

WATER PERMIT NO. 7469-3

Name of Applicant: William Chenoweth

Address: 30939 Niles School Rd, Springfield SD 57062

Phone: 605 661-2950

Amount of Water Claimed: 3.11 cfs

Total Acres: 217

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Bon Homme

Type of Waste Disposal System:

Location: 3 miles northwest of Springfield

PRIORITY

Date Received: 10-18-12

Application/License Fee: \$ 1150

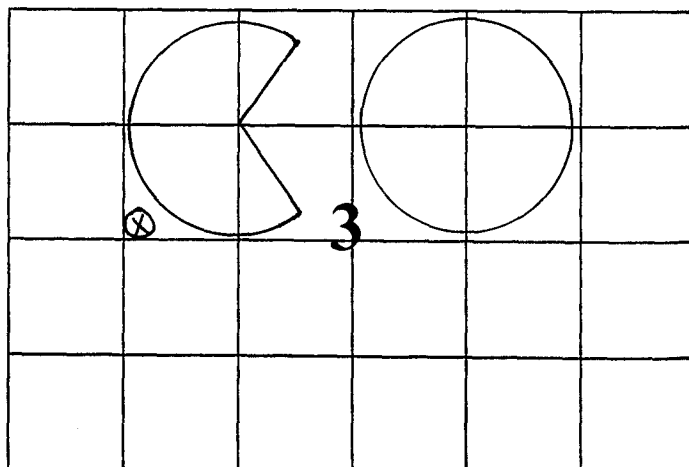
Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 3-T93N-R60W

Land to be Irrigated: N 1/2 Sec 3-T93N-R60W



Depth of Well: 264 feet deep

Well Driller: Heine Electric & Irrigation

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-18-12

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	No. <u>7469-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u> <u>605-369-2441</u>
	Newspaper <u>Springfield Times</u> P.O. Box 465 Springfield 57062
	<u>Press & Dakotan</u> 319 Walnut Yankton 57078 605-665-7811

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OCT 18 2012
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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 to Appear on Irrigation Permit William Chenoweth 30939 Niles School Rd Springfield

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

Jason Chenoweth, operator

(name and complete address if different than above name)

Mailing Address 44742 287 St

(Address)

Hurley

(City)

SD 57036

(State)

(Zip Code)

Home Phone 605-369-2650 Cell 605-351-5266

Email jason@engravearock.com

2. Amount of water claimed 3.11 *CFS or 1400 **GPM ***AF Total Acreage 217
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground

4. Location of point of diversion NW 1/4 Sect 3 T-93N R-60W (SW 1/4 NW 1/4)

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Bon Homme

5. County or counties where water will be used Bon Homme

6. Annual period during which water is to be used May 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
NW 1/4 of NW 1/4 Sect 3 T-93N R-60W	21.75	NW 1/4 of NE 1/4 Sect 3 T-93N R-60W	32.5
NE 1/4 of NW 1/4 Sect 3 T-93N R-60W	21.75	NE 1/4 of NE 1/4 Sect 3 T-93N R-60W	32.5
SE 1/4 of NW 1/4 Sect 3 T-93N R-60W	21.75	SW 1/4 of NE 1/4 Sect 3 T-93N R-60W	32.5
SW 1/4 of NW 1/4 Sect 3 T-93N R-60W	21.75	SE 1/4 of NE 1/4 Sect 3 T-93N R-60W	32.5

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

ERNIE R. BURES
Notary Public
SEAL
South Dakota

I, William Chenoweth Oct 16-2012, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

R B
10-16-2012

2012-09

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)

**SOUTH DAKOTA
WATER PERMIT NO. 7469-3**

Date of first receipt of application October 18, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7469-3 to William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 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. 7469-3 appropriates 3.11 cubic feet of water per second from one well to be completed into the Codell Aquifer (260 feet deep) located in SW 1/4 NW 1/4 Section 3 for irrigation of 217 acres located in the N 1/2 Section 3; all in T93N-R60W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is October 18, 2012.
4. The date of approval of Permit No. 7469-3 is January 14, 2013.
5. One-fifth of the construction is to be completed on or before July 14, 2015.
6. All construction is to be completed on or before January 14, 2018.
7. Water is to be put to beneficial use on or before January 14, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved 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 well authorized by Permit No. 7469-3 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

FEB 08 2013
date



Supplemental Information

(type or print)

1. Well Information

 (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Quality Well
(if yes, please provide copies of logs)

b) If existing wells, how many Provide copy of log(s), if available. Drilled by

c) Well Depth 264 Depth to Top of Water Bearing Material 62 Depth to Water from Surface 96

d) Distance to nearest existing domestic well:

On applicant's property 2000' On property owned by others

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field)

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

b) Depth to water (ground surface to water level)

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

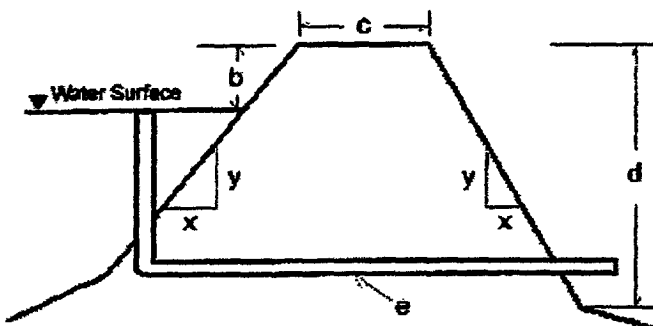
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





The Leader in Precision Irrigation

Pivot center at 42.904945, -97.916465

[N] Spray off at 340°, on at 20°.

[S] Spray off at 160°, on at 200°.

[E] Spray off at 70°, on at 110°.

[W] Spray off at 290°, on at 290°.

- 1 160 ft. Total: 160 ft.
Average: 1.84, Total: 1.84 acres.
 - 2 160 ft. Total: 320 ft.
Average: 5.34, Total: 7.39 acres.
 - 3 160 ft. Total: 480 ft.
Average: 9.24, Total: 16.64 acres.
 - 4 160 ft. Total: 640 ft.
Average: 12.94, Total: 29.58 acres.
 - 5 160 ft. Total: 800 ft.
Average: 16.64, Total: 46.22 acres.
 - 6 160 ft. Total: 960 ft.
Average: 20.33, Total: 66.56 acres.
 - 7 140 ft. Total: 1100 ft.
Average: 20.82, Total: 87.39 acres.
 - 8 140 ft. Total: 1240 ft.
Average: 23.66, Total: 111.05 acres.
- Overhang 36 ft. Total: 1276 ft.
Average: 6.34, Total: 117.59 acres.
Spray 120 ft. Total: 1396 ft.
Average: 12.81, Total: 130.41 acres.

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WATER RIGHTS
PHOCMAH

Prepared By:

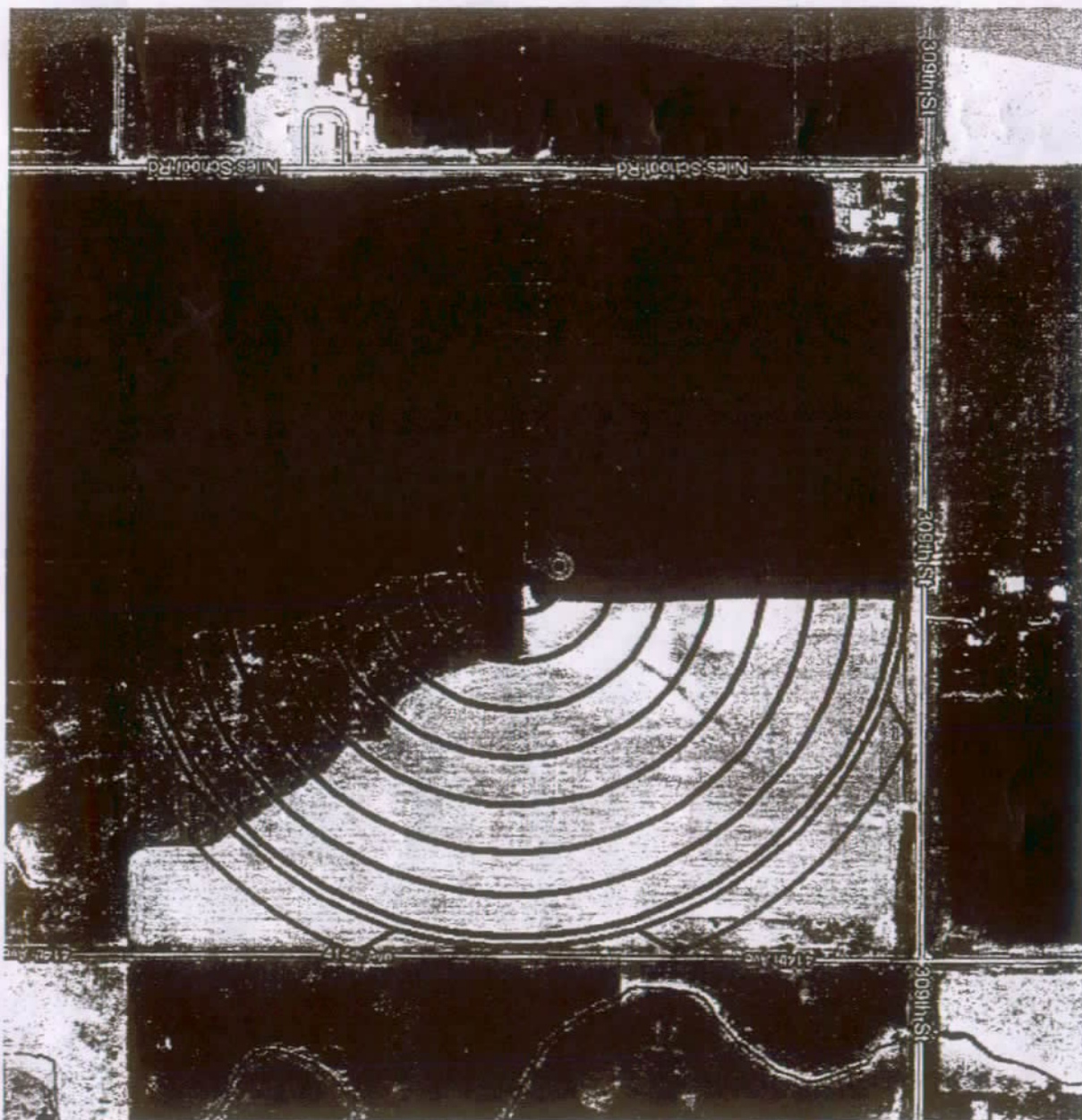
Heine Electric and Irrigation, Inc.

For:

Jason ~~Chen~~ Chenoweth

Questions or concerns? Please call us at 402-640-1999!

east machine





The Leader in Precision Irrigation

Prepared By: **Heine Electric and Irrigation, Inc.**
 For: **Jason Chesoweth west machine**
 Questions or concerns? Please call us at 402-640-1991

Pivot center at 42.904956, -97.926277
 Arc Start Bearing: 152.38
 Arc Stop Bearing: 28.47
 [N] Spray off at 340°, on at 20°.
 [S] Spray off at 160°, on at 200°.
 [E] Spray off at 70°, on at 110°.
 [W] Spray off at 250°, on at 290°.

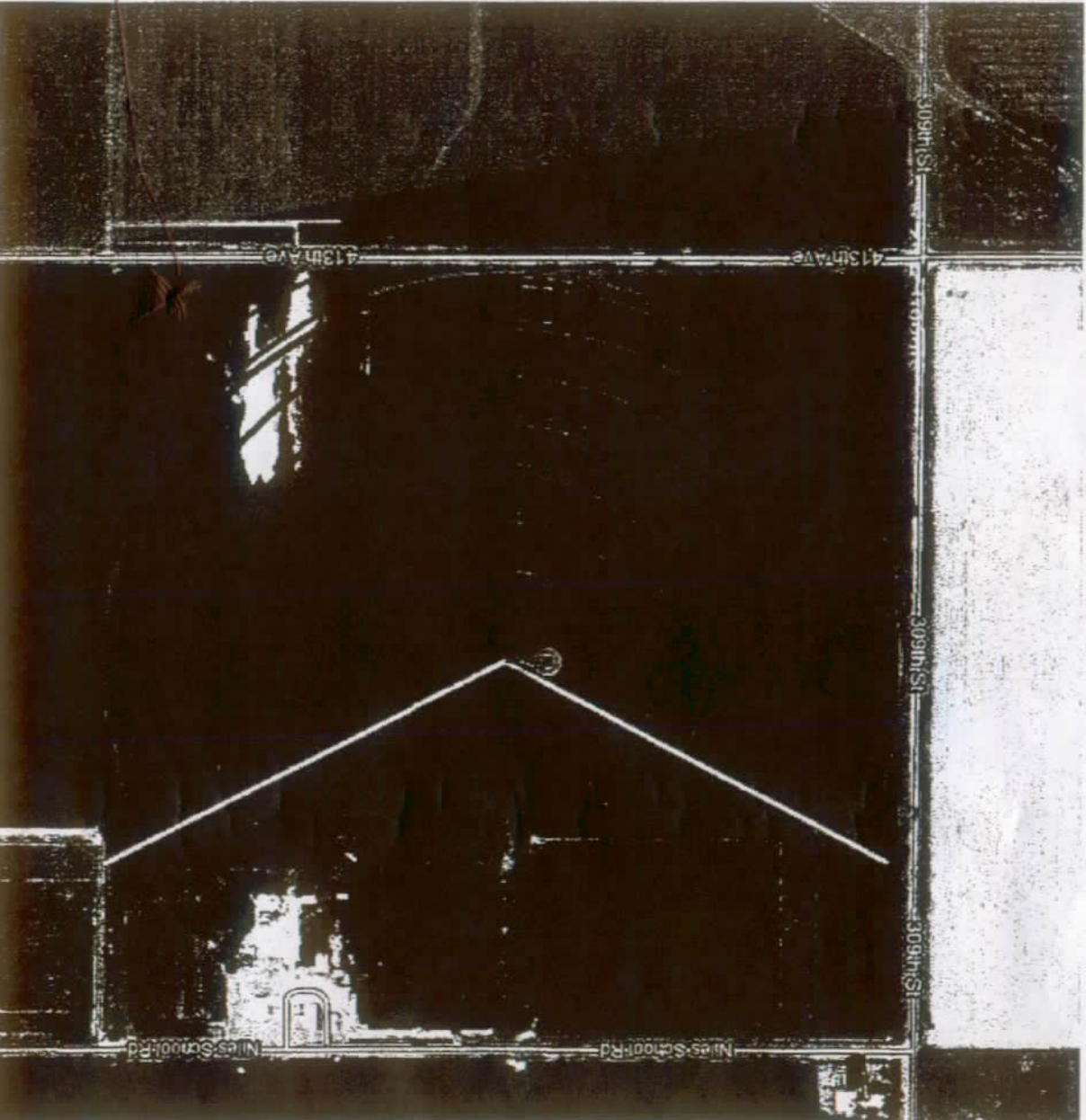
- 1 160 ft. Total: 160 ft.
Acreage: 1.21, Total: 1.21 acres.
- 2 160 ft. Total: 320 ft.
Acreage: 3.63, Total: 4.85 acres.
- 3 160 ft. Total: 480 ft.
Acreage: 6.06, Total: 10.91 acres.
- 4 160 ft. Total: 640 ft.
Acreage: 8.49, Total: 19.4 acres.
- 5 160 ft. Total: 800 ft.
Acreage: 10.91, Total: 30.32 acres.
- 6 160 ft. Total: 960 ft.
Acreage: 13.34, Total: 43.66 acres.
- 7 160 ft. Total: 1120 ft.
Acreage: 15.76, Total: 59.43 acres.
- 8 140 ft. Total: 1260 ft.
Acreage: 15.78, Total: 75.22 acres.
- Overhang 36 ft. Total: 1296 ft.
Acreage: 4.35, Total: 79.58 acres.
- Spray 120 ft. Total: 1416 ft.
Acreage: 7.57, Total: 87.15 acres.

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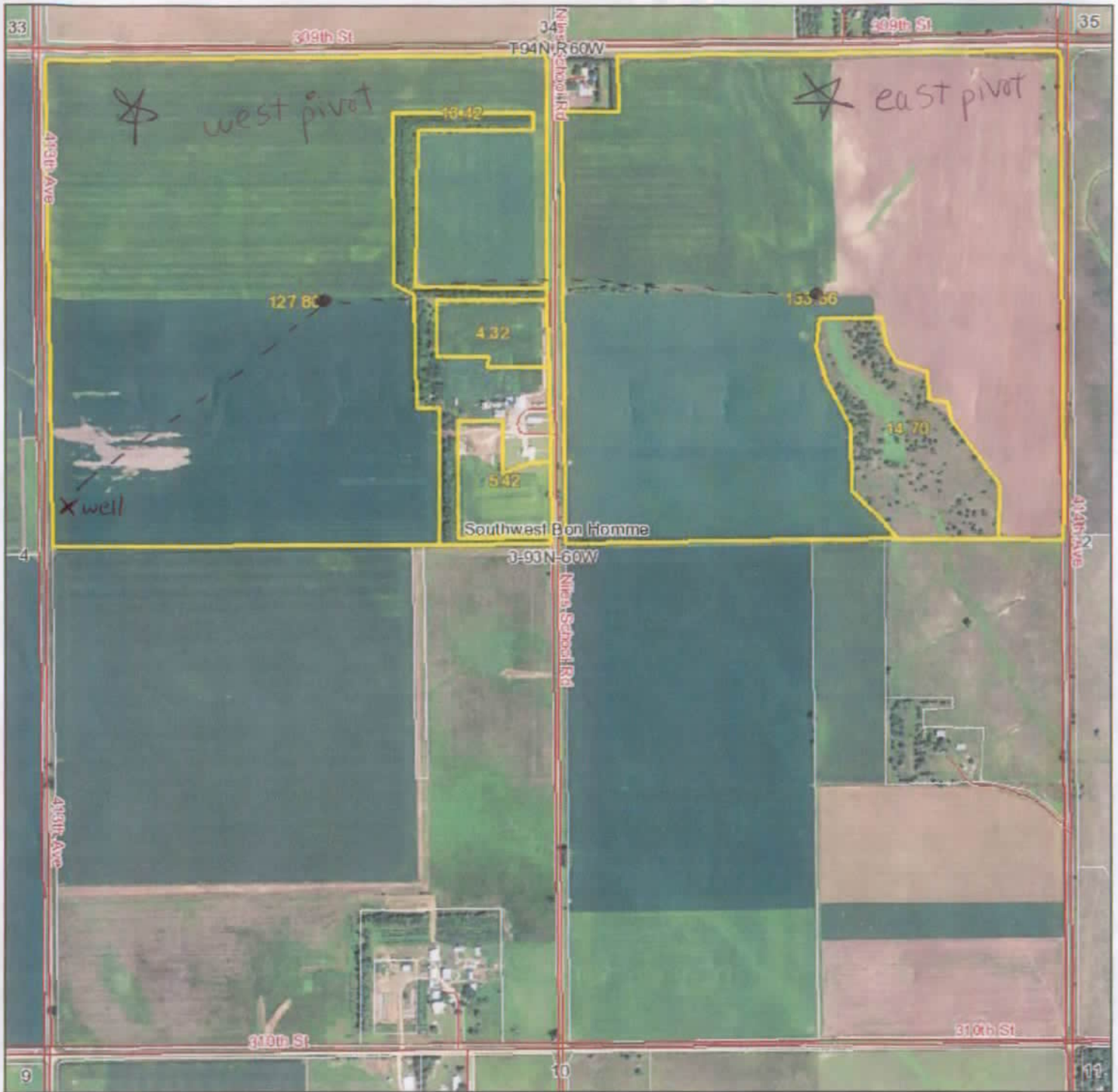
OCT 18 2012

WATER RIGHTS
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well location



Aerial Map



map center: 42° 54' 4.99, 97° 55' 17.19
scale: 9906

Maps provided by:



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3-93N-60W
Bon Homme County
South Dakota

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8/30/2011

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

WELL LOG SUPPLEMENT

42.90195

97. 93112

1359.76

N
W
E

WELL LOG SUPPLEMENT

307 S. Robinson Ave. Hartington, NE 68739

Phone: (402)254-2568 Fax: (402)-254-2597

Email: heineelectric@hartel.net



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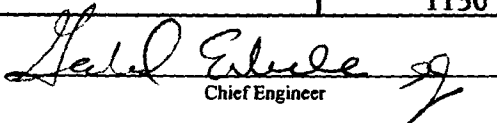
South Dakota Department of Environment and Natural Resources

RECEIVED OF William J Chenoweth Date 10/18, 2012
30939 Niles School Rd Springfield SD 57062

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

Fee for Application for Permit No. <u>7469-3</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>7469-3</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. 05628

By 
Chief Engineer

Water Rights Program - File Documentation

NAME: William Chenoweth

ADDRESS: 30939 Niles School Rd, Springfield SD

DATE: 10-18-12 **COUNTY:** BH **TELEPHONE:** 605 661-2950

RE: Pending application

COMMENTS:

Spoke with Bill Chenoweth regarding the two different addresses on his application. He stated he is the owner of the land at the address listed above and correspondence should be sent to him for the time being.

Jason Chenoweth is his son and his address is 44742 287 St, Hurley SD. He will evidentially be the operator of this project.



Karen Schlaak
Water Rights Program



**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. 7469-3, William Chenoweth**

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. 7469-3, William Chenoweth, 30939 Niles School Rd, Springfield SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 7469-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved 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 well authorized by Permit No. 7469-3 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
December 19, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7469-3
WILLIAM CHENOWETH
DECEMBER 17, 2012

Water Permit Application No. 7469-3 proposes to appropriate 434 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 3.11 cubic feet of water per second (cfs) from one well to be completed into the Codell aquifer. The well is expected to be 264 feet deep and is to be located in the SW¼ NW¼ of Section 3, T93N-R60W. This permit application proposes to irrigate 217 acres located in the N½ of Section 3, T93N-R60W in Bon Homme County.

AQUIFER: Codell (CDLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Codell Sandstone Member of the Carlile Shale consists of siltstone to fine-grained sandstone that yields soft water. The sandstone is saturated and the aquifer is under artesian conditions (Jorgensen, 1971). The Codell aquifer underlies a large portion of southeastern South Dakota, containing in total an estimated 9,895,700 acre feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The Codell aquifer underlies a large portion of Bon Homme County, containing an estimated 1,262,000 ac-ft of recoverable water in storage (Hedges and others, 1982).

The Codell Sandstone Member is overlain and underlain by nearly impermeable shale, and is commonly approximately 25 feet thick but can range from zero to 100 feet thick. In the area of the proposed well site, the top of aquifer is approximately 200 feet below ground surface and groundwater movement is south and toward the Missouri River. In this area, the Codell aquifer is overlain by the Niobrara aquifer, which is overlain by the Choteau: Tyndall aquifer. The Codell aquifer could be hydraulically connected to glacial outwash aquifers in Bon Homme County (Jorgensen, 1971).

The "well log supplement" submitted with this application documents layers of clay below the top soil to 62 feet below ground surface, sand and gravel from 62 to 133 feet below ground surface (Choteau: Tyndall aquifer materials), blue shale from 133 to 137 below ground surface, gray shale from 137 to 202 feet below ground surface (Niobrara Formation), layers of sandstone from 202 to 242 feet below ground surface (Codell Sandstone Member), and layers of shale again from 242 to 264 feet below ground surface. The static water level is 96 feet below ground surface at this location. Layers determined to be certain aquifer materials or formations are based on surrounding lithologic logs ("Lithologic Logs Database").

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

This application proposes to appropriate 434 ac-ft/yr from the Codell aquifer. If this application is approved, the actual water use will likely be less than the appropriation. 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 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."

HYDROLOGIC BUDGET:

Recharge to the Codell aquifer in Bon Homme County occurs due mainly to groundwater inflow from outside the county. Subsurface inflow could occur from hydraulically connected glacial outwash aquifers in the county. Discharge from the Codell aquifer occurs due mainly to well withdrawals and subsurface outflow to the Missouri River. Subsurface outflow could occur to the hydraulically connected glacial outwash aquifers (Jorgensen, 1971).

Currently there are 35 water rights/permits appropriating water from the Codell aquifer. Two of these are located in Bon Homme County. Only one water right/permit authorizes irrigation use (Water Rights, 2012b). The Codell aquifer has been used extensively for domestic wells. There are many completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Codell aquifer in this area (Water Rights, 2012c).

According to Hedges and others (1985):

"The Niobrara Formation, Codell Sandstone, Inyan Kara Group, and Madison Group have 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."

Therefore, there is a reasonable probability that unappropriated water is available from the Codell aquifer for the proposed appropriation of 434 ac-ft/yr.

OBSERVATION WELL DATA:

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 of the aquifer."

The DENR-Water Rights Program monitors 21 observation wells completed into the Codell aquifer (Water Rights, 2012a). The nearest observation well, HT-83E, is located approximately 19 miles north of the proposed well site. The hydrograph of this observation well is shown in Figure 1. Due to the distance, this observation well cannot indicate the local characteristics of the aquifer or possible effects of nearby pumping in the area of the proposed well site. However, this

observation well data can provide representative general characteristics of the Codell aquifer and the groundwater available.

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. Temporal well withdrawal near this well is masked by climatic conditions, indicating that recharge to and natural discharge from the Codell aquifer greatly exceeds well withdrawal. Therefore, this hydrograph indicates that in general unappropriated water is available from the Codell aquifer to support the proposed appropriation of 434 ac-ft/yr.

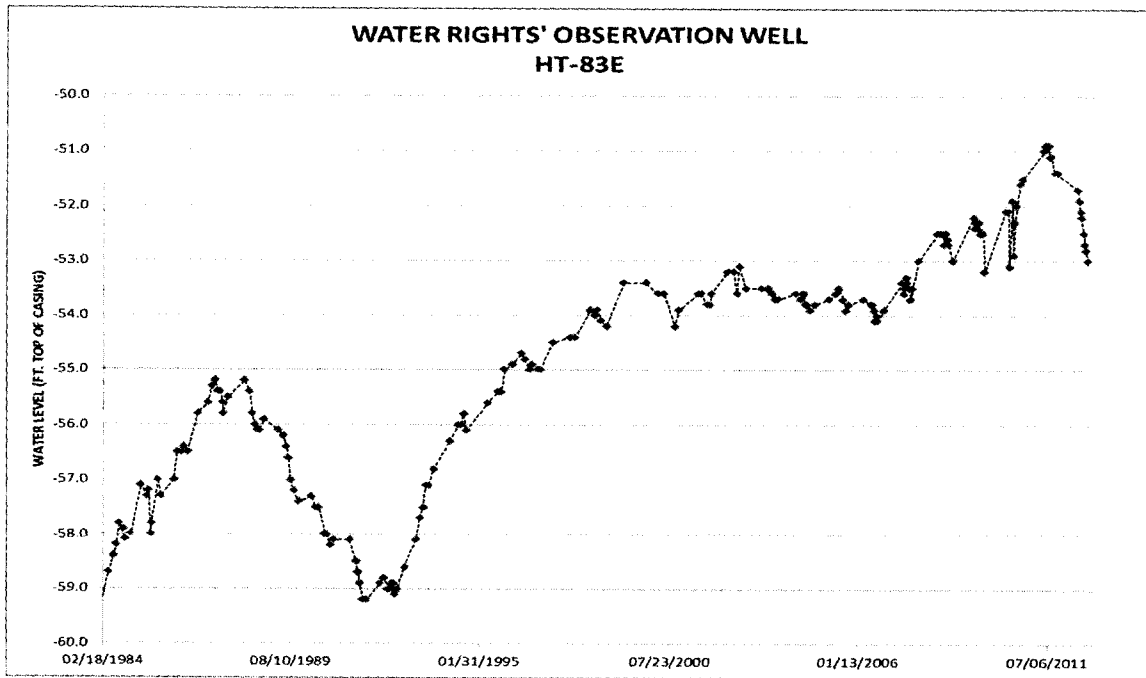


Figure 1: Hydrograph for DENR-Water Rights' observation well HT-83E (Water Rights, 2012a)

EXISTING WATER RIGHTS:

Water Right No. 5330-3 is located approximately nine and a half miles northwest of the proposed well site and Water Right No. 7359-3 is located approximately ten and a half miles northeast of the proposed well site (Water Rights, 2012b). There are many well completion reports on record with the SD DENR-Water Rights Program for nearby domestic wells that could be completed into the Codell aquifer (Water Rights, 2012c). Because the proposed well site is under artesian conditions, some drawdown due to pumping is likely.

According to the 'well log supplement' submitted, there is 100 feet of head pressure at this location. 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. Therefore, there is a reasonable probability that any well interference from the proposed appropriation will not adversely or unlawfully impair existing users.

There are no nearby observation wells that could document the effects of pumping on the aquifer in area of the proposed well site. However, as previously discussed, the hydrograph for observation well HT-83E indicates that the effects of pumping in that area of the Codell aquifer is masked by climatic conditions, and this characteristic could be true for the Codell aquifer in general. Therefore, there is a reasonable probability that well interference from the proposed appropriation will not cause a significant impact to nearby existing wells.

It should be noted that the application proposed a diversion rate of 3.11 cfs. Diversion rates for wells of water rights/permit appropriating water from the Codell aquifer range from 0.033 to 1.381 cfs (Water Rights, 2012b). Public supply wells have produced 80 to 100 gallons per minute (gpm) (0.18 to 0.22 cfs) from the Codell aquifer in this area (Jorgensen, 1971). Therefore, diverting at the proposed rate may not be possible from a single well. This appropriation, if approved, may require amending to allow for additional wells.

CONCLUSIONS:

1. The application proposes to appropriate 434 ac-ft/yr for irrigation; however, the actual water used will likely be much less.
2. There is a reasonable probability that unappropriated water is available from the Codell aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not cause interference in existing nearby wells.


Joseph R. Stonesifer
SD DENR-Water Rights Program

Approved by


Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

REFERENCES:

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and 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.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Jorgensen, D.G. 1971. Geology and Water Resources of Bon Homme County, South Dakota, Part II: Water Resources: S.D. Geological Survey Bulletin 21, 61 p.
- “Lithologic Logs Database.” South Dakota Department of Environment & Natural Resources Geological Survey. 17 December 2012
- 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. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Affidavit of Publication RECEIVED

State of South Dakota }
County of Bon Homme } SS

JAN - 4 2013

WATER RIGHTS
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Rebecca Tyck.....Being first duly sworn
says that the **Springfield Times** is a legal weekly news-
paper for publication of legal and other official notices as
required by Chapter 298 of the Session Laws of South
Dakota, 1939; that it has bona fide paid circulation of
more than two hundred copies weekly; that it is pub-
lished in English language in the City of Springfield, Bon
Homme County, South Dakota, and has been admitted
to the United States mail under second class mailing
privilege for more than one year prior to the first publi-
cation of the notice herein mentioned, and that it is
printed in an office maintained at the place of publica-
tion at Springfield, South Dakota, and that deponent is
the publisher in charge of the advertising department of
said newspaper; that the advertisement headed

No. 7469-3

8/23/12

a printed copy of which is hereto attached, was printed
and published in said newspaper for 23 successive
weeks, upon the following dates:

<u>Jan 2</u>20.13	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publica-
tion of said notice, \$30.13....., inures 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 has been agreed
to be paid to any person whomsoever.

Rebecca Tyck, publisher
Subscribed and sworn to before me this

Jan 2.....20.13.

Peggy Schelske
Notary Public South Dakota

My commission expires OCT 24, 2015

NOTICE OF APPLICATION
NO. 7469-3

to Appropriate Water

Notice is given that William Che-
noweth, 30939 Niles School Rd, Spring-
field SD 57062 has filed an application for
a water permit to appropriate 3.11 cubic
feet of water per second from one well to
be completed into the Codell Aquifer (260
feet deep) located in SW 1/4 NW 1/4 Sec-
tion 3 for irrigation of 217 acres located in
the N 1/2 Section 3; all in T93N-R60W.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 7469-3 because 1) unap-
propriated 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 recom-
mended, unless a petition is filed oppos-
ing the application or the applicant files
a petition contesting the Chief Engineer's
recommendation. If a petition opposing
the application or contesting the recom-
mendation is filed, then a hearing will be
scheduled and the Water Management
Board will consider this application. No-
tice of the hearing will be given to the ap-
plicant and any person filing a petition.

Any person interested in opposing or
supporting this application or recom-
mendation must file a written petition
with BOTH the applicant and Chief En-
gineer. The applicant must file a petition
if contesting the Chief Engineer's recom-
mendation. 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 ad-
dress is given above. A petition filed by
either an interested person or the appli-
cant must be filed by January 14, 2013.

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 sup-
porting the application, and the signature
and mailing address of the petitioner
or the petitioner's legal counsel, if legal
counsel is obtained. Contact Eric Gron-
lund 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 \$30.13.

(Jan. 2, 2013)

RECEIVED

JAN - 7 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

1+2

NOTICE OF APPLICATION
NO. 7469-3 to Appropriate Water

Notice is given that William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from one well to be completed into the Codell Aquifer (260 feet deep) located in SW 1/4 NW 1/4 Section 3 for irrigation of 217 acres located in the N 1/2 Section 3; all in T93N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7469-3 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 January 14, 2013.

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 \$25.16.

Department of Environment and Natural Resources
PMB 2020
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 **Application No. 7469-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 2nd DAY OF January 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$25.16 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: 1/2/2013

FILED ON: 1/2/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF January

2013

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 20, 2012

Springfield Times
PO Box 465
Springfield SD 57062

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7469-3 to Appropriate Water. Please publish the notice once on January 2, 2013. 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 William Chenowith, 30939 Niles School Rd., Springfield SD 57062 (Ph # 605-661-2950).

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,

A handwritten signature in black ink, appearing to read "Eric Gronlund".

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

December 20, 2012

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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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.

December 20, 2012

William Chenowith
30939 Niles School Rd
Springfield SD 57062

Dear Mr. Chenowith:

Water Permit Application No. 7469-3 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 Springfield Times printed at Springfield SD (Ph # 605-369-2441) and the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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
cc: Jason Chenowith, 44742 287th St., Hurley SD 57036
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 January 2, 2013. 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. 7469-3 to Appropriate Water

Notice is given that William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 has filed an application for a water permit to appropriate 3.11 cubic feet of water per second from one well to be completed into the Codell Aquifer (260 feet deep) located in SW 1/4 NW 1/4 Section 3 for irrigation of 217 acres located in the N 1/2 Section 3; all in T93N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7469-3 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. 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

FEB 08 2013

William Chenoweth
30939 Niles School Rd
Springfield SD 57062

Dear Mr. Chenoweth:

Enclosed is Water Permit No. 7469-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

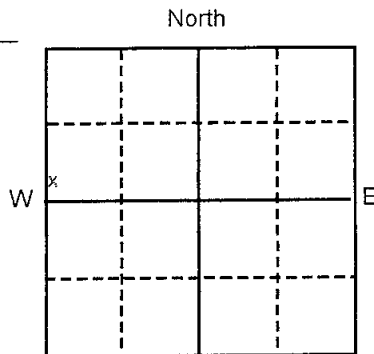
enclosures

7469-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ NW ¼ Sec 3 Twp 93N Rg 60WCounty Bon HommePlease mark well
location with an "X"

Well Completion Date

March 18, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,400.0 ft. from Septic Tank (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	16.00 IN	0.0 FT	180.0 FT	20.00 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	30	9.5 Lb/gal	0.0 Ft	170.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16.00 Inches Length 60.0 Feet
Material PVCSlot Size .050 Set From 180.0 Feet to 240.0 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
Well Owner: Jason Chenoweth

Business Name:

Address: 44742 287th St.City, State, Zip: Hurley SD 57036

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
Brown Silty Clay w/ Chalk	3	35
Brown & Blue Chalk	35	54
Soft Blue Clay	54	62
Sand & Gravel some Green	62	133
Blue Shale & Gray Shale	133	202
Green Sandstone	202	227
Cemented Sandstone	227	229
Sandstone	229	240

STATIC WATER LEVEL 78.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

226.0 Ft. After 5.0 Hrs. pumped 300.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

APR 22 2013

WATER RIGHTS
PROGRAMThis 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: 4/11/13



7469-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: WILLIAM CHENOWETH, 30939 NILES SCHOOL RD, SPRINGFIELD, SD 57062
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7469-3 & 7985-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 7469-3 & 7985-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 7469-3 & 7985-3 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 1, 2017** 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: <http://denr.sd.gov/iq.aspx>

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.



7469-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

7469-3
7985-3

Jason Chenoweth
44742 287th St
Hurley SD 57036

Dear Mr. Chenoweth:

I am writing to acknowledge receipt of the 2016 irrigation questionnaires for permits held by William Chenoweth. As requested, I will list you as the operator to enable the annual forms to go directly to you.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos 7469-3 and 7985-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7469-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 2019

7469-3
7985-3

Jason Chenoweth
PO Box 457
Yankton SD 57078-0457

Dear Mr. Chenoweth:

Enclosed is a "Notice" dated October 18, 2019 concerning the 2019 irrigation questionnaires for water permits listed in the name of William Chenoweth.

The notice was originally mailed to you at 44742 287th St, Hurley SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7469-3**

I have this day, November 21, 2019, made a thorough examination of the water use system constructed by William Chenoweth, 30939 Niles School Rd., Springfield, SD 57062, holder of Permit No. 7469-3, bearing the priority of October 18, 2012 authorizing the diversion of 3.11 cu. ft. per second of the waters of groundwater (Codell Aquifer) for irrigating 217 acres, in Bon Homme County.

Inspection contact: William Chenoweth and Jason Chenoweth

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 240 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 180 feet
- 3) Type PVC

Screen:

- 1) Diameter 16 inches
- 2) Length 60 feet
- 3) Type Perforated PVC
- 4) Static water level 78 feet

Pump:

- 1) Make Grundfos
- 2) Model 400-9
- 3) Capacity 275 GPM

Motor:

- 1) Make Franklin
- 2) Model No. NS6ET30
- 3) Horsepower rating 40 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 4,340 feet

C. Works used to apply water to beneficial use:

Center pivot:

West Pivot

- 1) Make Valley
- 2) Overall length 1,298 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

Chemigation Equipment: (none)

- 1) Make Valley
- 2) Overall length 1,280 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

Chemigation Equipment: (none)

- 1) Chemigation No

D. Compliance with Permit Requirements:

1. Permit qualifications being abided by Yes
2. Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:

The well is 40 feet east and 2,460 feet south of the northwest corner of Section 3-T93N-R60W (Latitude 42.901853, Longitude -97.931117 – SW1/4 of the NW1/4).

2. The works are capable of diverting and conveying to the place of use 0.61 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 3-T93N-R60W:

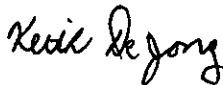
<u>NW1/4NW1/4</u>	<u>32 acres</u>
<u>NE1/4NW1/4</u>	<u>32 acres</u>
<u>SW1/4NW1/4</u>	<u>33 acres</u>
<u>SE1/4NW1/4</u>	<u>16 acres</u>

<u>NW1/4NE1/4</u>	<u>32 acres</u>
<u>NE1/4NE1/4</u>	<u>32 acres</u>
<u>SW1/4NE1/4</u>	<u>33 acres</u>
<u>SE1/4NE1/4</u>	<u>20 acres</u>

comprising a total of 230 acres of land and the license should be issued for 0.61 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: A second well authorized under Permit No. 7985-3 also supplies water to these two center pivots. The total acreage irrigated between the two pivots is the 230 acres noted at the above listed locations. The two permits need to be licensed separately since the wells are in two different aquifers.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 22, 2019

Schlaak, Karen

From: Duvall, Ron
Sent: Thursday, October 8, 2020 4:30 PM
To: Schlaak, Karen; McMath, Genny
Cc: Gronlund, Eric; DeJong, Keith
Subject: William Chenoweth - 7985-3 and 7469-3

Karen,

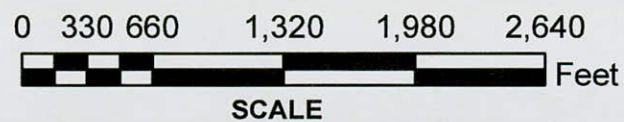
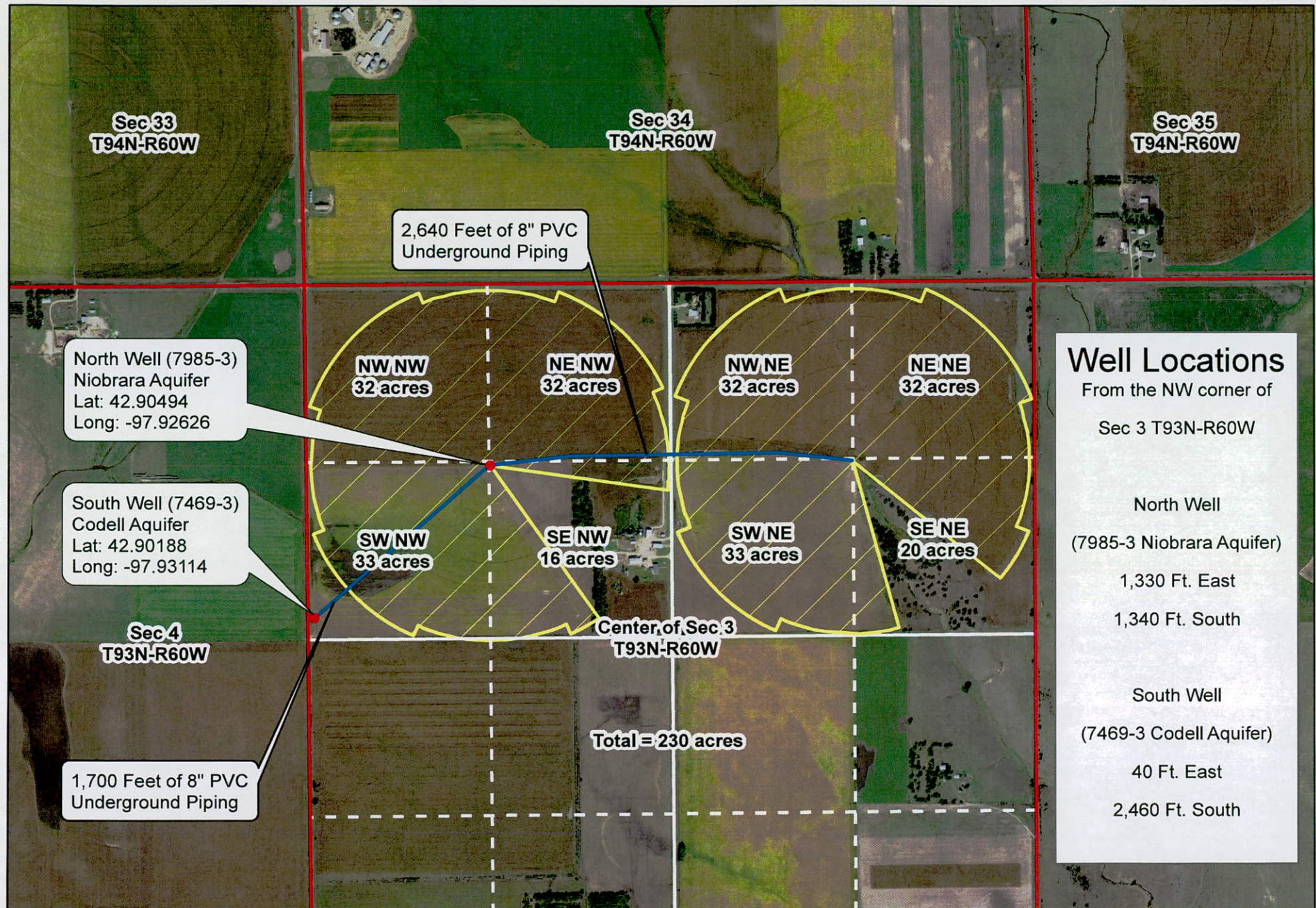
As requested, I reviewed this to see whether a new permit is needed to add acres to the Codell water source covered by No. 7469-3. The application for No. 7985-3 (Niobrara well) clearly indicates the same lands as 7469-3 were going to be irrigated plus an additional 16 acres. The permit issued for No. 7985-3 is worded poorly but, between the issued permit and description on the application, it is clear enough that the additional acres pertained to both water sources.

I called Jason Chenoweth (son) and told him that no additional permitting is needed (also ran that past Eric). I told him that each permit would be licensed separately and there would be no change in the assigned permit numbers (7985-3 and 7469-3). He likes the solution worked out with Genny that one-third of the reported use goes to the Codell permit and two-thirds to the Niobrara. Right now they are running one pivot at a time. Jason indicated they may want to drill another Niobrara well in the future to run both pivots at the same time. I told him that would take a new permit to do that.

I told him to disregard the correspondence sent indicating that another permit and application fee is needed. He was OK with that 😊

Ron
5670

Water Right Nos. 7469-3 and 7985-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
November 22, 2019

7469-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 20 2020

7985-3
7469-3

William Chenoweth
30939 Niles School Rd
Springfield SD 57062

Dear Mr. Chenoweth:

Enclosed are Water License Nos. 7469-3 and 7985-3. They are the final water right documents completing your process of obtaining Water Rights. A map prepared by the staff engineer who conducted the field investigation is also included.

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7469-3**

(1) William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 made Application No. 7469-3, October 18, 2012 for a water permit to divert 3.11 cubic feet of water per second from ground water, one well (Codell Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 7469-3, with a priority date of October 18, 2012 was approved January 14, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 14, 2018 and for the application to beneficial use of water on or before January 14, 2022.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.61 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 40'E and 2,460'S of the NW corner of Section 3, T93N, R60W (SW ¼ NW ¼)
Latitude 42.901853, Longitude -97.931117

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T93N, R60W Section 3	NW ¼ NW ¼	32 acres	NW ¼ NE ¼	32 acres
	NE ¼ NW ¼	32 acres	NE ¼ NE ¼	32 acres
	SW ¼ NW ¼	33 acres	SW ¼ NE ¼	33 acres
	SE ¼ NW ¼	16 acres	SE ¼ NE ¼	20 acres
	Total 230 acres*			

*The above acreage is also irrigated from a well authorized under Water Right No. 7985-3 drilled into the Niobrara Aquifer.

(4) Pursuant to South Dakota Water Law 46-5-30.1 William Chenoweth, 30939 Niles School Rd, Springfield SD 57062 the holder and/or owner of Water Right No. 7469-3 is issued a license to appropriate water, the right to use 0.61 cubic feet of water per second from ground water, one well (Codell Aquifer) with a priority date of October 18, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7469-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7469-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *The well was drilled in March, 2013 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 20 2020
date

