

WATER PERMIT NO. 7344-3

Name of Applicant: Michael Schultz

Address: 43721 281st St, Freeman SD 57029

Phone: 605 925-7307

Amount of Water Claimed: 5.33 cfs

Total Acres: 399 acres

Source of Water Supply: groundwater (3 wells)

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System:

Location: 3 miles southwest of Freeman

PRIORITY

Date Received: 4-9-12

Application/License Fee: \$ 1450.00

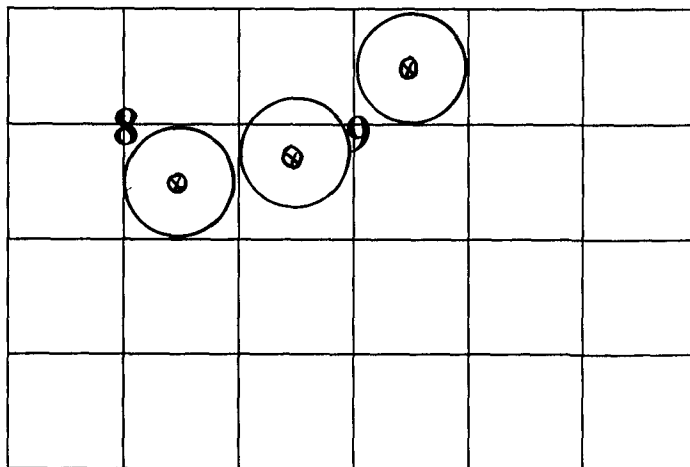
Corrected Application Received:

Period of Annual Use: April 1- October 31

Remarks:

Diversion Point: approximate centers of SE ¼ Sec 8 and NE ¼ Sec 9 and NE ¼ SW ¼ Sec 9; all in T98N-R56W,

Land to be Irrigated: SE ¼ Sec 8, NE ¼, SW ¼, S ½ NW ¼ Sec 9; all in T98N-R56W



Depth of Well: 261 feet deep

Well Driller: Marion Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Ann M Ward Thuringer, FSA

Reviewed and the Number Assigned on: 4-9-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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APR - 9 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7344-3</u> (office use only)	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Freeman Courier PO Box 950</u>	
	<u>605-925-7033</u> <u>57029</u>	

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.)

1. Name of Applicant Michael Schultz cell 999-4431
(check one) ☒ Owner ☐ Tenant/lessee Phone 605-925-7307
Mailing Address 43721 281st ST Freeman S.D. 57029
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 5.33 *CFS or 2400 **GPM ***AF Total Acreage 399
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 3 wells
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) approx center County Hutchinson
SE 1/4 sec. 8-98N-56W (well #5)
NE 1/4 SW 1/4 sec. 9-98N-56W (well #3) NE 1/4 sec. 9-98N-56W (well #4)
5. County or counties where water will be used Hutchinson
6. Annual period during which water is to be used April - Oct. 31 growing season
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)

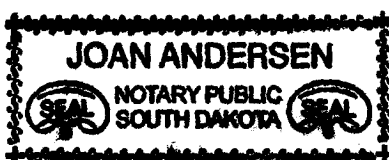
Land Description	Acres	Land Description	Acres
SE 1/4 sec. 8-98N-56W	133		
SW 1/4 sec. 9-98N-56W →	133	← SW 1/4 NW 1/4 Sec 9	
NE 1/4 sec. 9-98N-56W	133		

8. Give a description of the project. (Attach sheet if more space is needed)
3 wells in the center of 3 qts to feed center pivots

STATE OF SOUTH DAKOTA)
County of Hutchinson) 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, Michael Schultz, 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 Michael SchultzSubscribed and sworn to before me this 6th day of April 20 12

Joan Andersen
my commission expires 7-14-16

**SOUTH DAKOTA
WATER PERMIT NO. 7344-3**

Date of first receipt of application April 9, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7344-3 to Michael Schultz, 43721 281st St, Freeman SD 57029 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. 7344-3 appropriateS 5.33 cubic feet of water per second from three wells to be completed into the Niobrara Aquifer (261 feet deep) located in the approximate center of the SE 1/4 Section 8; approximate center of NE 1/4, and the NE 1/4 SW 1/4 Section 9 for irrigation of 399 acres located in the SE 1/4 Section 8 and NE 1/4, SW 1/4, S 1/2 NW 1/4 Section 9; all in T98N-R56W. The permit holder is authorized to construct a 37 acre foot storage pond/reservoir if the wells do not produce at a sufficient rate to irrigate directly. This clean water regulating pond may be used in conjunction with lagoons as part of an animal confinement facility to fertilize and water crops at the same time.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 9, 2012.
4. The date of approval of Permit No. 7344-3 is July 2, 2012.
5. One-fifth of the construction is to be completed on or before January 2, 2015.
6. All construction is to be completed on or before July 2, 2017.
7. Water is to be put to beneficial use on or before July 2, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

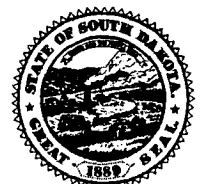
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7344-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 16 2012
date



Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 1/2 inch. Depth 261 ft
- b) Casing Type PVC Diameter 12 inch Thickness see 40 130 psi
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material see test hole log.
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicant's property 1 1/2 mile On property owned by others 3/4 - 1 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

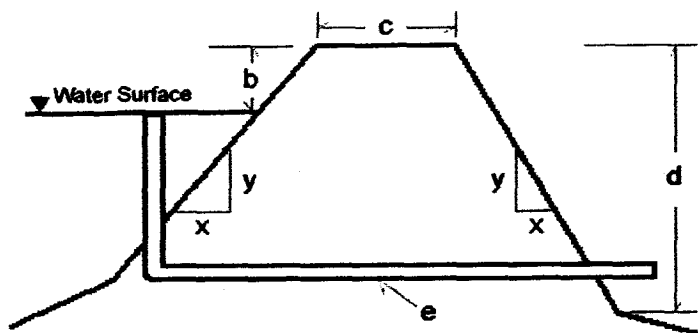
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

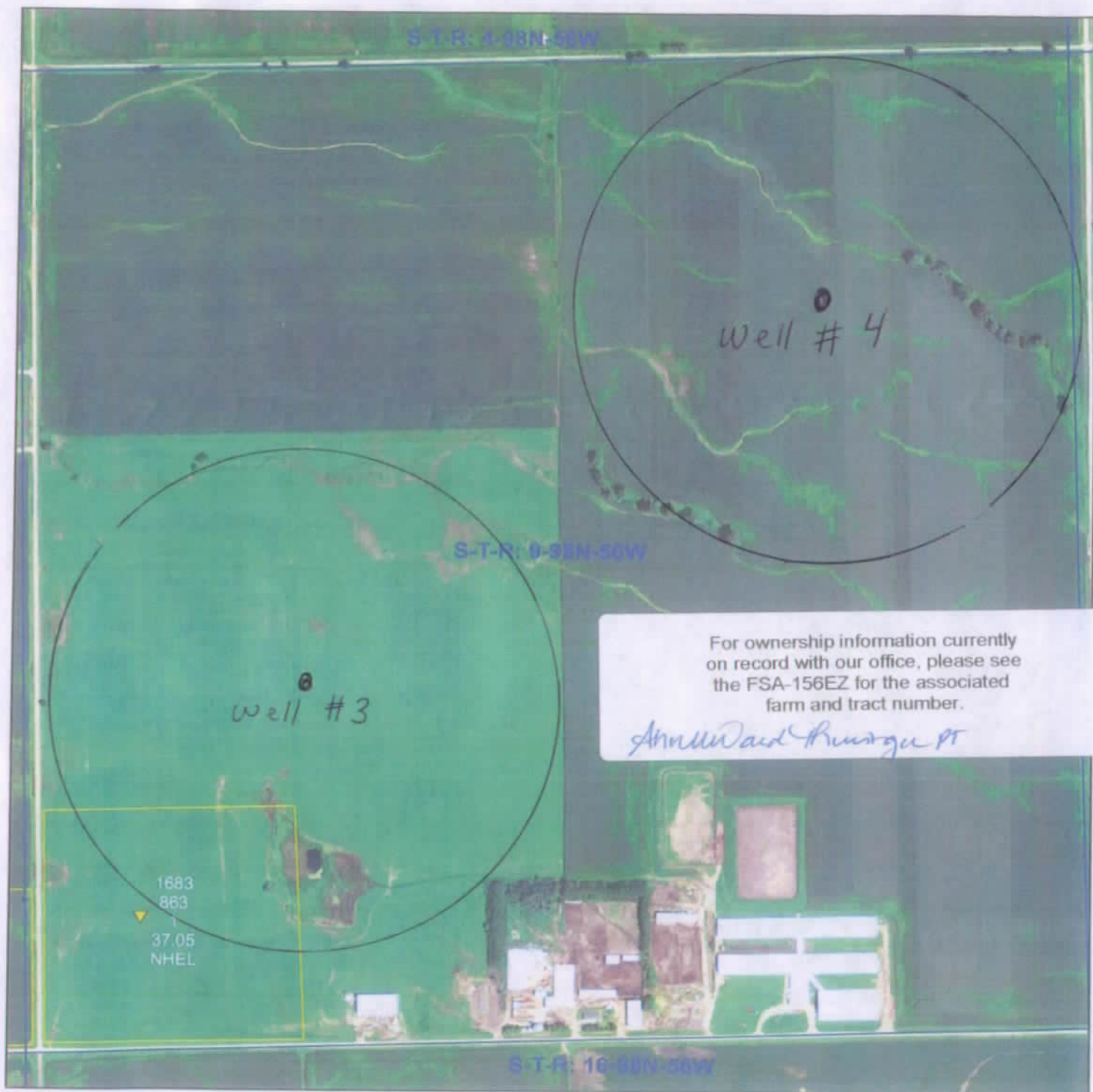
4. Water Storage Dams

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





For ownership information currently on record with our office, please see the FSA-156EZ for the associated farm and tract number.

Ann Ward Kinsga PT



United States Department of Agriculture
Farm Service Agency

December 27, 2010

PLSS: 9_98N_56W
Farm: 1683

Hutchinson County, SD

1:8,351



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.

Wetland Determination Identifiers

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

Common Land Units

Non Cropland

2008 Ortho-Photography Not to Scale



United States Department of Agriculture
Farm Service Agency

September 16, 2011

PLSS: 9_98_56
Farm: 9092

Hutchinson County, SD

1:8,768



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.



United States Department of Agriculture
Farm Service Agency

PLSS: 9_98_56
Farm: 9094

Hutchinson County, SD

1:8,768



October 26, 2011

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.

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United States Department of Agriculture
Farm Service Agency

October 26, 2011

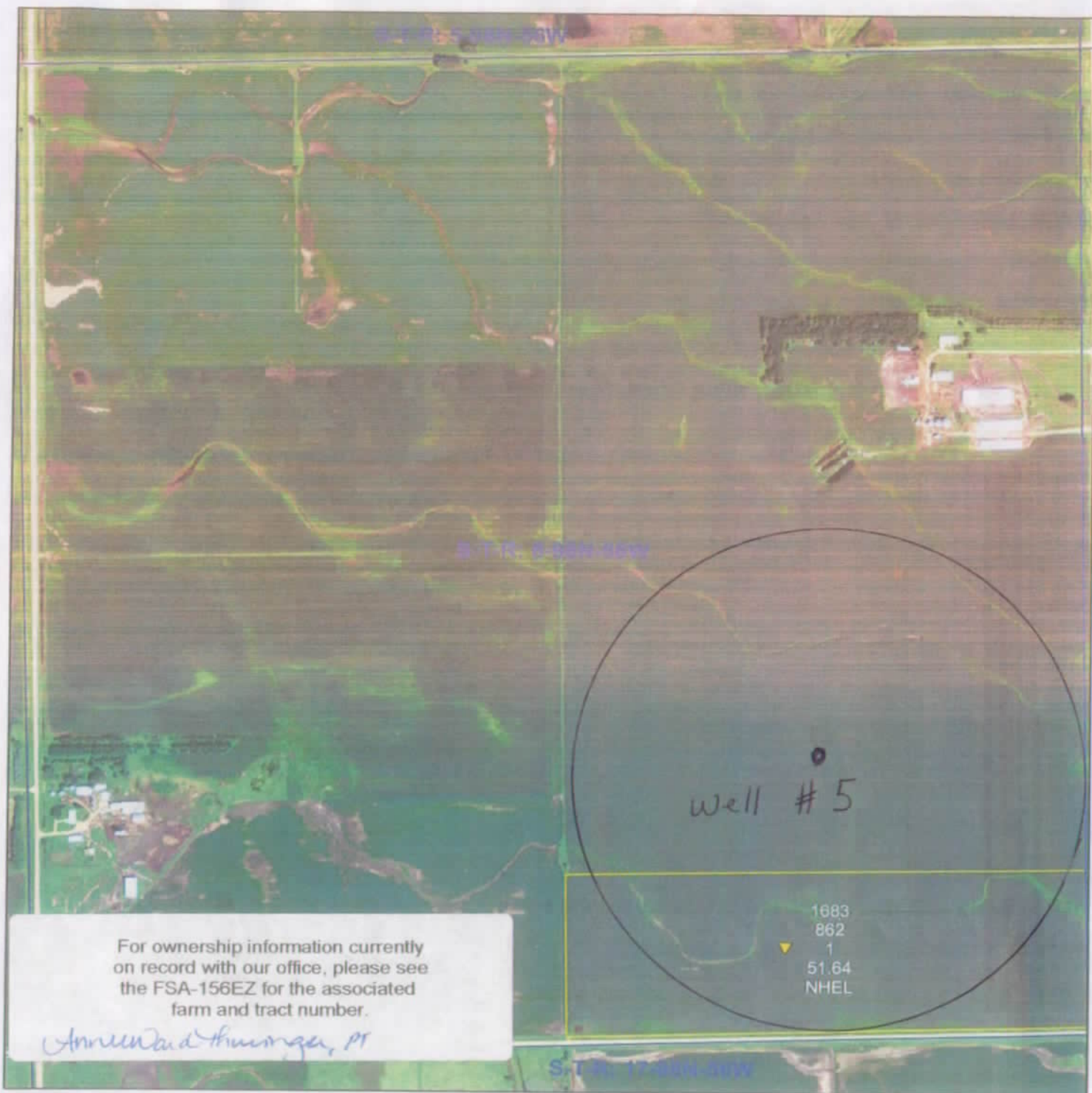
PLSS: 9_98_56
Farm: 8551

Hutchinson County, SD

1:8,768



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.



United States Department of Agriculture
Farm Service Agency

December 27, 2010

PLSS: 8_98N_56W
Farm: 1683

Hutchinson County, SD

1:8,301



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.

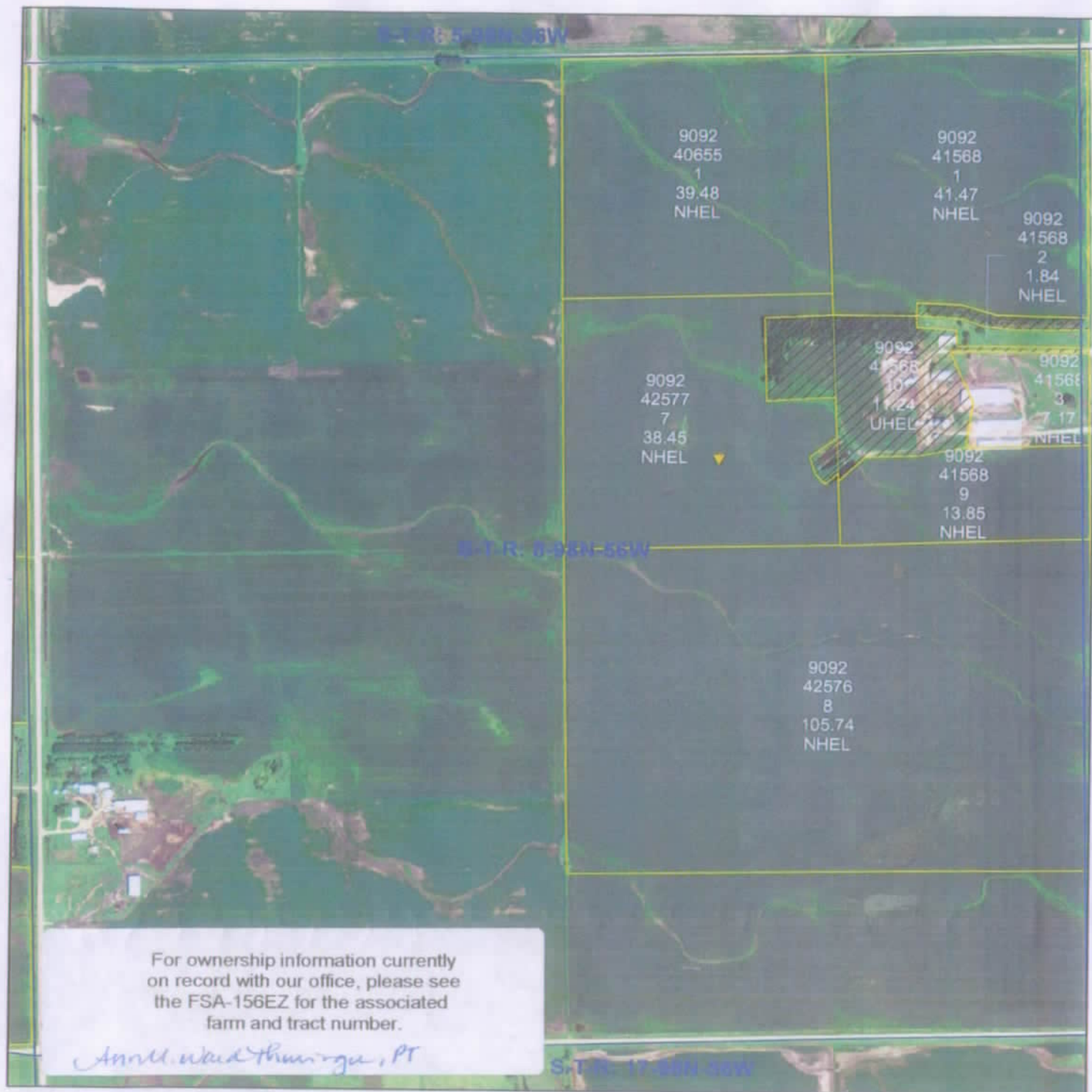
Wetland Determination Identifiers

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

□ Common Land Units

▨ Non Cropland

2008 Ortho-Photography - Not to Scale



United States Department of Agriculture
Farm Service Agency

December 29, 2010

PLSS: 8_98N_56W
Farm: 9092

Hutchinson County, SD

1:8,301



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.

Wetland Determination Identifiers

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

Common Land Units

Non Cropland

2008 Ortho-Photography - Not to Scale

Marion Well drilling

Drilled #

Elton Schoenwald

ph 925-4717

5/5

261

SCHULTZ

DAIRY

261

LYNELL
HONE

① ^{1/2} LAGOON

②

0-28	YELLOW CLAY	0-32	YELLOW CLAY
28-79	BLUE CLAY	32-64	BLUE CLAY
79-80	ROCK LAYER	64-66	ROCK LAYER w/ BROWN SAND
80-106	SAND w/ CLAY layers	66-77	BLUE CLAY
106-118	SAND FINE	77-86	SANDY CLAY w/ SAND STRIPS
118-131	CHALK ^{Mix} BLACK & WHITE	86-126	MIXED BLACK CLAY
131-154	CHALK	126-210	BLUE CLAY
154-190	LIGHT GRAY CHALK	210-261	CHALK WATER BEARING
190-261	FIRM WHITE CHALK		215 STARTED TO DRINK
TOOK NO WATER TO SPEAK OF			235 DRANK A LOT OF WATER

261 ③ PIVOT N/W LAGOON

161 TOTAL ④ EAST 1/4

0-20	SANDY YELLOW CLAY	0-50	YELLOW CLAY
20-60	YELLOW CLAY	50-95	BLUE CLAY
60-70	FINE SAND DRILLED SHED	95-100	YELLOW CLAY
70-100	BLUE CLAY	100-120	YELLOW CLAY w/ SAND STRIPS
100-102	CHALK	120-161	CHALK
DROCK AS FAST AS SUPPLY BUT STOPPED PUMP COOK		HAD TO STOP AT	
102-140	CHALK BLACK & WHITE MIX	261 DRANK ALL THE WATER	
140-209	BLUE CLAY	145-150 DRANK FAST	
209-261	WHITE CHALK		
STARTED DRINKING 217 & REALLY AT 235			

141 (5) SAM'S

0-32 YELLOW CLAY

32-66 BLUE CLAY

66-71 WHITE CHALK

71-108 BLACK & WHITE CHALK

108-161 BLUE CLAY

BLUE CLAY SHOWED NO SAND 85-101

MIXED BENTONITE RAN 101-121

OUT OF WATER DRANK

SO FAST

WILL TRY WELL

SET CASING AT 66'

121 (6) MAAS

0-28 Yellow CLAY

28-60 BLUE CLAY

60-70 SAND w/ some CLAY STRI

70-77 SAND & GRAVEL

77-85 FRESH COLORED CLAY

FINE SAND

PINK CLAY

SAND HAD ROCK LAYER

IF IT LITTLE WATER LOSS

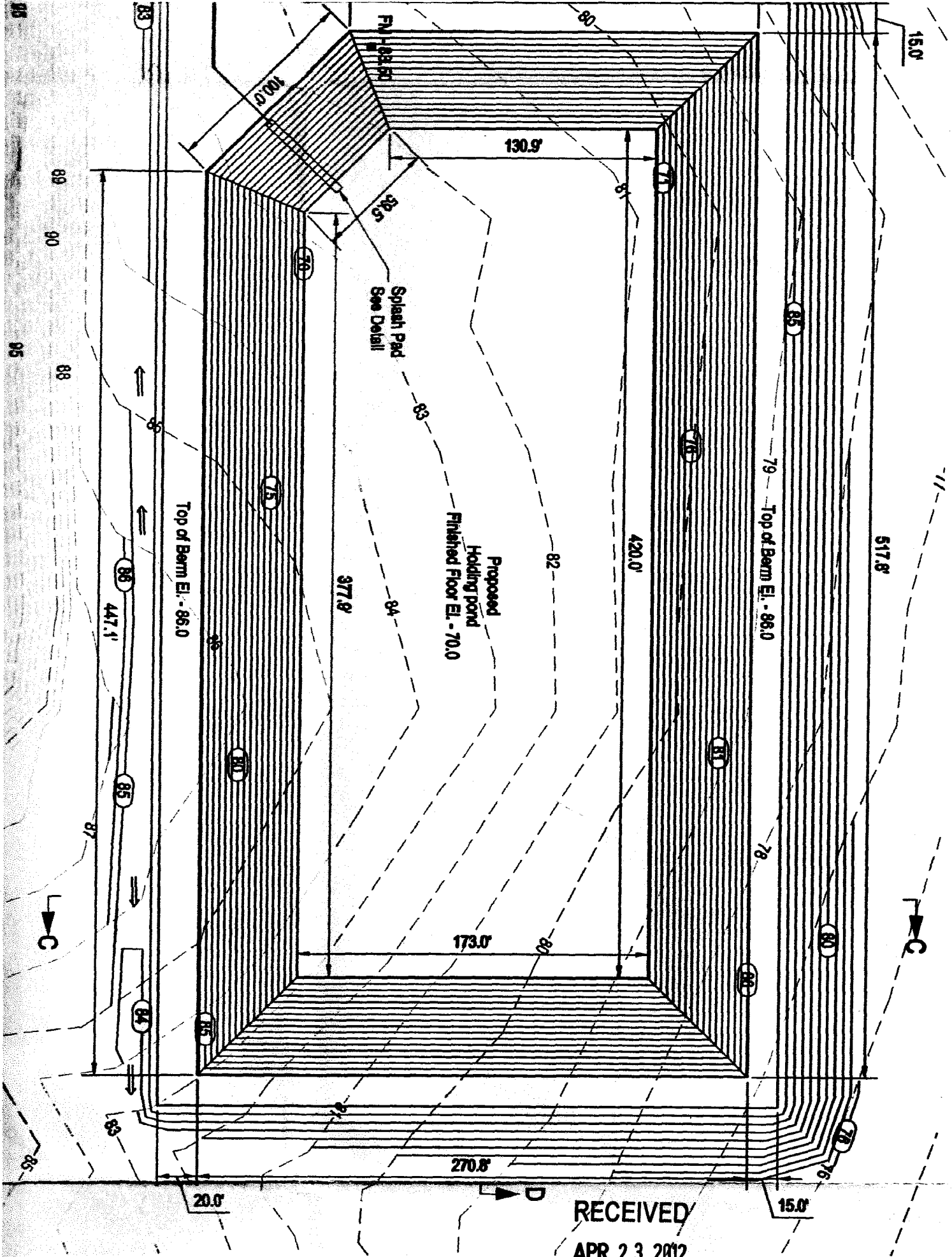
83-85 FAST WATER LOSS

ADDED DRINKING FLUID TOOK

WATER & FLUID STOPED

AT 121 TOO MUCH WATER

LOSS



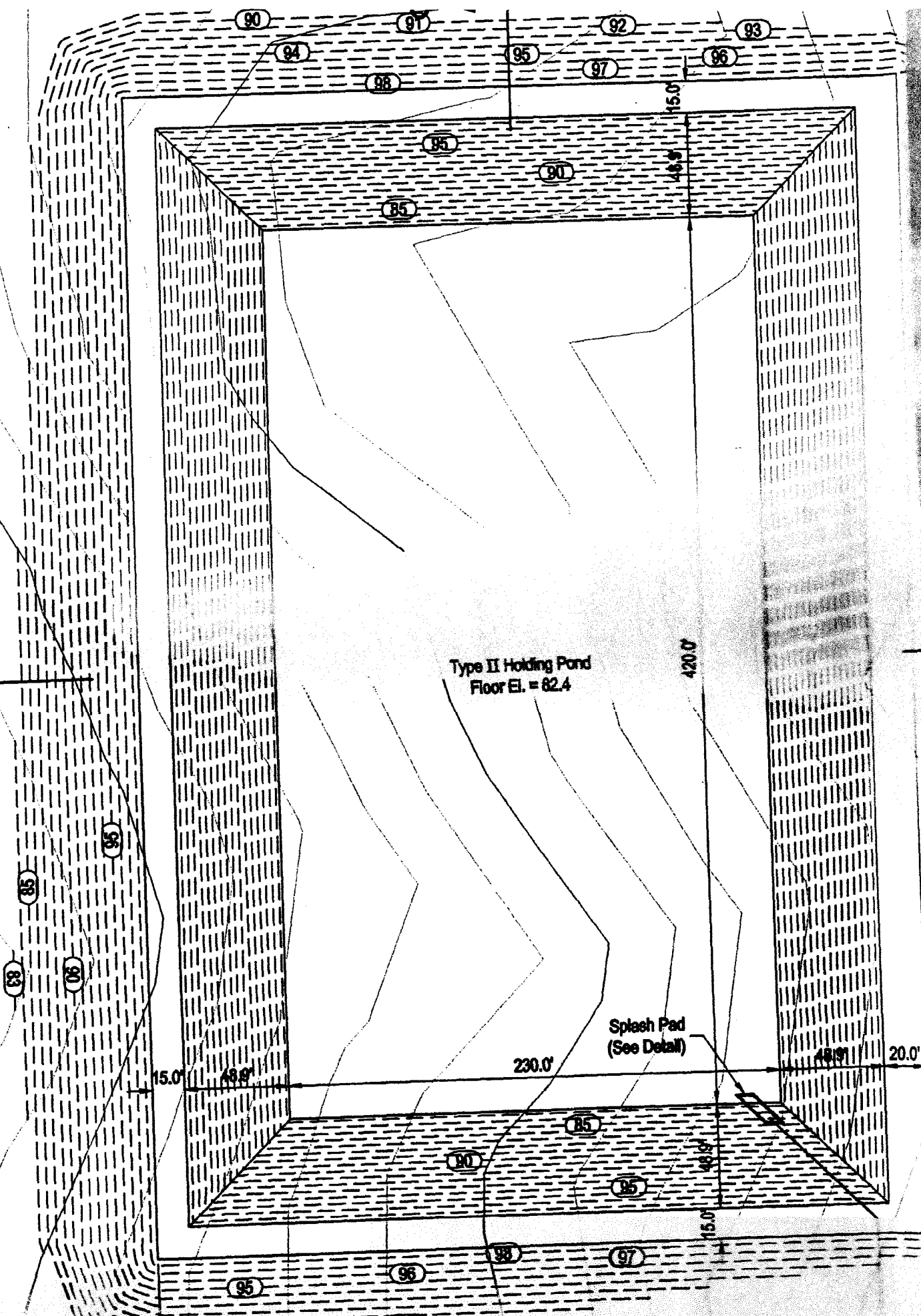
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South Dakota Department of Environment and Natural Resources

RECEIVED OF Mike Schulta, 43721 281st ST, Freeman SD 57029 Date 4-9, 20 12

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

Fee for Application for Permit No. <u>7344-3</u> to Appropriate Water, to construct and to put water to beneficial use	1250	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>7344-3</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	1450.00

No. **05402**

By Harland Erbeley
Chief Engineer IKS

Dept. of Environment and Natural Resources

Pierre, SD

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Dear Sirs:

I have enclosed a copy of the holding ponds we may be able to use as a clean water supply if the wells are unable to produce enough gallons per minute to irrigate. Another option would be to build a ground level holding pond close to manure holding ponds, so we could mix clean water with dirty water to fertilize and water crops at the same time.

Our future plans are to install a manure separator and that would enable us to use one lagoon for dirty water and the other for clean water. Their capacity is approximately 12 million gallons each.

Sincerely,



Mike Schultz

43721 281st St.

Freeman SD 57029

Cell – 605-999-4434



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7344-3, Michael Schultz**

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. 7344-3, Michael Schultz, 43721 281st Street, Freeman SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 7344-3 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. 7344-3 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
June 4, 2012

NOTE: Plans and specification for any irrigation appurtenances associated with land applying wastewater from lagoons at the animal confinement facility will need approval from DENR's Surface Water Quality Program. I encourage you to contact the Surface Water Quality Program at (605) 773-3352 if you have questions about land application of wastewater from lagoons.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7344-3
MICHAEL SCHULTZ
MAY 25, 2012

Water Permit Application No. 7344-3 proposes to appropriate 5.33 cubic feet of water per second from three wells to be completed into the Niobrara aquifer (approximately 260 feet deep). The wells are to be located in the approximate center of the SE $\frac{1}{4}$ Section 8, T98N-R56W; in the approximate center of the NE $\frac{1}{4}$ Section 9, T98N-R56W and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T98N-R56W. Water is to be used to irrigate 399 acres located in the SE $\frac{1}{4}$ Section 8, T98N-R56W and the NE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 9, T98N-R56W.

AQUIFER: Niobrara aquifer (NBRR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Niobrara aquifer is the uppermost bedrock aquifer in this area and is referred to as "chalkrock" by local drillers (Lindgren and Hansen, 1993). It occurs in the Upper Cretaceous Niobrara Formation which consists of light gray to black, fractured, calcareous marl, interbedded with calcareous claystone and shale. The importance of the formation as an aquifer is largely due to zones of secondary porosity and permeability in the form of fractures and solution caverns. The Niobrara underlies an estimated 500 square miles of Hutchinson County (Hedges and others, 1982). Where present the Niobrara generally overlies the Carlile Shale and is overlaid by glacial drift deposits or the Pierre Shale, however the Niobrara may outcrop along the James River and its tributaries. The test hole information supplied with this application indicates the top of the Niobrara Formation is 66-120 feet below grade depending on the well site. Although the test hole logs submitted with this application identify some sand in the overlying glacial drift, the deposits likely are not extensive and the glacial drift overlying the Niobrara does not appear to contain sufficient outwash deposits to be considered aquifer material (Jensen, 2007) and ("Lithologic Logs Database"). The thickness of the Niobrara ranges from more than 370 feet in southwestern Hutchinson County to zero in areas in the middle and the northeastern portion of the county where it has been completely removed by erosion ((Lindgren and Hansen, 1993). The chalk is probably between 160 and 212 feet thick in this area (Lindgren and Hansen, 1993). The Niobrara aquifer is under artesian conditions at the sites proposed by this application and the static water level of wells in this area is expected to be approximately 50-110 feet below grade (Water Rights, 2012a).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the water availability and existing rights issues pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 798 acre-feet annually from the Niobrara aquifer, although the actual water use if this application is approved will be less than 798 acre-feet/year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:**Recharge:**

Recharge to the Niobrara aquifer is by direct infiltration of precipitation on the outcrop area, leakage from the glacial till and possibly from upward leakage from the Sioux Quartzite.

The entire section of the Niobrara Formation is present just to the southeast of this project area in the Turkey Ridge area at what appears to be bedrock high. The general direction of groundwater movement is radial, from the ridge outward. The direction of water movement in the Niobrara aquifer varies depending on local areas of recharge and discharge. In this area the groundwater movement appears to be to the northwest (Lindgren and Hansen, 1993).

The Niobrara Formation has such high storage and low use that it is unlikely that use is approaching or exceeding recharge. "Furthermore, there is no evidence of significant head loss in any of these aquifers over the years that would suggest that use is exceeding recharge." (Hedges and others, 1985).

Withdrawal:

Withdrawals from the Niobrara aquifer are through natural discharge and well withdrawals. The Niobrara aquifer may be hydrologically connected to the Lower James-Missouri aquifer, the Upper Vermillion-Missouri aquifer or the Dolton aquifer. Water levels indicate a potential for water movement from the Niobrara to the glacial aquifers.

Well withdrawals from the Niobrara aquifer are stock watering, domestic, municipal and irrigation purposes. The total pumping withdrawals from the Niobrara aquifer in 1985 for Hutchinson and Turner Counties was estimated to be 552.4 acre-feet (Lindgren and Hansen, 1993). Although irrigation appropriations have increased, municipal, rural domestic and livestock use of the aquifer has been largely replaced by rural water since 1985 and current pumpage from the aquifer is expected to be comparable to the 1985 rate. There are a total of 56 Water Rights/Permits appropriating water from the Niobrara aquifer in South Dakota (Water Rights, 2012b). Although "[T]he suitability of water from the aquifer for irrigation is limited to certain soil texture conditions because of its relatively high sodium-absorption ratio" (Lindgren and Hansen, 1993), irrigation is the largest water use of the Niobrara. A total of 23 water rights/permits appropriate 7,825.6 acre-feet annually for irrigation. Irrigation withdrawals from the aquifer statewide were reported to be 418.41 acre-feet in 2010 (Water Rights, 2011).

Approval of this application will not likely cause average annual withdraws from the Niobrara aquifer to exceed the average annual recharge to the aquifer.

Observation Well Data:

The analysis of the DENR-Water Rights Program observation well data provides a qualitative means of assessing the aquifer and provides the best information reasonably available to evaluate the hydrologic budget for the Niobrara aquifer. In addition, Administrative Rule of South Dakota Section 74:02:05:07 requires that "the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer."

The DENR-Water Rights Program monitors 58 observation wells completed into the Niobrara aquifer. Nine of these observation wells are located in Hutchinson County (Water Rights, 2012a). Hydrographs for three observation wells completed into the Niobrara aquifer are shown in figures 1-3.

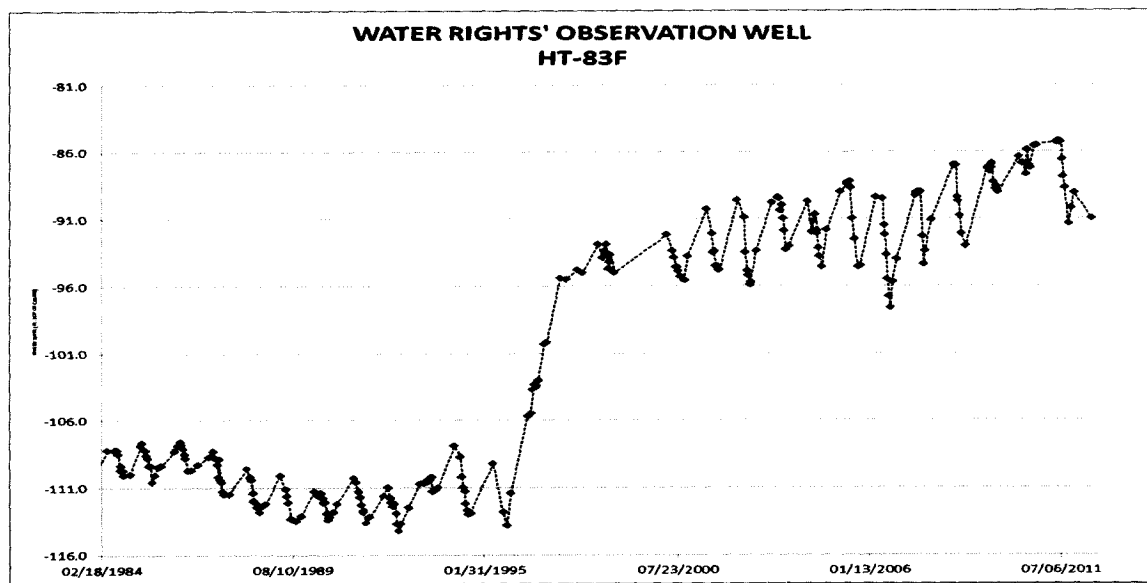


Figure 1. Hydrograph of a Niobrara aquifer observation well located approximately 1.25-2 miles north-northeast of the well sites proposed by Application No. 7344-3.

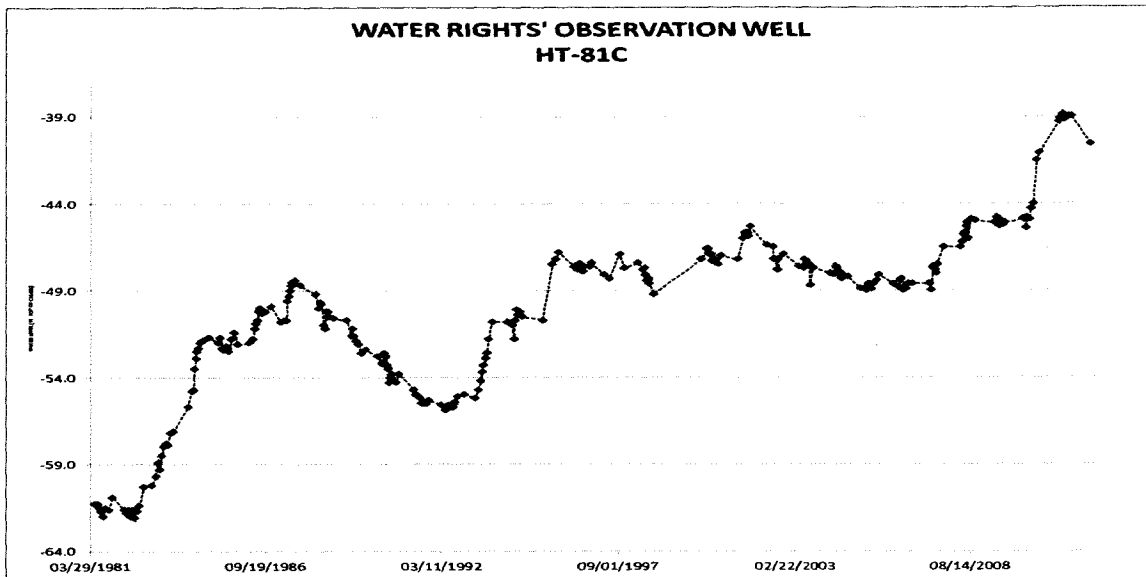


Figure 2. Hydrograph of a Niobrara aquifer observation well located approximately 5.25-5.75 miles northwest of the well sites proposed by Application No. 7344-3.

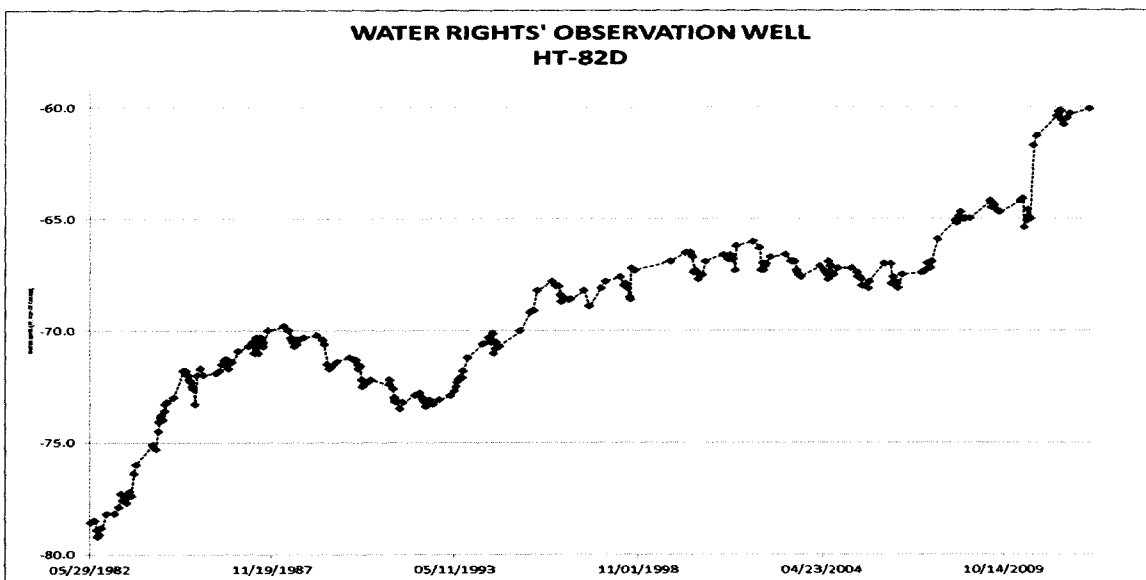


Figure 3. Hydrograph of a Niobrara aquifer observation well located approximately seven miles northwest of the well sites proposed by Application No. 7344-3.

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. Although all of the hydrographs show the effects of above average recharge in the late 1990's, observation well HT-83F shows a more pronounced rise than the other observation wells. The additional 10-15 feet increase of artesian pressure measured in this well compared to the other observation wells is likely a function of the City of Freeman connecting to B-Y Rural Water in 1996 (Friedeman) and discontinuing pumping from the Niobrara aquifer. Prior to being supplied by rural water, the City of Freeman was diverting up to 1.59 cfs from three wells completed into the

Niobrara all located within approximately one and one-quarter miles of HT-83F and the cone of influence from the wells was measurable at the observation well.

The hydrographs show that although the potentiometric surface (head pressure) in the Niobrara aquifer varies with the climate, the amount of water in aquifer is greater now than it has been over the entire period of record. Most importantly, the observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Niobrara aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured by pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

There are a total of 56 Water Rights/Permits appropriating water from the Niobrara aquifer in South Dakota, with seven of these located in Hutchinson County (Water Rights, 2012b). The Niobrara aquifer appropriations from Hutchinson County (the only ones within approximately 10 miles of wells proposed by this application) are shown in table 1 and figure 4.

PERMIT NO	NAME	STATUS	USE	CFS	ACRES
5239-3	CITY OF FREEMAN	LC	MUN	0.33	NA
5764-3	FREEMAN AREA GOLF COURSE	LC	IRR	0.24	27.5
5913-3	SCHMIDT	LC	IRR	0.77	123
6524-3	FREEMAN JR COLLEGE & FREEMAN ACADEMY	LC	INS	0.07	NA
6706-3	PHEASANT RUN FARM	PE	COM	0.1	NA
6708-3	HUBER	PE	IRR	2.44	280
810-3	CITY OF FREEMAN	LC	MUN	1.26	NA
LC= Water Right, PE= Water Permit, MUN= Municipal, IRR= Irrigation, INS= Institutional, COM= Commercial					

Table 1. Appropriations from the Niobrara aquifer within approximately 10 miles of the well sites proposed by application No. 7344-3.

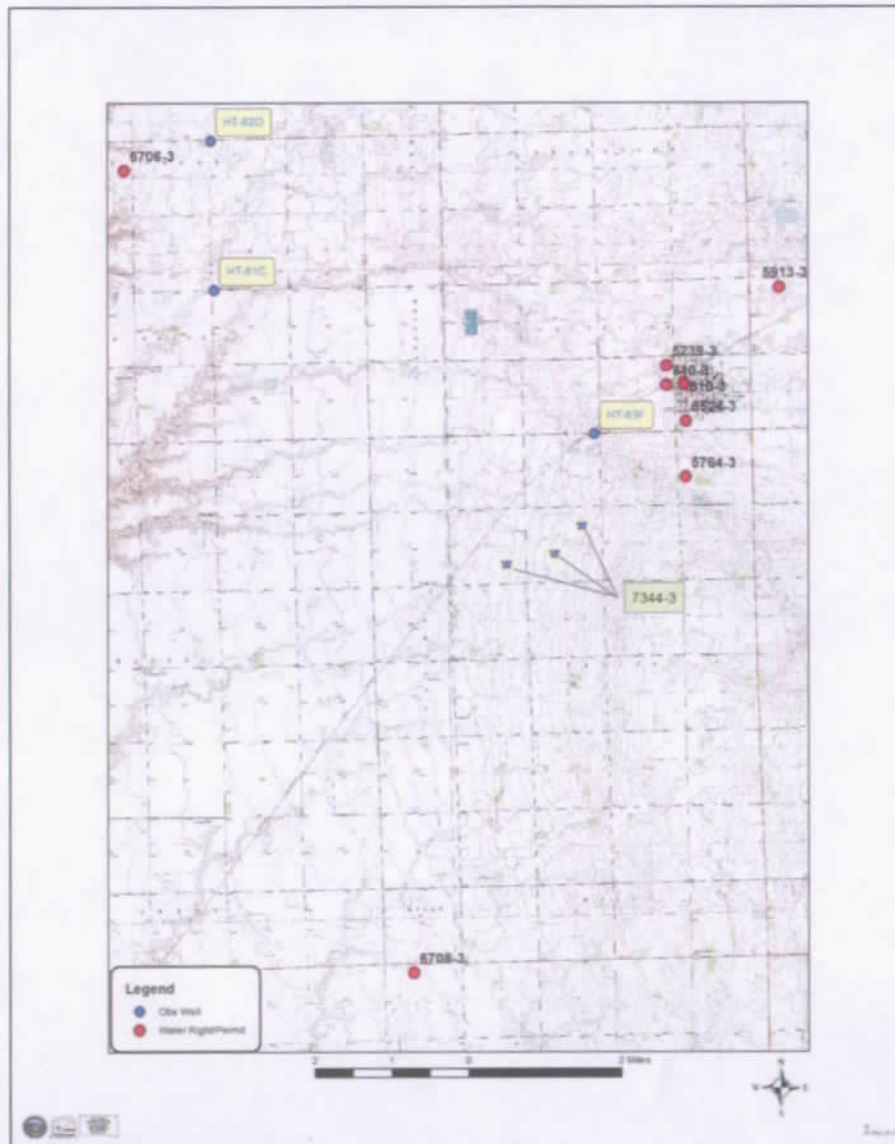


Figure 4. Location of the wells proposed by Application No. 7344-3, existing Water Rights/Permits and DENR-Water Rights' observation wells.

Test well information is not available for wells at the sites proposed and aquifer characteristics are not available for this area. Since the Niobrara aquifer is under confined conditions in this area, drawdown may extend fairly far from a pumped well. As stated earlier, Figure 1 appears to document well interference from the City of Freeman's pumping approximately one and one-quarter miles from the observation well. The well that supplies Water Right No. 5764-3 is the nearest existing water right to the wells proposed by this application, located approximately one and one-half miles from the northern most proposed well site (see figure 4). In addition to appropriative rights, there are a number of completion reports on file with the DENR-Water Rights Program for domestic wells completed into the Niobrara aquifer in this area (Water Rights, 2012c). It is possible that drawdown from this proposed project may be measurable in domestic wells and/or in the well that supplies Water Right No. 5764-3.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. To balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board has defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

In reality, the assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) ensures not only that interference will not be adverse to domestic well users but also in existing appropriative rights. Depending on the characteristics of the Niobrara aquifer at the well sites proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute and rule, well interference from this proposed application is not likely to be significant and there is a reasonable probability that any interference will not be adverse.

SPECIAL CONSIDERATION:

The applicant proposes to use one of the waste lagoons designed and approved for his animal confinement facility as a "regulating pond/reservoir" if the proposed wells do not produce at a sufficient rate to irrigate directly. In lieu of using a CAFO lagoon as a regulating pond, the applicant proposes to construct a pond for the well water in the proximity to the manure holding pond, mix clean water and lagoon water to fertilize and water crops at the same time. Plans and specifications for any irrigation appurtenances associated with a waste lagoon need to be approved by the DENR-Surface Water Quality Program.

CONCLUSIONS:

1. This application proposes to appropriate up to 798 acre-feet annually for irrigation but the amount of water that actually will be used is expected to be considerably less.
2. There is a reasonable probability that unappropriated water is available from the Niobrara aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely effecting existing water rights.
4. Plans and specifications for any irrigation appurtenances associated with a waste lagoon need to be approved by the DENR-Surface Water Quality Program.



Ken Buhler

SD DENR-Water Rights Program

REFERENCES:

Friedeman, Barbara. Environmental Scientist, SD DENR-Drinking Water Program. Personal correspondence. 25 May 2012

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185

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Jensen, A.R., 2007, First Occurrence of Aquifer Materials in Hutchinson County, South Dakota: South Dakota Geological Survey Aquifer Materials Map 25, Scale 1:100,000

Lindgren, R.J., and Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota: U.S.Geological Survey Water-Resources Investigations Report 90-4093, 100 p.

“Lithologic Logs Database.” South Dakota Department of Environment & Natural Resources Geological Survey. 26 May 2012

Water Rights, 2011, “Annual Irrigation Summary by Aquifer”: SD SENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

JUL 12 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

County of Hutchinson)

) ss.

State of South Dakota)

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

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

The first publication on:
June 13, 2012

the second publication on:
June 20, 2012

and the third publication on:

That the full amount of the fees charged for the same to-wit: The sum of **\$48.88** insures benefit of the publisher of the Freeman Courier agreement or understanding for any division has been made with any other person whom the amount of **\$48.88** is the rate for publishing notices.

NOTICE OF APPLICATION NO. 7344-3 to Appropriate Water

Notice is given that Michael Schultz, 43721 281st St, Freeman SD 57029 has filed an application for a water permit to appropriate 5.33 cubic feet of water per second from three wells to be completed into the Niobrara Aquifer (261 feet deep) located in the approximate center of the SE 1/4 Section 8; approximate center of NE 1/4, and the NE 1/4 SW 1/4 Section 9 for irrigation of 399 acres located in the SE 1/4 Section 8 and NE 1/4, SW 1/4, S 1/2 NW 1/4 Section 9; all in T98N-R56W. The applicant proposes to construct a 37 acre foot storage pond/reservoir if the wells do not produce at a sufficient rate to irrigate directly. This clean water regulating pond may be used in conjunction with lagoons as part of an animal confinement facility to fertilize and water crops at the same time.

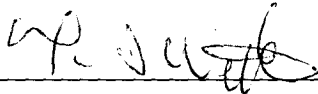
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7344-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief 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 Wa-

ter Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

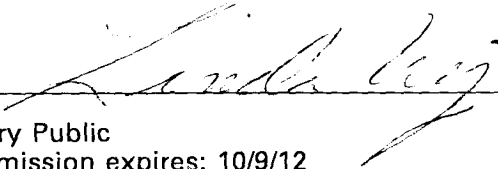
Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 2, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total
approximate cost of \$48.88
2-11FC



Subscribed and sworn to before me this 30th day of
June 2012.



Notary Public
Commission expires: 10/9/12

Publication fee: **\$48.88**
Notary fee:
Total: **\$48.88**

RECEIVED

JUN 21 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

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, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED 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 No 7344-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 20th DAY OF June 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$55.41 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: 6/13/2012 & 6/20/2012

FILED ON: 6/20/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF June 2012

Minnie R. Hoot
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

6/11/2013

6+13+20
NOTICE OF
APPLICATION NO. 7344-3
to Appropriate Water

Notice is given that Michael Schultz, 43721 281st St, Freeman SD 57029 has filed an application for a water permit to appropriate 5.33 cubic feet of water per second from three wells to be completed into the Niobrara Aquifer (261 feet deep) located in the approximate center of the SE 1/4 Section 8; approximate center of NE 1/4, and the NE 1/4 SW 1/4 Section 9 for irrigation of 399 acres located in the SE 1/4 Section 8 and NE 1/4, SW 1/4, S 1/2 NW 1/4 Section 9; all in T98N-R56W. The applicant proposes to construct a 37 acre foot storage pond/reservoir if the wells do not produce at a sufficient rate to irrigate directly. This clean water regulating pond may be used in conjunction with lagoons as part of an animal confinement facility to fertilize and water crops at the same time.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7344-3 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.

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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. Pinner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$55.41

Estimated publishing cost per published copy: \$0.0064



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 6, 2012

Michael Schultz
43721 281st St
Freeman SD 57029

Dear Mr. Schultz:

Water Permit Application No. 7344-3 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 Freeman Courier printed at Freeman SD (Ph # 605-925-7033). 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 applications.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 6, 2012

Freeman Courier
PO Box 950
Freeman SD 57029

ATTENTION: Legal Public Notice

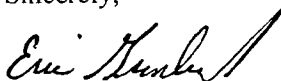
Enclosed is a Notice on Application No. 7344-3 to Appropriate Water to be published twice. Please publish the first notice on June 13, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Michael Shultz, 43721 281st St., Freeman SD 57029 (Ph # 605-925-7307).

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. 7344-3

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

Date _____

We are in receipt of your letter of June 6, 2012 enclosing Notice to Appropriate Water by Application No. 7344-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Water Rights Program - File Documentation

The 2012 Legislature made changes to the publication process for water permit applications. During the transition period, prior to July 1, 2012, applications are being public noticed for two consecutive weeks in both a weekly and daily paper. Where the daily paper is not in the county of the application, the Water Rights Program pays the cost of the daily paper publication.

Karen Schlaak
Program Assistant



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 6, 2012

Yankton Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7344-3 to Appropriate Water to be published twice. Please publish the first notice on June 13, 2012 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.

Please BILL the Water Rights Program for the cost of publication.

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 second publication, please send bill and affidavit to the Water Rights Program.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7344-3

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

Date _____

We are in receipt of your letter of June 6, 2012 enclosing Notice to Appropriate Water by Application No. 7344-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 13, 2012 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 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7344-3 to Appropriate Water

Notice is given that Michael Schultz, 43721 281st St, Freeman SD 57029 has filed an application for a water permit to appropriate 5.33 cubic feet of water per second from three wells to be completed into the Niobrara Aquifer (261 feet deep) located in the approximate center of the SE ¼ Section 8; approximate center of NE ¼, and the NE ¼ SW ¼ Section 9 for irrigation of 399 acres located in the SE ¼ Section 8 and NE ¼, SW ¼, S ½ NW ¼ Section 9; all in T98N-R56W. The applicant proposes to construct a 37 acre foot storage pond/reservoir if the wells do not produce at a sufficient rate to irrigate directly. This clean water regulating pond may be used in conjunction with lagoons as part of an animal confinement facility to fertilize and water crops at the same time.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7344-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 2, 2012

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.

RECEIVED

JUN 21 2012

WATER RIGHTS
PROGRAM

Invoice

Yankton Daily Press & Dakotan

319 Walnut Street, PO Box 56, Yankton, SD 57078

(For Office Use Only)

#10787

6/20/2012

Department of Environment and Natural Resources

Water Rights Program

Joe Foss Building

523 East Capitol

Pierre, SD 57501-3182

Date	Description	Amount
6/13/2012	91 LINE LEGAL@\$.4965/\$.331 PER LINE	\$30.78
6/20/2012	91 LINE LEGAL@\$.4965/\$.331 PER LINE	\$24.63
	20% REPEAT DISCOUNT	

Total

\$55.41

NET DUE 10 DAYS

YOUR PROMPT PAYMENT IS APPRECIATED

KMIL

June 21, 2012

PAYMENT REQUEST FORM

PAYEE: Yankton Daily Press
PO Box 56
Yankton SD 57078

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Payment for Public Notice for 7344-3 (Michael Schultz)

AMOUNT: \$55.41

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: *Hal Jackson 6/21/12*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

RECEIVED

JUL - 2 2012

WATER RIGHTS
PROGRAM

Michael E. Unke
ATTORNEY & COUNSELOR AT LAW

341 NORTH MAIN
P.O. BOX 529
SALEM, SOUTH DAKOTA 57058-0529

OFFICE PHONE 605-425-3131
HOME PHONE 605-425-3169
FAX 605-425-2977

June 29, 2012

Michael Schultz
43721 281st Street
Freeman, South Dakota 57029

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

RE: Water Permit Application NO. 7344-3
Michael Schultz
May 25, 2012

Dear Mr. Schultz and Chief Engineer Erbele:

Please be advised that I represent David Huber and Elizabeth Huber. Enclosed and intended as service via first class mail is a copy of a Petition in Opposition of Application No. 7344-3 to Appropriate Water with attached certificate of service.

Sincerely,



Michael E. Unke

MEU/mrs

Enc.

cc: Mr. and Mrs. David Huber

JUL - 2 2012

WATER RIGHTS
PROGRAM

**Petition in Opposition of Application No. 7344-3
to Appropriate Water**

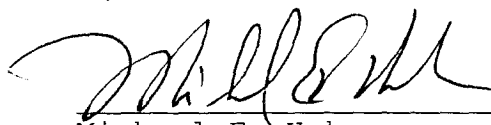
Comes now the petitioners, David Huber and Elizabeth Huber, husband and wife, of 28419 431st Avenue, Menno, South Dakota 57045-6604, by and through their attorney, Michael E. Unke, of Salem, South Dakota and objects to the application of Michael Schultz, 43721 281st Street, Freeman, South Dakota 57029 for a water permit to appropriate 5.33 cubic feet of water per second from three wells to be completed into the Niobrara Aquifer (261 feet deep) located in the approximate center of the SE1/4 Section 8; approximate center of NE1/4, and the NE1/4, SW1/4, S1/2 NW1/4 Section 9; all in T98N-R56W.

Petitioners are owners of the NW1/4 of 7-97-56. A 10 acre farm yard is located on the west side of the NE1/4 NW1/4 7-97-56, Hutchinson County, South Dakota. Petitioners' well is located on said property. The well is 40 feet deep. This well is used for irrigation. There is not enough water bearing soil to support a deeper well. On page 6 of the Report to the Chief Engineer signed by Ken Buhler it states "Since the Niobrara is under confined conditions in this area, drawdown may extend fairly far from a pumped well."

Petitioners are fearful that the allowance of this water permit will draw down the water causing petitioners damage.

Petitioners have a valid permit for irrigation, which predates Michael Schultz' application by years.

Dated this 29th day of June, 2012.



Michael E. Unke
Attorney for Petitioners
341 N. Main Street, Box 529
Salem, SD 57058-0529
Telephone: 605-425-3131

MICHAEL E. UNKE
ATTORNEY AT LAW
OFFICE PHONE 605-425-3131
FACSIMILE 605-425-2977
341 NORTH MAIN
P.O. BOX 529
SALEM, SOUTH DAKOTA 57058-0529

CERTIFICATE OF SERVICE

The undersigned, Michael E. Unke, attorney for the petitioners, David Huber and Elizabeth Huber, hereby certifies that he did serve a true and correct copy of a Petition in Opposition of Application No. 7344-3 to Appropriate Water on the applicant and Chief Engineer at the following addresses:

Michael Schultz
43721 281st Street
Freeman, South Dakota 57029

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

by mailing a true copy thereof to the above individuals, by United States mail, postage prepaid, this 29th day of June, 2012.


Michael E. Unke
Attorney for Petitioners

MICHAEL E. UNKE
ATTORNEY AT LAW
OFFICE PHONE 605-425-3131
FACSIMILE 605-425-2977
341 NORTH MAIN
P.O. BOX 529
SALEM, SOUTH DAKOTA 57058-0529

Gronlund, Eric

From: Dave H <skyhawk5346@hotmail.com>
Sent: Monday, July 02, 2012 9:37 AM
To: Gronlund, Eric; triplej@gwtc.net; liz huber; Mike Unke; Dave H
Subject: application 7344-3

Eric,

After speaking with Ken Buhler this morning I have my question answered and I would like to withdraw my petition to oppose application 7344-3 for Michael Schultz.

Ken told me I could just send you an email to withdraw my petition to oppose permit #7344-3

David W. Huber
Elizabeth A. Huber
605-222-1768

CC: Michael Schultz, Elizabeth Huber, Unke Law, David Huber

Gronlund, Eric

From: michael unke <unkelaw@hotmail.com>
Sent: Monday, July 02, 2012 11:15 AM
To: Dave Huber; Gronlund, Eric; triplej@gwtc.net; bab455@hotmail.com
Subject: RE: application 7344-3

Based on the below email from my clients, David W. Huber and Elizabeth A. Huber, I am withdrawing my clients petition to oppose application 7344-3 for Michael Schultz.

Sincerely,

Michael E. Unke
Attorney at Law
341 N. Main Street
P.O. Box 529
Salem, SD 57058
605-425-3131

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From: skyhawk5346@hotmail.com
To: eric.gronlund@state.sd.us; triplej@gwtc.net; bab455@hotmail.com; unkelaw@hotmail.com; skyhawk5346@hotmail.com
Subject: application 7344-3
Date: Mon, 2 Jul 2012 09:37:19 -0500

Eric,
After speaking with Ken Buhler this morning I have my question answered and I would like to withdraw my petition to oppose application 7344-3 for Michael Schultz.
Ken told me I could just send you an email to withdraw my petition to oppose permit #7344-3

David W. Huber
Elizabeth A. Huber
605-222-1768

CC: Michael Schultz, Elizabeth Huber, Unke Law, David Huber



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 16 2012

Michael Schultz
43721 281st St
Freeman SD 57029

Dear Mr. Shultz:

Enclosed is Water Permit No. 7344-3 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,

A handwritten signature in black ink, reading "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

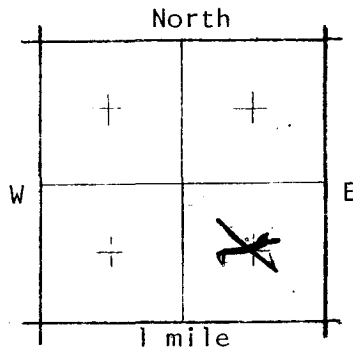
7344-3

Location SE 1/4 SE 1/4 Sec 9 Twp 98 Rg 56

County

HOTCHINSON

Please mark well location with an "X"

Well Completion Date 8-10-12

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

ROTARY

WELL CONSTRUCTION:

Diameter of hole 20 inches Depth 71 feetCasing: ☐ Steel ☒ Plastic ☐ Other
Specify 12"Pipe Weight Diameter From To
12 lb/ft 12 inches 0 feet 68 feet
12 lb/ft 12 inches 0 feet 68 feetWas a well screen used? ☐ Yes ☒ No

If Not Specify _____

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☒ Yes ☐ NoWas a Packer or seal used? ☐ Yes ☒ No

If so what material? _____

Was well gravel packed? ☐ Yes ☒ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure TREMILine Pumped DF FRONTTo what depth? 20 Feet

What was grouting material? _____

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material? _____

Well Owner

Name

MIKE SCHULTZ

Address

43721 281ST ST

Well Log

FREEMAN, S.D

Formation

From

To

<u>0-2 TOP SOIL</u>	<u>0</u>	<u>2</u>
<u>Yellow CLAY</u>	<u>2</u>	<u>26</u>
<u>BLUE CLAY</u>	<u>26</u>	<u>68</u>
<u>CHALK</u>	<u>68</u>	<u>163</u>

STATIC WATER LEVEL 51 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? ☒

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other _____

Pumping Level Below Land Surface

77 ft. After 96 Hrs. pumped 200 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

RECEIVED

SEP 12 2012

WATER RIGHTS
PROGRAMThis well was drilled under license # 515

and this report is true and accurate.

MARION WALL DRILLING

Drilling Firm

Signed by

9-4-12

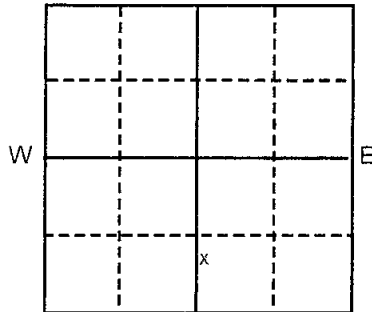
Date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 9 Twp 98N Rg 56WWell Owner: Michael SchultzCounty Hutchinson

North

Please mark well
location with an "X"

Well Completion Date

March 29, 2013

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

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	120.0 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
Bentonite	25	9.5 Lb/gal	0.0 Ft	120.0 Ft
		Lb/gal	Ft	Ft

 Describe grouting procedure
 Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 60.0 FeetMaterial PVCSlot Size .080 Set From 120.0 Feet to 180.0 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?

☒ No, Why Not? Not Required

 Lab to which water
 quality sample sent for analysis

Business Name:

Address: 43650 281st StCity, State, Zip: Freeman SD 57029

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Yellow Clay	2	29
Blue Clay	29	71
Chalk	71	180

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:

RECEIVED

REMARKS

JUN 12 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:

5/23/13

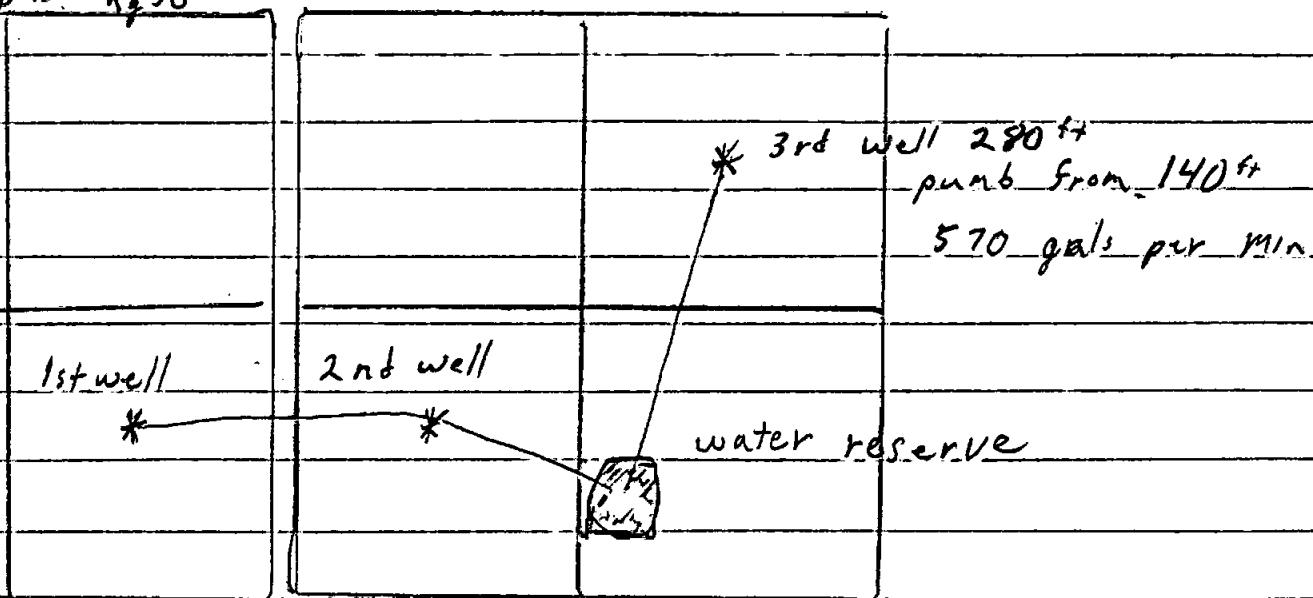
7344-3

RECEIVED
NOV 24 2014
WATER RIGHTS
PROGRAM

Valley

Sec 9 Twp 98 R_g 56

Sec 8 Twp 98 R_g 56



I pump out of reserve at 800 gpm to middle & east
I pump from 1st & 2nd well at 700 gpm to west pivot pivot



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2022

Michael Schultz
43721 281st Street
Freeman SD 57029

Dear Mr. Schultz:

Last September the Water Rights Program received a complaint that two domestic wells were being adversely impacted by irrigation pumping. These wells are located southwest of Freeman in Hutchinson County where you hold a water right for irrigation. The water source for the domestic wells and area irrigators is the Niobrara aquifer.

At that time, the Water Rights Program contacted several irrigators who willingly cooperated to shut off their irrigation system for a week in an effort to assess whether that provided relief for the domestic well owners. You were not one of the irrigators that we contacted. Timely rains and the end of the irrigation season meant many irrigation systems were not operated again.

As we approach another irrigation season, I want to make you aware of water rights law regarding impairment of adequate domestic wells and steps being taken to monitor the aquifer in your area.

Water Rights law states that the use of water for domestic purposes is the highest use of water and takes precedence over all appropriative rights. As such, water rights from groundwater, including yours, are issued with the following qualification.

The well approved under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

The Water Management Board in prior rulings has stated that if pumping from a water source appropriated by a water right/permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. The Board has found that state law in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered ground water levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing material; subject to compliance with the minimum requirements for an adequate well as defined by the South Dakota well construction standards.

Based on the well completion reports, the two domestic wells in question meet the adequate well definition. Therefore, if water levels decline in the Niobrara aquifer such that the domestic wells cannot attain their needed water supply, appropriative water right holders may need to limit or cease their withdrawals.

To monitor the Niobrara aquifer's water levels in this area, the Water Rights Program is working in conjunction with the South Dakota Geological Survey to drill additional observation wells into the Niobrara aquifer in your area. Once in place, these observation wells will provide water level readings on how the aquifer fluctuates in response to pumping and climatic conditions.

In addition, your existing Water Permit No. 7344-3 is due for a site visit for the purpose of licensing the permit to reflect the level of development. This spring you may be contacted by Water Rights Program staff to schedule this site visit.

While I am unable to predict the precipitation this upcoming year, we are currently dry in South Dakota. Therefore, I am reaching out to make you aware of this potential situation if the drought continues and the steps being taken to monitor the aquifer.

Please feel free to contact me if you have questions.

Sincerely,



Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 20, 2022

NOTICE OF SHUTOFF ORDER

TO: Michael Schultz
43721 281st Street
Freeman SD 57029

FROM: *for Adam Mathiowetz*
Eric Gronlund, Chief Engineer
SD DANR, Water Rights Program

SUBJECT: Niobrara Aquifer Shutoff Order for Water Permit No. 7344-3

Pursuant to South Dakota Codified Law (SDCL) 46-1-5(1), use of water for domestic purposes is the highest use of water and takes precedence over all appropriative rights. Consequently, your appropriative permit to use groundwater for irrigation was issued with the following qualification.

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.

We were notified on July 20, 2022, that two domestic wells located southwest of Freeman in Hutchinson county are no longer able to produce water from the Niobrara aquifer. These wells meet the adequate well definition and are afforded protection as domestic water use wells.

As noted in a letter to you dated, February 8, 2022, observation wells have been put into place to monitor water levels in the Niobrara aquifer near these domestic wells. Measurements from these monitoring wells confirm a significant decline in water level in the aquifer since measuring began in late June.

To protect this domestic use of water, the department is issuing you, and other nearby irrigators, shutoff orders. Specifically, your shutoff order pertains to Water Permit No. 7344-3 for irrigation of 399 acres located in the SE1/4 section 8; NE1/4, SW1/4, S1/2 NW1/4 section 9; all in T98N-R56W. Effective 2:00 pm July 20, 2022 and as discussed during your 2:00 pm July 20, 2022 phone call with Water Rights Staff Engineer Adam Mathiowetz, no diversions of water from any of your three wells authorized under this Permit will be allowed for the remainder of the 2022 irrigation season unless notified otherwise by the Chief Engineer. You are allowed to continue pumping stored water from the storage pond/reservoir authorized by the Permit. This Order is being issued pursuant to SDCL 46-2-18 to ensure compliance with the above permit qualification.

If you have any questions, please contact me at (605) 773-3352. Thank you for your cooperation in this matter.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on July 20, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 20, 2022 regarding Notice of Shutoff Order addressed as stated below:

WR No. 7344-3
MICHAEL SCHULTZ
43721 281ST STREET
FREEMAN SD 57029

WR No. 7700-3
DAVID HUBER
28419 431ST AVE
MENNO SD 57045

WR No. 7448-3
ROBERT HECKENLAIBLE
43380 285TH ST
FREEMAN SD 57029

WR No. 7683-3
ROGER GUTHMILLER
28752 435th AVE
MENNO SD 57045

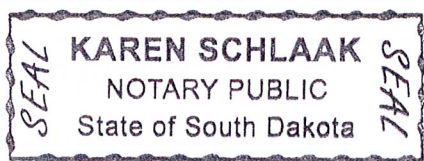
WR No. 7617-3
BRETT GUTHMILLER
28680 435TH AVE
MENNO SD 57045


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 20 day of July, 2022.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7344-3

July 27, 2022

RESCISSION OF SHUTOFF ORDER

TO: Michael Schultz
43721 281st Street
Freeman SD 57029

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
SD DANR, Water Rights Program

SUBJECT: Recission of Niobrara Aquifer Shutoff Order for Water Right No. 7344-3

On July 20, 2022, a shutoff order was issued for Water Right No. 7344-3 to protect two adequate domestic wells located southwest of Freeman in Hutchinson County that were no longer able to produce water from the Niobrara aquifer. The domestic well owners rescinded their complaint on July 27th since agreement was reached in which they will be supplied water for the remainder of the 2022 irrigation season or until they are connected to rural water.

Therefore, the shutoff order is rescinded and you may resume irrigation as authorized by Water Right No. 7344-3.

The Water Rights Program intends to continue monitoring the two observation wells installed this spring. If there are additional domestic well complaints, the Water Rights Program will investigate. Please be aware future shutoff orders may be issued, if warranted, to protect the use of water for domestic purposes.

If you have any questions, please contact me at (605) 773-3352. Thank you for your cooperation in this matter.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated July 27, 2022, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on July 27, 2022.

Michael Schultz 43721 281 st Street Freeman SD 57029	David Huber 28419 431 st Avenue Menno SD 57045
Robert Heckenlaible 43380 285 th Street Freeman SD 57029	Roger Guthmiller 28752 435 th Avenue Menno SD 57045
Brett Guthmiller 28680 435 th Avenue Menno SD 57045	Kerry Hofer Email: khofer@hotmail.com

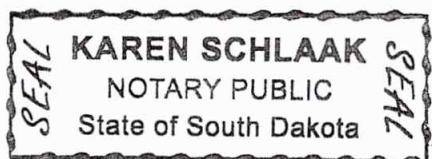
Above also Sent Inter-office to: Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Vickie Maberry
Vickie Maberry
Water Rights Program, DANR

[illegible]

Sworn to, before me, this 27th day of July, 2022.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025



7-26-22

RECEIVED

JUL 27 2022

OFFICE OF
WATER

I Dale Mehlhaf of 43465 283rd St. Freeman, SD 57029 and Twyla mehlhaf of 43543 284th. St. Freeman, SD 57029 are rescinding our complaints about the 2 domestic wells in question. Robert Heckenlaible is going to supply water for our needs for the rest of the 2022 irrigation season or until we have rural water hooked up, whichever comes first.

Dale Mehlhaf

7-26-22

Robert Heckenlaible

7-26-22

Twyla Mehlhaf

7-26-2022



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 28, 2022

Michael Schultz
43721 281st Street
Freeman SD 57029

Robert Heckenlaible
43380 285th Street
Freeman SD 57029

Roger Guthmiller
28752 435th Avenue
Menno SD 57045

Brett Guthmiller
28680 435th Avenue
Menno SD 57045

David Huber
28419 431st Avenue
Menno SD 57045

Gentlemen:

Hope you all are having a productive harvest! This letter is intended to discuss the past two irrigation seasons regarding drawdown from irrigation pumping adversely impacting two domestic wells in the area.

On July 20, 2022, shutoff orders were issued to water rights holders, including yourself, to protect two adequate domestic wells that were no longer able to produce water from the Niobrara aquifer in your area. The shutoff order was rescinded on July 27, 2022, upon agreement between the domestic well owners and local irrigators in which the domestic well owners were supplied water for the remainder of the 2022 irrigation season. Hauling water was viewed as a short term solution until a long term solution is in place.

The Water Rights Program monitored water levels in these two observation wells throughout the 2022 irrigation season. Attached is a hydrograph that shows water levels in the aquifer from June 22, 2022, through October 26, 2022. Also, attached is a map. Drawdown from irrigation pumping can be seen as well as water level recovery to the area once irrigation pumping ceased. Monitoring of water levels in these observation wells will continue.

A long term solution needs to be in place prior to the 2023 irrigation season or depending on weather and drawdown conditions of the aquifer shutoff orders may again need to be issued to protect the domestic wells. In addition, three pending water applications in the area seek to appropriate water from the Niobrara aquifer. One of the criteria to approve

an application is that the diversion can be developed without unlawful impairment of existing domestic water uses and water rights. Given the potential impact to these two domestic wells, this criteria can not currently be met in order to make a favorable recommendation until this situation is resolved.

The long term solution will take an effort on all your part to be successful. Please let the Water Rights Program know steps being taken and your progress to resolve this situation.

Sincerely,



Eric Gronlund, Chief Engineer

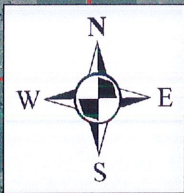
Water Rights Program, DANR

605 773-3352

eric.gronlund@state.sd.us

enclosure

c: Kerry Hofer, 27633 431st Avenue, Freeman SD 57029
Schultz Bros Dairy, c/o John Schultz, 28031 436th Avenue, Freeman SD 57029



98N 57W
Section: 01

98N 56W
Section: 06

7344-3
MICHAEL
SCHULTZ

7344-3
MICHAEL
SCHULTZ

7344-3
MICHAEL
SCHULTZ

HT-2022A

7700-3
DAVID
HUBER

7448-3
ROBERT
HECKENLAIBLE

HT-2022B

6708-3
DAVID
HUBER

6708-3
DAVID
HUBER

7617-3
BRETT
GUTHMILLER

7683-3
ROGER
GUTHMILLER

Menno

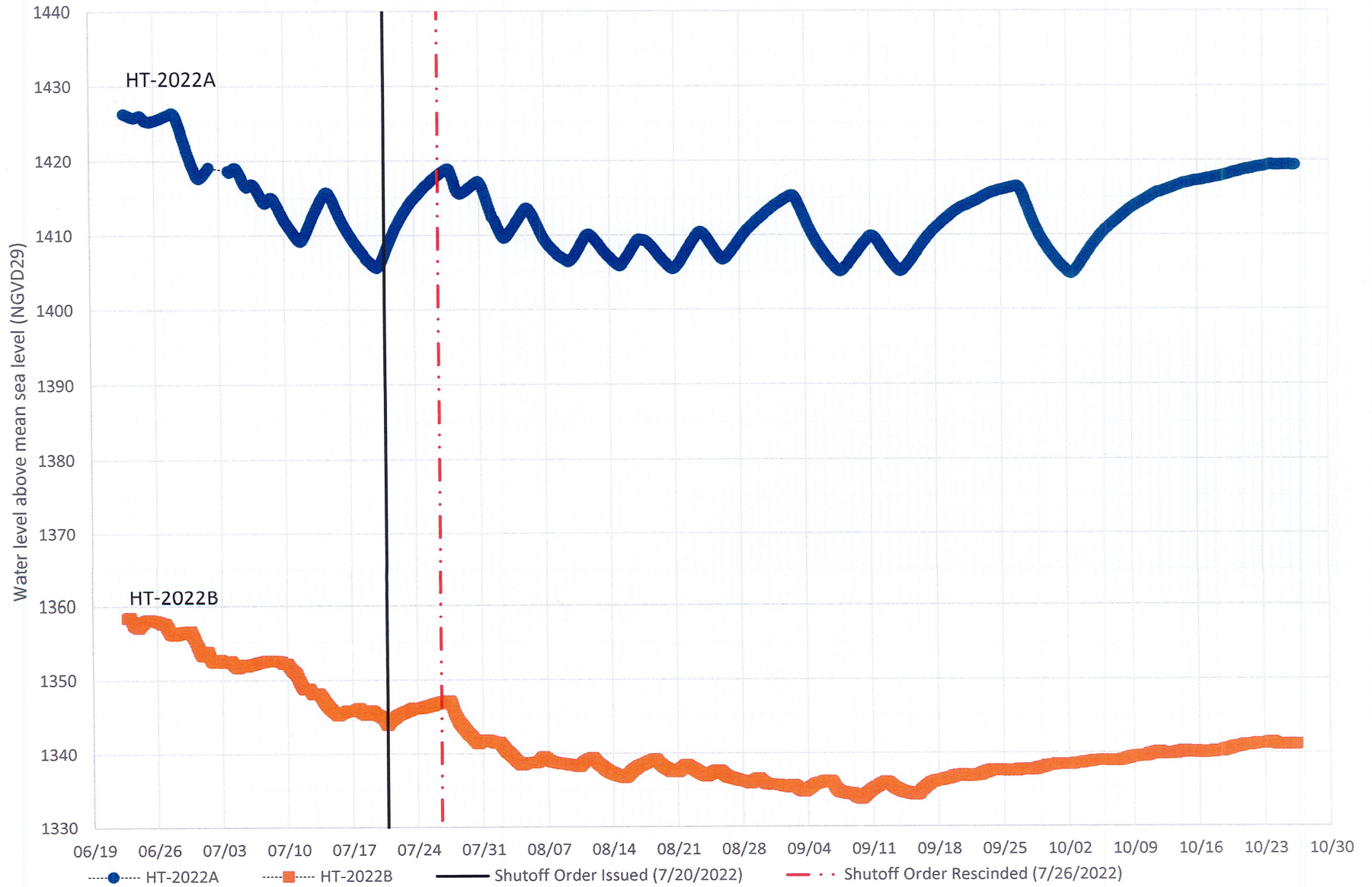
18

0 0.5 1 2 Miles



A.W. Mathiowetz
Oct. 27, 2022

DANR-Water Rights Program Niobrara Aquifer
Observation Wells Between Freeman and Menno





7344-3, 7700-3, 7448-3, 6708-3, 7617-3, 7683-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 4, 2023

Michael Schultz
43721 281st Street
Freeman SD 57029

Robert Heckenlaible
43380 285th Street
Freeman SD 57029

Roger Guthmiller
28752 435th Avenue
Menno SD 57045

Brett Guthmiller
28680 435th Avenue
Menno SD 57045

David Huber
28419 431st Avenue
Menno SD 57045

Gentlemen:

The enclosed letter was sent to all of you on October 28, 2022, regarding the progress to resolve the situation that occurred in your area during the past two irrigation seasons when irrigation pumping adversely impacted two domestic wells. To date, I have not received a response.

The Water Rights Program desires to have a solution in place prior to the 2023 irrigation season. If there is not a solution in place it is likely that shut off orders will again need to be issued.

Please let the Water Rights Program know steps being taken to resolve this situation.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
eric.gronlund@state.sd.us

enclosure

c: Kerry Hofer, 27633 431st Avenue, Freeman SD 57029
Schultz Bros Dairy, c/o John Schultz, 28031 436th Avenue, Freeman SD 57029