

WATER PERMIT NO. 7485-3

Name of Applicant: Jerome Poeschl

Address: 213 Katherine Way, Yankton SD 57078 Phone: 605 665-3882

Amount of Water Claimed: 1.33 cfs Total Acres: 97.2 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 12 miles northwest of Yankton

PRIORITY Date Received: 10-29-2012 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: June 1 – August 31

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 7-T95N-
R56W

Land to be Irrigated: E 1/2 NE 1/4, NW 1/4 NE 1/4
Sec 7-T95N-R56W

Depth of Well: 220 feet deep

Well Driller: Hammond Wetmore Drilling

Remarks:

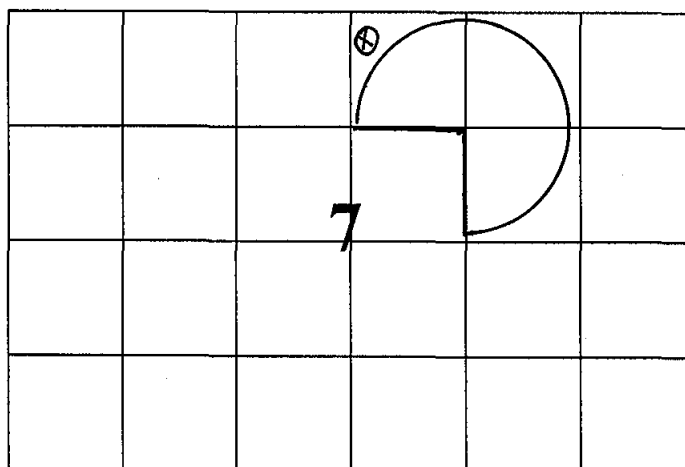
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-29-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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OCT 29 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7485-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Daily Press & Dakotan</u>	<u>605-665-781</u>
	<u>319 Walnut Yankton 57078</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Jerome Poeschl
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
Mailing Address 213 Katherine Way Yankton SD 57078
(Address) (City) (State) (Zip Code)
Home Phone 665-3882 Cell 660-0233 Email farms3117@yahoo.com
2. Amount of water claimed 1.33 *CFS or 600 **GPM ***AF Total Acreage 97.2
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion 1 well NW 1/4 NE 1/4 section 7 95-56
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used June 1 - July - August 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 NE 1/4 7-95-56	32.4		
NE 1/4 NE 1/4 7-95-56	32.4		
SE 1/4 NE 1/4 7-95-56	32.4		

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

Crop irrigation on above land.

I, Jerome Poeschl, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7485-3**

Date of first receipt of application October 29, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7485-3 to Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 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. 7485-3 appropriates 1.33 cubic feet of water per second from one well completed into the Lower James Missouri:Scotland Aquifer (220 feet deep) located in NW 1/4 NE 1/4 Section 7 for irrigation of 97.2 acres located in the E 1/2 NE 1/4, NW 1/4 NE 1/4 Section 7; all in T95N-R56W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – August 31.
3. The date from which applicant may claim right is October 29, 2012.
4. The date of approval of Permit No. 7485-3 is January 28, 2013.
5. One-fifth of the construction is to be completed on or before July 28, 2015.
6. All construction is to be completed on or before January 28, 2018.
7. Water is to be put to beneficial use on or before January 28, 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. 7485-3 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 Erbe

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

FEB 19 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 Hammond Drilling
(if yes, please provide copies of logs)

b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

c) Well Depth 220' Depth to Top of Water Bearing Material 145' Depth to Water from Surface 145'

d) Distance to nearest existing domestic well:

On applicant's property _____

On property owned by others Est. 2000'

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

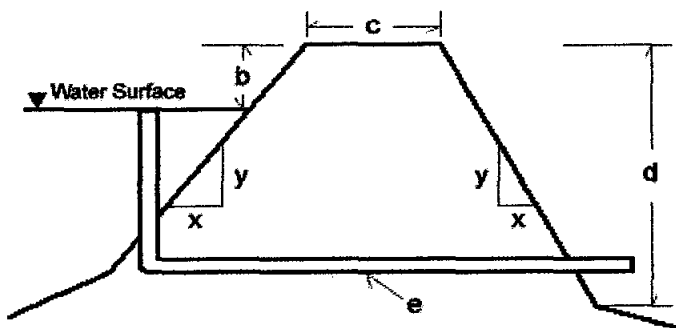
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



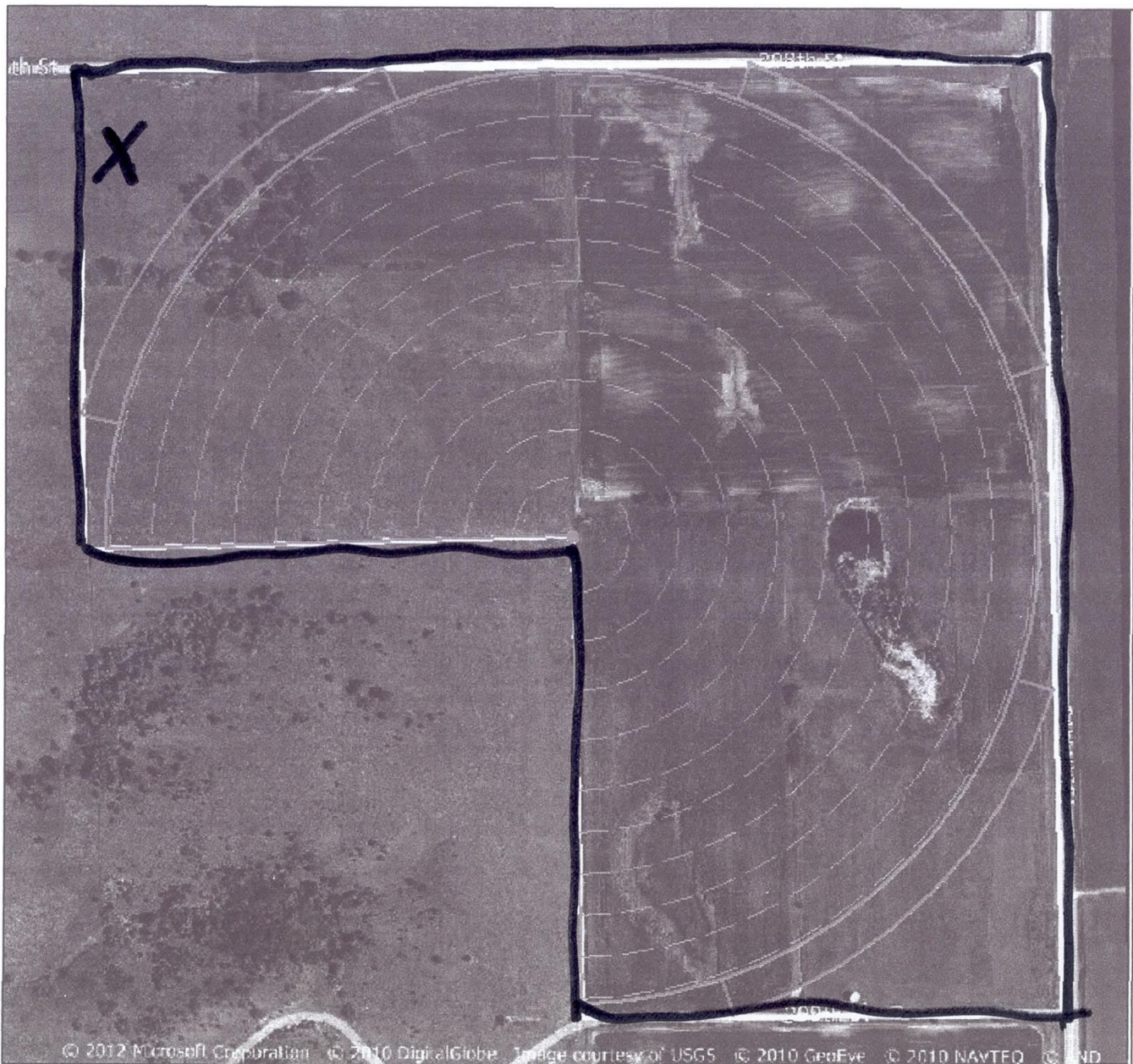
Enlarged area 7-95-56 Yankton Co.
Proposed pivot

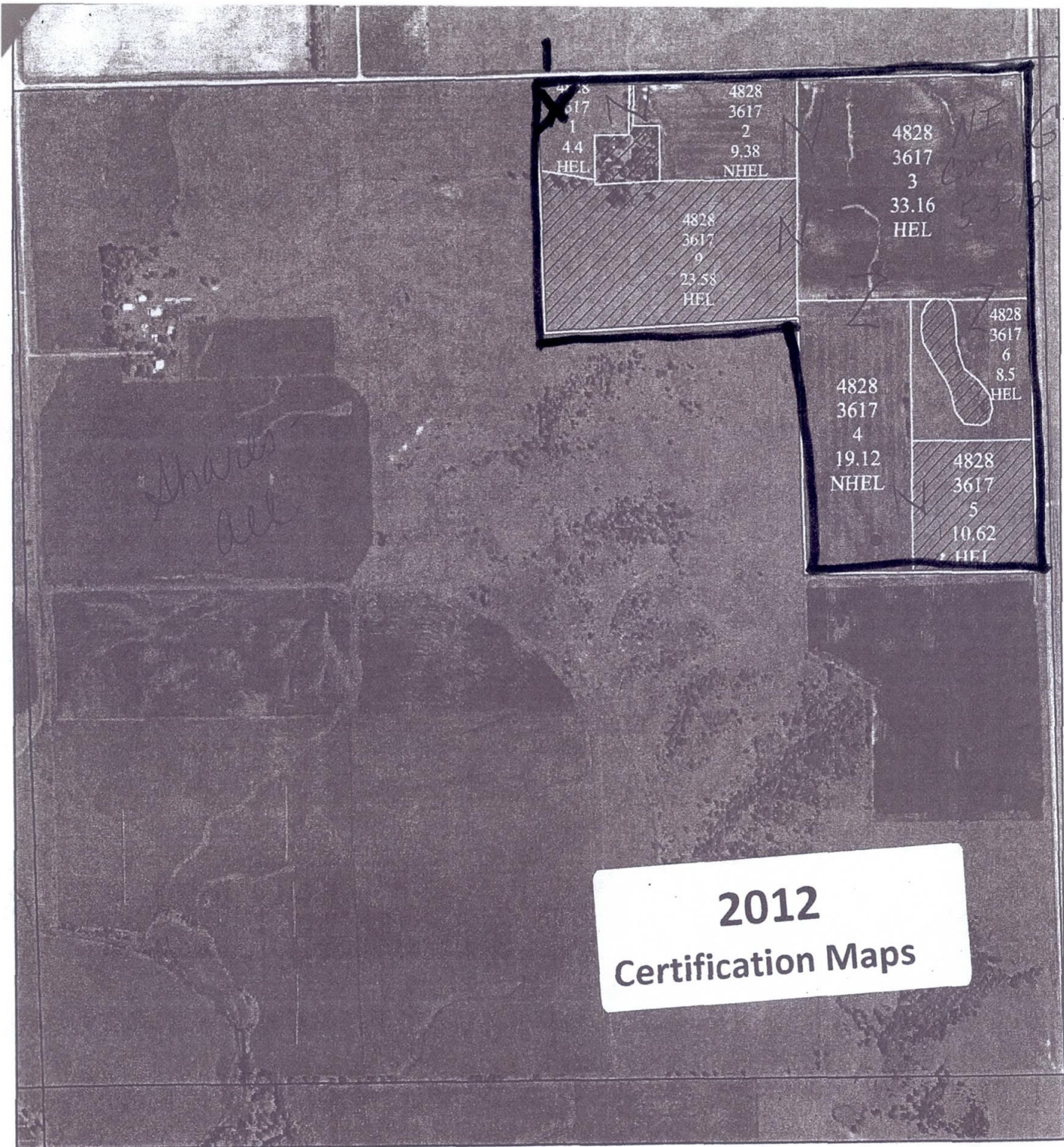
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Farm: Home Place			
Grower: Missouri River Farms / <i>Jerome Poeschl</i>		10/17/2012	
Systems:	Length	Spans	Total area including endgun
☒ Pivot 1	1280.08 ft	10 spans + 11 ft o.h.	97.15 acres





United States Department of Agriculture
Farm Service Agency

PLSS: 7_95_56
Farm: 4828

Clay County, SD

Yankton 1:8,561

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

March 24, 2011



Wetland Determination Identifiers

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

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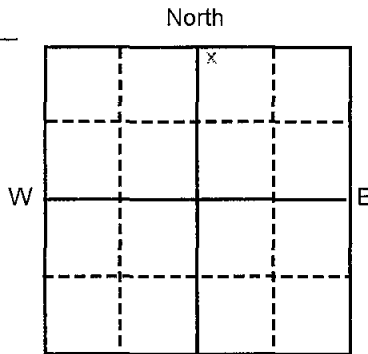
OCT 29 2012

WATER RIGHTS
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2008 Ortho-Photography - Not to Scale

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 ne 1/4 Sec 7 Twp 95n Rg 56wCounty YanktonPlease mark well
location with an "X"

Well Completion Date

October 24, 2012

1 Mile

 Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,100.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
If other describe SDR 21

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12.00</u> IN	<u>0.0</u> FT	<u>160.0</u> FT	<u>18.00</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>bent grout</u>	<u>20</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>150.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 60.0 FeetMaterial SDR 21 PVCSlot Size .060 Set From 160.0 Feet to 220.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets
☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Jerry Poeschel

Business Name:

Address: 213 Katherine WayCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, silty, pebbly(till)	0	31
sand, coarse gravelly	31	42
Clay, gray, silty, pebbly (till)	42	71
Sand, medium pebbly	71	100
gravel, medium to fine, sandy	100	220
sand, medium	220	235
gravel, medium, sandy	235	262

STATIC WATER LEVEL

145.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: air lift development
☒ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED**OCT 29 2012****WATER RIGHTS
PROGRAM**This well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/29, 20 12

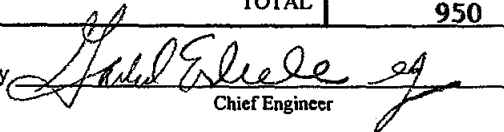
RECEIVED OF J & R Properties 213 Katherine Way Yankton SD 57078

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

Fee for Application for Permit No. <u>7485-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7485-3</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	950 00

No. **05655**

By


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. 7485-3, Jerome Poeschl**

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. 7485-3, Jerome Poeschl, 213 Katherine Way, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7485-3 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. 7485-3 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
January 4, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7485-3
JEROME POESCHL
DECEMBER 31, 2012

Water Permit Application No. 7485-3 proposes to appropriate up to 194.4 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 1.33 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri: Scotland aquifer. The well is expected to be 220 feet deep and is to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T95N-R56W. This permit application proposes to irrigate 97.2 acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T95N-R56W in Yankton County.

AQUIFER: Scotland management unit of the Lower James Missouri aquifer (LJM: S)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Scotland management unit of the Lower James Missouri aquifer was included in the assessment of the Lower James Missouri aquifer in Yankton County completed by Bugliosi (1986). Jorgenson (1971) previously combined the Scotland management unit of the Lower James Missouri aquifer with the Tyndall management unit of the Choteau aquifer to produce the Tyndall-Scotland aquifer in Bon Homme County. The Lower James Missouri: Scotland is a buried outwash consisting of sand and gravel that can be under water table or artesian conditions depending on location (Bugliosi, 1986). The Lower James Missouri: Scotland aquifer lies in northwestern Yankton County and extends into northeast and central Bon Homme County and only slightly into south central Hutchinson County. The Lower James Missouri: Scotland aquifer blends into the Lower James Missouri aquifer in northeast Yankton County. In total, the Lower James Missouri: Scotland aquifer is estimated to underlie 72,800 acres and contain 1,110,650 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). Groundwater movement is from west to east, toward the James River (Bugliosi, 1986).

In Yankton County, the Lower James Missouri: Scotland aquifer has an average thickness of 150 feet, but can range from 60 to 410 feet thick (Bugliosi, 1986). In the area of the proposed well site, aquifer materials generally first occur within 50 feet below ground surface (McCormick, 2003). The test hole log submitted with this application, dated October 24, 2012, documents till from ground surface to 31 feet below ground surface, gravelly sand from 31 to 42 feet below ground surface, till again from 42 to 71 feet below ground surface, then layers of sand and gravel from 71 to 262 feet below ground surface, and a static water level of 145 feet below ground surface.

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 and existing rights from the aquifer and pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 194.4 ac-ft/yr from the Lower James Missouri: Scotland 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:

Recharge to the Lower James Missouri: Scotland aquifer occurs due to infiltration of precipitation, seepage from streams, and inflow from the aquifer in surrounding counties (Bugliosi, 1986). Hedges and others (1985) estimated the recharge rate, based on a regional flow-net analysis, of the aquifer to be 1.5 inches per year. Using this recharge rate and the area of the aquifer, recharge for the Lower James Missouri: Scotland aquifer is estimated to be 9,100 ac-ft/yr.

Discharge:

Discharge from the Lower James Missouri: Scotland aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface and well withdrawals. Currently there are 11 water rights/permits appropriating water from the Lower James Missouri: Scotland aquifer, plus one permit pending authorization. These are shown in Table 1. One water right/permit is authorized for domestic/livestock confinement operation use and the remainder is authorized for irrigation use (Water Rights, 2012b).

Table 1: Water rights/permits appropriating from the Lower James Missouri: Scotland aquifer (Water Rights, 2012b)

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
3514-3	Larry Rupiper	LC	IRR	1.39	97
4179-3	Larry Rupiper	LC	IRR	0.91	64
4968-3	Donald J Kulish	LC	IRR	1.16	81
5715-3	Don Kulish	LC	IRR	1.15	81
6389-3	Robert L DeJong	LC	IRR	2.56	199
7072-3	Fred Kubal	LC	DOM/LCO	0.11	
6758-3	Maxwell Colony	PE	IRR	4.89	980
6982-3	James Barger	PE	IRR	1.78	136
6983-3	James Barger	PE	IRR	1.78	130
7015-3	Robert Walloch	PE	IRR	1.59	111
7220-3	Larry Rupiper	PE	IRR	0.22	44
7436-3	Larry Skorepa	PE*	IRR	2.00	185
LC = Water Right, PE = Water Permit PE* = Water Permit pending authorization IRR = Irrigation, DOM = Domestic, LCO = Livestock Confinement Operation					

From the Lower James Missouri: Scotland aquifer, the maximum diversion rate for non-irrigation use equals 0.11 cfs. The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum

permitted diversion rate at 60 percent of the time. Therefore, the total annual withdrawal from the aquifer by non-irrigation use is expected to total less than 48 ac-ft/yr (Water Rights, 2012b).

Figure 1 shows the Lower James Missouri: Scotland aquifer's historic irrigation data. The development of this aquifer has notably increased in the last five years. The annual withdrawal due to irrigation use fluctuates greatly, which is probably due mostly to yearly growing season climatic conditions. The average pumpage reported equals 252 ac-ft/yr. The maximum pumpage reported was in 2006 for 530 ac-ft/yr (Water Rights, 1979-2012).

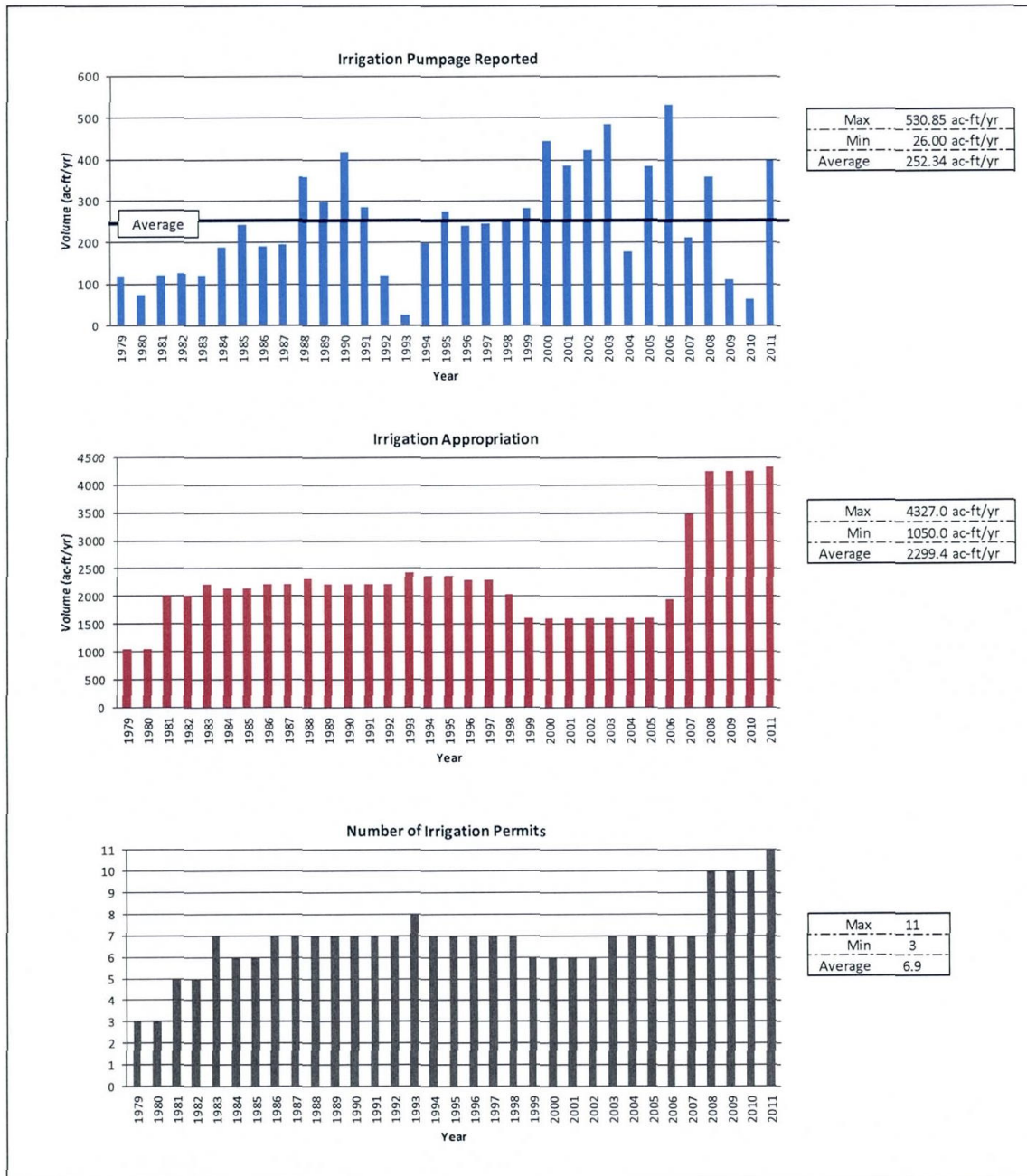


Figure 1: Historic irrigation water use from the Lower James Missouri: Scotland aquifer (Water Rights, 1979-2012)

There are several well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Lower James Missouri: Scotland aquifer (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer. Consider also that many of these domestic wells are no longer in use due to users connecting to rural water systems.

Hydrologic Budget:

Assuming the non-irrigation water right diverts at the maximum expected rate and irrigation water rights/permits withdraw the maximum pumpage reported, the annual withdrawal from the aquifer would still be much less than the estimated annual recharge. Therefore, there is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer for the proposed appropriation of 194.4 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 17 observation wells completed into the Lower James Missouri: Scotland aquifer (Water Rights, 2012a). The nearest of these wells, YA-80A and YA-80V, are located approximately 0.7 miles northwest and 1.1 miles southeast of the proposed well site, respectively. Hydrographs of these observation wells are shown in Figures 2 and 3.

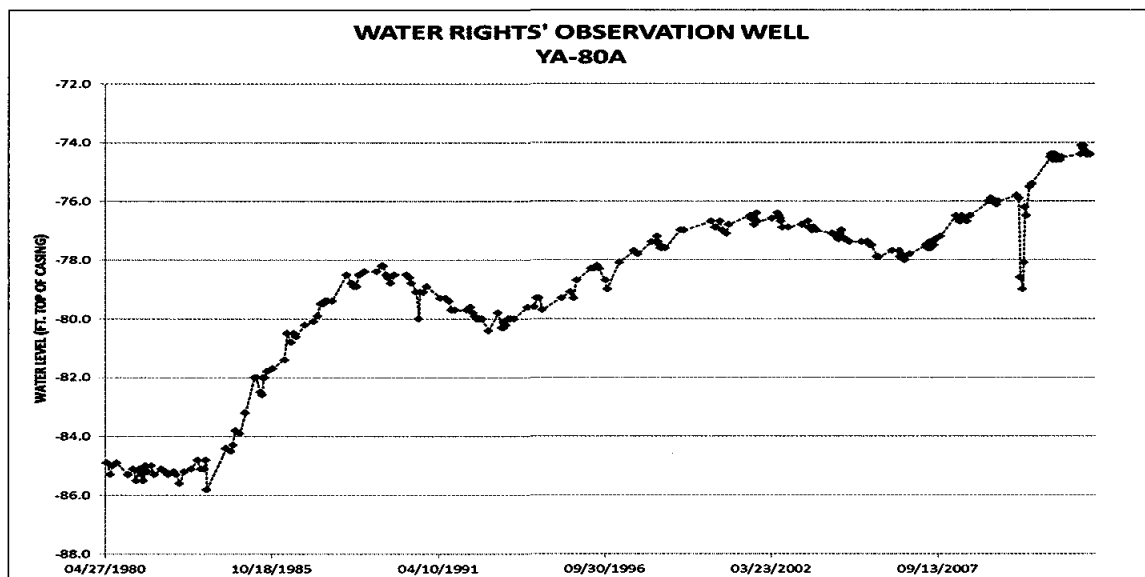


Figure 2: Hydrograph for DENR-Water Rights' observation well YA-80A (Water Rights, 2012a)

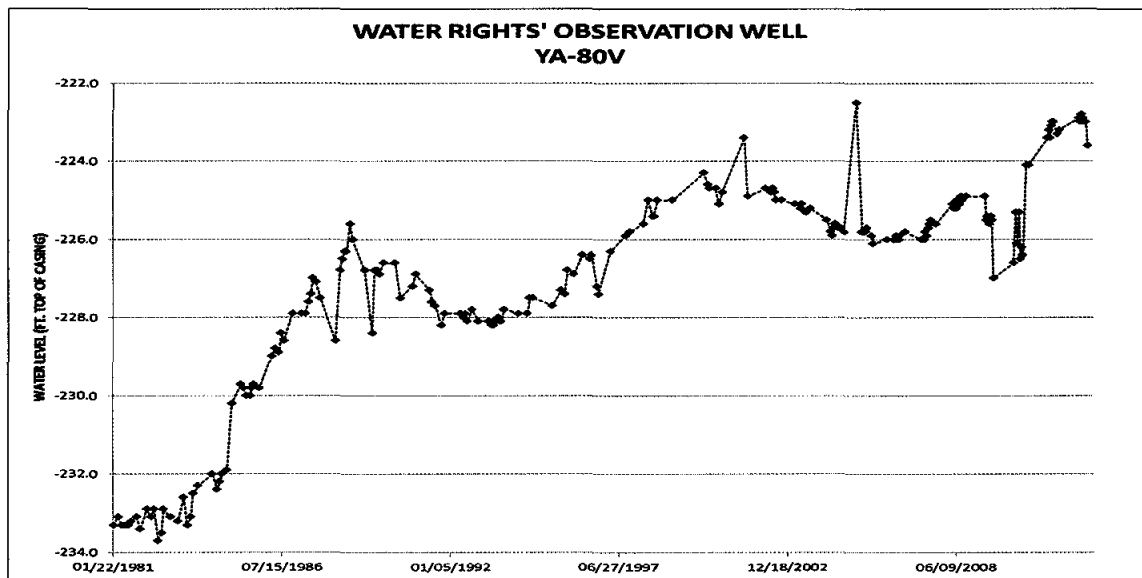


Figure 3: Hydrograph for DENR-Water Rights' observation well YA-80V (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, these hydrographs indicate that unappropriated water is available from the Lower James Missouri: Scotland aquifer to support the proposed appropriation of 194.4 ac-ft/yr at the proposed well site.

EXISTING WATER RIGHTS:

Water Rights Nos. 4968-3 and 5715-3 are both located approximately a half mile southwest of the proposed well site. Pending Water Permit 7436-3 proposed a well located approximately one mile southeast of the proposed well site of this application. The next nearest water rights/permits are located further than three miles from the proposed well site (Water Rights, 2012b). Only one domestic well is located within two miles, but further than one mile, of the proposed well site; none are located within one mile (Water Rights, 2012c).

While the Lower James Missouri: Scotland aquifer appears to be under water table conditions at the proposed well site, the aquifer is likely under artesian conditions a short distance away. Therefore, some drawdown due to pumping is likely. First recognize that from the test hole log submitted with this application there is approximately 117 feet of saturated aquifer materials at this location.

As previously discussed, the hydrographs for observation wells completed into the aquifer document the effects of pumping, however, these are minimal relative to climatic conditions. Over the period of record, water levels in the two nearest observation wells fluctuated at maximum 12 feet (Water Rights, 2012a). This amount of fluctuation is probably the worst case scenario for the aquifer in this area.

A well test was not submitted with this application. From the well test completed for the test hole log submitted with the application for Water Right 4968-3, the specific capacity of this well was approximately 139 gallons per minute per foot. Assuming a storativity of 0.001, the transmissivity of the aquifer in this area, if under artesian conditions, equals approximately 277,800 gallons per day per foot ("Transmissivity from Specific Capacity"). Assuming the proposed well diverts water at the proposed rate of 1.78 cfs for 185 days, the estimated drawdown equals approximately two feet at a distance of a half mile from the proposed well site ("Theis Equation Calculator"). This estimate of distance-drawdown is based on the maximum pumpage proposed on the application, creating the most conservative estimate. Actual diversion rate and pumpage will likely be less than that proposed, and therefore, drawdown will likely be less.

Considering that 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, a nearby adequate well defined by ARSD 74:02:20(7), which states that the pump intake must be set 20 feet below the top of the aquifer or, if the aquifer is less than 20 feet thick, as near to the bottom of the aquifer as is practical, is not expected to be adversely or unlawfully impaired. Therefore, there is a reasonable probability that any well interference from the proposed appropriation will not cause a significant impact and will also not adversely or unlawfully impair existing users.

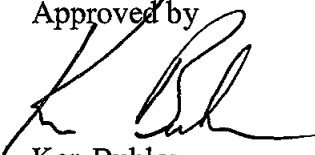
CONCLUSIONS:

1. The application proposes to appropriate 194.4 ac-ft/yr for irrigation; however, the actual water used will likely be much less.
2. From observation well data and the estimated hydrologic budget, there is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not adversely or unlawfully impair existing users.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

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JAN 22 2013

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AFFIDAVIT OF PUBLICATION

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1+16

NOTICE OF APPLICATION
NO. 7485-3 to Appropriate Water

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

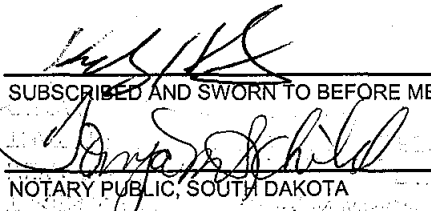
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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
Notice of Application No. 7485-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 16th DAY OF January 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$23.50** 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: 1/16/2013

FILED ON: 1/16/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF January

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

2013

Notice is given that Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well completed into the Lower James Missouri:Scotland Aquifer (220 feet deep) located in NW 1/4 NE 1/4 Section 7 for irrigation of 97.2 acres located in the E 1/2 NE 1/4, NW 1/4 NE 1/4 Section 7; all in T95N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7485-3 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 28, 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 \$23.50.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 7, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7485-3 to Appropriate Water. Please publish the notice once on January 16, 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 Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 (Ph # 605-665-3882).

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.

January 7, 2013

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Water Permit Application No. 7485-3 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 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

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 16, 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. 7485-3 to Appropriate Water

Notice is given that Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well completed into the Lower James Missouri:Scotland Aquifer (220 feet deep) located in NW 1/4 NE 1/4 Section 7 for irrigation of 97.2 acres located in the E 1/2 NE 1/4, NW 1/4 NE 1/4 Section 7; all in T95N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7485-3 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 19 2013

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed is Water Permit No. 7485-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

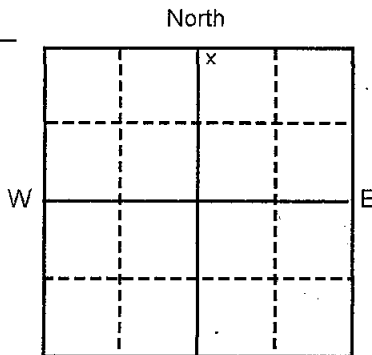
Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 ne 1/4 Sec 7 Twp 95n Rg 56wCounty yanktonPlease mark well
location with an "X"

Well Completion Date

11/29/12

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	160.0 FT	17.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	32	9.5 Lb/gal	0.0 Ft	150.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 60.0 FeetMaterial pvcSlot Size .060 Set From 160.0 Feet to 220.0 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?
Lab to which water
quality sample sent for analysisWell Owner: Jerry Poeschel

Business Name:

Address: 213 Katherine WayCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, brown, silty, pebbly, till	0	35
Clay, gray, silty, pebbly, till	35	145
Silt, gray, Lake silts?	145	158
Gravel, fine, and coarse sand	158	232

STATIC WATER LEVEL 136.0 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: 3 hours of airlift development
☐ Bailed

☒ Other

Pumping Level Below Land Surface

151.0 Ft. After 2.0 Hrs. pumped 650.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 650 GPM

REMARKS

FEB - 1 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-12-12

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7485-3

I have this day, November 5, 2016, made a thorough examination of the water use system constructed by Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 of Permit No. 7485-3, bearing the priority of October 29, 2012 authorizing the diversion of 1.33 cu. ft. per second of the waters of Lower James Missouri:Scotland Aquifer for irrigation purposes, of 97.2 acres, in Yankton County.

Inspection contact & relationship **Jerome Poeschl, permit holder**
to permit holder, if applicable:

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) 220 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 160 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 60 feet
- 3) Static water level 136 feet

Pump:

- 1) Make Grundfos Submersible
- 2) Model 625s750-4a
- 3) Capacity 600 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. Submersible
- 3) Horsepower rating 75 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 1730 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lindsay
2) Overall length 1233 feet
3) Number of towers 10
4) End gun Yes
5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate 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, began irrigating in 2013.
3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: West 2610', South 160' from NE Corner of Sec 7-T95N-R56W; Lat 43.06737/Long -97.50747; NW ¼ NE ¼ Sec 7-T95N-R56W.
2. The works are capable of diverting and conveying to the place of use 1.33 cfs or 600 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- All land is located in Sec 7-T95N-R56W.
- | | |
|--------------------------|--------------------------|
| <u>NW ¼ NE ¼ - 31 ac</u> | <u>NE ¼ NE ¼ - 32 ac</u> |
| | <u>SE ¼ NE ¼ - 30 ac</u> |

comprising a total of 93 acres of land and the license should be issued for 1.33 cfs or 600 gpm.

3. All structures, wells and lands on map Yes

Harold Holoch

Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: December 22, 2017

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

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

Date 11-5-16

FROM: Jerome Besch
(name)
213 Katherine Way
(address)
Yankton SD 57078 605-665-3882
(city) (state) (zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7485-3 states that the water use system is to be constructed by
January 28, 2018, and water is to be put to beneficial use by January 28, 2022
(date) (date)

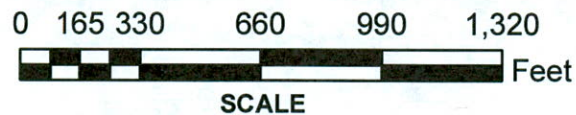
The water use system was completed on April 2013
(date)

Applying the water to beneficial use was completed on July 2013
(date)

You may schedule an investigation so that the water license may be issued.



7485-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
August 18, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 29 2018

7485-3

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed is Water License No. 7485-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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 License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7485-3**

(1) Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 made Application No. 7485-3, October 29, 2012 for a water permit to divert 1.33 cubic feet of water per second from ground water, one well (Lower James Missouri Scotland Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7485-3, with a priority date of October 29, 2012 was approved January 28, 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 28, 2018 and for the application to beneficial use of water on or before January 28, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" stating the water use system was completed in April, 2013 and the water placed to beneficial use in July, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,610'W & 160'S of the NE corner of Section 7, T95N, R56W (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Latitude 43.06737, Longitude -97.50747

(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:

T95N, R56W Section 7	NW $\frac{1}{4}$ NE $\frac{1}{4}$	31 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres
	Total	93 acres

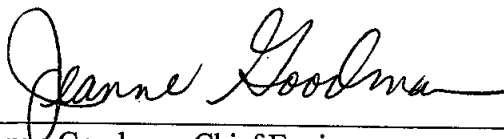
(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 the holder and/or owner of Water Right No. 7485-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from ground water, one well (Lower James Missouri Scotland Aquifer) with a priority date of October 29, 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. 7485-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7485-3 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 November, 2012. A copy of the well completion report is on file with the Water Rights Program.***

continued

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 29 2018

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 28, 2024

7485-3
8416-3

Jerome Poeschl
1306 Green St
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed are "Notices" dated October 23, 2024, concerning the 2024 Irrigation Questionnaire.

The notices were originally mailed to 213 Katherine Way, Yankton SD 57078. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password *TBUKLLK*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

RETURN TO SENDER
POESCHL
1306 GREEN ST
YANKTON SD 57078-2740

RETURN TO SENDER

