

WATER PERMIT NO. 6954-3

Name of Applicant: **Jerome Poeschl**

Address: **213 Katherine Way, Yankton SD 57078**

Phone: **605 665-3882**

Amount of Water Claimed: **0.98 cfs**

Total Acres: **30 acres**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **8 miles orthwest of Vermillion**

PRIORITY

Date Received: **2-7-08**

Application/License Fee: **\$150**

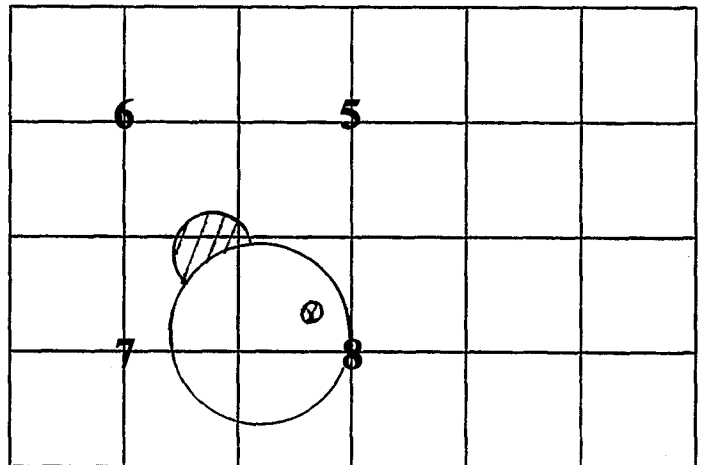
Corrected Application Received:

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

Remarks: **Add'l well, add'l diversion rate and add'l acres to what was authorized by Water Permit No. 6169-3**

Diversion Point: **SE ¼ NW ¼ Sec 8-T93N-R52W**

Land to be Irrigated: **SW ¼ SW ¼ Sec 5; SE ¼ SE ¼ Sec 6, NE ¼ NE ¼ Sec 7, NW ¼ NW ¼ Sec 8; all in T93N-R52W**



Depth of Well: **80 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Lynn Beck**

Reviewed and the Number Assigned on: **2-7-08**

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>6954-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk</u>	

RECEIVED
FEB - 7 2008
WATER RIGHTS
PROGRAM

Application

For Permit To

Appropriate Water For Irrigation

Type of Application: X 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.)

1. Name of Applicant Jerome Poeschl Phone (605) 665-3882

(check one)

Owner

Tenant/lessee

Mailing Address 213 Katherine Way State SD 57078

(Street, RR, or Box and City)

(Zip Code)

2. Amount of water claimed 0.07 *CFS or 0.98 **GPM ***AF Total Acreage 304 total
add'l 30 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Missouri: Elk Point Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

Well #2 - SE1/4 NW1/4 all in Section 8-T93N-R52W.

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used April 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Additional acres: all in T93N-R52W		Sec 7: NE1/4 NE1/4	20
Sec 5: SW1/4 SW1/4	1	Sec 8: NW1/4 NW1/4	1
Sec 6: SE1/4 SE1/4	8	Lands under 6169-3&3508-3: see attch.	1

8. Give a description of the project. (Attach sheet if more space is needed)
Irrigate 30 acres at 800 gpm using original well from 3508-3. More than 1 cfs per 70 acres is required due to type of system. 6169-3 and 3508-3 combined appropriate 3.91 cfs to irrigate 274 acres.

STATE OF SOUTH DAKOTA) SS

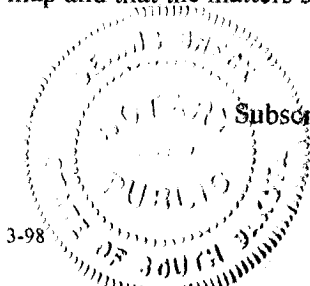
County of Yankton

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, Jerome Poeschl, 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 Jerome Poeschl

Subscribed and sworn to before me this 5 day of February 2008



10-11-12

Dennis Brech
Notary Public signature

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FEB - 7 2008

WATER RIGHTS
PROGRAM

Attachment:

Lands irrigated under 6169-3 and 3508-3: TOTAL 274 acres and 3.91 cfs from one well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8-T93N-R52W.

Section 7: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 18 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 38 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26 acres

Section 8: NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 24 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres

SOUTH DAKOTA
WATER PERMIT NO. 6954-3

Date of first receipt of application February 7, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6954-3 to Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 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. 6954-3 appropriates an additional 0.07 cubic feet of water per second (cfs), irrigates 30 additional acres and adds one additional well to what is currently authorized by Water Right No. 3508-3 and Water Permit No. 6169-3. Combined, these water rights appropriate 3.91 cfs from one well located in the SW 1/4 NW 1/4 Section 8 to irrigate 274 acres located in the NW 1/4, W 1/2 SW 1/4, NE 1/4 SW 1/4 Section 8 and E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7; all in T93N-R52W. This permit authorizes an additional appropriation of 0.07 cfs from an existing well completed into the Missouri:Elk Point Aquifer (80 feet deep) located in SE 1/4 NW 1/4 Section 8 to irrigate 30 additional acres located in the SW 1/4 SW 1/4 Section 5, SE 1/4 SE 1/4 Section 6, NE 1/4 NE 1/4 Section 7 and NW 1/4 NW 1/4 Section 8; all in T93N-R52W. Water Permit No. 6169-3 and this permit, combined, will authorize irrigation of 304 acres with a total diversion rate of 3.98 cfs.
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 – September 30.
3. The date from which applicant may claim right is February 7, 2008.
4. The date of approval of Permit No. 6954-3 is April 21, 2008.
5. 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Permit No. 6954-3 appropriates an additional 0.07 cubic feet of water per second. Water Right No. 3508-3 and Water Permit Nos. 6169-3 and 6954-3 appropriate a total of 3.98 cfs.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAY 16 2008

date





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 28, 2008

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed is a partially completed application form and instruction sheet. You will not have to provide a map as stated in item 2.) on the instruction sheet. I have already prepared one. The enclosed copy is yours to keep or to make any corrections/additions and return with the application.

An inspection of Permit No. 6169-3 and 3508-3 found additional water use and irrigated acres to what is authorized. Permit No. 6169-3 and 3508-3 authorizes a combined 3.91 cubic feet per second (cfs) or 1760 gallons per minute (gpm) to irrigate 274 acres. The developed irrigation consists of a center pivot which operates at 3.11 cfs (1400 gpm) to irrigate 274 acres of land and a center pivot which operates at 1.78 cfs (800 gpm) to irrigate 30 acres of land. The additional water use and irrigated acres requires a new application.

This application is for an additional 0.98 cfs (440 gpm) above the 3.91 cfs authorized by Permit No. 6169-3 and 3508-3 and an additional 30 acres above the 274 acres authorized by Permit No. 6169-3 and 3508-3. A \$150.00 fee is required for the application of the additional 0.98 cfs and 30 acres. The \$50.00 inspection/licensing fee is not applicable as this application, if approved, will be licensed with 6169-3.

If you have any questions, please feel free to contact me at (605)773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer Specialist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/7, 20 08

RECEIVED OF J & R Properties J Poeschl 213 Katherine Way Yankton SD 57078

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

Fee for Application for Permit No. <u>6954-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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	150 00

No.

03508

By

Garland Ehlers
Chief Engineer



**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. 6954-3, Jerome Poeschl**

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. 6854-3, Jerome Poeschl, 213 Katherine Way, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6954 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Permit No. 6954-3 appropriates an additional 0.07 cubic feet of water per second. Water Right No. 3508-3 and Water Permit Nos. 6169-3 and 6954-3 appropriate a total of 3.98 cfs.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 26, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6954-3
For Jerome Poeschl
March 20, 2008

Application No. 6954-3 proposes to appropriate an additional 0.98 cfs (440 gpm) from one additional well to irrigate an additional 30 acres. Water Permit No. 6169-3 appropriates 3.91 cfs from one well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 8 to irrigate 274 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 8 and the E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 7; all in T93N R52W. This application proposes an additional appropriation of 0.98 cfs from an existing well approximately 80 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 8, to irrigate 30 additional acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 7 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 8; all in T93N R52W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres. Water Permit No. 6169-3 and this application, combined, would authorize irrigation of 304 acres with a total diversion rate of 4.89 cfs.

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 75 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).

This additional well request was originally authorized by Water Right No. 3508-3. This well was originally to be capped and eventually plugged when Water Permit No. 6169-3 was issued. Now the new owner of this water permit has changed the configuration of the irrigation systems in this area.

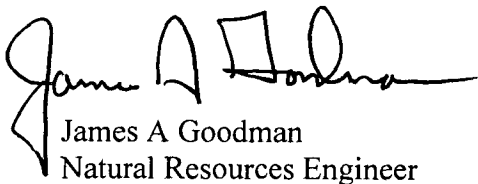
The Water Rights Program monitors an observation well CL-80A that is located about one mile southwest of this application. Water level records for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during 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 Permits are No. 6807-3 (about one mile northwest) and No. 4644-3 (about one mile southeast) from the existing well for this application. 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 have 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 is under water table conditions. Drawdown created by pumping is not significant. Interference is not a concern.
3. This is an existing well and information is not available to determine if the well was constructed in accordance with SD Well Construction Standards.
4. This application is based upon an inspection of Water Permit No. 6169-3 which discovered an additional 30 acres of irrigated lands. The amount of water requested by this application does not make sense. Also Jerome Poeschl confirmed that he did not use the amount of water requested by also did not know what actually was used. It appears that this permit should permit the diversion from the "old well" licensed under Water Right No. 3508-3 and permit a diversion from that well to operate the pivot capable of irrigating 60 acres. This would be a statutory diversion rate of about 0.86 cfs. The reported diversion of 800 gpm is too large and even Jerome confirmed it was. However, there is no way to determine this amount at this time. Suggest this permit be issued for statutory limit of 0.86 cfs for 60 acres. That would mean Water Permit No. 6169-3 be licensed for 3.12 cfs for irrigation of 274 acres as specified. There is an additional 0.79 cfs priority (from Water Permit No. 6169-3) which can be retained for this application plus an additional 0.07 cfs to operate this small pivot at the statutory limit of 0.86 cfs.
5. Some overlap will occur as a result of this application. The water use on the lands covered by this overlap can not exceed two acre feet per acre.



James A Goodman
Natural Resources Engineer

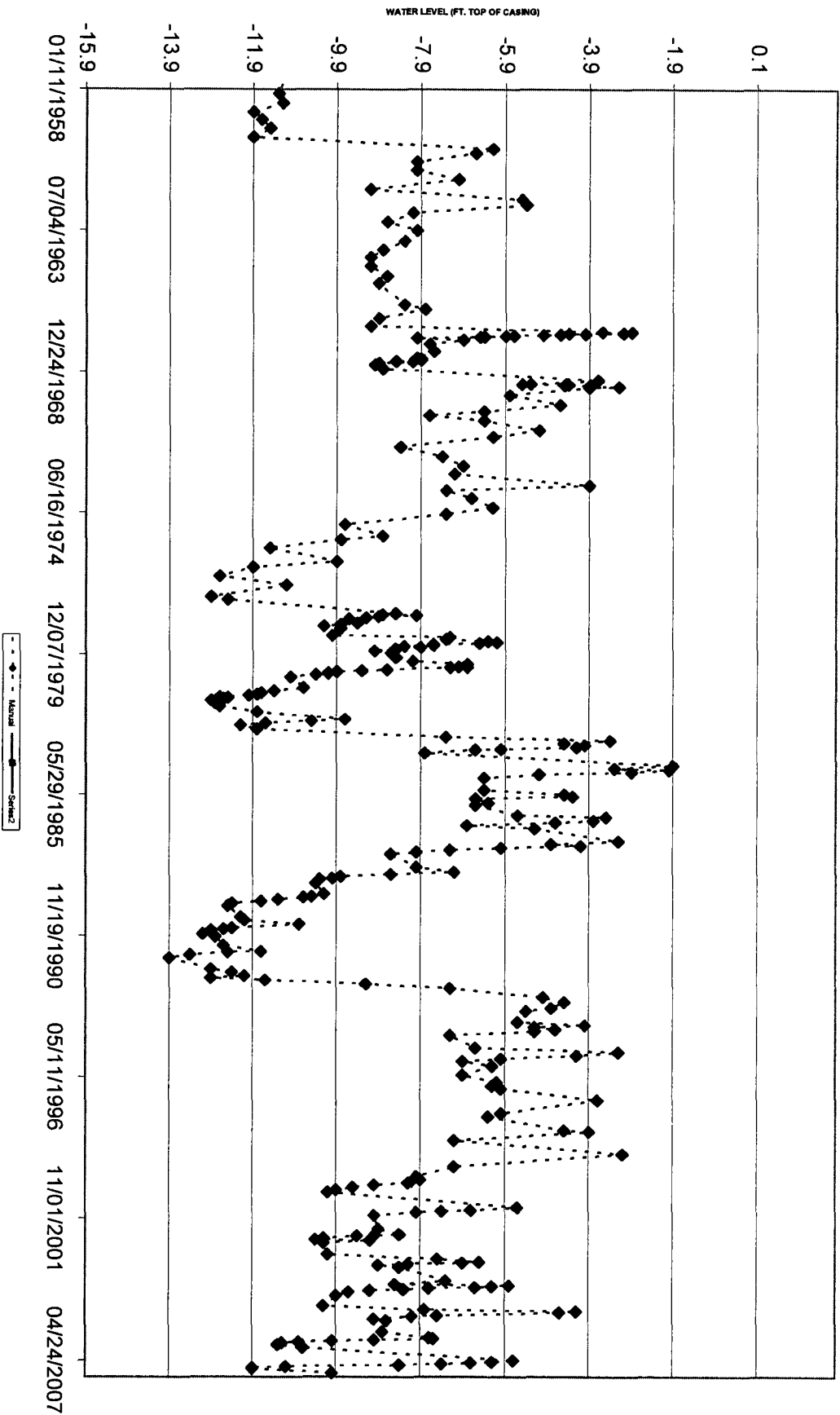
BIBLIOGAPHY

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-80A



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. 6954-3

TO APPROPRIATE WATER

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 4th day of April, 20 08, and that the succeeding publications were severally

on Friday, the 11th day of April, 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

Fifty-three dollars and 03 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.

Subscribed and sworn to before me

this 15th day of April, 20 08

RECEIVED

APR 17 2008

WATER RIGHTS PROGRAM

Notary Public

NOTICE OF APPLICATION NO.

6954-3 to Appropriate Water

Notice is given that Jerome Poeschl, 213 Katherine Way, Yankton, SD, 57078 has filed an application for a water permit to appropriate an additional 0.98 cubic feet of water per second (cfs), irrigate 30 additional acres and one additional well to what is currently authorized by Water Right No. 3508-3 and Water Permit No. 6169-3. Combined, these water rights appropriate 3.91 cfs from one well located in the SW 1/4 NW 1/4 Section 8 to irrigate 274 acres located in the NW 1/4, W 1/2 SW 1/4, NE 1/4 SW 1/4 Section 8 and E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7; all in T93N-R52W. This application proposes an additional appropriation of 0.98 cfs from an existing well completed into the Missouri-Elk Point Aquifer (80 feet deep) located in SE 1/4 NW 1/4 Section 8 to irrigate 30 additional acres located in the SW 1/4 SW 1/4 Section 5, SE 1/4 SE 1/4 Section 6, NE 1/4 NE 1/4 Section 7 and NW 1/4 NW 1/4 Section 8; all in T93N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. Water Permit No. 6169-3 and this application, combined, will authorize irrigation of 304 acres with a total diversion rate of 4.89 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6954-3 for an additional 0.07 cfs 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 April 21, 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: April 4 & 11, 2008

Instruction to Newspaper - Publish first Notice on April 4, 2008 with the second publication 7 days later. The applicant is responsible for payment.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6954-3 to Appropriate Water to be published twice. Please publish the first notice on April 4, 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 Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 (Ph # 605-665-3882).

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. 6954-3

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

Date _____

We are in receipt of your letter of March 26, 2008 enclosing Notice to Appropriate Water by Application No. 6954-3 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.

March 26, 2008

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Water Permit Application No. 6954-3 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 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.

Permit No. 6169-3 & 3508-3

(6954-3)

Vermillion River - Water District**Report of Examination of Works and/or Application of Water to Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 26, 2007**, made a thorough examination of the water use system constructed by **Jerome Poeschl** of **213 Katherine Way, Yankton, SD 57078** holder of Permit No. **6169-3 & 3805-3**, bearing the priority of **January 7, 2000 (2.25 cfs) and March 10, 1977 (1.66 cfs)** authorizing the diversion of a combined **3.91** cu. ft. per second of the waters of **Missouri: Elk Point Aquifer** for **irrigation** purposes, in **Clay** County.

Inspection contact & relationship **Jerome Poeschl – owner (605) 665-3882**
to permit holder, if applicable:

A. Works used to divert the water:**Well Information:****Well #1**

- 1) Well Drilling Firm: **Christensen Well Drilling, Inc.**
- 2) Depth(s) **72** feet
- 3) Well log is available **yes**
- 4) Comment:

Casing:

- 1) Diameter **16** inches
- 2) Length **32** feet
- 3) Type **pvc**

Screen:

- 1) Type **pvc**
- 2) Length **40** feet
- 3) Static water level **9** feet

Pump:

- 1) Make **Verti-Line**
- 2) Model
- 3) Size
- 4) Capacity **1400** GPM

Motor:

- 1) Make **GE**
- 2) Model No. **5K6254XM502A**
- 3) Horsepower rating **60** hp

Well #2

- 1) Well Drilling Firm:
- 2) Depth(s) **80** feet
- 3) Well log is available **no**
- 4) Comment:

Casing:

- 1) Diameter **15** inches
- 2) Length feet
- 3) Type **pvc**

Screen:

- 1) Type **pvc**
- 2) Length feet
- 3) Static water level feet

Pump:

- 1) Make **Verti-Line**
- 2) Model
- 3) Size
- 4) Capacity **800** GPM *see additional note

Motor:

- 1) Make **Wesington House**
- 2) Model No.
- 3) Horsepower rating **30** hp

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

- 1) Type **aluminum** 2) Size **10** inches 3) Length **20** feet
- 1) Type **pvc** 2) Size **10** inches 3) Length **2375** feet

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

- | | |
|------------------------------------|-----------------------------------|
| 1) Make <u>Lindsay Zimmatic</u> | 1) Make <u>Lindsay Zimmatic</u> |
| 2) Overall length <u>2019</u> feet | 2) Overall length <u>900</u> feet |
| 3) Number of towers <u>11</u> | 3) Number of towers <u>5</u> |
| 4) End gun <u>yes</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 5) High or low pressure <u>hi</u> |
| 6) Capacity <u>1400</u> GPM | 6) Capacity <u>800</u> GPM |

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by no
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: Original well not abandoned so did not need to be plugged.

The system is in good condition with the point(s) of diversion located as follows: well #1 – 650' E and 2100' S (42.889995, -97.020887), well #2 – 1600' E and 1615' S (42.891227, -97.017178) all from the NW corner Section 8-T93N-R52W. The works are capable of diverting and conveying to the place of use 4.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All in T93N-R52W

Section 5: SW¼ SW¼ 1 acre	Section 8: NE¼ NW¼ 16 acres	NE¼ SW¼ 24 acres
Section 6: SE¼ SE¼ 8 acres	NW¼ NW¼ 35 acres	NW¼ SW¼ 40 acres
Section 7: NE¼ NE¼ 38 acres	SW¼ NW¼ 40 acres	SW¼ SW¼ 2 acres
SE ¼ NE¼ 38 acres	SE¼ NW¼ 36 acres	
NE¼ SE¼ 26 acres		

comprising a total of 304 acres of land and the license should be issued for 4.89^{*} cfs after approval of application.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

A total of 274 acres and 3.91 cfs are authorized by 3508-3 and 6169-3. Inspection found 304 acres developed and 4.89 cfs water use. Application is needed for an additional 30 acres and 0.98 cfs. Well #2 is the original well under 3508-3 and is used to irrigate and additional 30 acres.

***Additional Note:**

After receiving application 6954-3 the applicant indicated that the small center pivot did not use 800 gpm but did not know the amount used. The report recommended the statutory limit resulting in a combined diversion of 3.98 cfs requiring an additional 0.07 cfs.



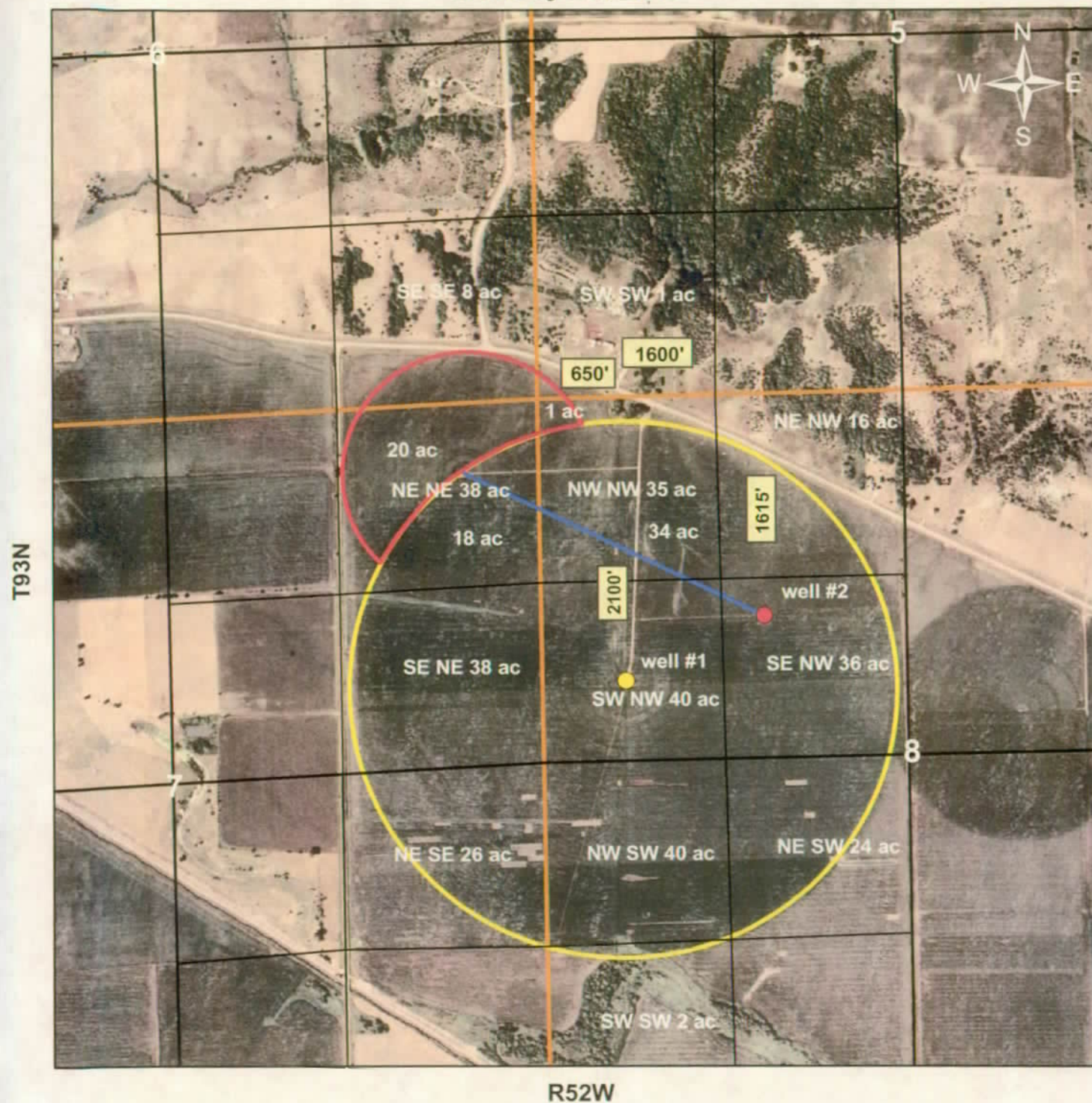
Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: January 28, 2008

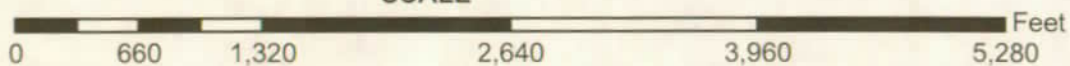
WATER RIGHT NO. 6169-3 (6954-3)

Jerome Poeschl

January 28, 2008



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6954-3

(1) Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 made Application No. 6954-3, February 7, 2008 for a water permit to divert 0.07 cubic feet of water per second (cfs) from groundwater (one well), Clay County, South Dakota for irrigation purposes. Permit No. 6954-3, with a priority date of February 7, 2008 was approved April 21, 2008 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

Water Right No. 3508-3, with a priority date of March 10, 1977 authorized 1.66 cfs to irrigate 154 acres. Water Permit No. 6169-3, with a priority date of January 7, 2000 authorized 2.25 cfs to irrigate 120 acres. The applicable portions of Nos. 3508-3 and 6169-3 are incorporated into No. 6954-3.

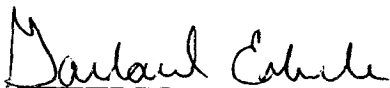
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 6954-3 is issued a license, bearing priority dates of March 10, 1977 (1.66 cfs), January 7, 2000 (2.25 cfs) and February 7, 2008 (0.07 cfs) to appropriate a total of 3.98 cfs from groundwater (two wells) to irrigate 304 acres.

The diversion points are located: Well #1 – 650 feet east and 2,100 feet south (SW ¼ NW ¼) and Well #2 – 1,600 feet east and 1,615 feet south (SE ¼ NW ¼); all from the northwest corner of Section 8-T93N-R52W. The acres authorized for irrigation are as follows:

All in T93N-R52W					
Section 5	SW ¼ SW ¼	1 acre	Section 8	NE ¼ NW ¼	16 acres
Section 6	SE ¼ SE ¼	8 acres		NE ¼ SW ¼	24 acres
Section 7	NE ¼ NE ¼	38 acres		NW ¼ SW ¼	40 acres
	SE ¼ NE ¼	38 acres		SW ¼ SW ¼	2 acres
	NE ¼ SE ¼	26 acres		SE ¼ NW ¼	36 acres
Total 304 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6954-3 including the following now applicable qualifications:

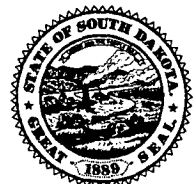
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 16 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 16 2003

6954-3

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed are Water Permit No. 6954-3 and Water License No. 6954-3. The water license is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the Lynn Beck, staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6954-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: The applicable portions of Nos. 3508-3 and 6169-3 are incorporated into Water License No. 6954-3.

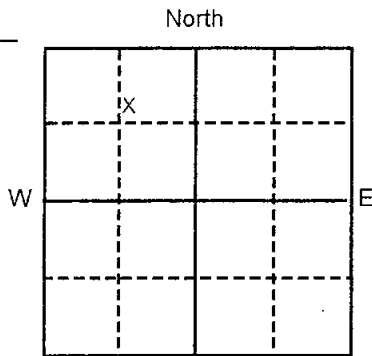
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NW ¼ Sec 8 Twp 93N Rg 52W

County Clay

Please mark well
location with an "X"

Well Completion Date

June 6, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,000.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	50.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	20	9.5 Lb/gal	0.0 Ft	40.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 30.0 Feet
 Material PVC
 Slot Size .085 Set From 50.0 Feet to 70.0 Feet
 Other information .050 Set From 70.0 Feet to 80.0 Feet

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?
☒ No, Why Not? Not Required
 Lab to which water quality sample sent for analysis

Well Owner: Jeome Poeschl

Business Name:

Address: 213 Katherine Way

City, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Clay	2	25
Sand	25	46
Pebbly Sand	46	60
Gravel	60	80

STATIC WATER LEVEL

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

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

OCT - 4 2013

WATER RIGHTS
PROGRAM

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

9/28/13

6954-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 06 2018

6954-3
7785-3

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed is Water License No. 7785-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 6954-3 were incorporated into Water License No. 7785-3.