

WATER PERMIT NO. 7809-3

Name of Applicant: **Delbert Tschakert**

Address: **16150 442nd Ave, Florence SD 57235** Phone: **605 881-5967**

Amount of Water Claimed: **no add'l** Total Acres: **60 acres**

Source of Water Supply: **groundwater (1 existing well)**

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

Type of Waste Disposal System:

Location: **1 mile southwest of Florence**

PRIORITY Date Received: **3-14-13** Application/License Fee: **\$ 700**

Corrected Application Received: Period of Annual Use: **May 1 – Sept 30**

Remarks: **Utilizing well authorized by Water Permit No. 6478-3**

Diversion Point: **E 1/2 NW 1/4 Sec 12-T118N-**
R55W

Land to be Irrigated: **NW 1/4 Sec 12-T118N-**
R55W

Depth of Well: **100 feet deep**

Well Driller: **Kaiser Well Drilling**

Remarks:

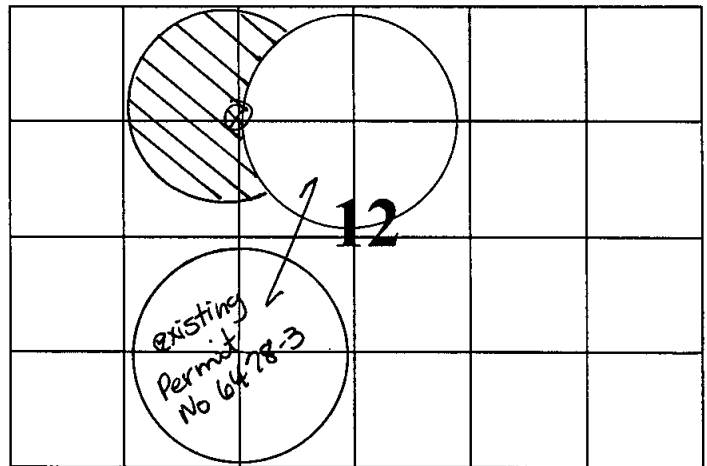
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **3-25-13**

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>7809-3</u> (office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Watertown Public Opinion</u>
	<u>PO Box 10 57201 605-886-6901</u>

RECEIVED
MAR 14 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6478-3
(Use predates Mar 2, 1955)

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

add- 60 acres from existing well pivot point will be 1400 ft to the west of the existing well

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

Mailing Address 16150 442nd Ave Florence S.D. 57235
(Address) (City) (State) (Zip Code)

Home Phone 258-2265 Cell 881-5967 Email det@itctel.com

2. Amount of water claimed no add *CFS or no add **GPM no add ***AF Total Acreage 60 acres
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply existing well

4. Location of point of diversion well-E 1/2 NW 1/4 Sec 12-118-55
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Codington

5. County or counties where water will be used Codington

6. Annual period during which water is to be used May 1 - Sept. 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>NW 1/4 Sec 12-118-55</u>	<u>60</u>		

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

use existing well to water addition 60 acres on the west side of section 12 pivot will be 1150 ft long 6 Towers

I, Delbert Tschakert, 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. 7809-3**

Date of first receipt of application March 14, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7809-3 to Delbert Tschakert, 16150 442nd Ave, Florence SD 57235 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. 7809-3 authorizes irrigation of 60 new acres. Water Permit No. 6478-3 appropriates 2.0 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (100 feet deep) located in the E 1/2 NW 1/4 Section 12 for irrigation of 260 acres located in the W 1/2 NE 1/4, E 1/2 NW 1/4, SW 1/4 Section 12; all in T118N-R55W. This permit authorizes irrigation of 60 new acres located in the NW 1/4 Section 12-T118N-R55W from the existing well and does not authorize any increase in the diversion rate.
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 14, 2013.
4. The date of approval of Permit No. 7809-3 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

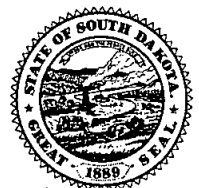
1. The well approved under Water Permit Nos. 6478-3 and 7809-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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 21 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 ____ Provide copy of log(s), if available. Drilled by Kaiser Well Drilling
- c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____
- d) Distance to nearest existing domestic well: State should have well logs
- On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) ____
- b) System Capacity (gallons) ____ Year Constructed ____
- c) Connected to the City of ____ Sanitary System

3. Dugout Information

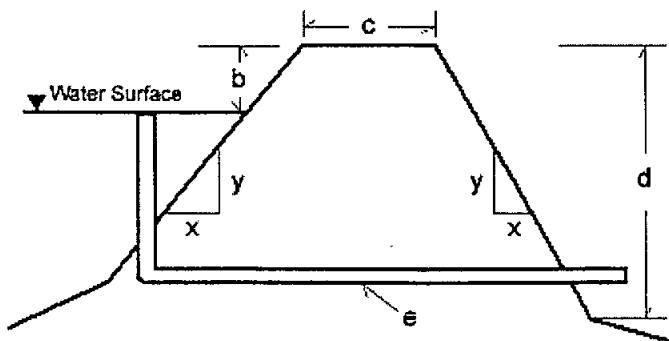
- a) Surface Dimensions ____ Depth ____
- b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

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

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

- b) Freeboard ____
- c) Crest Width ____
Crest Length ____
- d) Height ____
- e) Primary Outlet Capacity ____
If pipe, diameter ____
- f) Secondary Spillway Capacity ____
Spillway Width ____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream ____
Downstream ____
- h) Surface Area of Impoundment ____
- i) Storage ____ Acre Feet
- j) Drainage Area Above Dam ____ Acres





United States Department of Agriculture
Farm Service Agency

February 04, 2011

PLSS: 12_118N_55W
Farm: 5599

Codington Co MAR 14 2013

1:8,264

WATER RIGHTS
PROGRAM



Wetland Determination Identifiers

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

Common Land Units

Non Cropland

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

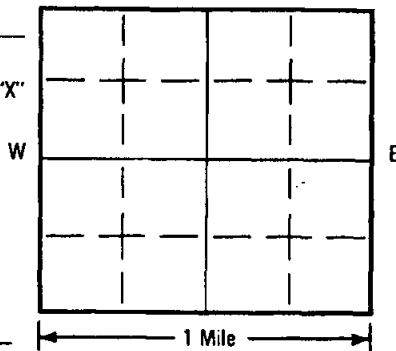
2010 Ortho-Photography - Not to Scale

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 1/4 Sec 12 Twp 118 Rg 55
County Codington

Please mark well location with an "X"



Well Completion Date

7-30-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150' ft. from lost hole (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.440</u> LB/FT	<u>12</u> IN	<u>266</u> FT	<u>83</u> FT	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>Ben Seal</u>	<u>60</u>	<u>34</u> lb./gal	<u>0</u> ft	<u>75</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure pull methodSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 20' FEETMaterial PlasticSlot Size #885 Set From 83 Feet to 103 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? _____

Laboratory sent to for water quality analysis _____

Well Owner Pulbert Tschakert

Business Name: _____

Address: 16150 442nd Ave.
Flournoy S.D. 57235

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
yellow clay	1	33
Blue clay	33	63
gray fine sand no well	63	72
yellow fine to medium	72	87
yellow medium to coarse w/lt 20% to 10%	87	103
Blue clay	103	120

STATIC WATER LEVEL 35 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Sub☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

50 ft. After 4 Hrs. pumped 750 GPM65 ft. After 12 Hrs. pumped 600 GPM

If pump installed, pump rate _____ GPM

REMARKS

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This well was drilled under license # 689

And this report is true and accurate.

Drilling firm Kaiser Well DrillingSignature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

2-12-19-07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/14, 20 13

RECEIVED OF Delbert Tschakert 16150 442nd Ave Florence SD 57235

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

Fee for Application for Permit No. <u>7809-3</u> to Appropriate Water, to construct and to put water to beneficial use	700 500	00 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>7809-3</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. **06240**

By *Harold Erbe Jr*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 14, 2010

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Codington County. In order to complete the application, the following is required.

- We have received your check for \$700.00. The license fee is an additional \$200.00. Please submit this amount.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

3/25/13
Mr. Tschakert
called. He does not
need add'l fee. I told
him to disregard this
letter.



**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. 7809-3, Delbert Tschakert**

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. 7809-3, Delbert Tschakert, 16150 442nd Avenue, Florence SD 57235.

The Chief Engineer is recommending APPROVAL of Application No. 7809-3 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 Water Permit Nos. 6478-3 and 7809-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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

WATER PERMIT APPLICATION NO. 7809-3

Delbert Tschakert

April 12, 2013

Water Permit Application No. 7809-3 proposes to irrigate 60 new acres located in the NW¼ of Section 12, T118N-R55W from an existing well authorized by Water Permit No. 6478-3. Water Permit No. 6478-3 appropriates 2.0 cubic feet of water per second (cfs) from one well completed into the Prairie Coteau aquifer. The well is 100 feet deep and is located in the E½ NW¼ of Section 12, T118N-R55W. Water is currently used to irrigate 260 acres located in the W½ NE¼, E½ NW¼, SW¼ of Section 12, T118N-R55W, in Codington County. If approved, this application does not authorize any increase in maximum diversion rate.

AQUIFER: Prairie Coteau aquifer (PCO)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Prairie Coteau is a surficial aquifer composed of brown to gray, coarse to very coarse sand and fine gravel (Hansen, 1990). Hansen (1990) studied the Prairie Coteau aquifer in Grant and Codington Counties, Thompson (2001) studied the aquifer in Roberts County and the Lake Traverse Reservation, Hamilton (1986) studied the aquifer in Clark County, and Leap (1988) studied the glacial deposits in Day County. The Prairie Coteau defined in these areas is not a continuous aquifer and is instead a group of discontinuous outwash deposits generally found in the 1,600 to 1,800 foot altitude interval (Hamilton, 1986; Thompson, 2001). The depth and thickness of these deposits can vary widely. These outwash deposits have been collectively known as an aquifer due to their similarities.

Historically, the Water Management Board has considered water permit applications to appropriate water from the Prairie Coteau aquifer system as a whole. However, in interpreting 46-6-3.1, the First Judicial Circuit Court ruled in *Hanson County Dairy v. Bender* that evidence needs to show that water is available for proposed appropriations. In other words, data must be presented to show that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 11, 2012). This could be interpreted as necessitating the identification and quantification of recharge and discharge of an individual outwash deposit of the Prairie Coteau aquifer from which the applicant proposes to withdraw water.

To determine this information, the areal extent and altitude interval of the individual outwash deposit was first identified by examining area lithologic logs. Figure 1 shows the location of these lithologic logs and the determined relevant portion of the Prairie Coteau aquifer. This portion of the Prairie Coteau aquifer underlies approximately 323,000 acres, mostly underlying portions of Clark, Codington, and Day Counties. While Hansen (1990) described the Prairie Coteau aquifer as surficial, this portion is often buried. Other small outwash deposits lie above, below, and adjacent to this Prairie Coteau aquifer (Geological Survey, 2013; Hansen, 1990). The Prairie Coteau is probably in hydraulic connection with these outwashes, among others. This

portion of the aquifer is generally found in the 1,640 to 1,710 foot above mean seal level (msl) altitude interval and is often 20 to 40 feet thick (Geological Survey, 2013).

The potentiometric surface in the aquifer generally ranges from just below ground surface to 60 feet below ground surface, which translates to elevations generally ranging from 1,730 to 1,870 feet msl. The potentiometric surface elevation is highest in the northern portion and lowest in the southern portion of the aquifer, thus water in this portion of the aquifer moves from north to south. Most of the aquifer appears to be under artesian conditions except for a small portion in the extreme west where the ground surface elevation lowers and the aquifer develops water table conditions (Water Rights, 2013a).



Figure 1: Map of relevant portion of the Prairie Coteau aquifer and area lithologic logs (Geological Survey, 2013)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights

and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

If this application is approved, the actual water use will likely be less than 120 ac-ft/yr. 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.” 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.

Hydrologic Budget:

Recharge:

Recharge to this portion of the Prairie Coteau aquifer likely occurs through leakage from till and adjacent outwash deposits. Recharge for this portion of the aquifer has not been quantified. For unconfined portions of the Prairie Coteau aquifer system, Hedges and others (1985) estimated a recharge rate of 4.9 inches per year. However, this area is likely relatively small. For management and development programs, Hedges and others (1985) suggest a recharge rate range of 0.15 to 0.60 inches per year (in/yr) for confined aquifers. From the determined area of the aquifer, this recharge rate range equates to 4,000 to 16,000 ac-ft/yr.

Discharge:

Discharge from this portion of the Prairie Coteau aquifer occurs by outflow to underlying basal and bedrock aquifers and well withdrawals. Based on the location and depths of wells, there are currently 21 water rights/permits appropriating water and one future use permit reserving water from this portion of the aquifer, which are described in Table 1 and whose diversion points are shown in Figure 2 (Water Rights, 2013b). In addition, there are many well completion reports on file for domestic wells that appear to be completed into the Prairie Coteau aquifer; however, the annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer (Water Rights, 2013c).

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits/future use permits can be estimated by assuming these water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time and future use permits can be fully developed. The City of Webster is currently connected to a rural water system and the associated municipal water rights are maintained for stand-by purposes; therefore, no annual withdrawal is assumed. Therefore, the total annual withdrawal from this portion of the Prairie Coteau aquifer by non-irrigation use water rights/permits/future use permits is expected to be less than 885 ac-ft/yr (Water Rights, 2013b).

Table 1: Water rights/permits appropriating from this portion of the Prairie Coteau aquifer (Water Rights, 2013b)

Permit No.	Name	Priority Date	Status	Type	CFS	acres	ac-ft
567-3	City of Webster	01/01/1918	LC	MUN	1.34		
1435-3	City of Waubay	01/01/1944	LC	MUN	0.46		
760-3	Joe Matthews	01/26/1961	LC	IRR	2	167.2	
1016-3	Joe Matthews	01/31/1963	LC	IRR	1.33	114	
1865-3	City of Webster	10/23/1970	LC	MUN	0.44		
4182-3	Ina C Kahnke	09/29/1975	LC	IRR	1.78	132	
4051-3	Town of Florence	10/20/1976	FU	MUN			38
3665-3	Florence Davis	02/22/1977	PE	IRR	9	640	
4139-3	Cory or Nicole Rislov	09/15/1977	LC	IRR	3.74	262	
4186-3	Joe/Mike Matthews	11/14/1977	LC	IRR	2	264	
4191-3	Prairie Coteau Restoration LLC	12/05/1977	LC	DOM/FWP	1.11		
5087-3	Larson Concrete Company	04/04/1986	LC	IND	0.1		
5310-3	Delbert Tschakert	03/13/1989	LC	IRR	1.88	132	
5560-3	Delbert Tschakert	06/06/1991	LC	IRR	1.88	150	
6313-3	Consolidated Ready Mix	03/20/2002	LC	IND	0.089		
6327-3	City of Webster	05/10/2002	LC	IRR	0.56	7	
6477-3	Delbert Tschakert	03/03/2004	PE	IRR		100	
6478-3	Delbert Tschakert	03/03/2004	PE	IRR	2	260	
6707-3	Prairie Coteau Restoration	03/24/2006	PE	DOM/FWP			
6760-3	Day County	10/11/2006	LC	IND	0.022		
7035-3	Nathan Meland	05/21/2008	PE	COM/LCO	0.067		
7272-3	John G Moes	10/04/2011	PE	COM/LCO	0.1		

FU = Future Use, LC = Water Right, PE = Water Permit
MUN = Municipal, IRR = Irrigation, DOM = Domestic, FWP = Fish & wildlife propagation, IND = Industrial

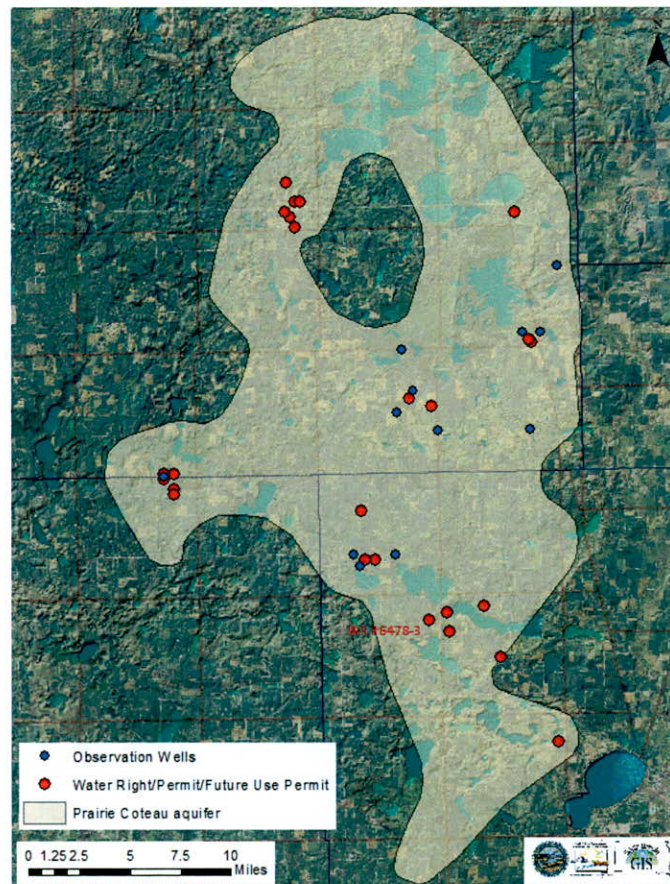


Figure 2: Location of water rights/permits/future use permit and observation wells completed into this portion of the Prairie Coteau aquifer (Water Rights, 2013a; Water Rights, 2013b)

Figure 3 shows the irrigation data from irrigation water rights/permits in this portion of the Prairie Coteau aquifer. The average pumpage reported equals 594 ac-ft/yr. The annual withdrawal from the aquifer fluctuates, which is probably mostly dependent on annual growing season climatic conditions.

This average does not include the expected use of this proposed appropriation. Also consider that the irrigation development of this portion of the Prairie Coteau aquifer has steadily, however only slightly, increased over the period of record, 1979 to 2011. To account for this, irrigation use data was further examined.

The acreage actually irrigated in relation to the acreage authorized is on average 50.9 percent (%) over the period of record. When applying this average ratio to the current appropriated acreage, 2228.2, plus the proposed acreage, 60, actual irrigated acreage is expected to be 1,165 acres. The average annual application rate equals 7.76 inches per acre (in/ac) over the period of record. When applying this average application rate to the average expected irrigated acreage including the proposed appropriation, actual annual withdrawal is expected to be 753 ac-ft/yr (Water Rights, 1980-2012).

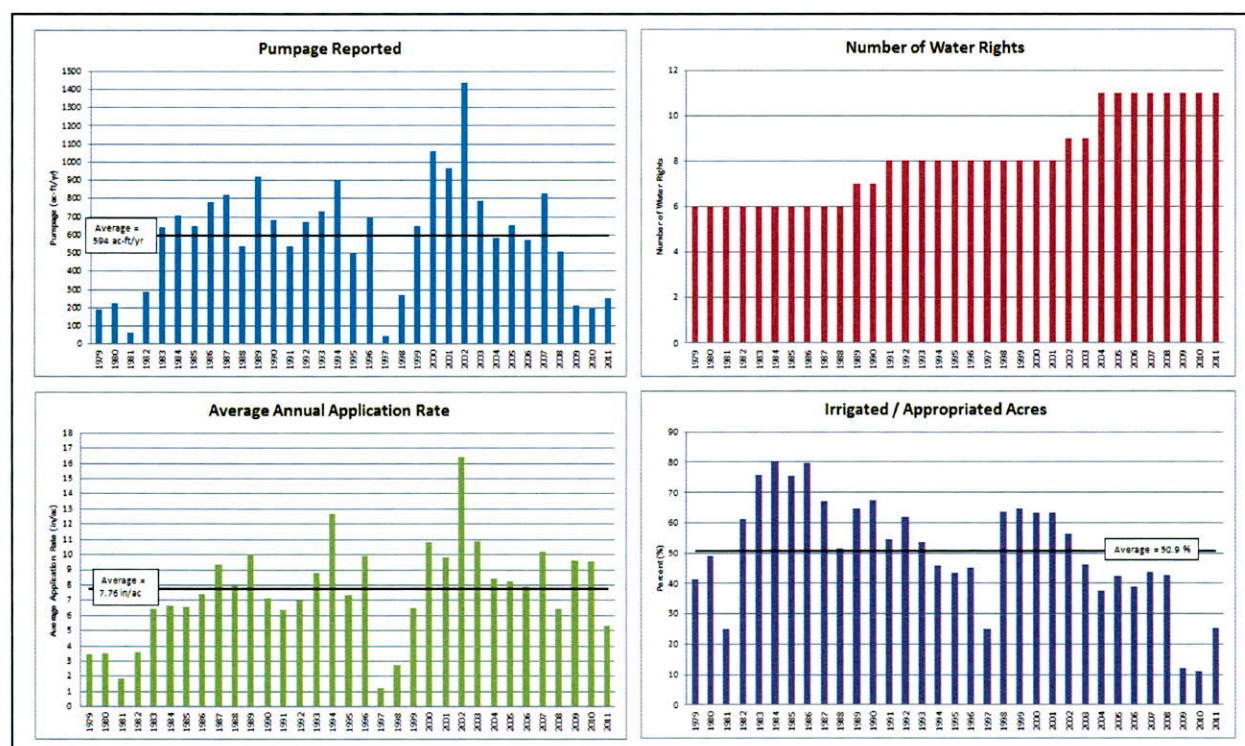


Figure 3: Irrigation use data from this portion of the Prairie Coteau aquifer (Water Rights, 1980-2012)

Water Balance:

The average annual withdrawal from this portion of the Prairie Coteau aquifer is estimated to be less than 1,638 ac-ft/yr. To balance the hydrologic budget, recharge must equal withdrawal. And so, recharge to this aquifer must equal 0.06 in/yr. This required recharge rate is lower than the

suggested recharge rate range provided by Hedges and others (1985). Therefore, water is available from this portion of the Prairie Coteau aquifer for the proposed appropriation.

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 SD DENR-Water Rights Program monitors 55 observation wells completed into the Prairie Coteau aquifer, with 12 of these completed into this portion of the aquifer (Water Rights, 2013a). The locations of these wells are shown in Figure 2. A hydrograph for these 12 observation wells is shown in Figure 4. The nearest observation well, CD-77E, is located approximately 3.6 miles northwest of the well authorized by Water Permit No. 6478-3.

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. Temporal well withdrawal of the aquifer is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Over the period of record, water levels in this portion of the aquifer have remained fairly steady and generally increased. Therefore, unappropriated water is available from this portion of the Prairie Coteau aquifer to support the proposed appropriation.

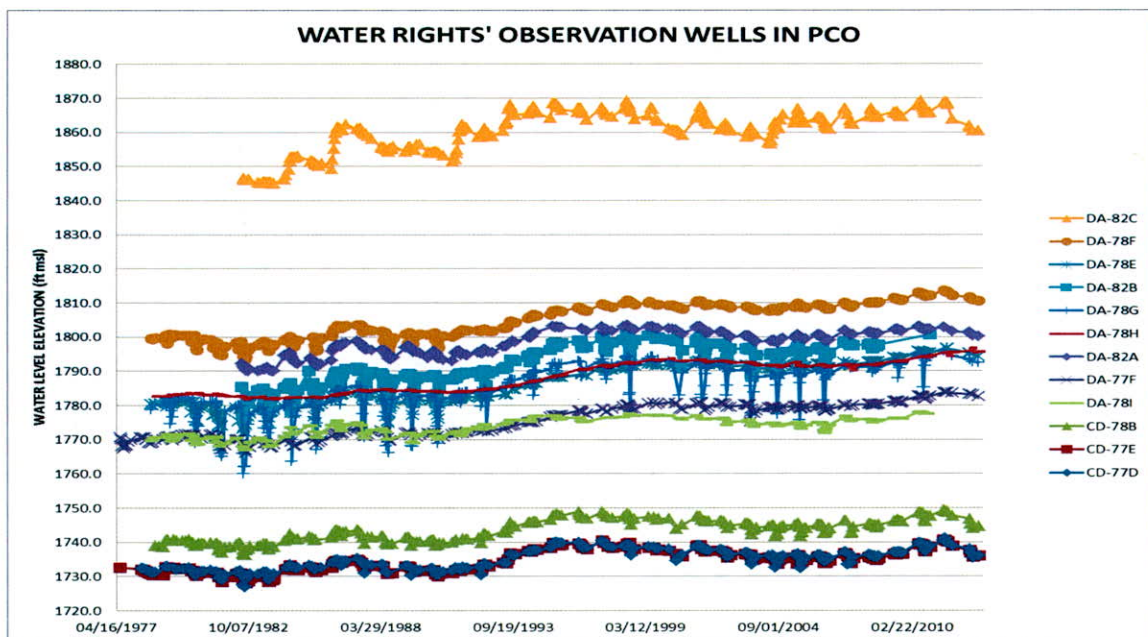


Figure 4: Hydrographs of observation wells completed into this portion of the Prairie Coteau aquifer (Water Rights, 2013a)

EXISTING WATER RIGHTS:

The well authorized by Water Permit No. 6478-3 is located near other wells that obtain water from the same aquifer. There are several domestic wells on record that appear to be completed

into the Prairie Coteau aquifer within two miles of the proposed well site (Water Rights, 2013c). Three water rights, Water Right Nos. 5310-3 and 5660-3 and Permit No. 6477-3, are located within two miles, of the well (Water Rights, 2013b).

While this application does not propose an increase in maximum diversion rate, the increase in proposed applied acres will likely increase the average diversion rate. Historic pumpage from Water Permit No. 6478-3 is shown in Table 2. The average 82.6 ac-ft volume of water applied, over the assumed growing season length of 185 days, converts to a theoretical constant diversion rate of 0.225 cfs on the 130 acres applied. Assuming full use of the proposed 60 new acres, the theoretical constant diversion rate equals 0.329 cfs over the assumed growing season length, which also equates to a volume of 120.8 ac-ft.

Therefore, while actual diversion rate or actual days applied may not change, the cumulative impacts are likely to increase. However, the current average diversion rate has not adversely effected nearby wells. And so, the relatively small increase in average diversion rate due to the additional acres is not expected to cause adverse impacts, either.

Table 2: Historic irrigation use of Water Permit No. 6478-3 (Water Rights, 2013b)

Year	Appropriated acres	Irrigated acres	Acres ratio (%)	Pumpage (cfs)	Days applied	Hours applied (per day)	Volume (ac-ft)	Rate (in/sd)
2011	250	0	0.0	0.00	0	0	0.0000	0.0000
2010	250	0	0.0	0.00	0	0	0.0000	0.0000
2009	250	0	0.0	0.00	0	0	0.0000	0.0000
2008	250	0	0.0	0.00	0	0	0.0000	0.0000
2007	250	130	50.0	1.90	22	24	82.6266	7.6271
2006	250	0	0.0	0.00	0	0	0.0000	0.0000
2005	250	0	0.0	0.00	0	0	0.0000	0.0000
2004	250	0	0.0	0.00	0	0	0.0000	0.0000

This portion of the Prairie Coteau aquifer is under artesian conditions at the well site; therefore, some drawdown due to pumping is likely. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. SDCL 46-6-6.1 does not require protection of artesian head pressure as a means of groundwater delivery. However, reasonable domestic use must be assured before irrigation use is allowed. Therefore, when considering irrigation projects, the Water Management Board must give consideration to maintaining artesian head pressure as a method of delivery for domestic wells. To balance interests between irrigation use and delivery of groundwater by artesian pressure, ARSD 74:02:04:20(7) defines an adversely impacted domestic well as:

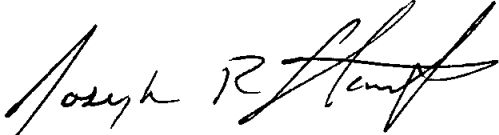
“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer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

Depending on the specific characteristics of the Prairie Coteau aquifer at the proposed well site, some existing well owners may need to lower their pumps to accommodate possible reduction of head pressure.

If approved, the water permit should include the qualification that the well owner should 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.

CONCLUSIONS:

1. Water Permit Application No. 7809-3 proposes to irrigate 60 new acres from an existing well authorized by Water Permit No. 6478-3.
2. Water Permit No. 6478-3 appropriates 2.0 cfs from one well, 100 feet deep, completed into the Prairie Coteau aquifer for the irrigation of 260 acres.
3. If approved, this application does not authorize any increase in maximum diversion rate.
4. The relevant individual deposit of the Prairie Coteau aquifer was delineated and determined to underlie approximately 323,000 acres.
5. There is a reasonable probability that unappropriated water is available from this portion of the Prairie Coteau aquifer to supply the proposed appropriation.
6. There is a reasonable probability that any possible well inference due to the proposed appropriation 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

REFERENCES:

- Geological Survey. 2013. Lithologic Logs Database, South Dakota Department of Environment & Natural Resources Geological Survey, Vermillion, South Dakota.
- Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota; Part II: Water Resources: South Dakota Geological Survey Bulletin 29, 62 p. Vermillion, South Dakota.
- Hansen, D.S. 1990. Water Resources of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-supply Paper 2254, 263 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., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- Leap, D.I. 1988. Geology and Hydrology of Day County, South Dakota. South Dakota Geological Survey Bulletin 24, Vermillion, South Dakota.
- Thompson, R.F. 2001. Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota: U.S. Geological Survey Water-Resource Investigation Report 01-4219
- Water Rights, 1980-2012. "Irrigation Report Summaries." SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

MAY 23 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

May 17th, 2013

Cost of Printing \$61.64

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

May 17th, 2013

(Date Signed)

T118N-R55W. This application proposes to irrigate 60 new acres located in the NW 1/4 Section 12-T118N-R55W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7809-3 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 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 approximate cost of \$56.75.
(May 17, 2013)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO. 7809-3 to Appropriate Water

Notice is given that Delbert Tschakert, 16150 442nd Ave, Florence SD 57235 has filed an application for a water permit to irrigate 60 new acres. Water Permit No. 6478-3 appropriates 2.0 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (100 feet deep) located in the E 1/2 NW 1/4 Section 12 for irrigation of 260 acres located in the W 1/2 NE 1/4, E 1/2 NW 1/4, SW 1/4 Section 12; all in

All legal notices in the Public
Opinion and other South
Dakota newspapers can be
found at
www.sdpublicnotices.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 10, 2013

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7809-3 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 Delbert Tschakert, 16150 442nd Ave, Florence SD 57235 (Ph # 605-758-2265).

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 DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 10, 2013

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Water Permit Application No. 7809-3 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 Public Opinion printed at Watertown SD (Ph # 605-886-6901). 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. 7809-3 to Appropriate Water

Notice is given that Delbert Tschakert, 16150 442nd Ave, Florence SD 57235 has filed an application for a water permit to irrigate 60 new acres. Water Permit No. 6478-3 appropriates 2.0 cubic feet of water per second from one well completed into the Prairie Coteau Aquifer (100 feet deep) located in the E 1/2 NW 1/4 Section 12 for irrigation of 260 acres located in the W 1/2 NE 1/4, E 1/2 NW 1/4, SW 1/4 Section 12; all in T118N-R55W. This application proposes to irrigate 60 new acres located in the NW 1/4 Section 12-T118N-R55W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7809-3 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 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**

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PIERRE, SOUTH DAKOTA 57501-3182

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JUN 21 2013

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

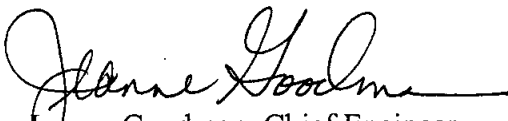
Dear Mr. Tschakert:

Enclosed is Water Permit No. 7809-3 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 6478-3 & 7809-3

I have this day, May 8, 2023, made a thorough examination of the water use system constructed by Delbert Tschakert, 16150 442nd Ave, Florence, SD 57235 of Permit Nos. 6478-3 & 7809-3, bearing the priority dates of March 3, 2004 (6478-3) & March 14, 2013 (7809-3) authorizing the diversion of 2.0 cu. ft. per second of the waters of the Prairie Coteau Aquifer for irrigation purposes, in Codington County.

A. Works used to divert the water: (approved under Permit No. 6478-3)

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 103 feet
- 4) Well log is available Y

Screen:

- 1) Type Plastic
- 2) Length 20 feet
- 3) Static water level 35 feet

Casing:

- 1) Diameter 12 inches
- 2) Length 83 feet
- 3) Type Plastic

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 850 GPM

Motor:

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

B. Works used to transport water to place of use: (7809-3)

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 1450 feet

B. Works used to transport water to place of use: (6478-3)

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 2900 feet

C. Works used to apply water to beneficial use:**Center pivot: (7809-3)**

- 1) Make T & L
- 2) Overall length 1140 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) Capacity 850 GPM

Chemigation Equipment: 6478-3 & 7809-3

- 1) Does chemigate N

D. Compliance with Permit Requirements: 6478-3 & 7809-3

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 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: WELL LOCATION FROM THE NW CORNER SEC 12 T118N R55W 1301 ft S & 2551 ft E, Lat 45.04662 Long - 97.38193 (SE ¼ NW ¼) A SHARED WELL
2. The works are capable of diverting and conveying to the place of use 1.89 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: Section 12, T118N, R55W**legal description/acreage**

NW ¼ NE ¼ - 28 ac
 SW ¼ NE ¼ - 30 ac
 NE ¼ NW ¼ - 37 ac
 NW ¼ NW ¼ - 33 ac
 SW ¼ NW ¼ - 19 ac
 SE ¼ NW ¼ - 33 ac

legal description/acreage

NE ¼ SW ¼ - 35 ac
 NW ¼ SW ¼ - 34 ac
 SW ¼ SW ¼ - 33 ac
 SE ¼ SW ¼ - 33 ac
 NW ¼ SE ¼ - 1 ac
 SW ¼ SE ¼ - 1 ac

comprising a total of 317 acres of land and the license should be issued for 1.89 cfs (One well – shared with two (2) pivots – operating on rotation)

3. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address is current but the telephone number should be 605/881-5967.

I talked to Delbert Tschakert during a field inspection visit.

A handwritten signature in black ink, appearing to read 'Darrell W DeBoer', written in a cursive style.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **November 14, 2023**



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Delbert Tschakert

ADDRESS: 16150 442nd Ave, Florence SD 57235

DATE: November 21, 2023 COUNTY: Codington

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 317 acres as compared to 320 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The relocated 2 acres are in the W ½ SE ¼ immediately adjacent to permitted acres in the SW ¼; all in Section 12 T118N-R55W

- **Owned by Same Property Owner**

All the property involved is listed under the Delbert Tschakert

- **Developed Prior to Expiration of Construction Period**

The construction completion date was to be completed by May 28, 2022. Irrigation was reported being performed in 2016

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the # acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7809-3**

(1) Delbert Tschakert; 16150 442nd Ave, Florence SD 57235, made Application No. 6478-3, March 3, 2004, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), Codington County, South Dakota for irrigation purposes. Permit No. 6478-3, with a priority date of March 3, 2004, was approved April 19, 2004, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 19, 2009, and for the application to beneficial use of water on or before April 19, 2013.

The permit holder made Application No. 7809-3, March 14, 2013, for a water permit to add an additional 60 acres to the system developed under Permit No. 6478-3, with no addition to the rate of diversion. Permit No. 7809-3, with a priority date of March 14, 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 applicable portions of Permit No. 6478-3 will be incorporated into Water Right No. 7809-3.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(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 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,301 ft S & 2,551 ft W of the NW corner of Section 12, T118N, R55W (SE ¼ NW ¼)
(Latitude 45.04662 & Longitude -97.38193)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.

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

Section 12, T118N, R55W			
NW ¼ NE ¼	28 acres	NE ¼ SW ¼	35 acres
SW ¼ NE ¼	30 acres	NW ¼ SW ¼	34 acres
NE ¼ NW ¼	37 acres	SW ¼ SW ¼	33 acres
NW ¼ NW ¼	33 acres	SE ¼ SW ¼	33 acres
SW ¼ NW ¼	19 acres	NW ¼ SE ¼	1 acre
SE ¼ NW ¼	33 acres	SW ¼ SE ¼	1 acre

TOTAL: 317 acres

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Delbert Tschakert, the holder and/or owner of Water Right No. 7809-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), with priority dates of March 3, 2004 for 260 acres in the W ½ NE ¼, E ½ NW ¼, and SW ¼, and March 14, 2013 for 57 acres in the NW ¼ and W ½ SE ¼; all in Section 12, T118N, R55W, 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. 7809-3 and subject to the following qualifications:

1. The well approved under Water Permit Nos. 6478-3 & 7809-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6478-3 shall be constructed by a licensed well driller and construction of the wells 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. *(The well was drilled in 2007 by Kaiser Well Drilling. A copy of the Well Completion Report is on file with the Water Rights Program.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

NOV 21 2023

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOV 21 2023

6478-3
7809-3

Delbert Tschakert
16150 442nd Ave
Florence SD 57235

Dear Mr. Tschakert:

Enclosed is Water License No. 7809-3. 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.

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

Sincerely,

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

NOTE: The applicable portions of Water Permit No. 6478-3 have been incorporated into Water Right No. 7809-3.

enclosures