

WATER PERMIT NO. 7819-3

Name of Applicant: Karl M Schenk

Address: 44352 308th St, Mission Hill SD 57046

Phone: 605 760-0363

Amount of Water Claimed: 1.78 cfs

Total Acres: 70 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 1/2 mile west of Mission Hill

PRIORITY Date Received: 3-25-13

Application/License Fee: \$ 950

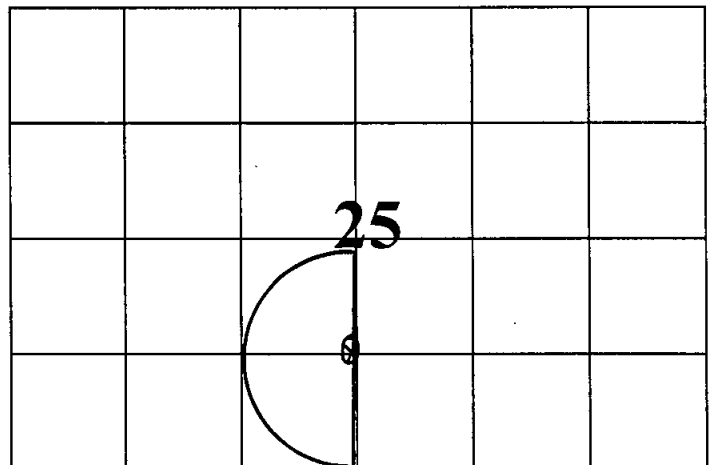
Corrected Application Received: 4-5-13

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: E 1/2 SW 1/4 Sec 25-T94N-R55W

Land to be Irrigated: E 1/2 SW 1/4 Sec 25-T94N-R55W



Depth of Well: 150 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-5-13

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

450

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7819-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Press & Dakotan</u> <u>319 Walnut</u>
	<u>Yankton 57078</u> <u>605-665-7811</u>

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MAR 25 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name of Applicant Karl M Schenk Phone 605 760 0363
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 44352 308th St Mission Hill SD 57046
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.78 CFS or 800 **GPM ***AF Total Acreage 70
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Lower James Missouri aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
one well at the midpoint of the east boundary
of the E1/2 SW1/4 S. 25, 94-55 Yankton County (see map)
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used April - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE1/4 SW1/4</u>	<u>35</u>		
<u>NE1/4 SW1/4</u>	<u>35</u>		
<u>Section 25 - T94N - R55W</u>			

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

a half circle used 1300' Pivot (6518 pipe line)
Pivot pt located @ the midpoint of the east boundary
of the E1/2 SE1/4 S. 25 94-55 - drops, 25 hp end gun using
800 gpm (wiper system)

STATE OF SOUTH DAKOTA)

County of _____)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature _____

Subscribed and sworn to before me this _____ day of _____ 20

Notary Public signature _____

SOUTH DAKOTA
WATER PERMIT NO. 7819-3

Date of first receipt of application March 25, 2013.

Date of return to applicant for corrections, amendments or changes March 25, 2013.

Date of receipt of corrected application April 5, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7819-3 to Karl M Schenk, 44352 308th St, Mission Hill SD 57046 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. 7819-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (150 feet deep) located in the E 1/2 SW 1/4 Section 25 for irrigation of 70 acres located in the E 1/2 SW 1/4 Section 25; all in T94N-R55W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is March 25, 2013.
4. The date of approval of Permit No. 7819-3 is June 24, 2013.
5. One-fifth of the construction is to be completed on or before December 24, 2015.
6. All construction is to be completed on or before June 24, 2018.
7. Water is to be put to beneficial use on or before June 24, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7819-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 26 2013

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 150'
- b) Casing Type PVC Diameter 16 Thickness 1/2"
- c) Screen Type PVC Diameter 16 Thickness 1/2"
- d) Gravel Pack 1/8-3/8 P.C. Rock Length of Gravel Pack 35'
- e) Depth to Top of Water Bearing Material 115
- f) Depth to Water (ground surface to water level) 80 ±
- g) Distance to nearest existing domestic well:
- On applicant's property 2000' On property owned by others Olson 2500'
SW Artesian

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

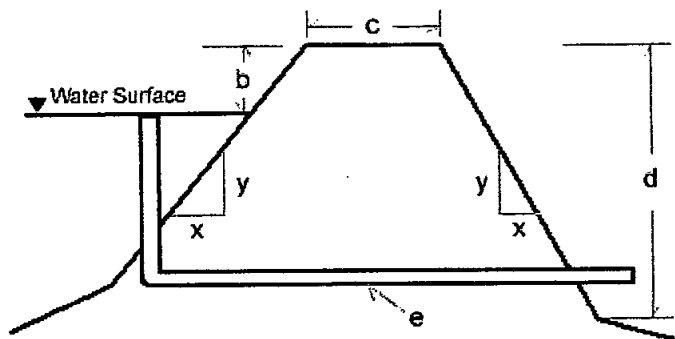
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

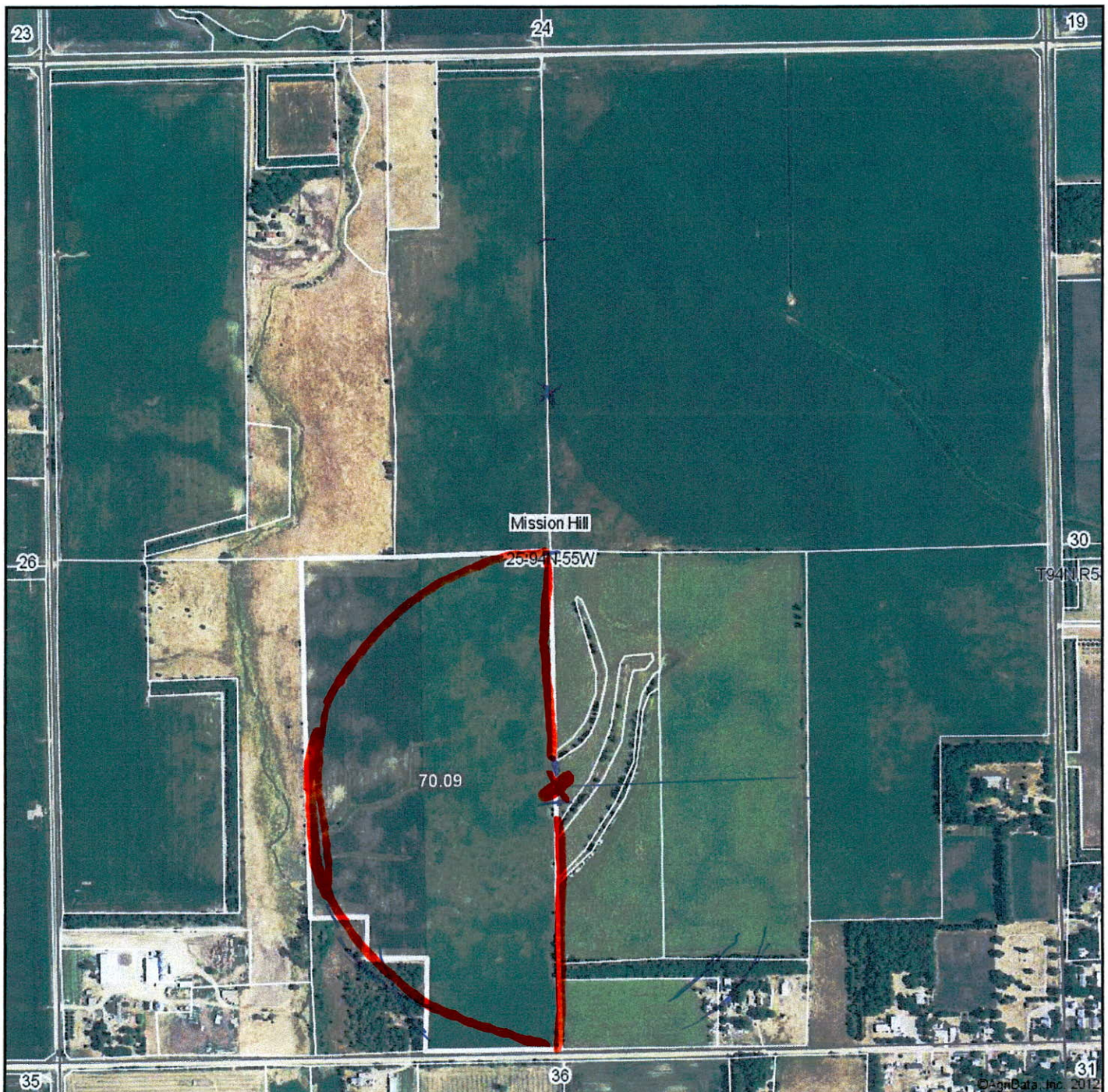
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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



Aerial Map



map center: 42° 55' 50.81, 97° 17' 19.54
scale: 9964

Maps provided by:



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www.AgriDataInc.com

25-94N-55W
Yankton County
South Dakota

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3/5/2013

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

Yankton County FSA
by Vicki Swensen, Program Tech 3-20-2013

<http://www.suretymaps.com/reports/fsamap.aspx?datakey=6E4411F319AFD9A77E6E9773D84F6...> 3/5/2013

"NORTH" MISSION HILL TWP.

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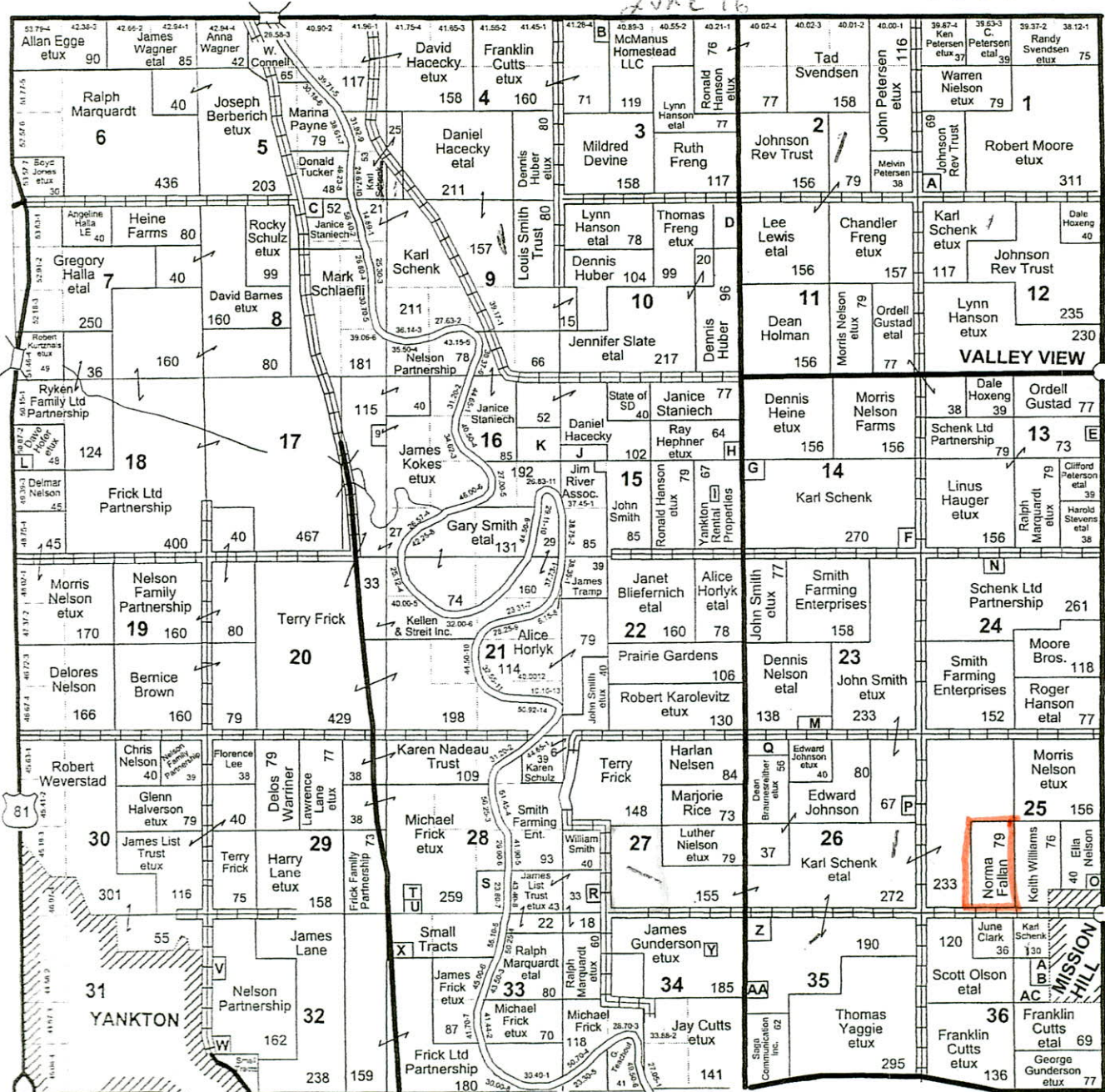
MAR 25 2013

WATER RIGHTS
PROGRAM

R 55 W

T 94 N

Land Owner



Section 1 A Myler Holmgren etux - 10
Section 3 B Dale Knode etux - 8
Section 8 C Pamela Fritz etux - 18
Section 10 D Randy Freng etux - 19
Section 13 E Todd Quatler etux - 6
Section 14 F David Helgerson - 27
Section 15 H Elwyn Aase etux - 15
Section 16 I James Williams etux - 11
Section 17 J Michael Becvar etux - 17

Section 16 K Michael Becvar etux - 17
Section 18 L Michael Andrews - 14
Section 23 M Dean Braunesreither etux - 18
Section 24 N Richard Adams etux - 9
Section 25 O Elmer Hasker - 12
Section 26 P Margaret Sarringer - 10
Section 27 Q Daniel Dolejsi - 21
Section 28 R Gordon Olson etux - 6
Section 29 S Velma Lane etal - 24
Section 30 T Terry Stucky etux - 5
Section 31 U Pierre Montagne etux - 5

Section 32 V Timothy Shafer etux - 7
Section 33 W Myron Weinandt etux - 19
Section 34 X Joe Christensen etux - 7
Section 35 Y David Aune - 11
Section 36 Z Harlan Nelsen etux - 25
AA John Yaggie etux - 7
AB Karl Schenk - 8
AC Jay Cutts etux - 19

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

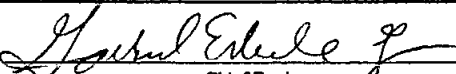
Date 3/25, 20 13

RECEIVED OF Karl Scheak 946 Wynstone Dr Jefferson SD 57038

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

Fee for Application for Permit No. <u>7819-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	750 00

No. 06262

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 25, 2013

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of 70 acres located in Yankton County. In order to complete the application, the following is required.

- We have received your check for \$750.00. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7819-3, Karl M Schenk**

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. 7819-3, Karl M Schenk, 44352 308th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 7819-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7819-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
June 3, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7819-3
KARL M SCHENK
APRIL 18, 2013

Water Permit Application No. 7819-3 proposes to appropriate water from one well to be completed into the Lower James-Missouri aquifer at a maximum diversion rate of 1.78 cubic feet of water per second (cfs). The well will be located in the E ½ SW ¼ of Section 25, T94N-R55W and is expected to be approximately 150 feet deep. This application proposes to irrigate 70 acres located in the E ½ SW ¼ of Section 25, T94N-R55W in Yankton County.

AQUIFER: Lower James-Missouri aquifer (LJM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower James-Missouri is a glacial aquifer composed of fine sand to cobble gravel mixed with layers of till (Lindgren, 1990). The aquifer generally lies above Carlile Shale, but lies on Sioux Quartzite northeast of the James River (Lindgren, 1990). In places, the aquifer directly overlies and is hydraulically connected to the Niobrara aquifer, and is hydraulically connected at its southern boundary to the Missouri: Elk Point aquifer as well as the James River. The proposed well site is located in southeastern Yankton County less than four miles north of the Missouri River. The Lower James-Missouri aquifer encompasses approximately 191,700 acres of Clay, Hutchinson, and Yankton Counties, as determined by Hedges and others (1982). The aquifer contains an estimated 2,795,400 acre-feet of recoverable water in storage, of which an estimated 2,081,250 acre-feet of recoverable water is in storage in Yankton County (Hedges and others, 1982). There is approximately 90 feet of saturated thickness available at the proposed well site (Water Rights, 2013a). The aquifer is generally under confined conditions east of the James River and at the western boundary of the aquifer and generally under water-table conditions elsewhere (Lindgren, 1990). The aquifer is under confined conditions in the area of this application.

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 diversions 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 Lower James-Missouri aquifer.

WATER AVAILABILITY:

This application proposes to appropriate water from the Lower James-Missouri aquifer. If this application is approved, it is likely that the actual water use will be less than 280 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 Lower James-Missouri aquifer is from direct infiltration of precipitation on the James River flood plain where the aquifer is at or near land surface (Lindgren, 1990). Recharge is also provided to the aquifer from the Choteau, Dakota and Niobrara aquifers as well as during times of high flow from the James River (Lindgren, 1990). The average annual recharge rate to the Lower James-Missouri aquifer is estimated to be 1.5 in/yr based on regional flow-net analysis (Hedges and others, 1985). Given the area of the aquifer in Clay, Hutchinson, and Yankton Counties of 191,700 acres, average annual recharge to the aquifer is estimated to be 23,962.5 ac-ft/yr. Recharge in Yankton County is estimated to be 11,562.5 ac-ft/yr based on the 92,500 acres that the aquifer underlies in the county (Hedges and others, 1982).

Discharge:

Discharge from the Lower James-Missouri aquifer is by evapotranspiration, seepage to the James River, and withdrawal from wells (Lindgren, 1990). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Lower James-Missouri aquifer (Water Rights, 2013b), and there are currently 134 water rights/permits appropriating water from the Lower James-Missouri aquifer of which 87 are in Yankton County (Water Rights, 2013c). The distribution of these appropriations for the entire aquifer and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	5
Domestic	1
Geothermal	1
Industrial	1
Irrigation	126

Table 1. Water rights/permits from the Lower James-Missouri 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.

The expected water use for non-irrigation purposes from the Lower James-Missouri aquifer is less than 1,228 ac-ft/yr based on current water appropriations.

The annual reported water use from the Lower James-Missouri aquifer 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 aquifer is approximately 2,209 ac-ft/yr. The amount of 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)
2011	89	27367.1	4147.47
2010	85	25731.1	665.37
2009	84	25451.1	1463.27
2008	79	23891.7	4494.03
2007	56	17477.7	3425.91
2006	50	15627.1	3630.92
2005	48	14749.1	2866.63
2004	47	14525.1	2886.65
2003	53	17373.1	2843.15
2002	53	17108.1	4061.52
2001	53	17208.1	2940.09
2000	51	17048.1	3751.08
1999	50	15992.1	2102.15
1998	53	16915.1	2787.03
1997	50	17072.1	2320
1996	49	17240.1	2102.99
1995	41	15088.1	1483.32
1994	45	17094.1	1918.17
1993	45	16241.9	230.44
1992	45	16791.9	1159
1991	42	15497.9	2599
1990	35	12673.1	2928.1
1989	31	10909.1	2144.8
1988	31	11769.5	2744.9
1987	30	11613.5	1041.6
1986	30	11613.5	989.6
1985	27	10033.1	1483
1984	28	12283.1	1360
1983	27	9883.1	1306.54
1982	23	9440.1	1301.25
1981	27	13053	1835
1980	23	11561	1299
1979	22	11265	588
MIN	22	9440.1	230.44
MAX	89	27367.1	4494.03
AVE	45.52	15684.48	2209.09

Table 2. Irrigation from the Lower James-Missouri aquifer (Water Rights, 1980-2012)

Comparison of the estimated average annual withdrawal from the Lower James-Missouri aquifer with the estimated average annual recharge for the aquifer indicated that the average annual withdrawals from the aquifer do not exceed the average annual recharge to the aquifer. Therefore, unappropriated water is available from the Lower James-Missouri aquifer. Specifically, 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 33 observation wells completed into the Lower James-Missouri aquifer with two of these wells located within two miles of the proposed well site. Hydrographs for these wells are shown in Figures 1 and 2.

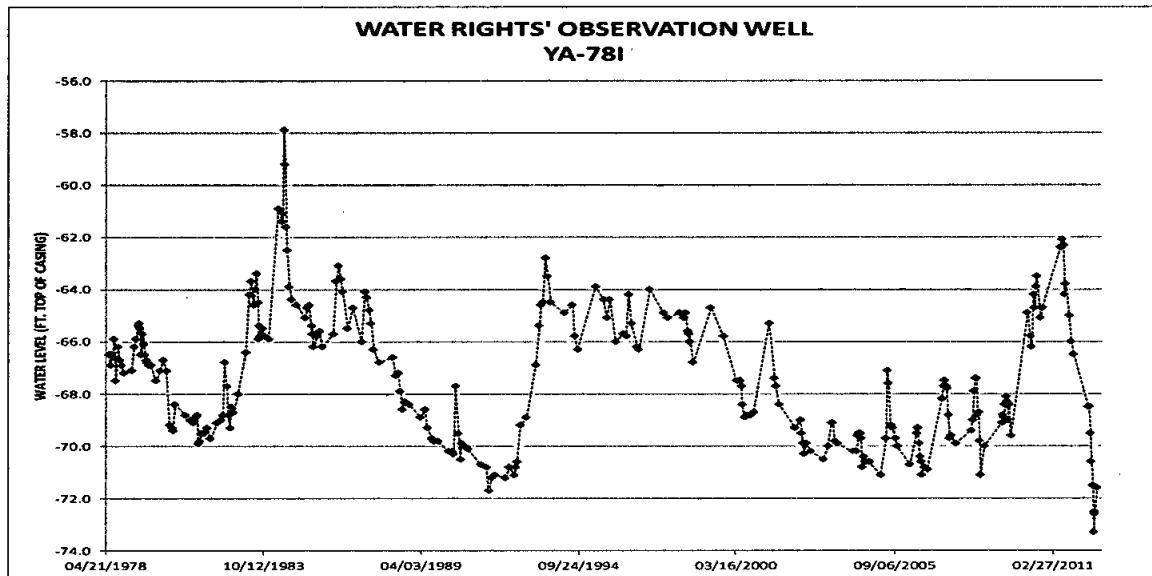


Figure 1. Hydrograph for SD DENR-Water Rights' Observation Well YA-78I completed into the Lower James-Missouri aquifer less than one mile northeast of the well site proposed by Application No. 7819-3 (Water Rights, 2013b).

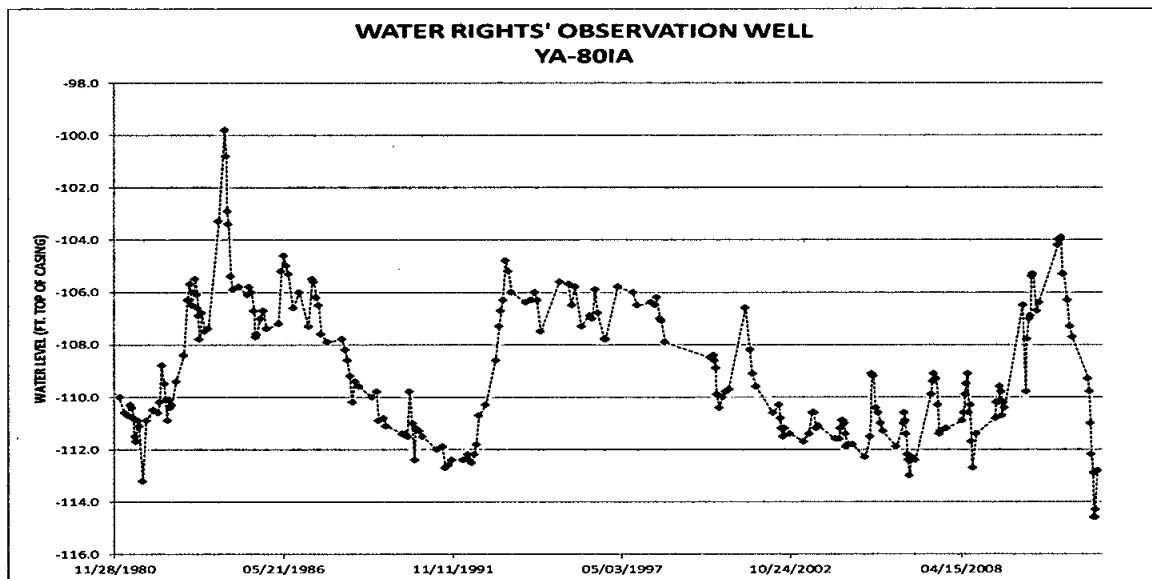


Figure 2. Hydrograph for SD DENR-Water Rights' Observation Well YA-80IA completed into the Lower James-Missouri aquifer approximately one and three quarter miles north of the well site proposed by Application No. 7819-3 (Water Rights, 2013b).

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 water level data shows that over the period of record, in general, discharge has not exceeded recharge. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Lower James-Missouri aquifer significantly exceeds pumping. Natural discharge from the aquifer can be captured for pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The proposed well site is located in southeastern Yankton County less than four miles north of the Missouri River. Figure 3 shows the nearby existing water rights located in the Lower James-Missouri aquifer. The locations of the existing water rights/permits were determined using the best data reasonably available. The nearest water right/permit is Water Permit No. 6838-3, also for Karl M Schenk, located more than one half mile west and up-gradient from the proposed well site.

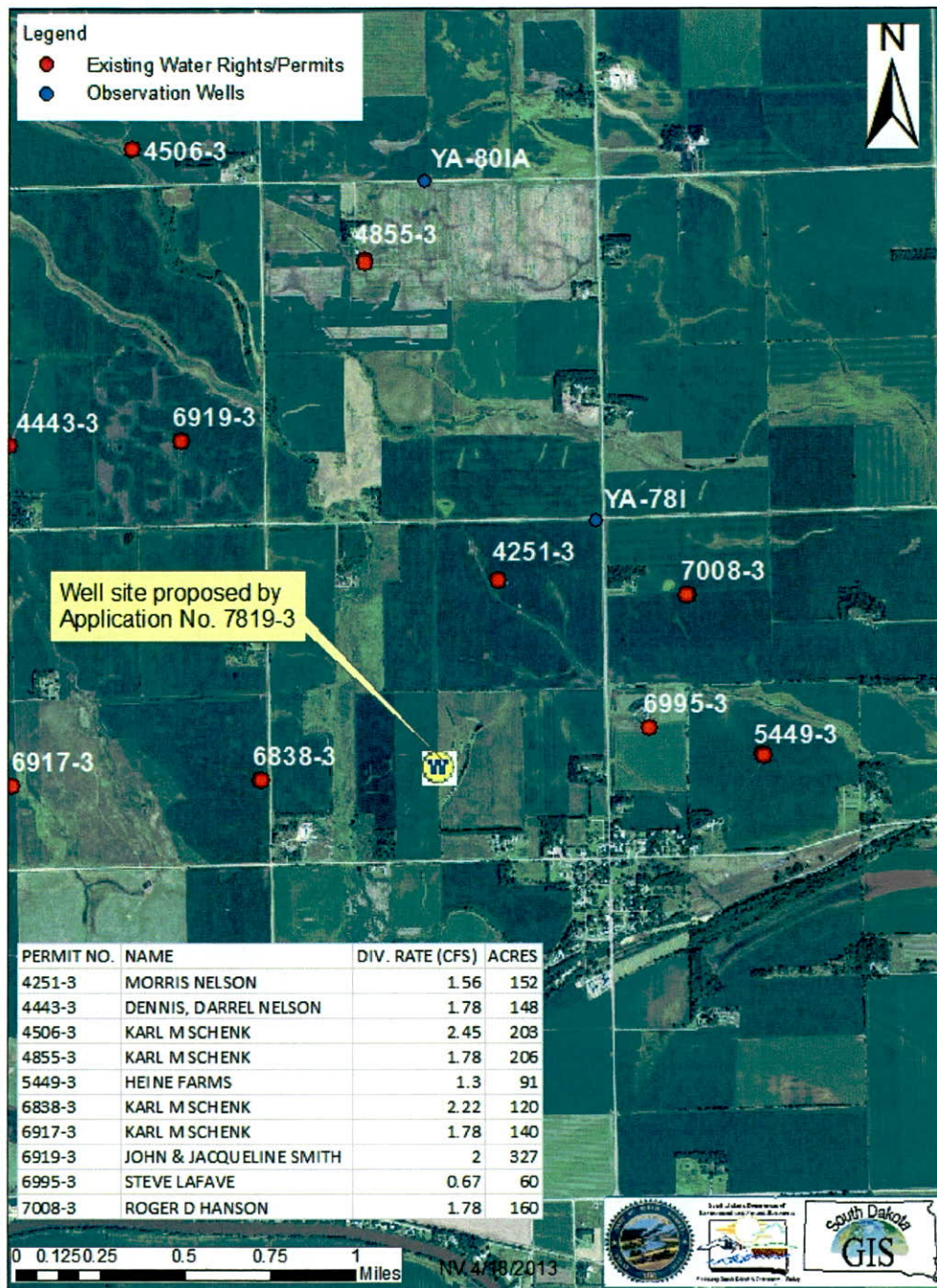


Figure 3. Existing water rights/permits located within close proximity to the well site proposed by Application No. 7819-3 (Water Rights, 2013c).

Observation well YA-78I is located within 1,600 feet of Water Permit No. 7008-3, for Roger D Hanson, and the hydrograph, shown in Figure 1, reports minimal drawdown at this distance due to pumping. Based on the observation well data, saturated thickness available, 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. The precise drawdown cannot be quantified without aquifer testing. With that in mind, this permit should adhere to and include the standard permit qualification which applies to most groundwater permits/rights stating that:

“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”.

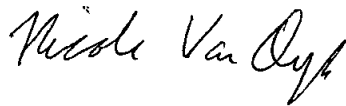
SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. To balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board has defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) 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”

In reality, the assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) generally ensures not only that interference will not be adverse to domestic well users but also in existing appropriative rights. In most cases, the protection afforded to adequate domestic wells by water law, would lead to enforcement of the “standard permit qualification” before there is a reduction of needed water supplies to appropriative rights. Although drawdown is expected to be minimal, as shown by the observation well hydrographs, some drawdown will occur. Depending on the extent of drawdown, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute and rule, there is a reasonable probability that any well interference from these proposed applications will not be adverse to adequate domestic wells.

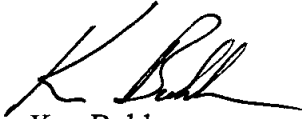
CONCLUSIONS:

1. This application proposes to appropriate water from the Lower James-Missouri aquifer.
2. There is a reasonable probability that unappropriated water is available from the Lower James-Missouri aquifer to supply this proposed appropriation.
3. The Lower James-Missouri aquifer is confined in the area of this application, but 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:

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

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Water Rights, 1980-2012, Irrigation Questionnaire Summaries 1980-2012, 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.

RECEIVED

JUN 17 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

6+12

NOTICE OF APPLICATION
NO. 7819-3 to Appropriate Water

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE **MANAGING EDITOR** OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7819-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE **12th** DAY OF **June** 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$26.48** 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: **6/12/2013**

FILED ON: **6/12/2013**

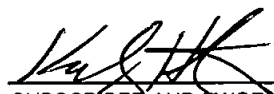
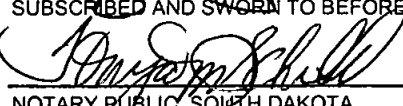
Notice is given that Karl M Schenk, 44352 308th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (150 feet deep) located in the E 1/2 SW 1/4 Section 25 for irrigation of 70 acres located in the E 1/2 SW 1/4 Section 25; all in T94N-R55W. 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. 7819-3 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 June 24, 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 \$26.48.


SUBSCRIBED AND SWORN TO BEFORE ME THIS **12th** DAY OF **June** 2013

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 4, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7819-3 to Appropriate Water. Please publish the notice once on June 12, 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 Karl M Schenk, 44352 308th St, Mission Hill SD 57046 (Ph # 605-760-0363).

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.

June 4, 2013

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Water Permit Application No. 7819-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

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

Instruction to Newspaper - Publish the Notice on June 12, 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. 7819-3 to Appropriate Water

Notice is given that Karl M Schenk, 44352 308th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (150 feet deep) located in the E 1/2 SW 1/4 Section 25 for irrigation of 70 acres located in the E 1/2 SW 1/4 Section 25; all in T94N-R55W. 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. 7819-3 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**

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUL 26 2013

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Enclosed is Water Permit No. 7819-3 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

7819-3
RECEIVED

SEP 09 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-4-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Karl Schenk
(name)44352 308th Street
(address)Mission Hill SD 57046
(city, state, zip)605-760-0363
(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. 7819-3 states that the water use system is to be constructed by
Dec. 24-15, and water is to be put to beneficial use by June, 24-22
(date) (date)

The water use system was completed on Aug. 1 2013
(date)

Applying the water to beneficial use was completed on Aug 1 2013
(date)

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

[Signature]
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 13, 2013

Karl Schenk
44352 308th St
Mission Hill SD 57046

RE: Completion of Works

Dear Mr. Schenk:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you submitted to let us know that you are completed with your irrigation systems authorized by Water Permit Nos. 7819-3, 7842-3, 7667-3, 7669-3 and 7670-3. The copies of the water permits you included are yours to keep and I am returning them to you for your files.

The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between completion of the projects and the staff inspection has no bearing on your water permits.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

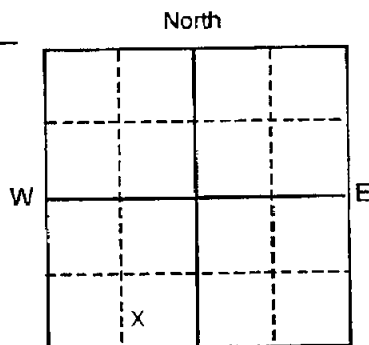
Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 25 Twp 94N Rg 55WCounty YANKTONPlease mark well
location with an "X"

Well Completion Date

June 19, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.?)
1,000.0 ft. from SEPTIC (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160.0 LB/FT	16.00 IN	0.0 FT	80.0 FT	28.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	50	Lb/gal	0.0 Ft	100.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
TREMIE METHOD

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16.00 Inches Length 20.0 Feet
Material PVCSlot Size .085 Set From 100.0 Feet to 140.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINE TABLETS
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: KARL SCHENK

Business Name:

Address: 44352 30TH STCity, State, Zip: MISSION HILL SD 57046

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
BROWN CLAY	2	37
BLUE CLAY	37	100
GRAVEL	100	110
BLUE CLAY	110	120
COARSE GRAVEL AND ROCKS	120	140

STATIC WATER LEVEL 85.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: TURBINE PUMP AND ENGINE☐ Bailed☐ Other

Pumping Level Below Land Surface

100.0 Ft. After 2.0 Hrs. pumped 850.0 GPM102.0 Ft. After 2.0 Hrs. pumped 1,500.0 GPMIf pump installed, pump rate: 850.0 GPM

REMARKS

This well was drilled under license # 773 and this report is true and accurate.Drilling firm: QUALITY WELL SERVICE, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

2-27-14

**Permit No. 7819-3
Yankton County**

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 22, 2014 made a thorough examination of the water system used by the Karl M Schenk, 44352 308th St., Mission Hill, SD 57046, holder of Water Permit No. 7819-3, bearing the priority date of March 25, 2013. Water Permit No. 7819-3 authorizes the diversion of 1.78 cubic feet per second (cfs) from one well completed into the Lower James Missouri aquifer at approximately 140 feet below ground surface for the purposes of irrigating 70 acres in Yankton County as follows: 70 acres in the E ½ SW ¼ Sec 25, T94N-R55W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One irrigation pumps, manufactured by Kroy-Midwest
- 2) Works used to transport water to a place of use:
Underground pipes, 6 inch diameter.
- 3) Works used to apply water to beneficial use:
One Zimmatic Pivot

The system is in the following condition: well maintained. The exact location the well is as follows:

- 1) **1,300 feet north and 2,600 feet east of the southwest corner of Section 25, T94N-R55W. Lat 42.92727N Lon 97.28888W.**

The lands irrigated by the fore mentioned well are as follows:

- 1) 70 acres in the E ½ SW ¼ of Section 25, T94N-R55W

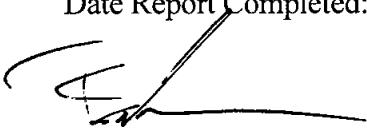
For a total of 70 acres

License should be issued for the developed diversion rate of: **1.78 cfs or 800 gpm**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **June 4, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7819-3

DATE OF INVESTIGATION:	September 22, 2014
NAME & ADDRESS OF PERMIT HOLDER	Karl M Schenk 44352 308th St. Mission Hill, SD 57046
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Karl M Schenk
DIVERSION POINT LEGAL LOCATIONS	1,300 feet north and 2,600 feet east of the southwest corner of Section 25, T95N-R55W. Lat 42.92727N Lon 97.28888W (7819-3).

WELL INFORMATION:

- 1) Well Drilling Firm:
Quality Well Service LLC
- 2) Number of Wells: **1**
- 3) Depth: **140 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

Motor

- 1) Make: **Hydroflow VHS**
- 2) Model No:
- 3) Power: **75 hp**

System Type

- 1) Make: **Zimmatic**
- 2) Overall length: **1,300 feet**
- 3) Number of Towers: **7 towers**
- 4) End Gun: **Yes**
- 5) Pressure:
- 6) Capacity: **800 gpm**

Pumps

- 1) Make: **Kroy Midwest**
- 2) Model:
- 3) Size:
- 4) Capacity: **800 gpm**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **80 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Manufactured**
- 2) Length: **40 feet**
- 3) Static Water Level: **85**

CHEMIGATION EQUIPMENT: No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive
Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigation in 2013 and 2014**



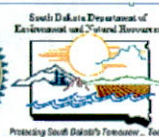
Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Location



0 0.05 0.1 0.2 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 18 2015

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Enclosed are Water License Nos. 6838-3, 6917-3, 6918-3, 6939-3, 7240-3, 7241-3, 7670-3, 7819-3 and 7842-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with each license is a map prepared by the staff engineer who conducted the investigation.

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

As long as you use the water beneficially, as stated in the Water Licenses, 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

Note: The applicable portions of No. 6916-3 are incorporated into Water License No. 7670-3.
The applicable portions of No. 7669-3 are incorporated into Water License No. 7842-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7819-3

(1) Karl M Schenk, 44352 308th St, Mission Hill SD 57046 made Application No. 7819-3, March 25, 2013 for a water permit to divert 1.78 cubic feet of water per second (cfs) from one well (Lower James:Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7819-3, with a priority date of March 25, 2013 was approved June 24, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 24, 2018 and for the application to beneficial use of water on or before June 24, 2022.

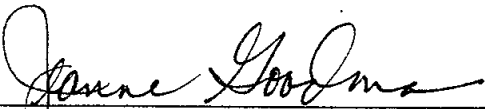
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7819-3 is issued a license, bearing a priority date of March 25, 2013 to appropriate 1.78 cubic feet of water per second from one well (Lower James:Missouri Aquifer) to irrigate 70 acres.

The diversion point is located: 1,300 feet north and 2,600 feet east of the SW corner of Section 25-T94N-R55W (E 1/2 SW 1/4). The acres authorized for irrigation are as follows:

Section 25-T94N-R55W E 1/2 SW 1/4 70 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7819-3 including the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7819-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- 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

JUN 18 2015

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 29, 2024

7819-3

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing you today in regard to Water Right No. 7819-3. Water Right No. 7819-3 authorizes the appropriation of 1.78 cubic feet of water per second (approx. 800 GPM) from the one well (Lower James: Missouri Aquifer) for the irrigation of 70 acres located within the E ½ SW ¼ Section 25, T94W, R55W, Yankton County, South Dakota.

In licensing Water Right No 8816-3, located in Section 35, aerial imaging suggested that more acres have been developed for irrigation than what is authorized under Water Right No 7819-3, reaching into the E ½ NW ¼ Section 25, T94N, R55W. Does the well authorized under Water Right No. 7819-3 divert water to these northern acres?

The increase in irrigated acres requires additional permitting. For your convenience I have enclosed a permit application and map for you to complete and return to our office with the associated fees. On the map, please outline the area that is irrigated and mark an "X" at the location of the well site.

If the additional irrigation does not exceed 60 acres, the required fees would be \$700.00. Checks can be made payable to "SD Water Rights Program". You may also submit the necessary fees over the phone by calling our Fiscal Office (605)773-5559.

Obtaining a water permit is in the interest of the permit holder, as it provides protections against loss of water availability due to junior water users.

If you have any questions concerning the application process or need help completing the application, please don't hesitate to call. My direct line is (605) 910-5187.

Sincerely,

Amanda Dewell

Water Rights Program, Permitting Administrator

605 773-3352

Amanda.Dewell@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 3, 2024

7819-3

Karl M Schenk
44352 308th St
Mission Hill SD

Dear Mr. Schenk:

Aerial imaging suggest two windshield wiper irrigation pivots assembled in the E $\frac{1}{2}$ NW $\frac{1}{4}$, stretching into the NE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Section 23, T94N, R55W, immediately north of the acres authorized for irrigation under Water Right No. 7819-3.

In a pervious letter to you, dated May 29, 2024, (copy enclosed) concerns were raised of these acres developed for irrigation that were not authorized by a Water Permit or Water Right.

Currently, we have not yet received an application from you for irrigation of these additional acres. Pursuant to SDCL 46-1, any irrigation greater than 1 acre, requires a water right permit.

I have also enclosed a new permit application; in case you no longer have the one sent previously.

Please contact me via email or by calling (605) 910-5187 so that we may bring these acres into compliance.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: KARL M SCHENK, 44352 308TH ST, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4506-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4506-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ESGTCO**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

4506-3, 4855-3, 6838-3, 6839-3
6917-3, 6918-3, 7017-3, 7667-3
7668-3, 7670-3, 7819-3, 7842-3
7939-3, 7955-3, 8192-3 & 8816-3

Karl Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4506-3, 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda. However, the 2024 reporting has not been completed for 8192-3, held by Stop Lock Drop Inc.

Please contact our office to report 2024 irrigation water use for Water Right No. 8192-3, prior to March 5, 2025.

If you have any questions or concerns, please contact me.

Sincerely,

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