

WATER PERMIT NO. 6959-3

Name of Applicant: **Schaeffer Acres Inc.**

Address: **43656 291st St, Menno SD 57045**

Phone: **605 387-5250**

Amount of Water Claimed: **2.11 cfs**

Total Acres: **320 acres**

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

Water to be used for: **irrigation**

County: **Hutchinson**

Type of Waste Disposal System:

Location: **7 miles southwest of Menno**

PRIORITY

Date Received: **2-11-08**

Application/License Fee: **\$375**

Corrected Application Received:

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

Remarks:

Diversion Point: **S ½ Sec 33-T97N-R56W**

Land to be Irrigated: **S ½ Sec 33-T97N-R56W**

Depth of Well: **220 feet deep**

Well Driller: :

Remarks:

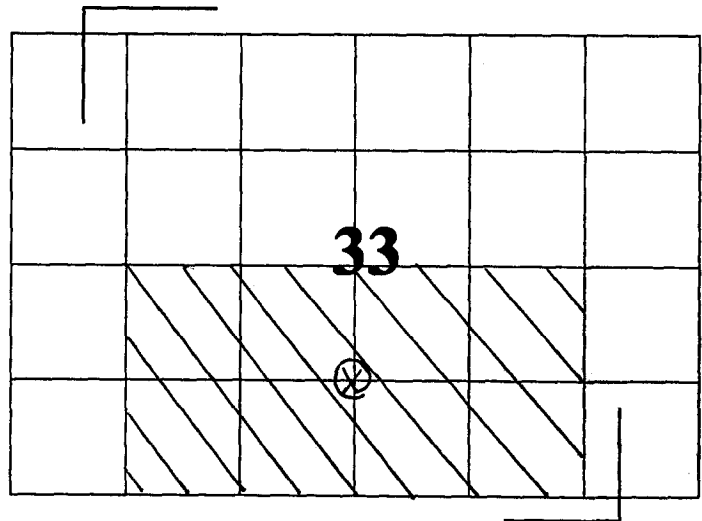
Type of Map: **aerial**

Prepared by: **Pat Thompson, Hutchinson Co FSA**

Reviewed and the Number Assigned on: **2-11-08**

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	(office use only)	
	No. <u>10959-3</u>	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Hutchinson Herald PO Box 506</u>	
	<u>605-387-5158</u>	<u>Menno 570 45</u>

RECEIVED
FEB 11 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 Schaeffer Acres Inc. Phone (605) 387-5250
 (check one) ☐ Owner ☒ Tenant/lessee
 Mailing Address 43656 291st St Menno State SD 57045
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.11 *CFS or 950 **GPM ***AF Total Acreage 320
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply irrigation wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hutchinson
3 wells in S 1/2 of section 33-T97N-R56W
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used April through September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
South 1/2 of Section 33-97N-56W	320		

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

upto 3 wells to be dug to service 2 center pivots with the possibility of putting in drip tape in lieu of the pivots

STATE OF SOUTH DAKOTA)

County of Huthinson SS

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, Ron Schaeffer, (President), 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

Ron Schaeffer

Subscribed and sworn to before me this 7th day of February 20 08

[Signature]
 Notary Public signature
 Commission Expires 6-12-08

SOUTH DAKOTA
WATER PERMIT NO. 6959-3 FOR IRRIGATION

Date of first receipt of application February 11, 2008.

The Water Management Board approved Water Permit No. 6959-3 on May 7, 2008 for Schaeffer Acres, Inc., c/o Ron Schaeffer, 43656 291st St, Menno SD 57045 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. 6959-3 appropriates 2.11 cubic feet of water per second from three wells to be completed into the Lower James:Missouri Aquifer (approximately 220 feet deep) located in S ½ Section 33 to irrigate 320 acres located in the S ½ Section 33; all in T97N-R56W.
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 11, 2008.
4. One-fifth of the construction is to be completed on or before November 7, 2010.
5. All construction is to be completed on or before May 7, 2013.
6. Water is to be put to beneficial use on or before May 7, 2017.
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 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. 6959-3 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.

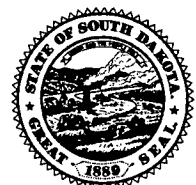
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 16 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 220'
- b) Casing Type PVC Diameter 16" Thickness .75"
- c) Screen Type PVC Diameter 16" Thickness .75"
- d) Gravel Pack 1/8 to 3/8" pea Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 130'
- f) Depth to Water (ground surface to water level) 130'
- g) Distance to nearest existing domestic well:
- On applicants property 6 geothermal-1000' On property owned by others .75 mile

2. Wastewater Disposal System Information

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

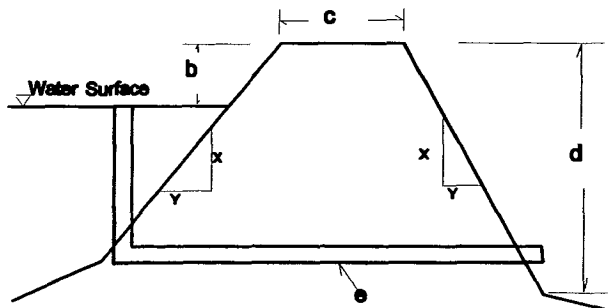
3. Dugout Information

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

4. Water Storage Dams

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

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



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

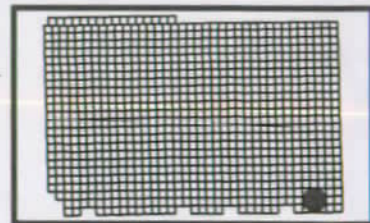


United States Department of Agriculture
Farm Service Agency

Hutchinson County, SD

1:8,634

33-97N-56W



April 04, 2007

*For Thompson SD
FSA 2/1/08*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/11, 2008

RECEIVED OF Schaeffer Acres Inc 43656 291st St Merno SD 57045

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

Fee for Application for Permit No. <u>6759-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>6759-3</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. 63214

By Paula A. White

Chief Engineer

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WATER RIGHTS
PROGRAM

April 5, 2008

43553 290th St
Menno, SD 57045

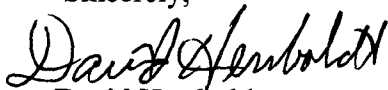
✓Water Rights Program
Attn: Chief Engineer
Foss Building
523 E Capitol
Pierre, SD 57501

Schaeffer Acres, Inc.
43656 291st St
Menno, SD 57045

Re: Notice of Application #6959-3 to Appropriate Water

Please accept this as our notice to express our concern and opposition to the application noted above. The basis for our opposition is the long-term adverse affects to our domestic wells located in Sec 29 and Sec 32 of 97-56. To appropriate the amount of water as requested would create a high risk of depleting our water supply from existing wells.

Sincerely,


David Herrboldt


Jennifer Herrboldt

Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

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APR - 7 2008

WATER RIGHTS
PROGRAM

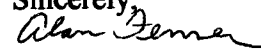
Ronald Schaeffer
43656 291st St.
Menno, SD 57045

Dear Sirs,

I am writing regarding application 6959-3 to appropriate water for irrigation from wells in S1/2 Sec. 33 97-56. The application states the wells would be 220 ft.(approx.) deep. This is the depth of our domestic well drilled in 1983 and used to water livestock in the NE 1/4 of this same section.

I have a concern that the amount of water drawn from the aquifer we depend upon could draw the water table below our domestic well capability.

Are we in the same aquifer these proposed wells will draw from? What is our recourse if the irrigation wells render our domestic well useless?

Sincerely,

Alan Fenner
43669 290th St.
Menno, SD 57045



**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. 6959-3, Schaeffer Acres, Inc.**

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. 6959-3, Schaeffer Acres, Inc., c/o Ron Schaeffer, 43656 291st Street, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 6959-3 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. 6959-3 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
March 18, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6959-3
For Schaeffer Acres Inc.
February 25, 2008

Application No. 6959-3 proposes to appropriate 2.11 cfs from three wells approximately 220 feet deep located in the S ½ of section 33 to irrigate 320 acres located in the S ½ of section 33: all in T97N R56W in Hutchinson County.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that is under predominantly water table conditions but appears it may be under artesian conditions at this site. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer extends into Hanson County to the north, into Yankton County to the south and blends into the Choteau aquifer in the subsurface to the west. The aquifer appears to be hydraulically connected to the James River and possibly to the Niobrara Formation in the subsurface to the north and east. Ground water movement is probably from northeast to southwest toward the James River in the area of this application (Lindgren, 1990).

No test wells were drilled for this application. However a test well (YN-60-79) drilled by the SDGS for the Yankton County study (Bugliosi, 1986) indicates the top of the Lower James Missouri aquifer was encountered at 155 feet and extended to a depth of 285 feet. This test well is located in the southwest corner of section 34, T97N R56W or just across the road and to the east from this application. The total thickness of the aquifer at this site should be about 130 feet. According to test drilling for the county study and other wells in the area both domestic and observation wells there is a good likelihood that the aquifer underlies this site. However, the mapping of the aquifer in the county study also indicates the aquifer boundary is just to the northeast of this site. Testing will be necessary to fully evaluate the potential of this site and to determine if all three wells are needed.

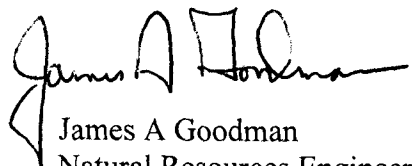
The Water Rights Program monitors an observation well YA-80G located about two and one-half miles west of this site and completed into the Lower James Missouri aquifer. Water levels for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights are located about four miles south of this application. Interference is not expected to be a problem. At this distance between production wells drawdown will not be significant. The aquifer by in large behaves like it is under water table conditions. The observation well record indicates that very small fluctuations due to pumping can be expected.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer may be under artesian conditions at this site but the water levels behave more like the aquifer is under water table conditions. Interference is not a concern.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The tentative well depth appears to be closer to 285 feet than the 220 feet estimate by the applicant.

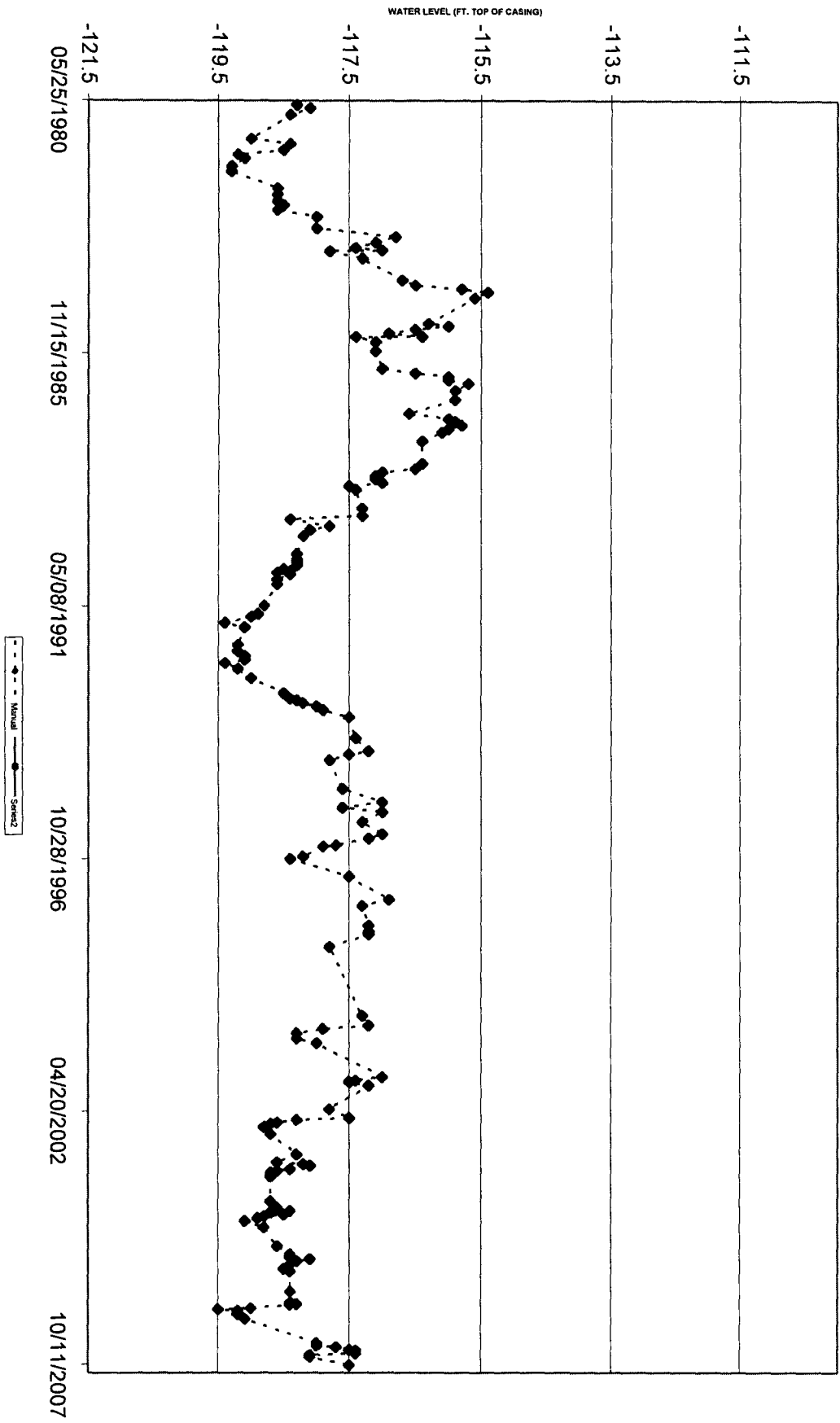


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water-Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.
- Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.
- Water Rights, 2007, Unpublished Observation Well Data for Hutchinson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-80G



AFFIDAVIT OF PUBLICATION

County of Hutchinson)

RECEIVED

) ss.

APR - 4 2008

State of South Dakota)

WATER RIGHTS
PROGRAM

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Hutchinson Herald is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Menno in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Appropriate Water**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
March 26, 2008

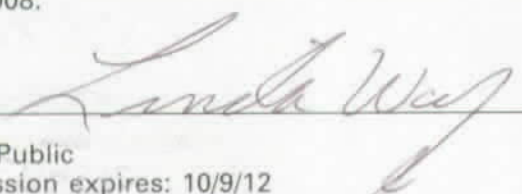
the second publication on:
April 2, 2008

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$44.85** insures solely to the benefit of the publisher of the Hutchinson Herald, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$44.85** is the rate for publishing legal notices.



Subscribed and sworn to before me this 2nd day of April 2008.



Notary Public
Commission expires: 10/9/12

Publication fee:	\$44.85
Notary fee:	
Total:	\$44.85

NOTICE OF APPLICATION NO. 6959-3 To Appropriate Water

Notice is given that Schaeffer Acres Inc., c/o Ron Schaeffer, 43656 291st St., Menno, S.D. 57045 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from three wells to be completed into the Lower James:Missouri Aquifer (approximately 220 feet deep) located in S 1/2 Section 33 to irrigate 320 acres located in the S 1/2 Section 33; all in T97N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6959-3 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, S.D. 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 14, 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 March 26 & April 2, 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

March 20, 2008

Hutchinson Herald
PO Box 506
Menno SD 57045

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6959-3 to Appropriate Water to be published twice. Please publish the first notice on March 26, 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 Schaeffer Acres Inc, Ron Schaeffer, 43656 291st St, Menno SD 57045 (Ph # 605-387-5250).

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. 6959-3

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

Date _____

We are in receipt of your letter of March 20, 2008 enclosing Notice to Appropriate Water by Application No. 6959-3 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 20, 2008

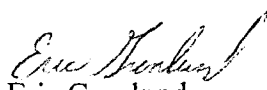
Schaeffer Acres Inc
Ron Schaeffer
43656 291st St
Menno SD 57045

Dear Mr. Schaeffer:

Water Permit Application No. 6959-3 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 Hutchinson Herald printed at Menno SD (Ph # 605-387-5158). 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 March 26, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6959-3 to Appropriate Water

Notice is given that Schaeffer Acres Inc., c/o Ron Schaeffer, 43656 291st St, Menno SD 57045 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from three wells to be completed into the Lower James:Missouri Aquifer (approximately 220 feet deep) located in S ½ Section 33 to irrigate 320 acres located in the S ½ Section 33; all in T97N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6959-3 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 April 14, 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

April 8, 2008

NOTICE

TO: Ronald Schaeffer
43656 291st Street
Menno SD 57045

Alan Fenner
43669 290th Street
Menno SD 57045

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Notice of Hearing on Water Permit Application No. 6959-3

A petition has been submitted by Mr. Alan Fenner concerning issuance of Water Permit Application No. 6959-3 filed by Schaeffer Acres, Inc. The petition was filed in response to the Notice of Application to appropriate water published in the Hutchinson Herald printed in Menno SD. This notice schedules a hearing before the Water Management Board to consider this application. A copy of petition is enclosed to the applicant.

Application No. 6959-3 proposes to appropriate 2.11 cubic feet of water per second from three wells to be completed into the Lower James:Missouri Aquifer (approximately 220 feet deep) located in S ½ Section 33 to irrigate 320 acres located in the S ½ Section 33; all in T97N-R56W.

The Water Management Board will conduct a hearing to consider Application No. 6959-3 at 10:00 AM on Wednesday, May 7, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Future notice will be provided to all parties if there are changes to the hearing time. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6959-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application based on the evidence presented at the public hearing.

The May 7, 2008, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party of record opposing the application. The request for an automatic delay must be filed by April 25, 2008.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Enclosed is a copy of the report, recommendation and petition in the matter of Water Permit Application No. 6959-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

Please notify Eric Gronlund at (605) 773-3352 by April 25, 2008, if you have any questions about the hearing process. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing.

The application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352.

c: Diane Best, Assistant Attorney General

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by April 25, 2008.

CERTIFICATION

I hereby certify that on April 8, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 8, 2008, regarding hearing for Water Right Permit Application No. 6959-3, as addressed below:

Ronald Schaeffer
43656 291st Street
Menno SD 57045

Alan Fenner
43669 290th Street
Menno SD 57045

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



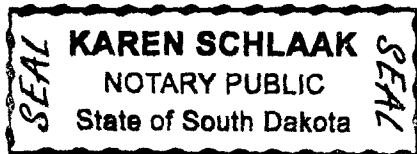
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of April 2008.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 10, 2008

Alan Fenner
43669 290th Street
Menno SD 57045

Dear Mr. Fenner:

I am writing in response to questions raised in your letter submitted regarding the application for irrigation filed by Schaeffer Acres. Your letter is considered a petition to intervene in the hearing process. Therefore, a notice has been sent to parties scheduling a May 7th hearing on the application before the Water Management Board.

A report was prepared on the water permit application which provides information on the aquifer which will be the water source for the pending application. A copy of this report was enclosed in the recent notice sent to you.

A well drillers report in on file for a well located in the NW ¼ NE ¼ Section 33, T97N, R56W drilled for Ray Hauck in 1983 by Koranda Well Company. A copy of the well driller's report is enclosed. It is assumed that this is the well you use for livestock watering. The water source for this well and the proposed irrigation well is the Lower James:Missouri Aquifer. The Water Right Program monitors a number of observation wells completed into this aquifer which indicate very small fluctuations due to pumping.

South Dakota water law provides protection to domestic use of water, to include livestock watering, over all appropriative rights such as irrigation. This means a permitted well owner must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells. However, South Dakota law does not protect artesian head pressure as a means of diversion. Based on area observation wells the aquifer may be under artesian conditions at this site. This means that water levels of wells completed into the aquifer rise in the well's casing above the top of the aquifer. If your pump placement relies on this artesian head pressure you may need to lower the pump 20 feet into the aquifer to receive protection. In the case of the 1983 well this would mean lowering the pump to a depth of 209 feet.

If you have specific questions regarding the aquifer characteristics and your well, I encourage you to contact Jim Goodman at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 2008

NOTICE

TO: Ronald Schaeffer
43656 291st Street
Menno SD 57045

Alan Fenner
43669 290th Street
Menno SD 57045

David and Jennifer Herrboldt
43553 290th Street
Menno SD 57045

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 6959-3, Schaeffer Acres

This notice is a supplement to the April 8th notice scheduling a hearing on Water Permit Application No. 6959-3 filed by Schaeffer Acres. An additional petition opposing Application No. 6959-3 has been submitted by David and Jennifer Herrboldt. The petitions were filed in response to the Notice of Application to appropriate water published in the Hutchinson Herald printed in Menno SD. This notice schedules a hearing before the Water Management Board to consider this application.

Application No. 6959-3 proposes to appropriate 2.11 cubic feet of water per second from three wells to be completed into the Lower James:Missouri Aquifer (approximately 220 feet deep) located in S ½ Section 33 to irrigate 320 acres located in the S ½ Section 33; all in T97N-R56W.

The Water Management Board will conduct a hearing to consider Application No. 6959-3 at 10:00 AM on Wednesday, May 7, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Future notice will be provided to all parties if there are changes to the hearing time. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6959-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with

qualifications, 3) defer, or 4) deny the application based on the evidence presented at the public hearing.

The May 7, 2008, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party of record opposing the application. The request for an automatic delay must be filed by April 25, 2008.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Enclosed in the mailing for Mr. and Mrs. Herrboldt is a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 6959-3. Since this information was previously sent to Mr. Schaeffer and Mr. Fenner, only a copy of the Herrboldt petition is enclosed in their mailing. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed in the Herrboldt mailing are two documents previously sent to the other parties. These documents entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules" are intended to acquaint parties with the hearing process. All parties are encouraged to review these documents prior to the hearing.

Please notify Eric Gronlund at (605) 773-3352 by April 25, 2008, if you have any questions about the hearing process. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing.

The application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352.

c: Diane Best, Assistant Attorney General

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by April 25, 2008.

CERTIFICATION

I hereby certify that on April 14, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 14, 2008, regarding hearing for Water Right Permit Application No. 6959-3, as addressed below:

Ronald Schaeffer
43656 291st Street
Menno SD 57045

Alan Fenner
43669 290th Street
Menno SD 57045

David and Jennifer Herrboldt
43553 290th Street
Menno SD 57045

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



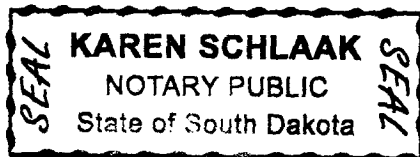
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of April, 2008.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 16 2003

Schaeffer Acres Inc
c/o Ron Schaeffer
43656 291st St
Menno SD 57045

Dear Mr. Schaeffer:

Enclosed is Water Permit No. 6959-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

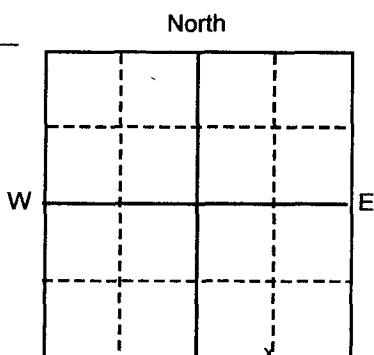
6959-3 SD EForm - 1621LD V1

11-02

Location sw 1/4 se 1/4 Sec 33 Twp 97n Rg 56w

County Hutchinson

Please mark well location with an "X"



Well Completion Date

4/13/09

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	170.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	23	9.5 Lb/gal	0.0 Ft	165.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
 tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 35.0 Feet

Material pvc

Slot Size .050 Set From 170.0 Feet to 205.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Ron Schaeffer

Business Name:

Address: 43656 291st street

City, State, Zip: Menno SD 57045

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil	0	2
Clay, brown, silty, pebbly, till	2	58
Clay, gray, silty, pebbly, till	58	170
gravel, medium	170	205
Silt, gray,	205	214

STATIC WATER LEVEL 131.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: air lift development

☒ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN 29 2010

WATER RIGHTS
PROGRAM

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

Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:



6959-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: SCHAEFFER ACRES INC, RON SCHAEFFER, 43656 291ST ST, MENNO, SD 57045

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6959-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 6959-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 6959-3 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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: QIMIYO**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2020

6959-3

Ron Schaeffer
Schaeffer Acres Inc
43656 291st St
Menno SD 57045

Dear Mr. Schaeffer:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit No. 6959-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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