

WATER PERMIT NO. 8005-3

Name of Applicant: **Robert Maeschen**

Address: **40568 266th St, Ethan SD 57334** Phone: **605 999-1170**

Amount of Water Claimed: **1.56** Total Acres: **180**

Source of Water Supply: **groundwater (one well)**

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

Type of Waste Disposal System:

Location: **5 miles west of Ethan**

PRIORITY Date Received: **4-24-14** Application/License Fee: **\$ 1150**

Corrected Application Received: Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **SW 1/4 SW 1/4 Sec18-T101N-R60W**

Land to be Irrigated: **NW 1/4 Sec 19 and E 1/2 SW 1/4, SW 1/4 SW 1/4 Sec 18; T101N-R60W**

Depth of Well: **107 feet deep**

Well Driller:

Remarks:

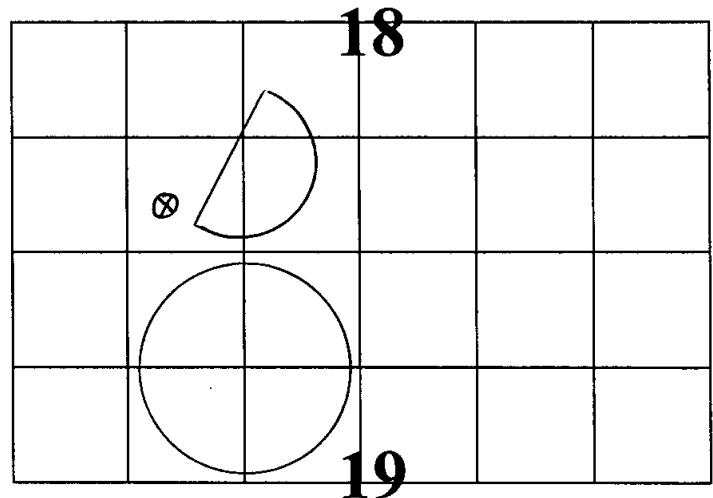
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **XX**

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>8005-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Republic Box 1288</u>
	<u>Mitchell 57301-605-996-5514</u>

RECEIVED

APR 24 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 Robert Maeschen(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 40568 266 1st St. Ethan SD 57334

(Address)

(City)

(State)

(Zip Code)

Home Phone _____ Cell 605 999 1170 Email Jakemcx@gmail.com2. Amount of water claimed 1.56 *CFS or 700 **GPM _____ ***AF Total Acreage 180 acres

(*Cubic Feet per Second)

(**Gallons per Minute)

(***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well niobrara chalk aquifer4. Location of point of diversion 1 well in SW 1/4 SW 1/4 Sec 18-101-60 Pierre

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Davison5. County or counties where water will be used Davison6. Annual period during which water is to be used April 1 to September 307. 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
n/w 1/4 of n/w 1/4 19-101-60 rone	40	n/e 1/4 of s/w 1/4-18-101-60 rone	40
s/w 1/4 of n/w 1/4 19-101-60 rone	40	s/e 1/4 of s/w 1/4-18-101-60 rone	40
n/e 1/4 of n/w 1/4 19-101-60 rone	40	SW 1/4 SW 1/4 Sec 18-T101N-R 60W	20
s/e 1/4 of n/w 1/4 19-101-60 rone	40		

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

I would like to irrigate land in section 19 by pumping water from a well in section 18. I own both parcels of land. I plan on using center pivot irrigation on both section 18 & 19.

I, Robert Maeschen, 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. 8005-3**

Date of first receipt of application April 24, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8005-3 to Robert Maeschen, 40568 266th St, Ethan SD 57334 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. 8005-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (107 feet deep) located in the SW 1/4 SW 1/4 Section 18 for irrigation of 180 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 18 and NW 1/4 Section 19; all in T101N-R60W.
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 – September 30.
3. The date from which applicant may claim right is April 24, 2014.
4. The date of approval of Permit No. 8005-3 is July 14, 2014.
5. One-fifth of the construction is to be completed on or before January 14, 2017.
6. All construction is to be completed on or before July 14, 2019.
7. Water is to be put to beneficial use on or before July 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8005-3 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*

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

AUG 18 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 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Richard Hammond
(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 107 Depth to Top of Water Bearing Material 45' Depth to Water from Surface 37'

d) Distance to nearest existing domestic well:

On applicant's property n/a

On property owned by others greater than 5,000 feet

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)

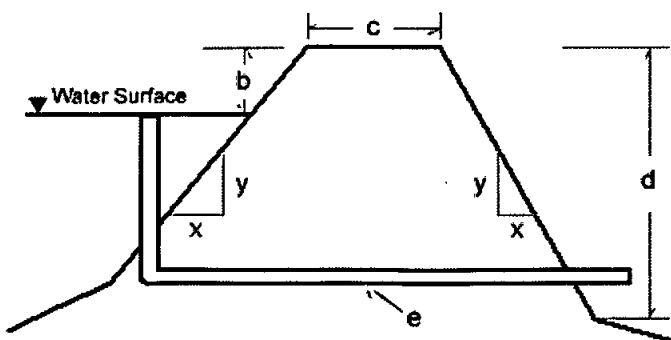
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



N.



Water Quality Risk Assessment Map

18-101-60 Rome Township
Davison County

N.



Legend

- Consplan
- Exclusion Area
- Sections
- L** Leaching - High Risk
- Manure Application Fields
- R** Runoff - High Risk

RECEIVED

APR 24 2014

WATER RIGHTS
PROGRAM



500 0 500 1,000 1,500 2,000
Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/24, 20 14

RECEIVED OF Robert Maeschen 40568 266th St Ethan Sd 57334

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

Fee for Application for Permit No. <u>8005-3</u> to Appropriate Water, to construct and to put water to beneficial use	19	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. <u>8005-3</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	1150	00

No. **06839**

By Jearme Goodman
Chief Engineer

Schlaak, Karen

From: Robert Maeschen <jakemcx@gmail.com>
Sent: Thursday, April 24, 2014 11:16 AM
To: Schlaak, Karen
Subject: Re: Application for Robert Maeschen

Ok thanks ..

On Apr 24, 2014 11:05 AM, "Schlaak, Karen" <Karen.Schlaak@state.sd.us> wrote:

We received the application for Robert Maeschen today. It appears that the pivot in Section 18 will swing over into the SW ¼ SW ¼ of the section. This is not listed on the application.

If it is okay with you, I will amend the application and add 20 acres located in the SW ¼ SW ¼ Section 19-T101N-R60W. That would make the application for a total of 180 acres. I realize the entire 180 acres will not be irrigated but this will give you some leeway when developing your system and the SW ¼ SW ¼ will be included in the public notice. The fee will remain the same.

Please let me know if you agree.

Karen Schlaak

Water Rights Program

Phone: [605 773-3352](tel:6057733352)

Fax: [605 773-4068](tel:6057734068)



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



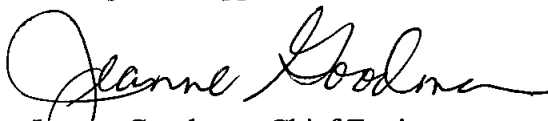
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8005-3, Robert Maeschen**

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. 8005-3, Robert Maeschen, 40568 266th Street, Ethan SD 57334.

The Chief Engineer is recommending APPROVAL of Application No. 8005-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8005-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
June 25, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8005-3
ROBERT MAESCHEN
JUNE 16, 2014

Water Permit Application No. 8005-3 proposes to appropriate water for irrigation at a maximum diversion rate of 1.56 cubic feet of water per second (cfs) from a well to be completed into the Niobrara aquifer. The well is expected to be approximately 107 feet deep and is to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T101N-R60W. This application proposes to irrigate 180 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T101N-R60W and the NW $\frac{1}{4}$ Section 19, T101N-R60W in Davison County.

AQUIFER: Niobrara aquifer (NBRR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Niobrara Formation is upper Cretaceous aged, calcareous marl that was deposited in a broad inland seaway that covered most of the area under present South Dakota. The Niobrara, often referred to as “chalkrock” by local well drillers, underlies an estimated 400 square miles of Davison County alone (Hedges and others, 1982). The formation attains a maximum thickness of 140 feet in Davison and Hanson Counties and has an average thickness in the counties of 65 feet (Hansen, 1983). In the area of this proposed well site, the Niobrara Formation is expected to be 80-100 feet thick (Hansen, 1983; SD DENR- Geological Survey, 2014). The top of the Niobrara is expected to be approximately 50 feet below grade at the proposed well site (Schulz and Smith, 2004; SD DENR- Geological Survey, 2014).

The portion of the Niobrara Formation that contains sufficient saturated permeable material to yield groundwater to wells and springs is considered the Niobrara aquifer. Permeability in the Niobrara is typically in the form of fractures and solution features. Hansen (1983) identified an area that includes the well site proposed by this application, where fractures and openings in the Niobrara have developed enough for irrigation. The aquifer is typically under confined conditions, which is the case at this proposed well site. The potentiometric surface of the aquifer is expected to be approximately 1340 feet above mean sea level elevation (i.e. approximately 50 feet below grade) at the proposed well site (Hansen, 1983; Water Rights, 2014a)). The general movement of water in the aquifer is towards the northeast at a gradient of five to 10 feet per mile (Hansen, 1983).

SOUTH DAKOTA CODIFIED LAW (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, 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 and existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate water from the Niobrara aquifer. If this application is approved, average annual water use will likely be less than 180 acre-feet annually (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 the withdrawal/recharge issue must be considered.

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).

A 2012 First Judicial Circuit Court’s rulings basically stated that data must be presented to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources*), (Memorandum Decision, May 17, 2012).

Recharge and Discharges from the Niobrara aquifer:

Recharge:

Local recharge to the Niobrara aquifer in Davison County is primarily groundwater inflow from surrounding areas and adjacent aquifers, and from precipitation and snowmelt on the outcrop area, located in the flood plain of the North Fork of Twelve Mile Creek (Hansen, 1983). A recharge study has not been conducted for the Niobrara aquifer, therefore average annual recharge has not been estimated for the aquifer. However, Hedges and others (1985) concluded:

“The Niobrara Formation ... [has] such high storage and low use that it is unlikely that use is approaching or exceeding recharge. Furthermore, there is no evidence of significant head loss in any of these aquifers over the years that would suggest that use is exceeding recharge.”

Discharge:

Discharge from the Niobrara aquifer is by (1) evaporation east of the town of Ethan, (2) to the Ethan aquifer, and (3) well withdrawals (Hansen, 1983). Well withdrawals from the Niobrara aquifer are for domestic use and for uses requiring water rights/permits. There are 76 water

rights/permits appropriating water from the Niobrara aquifer in South Dakota (Water Rights, 2014b). The uses authorized by appropriative rights are shown in Table 1.

USE	No OF PMTS
Commercial	8
Geothermal	1
Groundwater Remediation	1
Industrial	1
Institutional	5
Irrigation	49
Municipal	11

Table 1. Number of water permits/rights per use authorized from the Niobrara aquifer in South Dakota (Water Rights, 2014b).

Although there are nine municipalities with water rights/permits appropriating water from the Niobrara aquifer (see Table 2), only two (Forestburg and Woonsocket) are not primarily served by rural water systems (Friedeman, 2014). Total water use by Forestburg Well Co. and the City of Woonsocket is expected to be less than 365 acre-feet annually.

PERMIT NO	NAME	CFS
1062-3	CITY OF SCOTLAND	0.58
1229-3	TOWN OF IRENE	0.56
4278-3	TOWN OF CAVOUR	0.23
5239-3	CITY OF FREEMAN	0.33
5356-3	TOWN OF TABOR	0.4
810-3	CITY OF FREEMAN	1.26
4121A-3	CITY OF WHITE LAKE	0.13
5872-3	FORESTBURG WELL CO	0.06
5876-3	CITY OF WOONSOCKET	0.78
4264A-3	CITY OF MT VERNON	0.07
4264B-3	CITY OF MT VERNON	0.14

Table 2. Municipalities with water rights appropriating water from the Niobrara aquifer in South Dakota.

Assuming water rights/permits authorizing uses other than municipal and irrigation will pump at the maximum permitted diversion rate 60 percent of the time, water use from these appropriations is estimated to be approximately 615 acre-feet annually.

The majority of the water used from the Niobrara aquifer in South Dakota is for irrigation. A summary of historic irrigation usage is shown in Table 3.

Year	Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2012	30	10831.60	4050.16
2011	24	8465.6	947.24
2010	23	7825.6	418.41
2009	24	8476.6	356.21
2008	23	7387.6	1453.04
2007	23	7387.6	1313.12
2006	23	6975.6	1402.34
2005	22	6457.6	1085.11
2004	21	6793	1124.64
2003	22	6801	1350.01
2002	19	6025	1473.08
2001	19	5649	654.25
2000	19	5649	884.53
1999	20	6073	597.56
1998	20	6073	728.39
1997	21	7033	693
1996	21	7033	1132.44
1995	19	7597	731.15
1994	17	7107	902.1
1993	20	8197.2	201.3
1992	20	8219.2	803
1991	20	8802.2	1358.1
1990	19	8322.2	1214.5
1989	21	9512.2	1730.6
1988	20	9583.2	2172.1
1987	21	10063.2	933
1986	22	10543.2	784
1985	21	10156	720
1984	22	11116	517
1983	21	10033.2	854.5
1982	18	9088	1031.49
1981	24	11499	1374
1980	21	10699	851
1979	20	10219	505
Min	17	5649	201.3
Max	30	11499	4050.2
Avg.	21.2	8285.1	1069.0

Table 2- Irrigation water pumpage from the Niobrara aquifer in South Dakota (Water Rights, 1979-2013)

Based on the relatively low use and the large area of the Niobrara aquifer, there is a reasonable probability that unappropriated water is available 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.” In the case of the Niobrara aquifer, observation well data is the best information reasonably available to assess the availability of unappropriated water as required by SDCL 46-2A-9 and SDCL 46-6-3.1.

The DENR-Water Rights Program monitors 58 observation wells completed into the Niobrara aquifer with 13 in Davison County (Water Rights, 2014a). Observation wells completed into the Niobrara aquifer in the vicinity of the well site proposed by this application are shown in Figure 1.

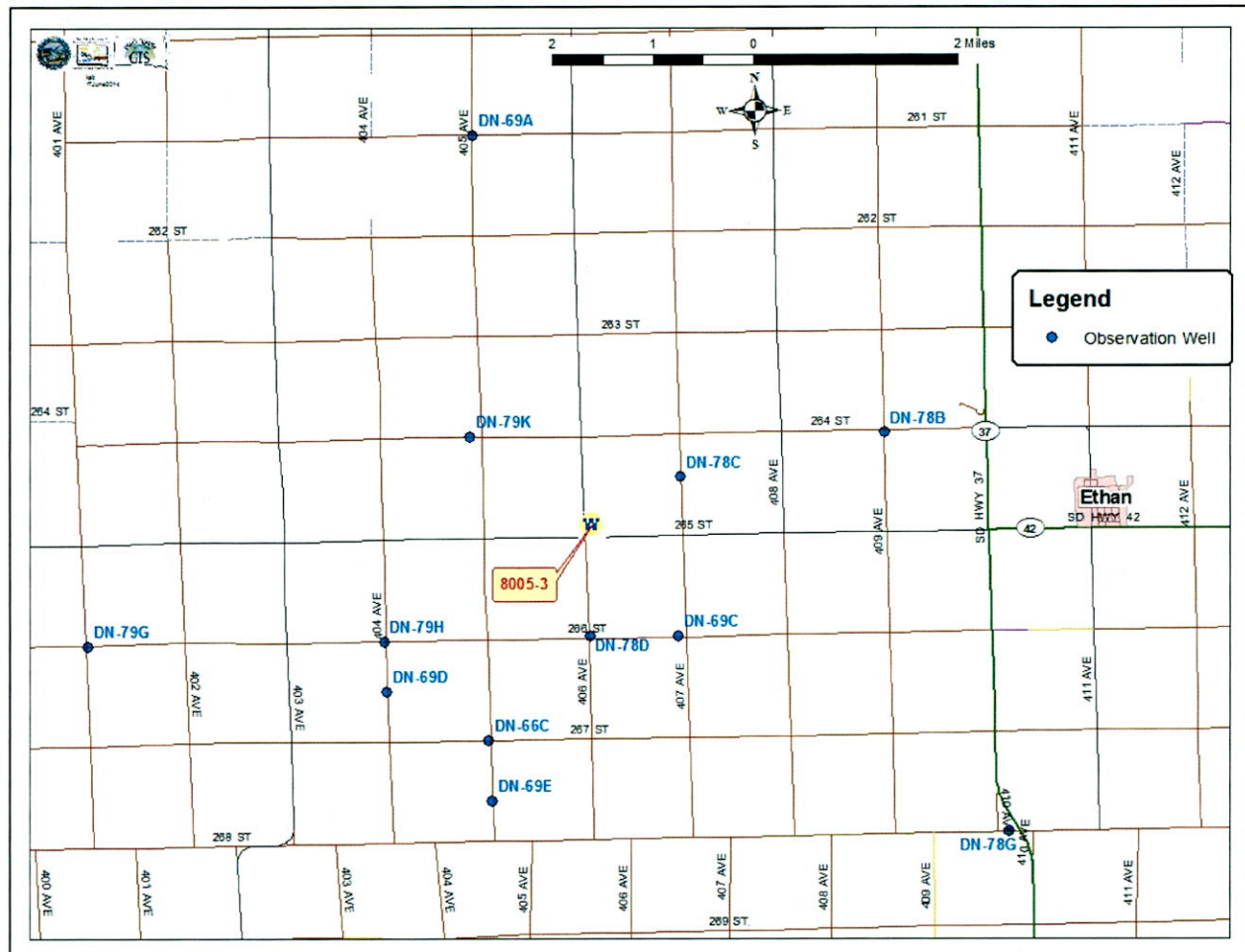


Figure 1. Area map showing observation wells completed into the Niobrara aquifer

Water levels in observation wells completed into the Niobrara respond to climatic conditions, rising (recharging) during wet periods, and declining during dry periods. The climatic effects on the potentiometric surface mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the aquifer exceeds well withdrawals. Recognizing that natural discharge can be captured for pumping, the observation well hydrographs document that there is unappropriated water available from the Niobrara aquifer for this proposed appropriation.

Hydrographs for the four observation wells located nearest to this proposed appropriation are shown in Figures 2-5.

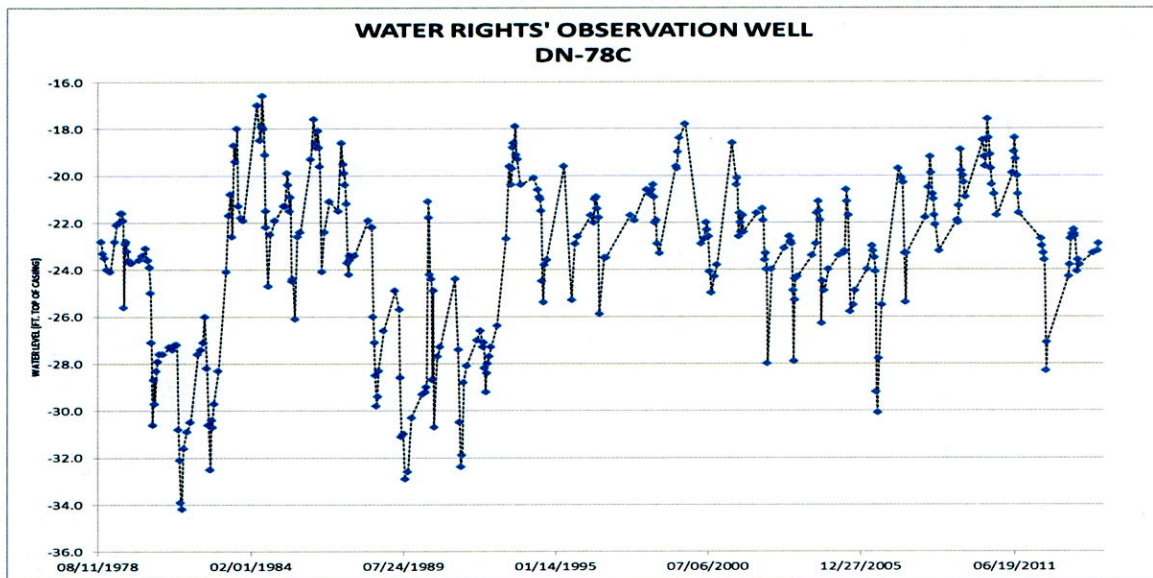


Figure 2. Hydrograph of observation well DN-78C (Water Rights, 2014a)

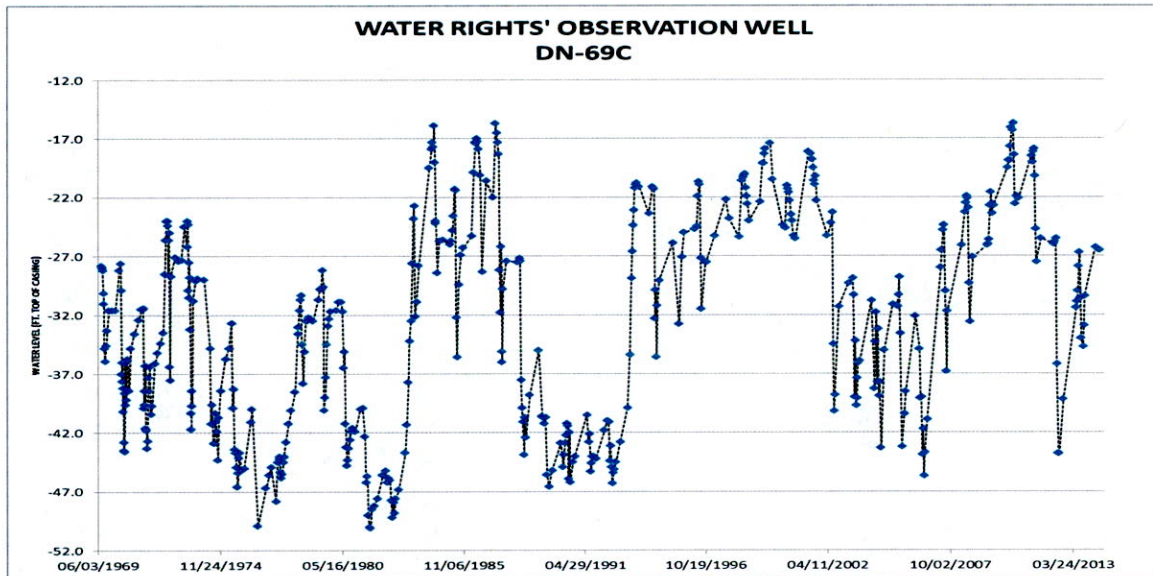


Figure 3. Hydrograph of observation well DN-69C (Water Rights, 2014a)

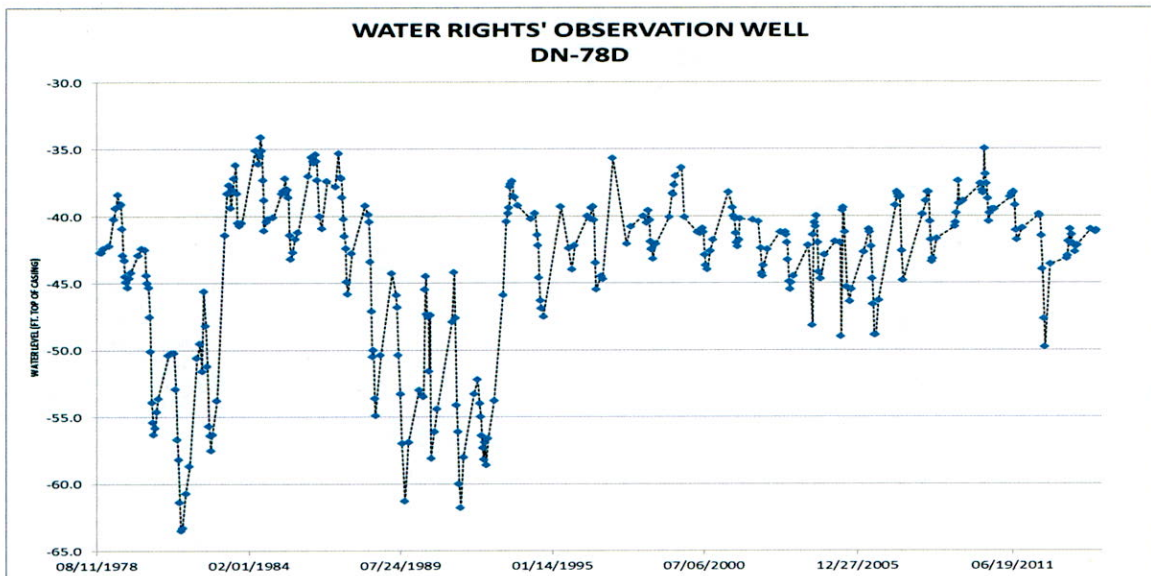


Figure 4. Hydrograph of observation well DN-78D (Water Rights, 2014a)

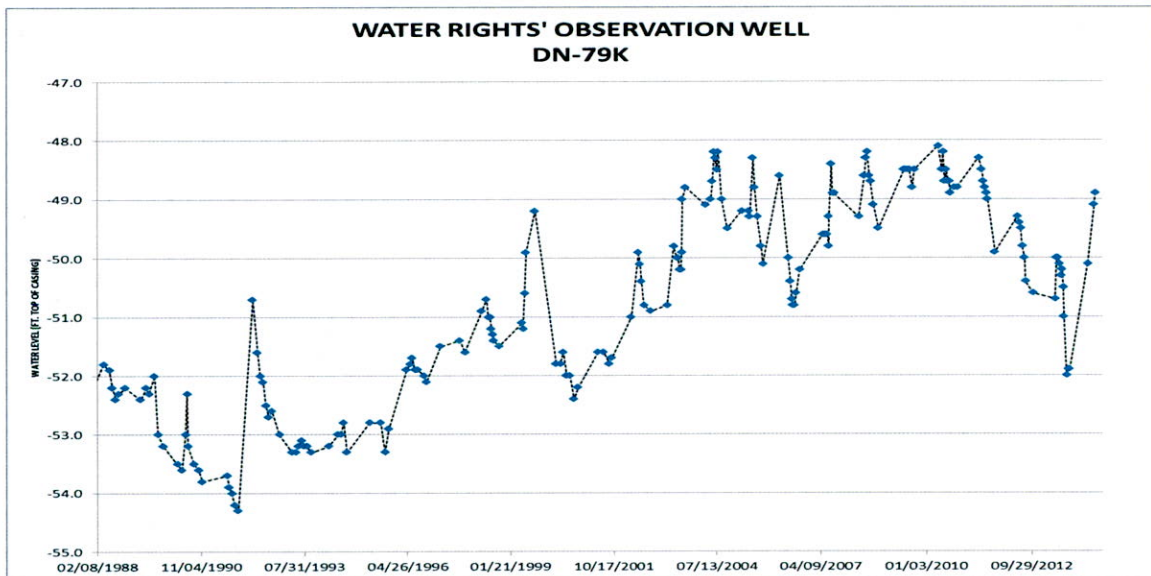


Figure 5 Hydrograph of observation well DN-79K (Water Rights, 2014a)

EXISTING WATER RIGHTS:

There are 76 water rights/permits appropriating water from the Niobrara aquifer in South Dakota (Water Rights, 2014b). The Niobrara aquifer appropriations located within 10 miles of the well site proposed by this application are shown in Figure 6 and Table 3.

In addition to the wells authorized by appropriative rights, there are a number of domestic wells on file with the DENR-Water Rights Program in this area that appear to be completed into the Niobrara aquifer (Water Rights, 2014c). However, many of the domestic users in this area are currently served by rural water.

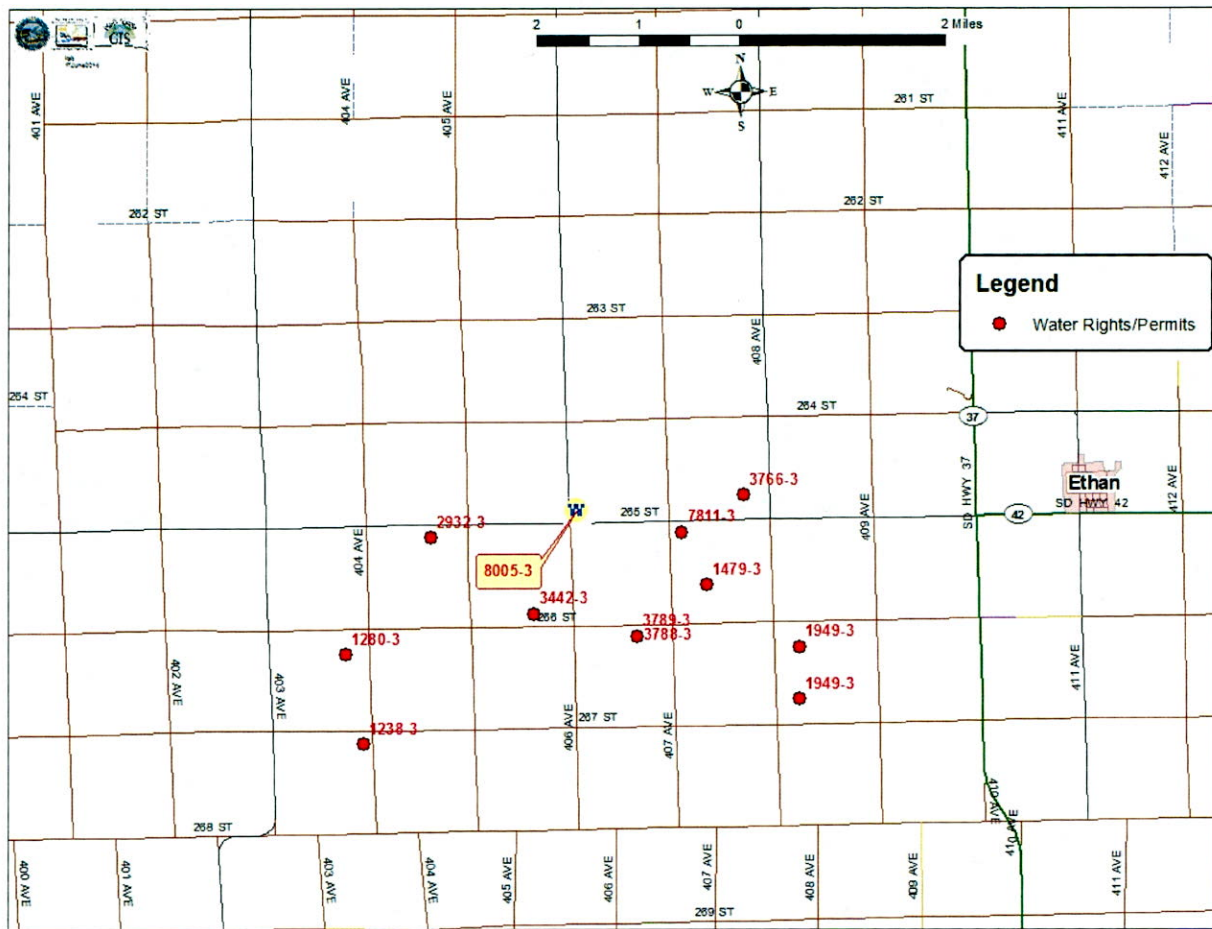


Figure 6. Water Rights/Permits appropriating water from the Niobrara aquifer in the vicinity of the well site proposed by Application No. 8005-3.

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
1238-3	LINCOLN NEUGEBAUER	12/14/1965	LC	1.88	386
1280-3	MARTY NEUGEBAUER	06/08/1966	LC	2.04	152
1479-3	BILLY D/ILA M RUMBOLZ	12/14/1967	LC	1.3	160
1949-3	ALLEN HAAG	05/02/1973	CA	na	na
2932-3	WILIBRD HOHN	07/23/1976	CA	na	na
3442-3	NORMAN F MAESCHEN	09/01/1976	LC	1.22	108
3766-3	GORDON BAINBRIDGE	02/22/1977	CA	na	na
3788-3	LYLE RUMBOLZ	03/09/1977	LC	1.33	120
3789-3	BILLY RUMBOLZ	03/09/1977	LC	1.33	130
7811-3	CHARLES STORM	03/27/2013	PE	1.78	133
1949-3	ALLEN HAAG	05/02/1973	CA	na	na

Table 3. Water Rights/Permits appropriating water from the Niobrara aquifer in the vicinity of the well site proposed by Application No. 8005-3.

Since the Niobrara aquifer is under confined conditions in this area, drawdown from pumping affects the water level (i.e. artesian pressure) of the aquifer over a fairly large area. Hydrographs for DENR-Water Rights' observation wells document 20-30 feet of fluctuation as shown in Figures 2-5.

It may be possible that drawdown from this proposed appropriation may be measurable in the nearby domestic and appropriative right wells. South Dakota Codified Law (SDCL) 46-6-6.1 does not protect artesian head pressure as a means of delivery, and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. South Dakota Supreme Court ruled that although SDCL 46-6-6.1 does not require irrigation to be regulated to absolutely protect artesian pressure for domestic uses, reasonable domestic use must be assured (*Fraser v. Water Rights Commission of Dept. of Natural Resource Development*, 1980, 294 N.W.2d 784). In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

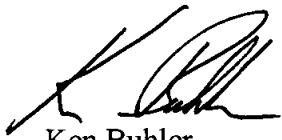
"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer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

Considering the saturated thickness of the Niobrara aquifer is expected to be 80-100 feet in this area, placement of a domestic well pump inlet 20 feet below the top of the aquifer should not be a problem. Therefore, adequate domestic wells will be able to deliver sufficient water for the well owners' needs.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

CONCLUSIONS:

1. This application proposes to appropriate water for the irrigation of 180 acres at a maximum diversion rate of 1.56 cfs from one well completed into the Niobrara aquifer.
2. There is a reasonable probability that unappropriated water is available from the Niobrara aquifer for this proposed appropriation.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely impacting existing water rights or domestic wells.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Circuit Court of South Dakota, Sixth Judicial Circuit, 2005, April 29, 2005 Memorandum Decision
re: HU04-37 Hines v. SD Department of Environment and Natural Resources

Circuit Court of South Dakota, First Judicial Circuit, 2012, April 12, 2012 Memorandum Decision
re: Hanson County Dairy v. Robert Bender and Stace Nelson

Circuit Court of South Dakota, First Judicial Circuit, 2012, May 17, 2012 Memorandum Decision
re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources

Friedeman, B. Personal Communication. SD DENR-Drinking Water Program. 17 June, 2014

Hansen, D.S. 1983. Water Resources of Hanson and Davison Counties, South Dakota. U.S.
Geological Survey Water Resources Investigations Report 83-4108. Huron, SD.

Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern
South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground
Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.

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.

SD DENR- Geological Survey, 2014, Lithologic Logs Database:<<http://www.sddenr.net/lithdb/>>
June 18, 2014

South Dakota Supreme Court, 1980, Fraser v. Water Rights Commission of Dept. of Natural
Resource Development, 1980,294 N.W.2d 784

Schulz, L.D. and K.N. Smith. 2004. First Occurrence of Aquifer Materials in Davison County,
South Dakota. SD DENR-Geological Survey Aquifer Materials Map 16. Vermillion, SD.

Water Rights, 1979-2013. "Irrigation Report Summaries". SD DENR-Water Rights Program, Joe
Foss Bldg., Pierre, SD.

Water Rights, 1995, Water Right No. 2313-2, Coca-Cola Bottling Company of the Black Hills:
SD DENR-Water Rights Program 2313-2 file

Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2014c. Water Well Completion Report. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

RECEIVED

JUL - 7 2014

WATER RIGHTS
PROGRAM

LEGALS

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 July 14, 2014.

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 \$58.10

**NOTICE OF
APPLICATION NO.
8005-3 to Appropriate
Water**

Notice is given that Robert Maeschen, 40568 266th St., Ethan SD 57334 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (107 feet deep) located in the SW 1/4 SW 1/4 Section 18 for irrigation of 180 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 18 and NW 1/4 Section 19; all in T101N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8005-3 because 1)

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 issues(s), to wit:

Thursday, July 3, 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: \$58.10

Signed: Penny Hohbach

Subscribed and sworn to before me this 3rd day of July, 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

South Dakota
SEAL
Notary Public
DEB TOWNSEND



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 25, 2014

Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8005-3 to Appropriate Water. Please publish the notice once on July 3, 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 Robert Maeschen, 40568 266th St., Ethan SD 57334 (Ph # 605-999-1170).

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



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

June 25, 2014

Robert Maeschen
40568 266th St
Ethan SD 57334

Dear Mr. Maeschen:

Water Permit Application No. 8005-3 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 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 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 3, 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 NO. 8005-3 to Appropriate Water

Notice is given that Robert Maeschen, 40568 266th St., Ethan SD 57334 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (107 feet deep) located in the SW 1/4 SW 1/4 Section 18 for irrigation of 180 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 18 and NW 1/4 Section 19; all in T101N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8005-3 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 July 14, 2014.

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

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



AUG 18 2014

Robert Maeschen
40568 266th St
Ethan SD 57334

Dear Mr. Maeschen:

Enclosed is Water Permit No. 8005-3 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



8005-3
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 23, 2020

NOTICE

TO: ROBERT MAESCHEN, 40568 266TH ST, ETHAN, SD 57334
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8005-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 8005-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8005-3 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 **February 26, 2020** 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: <https://denr.sd.gov/iq> using this password: GIRBUY**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

8005-3

Robert Maeschen
40568 266th St
Ethan SD 57334

Dear Mr. Maeschen:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit No. 8005-3. 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8005-3

I have this day, August 21, 2024, made a thorough examination of the water use system constructed by Robert Maeschen of 40568 266th St, Ethan SD 57334 holder of Permit No. 8005-3, bearing the priority of April 24, 2014, authorizing the diversion of 1.56 cu. ft. per second of the waters of groundwater Niobrara Aquifer for irrigation use purposes, in Davison County.

Inspection contact & relationship Robert Maeschen, owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 107 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 40 feet
- 3) Type plastic

Screen:

- 1) Type Open Hole
- 2) Length 67 feet
- 3) Static water level 36 feet

Pump:

- 1) Make Franklin
- 2) Model submersible
- 3) Capacity 600 GPM

Motor:

- 1) Make Franklin
- 2) Model No. submersible
- 3) Horsepower rating 50 hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T-L
- 2) Overall length 1220 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate N

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 2160 feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none
List any extended period of nonuse: none

E. Condition and Location:

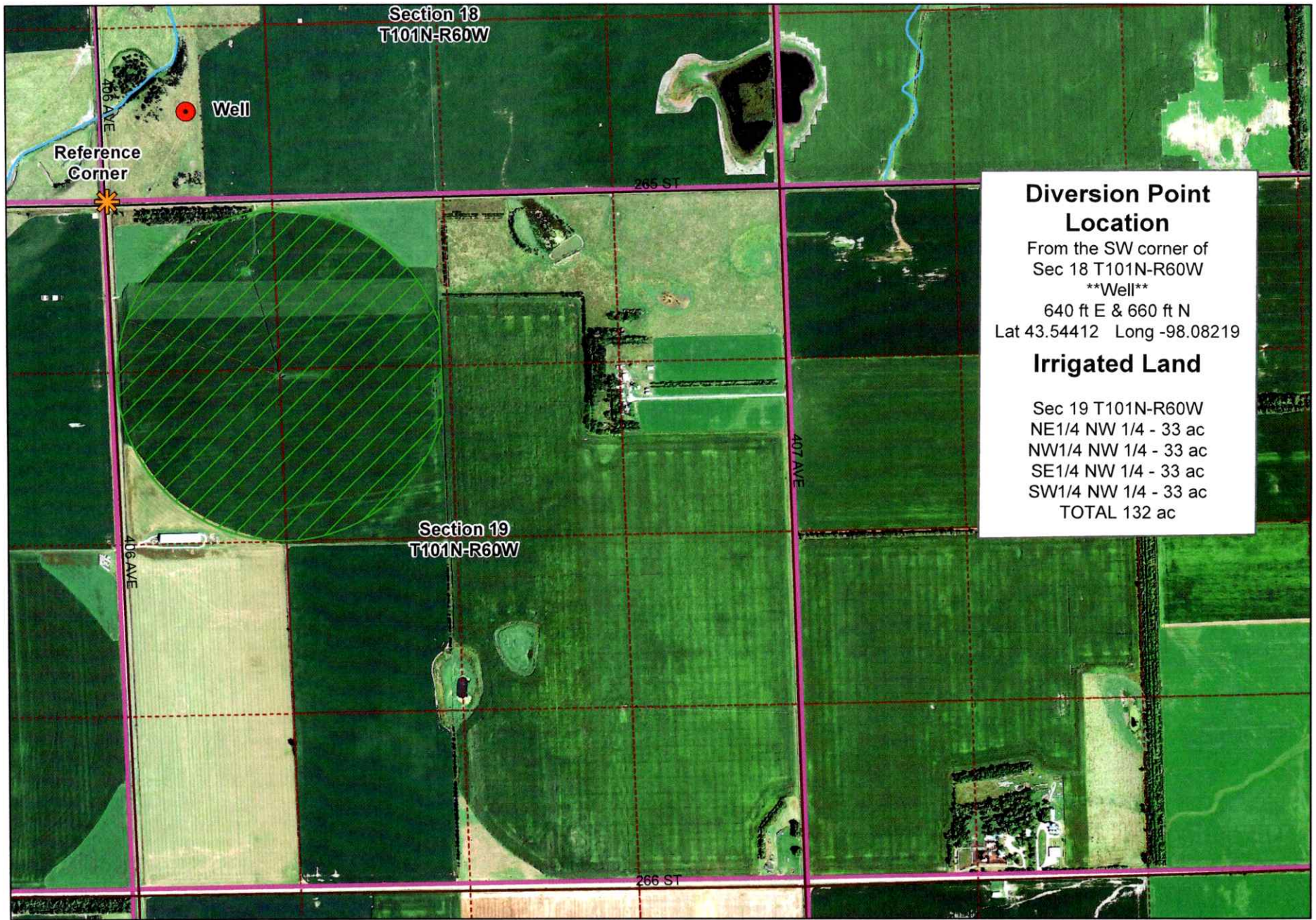
1. The system is in **good** condition with the point(s) of diversion located as follows: **from the SW corner of Sec 18 T101N-R60W 640 ft E and 660 ft N, latitude of 43.54412 and longitude of -98.08219 , SW ¼ SW ¼.**
2. The works are capable of diverting and conveying to the place of use **1.34** cu. ft. per second of water which is to be used for **irrigation use**. Water has been put to beneficial use to the maximum extent as follows: All land is located in **Sec 19 T101N-R60W** comprising a total of **132** acres of land and the license should be issued for **1.34** cfs.
NW ¼ NW ¼ - 33 ac
NE ¼ NW ¼ - 33 ac
SE ¼ NW ¼ - 33 ac
SW ¼ NW ¼ - 33 ac
3. All structures, wells and lands on map **Y**
If no, describe: **none**

F. Comments or other permit(s) associated with the project:
Irrigation in Section 18-T101-R60W was not developed.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: **8/27/2024**



0.6 0.3 0 0.6 Miles



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 19 2024

8005-3

Robert Maeschen
40568 266th St
Ethan SD 57334

Dear Mr. Maeschen:

Enclosed is Water License No. 8005-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8005-3**

(1) Robert Maeschen, 40568 266th St, Ethan SD 57334, made Application No. 8005-3, April 24, 2014, for a water permit to divert 1.56 cubic feet of water per second from groundwater, one well (Niobrara Aquifer), Davison County, South Dakota for irrigation purposes. Permit No. 8005-3, with a priority date of April 24, 2014, was approved July 14, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 14, 2019, and for the application to beneficial use of water on or before July 14, 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 640 ft E & 660 ft N of the SW corner Section 18, T101N, R60W (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 43.54412 & Longitude -98.08219)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.

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

Section 19, T101N, R60W			
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
TOTAL: 132 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Robert Maeschen, the holder and/or owner of Water Right No. 8005-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from groundwater, one well (Niobrara Aquifer), with a priority date of April 24, 2014, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8005-3 and subject to the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8005-3 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. *(The well was drilled in 2014 by Hammond-Wetmore Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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

SEP 19 2024
date





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: ROBERT MAESCHEN, 40568 266TH ST, ETHAN, SD 57334

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3442-3, 8005-3 & 8465-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 3442-3, 8005-3 & 8465-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 3442-3, 8005-3 & 8465-3 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 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: BLUPMV**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

3442-3, 8005-3 & 8465-3

Robert Maeschen
40568 266th St
Ethan SD 57334

Dear Mr. Maeschen:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 3442-3, 8005-3 & 8465-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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