

WATER PERMIT NO. 7785-3

Name of Applicant: Jerome Poeschl

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

Amount of Water Claimed: 1.78 cfs Total Acres: 35

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 8 miles northwest of Yankton

PRIORITY Date Received: 3-8-13 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: May 1 – Aug 31

Remarks: Utilizing well authorized by Water Right No. 6954-3

Diversion Point: SE 1/4 NW 1/4 Sec 8-T93N-
R52W

Land to be Irrigated: E 1/2 SW 14/, SW 1/4 SW
1/4 Sec 8-T93N-R52W

Depth of Well: 80 feet deep

Well Driller:

Remarks:

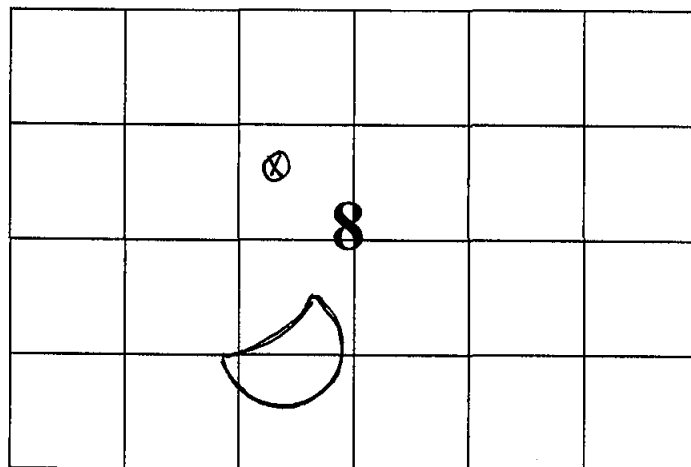
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-11-13

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>7785-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	<u>605-624-2695</u>
	Newspaper <u>Plain Talk 201 W Cherry St. Vermillion 57069</u>	<u>605-665-7811</u>
	<u>Press & Dakotan 319 Walnut Yankton 57078</u>	

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MAR - 8 2013

WATER RIGHTS
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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6954-3
(Use predates Mar 2, 1955)

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

On original permit # 3508-3 wish to irrigate
additional 35 AC

1. Name to Appear on Irrigation Permit Jerome Poeschl
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

Mailing Address 213 Katherine Way Yankton SD 57078
(Address) (City) (State) (Zip Code)

Home Phone 665-3882 Cell 660-0233 Email _____

2. Amount of water claimed 0.92 *CFS or 414 **GPM ***AF Total Acreage 35
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri Elk Point Aquifer

4. Location of point of diversion Well #2 in SE 1/4 NW 1/4 8-93N-52W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 thru September 30

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
<u>NE 1/4 SW 1/4 Section 8</u>	<u>16</u>		
<u>SE 1/4 SW 1/4 " 8</u>	<u>15</u>		
<u>SW 1/4 SW 1/4 " 8</u>	<u>4</u>		
<u>All in T93N-R52W</u>	<u>35 Total Acres</u>		

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

From Well #2 will bury approx 2000' of
PVC 10" Pipe to Pivot

I, 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. 7785-3**

Date of first receipt of application March 8, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7785-3 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. 7785-3 appropriates 0.92 cubic feet of water per second (cfs) and irrigate 35 new acres to what is currently authorized by Water Right No. 6954-3. Water Right No. 6954-3 appropriates 3.98 cfs from two wells to irrigate 304 acres located in the SW 1/4 SW 1/4 Section 5, SE 1/4 SE 1/4 Section 6, E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7 and the NW 1/4, N 1/2 SW 1/4 and SW 1/4 SW 1/4 Section 8; all in T93N-R52W. This permit authorizes an additional 0.92 cfs from the existing authorized well completed into the Missouri:Elk Point Aquifer (80 feet deep) located in the SE 1/4 NW 1/4 Section 8 for irrigation of 35 additional acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 8; all in T93N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is March 8, 2013.
4. The date of approval of Permit No. 7785-3 is May 28, 2013.
5. One-fifth of the construction is to be completed on or before November 28, 2015.
6. All construction is to be completed on or before May 28, 2018.
7. Water is to be put to beneficial use on or before May 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7785-3 authorizes a maximum diversion rate of 0.92 cfs for the irrigation of 35 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 20 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 ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by ____

c) Well Depth 80 Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well: Attached Permit # 6169-3 & 3508-3

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

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

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

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

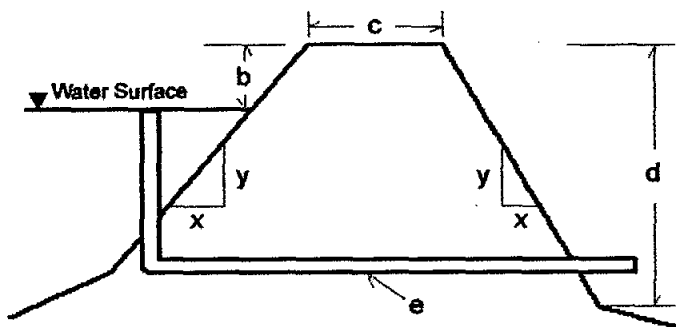
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





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**524 River Ave. North
Belmond, IA 50421
800-685-7432**

SPIRIT MOUND PLAT

(Landowners)

PLEASANT VALLEY TWP.

R-52-W



312th St 312th St

NORWAY TWP.

VERMILLION TWP.

SECTION 2

- SECTION 4
1. Christensen, Todd 12
2. Thiesse, Dale 7
3. Allen, Tom 8
SECTION 3
1. Girard, Mark 5
SECTION 6
1. Poeschl, Jerome 9
SECTION 10
1. Blatchford, Larry 8
SECTION 11
1. Gilbertson, Roger 8
SECTION 15
1. Vogel, Scot 10

2. Armstrong, Mary 7
3. Brodsky, Curtis 5
SECTION 16
1. Stelling, Brandon 6
SECTION 22
1. County of Clay 10
2. Fick, Shawn 9
SECTION 23
1. Ranney III, William 1
2. Nau, Patricia 6
SECTION 24
1. Vaillancourt, Yvon 1
SECTION 26
1. Fischer, Loren 5
SECTION 27
1. Morey, Michael 15

SECTION 30

1. Becker, Marlin 6
SECTION 31
1. Bosse, Jessica 6
2. Bye, Brook 8
SECTION 34
1. Johnson, Garry 7
SECTION 35
1. Balleweg, Fred 8
SECTION 36
1. McCart, Darlene 10

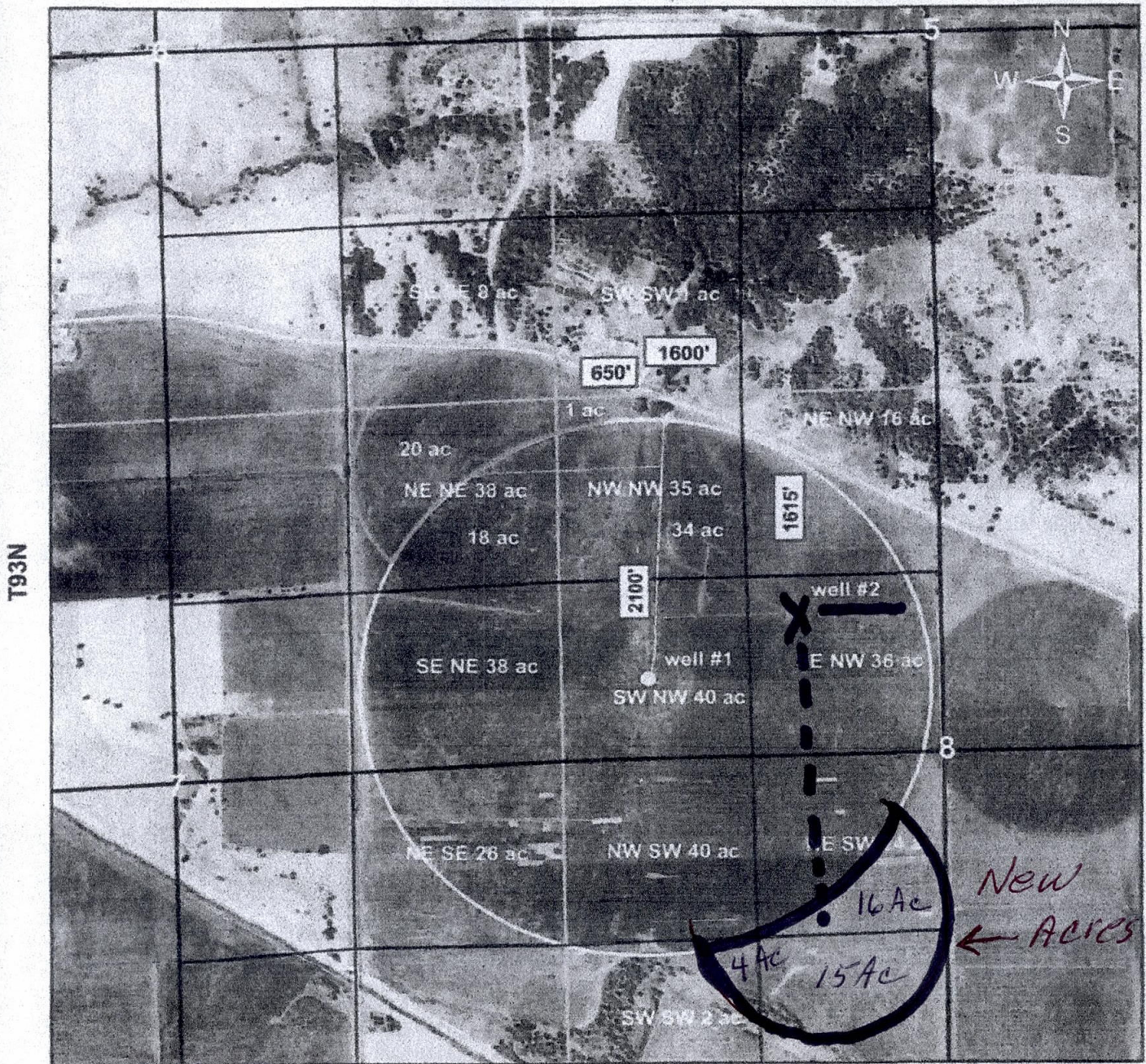
MAR - 8 2013

**WATER RIGHTS
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WATER RIGHT NO. 6169-3 (6954-3)

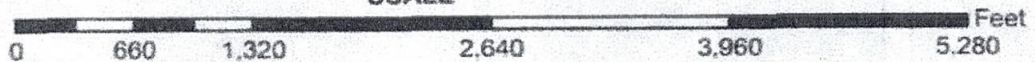
Jerome Poeschl

January 28, 2008



R52W

SCALE



Lynn Beck
Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

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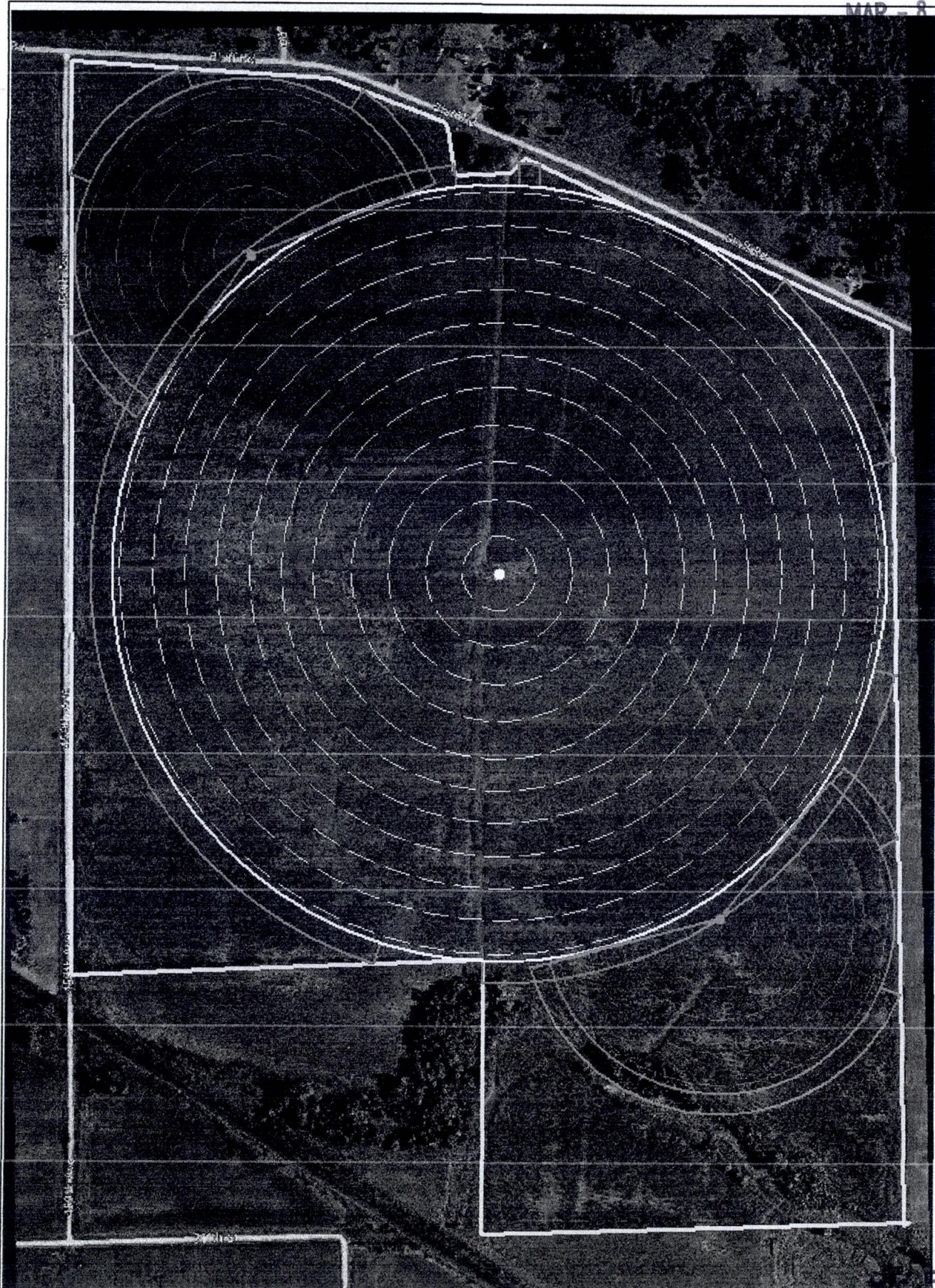
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Petersen Ag Systems Inc. Designed by Judd D. Keiser Cell 605-661-6941

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/11, 20 13

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>7785-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7785-3</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	700 00

No. 06225

By

David Erbe
Chief Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permti Application 7785-3, Jerome Poeschl

ADDRESS: COUNTY: Clay

DATE: March 11, 2013 TELEPHONE: cell 605 660-0233

RE: diversion rate requested

I contacted Mr. Poeschl to discuss the diversion rate requested. I informed him that Water Right No. 6954-3 authorized a diversion rate of 3.98 cfs (1786 gpm). The staff investigation in 2008 found the system capable of 4.89 cfs (2200 gpm). To bring the permitted diversion rate up to the system's capability requires an additional 0.92 cfs (414 gpm).

I asked Mr. Poeschl if he intended to change the pump system. He indicated that was not the case and that the total diversion rate should be 4.89 cfs (2200 gpm). Therefore the application should be for 0.92 cfs additional diversion rate authority.

NAME: Eric Brundage



**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. 7785-3, 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. 7785-3, Jerome Poeschl, 213 Katherine Way, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7785-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7785-3 authorizes a maximum diversion rate of 0.92 cfs for the irrigation of 35 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 9, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7785-3
JEROME POESCHL
MARCH 27, 2013

Water Permit Application No. 7785-3 proposes to appropriate additional water from one existing well completed into the Missouri: Elk Point aquifer. The well is authorized under Water Right No. 6954-3, which currently appropriates 3.98 cubic feet of water per second (cfs) from two wells to irrigate 304 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7 and the NW $\frac{1}{4}$ of Section 8, all in T93N-R52W. This application proposes to appropriate an additional 0.92 cfs from the existing well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T93N-R52W which is approximately 80 feet deep. This application proposes to irrigate an additional 35 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, all in T93N-R52W in Clay County. The applicant is requesting a diversion rate greater than the statutory limit.

AQUIFER: Elk Point management unit of the Missouri aquifer (M:EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer encompasses approximately 234,700 acres of Clay, Union, and Yankton Counties, as determined by Hedges and others (1982) and Niehus (1994). The Missouri: Elk Point is a surficial aquifer composed of unconsolidated glacial outwash material ranging from fine sand to coarse gravel (Niehus, 1994). The aquifer generally lies below the flood plain of the Missouri River and also below the flood plain of the Big Sioux River in the southern part of Union County (Niehus, 1994). In places, the aquifer directly overlies and is hydraulically connected to the Dakota aquifer and is hydraulically connected at its northern boundary to the Lower James-Missouri and the Lower Vermillion-Missouri aquifers as well as the Missouri and Vermillion Rivers. The proposed well site is located in central Clay County approximately four and three quarter miles west of the Vermillion River and eight and one half miles north of the Missouri River. The aquifer contains an estimated 3,287,100 acre feet of recoverable water, of which an estimated 1,117,500 acre-feet of recoverable water is in storage in Clay County (Hedges and others, 1982). The ground water in this aquifer generally moves from northwest to southeast in the area of this application (Stephens, 1967). The thickness of the aquifer is estimated to range from 75 to 125 feet in this area of Clay County (Stephens, 1967). The transmissivity of the aquifer ranges from 20,700 to 24,700 square feet per day (ft^2/d) in Yankton County, and it is reasonable to assume it will be similar here (Bugliosi, 1986). The specific capacity of wells completed into the aquifer ranges from approximately 124 to 173 gallons per minute per foot ($(\text{gal}/\text{min})/\text{ft}$) (Bugliosi, 1986). The aquifer can be under confined or unconfined (water-table) conditions and is under water-table conditions in the area of this application. The saturated thickness at the existing well site is approximately 63 feet.

SDCL 46-2A-9

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

the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

This application proposes to appropriate additional water from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual additional water use will be less than 70 acre feet per year (ac-ft/yr). The probability of unappropriated water available from the aquifer can be evaluated using SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the greenhorn formation therefore withdrawal/recharge issue must be considered.

Recharge versus Discharge:

Recharge:

Recharge to the Missouri: Elk Point aquifer occurs through seepage from streams and by infiltration of precipitation (Bugliosi, 1986; Niehus, 1994). Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow from the Big Sioux and Missouri Rivers. The average annual recharge rate to the Missouri: Elk Point aquifer is estimated to be 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Clay, Union, and Yankton Counties of 234,700 acres, average annual recharge to the aquifer is estimated to be 74,322 ac-ft/yr. Recharge in Clay County alone is estimated to be 23,592 ac-ft/yr based on the 74,500 acres that the aquifer underlies in the county (Hedges and others, 1982).

Discharge:

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers during low flow, to the underlying Dakota aquifer, and withdrawal from wells (Niehus, 1994). Discharge in Clay County is primarily groundwater outflow, evapotranspiration, and withdrawal from wells (Stephens, 1967). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b) and there are currently 538 water rights/permits appropriating water from the Missouri: Elk Point aquifer of which 134 are in Clay County (Water Rights, 2013c). In addition, there are five future use permits in Clay County reserving 14,900 ac-ft/yr of water from the aquifer. The distribution of these appropriations for the entire aquifer and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	7
Domestic	2
Fish and Wildlife Propagation	4
Industrial	5
Irrigation	505
Municipal	10
Recreational	1
Rural Water System	2
Suburban Housing Development	2
Future Use Permits	Number
Lewis & Clark Rural Water System (13,000 ac-ft/yr)	4
City of Vermillion (1,900 ac-ft/yr)	1

Table 1. Water rights/permits from the Missouri: Elk Point aquifer (Water Rights, 2013c).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Missouri: Elk Point aquifer is less than 61,300 ac-ft/yr based on current water appropriations. Clay County accounts for approximately 50,503 ac-ft/yr of this based on current water appropriations. Lewis and Clark Rural Water System currently reserves 13,000 ac-ft/yr for future use and has permits appropriating 32,165 ac-ft/yr (Water Rights, 2013b). These account for a significant portion of the annual water usage in Clay County, and most of the water from these wells will be induced from the Missouri River. More recharge can be induced with more pumping in particular from the Missouri River because it is hydraulically connected to the aquifer.

The annual reported water use from the Missouri: Elk Point aquifer in Clay County for irrigation purposes is displayed in Table 2. The average pumpage reported, for irrigation purposes, over the 1979 to 2011 period of record in the Missouri: Elk Point aquifer is 15,922.64 ac-ft/yr. The water usage from domestic wells is not significant to the hydrologic budget.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1979	31	17660	1896
1980	30	17660	1788
1981	38	19644	2699
1982	32	18221.2	2279.53
1983	33	18546.2	2871.9
1984	39	20120.2	2448.1
1985	39	20120.2	2552.4
1986	42	21178.2	1732.8
1987	36	19604.2	2211
1988	35	19120.2	3780.2
1989	37	20089.2	2839
1990	39	20499.2	3242
1991	42	19805.2	3439.3
1992	29	19721.2	196.1
1993	40	20135.2	114.9
1994	42	20863.2	1322.31
1995	41	20116.4	2119.3
1996	41	20746.4	1790.32
1997	41	20698.4	2756
1998	42	20856.4	1939.36
1999	41	20238.4	2045.96
2000	42	20478.4	3436.29
2001	42	20478.4	3422.53
2002	43	20702.4	3795.69
2003	43	20702.4	3837.68
2004	43	20702.4	3849.75
2005	48	21731.6	3054.05
2006	56	25393.6	5860.14
2007	65	27554.6	7084.7
2008	77	32059.6	4907.57
2009	84	33832.6	1582.91
2010	86	33128.6	592.3
2011	89	34722	1802.64
MIN	29	17660.0	114.9
MAX	89	34722.0	7084.7
AVE	45.70	22034.25	2705.75

Table 2. Irrigation from the Missouri: Elk Point aquifer in Clay County (Water Rights, 1979-2011)

There are a number of new permits and pending applications from the Missouri: Elk Point aquifer. Once they are developed, the average pumping for irrigation purposes is expected to increase significantly. Since January 1, 2012, there have been 71 permits issued from the Missouri: Elk Point aquifer authorizing irrigation for a total of 8,954.4 acres. The average annual withdrawal is still expected to be significantly less than the average annual recharge. As of March 27, 2013, an additional 19 permit applications are pending for appropriation of water from the Missouri: Elk Point aquifer. The pending permits have a total diversion rate of 33.55 cfs, and 2,311.1 acres of coverage (Water Rights, 2013a). Recognizing that Lewis and Clark RWS withdraw water from the Missouri: Elk Point aquifer that is induced from the Missouri River, and considering the remaining hydrologic budget, there is reasonable probability that unappropriated water is available for this application.

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 to the aquifer”.

The SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer with one of these observation wells located within one and one half miles of the existing well site (Water Rights, 2013a). The hydrograph for this well is shown in Figure 1.

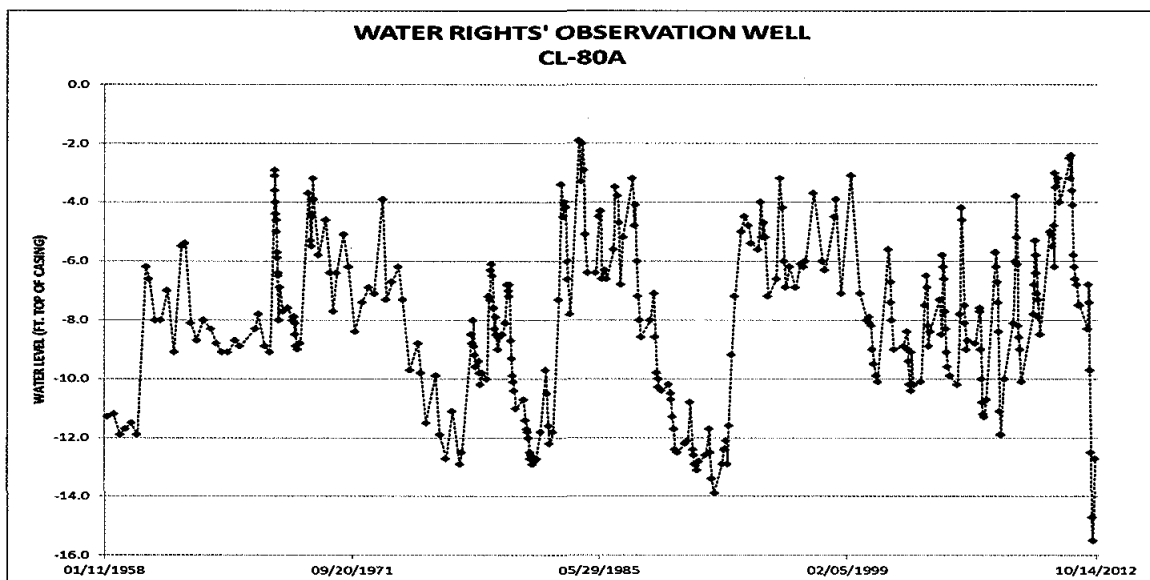


Figure 1. Hydrograph for SD DENR-Water Rights' Observation Well CL-80A completed into the Missouri: Elk Point aquifer approximately one and one half miles southwest of the well site authorized by Water Right No. 6954-3 (Water Rights, 2013b).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The observation well data shows that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. The observation well data documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, record high groundwater levels associated with flooding in 2011).

Because of this obvious hydraulic connection between Missouri: Elk Point aquifer and the Missouri River and the availability of water in the Missouri River, there is a reasonable probability that additional recharge to the Missouri: Elk Point will be induced with additional pumping. Natural discharge from the aquifer can be captured for pumping. Additional pumping from the Missouri: Elk Point aquifer can also induce recharge from the underlying Dakota aquifer. Therefore, there is reasonable probability that unappropriated water is available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The proposed well site is located in central Clay County approximately four and three quarter miles west of the Vermillion River and eight and one half miles north of the Missouri River. Figure 2 shows the nearby existing water rights located in the Missouri: Elk Point aquifer. The locations of the existing water rights/permits were determined using the best data reasonably available. The nearest water right/permit not held by the applicant is Water Right No. 4644-3, for Clark Lewison, located less than 1,700 feet southeast and down-gradient of the existing well site.

Observation Well CL-80A is located within 1,800 feet of Water Right No. 6901B-3, for Thomas Dreesen, and the hydrograph, shown in Figure 1, reports minimal drawdown at this distance due to pumping. Water-table conditions dictate that drawdown will be minimal at these distances. Based on the observation well data and the distance between wells, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights or domestic wells.

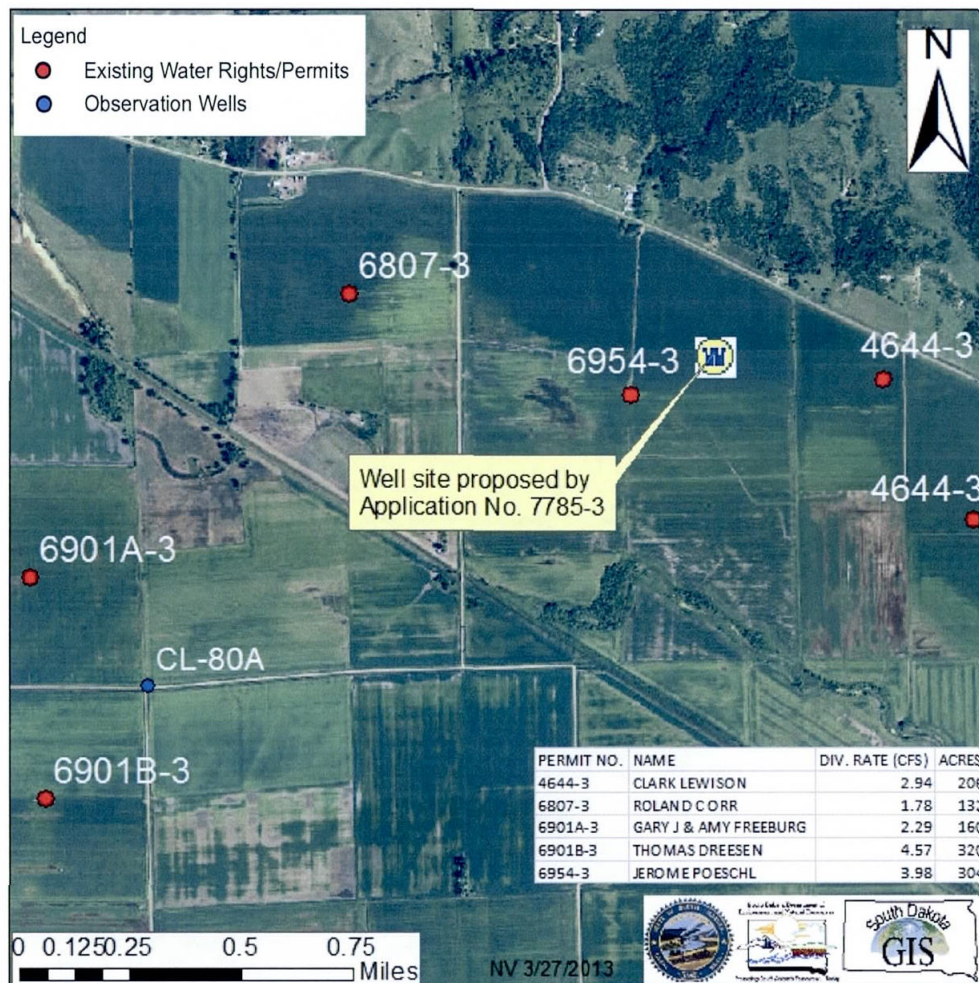
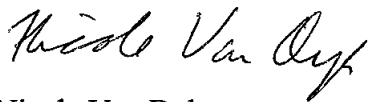


Figure 2. Existing water rights/permits located within close proximity to the well site authorized by Water Right No. 6954-3 (Water Rights, 2013c).

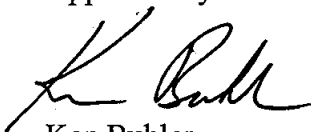
CONCLUSIONS:

1. This application proposes to appropriate water from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation based on observation well data and the amount of water reserved by Lewis and Clark RWS that will likely be induced from the Missouri River.
3. The Missouri: Elk Point aquifer is under unconfined (water-table) conditions in this area, and drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241. 41 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., Allen, J., 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; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57p.
- Stephens, J.C., 1967, Geology and Hydrology of Clay County, South Dakota, Part II: Water Resources, SD DENR- Geological Survey Bulletin 19, 62 p.

Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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MAY 28 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR
Division of Environmental Services
Water Rights Program
Joe Foss Building, 523 East Capitol
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, 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 TO APPROPRIATE WATER

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 17 DAY OF May 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$32.61 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: 5/17/13

FILED ON: 5/17/13

Tera A. Schmidt
SUBSCRIBED AND SWORN TO BEFORE ME THIS

20th DAY OF

May

Eric Gronlund
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8/19/2015

reasons for opposing or support-
ing the application, and the signa-
ture and mailing address of the
petitioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion. Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published once at the total ap-
proximate cost of \$32.61.

Published: May 17, 2013

NOTICE OF APPLICATION
NO. 7785-3 to
Appropriate Water

Notice is given that Jerome Po-
eschl, 213 Katherine Way, Yank-
ton SD 57078 has filed an appli-
cation for a water permit to appro-
priate 0.92 cubic feet of water per
second (cfs) and irrigate 35 new
acres to what is currently author-
ized by Water Right No. 6954-3.
Water Right No. 6954-3 appropri-
ates 3.98 cfs from two wells to ir-
rigate 304 acres located in the SW
1/4 SW 1/4 Section 5, SE 1/4 SE
1/4 Section 6, E 1/2 NE 1/4, NE
1/4 SE 1/4 Section 7 and the NW
1/4, N 1/2 SW 1/4 and SW 1/4
SW 1/4 Section 8; all in
T93N-R52W. This application
proposes to appropriate an addi-
tional 0.92 cfs from the existing
authorized well completed into
the Missouri/Elk Point Aquifer
(80 feet deep) located in the SE
1/4 NW 1/4 Section 8 for irriga-
tion of 35 additional acres located
in the E 1/2 SW 1/4, SW 1/4 SW
1/4 Section 8; all in T93N-R52W.
The applicant is requesting a di-
version rate greater than the statu-
tory limit.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No.
7785-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water, and 4) it is in the public in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on this application, as recom-
mended, unless a petition is filed
opposing the application or the
applicant files a petition contest-
ing the Chief Engineer's recom-
mendation. 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 oppos-
ing 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 Engi-
neer'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 inter-
ested person or the applicant must
be filed by May 28, 2013.

The petition may be informal,
but must include a statement de-
scribing the petitioner's interest in
the application, the petitioner's

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MAY 22 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

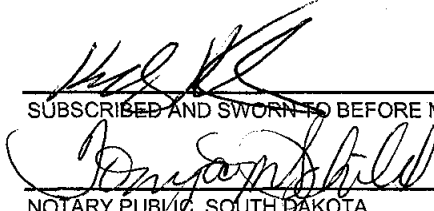
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COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7785-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
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THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$31.11 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: 5/17/2013

FILED ON: 5/17/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF May 2013


NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion. Steven M. Pimer, Secretary,
Department of Environment and
Natural Resources.

Published once at the total ap-
proximate cost of \$31.11.

NOTICE OF APPLICATION
NO. 7785-3 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 0.92 cubic feet of water per second (cfs) and irrigate 35 new acres to what is currently authorized by Water Right No. 6954-3. Water Right No. 6954-3 appropriates 3.98 cfs from two wells to irrigate 304 acres located in the SW 1/4 SW 1/4 Section 5, SE 1/4 SE 1/4 Section 6, E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7 and the NW 1/4, N 1/2 SW 1/4 and SW 1/4 SW 1/4 Section 8; all in T93N-R52W. This application proposes to appropriate an additional 0.92 cfs from the existing authorized well completed into the Missouri Elk Point Aquifer (80 feet deep) located in the SE 1/4 NW 1/4 Section 8 for irrigation of 35 additional acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 8; all in T93N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7785-3 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 May 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 peti-



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 9, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7785-3 to Appropriate Water. Please publish the notice once on May 17, 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

May 9, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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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.

May 9, 2013

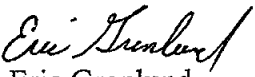
Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Water Permit Application No. 7785-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and 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 May 17, 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. 7785-3 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 0.92 cubic feet of water per second (cfs) and irrigate 35 new acres to what is currently authorized by Water Right No. 6954-3. Water Right No. 6954-3 appropriates 3.98 cfs from two wells to irrigate 304 acres located in the SW 1/4 SW 1/4 Section 5, SE 1/4 SE 1/4 Section 6, E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7 and the NW 1/4, N 1/2 SW 1/4 and SW 1/4 SW 1/4 Section 8; all in T93N-R52W. This application proposes to appropriate an additional 0.92 cfs from the existing authorized well completed into the Missouri:Elk Point Aquifer (80 feet deep) located in the SE 1/4 NW 1/4 Section 8 for irrigation of 35 additional acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 8; all in T93N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7785-3 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

JUN 20 2013

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed is Water Permit No. 7785-3 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,

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

enclosures

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

MAIL TO: PMB 2020

Date

11-5-16

DENR - Water Rights Program

523 E Capitol Ave

Pierre, SD 57501-3182

ph. (605) 773-3352

FROM:

Jerome Peschl

(name)

213 Katherine Way

(address)

Yankton SD 57078

(city)

(state)

(zip)

605-665-3882

(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. 7785-3 states that the water use system is to be constructed byMay 28, 2018

(date)

, and water is to be put to beneficial use by May 28, 2022

(date)

The water use system was completed on

April 2013

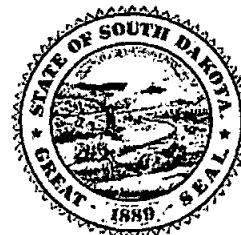
(date)

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.



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7785-3

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. 7785-3, bearing the priority of March 8, 2013 authorizing the diversion of an additional 0.92 cu. ft. per second and irrigates 35 additional acres to what is currently authorized by Water Right No. 6954-3. Water Right No. 6954-3 authorizes 3.98 cfs from two wells completed into the Missouri:Elk Point Aquifer for irrigation purposes, of 304 acres, in Clay County. This permit and Water Right No. 6954-3 authorize a total diversion of 4.90 cfs from two wells for irrigation of 339 acres.

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

A. Works used to divert the water:

Existing Well #2 Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 80 feet
- 4) Well log is available Yes

Comments: Existing well #2 was replaced in 2013. Existing well #1 for Water Right No. 6954-3 was completed in 2000 and information on that well is available in Water Right No. 6954-3.

Casing:

- 1) Diameter 16 inches
- 2) Length 50 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 30 feet
- 3) Static water level Unknown feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Capacity 800 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Submersible
- 3) Horsepower rating Unknown

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

- 1) Type PVC
- 2) Size 8 & 10 inches
- 3) Length 2170 feet new 8" and 2375 feet existing 10"

Comments: See map for approximate location of existing and new water pipe.

C. Works used to apply water to beneficial use:

New Center pivot (SW ¼ Sec 8-T93N-R52W):

- 1) Make Lindsay
- 2) Overall length 881 feet
- 3) Number of towers 5
- 4) End gun Yes
- 5) Capacity 800 GPM

Comments: This is the new center pivot authorized by Water Permit 7785-3 to irrigate 35 new acres. Information on the two existing center pivots is available in Water Right 6954-3. Existing well #2 is set up so that the new center pivot or the smaller existing center pivot cannot be operated at the same time.

Chemigation Equipment:

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief Yes
- 4) Low pressure drain Yes
- 5) Discharge is 20' from source Yes
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump Yes

Comments: Permit holder was not chemigating at time of inspection, but provided the above answers to questions asked. Permit holder indicated he uses chemigation primarily to apply liquid nitrogen to corn crop. A copy of the chemigation rules and Appendix A were reviewed with the permit holder.

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: Existing Well #1-East 650', South 2100' from NW Corner of Sec 8-T93N-R52W; Lat 42.89002/Long -97.02074; SW ¼ NW ¼ Sec 8-T93N-R52W.
Existing Well #2-East 1600', South 1615' from NW Corner of Sec 8-T93N-R52W; Lat 42.89118/Long -97.01716; SE ¼ NW ¼ Sec 8-T93N-R52W.

2. The works are capable of diverting and conveying to the place of use 4.90 cfs or 2200 gpm of water from two wells which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Water Permit 7785-3/35 ac
NE ¼ SW ¼ Sec 8-T93N-R52W – 12 ac
SW ¼ SW ¼ Sec 8-T93N-R52W – 3 ac
SE ¼ SW ¼ Sec 8-T93N-R52W – 20 ac

Water Right 6954-3/304 ac
See Water Right 6954-3 for breakdown by
¼ ¼ Section

comprising a total of 339 acres of land and the license should be issued for 4.90 cfs or 2200 gpm from two wells.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Water Permit 7785-3 and Water Right 6954-3 appropriate 4.90 cfs or 2200 gpm from two wells for irrigation of 339 acres. One acre is overlapped between Water Permit 7785-3 center pivot and Water Right 6954-3 center pivot. Water Permit No. 7785-3 appropriates a diversion rate greater than the statutory limit of 1 cfs per 70 acres irrigated.

Harold Holoch

Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: December 22, 2017

Permit No. 6169-3 & 3508-3

(6954-3)

Vermillion River - Water District**Report of Examination of Works and/or Application of Water to Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 26, 2007, made a thorough examination of the water use system constructed by Jerome Poeschl of 213 Katherine Way, Yankton, SD 57078 holder of Permit No. 6169-3 & 3805-3, bearing the priority of January 7, 2000 (2.25 cfs) and March 10, 1977 (1.66 cfs) authorizing the diversion of a combined 3.91 cu. ft. per second of the waters of Missouri: Elk Point Aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Jerome Poeschl - owner (605) 665-3882**

A. Works used to divert the water:**Well Information:****Well #1**

- 1) Well Drilling Firm: Christensen Well Drilling, Inc.
- 2) Depth(s) 72 feet
- 3) Well log is available yes
- 4) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 32 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 40 feet
- 3) Static water level 9 feet

Pump:

- 1) Make Verti-Line
- 2) Model
- 3) Size
- 4) Capacity 1400 GPM

Motor:

- 1) Make GE
- 2) Model No. 5K6254XM502A
- 3) Horsepower rating 60 hp

Well #2

- 1) Well Drilling Firm:
- 2) Depth(s) 80 feet
- 3) Well log is available no
- 4) Comment:

Casing:

- 1) Diameter 15 inches
- 2) Length feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length feet
- 3) Static water level feet

Pump:

- 1) Make Verti-Line
- 2) Model
- 3) Size
- 4) Capacity 800 GPM *see additional note

Motor:

- 1) Make Wesington House
- 2) Model No.
- 3) Horsepower rating 30 hp

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

- 1) Type aluminum 2) Size 10 inches 3) Length 20 feet
- 1) Type pvc 2) Size 10 inches 3) Length 2375 feet

Report of Examination of Works

Permit No. 6169-3 & 3805-3

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lindsay Zimmatic
- 2) Overall length 2019 feet
- 3) Number of towers 11
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 1400 GPM

- 1) Make Lindsay Zimmatic
- 2) Overall length 900 feet
- 3) Number of towers 5
- 4) End gun yes
- 5) High or low pressure hi
- 6) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by no
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: Original well not abandoned so did not need to be plugged.

The system is in good condition with the point(s) of diversion located as follows: well #1 - 650' E and 2100' S (42.889995, -97.020887), well #2 - 1600' E and 1615' S (42.891227, -97.017178) all from the NW corner Section 8-T93N-R52W. The works are capable of diverting and conveying to the place of use 4.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All in T93N-R52W

Section 5: SW¼ SW¼ 1 acre	Section 8: NE¼ NW¼ 16 acres	NE¼ SW¼ 24 acres
Section 6: SE¼ SE¼ 8 acres	NW¼ NW¼ 35 acres	NW¼ SW¼ 40 acres
Section 7: NE¼ NE¼ 38 acres	SW¼ NW¼ 40 acres	SW¼ SW¼ 2 acres
SE ¼ NE¼ 38 acres	SE¼ NW¼ 36 acres	
NE¼ SE¼ 26 acres		

comprising a total of 304 acres of land and the license should be issued for 4.89^{*} cfs after approval of application.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

A total of 274 acres and 3.91 cfs are authorized by 3508-3 and 6169-3. Inspection found 304 acres developed and 4.89 cfs water use. Application is needed for an additional 30 acres and 0.98 cfs. Well #2 is the original well under 3508-3 and is used to irrigate and additional 30 acres.

***Additional Note:**

After receiving application 6954-3 the applicant indicated that the small center pivot did not use 800 gpm but did not know the amount used. The report recommended the statutory limit resulting in a combined diversion of 3.98 cfs requiring an additional 0.07 cfs.


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: January 28, 2008

Well #2

6954-3 SD EForm -

7785-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 NW 1/4 Sec 8 Twp 93N Rg 52W

Well Owner: Jeome Poeschl

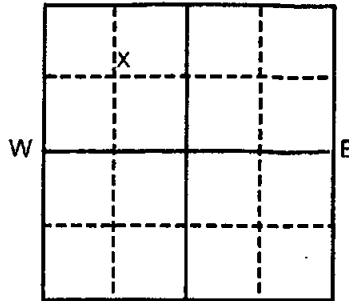
Business Name:

Address: 213 Katherine Way

City, State, Zip: Yankton SD 57078

County Clay

Please mark well location with an "X"



Well Completion Date

June 6, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,000.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	50.0 FT	24.00 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	20	9.5 Lb/gal	0.0 Ft	40.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 30.0 Feet

Material PVC

Slot Size .085 Set From 50.0 Feet to 70.0 Feet

Other information .050 Set From 70.0 Feet to 80.0 Feet

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 LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Clay	2	25
Sand	25	46
Pebbly Sand	46	60
Gravel	60	80

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

OCT - 4 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling, LLC

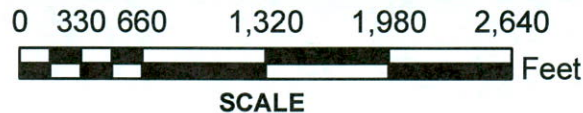
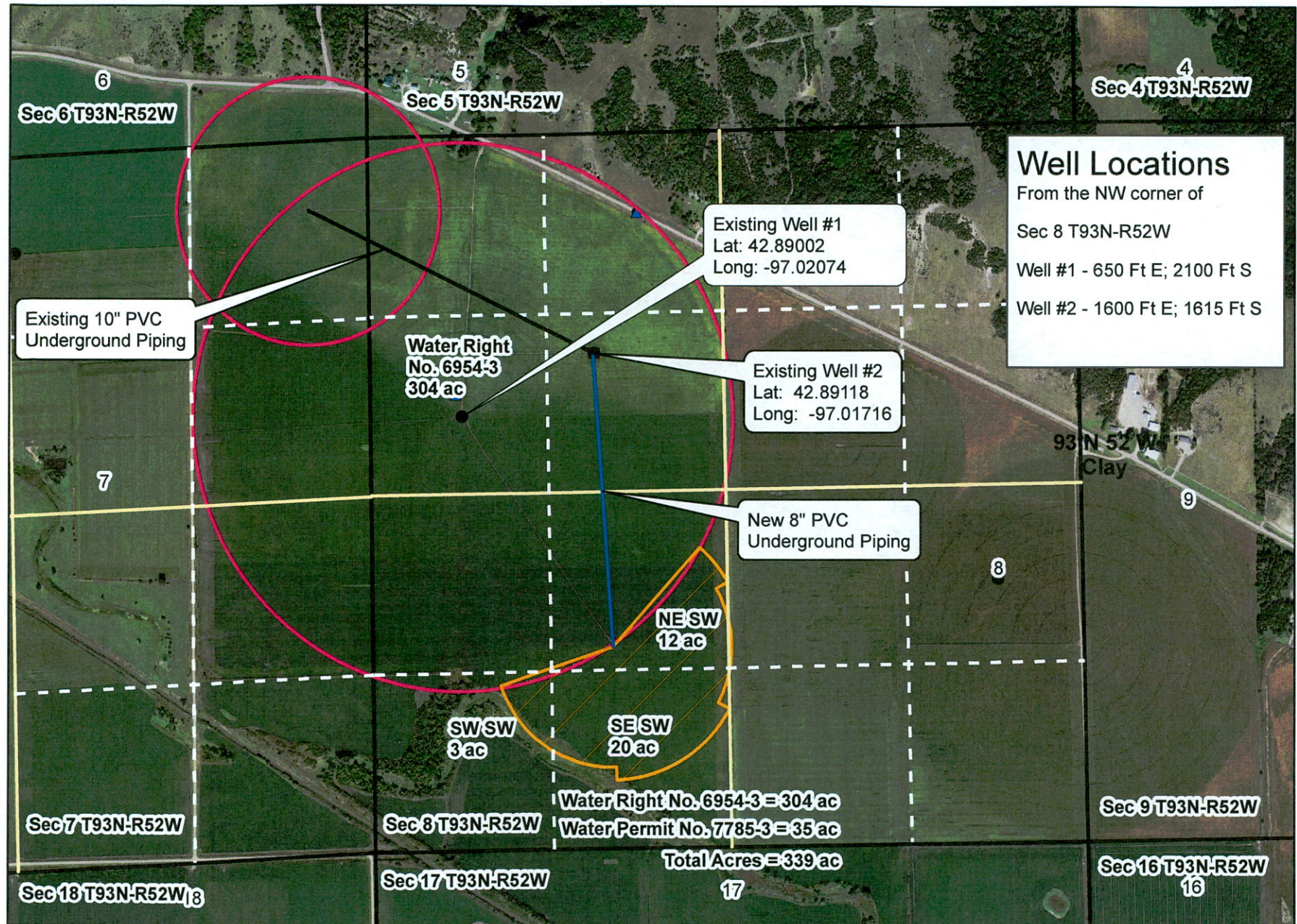
Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

9/28/13

7785-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
August 24, 2017

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 06 2018

6954-3
7785-3Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed is Water License No. 7785-3. 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

Note: Upon licensing, the applicable portions of Water Right No. 6954-3 were incorporated into Water License No. 7785-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7785-3**

(1) Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 made Application No. 7785-3, March 8, 2013 for a water permit to divert 0.92 cubic feet of water per second (cfs) from ground water (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7785-3, with a priority date of March 8, 2013 was approved May 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 May 28, 2018 and for the application to beneficial use of water on or before May 28, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 5, 2016. The "*Notice*" stated the water use system was completed in April 2013 and the water placed to beneficial use in July, 2013.

Water Permit No. 7785-3 was obtained to add 0.92 cfs and 35 acres to the system authorized under Water Right No. 6954-3. The applicable portions of Water Right No. 6954-3 are incorporated into this Water License. Priority dates as they pertain to the diversion rate are as follows:

- March 10, 1977: 1.66 cfs (established under Water Right No. 3508-3)
- January 7, 2000: 2.25 cfs (established under Water Permit No. 6169-3)
- February 7, 2008: 0.07 cfs (established under Water Right No. 6954-3)
- March 8, 2013: 0.92 cfs (established under Water Permit No. 7785-3)

(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 4.90 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Well #1: 650'E & 2,100'S of the NW Corner of Section 8, T93N, R52W (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Latitude 42.89002, Longitude -97.02074;
- Well #2: 1,600'E & 1,615'S of the NW Corner of Section 8, T93N, R52W (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Latitude 42.89118, Longitude -97.01716.

(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:

all in T93N, R52W

Section 5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1 acre	Section 8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	16 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres
Section 6	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8 acres		NW $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
Section 7	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	38 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$	36 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26 acres					

Total of 339 acres

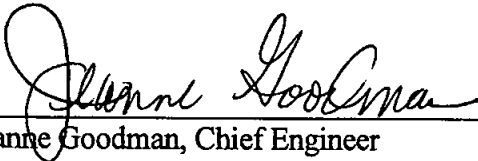
The irrigation system is comprised of one large pivot and two small pivots. The small pivot operated in the SW $\frac{1}{4}$ Section 8 comprises a total of 35 acres (12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$; 3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$). When operating this pivot, a diversion rate greater than the statutory limit is authorized.

continued

(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 Incorporated Water Right No. 7785-3 is issued a license to appropriate water, the right to use 4.90 cubic feet of water per second from ground water, two wells (Missouri Elk Point Aquifer) with priority dates of March 10, 1977 (1.66 cfs); January 7, 2000 (2.25 cfs); February 7, 2008 (0.07 cfs) and March 8, 2013 (0.92 cfs) from the locations 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. 7785-3 and subject to the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 7785-3 authorizes a maximum diversion rate of 0.92 cfs for the irrigation of 35 acres with an annual volume not to exceed 2 acre feet of water per acre per year. *(Pertains to the small pivot in the SW ¼ Section 8, T93N, R52W)*
- 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

SEP 06 2018

date



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

DEC 17 2018

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 7785-3Date: 12/6/18I/We request that Water Right/Permit No. 7785-3 formerly owned by:Jerome Pocschi

be transferred to:

New Owner Name: Gary DoppenhuisAddress: 1003 Country Club Rd Box 126City, State, Zip Sheldon IA 51207Telephone No. 712-348-1234

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

NE 1/4 of SW 1/4 Sec 8 T93 R52, SE 1/4 of SW 1/4 T93 R52, SW 1/4 of SW 1/4 Sec 8 T93 R52, NW 1/4 of SW 1/4 Sec 8 T93 R52, NE 1/4 of NW 1/4 Sec 8 T93 R52, NW 1/4 NW 1/4 Sec 8 T93 R52, SW 1/4 NW 1/4 Sec 8 T93 R52, SE 1/4 SW 1/4 Sec 8 T93 R52

See Attached past water Management plan w/ all Legals

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

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Gary Doppenhuis, the new owner, certify that the above information is true and correct.

Gary Doppenhuis
(signed by new owner)

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

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

2018 Water Management Board Irrigation Questionnaire

Please fill out and return before December 3, 2018

meek

MEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352
or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 7785-3

JEROME POESCHL
213 KATHERINE WAY
YANKTON SD 57078

Any address/ownership corrections?

Email _____

Phone _____

1. Did you irrigate in 2018? *yes ☒ **no ☐

*If yes, number of acres irrigated? 339

**If no, check reason(s) for not irrigating acres covered by Permit No. 7785-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐ through what year? _____

other ☐ please explain in the Comment Box:

Comment Box



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SSWW	SESW	SSWE	SESE

1 square mile

Office use only

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DEC 17 2018

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 7785-3

(see above section map for help reading legal descriptions)

sec 08-T093N-R52W, NE1/4SW1/4 - 36.00 acres ✓
sec 08-T093N-R52W, SE1/4SW1/4 - 20.00 acres ✓
sec 08-T093N-R52W, SW1/4SW1/4 - 5.00 acres ✓
sec 08-T093N-R52W, NW1/4SW1/4 - 40.00 acres ✓
sec 08-T093N-R52W, NE1/4NW1/4 - 16.00 acres ✓
sec 08-T093N-R52W, NW1/4NW1/4 - 35.00 acres ✓
sec 08-T093N-R52W, SW1/4NW1/4 - 40.00 acres ✓
sec 08-T093N-R52W, SE1/4NW1/4 - 36.00 acres ✓
sec 05-T093N-R52W, SW1/4SW1/4 - 1.00 acres
sec 06-T093N-R52W, SE1/4SE1/4 - 8.00 acres
sec 07-T093N-R52W, NE1/4NE1/4 - 38.00 acres
sec 07-T093N-R52W, SE1/4NE1/4 - 38.00 acres
sec 07-T093N-R52W, NE1/4SE1/4 - 26.00 acres

**Merchant: DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES**

523 East Capitol
Pierre, SD 57501
US

16057733151

Order Information**Description:** Water Rights Permit Transfer**Order Number:****P.O. Number:****Customer ID:****Invoice Number:** 7785-3**Billing Information**

Andrew Harr
Total Auctions
57104

Shipping Information

Andrew Harr
Total Auctions
57104

andy@totalaar.com

Shipping: 0.00

Tax: 0.00

Total: USD 50.00**Payment Information**

Date/Time: 18-Dec-2018 10:25:31 CST
Transaction ID: 61460467672
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 018152
Payment Method: Visa XXXX7918



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 2019

7785-3

Gary Doppenberg
PO Box 126
Sheldon IA 51207

Dear Mr. Doppenberg:

The ownership change you submitted in December for Water Right No. 7785-3 has been completed.

Water Right No. 7785-3, formerly held by Jerome Poeschl is now listed in your name. In the event you do not have one, I am enclosing a copy of the water license issued in September, 2018 along with a copy of the map of the project prepared by the staff engineer who conducted the field investigation.

If you have any questions, please give me a call.

Sincerely,

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

enclosures