

WATER PERMIT NO. 7240-3

Name of Applicant: Karl Schenk

Address: 946 Wynstone Dr., Jefferson SD 57038

Phone: 605 760-0363

Amount of Water Claimed: 1.78 cfs

Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System: NA

Location: 6 miles east of Yankton

PRIORITY

Date Received: 4-1-11

Application/License Fee: \$1,050.00

Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NW ¼ SE ¼ Sec 15-T93N-R54W

Land to be Irrigated: SE ¼ Sec 15-T93N-R54W

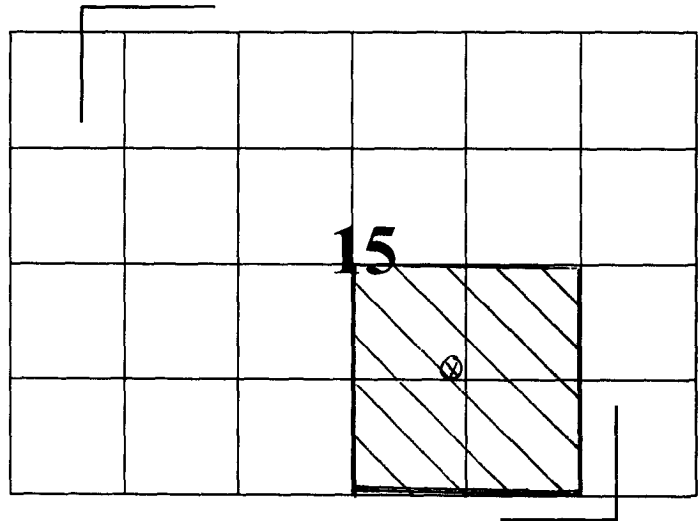
Depth of Well: 120 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Valeria Shushtyl, Yankton Co FSA



Reviewed and the Number Assigned on: 4-4-11

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 7240-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Daily Press & Dakotan P.O. Box 56
605-645-7811 Yankton 57078

1050
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APR - 1 2011

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ _____
(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 Karl Schenk Phone 605-760-0363(check one) ☐ Owner ☐ Tenant/lesseeMailing Address 946 Wynstone Drive Jefferson SD 57038
(Address) (City) (State) (Zip Code)2. Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply 1 well to Lower Missouri-James Aquifer4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
1 well in NW 1/4 of SE 1/4, section 15, T93N, R54W5. County or counties where water will be used Yankton6. Annual period during which water is to be used May/September 307. 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
SW 1/4 of SE 1/4, section 15, T93N, R54W	40		
SE 1/4 of SE 1/4, section 15, T93N, R54W	40		
NW 1/4 of SE 1/4, section 15, T93N, R54W	40		
NE 1/4 of SE 1/4, section 15, T93N, R54W	40		

8. Give a description of the project. (Attach sheet if more space is needed)
Crop irrigation of above described land.STATE OF SOUTH DAKOTA)
County of Yankton) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Karl Schenk, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Applicant's signature [Signature]Subscribed and sworn to before me this 30th day of March 20 11[Signature]
Notary Public signature
4th Comm exp 11-24-2015

SOUTH DAKOTA
WATER PERMIT NO. 7240-3

Date of first receipt of application April 1, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7240-3 to Karl Schenk, 946 Wynstone Drive, Jefferson SD 57038 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. 7240-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in NW 1/4 SE 1/4 Section 15 for irrigation of 160 acres located in the SE 1/4 Section 15; all in T93N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 1, 2011.
4. The date of approval of Permit No. 7240-3 is May 16, 2011.
5. One-fifth of the construction is to be completed on or before November 16, 2013.
6. All construction is to be completed on or before May 16, 2016.
7. Water is to be put to beneficial use on or before May 16, 2020.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved 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 well authorized by Permit No. 7240-3 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

SEP 01 2011

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 120
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack 1/8"-3/8" gravel Length of Gravel Pack 40 feet
- e) Depth to Top of Water Bearing Material 74 feet
- f) Depth to Water (ground surface to water level) 22 feet
- g) Distance to nearest existing domestic well:
- On applicant's property NA On property owned by others >2000'

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

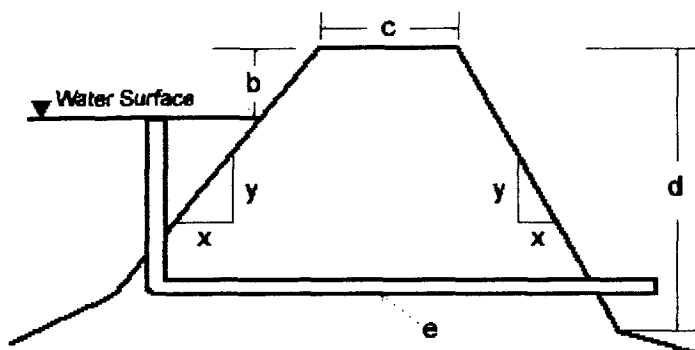
3. Dugout Information

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

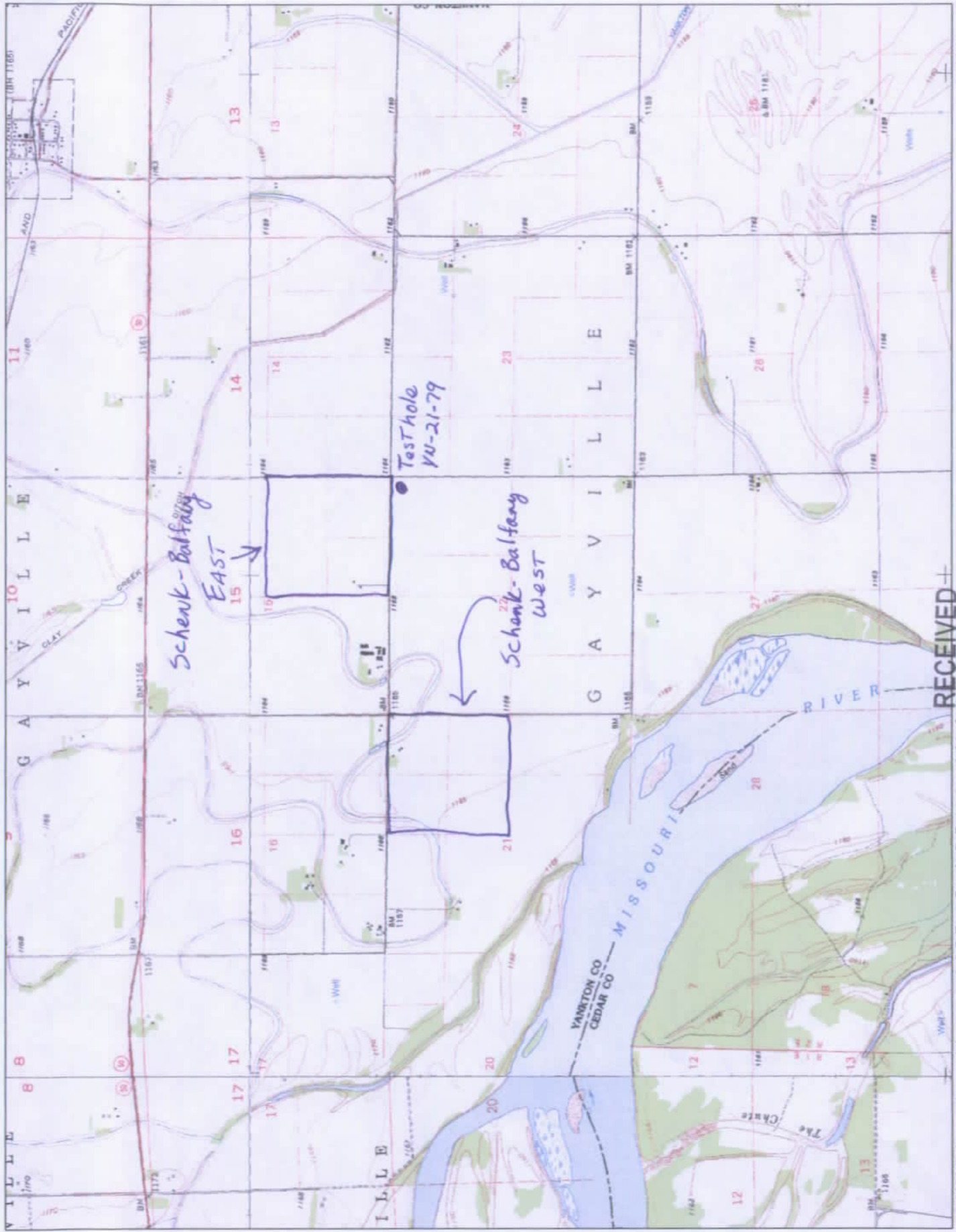
4. Water Storage Dams

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 (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



© 2002 DeLorme (www.delorme.com). 3-D TopoQuads®. Data copyright of content owner.

Scale: 1 : 34,375 Map Rotation: 0° Magnetic Declination: 0.0°E

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WATER RIGHTS
PROGRAM

Twp 93N Rng 54W



United States Department of Agriculture
Farm Service Agency

February 11, 2011

PLSS: 15_93_54
Farm: 5233

Yankton County, SD
1:10,384



RECEIVED

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

APR - 1 2011

WATER RIGHTS
PROGRAM

Common Land Units

2010 Ortho-Photography - Not to Scale

2011

Location Information

Legal NE NE NE NE SEC. 22, T. 093 N., R. 54 W.

Location:

County: YANKTON

Location: ~~CONFIDENTIAL~~

Basin: MISSOURI

Latitude: 42 51' 59"

Hydrologic 10170101

Longitude: 97 12' 01"

Unit Code:

Ground **1162** **T**

Surface

Elev. (ft.):

Project Information

Project: YANKTON COUNTY STUDY

Drill Date: 08/14/1979

Geologist: G. JOHNSON

Company: SDGS

Geologist's X

Log:

Drilling Method: ROTARY

Driller: M. KOFFLER

**Test Hole
Number:**

Driller's Log:

Samples:

Total Drill Hole Depth (ft.): 140.0

Well Information

SDGS Well
Name:

Aquifer:

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1162.0 - 1157.0	0.0 - 5.0	TOPSOIL, BROWN, SILTY
1157.0 - 1122.0	5.0 - 40.0	SAND, BROWN, FINE TO MEDIUM; WITH THIN LAYERS OF GRAY-BROWN SILT
1122.0 - 1088.0	40.0 - 74.0	SAND AND GRAVEL, MEDIUM SAND TO FINE GRAVEL; WITH THIN SILTY LAYERS
1088.0 - 1063.0	74.0 - 99.0	GRAVEL, MEDIUM (OUTWASH)
1063.0 - 1043.0	99.0 - 119.0	SAND AND GRAVEL, MEDIUM SAND TO FINE GRAVEL (OUTWASH)
1043.0 - 1042.0	119.0 - 120.0	COAL(?)
1042.0 - 1022.0	120.0 - 140.0	CLAY, LIGHT-GRAY; NONCALCAREOUS, GREASY LUSTER (CARLILE SHALE)

OVERBANK DEPOSITS 0 TO 75 FEET.

RL Diamond

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/1, 2011

RECEIVED OF Karl Schenk 946 Wynstone Br Jefferson SD 57038

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

Fee for Application for Permit No. <u>7240-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7240-3</u>	200	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	1050 00

No. **04959**

By *Richard White*
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. 7240-3, Karl Schenk**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7240-3, Karl Schenk, 946 Wynstone Dr., Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 7240-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest with the following qualifications:

1. The well approved 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 well authorized by Permit No. 7240-3 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
April 20, 2011

**Report on Water Permit Application No. 7240-3 & 7241-3
for Karl Schenk
April 5, 2011**

Application No. 7240-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 120 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T93N R54W in Yankton County. The water is to be used to irrigate approximately 160 acres located in the SE $\frac{1}{4}$ of Section 15; all in T93N R54W. The annual period during which water will be used is May 1 through September 30.

Application No. 7241-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 120 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T93N R54W in Yankton County. The water is to be used to irrigate approximately 160 acres located in the NE $\frac{1}{4}$ Section 21; all in T93N R54W. The annual period during which water will be used is May 1 through September 30.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point aquifer is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in the area of this application. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Union County to the south-east, into Clay County to the east, blends into the Lower Vermillion Missouri directly to the east of the application location and is hydraulically connected to the James, Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast and locally toward the Missouri River.

Observation Well Data:

The Water Rights Program monitors two observation wells, YA-78J and YA-80KA, located within three miles of these application locations. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2011).

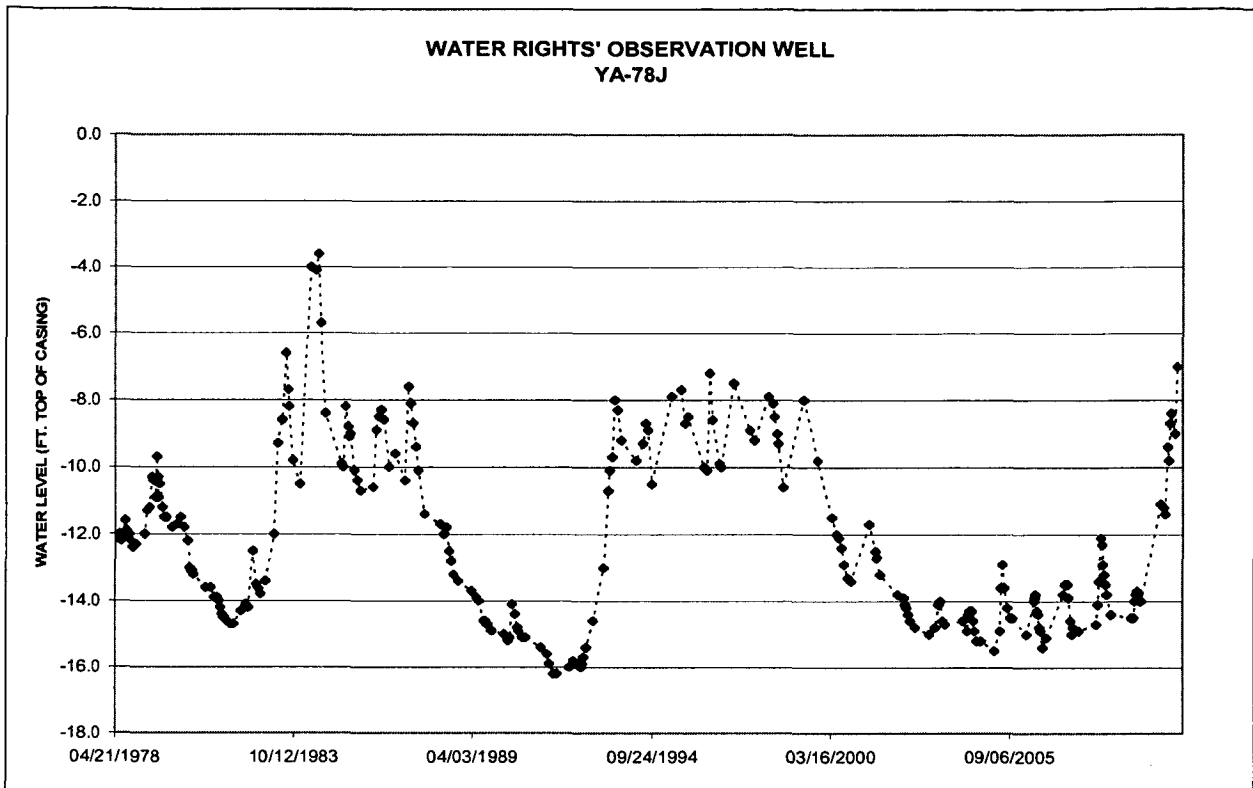


Figure 1. Hydrograph for Water Rights Observation Well YA-78J, completed into the Missouri Elk Point Aquifer within two and half miles of 7240-3 & 7241-3

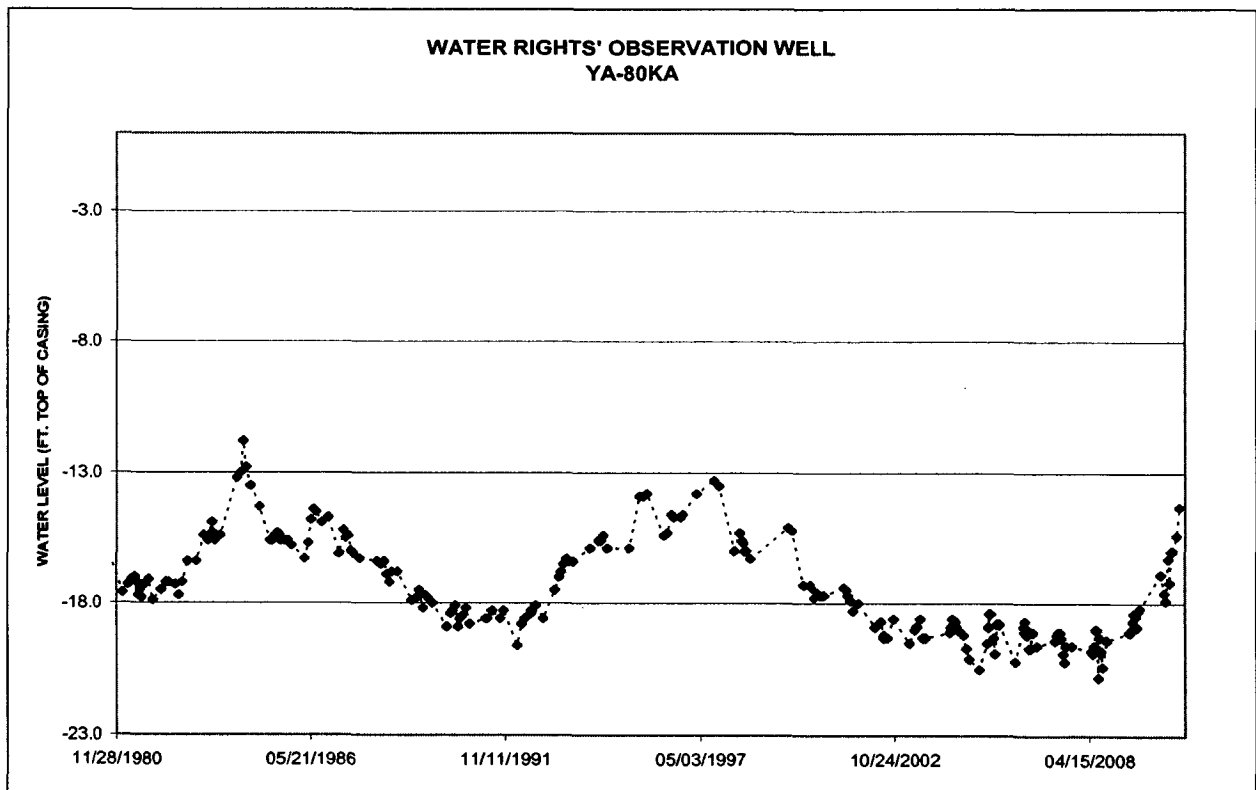


Figure 2. Hydrograph for Water Rights Observation Well YA-78J, completed into the Missouri Elk Point Aquifer within three miles of 7240-3 & 7241-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators, irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is nearly 308, with the average appropriation being over 128,000 acre-feet and the average pumpage reported at over 16,700 acre-feet.

IRRIGATION USE (ac-ft/yr) M:EP			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2009	410	155245.40	6120.97
2008	396	151130.40	16261.88
2007	368	140746.60	31052.03
2006	355	137411.60	28874.29
2005	337	130966.60	24176.62
2004	323	127635.80	24515.85
2003	315	126059.80	27161.56
2002	316	126235.80	24105.36
2001	314	126217.40	19451.93
2000	310	125532.20	27070.99
1999	308	125225.60	14748.02
1998	313	127862.60	11127.24
1997	305	126518.20	17182.00
1996	296	124606.20	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.30	1475.20
1992	296	125336.68	1881.95
1991	301	126551.68	18798.60
1990	299	128458.33	19694.50
1989	294	126847.33	25941.90
1988	283	124014.13	28756.35
1987	282	124104.33	13439.70
1986	288	125842.47	6451.60
1985	284	125068.47	13983.50
1984	283	126743.35	9194.30
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318.00	14233.00
1980	267	126362.00	15205.00
1979	265	124828.00	10377.00
AVERAGE	307.87	128654.23	16741.76
MAXIMUM	410	155245.40	31052.03
MINIMUM	265	121644.25	1475.20

Table 1. Irrigation usage from the Missouri aquifer (Water Rights, 1979-2008).

There are eight existing water permits/rights for irrigation located within one mile of these application locations. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Conclusions:

1. Water is available from the Elk Point management unit of the Missouri aquifer.
2. The aquifer is under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit adversely impacts the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. These wells must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Hedges, L.S. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Water Rights, 2011, Unpublished Observation Well Records for Yankton County and Irrigation Records, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

MAY 16 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application 7240-3 & 7241-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 6th DAY OF May 2011
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$56.01 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 4/29/2011 & 5/6/2011

FILED ON: 5/12/2011

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF May 2011

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published twice at the total approximate cost of _____.

**NOTICE OF APPLICATION
NOS. 7240-3 and 7241-3 to
Appropriate Water**

Notice is given that Karl Schenk, 946 Wynstone Dr., Jefferson SD 57038 has filed the following applications for a water permit.

Application No. 7240-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in NW 1/4 SE 1/4 Section 15 for irrigation of 160 acres located in the SE 1/4 Section 15; all in T93N-R54W.

Application No. 7241-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the SW 1/4 NE 1/4 Section 21 to irrigate 160 acres located in the NE 1/4 Section 21; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7240-3 and 7241-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 May 16, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal



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 21, 2011

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7240-3 & 7241-3 to Appropriate Water to be published twice. Please publish the first notice on April 29, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Karl Schenk, 946 Wynstone Dr. Jefferson SD 57038 (Ph # 605-760-0363).

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-----

Nos. 7240-3 & 7241-3

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

Date _____

We are in receipt of your letter of April 21, 2011 enclosing Notice to Appropriate Water by Application Nos. 7240-3 & 7241-3 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.

April 21, 2011

Karl Schenk
946 Wynstone Dr
Jefferson SD 57038

Dear Mr. Schenk:

Water Permit Application Nos. 7240-3 & 7241-3 for irrigation use have 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 Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports 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
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on April 29, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7240-3 and 7241-3 to Appropriate Water

Notice is given that Karl Schenk, 946 Wynstone Dr., Jefferson SD 57038 has filed the following applications for a water permit.

Application No. 7240-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in NW ¼ SE ¼ Section 15 for irrigation of 160 acres located in the SE ¼ Section 15; all in T93N-R54W.

Application No. 7241-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the SW ¼ NE ¼ Section 21 to irrigate 160 acres located in the NE ¼ Section 21; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7240-3 and 7241-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 May 16, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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

Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 01 2011

Karl Schenk
946 Wynstone Dr
Jefferson SD 57038

Dear Mr. Schenk:

Enclosed are Water Permit Nos. 7240-3 and 7241-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

Date: 12/30/2011

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 22, 2014 made a thorough examination of the water system used by the Karl M Schenk, 44352 308th St., Mission Hill, SD 57046, holder of Water Permit No. 7240-3, bearing the priority date of April 1, 2011. Water Permit No. 7240-3 authorizes the diversion of 1.78 cubic feet per second (cfs) or 800 gallons per minute (gpm) from one well completed into the Missouri: Elk Point aquifer at approximately 120 feet below ground surface for the purposes of irrigating 160 acres in Yankton County as follows: 40 acres in the NW ¼ SE ¼ Section 15, 40 acres in the SW ¼ SE ¼ Section 15, 40 acres in the SE ¼ SE ¼ of Section 15, and 40 acres in the NE ¼ SE ¼ of Section 15, all in T93N-R54W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One irrigation pump, manufactured by Kroy-Midwest
- 2) Works used to transport water to a place of use:
Underground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
One Zimmatic Pivot

The system is in the following condition: well maintained. The exact location the well is as follows:

- 1) **Center of the SE ¼ Section 15, T93N-R54W, 1,300 feet north and 1,300 feet west of the southeast corner of Section 15. Lat 42.87031N Lon 97.20533W.**

The lands irrigated by the fore mentioned well are as follows:

- 1) 35 acres in the NW ¼ SE ¼ Section 15, all in T93N-R54W.
- 2) 30 acres in the SW ¼ SE ¼ Section 15, all in T93N-R54W.
- 3) 35 acres in the SE ¼ SE ¼ of Section 15, all in T93N-R54W.
- 4) 35 acres in the NE ¼ SE ¼ of Section 15, all in T93N-R54W.

For a total of 135 acres.

License should be issued for the developed diversion rate of: **1.78 cfs or 800 gpm**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **June 8, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7240-3

DATE OF INVESTIGATION:	September 22, 2014
NAME & ADDRESS OF PERMIT HOLDER	Karl M Schenk 44352 308th St. Mission Hill, SD 57046
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Karl M Schenk
DIVERSION POINT LEGAL LOCATIONS	Center of the SE ¼ Section 15, T93N-R54W, 1,300 feet north and 1,300 feet west of the southeast corner of Section 15. Lat 42.87031N Lon 97.20533W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Hammond Wetmore Drilling, LLC
- 2) Number of Wells: **1**
- 3) Depth: **92 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

Pumps

- 1) Make: **Kroy Midwest**
- 2) Model: **CVMW8**
- 3) Size:
- 4) Capacity: **800 gpm**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **52 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Manufactured**
- 2) Length: **40 feet**
- 3) Static Water Level: **18 feet**

Motor

- 1) Make:
- 2) Model No:
- 3) Power: **Unknown**

System Type

- 1) Make: **1 Zimmatic Pivot**
- 2) Overall length: **1,300 feet**
- 3) Number of Towers: **7 towers**
- 4) End Gun: **Yes**
- 5) Pressure:
- 6) Capacity: **800 gpm**

CHEMIGATION EQUIPMENT: No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigation from 2012 to present.**

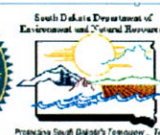


- Legend**
- Irrigated_Acres
 - Section Boundaries - PLSS
 - Well Location



0 0.045 0.09 0.18 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 18 2015

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Enclosed are Water License Nos. 6838-3, 6917-3, 6918-3, 6939-3, 7240-3, 7241-3, 7670-3, 7819-3 and 7842-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with each license is a map prepared by the 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 wells authorized by these water rights, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,


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

Note: The applicable portions of No. 6916-3 are incorporated into Water License No. 7670-3.
The applicable portions of No. 7669-3 are incorporated into Water License No. 7842-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7240-3

(1) Karl M Schenk, 44352 308th St, Mission Hill SD 57046 made Application No. 7240-3, April 1, 2011 for a water permit to divert 1.78 cubic feet of water per second (cfs) from one well (Missouri:Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7240-3, with a priority date of April 1, 2011 was approved May 16, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 16, 2016 and for the application to beneficial use of water on or before May 16, 2020.

(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 Water Right No. 7240-3 is issued a license, bearing a priority date of April 1, 2011 to appropriate 1.78 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) to irrigate 135 acres.

The diversion point is located: 1,300 feet north and 1,300 feet west of the SE corner of Section 15-T93N-R54W (approximate center of SE 1/4). The acres authorized for irrigation are as follows:

Section 15-T93N-R54W	NW1/4 SE 1/4	35 acres
	SW 1/4 SE 1/4	30 acres
	SE 1/4 SE 1/4	35 acres
	NE 1/4 SE 1/4	<u>35 acres</u>
	Total	135 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7240-3 including the following 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.
- The well authorized by Permit No. 7240-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 18 2015

date





7240-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 29, 2021

7240-3
7241-3

James Herzog
5707 S 216th St
Elkhorn NE 68022-3227

Dear Mr. Herzog:

I am writing in follow-up to our phone conversation about the transfer of Water Right Nos. 7240-3 and 7241-3. These are currently listed under Karl Schenk.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in October. Also enclosed are copies of each water right. You may keep these for your records.

If I can answer any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

PAID

MAY 6 2021

Ck# 9452

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY 06 2021

WATER RIGHTS
PROGRAM

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

No. 7240-3

Date: 5-3-21

I/We request that Water Right No. 7240-3

formerly owned by: Karl Schenk

be transferred to: (name & address) JAMES A. HERZOG

5707 S. 216TH ST.
ELKHORN, NE 68022-3227 Telephone No. 402-640-4545

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

135 acres – SE ¼ Section 15, T93N, R54W

I/We understand that the validity of Water Right No. 7240-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We JAMES A HERZOG, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

7240-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 6, 2021RECEIVED OF James A Herzog 5707 S 216th St. Elkhorn NE 68022-3227

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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 7240-3 _____	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
 Chief Engineer
Um

7240-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 6, 2021

7240-3
7241-3

James Herzog
5707 S 216th St
Elkhorn NE 68022-3227

Dear Mr. Herzog:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 7240-3 and 7241-3.

The ownership changes have been completed. The water rights formerly held by Karl Schenk are now listed as follows:

- No. 7240-3 James A Herzog
- No. 7241-3 Jennifer Herzog LLC

Enclosed are receipts for the fees that were paid for the ownership changes. If I can answer any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures