

WATER PERMIT NO. 7400-3

Name of Applicant: **Jack Wellnitz**

Address: **20195 415th Ave, Yale SD 57386** Phone: **605 546-0205**

Amount of Water Claimed: **1.33 cfs** Total Acres: **188 acres**

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

Water to be used for: **irrigation** County: **Beadle**

Type of Waste Disposal System:

Location: **2 miles northwest of Yale**

PRIORITY Date Received: **8-13-12** Application/License Fee: **\$ 1,150.00**

Corrected Application Received: Period of Annual Use: **April 1 – Oct 31**

Remarks: **Increases div rate authorized by 6936A-3, irrigation of add'l acres and an extension of time request**

Diversion Point: **E ½ NE ¼ Sec 31-T112N-R59W**

Land to be Irrigated: **N ½ Sec 31 and SW ¼ Sec 28; all in T112N-R59W**

Depth of Well: **52 feet deep**

Well Driller:

Remarks:

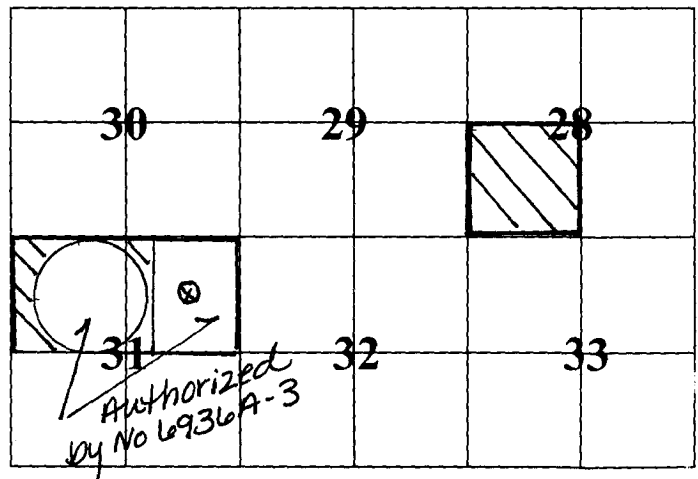
Type of Map: **aerial**

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

Reviewed and the Number Assigned on: **8-20-12**

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. <u>7400-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Plainsman PO Box 1278 Huron</u> <u>605-352-6401</u> <u>57350</u>	

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AUG 13 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Jack Wellnitz Phone 605-546-0205
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 20195 415th AVE Yale SD 57386
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.33*CFS or 600 **GPM add'l ***AF Total Acreage 188 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Floyd East: James Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Beadle
same as 6936A-3 E 1/2 NE 1/4 Sec 31 T112N R59W

5. County or counties where water will be used Beadle6. Annual period during which water is to be used same as 6936A-3 April 1 - Oct. 31

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
T112N-R59W north 1/2 of section 31	<u>31</u>		
T112N-R59W south west 1/4 of section 28	<u>157</u>		

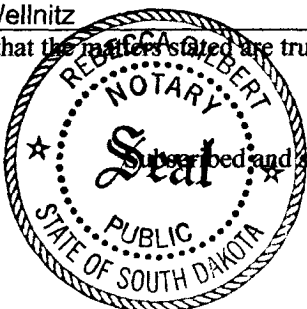
8. Give a description of the project. (Attach sheet if more space is needed)

Increase diversion rate under permit 6936A-3 from 900 gpm to 1500 gpm. One circle pivot is installed and in use, remaining additional acres on section 31 will be sub-irrigated. Due to the complex engineering and installation of the project we are also requesting an extension to the deadline for construction completion. We would also like to pipe water from the existing well on section 31 to SW1/4 section 28 which doesn't have good water.

STATE OF SOUTH DAKOTA)
County of Beadle) 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, Jack Wellnitz, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Jack WellnitzSubscribed and sworn to before me this 9thday of August20 12Notary Public signature Rebecca Yubis

**SOUTH DAKOTA
WATER PERMIT NO. 7400-3**

Date of first receipt of application August 13, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7400-3 to Jack Wellnitz, 20195 415th Ave, Yale SD 57386 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7400-3 authorizes the following: 1) appropriates an additional 1.33 cubic feet of water per second (cfs), 2) irrigation of 188 additional acres and 3) included in the public notice to extend the length of time allowed for Water Permit No. 6936A-3.

Water Permit No. 6936A-3 appropriates 2.0 cfs from two wells to be completed into the Floyd East:James Aquifer (approximately 52 feet deep) located in NE 1/4 NW 1/4 and E 1/2 NE 1/4 Section 31 for irrigation of 240 acres located in the N 1/2 Section 31; all in T112N-R59W. Permit No. 7400-3 appropriates an additional 1.33 cfs from the existing well located in the E 1/2 NE 1/4 Section 31 to irrigate 188 additional acres located in the N 1/2 Section 31 and SW 1/4 Section 28; all in T112N-R59W.

Water Permit No. 6936A-3 was approved July 7, 2008 and the proposed project was to be completed by March 10, 2013, with water being put to beneficial use by March 10, 2017. Currently one well is constructed to supply water for irrigation of one center pivot primarily in the NW ¼ Section 31, T112N, R59W. This permit extends the length of time allowed to complete remaining construction of the project for an additional five years. Permit No. 6936A-3 will retain the priority date of July 15, 2008.

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 August 13, 2012.
4. The date of approval of Permit No. 7400-3 is November 12, 2012.
5. One-fifth of the construction is to be completed on or before May 12, 2015.
6. All construction is to be completed on or before November 12, 2017.
7. Water is to be put to beneficial use on or before November 12, 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 Water Permit Nos. 6936A-3 and 7400-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

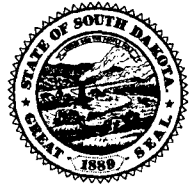
2. The wells authorized by Water Permit Nos. 6936A-3 and 7400-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 13 2012

date



1706
3
6.79
NHFL

1706 12

Existing
Pivot Irrigation

Planned
Sub
Irrigation

1706
8
9.44
UHFL

1706
2
38
NHFL

1706
10
138.29
NHFL

1706
13
73.01
NHFL

0-27
UHFL

Per FSA records,
Jack Wellnity is owner.
Shirley
FSA, Proj.

Per FSA records,
Jack Wellnity is owner/operator
Sharla Wipf
FSA, Program Tech
8/10/12



United States Department of Agriculture
Farm Service Agency

Beadle County, SD

PLSS: 31_112N_59W
Farm: 6264

1 inch equals 633 feet

January 19, 2010

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original dermination (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



South Dakota
Beadle County

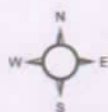
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Farm Number
6264

Township-Range-Section
112N59W28

Legend

- Restricted Use
- ▼ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- GLU Field Boundary
- Tract Boundary



1:8,126

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2008 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs. Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-626 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Mar 12, 2009

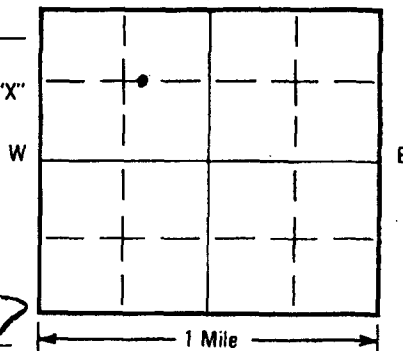
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NW 1/4 Sec 31 Twp 112N Rg 59WCounty Beadle

North

Please mark well location with an "X"



Well-Completion Date

12-19-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from Septic Tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>1</u> FT	<u>31</u> FT	<u>7 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>3</u>	<u>9.8</u> lb./gal	<u>70</u> ft	<u>14</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure From 14 ft to 70 ft
From 14 ft to 70 ftSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial PVCSlot Size 057 Set From 31 Feet to 51 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: Chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Jack Nellnitz

Business Name: _____

Address: 20195 415 Ave
Yale, SD 57386

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Yellow clay</u>	<u>1</u>	<u>14</u>
<u>Oxidized Gravel</u>	<u>14</u>	<u>25</u>
<u>Clean Coarse Gravel</u>	<u>25</u>	<u>52</u>

STATIC WATER LEVEL 9' 3"

If flowing: closed in pressure _____

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: 3HP 60 GPM☐ BailedSUBMERSIBLE☐ Other _____

Pumping Level Below Land Surface

11' 4" ft. After 1 Hrs. pumped 80 GPM11' 6" ft. After 2 Hrs. pumped 80 GPM

If pump installed, pump rate _____ GPM

REMARKS

5" Test well
By centerPipe 540 6 Hrs Per foot
285 foot

This well was drilled under license # _____

And this report is true and accurate.

Drilling firm Manikowski Well DrillingSignature of License Representative: Raymond ManikowskiSignature of Well Owner or Equitable Property Holder: Jack NellnitzDate: 12-19-07

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JAN - 2 2008

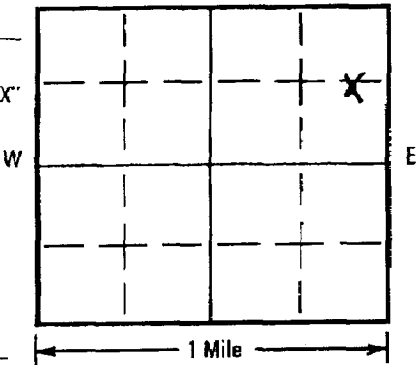
WATER RIGHTS PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 31 Twp 112 N Rg 59 W
County Beadle

Please mark well location with an "X"



Well Completion Date

5-15-08

Well Owner: Jack Wellnitz
Business Name: _____
Address: 20195 415 Ave
Yale, SD 57386

WELL LOG:	DEPTH	
	FROM	TO
Top Soil	0	1
yellow clay	1	9
Oxidized Gravel	9	15
Sand and Gravel	15	24
Blue clay lense	24	25
Coarse clean Gravel	25	40
clean medium sand with		
Coarse Gravel layers	40	64
Blue clay with Gravel strips	64	78
Shale	78	80

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

PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other
If other describe _____
PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
200 LB/FT 12 IN _____ FT _____ FT 1 1/2 IN
_____ LB/FT _____ IN _____ FT _____ FT _____ IN
_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA
Grout Type Bentonite No. of Sacks _____ Grout Weight _____ lb./gal _____ ft. _____ ft.
_____ lb./gal _____ ft. _____ ft.
Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured
Diameter 12 IN Length 34 FEET
Material PVC and stainless steel
Slot Size 0.070 Set From 44 Feet to 64 Feet
Other information 20' - 0.070 44' - 64' - stainless steel
14' - 0.050 30' 44' - PVC
Gravel Packed with pea Rock

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: chlorine
_____, NO, Why Not? _____
Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL _____ Feet
If flowing: closed in pressure _____ PSI
GPM flow _____ through _____ inch pipe
Controlled by ☐ Valve ☐ Reducers ☐ Other _____
Reduced Flowrate _____ GPM
Can well be completely shut in? _____

WELL TEST DATA:
☐ Pumped Describe: _____
☐ Bailed _____
☐ Other _____
Pumping Level Below Land Surface
_____ ft. After _____ Hrs. pumped _____ GPM
_____ ft. After _____ Hrs. pumped _____ GPM
If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # _____
And this report is true and accurate.
Drilling firm _____
Signature of License Representative: _____
Signature of Well Owner or Equitable Property Holder: _____
Date: _____

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 8/16, 20 12

RECEIVED OF Jack A Wellnitz 20195 415th Ave Yale SD 57386

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

Fee for Application for Permit No. <u>7400-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>7400-3</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	1150 00

No. **05535**

By *Laurel Edwards*
Chief Engineer



**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. 7400-3, Jack Wellnitz**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7400-3, Jack Wellnitz, 20195 415th Avenue, Yale SD 57386.

The Chief Engineer is recommending APPROVAL of Application No. 7400-3 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 Water Permit Nos. 6936A-3 and 7400-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Water Permit Nos. 6936A-3 and 7400-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 24, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7400-3
JACK WELLNITZ
OCTOBER 6, 2012

Water Permit Application No. 7400-3 proposes amend Water Permit No. 6936A-3 by authorizing an extension of time for the completion of construction of works and the application of water to beneficial use. Water Permit No. 6936-3 was approved July 7, 2008, appropriating 480 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 2.0 cubic feet of water per second (cfs) from the Floyd: East James aquifer. The permit approved diversions from two wells approximately 52 feet deep located in the NE¼ NW¼ and the E½ NE¼ of Section 31, T112N-R59W to irrigate 240 acres located in the N½ of Section 31, T112N-R59W. The irrigation project approved by Water Permit No. 6936A-3 was to be completed by March 10, 2013, and water was to be put to beneficial use by March 10, 2017. To date, one well has been constructed to supply water for irrigation on one center pivot which is located primarily in the NW¼ of Section 31, T112N-R59W. Application No. 7400-3 proposes to extend the length of time allowed to complete the remaining construction for the project from March 10, 2013 to March 10, 2018. Water Permit Application No. 7400-3 also proposes to appropriate an additional 376 ac-ft/yr with an additional diversion rate of 1.33 cfs, from the existing well authorized by Water Permit No. 6936A-3 located in the E½ NE¼ of Section 31, T112N-R59W to irrigate 188 acres located in the N½ Section 31 and the SW¼ of Section 28 of T112N-R59W.

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

AQUIFER: East James management unit of the Floyd aquifer (F: EJ)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The East James management unit of the Floyd aquifer is a “complex system of interconnected sand and gravel layers intermixed and confined by a gray pebbly till” (Hansen, 1983), that was deposited as outwash by glacial meltwater from receding glaciers. The aquifer underlies approximately 374,580 acres of Beadle, Hanson, Kingsbury, McCook, Miner and Sanborn Counties (see Figure 1).

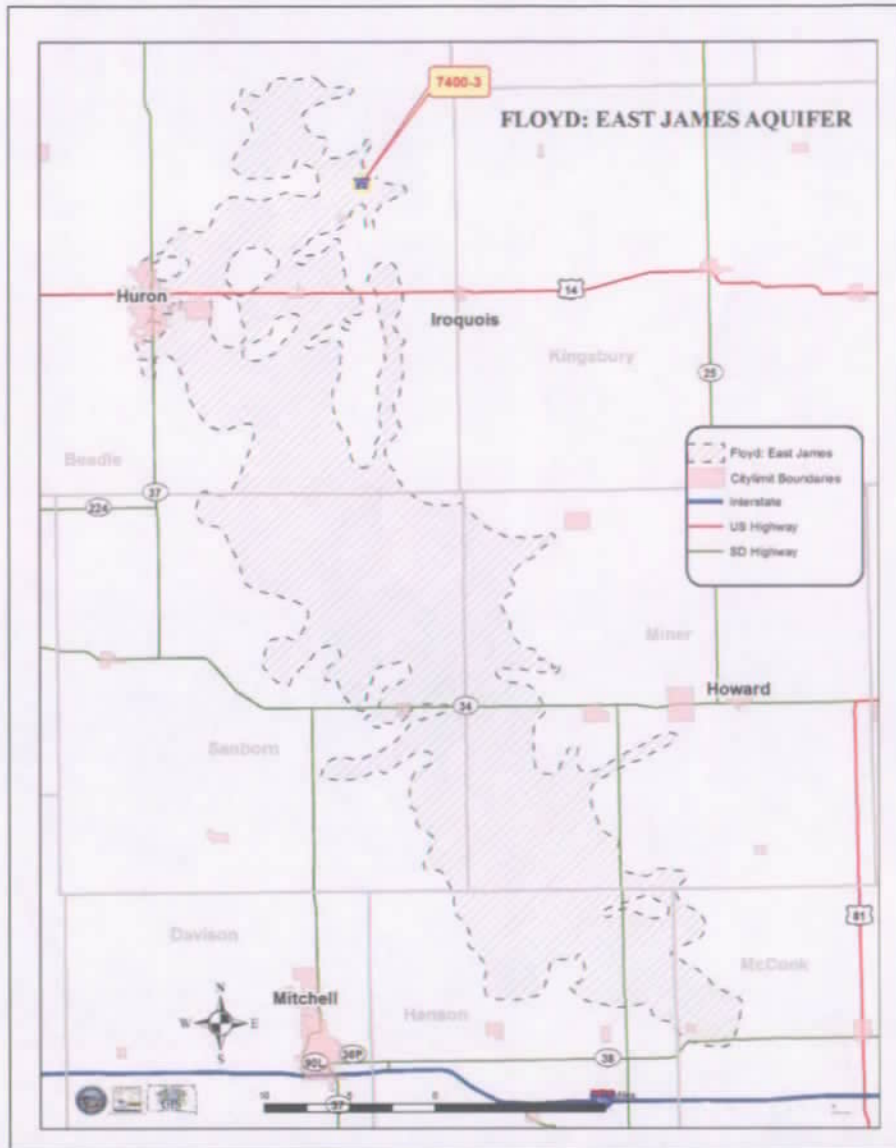


Figure 1. Location of the Floyd: East James aquifer and the site proposed by Water Permit Application No. 7239-3 (modified from Buhler, 2012)

The thickness of this outwash deposit is variable with a maximum of approximately 118 feet and the average thickness of the aquifer is approximately 30 feet (Buhler, 2012). Assuming a specific yield of 0.15, the aquifer contains approximately 1,685,600 acre-feet of recoverable water in storage. The outwash was deposited on bedrock (Pierre Shale, Niobrara Formation, Carlile Shale, Codell Sandstone, or Sioux Quartzite) or on glacial till. The Floyd: East James aquifer is buried by glacial till over all but a very small area. The Floyd: East James aquifer is predominately under confined conditions and the water levels of wells range from greater than 70 feet below grade to above ground surface (i.e. free flowing wells). Groundwater movement in the aquifer is generally from east to west based on the SD DENR-Water Rights Program observation well water level data (Water Rights, 2012a).

The completion report for a test well constructed in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T112N-R59W identifies outwash from 14-52 feet below grade and a December 19, 2007, static water level 9' 3" (Water Rights, 2012c). The pump test of the well indicated a specific capacity for the test

well was 35.56 gallons per minute per foot of drawdown. The transmissivity of the aquifer at the well location was calculated based on the specific capacity to be 71,120 gallons per day per foot (“Transmissivity from Specific Capacity”).

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, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water in the Floyd: East James aquifer and existing rights within the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate up to 376 acre-feet annually from the Floyd: East James aquifer. However, the actual water use if this application is approved will likely be less than 376 acre-feet/year. The probability of unappropriated water being 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.”

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37* (Memorandum Decision, April 29, 2005)).

The availability of unappropriated water was evaluated based on observation well data and through consideration of a hydrologic budget for the aquifer.

OBSERVATION WELL DATA:

The analysis of observation well data provides a qualitative means of assessing the aquifer and provides the best information reasonably available to evaluate the Floyd: East James aquifer.

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 51 observation wells completed into the Floyd: East James aquifer (Water Rights, 2012a). Five of these observation wells are within approximately three and three-quarter miles of the well site proposed by this application. Hydrographs for these observation wells are shown in figures 2—6.

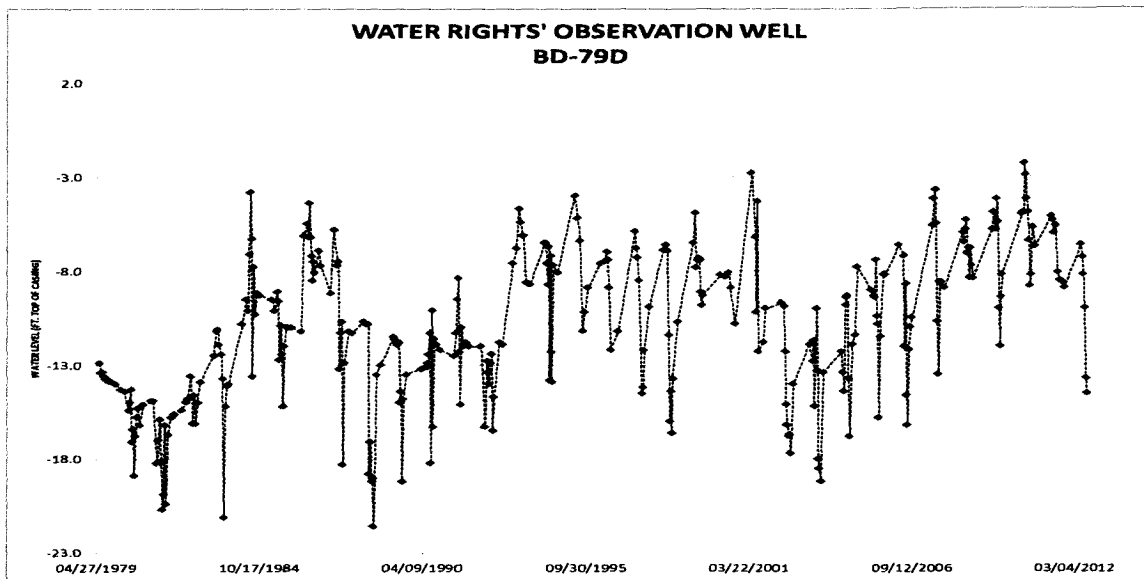


Figure 2. Hydrograph of DENR-Water Rights' Observation well completed into the Floyd: East James aquifer, located approximately 0.6 miles northeast of the well site proposed by Water Permit Application No. 7400-3

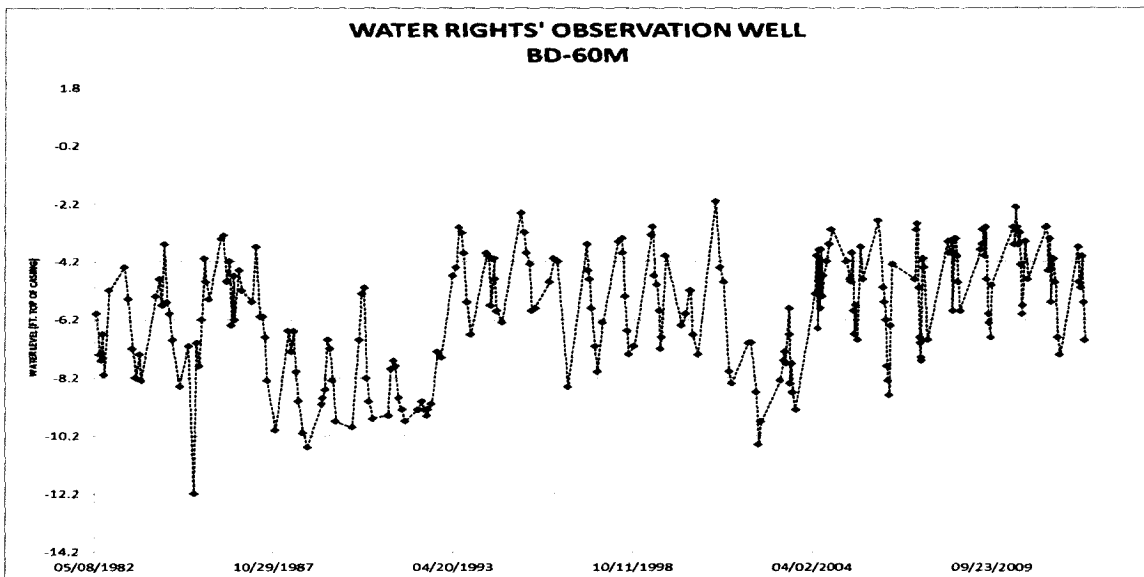


Figure 3. Hydrograph of DENR-Water Rights' Observation well completed into the Floyd: East James aquifer, located approximately 1.5 miles southwest of the well site proposed by Water Permit Application No. 7400-3

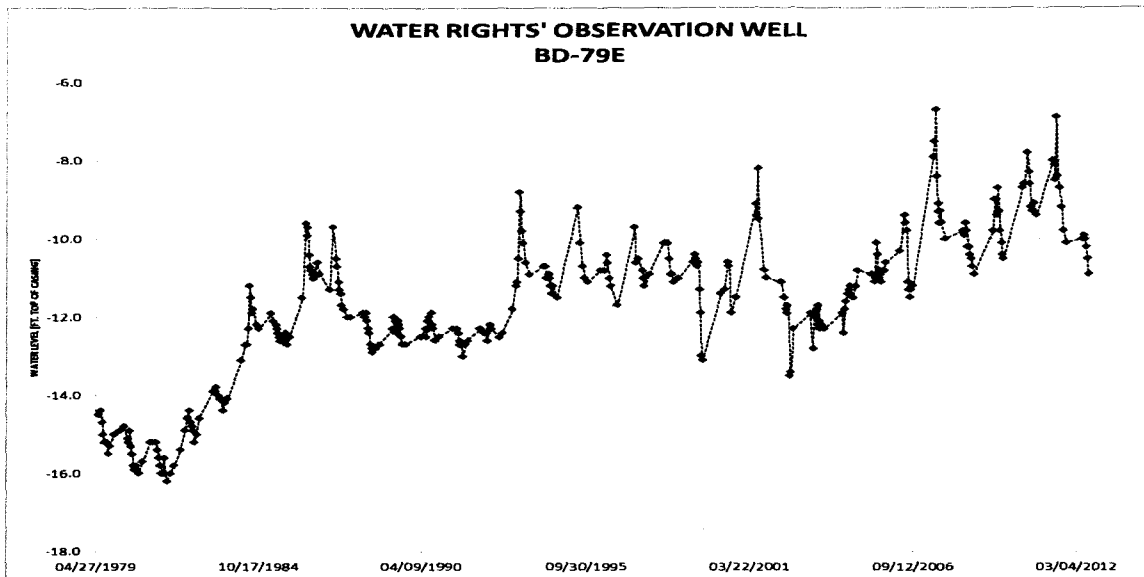


Figure 4. Hydrograph of DENR-Water Rights' Observation well completed into the Floyd: East James aquifer, located approximately 2.6 miles southeast of the well site proposed by Water Permit Application No. 7400-3

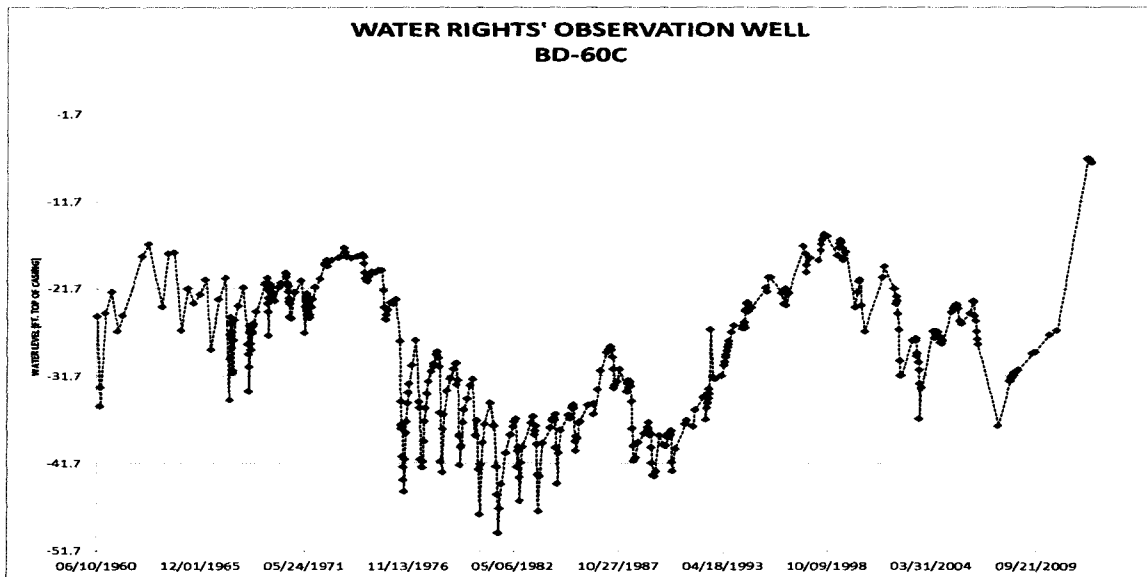


Figure 5. Hydrograph of DENR-Water Rights' Observation well completed into the Floyd: East James aquifer, located approximately 3.5 miles northwest of the well site proposed by Water Permit Application No. 7400-3

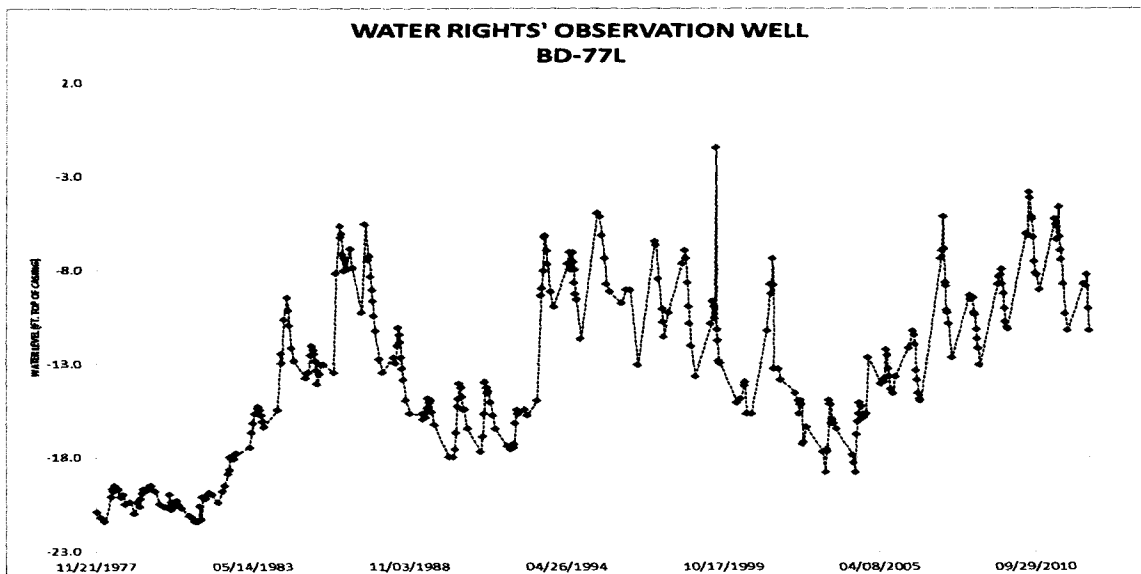


Figure 6. Hydrograph of DENR-Water Rights' Observation well completed into the Floyd: East James aquifer, located approximately 3.7 miles southwest of the well site proposed by Water Permit Application No. 7400-3

All of the observation well data for the Floyd: East James aquifer shows response to climatic conditions, with rising water levels during wet years and declining water levels during dry years. Hydrographs for the observation wells show that the water levels generally fully recover before the next irrigation pumping season.

The analysis of the DENR-Water Rights Program observation well data provides the best information reasonably available to evaluate withdrawals from an aquifer as compared with recharge to the aquifer. The observation well data for the Floyd: East James aquifer has documented upward trending water levels throughout the aquifer (Buhler, 2012). The upward trending water levels indicate recharge to the Floyd: East James aquifer has likely been greater than the total of the discharges from the aquifer over the period of record. The observation well data documents that the development that has occurred from the Floyd: East James aquifer has had an inconsequential effect on the aquifer over the long term (Buhler, 2012). Therefore, the data shows that the combined recharge to and natural discharge from the Floyd: East James aquifer significantly exceeds long term well withdrawals. Since the gradient of the potentiometric surface of the Floyd: East James aquifer and the general direction of groundwater flow has not changed significantly over time (Buhler, 2012), it is clear that the amount of water in transient storage in the aquifer has not been significantly affected by increased appropriations and well withdrawals from the aquifer. The stress on the aquifer over time with increased appropriations is not evident in the records of water levels, therefore recharge to the aquifer and natural discharges from the aquifer significantly exceed well withdrawals.

All of the evidence from the observation well data documents that unappropriated water is available from the Floyd: East James aquifer to satisfy this proposed appropriation.

HYDROLOGIC BUDGET

SDLC 46-6-3.1 and the availability of unappropriated water from the Floyd: East James aquifer can be evaluated by considering the hydrologic budget for the aquifer.

Recharge:

Recharge to the Floyd: East James aquifer is primarily through leakage from underlying bedrock although some recharge may occur through direct infiltration of precipitation in parts of Beadle County where the aquifer is under unconfined conditions. The Floyd: East James aquifer is hydraulically connected to the Niobrara and Codell aquifers in Miner County (McGarvie, 1983). Recharge to the Floyd: East James aquifer is by upward migration of water from the Niobrara and Codell aquifers in Miner County (Koch and McGarvie, 1988). Recharge to the Floyd: East James aquifer also originates as leakage from the Sioux Quartzite Wash aquifer in Hanson County. Average annual recharge estimates for the Floyd: East James aquifer are shown in Table 1.

INVESTIGATOR	RATE (inches/year)	VOLUME (acre-foot/year)
Hedges and others (1985)	0.3	9,365
Emmons (1988) Steady state	0.487	15,202
Emmons (1988) range	0.24-0.72	7,492- 22,475
July 2012 flow net analysis (Buhler, 2012)	0.42	13,213

Table 1. Average annual recharge to the Floyd: East James aquifer (modified from (Buhler, 2012))

Discharge:

Discharge from the Floyd: East James aquifer is through groundwater outflow to adjacent bedrock aquifers and to a lesser extent through well withdrawals.

Groundwater outflow

The Floyd: East James aquifer lies directly on the bedrock over much of its area. There are three aquifers in the underlying bedrock (i.e. the Niobrara aquifer, the Codell aquifer and the Sioux Quartzite Wash aquifer) that are hydraulically connected to the aquifer. This connection often allows for leakage from the Floyd: East James aquifer to the bedrock aquifers.

Well withdrawals:

Well withdrawals from the Floyd: East James aquifer occur through domestic use not requiring a water permit or right uses and from appropriative rights/permits. Total well withdrawals from the aquifer are expected to average less than 3,000 acre-feet/year. The total withdrawal from the Floyd: East James aquifer due to pumping is around 0.18% of the water in storage (3,000 ac-ft/yr versus 1,685,600 acre-feet of recoverable water in storage) (Buhler, 2012).

A comparison of the amount of the estimated average well withdrawals from the aquifer with the estimated average annual recharge rate for the aquifer shows that unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS/PERMITS:

Water Rights/Permits diverting water from the Floyd: East James aquifer within approximately four miles of the well site proposed by Water Permit Application No. 7400-3 are shown in Table 2 and in Figure 7. In addition to appropriative rights, there are a number of Well Completion Reports on file with the DENR-Water Rights Program for domestic wells that appear to be completed into the Floyd: East James aquifer in this area.

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
2988-3	RIVERSIDE HTRN BRTH	09/03/1976	IL	IRR	NA	NA
3516-3	DELANO HOFER	01/06/1977	IL	IRR	NA	NA
3517-3	DELANO HOFER	01/06/1977	IL	IRR	NA	NA
4111-3	JAMES TOEWS	09/02/1977	IL	IRR	NA	NA
3863-3	BILLY HORNIG	03/10/1977	LC	IRR	1	100
4010-3	BILLY HORNIG	06/21/1977	LC	IRR	2	199
4487-3	JAMES & BRIAN TOEWS	09/02/1977	LC	IRR	2.2	200
4966-3	DELANO HOFER	01/06/1977	LC	IRR	2	238
5139-3	RIVERSIDE HTRN BRTH	05/12/1987	LC	IRR	1.56	136
5139-3	RIVERSIDE HTRN BRTH	05/12/1987	LC	IRR	1.56	136
6936-3	JACK WELLNITZ	01/15/2008	PE	IRR	2	240
6936A-3	JACK WELLNITZ	01/15/2008	PE	IRR	0	0

IL= Incorporated, LC= Water Right, PE= Water Permit, IRR= Irrigation,

Table 2. Water Rights/Permits within approximately four miles of the well site proposed by Application No. 7400-3.

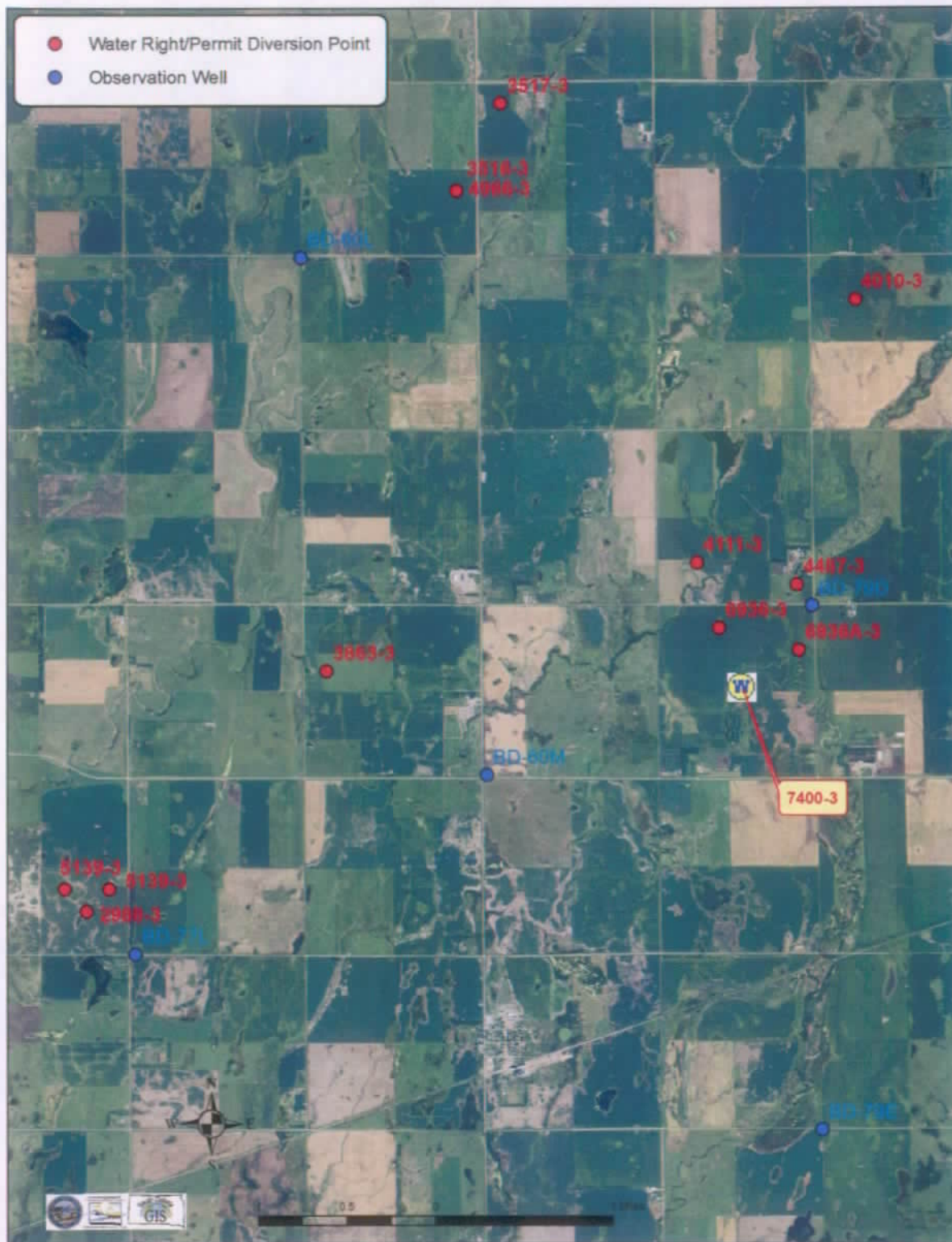


Figure 7. Floyd: East James aquifer water rights/permits and observation wells within approximately four miles of the well site proposed by Application No. 7400-3.

THEIS EQUATION:

The general shape of the drawdown cone that would result from diversion proposed by this application can be predicted using the Theis equation. Assuming an aquifer transmissivity of

71,120 gallons per day per foot (based on the test well data), a storage coefficient (S) ranging from 0.005 to 0.0005 and a constant discharge of 1.33 cfs from April 1 through October 31, the shape of the drawdown cone for the different storage coefficients based on the Theis equation, is shown in Figure 8 and Figure 9.

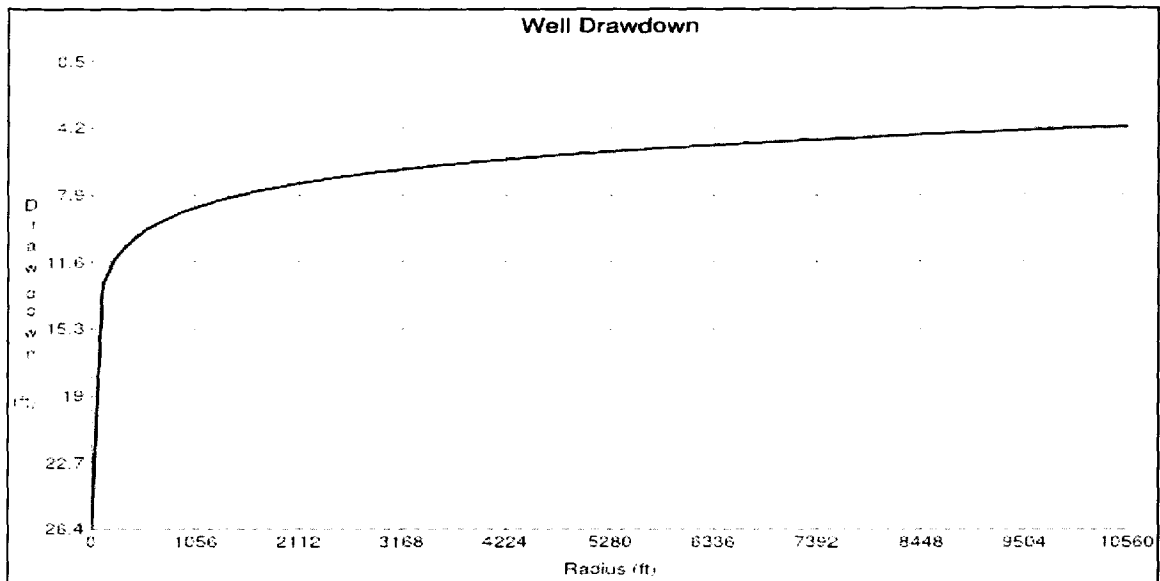


Figure 8. Drawdown predicted from a well pumping 1.33 cfs from the Floyd: East James aquifer, continuously from April 1 through October 31, assuming $T = 71,120$ gpd/ft, $S = 0.0005$. (Modified from ("Theis Equation calculator"))

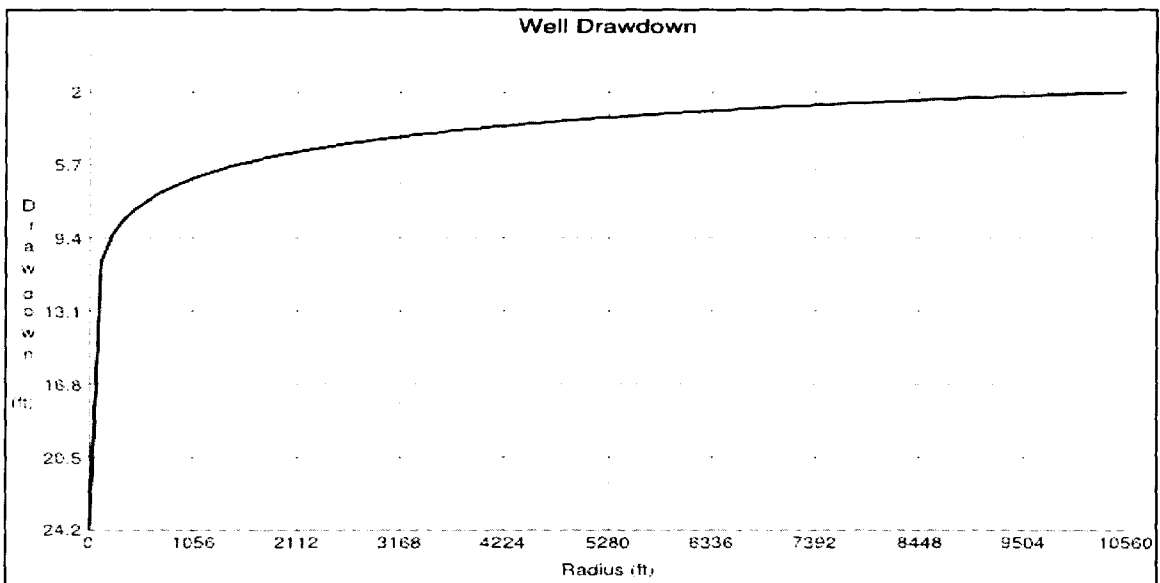


Figure 9. Drawdown predicted from a well pumping 1.33 cfs from the Floyd: East James aquifer, continuously from April 1 through October 31, assuming $T = 71,120$ gpd/ft, $S = 0.005$. (Modified from ("Theis Equation calculator"))

OBSERVATION WELL DATA

Well interference occurs where pumping in a well causes drawdown of the water level in another well. A number of DENR-Water Rights' observation wells are completed in the vicinity of high

capacity wells and the extent of interference (drawdown) is well documented by the observation wells (Buhler, 2012). Well interference has not been a problem in the Floyd: East James aquifer in the past.

SDCL 46-6-6.1

If this application is approved, the influence of pumping may be measureable in nearby domestic wells. In this area the Floyd: East James aquifer is generally under confined conditions. South Dakota water law (SDCL 46-6-6.1) provides protection to domestic wells without requiring the maintenance of artesian head pressure. Water for reasonable domestic use is protected in adequate wells to the extent that, pursuant to ARSD 74:02:04:20(7), a domestic well would be considered adversely impacted, if “ a well in which the pump intake is set at least 20 feet below the top of the aquifer at the time of construction or, 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.”

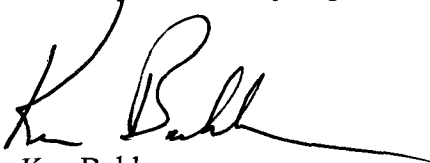
Drawdown that will result from the appropriation proposed by this application is not likely to adversely impact existing water rights/permits or adequate domestic wells.

SDCL 46-2A-8.

Pursuant to SDCL 46-2A-8, “Any construction necessary to put the water to beneficial use shall be completed within five years of approval of the permit and the water shall be put to beneficial use within an additional four years.” Consequently, Water Permit No. 7400-3 can only extend the length of time allowed for completion of works to five years from its approval.

CONCLUSIONS:

1. Water Permit Application No. 7400-3 proposes to extend the length of time allowed to complete the construction of works for Water Permit No. 6936A-3.
2. If approved, Water Permit No. 7400-3 will extend the length of time allowed for completion of works to five years from its approval.
3. This application also proposes to an additional appropriation of up to 376 acre-feet of water annually from the Floyd: East James aquifer.
4. The Floyd: East James aquifer is an extensive, primarily buried, generally confined glacial outwash aquifer.
5. There is a reasonable probability that unappropriated water is available from the Floyd: East James aquifer to supply this proposed appropriation.
6. There is a reasonable probability that if this application is approved, the diversions will not adversely impair existing rights.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

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RECEIVED

PRINTER'S AFFIDAVIT

NOV - 2 2012

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, TRISHA NELSON, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

JACK WELLINITZ - WATER PERMIT

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 1ST day **NOV 2012** That the full **FIFTY-ONE & 18/100** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Trisha Nelson

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

Shirley Kuehath
Notary Public, South Dakota

My term expires 10/25/17

Legal # 463

F.P. 11-01-12

**NOTICE OF
APPLICATION**

**NO. 7400-3 to
Appropriate Water
and Extend Time to
Complete**

**Construction of Water
Permit No. 6936A-3**

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

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

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7400-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 2012.

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

Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources.
No 463 (adv.)
Published once at the
total approximate cost of
\$51.18.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2012

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7400-3 to Appropriate Water. Please publish the notice once on November 1, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jack Wellnitz, 20195 415th Ave., Yale SD 57386 (Ph # 605-546-0205).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

October 25, 2012

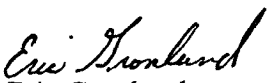
Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

Water Permit Application No. 7400-3 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 Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on November 1, 2012. 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 NO. 7400-3 to Appropriate Water and Extend Time to Complete Construction of Water Permit No. 6936A-3

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

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

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7400-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 2012.

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

Published once 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

denr.sd.gov

DEC 12 2012

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

Enclosed is Water Permit No. 7400-3 and Reissued Water Permit No. 6936A-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

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

enclosures

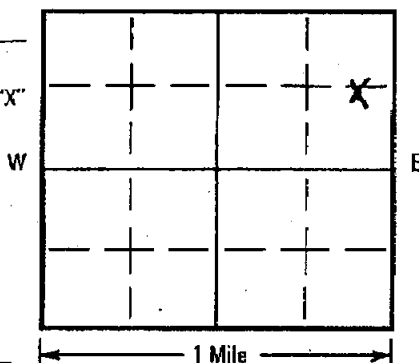
7400-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

 Location SE 1/4 NE 1/4 Sec 31 Twp 112N Rg 59W
 County Beadle

Please mark well location with an "X"



Well Completion Date

5-15-08Well Owner: Jack Wellnitz

Business Name: _____

Address: 20195 415 AveYale, SD 57386

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	1
yellow clay	1	9
oxidized Gravel	9	15
Sand and Gravel	15	24
Blue clay lense	24	25
Coarse clean Gravel	25	40
clean medium sand with		
Coarse Gravel layers	40	64
Blue clay with gravel strips	64	78
shale	78	80

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1053</u> LB/FT	<u>12</u> IN	_____ FT	_____ FT	<u>17 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>bentonite</u>	_____	_____ lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 34 FEETMaterial PVC and stainless steelSlot Size 0.070 Set From 44 Feet to 64 FeetOther information 20' - 0.070 44' - 64' - stainless steel14' - 0.050 30' - 44' - PVC

Gravel Packed with pea Rock

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:chlorine

Laboratory sent to for water quality analysis

NO, Why Not? _____

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling

Signature of license Representative: _____

Signature of Well Owner or Equitable Property Holder: _____



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: JACK WELLNITZ, 20195 415TH AVE, YALE, SD 57386

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6936-3, 7400-3 & 8419-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6936-3, 7400-3 & 8419-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6936-3, 7400-3 & 8419-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FIPQQH**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 6, 2023

6936-3
7400-3
8419-3

Jack Wellnitz
20195 415th Ave
Yale SD 57386

Dear Mr. Wellnitz:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit Nos. 6936-3, 7400-3 & 8419-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6936-3
7400-3
8419-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: JACK WELLNITZ, 20195 415TH AVE, YALE, SD 57386

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6936-3, 7400-3 & 8419-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6936-3, 7400-3 & 8419-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6936-3, 7400-3 & 8419-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QFBWMZ**

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