

WATER PERMIT NO. 7958-3

Name of Applicant: **Tschetter Colony**

Address: **27709 Tschetter Ave, Olivet SD 57052**

Phone: **605 770-8331**

Amount of Water Claimed: **4.37 cfs**

Total Acres: **306 acres**

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

Water to be used for: **irrigation**

County: **Hutchinson**

Type of Waste Disposal System:

Location: **13 miles west of Freeman**

PRIORITY

Date Received: **2-6-14**

Application/License Fee: **\$1350**

Corrected Application Received:

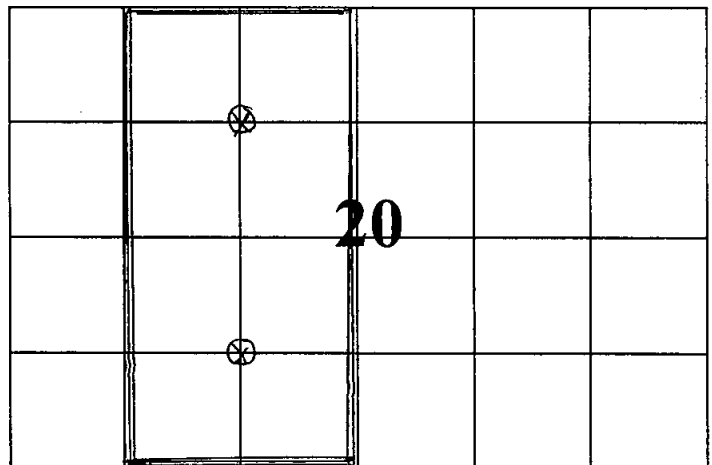
Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **centers of NW 1/4 and SW 1/4**

Sec 20-T99N-R58W

Land to be Irrigated: **W 1/2 Sec 20-T99N-R58W**



Depth of Well: **240 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **2-6-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

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

No.	<u>7958-3</u>	(office use only) Hydrologic Unit	<u>10160011</u>
Basin	<u>James River</u>		
Newspaper	<u>Freeman Courier</u> <u>Daily Republic</u>		

RECEIVED
FEB - 6 2014
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 to Appear on Irrigation Permit Tschetter Colony

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

(name and complete address if different than above name)

Mailing Address 27709 Tschetter Avenue Olivet SD 57052
(Address) (City) (State) (Zip Code)

Home Phone 605 928-7430 Cell 770-8331 Email _____

2. Amount of water claimed 4.37 *CFS or **GPM ***AF Total Acreage 306
(*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 approximate centers of NW 1/4 and SW 1/4 Section 20 T99N, R58W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hutchinson

5. County or counties where water will be used Hutchinson

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
NW NW Sec 20, T99N, R58W	38.25	NW SW Sec 20, T99N, R58W	38.25
NE NW Sec 20, T99N, R58W	38.25	NE SW Sec 20, T99N, R58W	38.25
SW NW Sec 20, T99N, R58W	38.25	SW SW Sec 20, T99N, R58W	38.25
SE NW Sec 20, T99N, R58W	38.25	SE SW Sec 20, T99N, R58W	38.25

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

Develop new center pivot irrigation in W1/2 Section 20, T99N, R58W

I, Herman Decker Sr. Herman Decker Sr. Farm Mgr. 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. 7958-3**

Date of first receipt of application February 6, 2014.

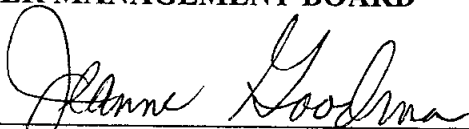
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7958-3 to Tschetter Colony, c/o Herman Decker Sr, 27709 Tschetter Ave, Olivet SD 57052 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7958-3 appropriates 4.37 cubic feet of water per second from two wells to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate centers of the NW 1/4 and the SW 1/4 Section 20 for irrigation of 306 acres located in the W 1/2 Section 20; all in T99N-R58W.
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 February 6, 2014.
4. The date of approval of Permit No. 7958-3 is April 14, 2014.
5. One-fifth of the construction is to be completed on or before October 14, 2016.
6. All construction is to be completed on or before April 14, 2019.
7. Water is to be put to beneficial use on or before April 14, 2023.
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. 7958-3 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

MAY 02 2014

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 _____
(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 240 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property > 2 mile east On property owned by others 3/4 mile south

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)

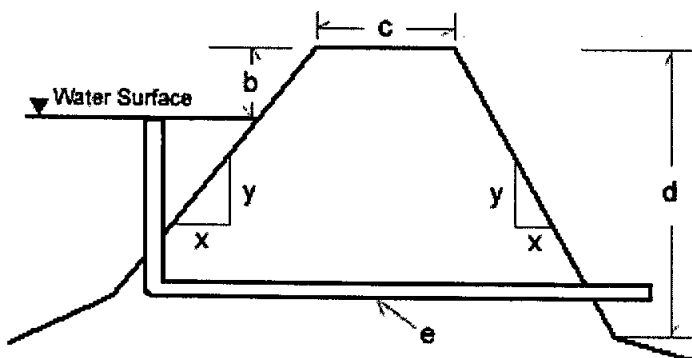
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Water Permit Application filed by Tschetter Colony



1,000 500 0 1,000 Feet



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
February 7, 2014
based on representative made by
Herman Decker Sr. in the WR office

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/6, 20 14

RECEIVED OF Tschetter Colony 27709 Tschetter Ave Olivet SD 57052

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

Fee for Application for Permit No. <u>7958-3</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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>7958-3</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	1350 00

No. **06731**

By Jeanne Goodman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7958-3, Tschetter Colony**

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. 7958-3, Tschetter Colony, c/o Herman Decker Sr., 27709 Tschetter Avenue, Olivet SD 57052.

The Chief Engineer is recommending APPROVAL of Application No. 7958-3 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. 7958-3 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
March 26, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NOS. 7957-3, 7958-3, 7959-3, & 7960-3

Tschetter Colony c/o Herman Decker Sr.

February 28, 2014

Water Permit Application No. 7957-3 proposes to appropriate groundwater at a maximum diversion rate of 1.93 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri aquifer. The well is expected to be 240 feet deep and located in the approximate center of the SW¼ of Section 21, T99N-R58W. Water will be used to irrigate 135 acres located in the SW¼ of Section 21, T99N-R58W in Hutchinson County.

Water Permit Application No. 7958-3 proposes to appropriate groundwater at a maximum diversion rate of 4.37 cfs from two wells to be completed into the Lower James Missouri aquifer. The wells are expected to be 240 feet deep and located in the approximate centers of the NW¼ and the SW¼ of Section 20, T99N-R58W. Water will be used to irrigate 306 acres located in the W½ of Section 21, T99N-R58W.

Water Permit Application No. 7959-3 proposes to appropriate groundwater to irrigate 108 acres located in the NW¼ of Section 28, T99N-R58W by an existing well authorized by Water Permit No. 6699-3. This water permit appropriates groundwater at a maximum diversion rate of 5.82 cfs from two wells completed into the Lower James Missouri aquifer. The wells are 240 feet deep and located in the NE¼ SW¼ of Section 28, T99N-R58W. Water is used to irrigate 408 acres located in the S½ of Section 28, T99N-R58W. If approved, this application does not authorize any increase in maximum diversion rate.

Water Permit Application No. 7960-3 proposes to appropriate groundwater at a maximum diversion rate of 2.0 cfs from one well to be completed into the Lower James Missouri aquifer. The well is expected to be 240 feet deep and located in the approximate center of the SE¼ of Section 29, T99N-R58W. Water will be used to irrigate 148 acres located in the SE¼ of Section 29, T99N-R58W.

AQUIFER: Lower James Missouri aquifer (LJM)

HYDROGEOLOGY:

The Lower James Missouri aquifer is a glacial outwash consisting of fine sand to cobble gravel that is often under confined conditions. The aquifer is hydraulically connected to the Choteau, Lower James Missouri: Scotland, and Niobrara aquifers, and the James and Missouri Rivers. Water in the aquifer generally moves south and locally toward the James River (Bugliosi, 1986; Hansen, 1983; Lindgren and Hansen, 1990).

Stonesifer (2013) constructed a composite map based delineations of the Lower James Missouri aquifer based on Buliogi (1986), Lindgren and Hansen (1990), Hansen (1983), and Hedges and others (1982). The Lower James Missouri aquifer underlies approximately 286,000 acres. The aquifer previously known as the Plum Creek aquifer is assumed to be part of the Lower James Missouri aquifer. The average thickness of the Lower James Missouri aquifer in Hutchinson

County is estimated to be 69 feet (Lindgren and Hansen, 1990). Applying an expected specific yield of 20 percent, the aquifer contains approximately 5.3 million acre feet (ac-ft) of water in storage.

Well completion reports were not submitted with the applications. The top of the aquifer in this area occurs at approximately 100 feet below ground surface, and the aquifer can be up to approximately 100 feet thick (Water Rights, 2014b; Water Rights, 2014c). Water levels in the aquifer in this area are expected to be approximately 100 to 120 feet below ground surface (Water Rights, 2014a).

SDCL 46-2A-9

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

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation therefore withdrawal/recharge must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Lower James Missouri aquifer occurs through infiltration of precipitation where the aquifer is at or near land surface in the James River flood plain, upward leakage from the bedrock aquifers, inflow from surface water, and inflow from the surrounding glacial aquifers (Bugliosi, 1986; Hansen, 1983; Lindgren and Hansen, 1990).

The recharge rate to unconfined portions of the aquifer was estimated to be 3.9 in/yr from observation well data (Hedges and others, 1985). Assuming the unconfined portion of the aquifer lies completely within the floodplain of the James River, the aquifer is unconfined for approximately 22,300 acres. In applying this recharge rate, recharge to the unconfined portion of the aquifer totals 7,250 ac-ft/yr. This estimate accounts for recharge mainly from precipitation. Hedges and others (1985) estimated recharge rate to the southern portion of the Lower James Missouri aquifer through regional flow-net analysis to be 1.5 inches per year (in/yr). In applying this total recharge rate estimate to the total area of the aquifer, recharge is estimated to be 35,750 ac-ft/yr.

Discharge:

Discharge from the Lower James Missouri aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, seepage to surface waters, and well withdrawals (Bugliosi, 1986; Hansen, 1983; Lindgren and Hansen, 1990). Currently there are 126 water rights/permits appropriating water from the Lower James Missouri aquifer and three water rights/permits appropriating water from the Plum Creek aquifer (Water Rights, 2014b). There are two pending water permit applications for the Lower James Missouri aquifer.

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits at the current appropriation amount, which are all limited by diversion rate, can be estimated by assuming these water rights/permits pump at the maximum authorized diversion rate 60 percent of the time. This amounts to 1,323 ac-ft/yr. There are no non-irrigation water rights/permits authorized from the Plum Creek aquifer (Water Rights, 2014b).

The historic irrigation water use from water rights/permits authorized from the Lower James Missouri aquifer together with the Plum Creek aquifer is shown in Figure 2. The average irrigation pumpage over the period of record from Lower James Missouri aquifer water rights/permits is 2,528 ac-ft/yr. When also including water rights/permits from the Plum Creek aquifer, average irrigation pumpage is 2,616 ac-ft/yr. While the irrigation appropriation of the Lower James Missouri aquifer has increased in recent years, annual pumpage seems to be more dependent on climatic conditions (Water Rights, 1980-2013). The expected use of irrigation water rights/permits is estimated to be the average pumpage reported over the entire period of record.

While there are many domestic wells on file, many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawal ability and authorization of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the Lower James Missouri aquifer (Water Rights, 2014c).

Hydrologic Budget:

Total withdrawal from the Lower James Missouri aquifer is estimated to be 3,939 ac-ft/yr. This is much less than the previous recharge rate estimates of the aquifer. Therefore, unappropriated water is available from the Lower James Missouri aquifer to support the proposed appropriation.

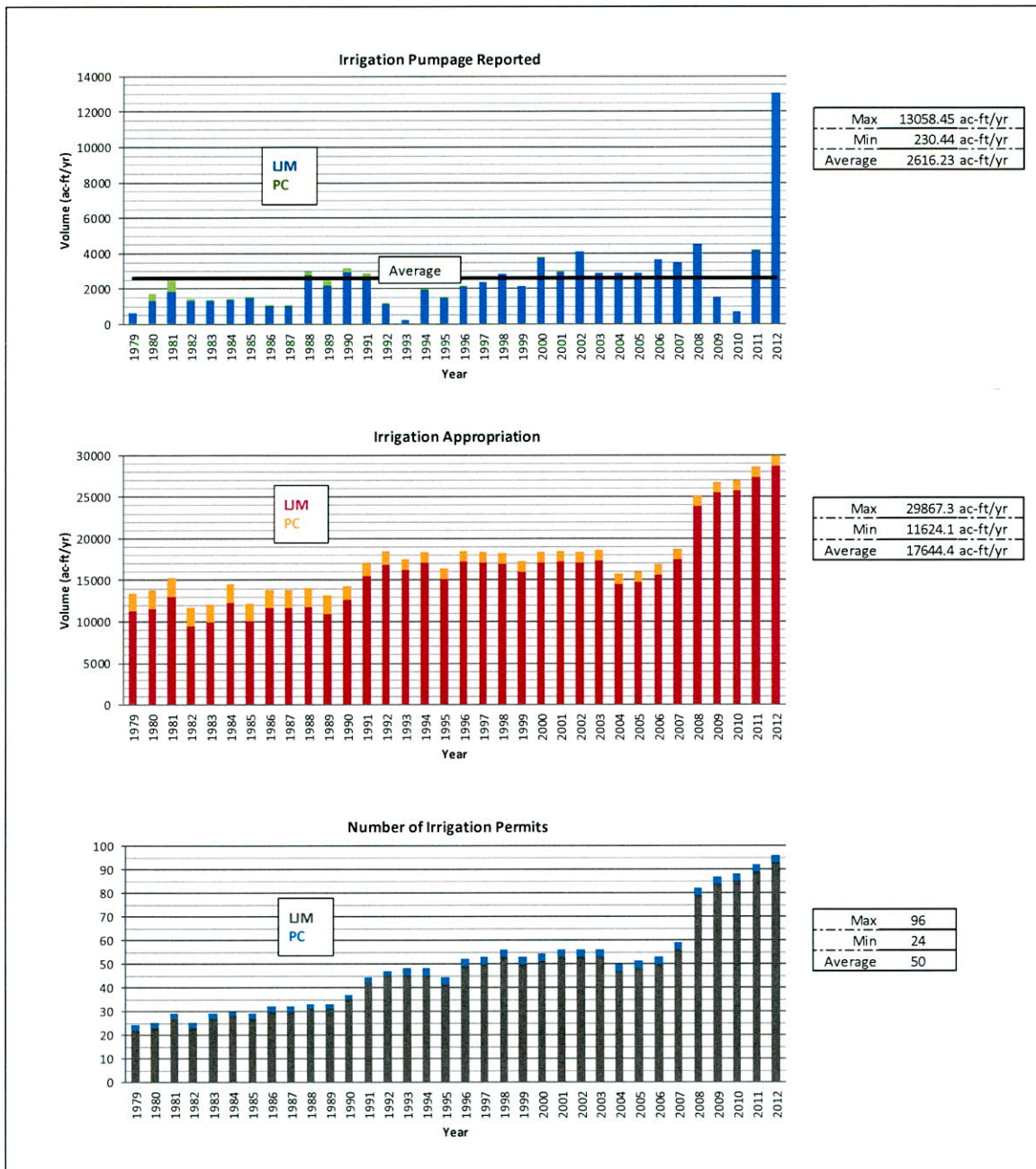


Figure 2: Historic irrigation water use from the Lower James Missouri aquifer including the Plum Creek aquifer (Water Rights, 1980-2013)

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The SD DENR-Water Rights Program monitors 31 observation wells completed into the Lower James Missouri aquifer. Currently hydrographs for 13 of the observation wells have a declining

trendline across the period of record. These decreasing trendlines can be explained one of two ways.

Observation wells with decreasing trendlines in the northern portion of the aquifer have had recent development nearby, and the water level has yet to equilibrate. Also, the temporal effects of pumping are skewing the trendline downward. Observation wells HT-81D and HT-82C are examples of this situation. These wells are approximately three mile apart. Observation well HT-81D has a decreasing trendline, and HT-82C has an increasing trendline, as shown in Figure 2. There are seven water rights/permits within one mile of HT-81D. The nearest water rights/permits to HT-82C are more than two miles away. Overlays of the hydrographs of these wells shows that the only difference in water levels is from the effects of local pumping at HT-81D, as shown in Figure 3. And so, the decreasing trendline of these observation wells is attributed to the localized pumping and does not indicate overall annual water levels in the aquifer are decreasing.

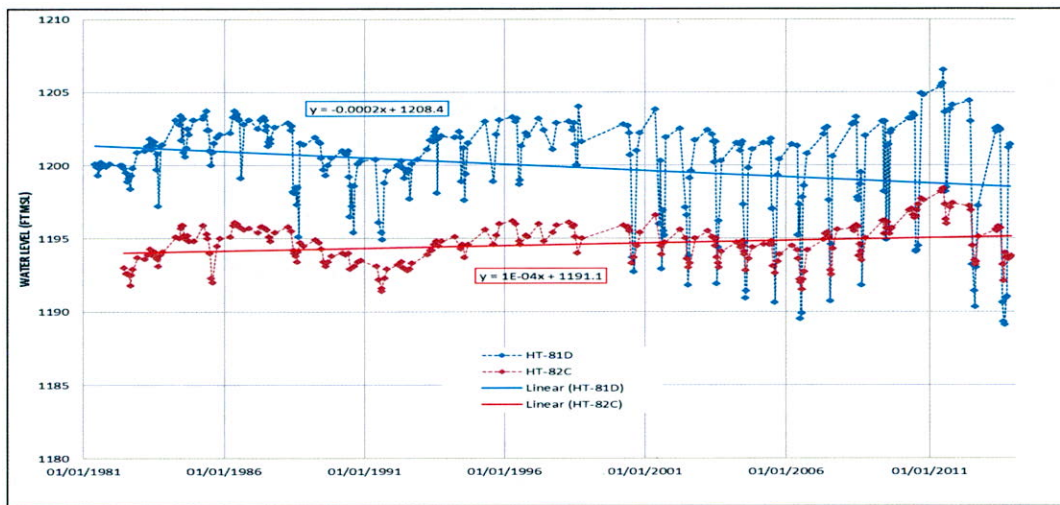


Figure 2: Hydrographs for observation wells HT-81D and HT-82C (Water Rights, 2014a)

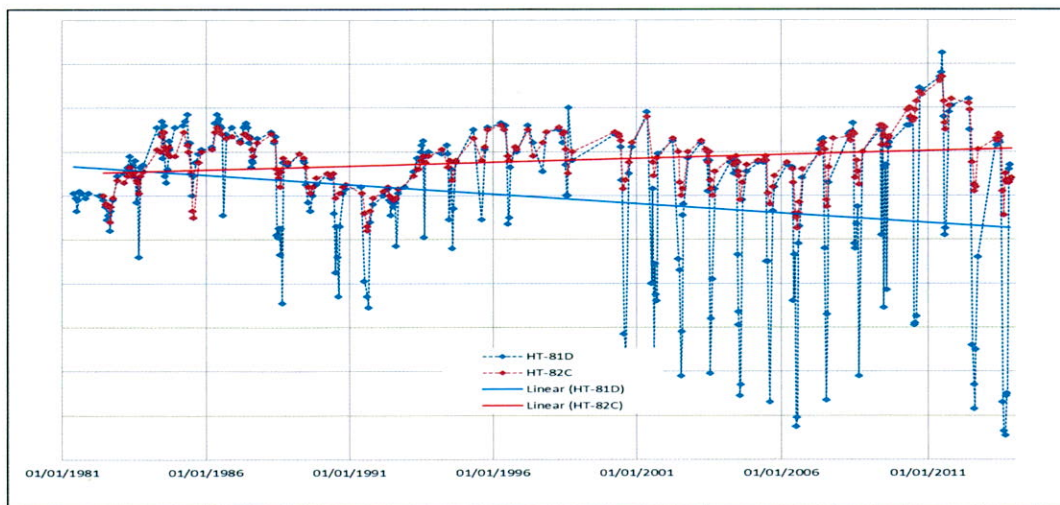


Figure 3: Overlay of observation wells HT-81D and HT-82C (Water Rights, 2014a)

Observation wells with decreasing trendlines in the southern portion of the aquifer have a significant hydraulic connection to the Missouri: Elk Point aquifer, which has a significant hydraulic connection to the Missouri River. Since the Gavins Point Dam was closed off, the Missouri River has entrenched approximately 10 feet (Cowman, 2014). As the Missouri River has entrenched, the water levels in the hydraulically connected aquifers have declined (Water Rights, 2014a). And so, the declining water level in these observation wells is attributed to the entrenchment of the Missouri River and does not indicate overall annual water levels in the aquifer are decreasing.

The nearest observation wells, HT-82A and HT-83C, are located approximately two miles west and one mile south of the well sites, respectively. The hydrographs for these observation wells are shown in Figures 4 and 5. These hydrographs are typical of many observation wells recording water levels in the Lower James Missouri aquifer. Observation well data documents cyclic yet somewhat linear water levels. Temporal well withdrawal is evident but generally masked by climatic conditions. Most Lower James Missouri aquifer observation wells record increasing trending water levels, indicating that withdrawals have not exceeded recharge. Observation wells with declining water level trendlines have been explained. Therefore, unappropriated water is available from the Lower James Missouri aquifer for the proposed appropriation.

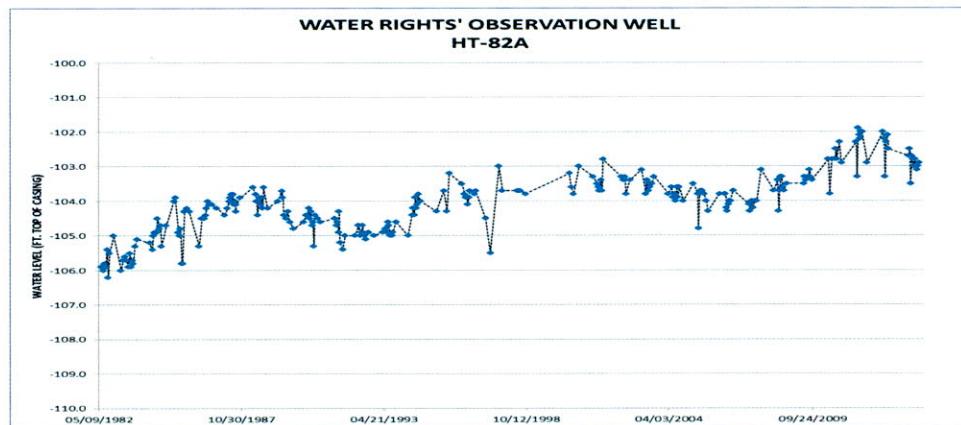


Figure 4: Hydrograph of observation well HT-82A (Water Rights, 2014a)

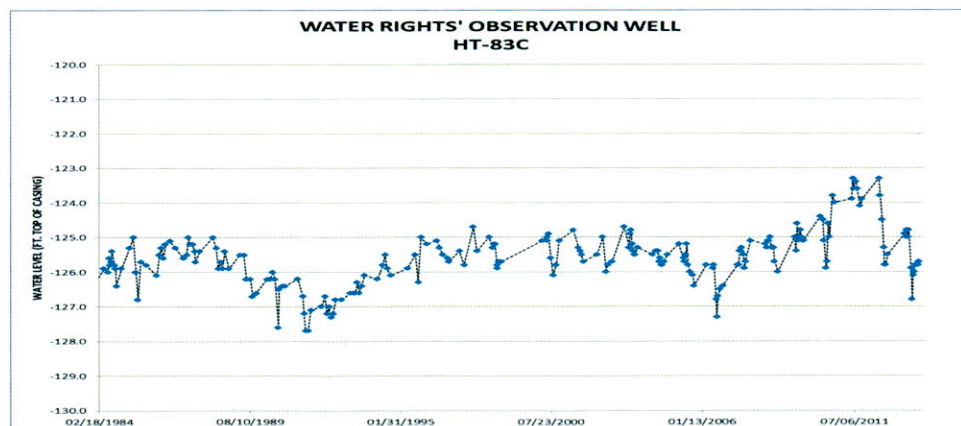


Figure 5: Hydrograph of observation well HT-83C (Water Rights, 2014a)

EXISTING WATER RIGHTS:

There are several wells completed into the Lower James Missouri aquifer in the area of the proposed well site. The aquifer is buried but could be under water table conditions at the well sites; therefore, drawdown due to pumping is expected (Water Rights, 2014a; Water Rights, 2014b). The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. SDCL 46-6-6.1 does not require protection of artesian head pressure as a means of groundwater delivery. Therefore, nearby adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely or unlawfully impaired due to the increased use of the well.

While this Water Permit Application No. 7959-3 does not propose an increase in maximum diversion rate, the increase in applied acres will likely increase the average diversion rate. Therefore, the cumulative impacts could increase. However, this increase in use is not expected to significantly increase the current effects of pumping.

CONCLUSIONS:

1. The Water Permit Application No. 7957-3 proposes to appropriate groundwater at a maximum diversion rate of 1.93 cfs from one well to be completed into the Lower James Missouri aquifer for the irrigation of 135 acres.
2. The Water Permit Application No. 7958-3 proposes to appropriate groundwater at a maximum diversion rate of 4.37 cfs from two wells to be completed into the Lower James Missouri aquifer for the irrigation of 306 acres.
3. The Water Permit Application No. 7959-3 proposes to appropriate groundwater to irrigate 108 acres from an existing well authorized by Water Permit No. 6699-3.
4. The Water Permit No. 6699-3 appropriates groundwater at a maximum diversion rate of 5.82 cfs from two wells completed into the Lower James Missouri aquifer for the irrigation of 408 acres.
5. The Water Permit Application No. 7960-3 proposes to withdraw groundwater at a maximum diversion rate of 2.0 cfs from one well to be completed into the Lower James Missouri aquifer for the irrigation of 148 acres.
6. Unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
7. The proposed diversion will not adversely or unlawfully impair existing nearby wells.



Joseph R. Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. Water Resources Investigations Report 84-4241. U.S. Geological Survey, Huron, South Dakota.
- Cowman, T. "Bed Degradation." Message to Ken Buhler 19 February, 2014. Email.
- Hansen, D.S. 1983. Major Aquifers in Hansen and Davison Counties, South Dakota. Information Pamphlet No. 26. S.D. Geological Survey, Vermillion, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Lindgren, R.J. and D.S. Hansen. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093. U.S. Geological Survey, Huron, South Dakota.
- Stonesifer, J.R. 2013. Report on Water Permit Application No. 7886-3, Wolf Creek Hutterian. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Water Rights, 1980-2014. "Irrigation Report Summaries." SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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APR - 7 2014

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

County of Hutchinson)

) ss.

State of South Dakota)

**NOTICE OF APPLICATIONS NOS. 7957-3,
7958-3, 7959-3 and 7960-3
to Appropriate Water**

Notice is given that Tschetter Colony, c/o Herman Decker Sr., 27709 Tschetter Ave, Olivet SD 57052 has filed the following applications for a water permit.

Application No. 7957-3 proposes to appropriate 1.93 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate center of the SW 1/4 Section 21 for irrigation of 135 acres located in the SW 1/4 Section 21; all in T99N-R58W.

Application No. 7958-3 proposes to appropriate 4.37 cfs from two wells to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate centers of the NW 1/4 and the SW 1/4 Section 20 for irrigation of 306 acres located in the W 1/2 Section 20; all in T99N-R58W.

Application No. 7959-3 proposes to irrigate 108 new acres. Water Permit No. 6699-3 appropriates 5.82 cfs from two wells completed into the Lower James Missouri Aquifer (240 feet deep) to irrigate 408 acres located in the S 1/2 Section 28 and the SW 1/4 Section 27; all in T99N-R58W. This application proposes to irrigate 108 new acres located in the NW 1/4 Section 28 from one of the existing wells located in the NE 1/4 SW 1/4 Section 28; all in T99N-R58W. This application, if approved, does not authorize any increase in the diversion rate.

Application No. 7960-3 proposes to appropriate 2.0 cfs from one well to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate center of the SE 1/4 Section 29 to irrigate 148 acres located in the SE 1/4 Section 29; all in T99N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7957-3, 7958-3, 7959-3 and 7960-3 because 1) unappropri-

ated 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 April 14, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources

Published once at the total
approximate cost of \$37.95
1-52FC

Tim L. Waltner, of said county and state, being duly sworn his oath, deposes and says: That the Freeman Courier weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, has been such newspaper during the time hereinafter mentioned. That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof and have personal knowledge of all the facts stated in this affidavit and that the advertisement headed Appropriate Water

a printed copy of which is hereto attached, was printed and published in the said newspaper for one successive issue as follows:

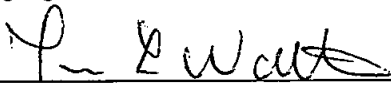
The first publication on:

April 2, 2014

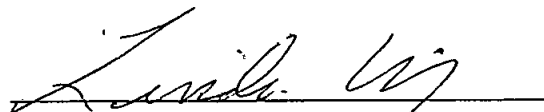
the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing legal notices to-wit: The sum of \$37.95 insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$37.95 for publishing legal notices.



Subscribed and sworn to before me this 2nd day of April



Notary Public

Commission expires: 10/9/18

Publication fee: \$37.95

Notary fee:

Total: \$37.95

APR - 8 2014

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION NOS.
7957-3, 7958-3, 7959-3
and 7960-3
to Appropriate Water**

Notice is given that Tschetter Colony, c/o Herman Decker Sr., 27709 Tschetter Ave, Olivet SD 57052 has filed the following applications for a water permit.

Application No. 7957-3 proposes to appropriate 1.93 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate center of the SW 1/4 Section 21 for irrigation of 135 acres located in the SW 1/4 Section 21; all in T99N-R58W.

Application No. 7958-3 proposes to appropriate 4.37 cfs from two wells to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate centers of the NW 1/4 and the SW 1/4 Section 20 for irrigation of 306 acres located in the W 1/2 Section 20; all in T99N-R58W.

Application No. 7959-3 proposes to irrigate 108 new acres. Water Permit No. 6699-3 appropriates 5.82 cfs from two wells completed into the Lower James Missouri Aquifer (240 feet deep) to irrigate 408 acres located in the S 1/2 Section 28 and the SW 1/4 Section 27; all in T99N-R58W. This application proposes to irrigate 108 new acres located in the NW 1/4 Section 28 from one of the existing wells located in the NE 1/4 SW 1/4 Section 28; all in T99N-R58W. This application, if approved, does not authorize any increase in the diversion rate.

Application No. 7960-3 proposes to appropriate 2.0 cfs from one well to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate center of the SE 1/4 Section 29 to irrigate 148 acres located in the SE 1/4 Section 29; all in T99N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7957-3, 7958-3, 7959-3 and 7960-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations.

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Published once at the total approximate cost of \$88.60

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issue(s), to wit:

Wednesday, April 2, 2014

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or 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, that the fees charged for the publication thereof are: \$88.60

Signed: Penny Hohbach

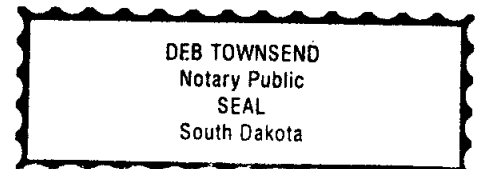
Subscribed and sworn to before me this 2nd day of April, 2014.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 9-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 27, 2014

Freeman Courier
PO Box 950
Freeman SD 57029

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7957-3, 7958-3, 7959-3 and 7960-3 to Appropriate Water. Please publish the notice once on April 2, 2014. 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 Tschetter Colony, c/o Herman Decker, 27709 Tschetter Ave, Olivet SD 57052 (Ph # 605-928-7430).

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

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



March 27, 2014

Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7957-3, 7958-3, 7959-3 and 7960-3 to Appropriate Water. Please publish the notice once on April 2, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

March 27, 2014

Tschetter Colony
Herman Decker
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Decker:

Water Permit Application Nos. 7957-3, 7958-3, 7959-3 and 7960-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Freeman Courier printed at Freeman SD (Ph # 605-925-7033) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on April 2, 2014. 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 NOS. 7957-3, 7958-3, 7959-3 and 7960-3 to Appropriate Water

Notice is given that Tschetter Colony, c/o Herman Decker Sr., 27709 Tschetter Ave, Olivet SD 57052 has filed the following applications for a water permit.

Application No. 7957-3 proposes to appropriate 1.93 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate center of the SW 1/4 Section 21 for irrigation of 135 acres located in the SW 1/4 Section 21; all in T99N-R58W.

Application No. 7958-3 proposes to appropriate 4.37 cfs from two wells to be completed into the Lower James Missouri Aquifer (240 feet deep) located in the approximate centers of the NW 1/4 and the SW 1/4 Section 20 for irrigation of 306 acres located in the W 1/2 Section 20; all in T99N-R58W.

Application No. 7959-3 proposes to irrigate 108 new acres. Water Permit No. 6699-3 appropriates 5.82 cfs from two wells completed into the Lower James Missouri Aquifer (240 feet deep) to irrigate 408 acres located in the S 1/2 Section 28 and the SW 1/4 Section 27; all in T99N-R58W. This application proposes to irrigate 108 new acres located in the NW 1/4 Section 28 from one of the existing wells located in the NE 1/4 SW 1/4 Section 28; all in T99N-R58W. This application, if approved, does not authorize any increase in the diversion rate.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7957-3, 7958-3, 7959-3 and 7960-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. 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 applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
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MAY 02 2014

Tschetter Colony
Herman Decker Sr
27709 Tschetter Ave
Olivet SD 57052

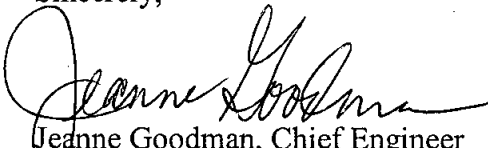
Dear Mr. Decker:

Enclosed are Water Permit Nos. 7957-3, 7958-3, 7959-3 and 7960-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 13, 2024

7958-3

Tschetter Colony
c/o Herman Decker Sr
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Decker:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Water Permit No. 7958-3.

Permit No. 7958-3 (copy enclosed) authorized diversion of 4.37 cubic feet of water per second (2,000 gpm) from two wells completed into the Lower James Missouri Aquifer for irrigation of 306 acres located in the W ½ Section 20, T99N-R58W.

Permit No. 7958-3 was approved on April 14, 2014, with construction to be completed by April 14, 2019, and water to be placed to beneficial use by April 14, 2023.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the dates for construction completion & placement of water to beneficial use having passed, this permit should be considered for cancellation due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 23, 2025

No. 7958-3

Tschetter Colony
c/o Herman Decker Sr
27709 Tschetter Ave
Olivet, SD 57052

Dear. Mr. Decker:

I'm writing to you today in reference to Water Permit No. 7958-3.

On November 13, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that the Water Rights Program will be pursuing cancellation of Water Permit No. 7958-3, due to non-construction. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellation. Please contact the Water Rights Program to discuss cancellation of Water Permit No. 7958-3.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 8th, 2026

7958-3

Tschetter Colony
c/o Herman Decker SR
27709 Tschetter Ave
Olivet, SD 57052

Dear Mr. Decker

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Permit No. 7958-3.

Permit No. 7958-3 authorized diversion of 4.37 cubic feet of water per second 2,000 (gpm) authorizing irrigation of 148 acres located in the W1/2 Section 20-T99N-R58W, Hutchinson County, South Dakota

Permit No. 7958-3 was approved on April 14, 2014, with construction to be completed by April 14, 2019, and water placed to beneficial use by April 14, 2023.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the dates for construction completion and placement of water to beneficial use having passed, this permit should be considered for cancellation due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
Shannon.konst@state.sd.us
(605) 773-3352

enclosure