

WATER PERMIT NO. 6936A-3

Name of Applicant: **Jack Wellnitz**

Address: **20195 415th Ave, Yale SD 57386**

Phone: **605 546-0205**

Amount of Water Claimed: **no add'l**

Total Acres: **no add'l**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation**

County: **Beadle**

Type of Waste Disposal System:

Location: **2 miles northeast of Yale**

PRIORITY

Date Received: **6-2-08**

Application/License Fee: **\$50**

Corrected Application Received:

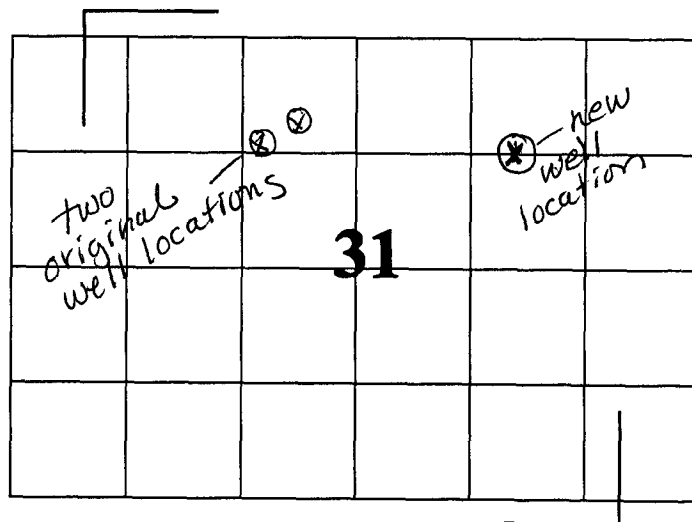
Period of Annual Use: **April 1 – October 31**

Remarks: **change the location of one of two diversion points with no change in water source or amount of water appropriated under No. 6939-3**

Diversion Point: **approximate center of E ½ NE ¼**

Sec 31-T112N-R59W

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



Depth of Well: **52 feet deep**

Well Driller: : **Manikowski Drilling**

Remarks:

Type of Map:

Prepared by: **Sharla Wipf, Beadle Co FSA**

Reviewed and the Number Assigned on: **6-2-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Date of first receipt of application August 13, 2012.

The Chief Engineer, on behalf of the Water Management Board, reissues Water Permit No. 6936A-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. The Public Notice of Water Permit Application No. 7400-3 served to extend the length of time allowed for Water Permit No. 6936A-3.

Water Permit No. 6936A-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 1/4 NW 1/4 and E 1/2 NE 1/4 Section 31 for irrigation of 240 acres located in the N 1/2 Section 31; all in T112N-R59W. Water Permit No. 6936A-3 was approved July 7, 2008 and the proposed project was to be completed by March 10, 2013, with water being put to beneficial use by March 10, 2017. Currently, one well is constructed to supply water for irrigation of one center pivot primarily in the NW 1/4 Section 31, T112N, R59W. This permit extends the length of time allowed to complete remaining construction of the project for an additional five years.

Permit No. 7400-3 authorizes an additional 1.33 cfs from the existing well located in the E 1/2 NE 1/4 Section 31 to irrigate 188 additional acres located in the N 1/2 Section 31 and SW 1/4 Section 28; 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 July 15, 2008.
4. The date of approval of Reissued Permit No. 6936A-3 is November 12, 2012.
5. All construction is to be completed on or before November 12, 2017.
6. Water is to be put to beneficial use on or before November 12, 2021.
7. 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 Water Permit Nos. 6936A-3 and 7400-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

2. The wells authorized by Water Permit Nos. 6936A-3 and 7400-3 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

DEC 13 2012
date



SD EForm - 0499 V2

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. 6936A-3 (office use only) Hydrologic Unit 16160006
Basin James River
Newspaper Plainsman PO Box 1278 Huron
605-352-6401 57350

RECEIVED
JUN - 2 2008
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6936-3
(Use predates Mar 2, 1955)

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

This application is to change the location of one of two diversion points authorized by No. 6936-3. One well is completed near the pivot center and the other is to be moved to the E1/2NE1/4 sec 31-T112N-R59W.

- Name of Applicant Jack Wellnitz Phone (605) 546-0205
(check one) ☒ Owner ☐ Tenant/Lessee
Mailing Address 20195 415th Ave Yale State SD 57386
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed -- *CFS or -- **GPM -- ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Foot - storage capacity of dam/dugout or annual use if applicable
- Source of water supply 2 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Beadle
One well is to be relocated to near the center of the E1/2NE1/4 sec 31-T112N-R59W
- County or counties where water will be used Beadle
- Annual period during which water is to be used Apr 1 - Oct 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
Same as described on No. 6936-3			

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

This application is to change the location of one of two diversion points with no change in the water source or increase in the amount of water appropriated under No. 6936-3. A test hole drilled at the new site is 61 ft deep with coarse gravel from 20 to 40 ft and sand/gravel from 40 to 60 ft with a silt lens of 1 foot or so.

STATE OF SOUTH DAKOTA) SS
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.

Applicant's signature Jack Wellnitz

Subscribed and sworn to before me this 9th day of May 20 08

My commission
expires: 5-28-2011

Notary Public signature Lori Hint

SOUTH DAKOTA
WATER PERMIT NO. 6936A-3

Date of first receipt of application June 2, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6936A-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. 6936A-3 amends Water Permit No. 6936-3 to change the location of one of the authorized wells. 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. This permit authorizes moving the location of one well to the E ½ NE ¼ Section 31-T112N-R59W. The water source for this well will be the Floyd East:James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
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 (established by Water Permit No. 6936-3).
4. The date of approval of Permit No. 6936A-3 is July 7, 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

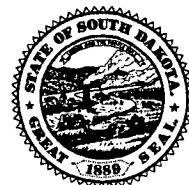
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6936A-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.

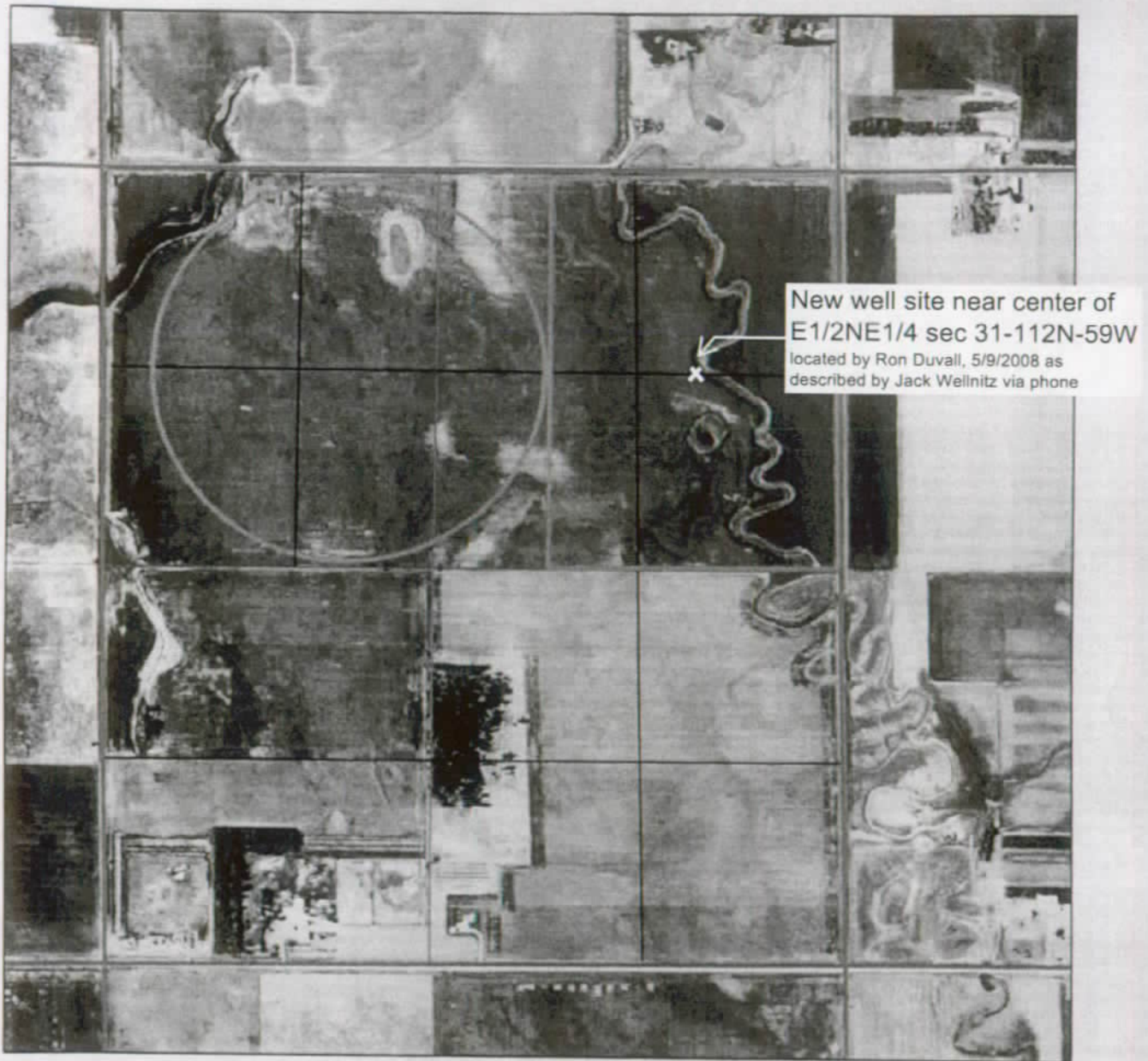
WATER MANAGEMENT BOARD

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

JUL 28 2008

date





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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/2, 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>693617-3</u> 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 _____		
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.

03672

By

Stanley Erskine
Chief Engineer



May 28, 2008

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

Thank you for faxing the *Application for a Permit to Appropriate Water* for a change in the location of diversion point authorized by Water Permit No. 6936-3. After reviewing the application, staff engineers have determined that you will need to go through the formal application process since the location of the new well site is in close proximity of a neighbor's irrigation well. This process will require public notice in the local newspaper.

The following is what will be required to proceed with your request to change the location of the diversion point.

- Please submit the original signed and notarized application which you faxed to us.
- A map (aerial photo) showing the location of the new well site will be required. The map 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).
- The application filing fee will be \$50.00.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

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

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WATER RIGHT PROGRAM
SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Jack Wellnitz	Eric Gronlund
COMPANY:	DATE:
Wellnitz Farms	06/16/2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
605 546-0205	3
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
	(605) 773-3352
RE:	SENDER'S FAX NUMBER:
Publication notice	(605) 773-4068

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Mr. Wellnitz: Here is the publication notice on your request to change the location of one of the two wells authorized by Permit No. 6936-3. Please review and if everything looks okay, contact the newspaper to authorize publication. I believe the lady that handles legal notices for the newspaper is Ruby@ 353-7412. The phone number for the newspaper in the cover letter should also work.

Eric Gronlund
Water Rights Program, DENR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 20, 2008

James and Brian Toews
20073 413th Avenue
Yale SD 57386

Gentleman:

Please find enclosed the public notice for a water permit application filed by Jack Wellnitz to amend the location of one of the wells authorized by the water permit he obtained earlier this spring. This notice is scheduled to be published in the Plainsman on June 20th and 27th.

This notice is being sent to inform you of this pending application. You currently hold a water right for irrigation from a well located near the SE corner of Section 30. Mr. Wellnitz's well will be located a little over 1,320 feet south west of your existing well.

If you have any questions, please feel free to give me a call.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 8, 2008

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

I have enclosed the Chief Engineer's recommendation and the report for Water Permit No. 6936A-3. The public notice was sent to the Daily Plainsman on June 16, 2008 for publication on June 20 and June 27, 2008. I have also enclosed your copy of receipt no. 03672 in the amount of \$50.00.

Gail Jacobson
Secretary – Water Rights
605-773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6936A-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. 6936A-3, Jack Wellnitz, 20195 415th Avenue, Yale SD 57386.

The Chief Engineer is recommending APPROVAL of Application No. 6936A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. 6936A-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
July 7, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6936A-3
For Jack Wellnitz
July 7, 2008

Application No. 6936A-3 proposes to amend Water Permit No. 6936-3 by changing the location of one of the authorized wells. Water Permit No. 6936-3 appropriates 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. This application proposes to move the location of one well to the E $\frac{1}{2}$ NE $\frac{1}{4}$ of section 31, T112N R59W. The water source remains the same and no increase in the diversion rate or number of irrigated acres is authorized by this application.

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. Another test at this proposed location indicates better potential for a production well. No log is available for this site but the applicant reported coarse gravel from 20 to 40 feet, sand and gravel from 40 to 60 feet and a total depth of 61 feet. This would be the site the applicant wants to move one of the production wells to.

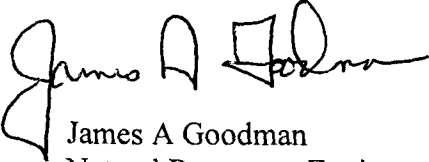
The Water Rights Program does monitor an observation well BD-79D located within one mile of this application. Water levels for this well show good response to climatic conditions that is rising during wet periods (recharge) and gradually declining during dry periods. In general, the water level indicates 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 one quarter mile to the northeast of one of the wells proposed by this application. Interference should not be a concern. At this distance between wells and at these pumping rates drawdown is not expected to 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.
4. This applicant required an amendment and advertising because of the change in diversion point becoming much closer to the existing irrigation well. Even though this change is not expected to cause adverse effects the adjoining Water Right holder should receive this consideration.

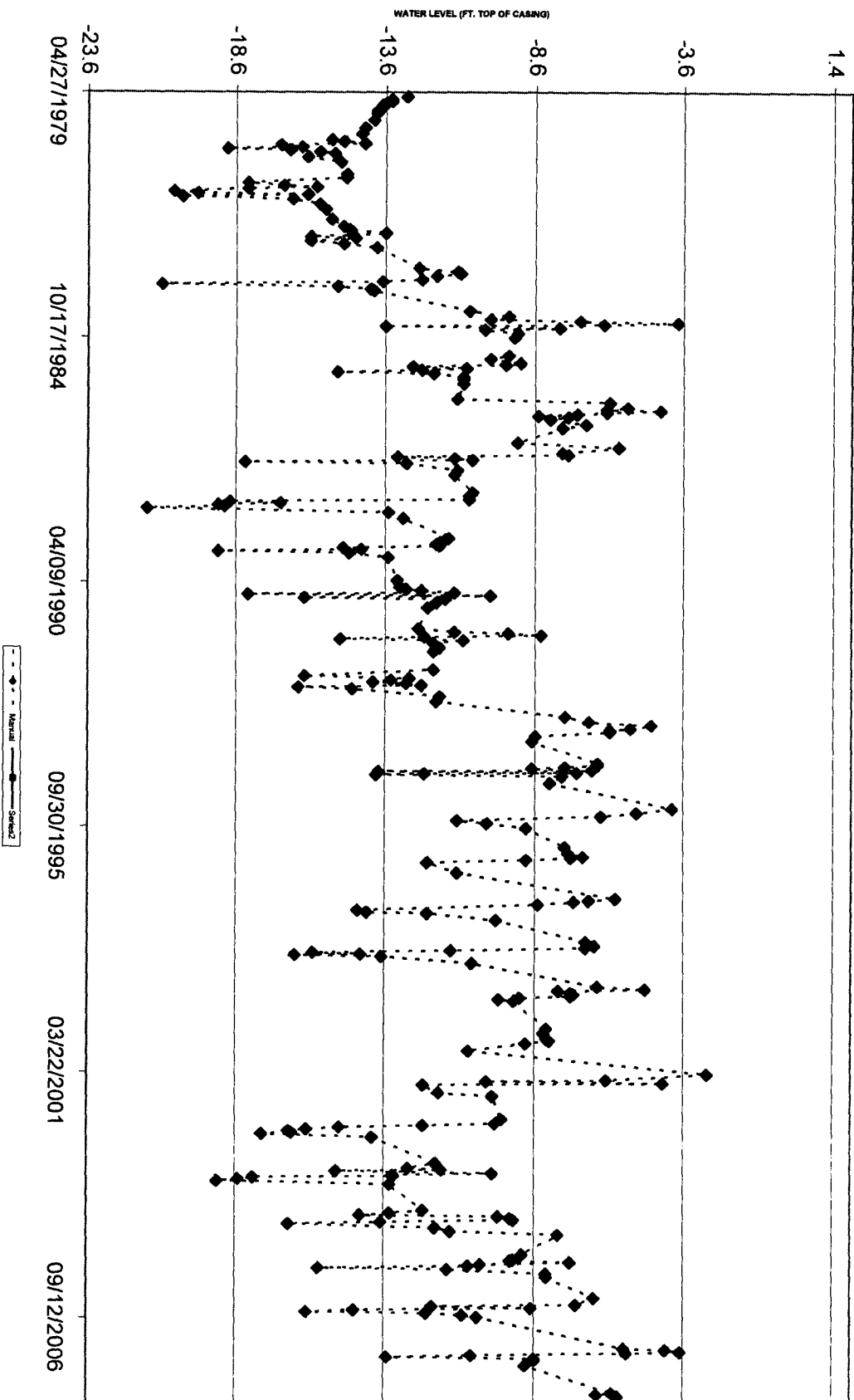


James A Goodman
Natural Resources Engineer

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 RECEIVED

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

JUL - 7 2008

WATER RIGHTS
PROGRAM

I, Kim Davis, 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:

Jack Wellnitz - Water Permit Application

Was published for Two days, once each week, on the same day, in said newspaper, and not in any supplement of the said 20th day of June, 2008 and the last publication was on the 27th day of June, 2008. That the full amount of the fee charged for publishing Fifty Seven & 02/100 Dollars insures to the benefit of the publisher of 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 person whomsoever.

Subscribed and sworn to before me this 30th day of June, 2008

John Lee McMillan
Notary Public, South Dakota

My term expires 08/27/2010

Legal # 270

2000 - Legals

F.P.06-20-08 L.P.06-27-08

Notice is given that Jack Wellnitz, 20195 415th Ave, Yale SD 57386 has filed an application for a water permit to amend Water Permit No. 6936-3 to change the location of one of the authorized wells. 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 1/4 NW 1/4 Section 31 to irrigate 240 acres located in the N 1/2 Section 31; all in T112N-R59W. This application proposes to move the location of one well to the E 1/2 NE 1/4 Section 31-T112N-R59W. The water source for this well will be the Floyd East: James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6936A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 recommendation 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 July 7, 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.

No. 270 (adv.)



June 16, 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

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6936A-3 to amend Permit No. 6936-3 to be published twice. Please publish the first notice on June 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 June 16, 2008 enclosing Notice to Appropriate Water by Application No. 6936A-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.

June 16, 2008

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz

Water Permit Application No. 6936A-3 to change the location of one of the wells authorized by Permit No. 6936-3 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 is enclosed. The recommendation of the Chief Engineer and report on the application will be sent to you at a future date. 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.

If a petition in opposition to the application is filed, a hearing will be scheduled before the Water Management Board at their October meeting.

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 June 20, 2008 with the second publication 7 days later. The applicant is responsible for payment.

Notice is given that Jack Wellnitz, 20195 415th Ave, Yale SD 57386 has filed an application for a water permit to amend Water Permit No. 6936-3 to change the location of one of the authorized wells. 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. This application proposes to move the location of one well to the E ½ NE ¼ Section 31-T112N-R59W. The water source for this well will be the Floyd East:James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6936A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 recommendation 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 July 7, 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

JUL 28 2008

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

Enclosed is Water Permit No. 6936A-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



6396A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

DEC 13 2012

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

Enclosed is Water Permit No. 7400-3 and Reissued Water Permit No. 6936A-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 form after you have finished the systems 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

RECEIVED

NOV - 2 2012

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.WATER RIGHTS
PROGRAM

I, TRISHA NELSON, 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:

JACK WELLINITZ - WATER PERMIT

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 1ST day **NOV 2012** That the full **FIFTY-ONE & 18/1000** dollars insures to the benefit of the publisher of 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 person whom so ever.

Trisha Nelson

Subscribed and sworn to before me this 30TH day of NOV. 2012.

Shirley Kuehner
Notary Public, South Dakota

My term expires 10/25/17

Legal # 463

F.P. 11-01-12

NOTICE OF
APPLICATION

NO. 7400-3 to

Appropriate Water
and Extend Time to
CompleteConstruction of Water
Permit No. 6936A-3

Notice is given that Jack Wellnitz, 20195 415th Ave, Yale SD 57386 has filed an application for a water permit to: 1) appropriate an additional 1.33 cubic feet of water per second (cfs), 2) irrigation of 188 additional acres and 3) requests to extend the length of time allowed for Water Permit No. 6936A-3. Water Permit No. 6936A-3 appropriates 2.0 cfs from two wells to be completed into the Floyd East: James Aquifer (approximately 52 feet deep) located in NE 1/4 NW 1/4 and E 1/2 NE 1/4 Section 31 for irrigation of 240 acres located in the N 1/2 Section 31; all in T112N-R59W. This application proposes to appropriate an additional 1.33 cfs from the existing well located in the E 1/2 NE 1/4 Section 31 to irrigate 188 additional acres located in the N 1/2 Section 31 and SW 1/4 Section 28; all in T112N-R59W.

Water Permit No. 6936A-3 was approved July 7, 2008 and the proposed project was to be completed by March 10, 2013, with water being put to beneficial use by March 10, 2017. Currently one well is constructed to supply water for irrigation of one center pivot primarily in the NW 1/4 Section 31, T112N, R59W. Application No. 7400-3 requests to extend the length of time allowed to complete remaining construction of the project for an additional five years. Permit No. 6936A-3 will retain the priority date of July 15, 2008.

Pursuant to SDCL 46-5-26 a permit may be amended to extend the time for completion of construction due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This extension of time request is based on complex engineering difficulties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7400-3 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 recommendation 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 November 12, 2012.

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.

No 463 (adv.)
Published once at the
total approximate cost of
\$51.18.