N-59W

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with it's use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. 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. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Legend

- Tract Boundary
- Field Boundary
- Non Crop
- CRP
- Easement

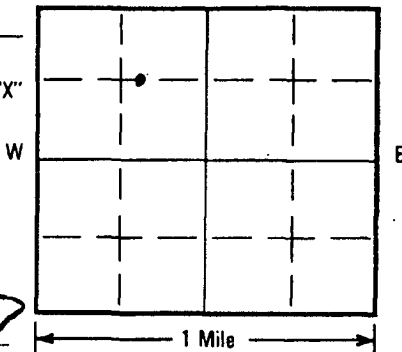
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 Twp 112N Rg 59WCounty Beadle

North

Please mark well location with an "X"



Well-Completion Date

12-19-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from Septic Tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>1</u> FT	<u>31</u> FT	<u>7.375</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>White</u>	<u>3</u>	<u>9.8</u> lb./gal	<u>70</u> ft	<u>44</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Tramie Grouted
Tramie sand pack UPSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial PVCSlot Size 057 Set From 31 Feet to 51 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Jack Nell Nitz

Business Name: _____

Address: 20195 415 Ave
Yale, SD 57386

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Yellow clay</u>	<u>1</u>	<u>14</u>
<u>Oxidized Gravel</u>	<u>14</u>	<u>25</u>
<u>Clean Coarse Gravel</u>	<u>25</u>	<u>52</u>

STATIC WATER LEVEL 9' 3" Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: 3HP 60 GPM☐ BailedSUBMERSIBLE☐ Other _____

Pumping Level Below Land Surface

11' 4" ft. After 1 Hrs. pumped 80 GPM11' 6" ft. After 2 Hrs. pumped 80 GPM

If pump installed, pump rate _____ GPM

REMARKS

5" Test well
By centerPivots 540 Gallons Per footThis well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manitowish Well DrillingSignature of License Representative: Lynn ManitowishSignature of Well Owner or Equitable Property Holder: Jack Nell NitzDate: 12-19-07

RECEIVED

JAN - 2 2008

WATER RIGHTS PROGRAM

1-2-08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/15, 20 08

RECEIVED OF Jack Wellnitz 20195 415th Ave Yale SD 57386

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

Fee for Application for Permit No. <u>6936-3</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>6936-3</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	375 00

No.

03570

By

[Signature]
Chief Engineer

[Signature]

The first phase of our project involves a pivot irrigator covering 136 acres, 96 acres being in the NW $\frac{1}{4}$ Section, and 40 acres in the NE $\frac{1}{4}$ Section. One well being at the pivot point, the second, (if needed) app. 650' NE of first well.

The second phase would involve partial circle pivot and/or flood irrigation on 90 acres, NE $\frac{1}{4}$ Section. The first well(s) will be the supply for the second phase

AD-1026A (Supplemental to AD-1026)
Crop Year: 2008

Date: 12/10/07 3:01 PM
Page: 1
ID Number: 3793 S

PRODUCER INFORMATION

Producer Name and Address

JACK WELLNITZ
20194 415TH AVE
YALE SD 57386-6301

Recording County Office Name

Beadle, South Dakota

Telephone: (605) 854-9074
Email Address: None

Telephone:
Fax Number:
CED:
CED's Email Address:

FARMING INTEREST (by producer)

State/ County Code	FSN	Tract	Relationship to Farm Tract	Cropland	Owner	HEL	Wetland
46/005	6264	1706	Owner/Operator	271.1	JACK WELLNITZ	Classified as not HEL	Tract contains a wetland or farmed wetland
46/005	6264	9848	Owner/Operator	516.2	JACK WELLNITZ	Classified as not HEL	Tract contains a wetland or farmed wetland
46/005	6264	10157	Owner/Operator	157.3	JACK WELLNITZ	Classified as not HEL	Tract does not contain a wetland



**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. 6936-3, Jack Wellnitz**

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. 6936-3, Jack Wellnitz, 20195 415th Avenue, Yale SD 57386.

The Chief Engineer is recommending APPROVAL of Application No. 6936-3 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 wells 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 wells authorized by Permit No. 6936-3 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. 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
February 8, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6936-3
For Jack Wellnitz
February 4, 2008

Application No. 6936-3 proposes to appropriate 2.0 cfs (900 gpm) from two wells located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 31 approximately 52 feet deep to irrigate 240 acres located in the N $\frac{1}{2}$ of section 31; all in T112N R59W in Beadle County.

AQUIFER – FLOYD EAST JAMES (F-EJ)

The Floyd East James is a surficial outwash (sand and gravel) at this site. The aquifer can be encountered under water table or artesian conditions in Beadle County. However at this site the aquifer is under water table or unconfined conditions. The aquifer underlies 146,600 acres and contains an estimated 700,000 acres of recoverable water in storage in Beadle County (Hedges, 1982). Ground water movement is from east to west and calculated recharge rates to unconfined portions of the aquifer range from 0.9 to 3.4 inches per year (Emmons, 1988).

A test well log filed by the applicant indicates sand and gravel from 14 feet to 52 feet below land surface. The test well had a static water level of about nine feet below land surface and was capable of producing 80 gpm with about two feet of drawdown. This would yield a specific capacity of about 40 gpm/ft of drawdown. In theory this well should be able to produce about 900 gpm at a pumping level of about 33 feet below land surface.

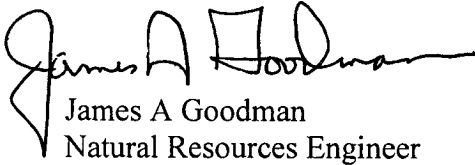
The Water Rights Program does monitor an observation well BD-79D located within one mile of this application. Water levels for this well show good response to climatic conditions that is rising during wet periods (recharge) and gradually declining during dry periods. In general, the water level indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report. Note the fluctuation of water levels in the observation well are probably caused by pumping of the nearby (100 to 200 feet) irrigation well. It appears that the water level can change from 5 to 10 feet annually due to irrigation pumping.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 4489-3 (2.2 cfs, irrigation of 200 acres) located in the S $\frac{1}{2}$ of section 30 (just across the road to the north). The well for this existing right is located about three-fourths mile to the east of the well(s) proposed by this application. Interference is not a concern. At this distance between wells and at these pumping rates drawdown should not be significant. This phenomenon is shown by the observation well record.

CONCLUSIONS

1. Water is available from the Floyd East James aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping will not extend very far from the individual production well. The distance between wells should be sufficient to minimize any potential impacts. Interference is not expected to be a concern.
3. The well(s) authorized by this application must be constructed in accordance with SD Well Construction Standards.

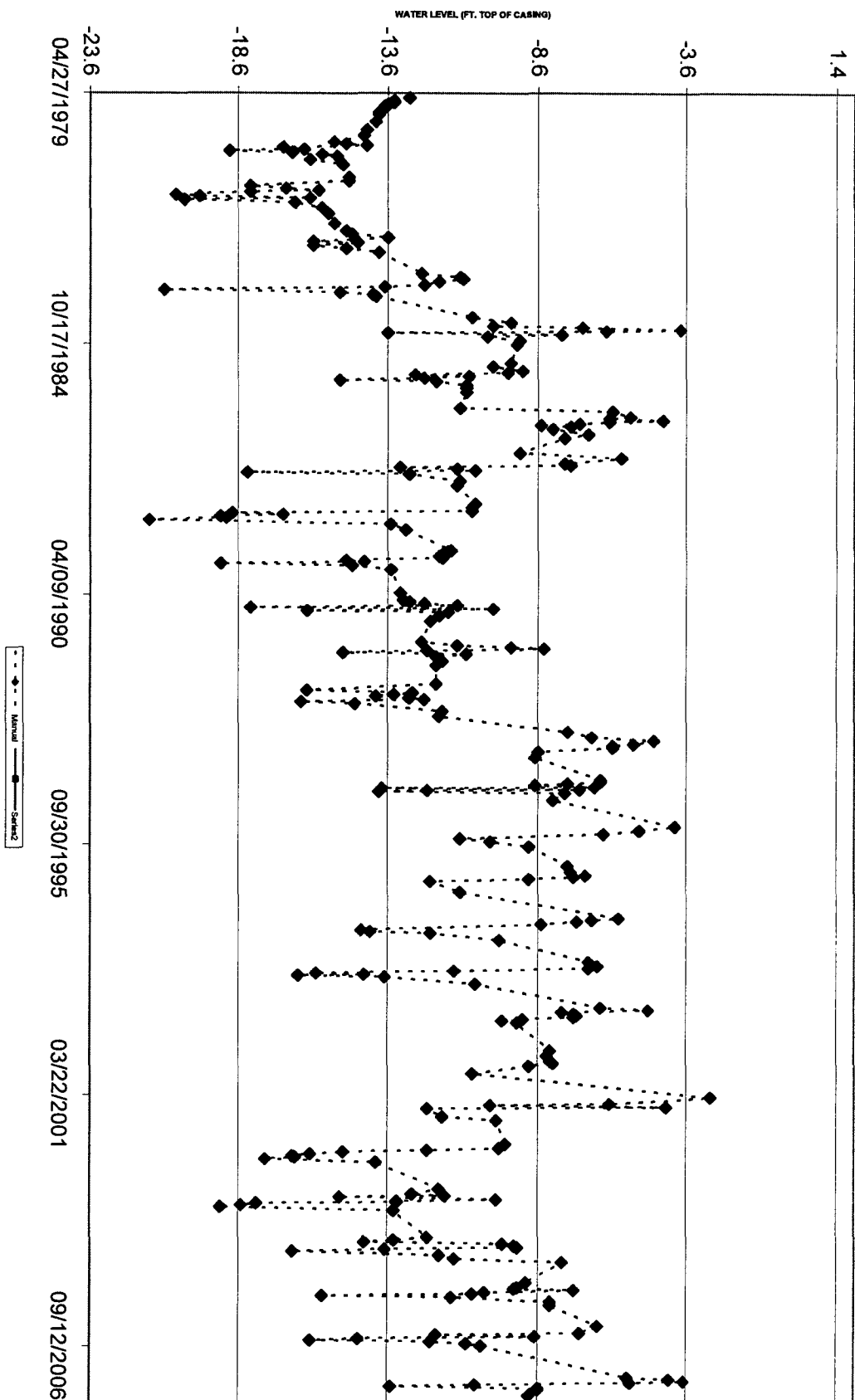


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer System in Sanborn and Parts of Beadle, Miner, Hanson, Davison, and Jerauld Counties, South Dakota, Water-Resources Investigations Report 87-4082, 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, 2008, Unpublished Observation Well Data for the Floyd East James Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL BD-79D



PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Cynthia R. York, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

SDDENR - Water Rights App (Wellnitz)

Was published for Two days, once each week, on the same day, in said newspaper, and not in any supplement of the said 21st day of February, 2008 and the last publication was on the 27th day of February, 2008. That the full amount of the fee charged for publishing is Fifty seven & 02/100 Dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there of has been made with any other person, and that no part there of has been agreed to be paid to any person whom so ever.

Cynthia R York

Subscribed and sworn to before me this 6th day of March, 2008

Jeramie R. Beck
Notary Public, South Dakota

My term expires 08/27/2010

Legal # 64

RECEIVED

MAR 11 2008

WATER RIGHTS
PROGRAM

F.P. 02-20-08

LP 02-27-08

NOTICE OF
APPLICATION
NO. 6936-3 to

Appropriate Water

Notice is given that Jack Wellnitz, 20195 415th Ave, Yale SD 57386 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from two wells to be completed into the Floyd-East James Aquifer (approximately 52 feet deep) located in NE 1/4 NW 1/4 Section 31 to irrigate 240 acres located in the N 1/2 Section 31; all in T112N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6936-3 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 March 10, 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.

Steve M. Pirner,
Secretary, Department
of Environment and
Natural Resources.
No. 064 (adv.)



February 11, 2008

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6936-3 to Appropriate Water to be published twice. Please publish the first notice on February 20, 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 Jack Wellnitz, 20195 415th Ave, Yale, SD 57386 (Ph # 605-546-0205).

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. 6936-3

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

Date _____

We are in receipt of your letter of February 11, 2008 enclosing Notice to Appropriate Water by Application No. 6936-3 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.

February 11, 2008

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz

Water Permit Application No. 6936-3 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 Plainsman printed at Huron SD (Ph # 605-352-6401). 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 application 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 February 20, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6936-3 to Appropriate Water

Notice is given that Jack Wellnitz, 20195 415th Ave, Yale SD 57386 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from two wells to be completed into the Floyd:East James Aquifer (approximately 52 feet deep) located in NE ¼ NW ¼ Section 31 to irrigate 240 acres located in the N ½ Section 31; all in T112N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6936-3 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 March 10, 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
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAR 17 2008

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

Enclosed is Water Permit No. 6936-3 authorizing construction of your water diversion system and beneficial use of the water; not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

MANIKOWSKI WELL DRILLING INC. LISC.# 285
316 MAIN STREET
GENESEO, ND 58053
PHONE: 701-538-4356
FAX: 701-538-4543
CELL: 701-680-0524

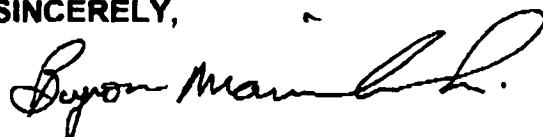
DECEMBER 27, 2007

TO KEN BUHLER, SDWR

WE WOULD LIKE TO REQUEST PERMISSION TO DRILL TWO 8" WELLS AT 53 FT IN DEPTH FOR JACK WELLNITZ OF YALE, SD. WHO IS IN THE PROCESS OF APPLYING FOR A WATER USE PERMIT FOR IRRIGATION. THE WELL LOCATIONS WILL BE NE1/4 OF NW1/4 SECTION 31 TWP 112N AND RANGE 59W OF BEADLE COUNTY SOUTH DAKOTA.

EXPECTED PUMPING RATE PER WELL IS TO BE 450 GPM FOR A TESTING PERIOD OF 24 HOURS. THE TEST WELLS AND TEST PUMPING IS SCHEDULED TO BE COMPLETED BEFORE THE PERMIT IS ISSUED.

SINCERELY,



BYRON MANIKOWSKI, MANIKOWSKI WELL DRILLING INC.



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 2, 2008

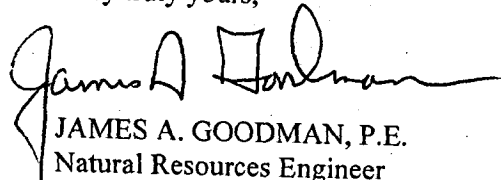
Byron Manikowski
Manikowski Well Drilling, Inc
316 Main Street
Geneseo, ND 58053

Dear Mr. Manikowski:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for Jack Wellnitz in the Section 31, T112N-R59W prior to approval of a water permit. The well will be completed into the Floyd East James aquifer. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,



JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

cc: Jack Wellnitz
20194 415th Ave
Yale, SD 57386-6301



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: JACK WELLNITZ, 20195 415TH AVE, YALE, SD 57386

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6936-3, 7400-3 & 8419-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 6936-3, 7400-3 & 8419-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6936-3, 7400-3 & 8419-3 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 8, 2023** 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: <https://danr.sd.gov/iq> using this password: FIPQQH**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 6, 2023

6936-3
7400-3
8419-3

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit Nos. 6936-3, 7400-3 & 8419-3. 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
Genny.mcmath@state.sd.us



6936-3
7400-3
8419-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: JACK WELLNITZ, 20195 415TH AVE, YALE, SD 57386

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6936-3, 7400-3 & 8419-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 6936-3, 7400-3 & 8419-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6936-3, 7400-3 & 8419-3 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, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QFBWMZ**

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.