

WATER PERMIT NO. 7846-3

Name of Applicant: **Richard E Schmit**

Address: **45924 179th St, Castlewood SD 57223** Phone: **605 793-2451**

Amount of Water Claimed: **1.33 cfs** Total Acres: **120 acres**

Source of Water Supply: **groundwater (two wells)**

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

Type of Waste Disposal System:

Location: **5 miles northwest of Castlewood**

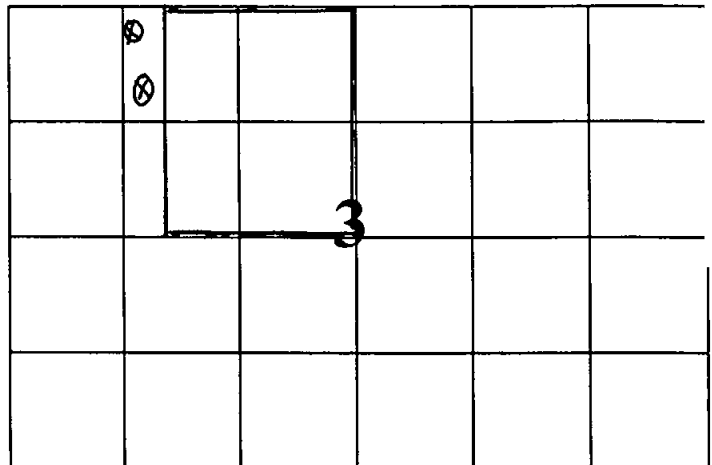
PRIORITY Date Received: **5-23-13** Application/License Fee: **\$ 950**

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

Remarks: **Water Permit No. 7350-3 authorizes irrigation of same lands from the Sioux River**

Diversion Point: **NW 1/4 NW 1/4 Sec 3-T115N-R52W**

Land to be Irrigated: **NW 1/4 Sec 3-T115N-R52W**



Depth of Well: **22 feet deep**

Well Driller: **Steffl Drilling & Pump**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **5-23-13**

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. 7846-3 (office use only)
Hydrologic Unit 10170202
Basin Sioux River 605-793-2293
Newspaper Hamlin Co. Republican, Box 50
Castlewood 57223 605-886-6901
Public Opinion, Box 10 Watertown 57201

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MAY 23 2013
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Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Richard E. Schmit

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

(name and complete address if different than above name)

Mailing Address 45924 179th St. Castlewood SD 57223
(Address) (City) (State) (Zip Code)

Home Phone 605 793-2451 Cell _____ Email _____

2. Amount of water claimed 1.33 *CFS or 600 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 2 wells 1st NW corner 300 west #2

4. Location of point of diversion NW corner 500 south 200 ft west
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
sec 3 115N R52W (NW1/4 NW1/4) County Hamlin

5. County or counties where water will be used Hamlin

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

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 of the NW 1/4 Sec 3 115N R52W</u>	<u>30</u>		
<u>SW 1/4 of the NW 1/4 Sec 3 115N R52W</u>	<u>30</u>		
<u>SE 1/4 of the NW 1/4 Sec 3 115N R52W</u>	<u>30</u>		
<u>NE 1/4 of the NW 1/4 Sec 3 115N R52W</u>	<u>30</u>		

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

I, Richard E Schmit, 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. 7846-3**

Date of first receipt of application May 23, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7846-3 to Richard E Schmit, 45924 179th St, Castlewood SD 57223 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. 7846-3 appropriates 1.33 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux:North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.
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 May 23, 2013.
4. The date of approval of Permit No. 7846-3 is August 5, 2013.
5. One-fifth of the construction is to be completed on or before February 5, 2016.
6. All construction is to be completed on or before August 5, 2018.
7. Water is to be put to beneficial use on or before August 5, 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

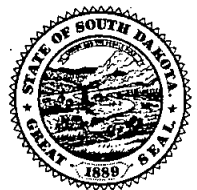
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7846-3 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. The diversion rate from Water Permit No. 7350-3 (Big Sioux River) and Permit No. 7846-3, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre.
4. 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

AUG 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 2 Have test holes been drilled ☒ Yes ☐ No Drilled by staff
(if yes, please provide copies of logs)

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

c) Well Depth 22 Depth to Top of Water Bearing Material 2 Depth to Water from Surface 22

d) Distance to nearest existing domestic well:

On applicant's property None On property owned by others 2000

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

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

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

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

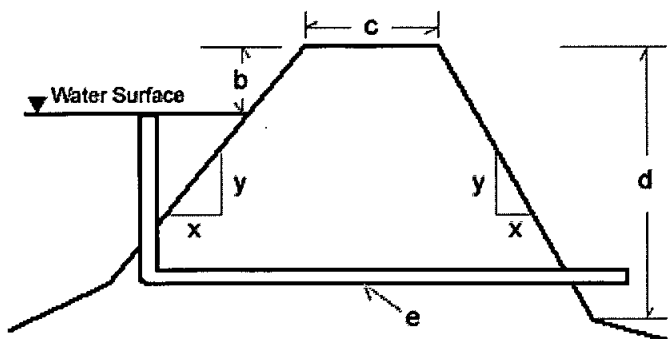
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Richard Schmit 5N 1 1/2 W castlewood



United States Department of Agriculture
Farm Service Agency

PLSS: 3_115N_52W
Farm: 103

Hamlin County

1:8,287

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MAY 23 2013

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10000 Rick All GR/NTI
March 14, 2011

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/23, 20 13

RECEIVED OF Farmer's Implement (R Schmit) 3023 E Hwy 14 Brookings SD 57006

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

Fee for Application for Permit No. <u>7846-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7846-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **06350**

By *Jeanne Holcom*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7846-3, Richard E Schmit**

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. 7846-3, Richard E Schmit, 45924 179th Street, Castlewood SD 57223.

The Chief Engineer is recommending APPROVAL of Application No. 7846-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7846-3 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. The diversion rate from Water Permit No. 7350-3 (Big Sioux River) and Permit No. 7846-3, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre.
4. 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
July 18, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7846-3
RICHARD E SCHMIT
JULY 17, 2013

Water Permit Application No. 7846-3 proposes to appropriate water at a maximum diversion rate of 1.33 cubic feet of water per second (cfs) from two wells to be completed in to the Big Sioux: North aquifer. The wells are expected to be 22 feet deep and are located in the NW ¼ NW ¼ of Section 3, T115N-R52W. This permit application proposes to irrigate 120 acres located in the NW ¼ of Section 3, T115N-R52W in Hamlin County.

AQUIFER: North management unit of the Big Sioux aquifer (BS: N)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The North management unit of the Big Sioux aquifer is an alluvium mantled, surficial outwash deposit located primarily in the flood plain of the Big Sioux River (Hansen, 1990). The Big Sioux: North aquifer is generally under unconfined conditions with water movement to the south and toward the Big Sioux River. The aquifer is hydraulically connected to Lake Kampeska, Pelican Lake, Still Lake and the Big Sioux River (Putnam and Thompson, 1996). The aquifer underlies approximately 83,500 acres of Codington, Grant, Hamlin, and Roberts Counties and contains approximately 187,880 ac-ft of recoverable water in storage (Hedges et. al, 1982). The Big Sioux: North can range from 2-54 feet thick and is generally encountered less than 50 feet below ground surface (Putnam and Thompson, 1996). The test hole log submitted with the application identified coarse yellow gravel from two to 22 feet below grade.

A portion of the Big Sioux: North aquifer, approximately 12,500 acres, was determined to be fully appropriated (Goodman, 1995). Water permits approved for the area have been approved as temporary use permits pursuant to SDCL 46-5-39. The fully appropriated portion of the aquifer is approximately 13.8 miles north of the well locations proposed by this permit application.

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Big Sioux: North aquifer. If this application is approved, the actual water use will likely be less than 240 acre-feet per year (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 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 Big Sioux: North occurs through infiltration and subsequent percolation of precipitation where the aquifer is near land surface. Due to the hydraulic connection between the aquifer and some area lakes and the Big Sioux River, recharge can be provided to the aquifer during times of high flow and stage. Hedges and others (1985) stated “the calculated recharge rates range from 2.7 to 6.9 inches per year if flow-net analysis is ignored.” Hansen (1990) estimated the recharge rate to the Big Sioux aquifer to be 4-10 inches per year (in/yr). Putnam and Thompson (1996) estimated the recharge rate to be between 2.9-5.8 in/yr, and 5.53 in/yr was used for the purpose of computer modeling under steady state conditions. The average annual recharge, using Putnam and Thompson’s (1996) steady state recharge rate, to the North management unit of the Big Sioux aquifer is 38,480 ac-ft/yr.

It is important to note that not all of the recharge or recoverable water in storage in the aquifer is available for every diversion point. Putnam and Thompson’s (1996) computer model suggested that some high capacity wells would be seriously impacted during dry conditions. The model suggests “The Big Sioux aquifer probably is unable to support extensive irrigation during dry periods such as those that occurred during 1980 and 1981 or in 1976” (Putnam and Thompson, 1996). However, in applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals, to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat’l. Resources, Hughes County 04-37* (Memorandum Decision, April 29, 2005)).

Discharge:

There are 94 water rights/permits appropriating water and three future use permits reserving water from the Big Sioux: North aquifer. The non-irrigation appropriations include 16 for municipal use, 11 for commercial use, five for industrial use, two for rural water system use, and one for use by a suburban housing development (Water Rights, 2013b). Water Right No. 5158-3, Sioux Rural Water System, has not been used since 1998. The well field has “basically been abandoned” because of water quality issues (Buhler, 2012). The future use permits are all for municipal use and reserve a total of 3,469 ac-ft of water annually for the City of Watertown. The estimated annual water use by the non-irrigation appropriations, not including Clark Rural Water System, Sioux Rural Water System and the City of Watertown is 2,482 ac-ft per year (Water Rights, 2013b). This estimate is based on pumping at the maximum allowed diversion rate for 60 percent of the time. The maximum annual use by the City of Watertown through current appropriations from the Big Sioux: North is calculated from 60 percent assumed use for permits limited only by diversion rate and 100 percent use for permits limited by annual volume. This maximum annual use is estimated to be 12,247 ac-ft/yr. Current usage is a fraction of the maximum annual estimated use (see Table 1). Reported water use from the Big Sioux: North for

the City of Watertown and the Clark RWS is shown in Table 1 and annual withdrawals for irrigation as reported to the DENR-Water Rights Program through irrigation questionnaires are shown in Table 2.

Reported Pumpage From the BS:N for Municipal and RWS Use (ac-ft/yr)		
	Watertown	Clark RWS
2012	4259.65 ₁	108 ₂
2011	3864.04	143
2010	3947.15	143
2009	3735.26	164
2008	3984.15	127
2007	4062.46	44
2006	2960.86	N/A
2005	2391.83	N/A
2004	2125.66	N/A
Avg.	3481.23	121.5
₁ (Denville)	₂ (Water Rights, 2008-2013)	

Table 1- Reported water use from the Big Sioux: North aquifer (modified from Buhler, 2012).

Year	Number of Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2011	46	16208.5	2147.88
2010	46	16208.5	2421.27
2009	45	15948.5	1773.51
2008	41	15498.5	2743.94
2007	38	14584.5	3308.79
2006	38	15134.5	4285.97
2005	40	15250.5	2886.7
2004	38	14673.5	2448.79
2003	37	14113.5	3662.11
2002	37	14129.5	2835.49
2001	36	14116	2558.91
2000	36	14116	3013.88
1999	35	14047.6	2593.1
1998	35	14117.8	1702.52
1997	31	13612.8	1656
1996	30	13472.8	1497.96
1995	32	14136.8	1186.68
1994	33	14151.8	1192.95
1993	34	14445.8	865.5
1992	33	14311.8	1325.7
1991	38	17240	1659
1990	44	22492.8	2520.1
1989	40	21096.8	2686.6
1988	35	19564.8	2740.4
1987	35	19564.8	1929.4
1986	35	19564.8	1079.1
1985	36	19659	1419.7
1984	36	21936.3	1684.5
1983	34	21141	1110.45
1982	32	20187	1384.05
1981	37	20814	1067
1980	39	20598	888
1979	39	20598	912
Min	30	13472.8	865.5
Max	46	22492.8	4285.97
Avg	37	16870.8	2036.0

Table 2- Irrigation water withdrawal from the Big Sioux: North aquifer (Water Rights, 1979-2012).

The estimated average annual withdrawal from the Big Sioux: North aquifer, including the water reserved by future use permits, is 20,356 ac-ft/yr. Comparing the estimated average annual withdrawal plus water reserved by the future use permits to estimated average annual recharge, 38,780 ac-ft/yr, there is a reasonable probability that there is unappropriated water available from the North management unit of the Big Sioux aquifer for this 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 DENR-Water Rights Program monitors 27 observation wells completed into the Big Sioux: North aquifer (Water Rights, 2013a). The nearest observation wells are CD-57B and CD-60D, two miles and 4.3 miles north of the proposed well locations, respectively.

The water level in the observation wells shows good response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. The observation well hydrographs show the effects of pumping, but it does not appear to be significant over the period of record. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Big Sioux: North aquifer significantly exceeds pumping. Recognizing that natural discharge can be captured for pumping, the hydrographs document that unappropriated water is available for this proposed appropriations. Figures 1 and 2 show the hydrographs for CD-57B and CD-60D, respectively.

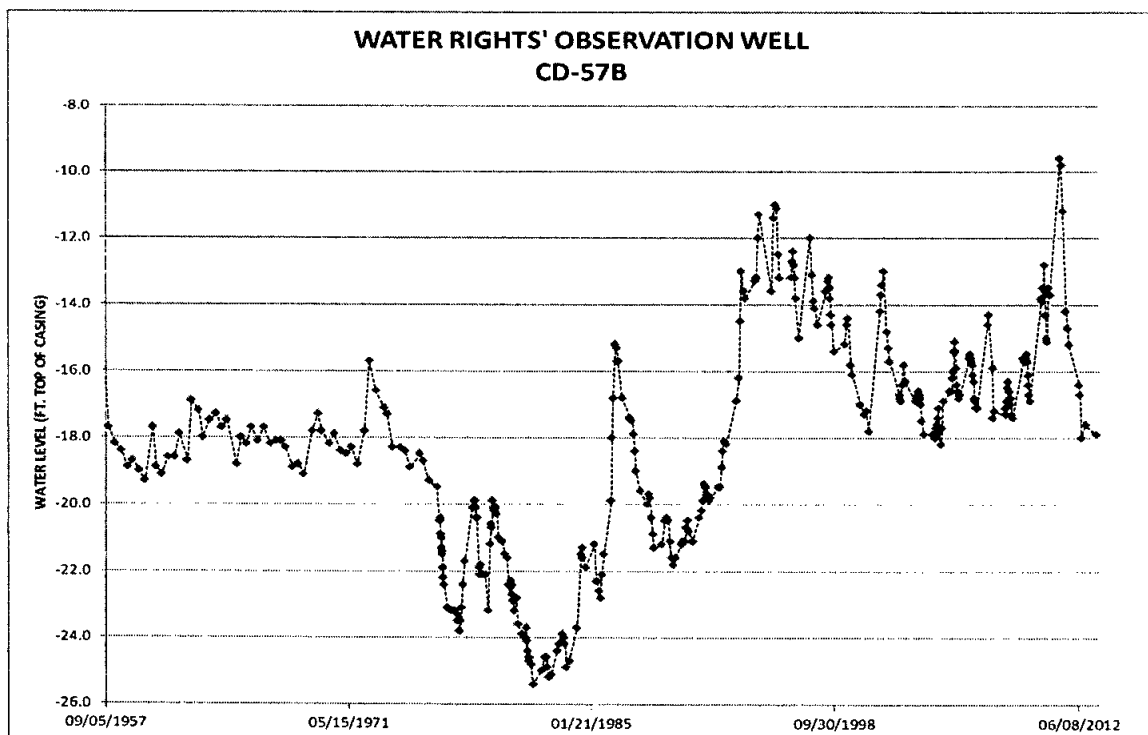


Figure 1- Hydrograph of DENR-Water Rights' observation well CD-57B (Water Rights, 2013a)

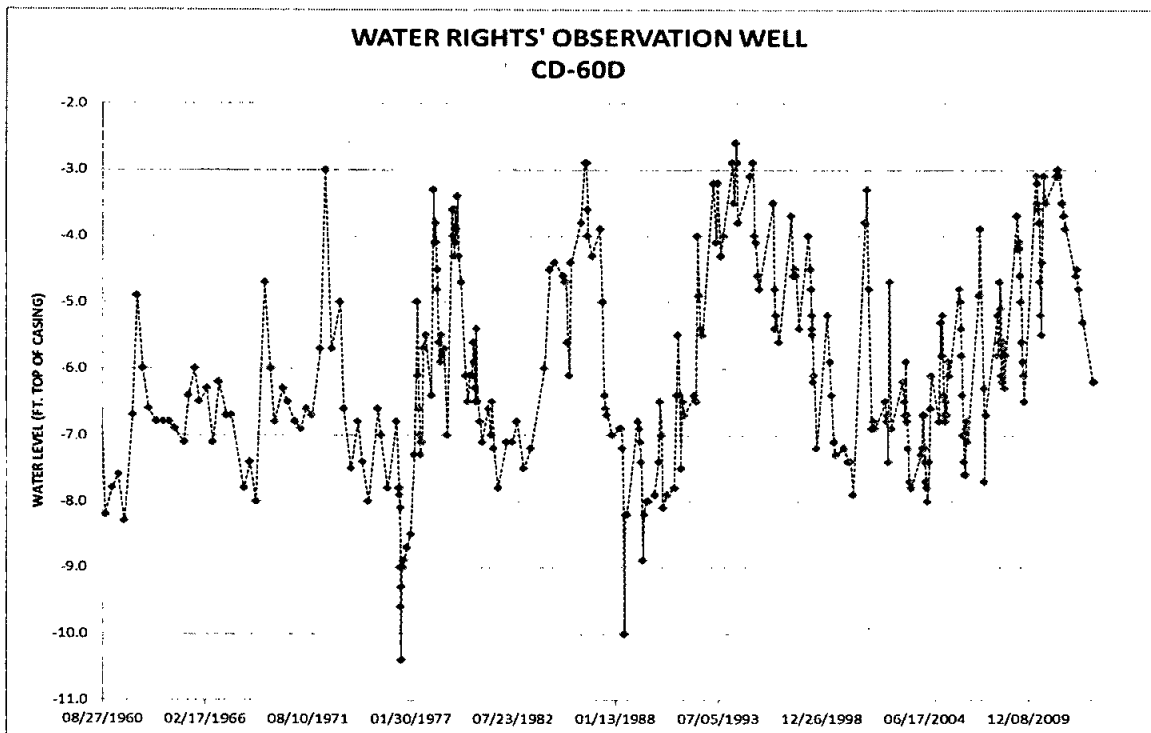


Figure 2- Hydrograph of DENR-Water Rights' observation well CD-60D (Water Rights, 2013a)

EXISTING WATER RIGHTS:

There is only one water permit, Water Permit No. 7012-3 for Sioux River Dairy Inc., authorizing a well within approximately 1.5 miles of the proposed well sites. Water Permit No. 7012-3 is approximately one mile northeast of the proposed well sites. The nearest domestic well on file with the SD DENR-Water Rights Program that appears to be completed into the same aquifer is approximately three-quarters of a mile northeast of the proposed well sites (Water Rights, 2013c). Since the North management unit of the Big Sioux aquifer is under unconfined conditions, drawdown created by pumping at a total rate of 1.33 cfs from two wells is not expected to be significant very far from the production wells. The minimal drawdown and interference from pumping production wells and domestic wells is clearly shown in the hydrographs of the observation wells. Both of the observation wells are within approximately one mile of several irrigation and domestic wells. Therefore due to the distance between wells and the low drawdown created by pumping high capacity wells completed into the North management unit of the Big Sioux aquifer, there is a reasonable probability that this proposed diversion can be made without adversely impacting existing appropriative or domestic users.

While the withdrawals would not exceed recharge of the aquifer as a whole, the cumulating impact of withdrawals could lead to a reduction of water levels to the extent that water rights/permits can no longer pump at their developed, or "historically established," diversion rates. This may be considered an adverse impact. If approved, the water permit should include a 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. This application proposes to appropriate water for the irrigation of 120 acres at a maximum diversion rate of 1.33 cubic feet per second from the Big Sioux: North aquifer.
2. There is a reasonable probability that unappropriated water is available from the Big Sioux: North aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights and domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved By:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K. 2012. Report on Water Permit Application No. 7328-3, Marvin Amdahl. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Deville, Jeff. "2012 Water Use." E-mail to Adam Mathiowetz. June 05, 2013.
- Goodman, J.A. 1995. Report on Water Permit Application No. 5862-3. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Hansen, D.S. 1990. Water resource of Codington and Grant Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 89-4147. U.S. Geological Survey, Huron, SD.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 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. J. Allen, and D.E. Holly. 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.
- Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37. Memorandum Decision, April, 29,2005.
- Putnam, L.D. and R.C. Thompson. 1996. Appraisal of the Water Resources of the Big Sioux aquifer, Codington and Grant Counties, South Dakota: U.S. Geological Survey Water Resources Investigations No. 96-4275. U.S. Geological Survey, Huron, SD.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2008-2013. "Non-irrigation Yearly Reports". 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.

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JUL 29 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Dufek

certify that the attached printed Notice was
taken

from the Hamlin County
Republican

printed and published in Castwood
County of Hamlin and

state of South Dakota. The notice was
published

in the newspaper on the following date:

July 24, 2013

Cost of Printing \$22.77

LeeAnne Dufek
(Signature)

Publisher
(Title)

7-26-13
(Date Signed)

NOTICE OF APPLICATION NO. 7846-3 TO APPROPRIATE WATER
Notice is given that Richard E. Schmit, 45924 179th St, Castwood SD 57223 has filed an application to appropriate 1.33 cubic feet of water per second from two wells to be completed into the Big Sioux North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3, all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7846-3 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 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 recommending 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 August 5, 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 July 24, 2013, at total cost of \$22.77.

JUL 30 2013

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

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:

July 24th 2013

Cost of Printing \$58.74

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

July 24th, 2013

(Date Signed)

DEPARTMENT OF ENVIRON- MENT AND NATURAL RESOURCE

NOTICE OF APPLICATION NO. 7846-3 to Appropriate Water

Notice is given that Richard E Schmit, 45924 179th St, Castlewood SD 57223 has filed an application to appropriate 1.33 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7846-3 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 August 5, 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 \$53.75. (July 24, 2013)

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 18, 2013

Hamlin County Republican
PO Box 50
Castlewood SD 57223

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7846-3 to Appropriate Water. Please publish the notice once on July 24, 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 Richard E Schmit, 45924 179th St, Castlewood SD 57223 (Ph # 605-793-2451).

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

July 18, 2013

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7846-3 to Appropriate Water. Please publish the notice once on July 24, 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 Richard E Schmit, 45924 179th St, Castlewood SD 57223 (Ph # 605-793-2451).

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.

July 18, 2013

Richard E Schmit
45924 179th St
Castlewood SD 57223

Dear Mr. Schmit:

Water Permit Application No. 7846-3 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 Hamlin County Republican printed at Castlewood SD (Ph # 605-793-2293) and 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 July 24, 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. 7846-3 to Appropriate Water

Notice is given that Richard E Schmit, 45924 179th St, Castlewood SD 57223 has filed an application to appropriate 1.33 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7846-3 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 August 5, 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

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

denr.sd.gov

AUG 21 2013

Richard E Schmit
45924 179th St
Castlewood SD 57223

Dear Mr. Schmit:

Enclosed is Water Permit No. 7846-3 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



7846-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: RICHARD E SCHMIT, 45924 179TH ST, CASTLEWOOD, SD 57223

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7350-3 & 7846-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7350-3 & 7846-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7350-3 & 7846-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



7846-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 30, 2017

7350-3
7846-3

Richard E Schmit
45924 179th St
Castlewood SD 57223

Dear Mr. Schmit:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 7350-3 and 7846-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

JUN 19 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 7846-3

Date: 6/15/17

I/We request that Water Permit No. 7846-3

formerly owned by: Richard E Schmit

be transferred to: (name & address) Roxan Schmit
45924 179th Street
Castlewood, SD 57223 Telephone No. 605-793-2451

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

120 acres - NW ¼ Section 3, T115N, R52W

(diversion from ground water - Big Sioux North Aquifer)

I/We understand that the validity of Water Permit No. 7846-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/we Roxan Schmit, the new owner, certify that the above information is true and correct.

Roxan Schmit
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 19

20 17

RECEIVED OF Roxan Schmit 45924 179th St. Casselwood, SD

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

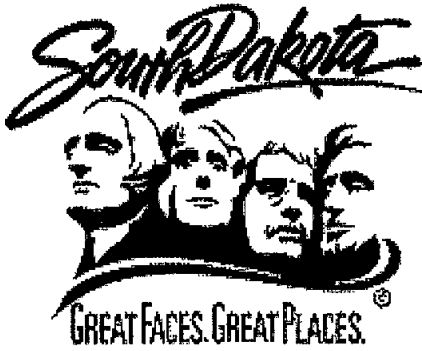
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>7846-3</u>		
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	50.00

No. **08277**

By

Jeanne Goodman vn
Chief Engineer

7846-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 21, 2017

7350-3
7846-3

Roxan L Schmit
45924 179th St
Castlewood SD 57223

Dear Ms. Schmit:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Permit Nos. 7350-3 and 7846-3.

The ownership changes have been completed. The above listed permits formerly listed in the name of Richard E Schmit are now listed in your name.

Enclosed for your records are Receipt Nos. 08276 and 08277 in the amount of \$50 each. If I can answer any questions for you, please let me know.

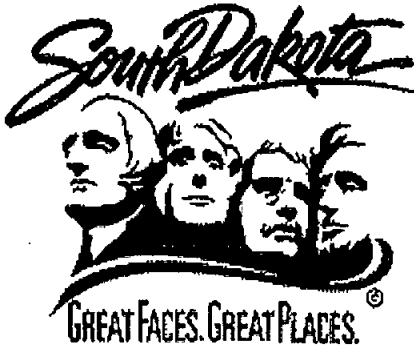
Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures

7846-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2018

7350-3
7846-3

Marvin & Maxine Czech
45848 176th St
Watertown SD 57201

Dear Mr. & Mrs. Czech:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 7350-3. The ownership change has been completed. Water Permit No. 7350-3, formerly held by Roxane Schmit is now listed in your names.

In follow-up to my phone conversation with Marvin, I am enclosing another transfer of ownership form for Water Permit No. 7846-3. Permit No. 7846-3 covers the same land as Permit No. 7350-3 but authorizes diversion from ground water. Since the permit covers the same land, it should also be transferred to you.

Please sign the enclosed form and return it to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

As you requested, the annual irrigation questionnaires for all of your water permits will be directed to Jim Czech for completion.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 16, 2018

No. 7846-3

Marvin Czech
45848 176th St
Watertown SD 57201

Dear Mr. Czech:

On July 12, 2018, the Water Management Board approved Water Permit No. 7846A-3 to extend the length of time allowed to complete construction of works on Water Permit No. 7846-3. Prior to issuing the Water Permit No. 7846A-3 it will be necessary for you to file a "Notice of Transfer of Ownership" for No. 7846-3 listed in the name of Roxan L Schmit. Enclosed is the transfer form.

The transfer form should be completed where indicated with a red X, checked over for accuracy, and **signed by you**. Upon completion, return the form to our office with a required filing fee of \$50.00.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352
email: eric.gronlund@state.sd.us

enclosure

RECEIVED

JUL 23 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 7846-3

Date: _____

I/We request that Water Permit No. 7846-3

formerly owned by: Roxan L Schmit

be transferred to: (name & address)

Marvin M Czech 45848 170th St Wtn

Telephone No. 685-881-0994

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

120 acres - NW 1/4 Section 3, T115N, R52W

(diversion from ground water - Big Sioux North Aquifer)

I/We understand that the validity of Water Permit No. 7846-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

X I/We M - Czech, the new owner, certify that the above information is true and correct.

X M - Czech
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **July 28**

20 **18**

Marvin Czech 45848 176th Street Watertown, SD 57201

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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 7846-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08726**

By

Jeannie Goodman
Chief Engineer

2700



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

7846A-3

7846-3

AUG 06 2018

Marvin Czech
45848 176th St
Watertown SD 57201

Dear Mr. Czech:

Enclosed is Water Permit No. 7846A-3 authorizing the extension of time for construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also, enclosed is the receipt for the payment of the Notice of Transfer of Ownership for Water Permit No. 7846-3. The permit is now listed in your name.

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,

A handwritten signature in cursive script, reading "Jeanne Goodman".

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

enclosures

SOUTH DAKOTA
WATER PERMIT NO. 7846A-3 FOR IRRIGATION

Date of first receipt of application March 26, 2018.

The Water Management Board approved Water Permit No. 7846A-3 on July 12, 2018 for Marvin Czech, 45848 176th St, Watertown SD 57201 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. 7846A-3 amends Water Permit No. 7846-3 to extend the length of time allowed to complete construction of works. Water Permit No. 7846-3 appropriates 1.33 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux:North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.
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 May 23, 2013 (established by Permit No. 7846-3).
4. All construction is to be completed on or before August 5, 2023.
5. Water is to be put to beneficial use on or before August 5, 2027.
6. 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 wells approved under Permit Nos. 7846-3 and 7846A-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. The wells authorized by Permit Nos. 7846-3 and 7846A-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. The diversion rate from Water Permit No. 7350-3 (Big Sioux River) and Water Permit Nos. 7846-3 and 7846A-3, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre.
4. 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

AUG 06 2018

date

