

WATER PERMIT NO. 8014-3

Name of Applicant: Kevin Schaeffer

Address: 28711 SW River Rd, Olivet SD 57052

Phone: 605 481-0304

Amount of Water Claimed: 1.56 cfs

Total Acres: 120

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System:

Location: 2 miles south of Olivet

PRIORITY Date Received: 12-2-13

Application/License Fee: \$ 95-

Corrected Application Received: 5-8-14

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: SE 1/4 SW 1/4 Sec 15-T97N-R58W

Land to be Irrigated: SW 1/4 Sec 15-T97N-R58W

Depth of Well: 115 feet deep

Well Driller: Hammond-Wetmore Drilling

Remarks:

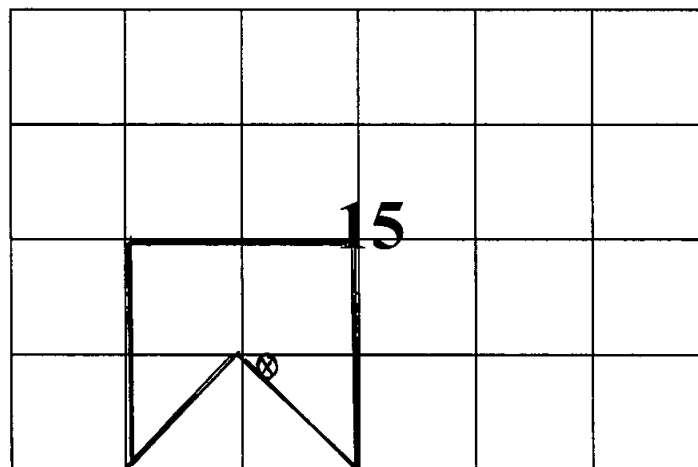
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-12-14

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8014-3</u> (office use only)	Hydrologic Unit <u>10/60011</u>
	Basin <u>James River</u>	<u>605-387-5158</u>
	Newspaper <u>Hutchinson Herald Box 506 Pierre 57045</u>	<u>605-665-7811</u>
	<u>Presort Dakotan 319 Walnut Yankton 57078</u>	

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DEC - 2 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Kevin Schaeffer
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)
- Mailing Address 28711 SW River Rd Olivet SD 57052
(Address) (City) (State) (Zip Code)
- Home Phone 605-387-2325 Cell 605-481-0304 Email _____
2. Amount of water claimed 1.56 *CFS or 700 **GPM ~~700~~ ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well completed By Hammond-Wetmore Drilling, LLC
4. Location of point of diversion 1 well in the SE 1/4 of the SW 1/4 of section 15-97N-58W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
- County Hutchinson
5. County or counties where water will be used Hutchinson Co. SD.
6. Annual period during which water is to be used May 1 - September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 of the SW 1/4 of 15-97N-58W	20		
NW 1/4 of the SW 1/4 of 15-97N-58W	40		
NE 1/4 of the SW 1/4 of 15-97N-58W	40		
SE 1/4 of the SW 1/4 of 15-97N-58W	20		

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

Drill a well and put up an Irrigation pivot to make $\frac{3}{4}$ circle
on the above described land and irrigate the corners with an
Irrigation gun

I, Kevin Schaeffer, 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. 8014-3

Date of first receipt of application December 2, 2013.

Date of return to applicant for corrections, amendments or changes December 2, 2013.

Date of receipt of corrected application May 12, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8014-3 to Kevin Schaeffer, 28711 SW River Rd, 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. 8014-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (115 feet deep) located in the SE 1/4 SW 1/4 Section 15 for irrigation of 120 acres located in the SW 1/4 Section 15; all in T97N-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: May 1 – September 30.
3. The date from which applicant may claim right is May 12, 2014.
4. The date of approval of Permit No. 8014-3 is July 28, 2014.
5. One-fifth of the construction is to be completed on or before January 28, 2017.
6. All construction is to be completed on or before July 28, 2019.
7. Water is to be put to beneficial use on or before July 28, 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. 8014-3 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 Hammond - Wetmore Drilling LLC
(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 115 Depth to Top of Water Bearing Material 81 Depth to Water from Surface 63

d) Distance to nearest existing domestic well:

On applicant's property On property owned by others

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

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

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

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

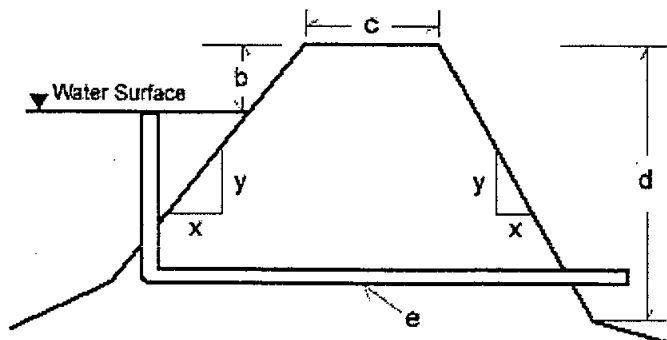
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Sec 9
T097N
R58W

Sec 10
T097N
R58W

Sec 11
T097N
R58W

Sec 16
T097N
R58W

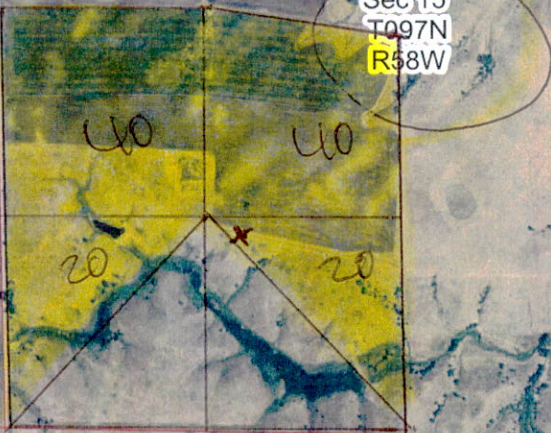
Sec 15
T097N
R58W

Sec 14
T097N
R58W

Sec 21
T097N
R58W

Sec 22
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Sec 23
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Sec 9
T097N
R58W

Sec 10
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R58W



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/2, 20 13

RECEIVED OF Kevin Schaeffer 28711 SW River Rd Olivet SD 57054

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

Fee for Application for Permit No. <u>8014-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8014-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **06500**

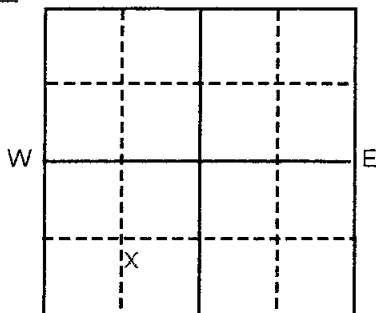
By *Jeanne Hedman*
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 15 Twp 97N Rg 58WCounty Hutchinson

North

Please mark well
location with an "X"

Well Completion Date

July 3, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3,500.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	71.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	17	9.5 Lb/gal	0.0 Ft	60.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial PVCSlot Size .085 Set From 71.0 Feet to 111.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not? Not Required
Lab to which water
quality sample sent for analysisWell Owner: Kevin Schaeffer

Business Name:

Address: 28711 SW River RdCity, State, Zip: Olivet SD 57052

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Dark Brown Top Soil	0	2
Brown Clay; Silty, Pebbly & Sandy	2	28
Gray Pebbly Clay, Medium Gravel	28	51
Gray Shael	51	56
Fine Pebbly Sand, Med-Coarse Grav	56	77
Shale	77	81
Gray Pebbly Clay	81	98
Fine - Med Gravel	98	111
Gray Shale	111	115

STATIC WATER LEVEL 63.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

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WATER RIGHTS
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report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 9/28/13



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 30, 2013

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

A well driller's report filed by Hammond-Wetmore Drilling LLC shows they completed a new well for you this past summer. The report indicates the well water will be used for irrigation. I have reviewed our files and cannot find a water permit for a well located in SE 1/4 SW 1/4 Section 15-T97N-R58W. Based on the information in the report, it appears you need a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 2, 201³~~2~~

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

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MAY 12 2014

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Dear Mr. Schaeffer:

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

- Enclosed is the aerial photo map submitted with the application. The map needs to reference a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- Reviewing the map you submitted with the application, it appears that a few of the 120 acres to be irrigated are located in the S 1/2 NW 1/4 Section 15-T97N-R58W. Do you agree? If so, please adjust the acre amount listed in Item No. 7 of the application.
- If you intend to irrigate more than 120 acres, the application filing fee will increase an additional \$100.00.

No: only for SW 1/4

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 2, 2014

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

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MAY 12 2014
WATER RIGHTS
PROGRAM

Dear Mr. Schaeffer:

On December 2, 2013, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for irrigation in Hutchinson County. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

Is it your intent to pursue this application? If so, please submit the required information.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



**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. 8014-3, Kevin Schaeffer**

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. 8014-3, Kevin Schaeffer, 28711 SW River Rd, Olivet SD 57052.

The Chief Engineer is recommending APPROVAL of Application No. 8014-3 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. 8014-3 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
July 7, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8014-3
KEVIN SCHAEFFER
JULY 7, 2014

Water Permit Application No. 8014-3 proposes to appropriate water at a maximum diversion rate of 1.56 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 115 feet deep and is to be located in the SE ¼ SW ¼ Section 15 for irrigation of 120 acres located in the SW ¼ Section 15; all in T97N-R58W in Hutchinson County.

AQUIFER: Lower James Missouri aquifer (LJM)

AQUIFER CHARACTERISTICS:

The Lower James Missouri aquifer is composed of glacial outwash consisting of fine sand to cobble gravel and can be found under water table or artesian conditions depending on location (Bugliosi, 1986; Lindgren and Hansen, 1990). The aquifer is generally under confined conditions. The Lower James Missouri aquifer is estimated to underlie 191,700 acres and contains an estimated 2,795,400 acre-feet (ac-ft) of recoverable water in storage (Hedges et. al, 1982). The aquifer extends from Yankton County north into Hutchinson County and southeast into a small portion of Clay County. The aquifer is hydraulically connected to the Choteau, Lower James Missouri: Scotland, Niobrara and the Missouri: Elk Point aquifers, and the James and Missouri Rivers (Bugliosi, 1986; Lindgren and Hansen, 1990).

The test well log submitted with this application indicates aquifer material at 56 to 77 feet and 98 to 111 feet below grade at the proposed well site. The upper deposit is "Fine Pebbly Sand, Med-Coarse [sic] Gravel" and the lower deposit is "Fine-Med Gravel". The static water level was 63 feet below ground surface in July 2013. The aquifer is under unconfined conditions at the proposed well site.

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 a reasonable probability that there is unappropriated water available for this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Lower James Missouri aquifer. Actual water use, if this application is approved, will likely be less than 240 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from the 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. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

Hydrologic Budget:

Recharge:

Recharge to the Lower James Missouri aquifer occurs due to infiltration of precipitation where the aquifer is at or near land surface, upward leakage from the bedrock aquifers, and inflow from the surrounding glacial aquifers (Bugliosi, 1986). Hedges and others (1985) estimated the recharge rate, based on a regional flow-net analysis of the aquifer to be 1.5 inches per year for the unconfined portion of the aquifer. However, Hedges and others (1985) put the Lower James Missouri aquifer in the “Buried Unconfined” category when using the flow-net analysis. The Lower James Missouri is primarily under confined conditions. That would mean the recharge rate of Hedges and others (1985) is likely higher than the actual recharge rate. However, Hedges’ and others’ (1985) recharge rate is the best information available. Therefore, using this recharge rate and the area of the aquifer, the annual recharge to the Lower James Missouri aquifer is estimated to be 23,963 ac-ft/yr.

Discharge:

Discharge from the Lower James Missouri aquifer occurs due to evapotranspiration in areas where the aquifer is at or near land surface, seepage to the James River, and well withdrawals (Bugliosi, 1986). Currently, there are 134 water rights/permits appropriating water from the Lower James Missouri aquifer (Water Rights, 2014b). There are also many well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed in the Lower James Missouri aquifer (Water Rights, 2014c). However, the annual withdrawal of water for domestic use is a small fraction of the total withdrawal side of the hydrologic budget.

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time. The expected average annual withdrawal by non-irrigation appropriations from the Lower James Missouri aquifer is estimated to be 1,323 ac-ft/yr (Water Rights, 2014b).

Table 1 shows the irrigation withdrawal from the Lower James Missouri aquifer. The 1979-2012 average annual irrigation withdrawal from the Lower James Missouri aquifer is 2,528 ac-ft/yr (Water Rights, 1980-2013). It should be noted that there has been a constant build out of water rights/permits over the period of record.

Year	Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2012	93	28626.7	13058.45
2011	89	27367.1	4147.47
2010	85	25731.1	665.37
2009	84	25451.1	1463.27
2008	79	23891.7	4494.03
2007	56	17477.7	3425.91
2006	50	15627.1	3630.92
2005	48	14749.1	2866.63
2004	47	14525.1	2886.65
2003	53	17373.1	2843.15
2002	53	17108.1	4061.52
2001	53	17208.1	2940.09
2000	51	17048.1	3751.08
1999	50	15992.1	2102.15
1998	53	16915.1	2787.03
1997	50	17072.1	2320
1996	49	17240.1	2102.99
1995	41	15088.1	1483.32
1994	45	17094.1	1918.17
1993	45	16241.9	230.44
1992	45	16791.9	1159
1991	42	15497.9	2599
1990	35	12673.1	2928.1
1989	31	10909.1	2144.8
1988	31	11769.5	2744.9
1987	30	11613.5	1041.6
1986	30	11613.5	989.6
1985	27	10033.1	1483
1984	28	12283.1	1360
1983	27	9883.1	1306.54
1982	23	9440.1	1301.25
1981	27	13053	1835
1980	23	11561	1299
1979	22	11265.0	588
Max	93	28626.7	13058.5
Min	22	9440.1	230.4
Avg.	46.9	16065.1	2528.2

Table 1- Irrigation water use from the Lower James Missouri aquifer (Water Rights, 1980-2013)

Hydrologic Budget:

Using Hedges and others (1985) recharge estimate there is approximately 20,112 ac-ft/yr of recharge in excess of expected average annual withdrawal from the Lower James Missouri aquifer. Even the maximum reported annual use by irrigation appropriations plus expected annual use by non-irrigation appropriations is much less than the estimated average annual recharge. Therefore, there is a reasonable probability that there is unappropriated water 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.

The DENR-Water Rights Program monitors 31 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2014a). Water levels in the observation wells show response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. However, the hydrographs for 14 of the observation wells have a declining trendline across the period of record (see Figure 1).

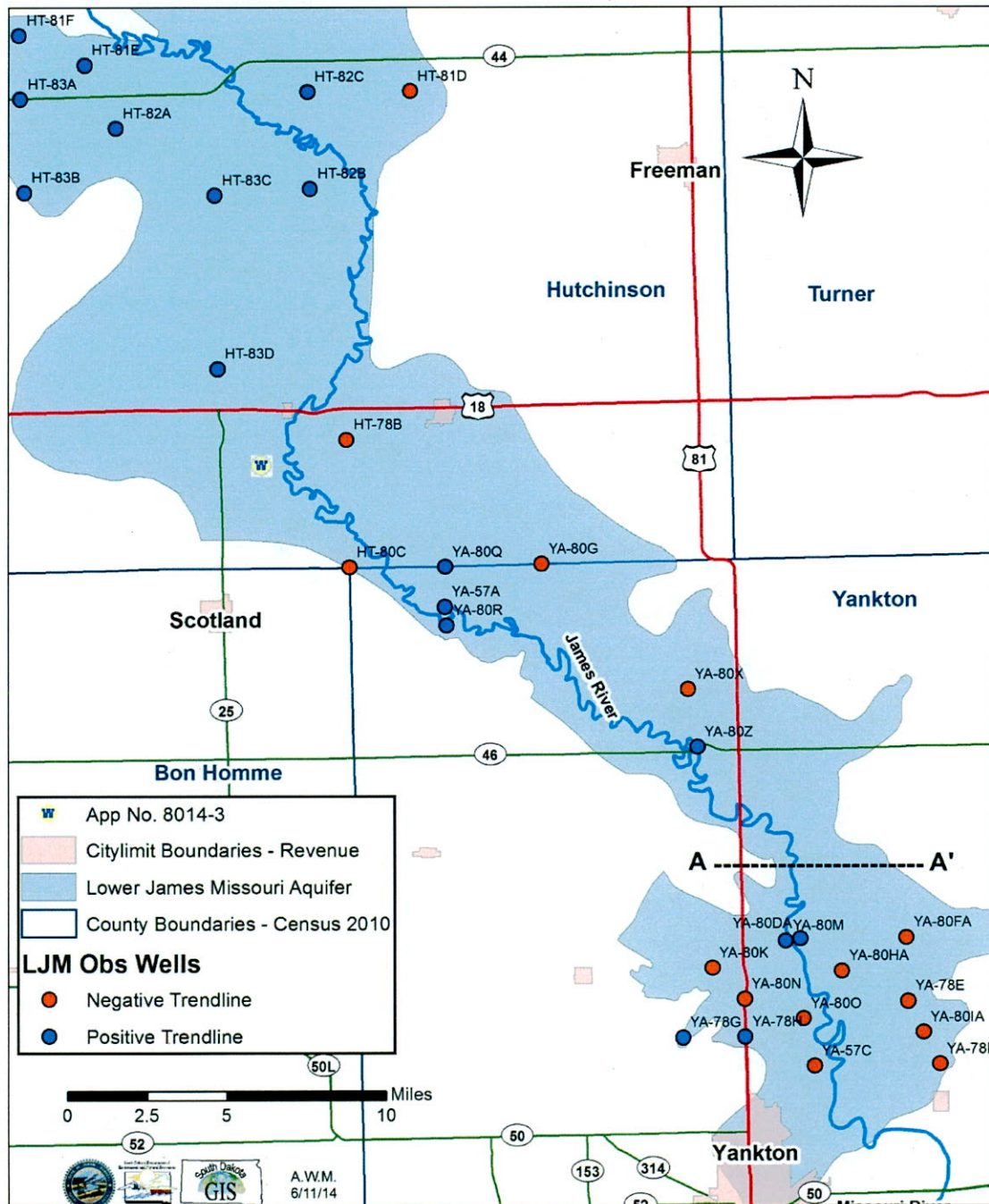


Figure 1- Map of the Lower James Missouri aquifer observation wells (Water Rights, 2014a)

To explain the declining trendline in the observation wells, the wells need to be divided into two groups: observation wells north of the line A-A' and observation wells south of A-A'. All of the

observation wells north of line A-A' with a negative trendline 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, in the northeast corner of the aquifer, are very good examples of this.

Observation wells HT-81D and HT-82C are 3.2 miles apart. Observation well HT-81D has a decreasing trendline and HT-82C has an increasing trendline (see Figure 2). There are seven water rights/permits authorized to withdraw water from the Lower James Missouri aquifer within approximately 1.25 miles of HT-81D (Water Rights, 2014b). The nearest water rights/permits authorized to withdraw water from the Lower James Missouri aquifer to HT-82C are approximately two miles away. Figure 2 shows the hydrographs for the observation wells in feet above mean sea level (fmsl).

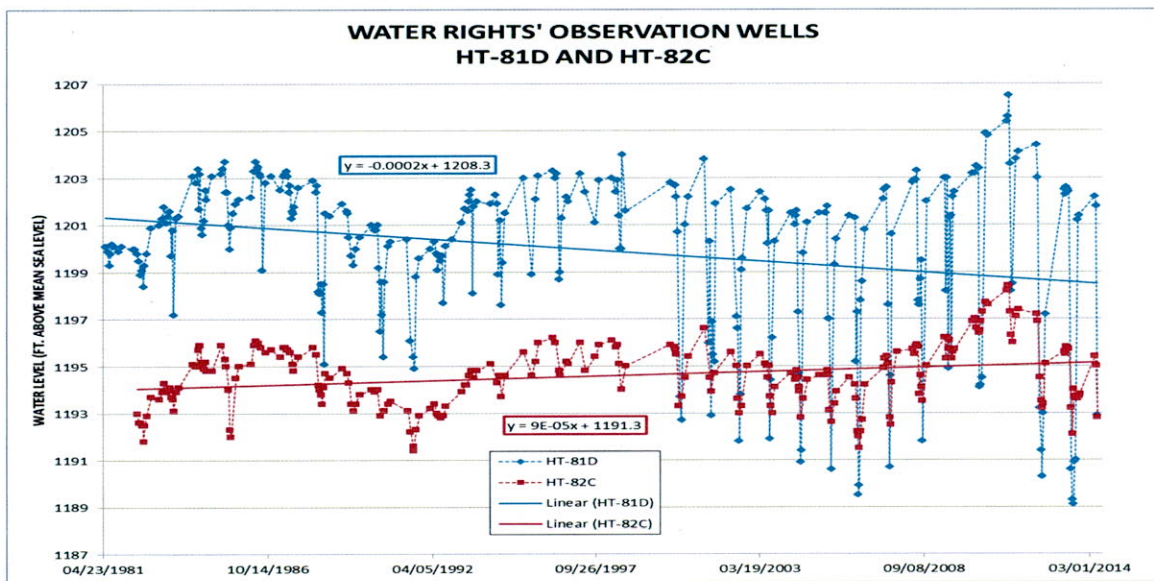


Figure 2- Hydrographs for observation wells HT-81D and HT-82C in fmsl (Water Rights, 2014a)

Overlays of the hydrographs for these wells show the only difference in water levels is from the effects of local pumping on HT-81D (see Figure 3). Therefore, the decreasing trendline of these wells is attributed to the localized pumping and does not indicate overall annual water levels in the aquifer are decreasing. North of line A-A' in Figure 1 the potentiometric surface of the aquifer has not significantly changed over the period of record showing no change in the stress on the aquifer.

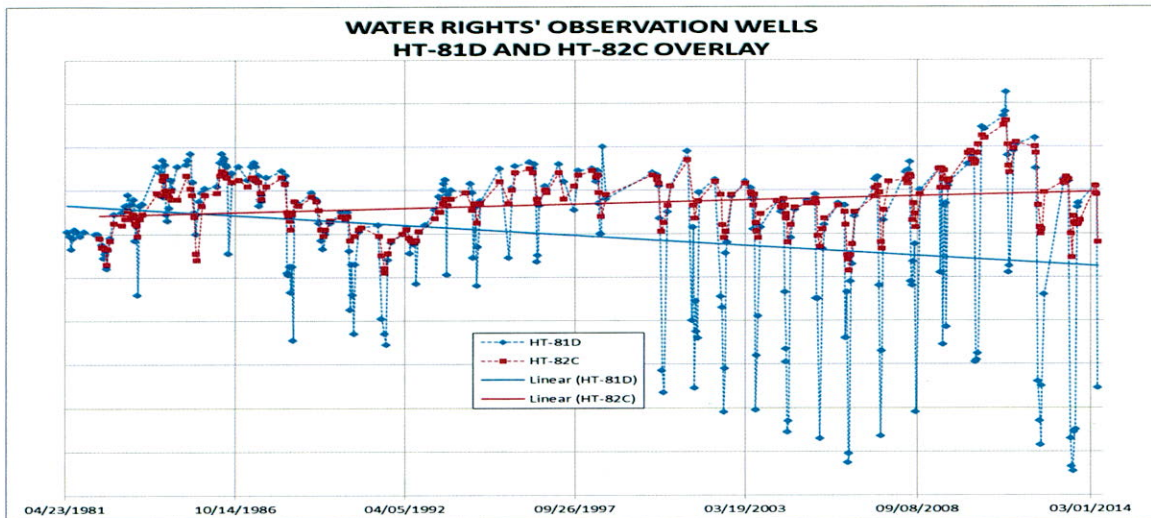


Figure 3- Overlay of observation wells HT-81D and HT-82C hydrographs (Water Rights, 2014a)

The Lower James Missouri aquifer south of line A-A' from Figure 1 has a significant hydraulic connection to the Missouri: Elk Point aquifer. South of line A-A' the potentiometric surface of the Lower James Missouri aquifer follows the gradual decline of the potentiometric surface of the Missouri: Elk Point aquifer.

The Missouri: Elk Point aquifer shares a significant hydraulic connection to the Missouri River. As the Missouri River has entrenched, the water level in the aquifer has declined. Figure 4 shows the stage trend curves of the Missouri River at Yankton from 1931 to 2007 (Cowman, 2014). Since the Gavins Point Dam was closed off, the Missouri River has entrenched approximately 10 feet. Therefore, the declining water levels in the observation wells completed into the Lower James Missouri aquifer south of line A-A' in Figure 1 of this report are attributed to the entrenchment of the Missouri River and are not due to withdrawals exceeding recharge to the aquifer.

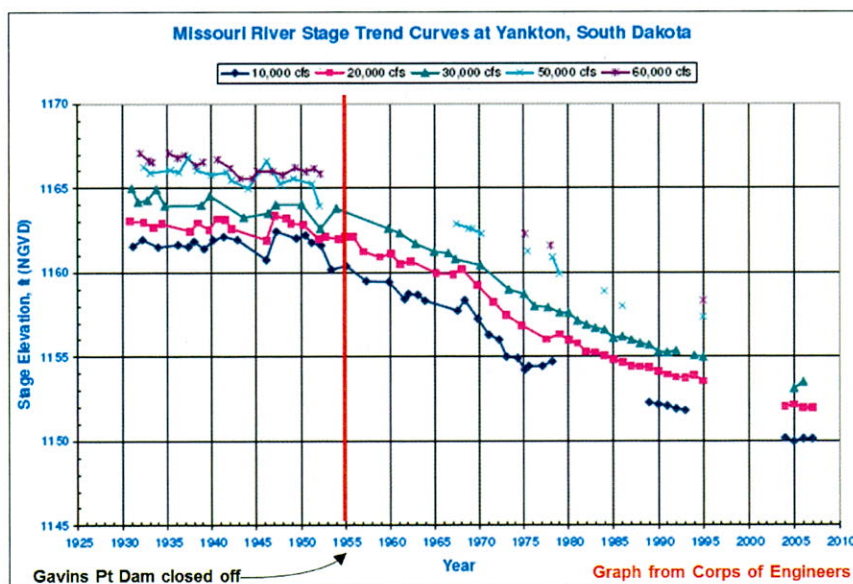


Figure 4- Missouri River Stage Trend Curves at Yankton, South Dakota (Cowman, 2014)

During 2012 and 2013, the cumulative annual precipitation was below normal by several inches. From January 2012 through December 2013, the weather station at the Yankton airport reported 43.9 inches of precipitation (NOAA, 2014). The normal precipitation for that area for two years is 50.2 inches of precipitation (SDSU, 2014). Through June 10, 2014, the U.S. Drought Monitor indicates the area of Lower James Missouri aquifer is “Abnormally Dry” (“Drought Monitor”, 2014). This continuing dry period may have kept the water levels in the observation wells from rebounding to pre-2012 drought levels.

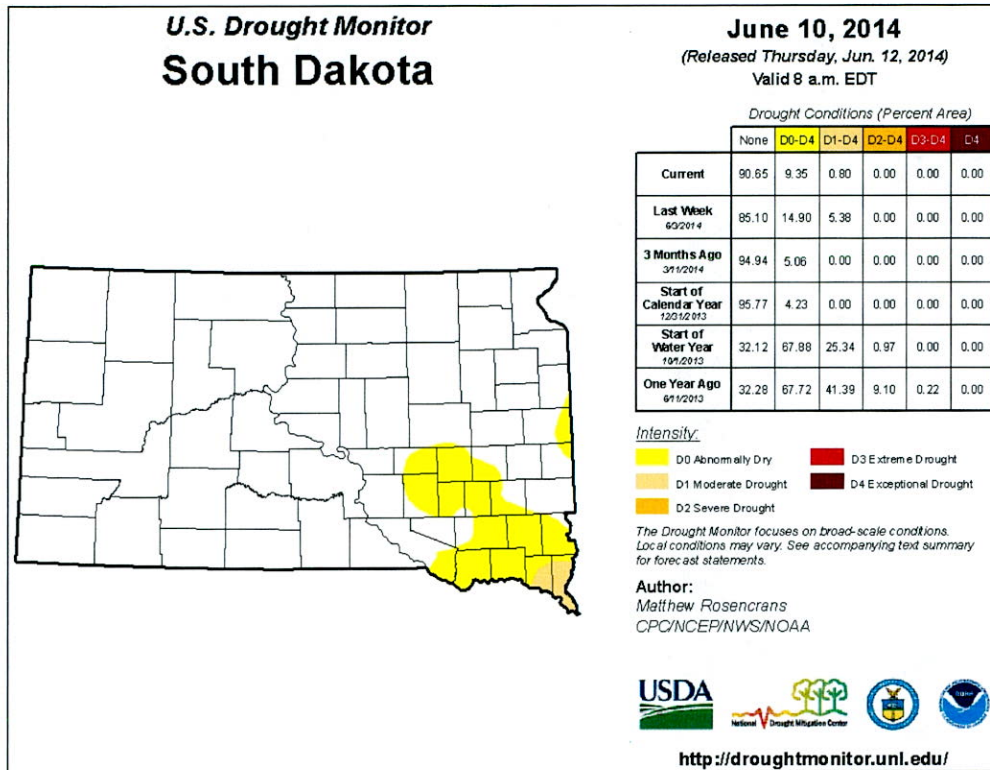


Figure 5- U.S. Drought Monitor: South Dakota for June 10, 2014 (“Drought Monitor”, 2014)

The nearest observation wells to the proposed well site are HT-78B and HT-83D. The observation wells are approximately 2.8 miles east and 3.3 miles north of the proposed well site, respectively. The observation wells are north of line A-A’ in Figure 1. Observation well HT-78B shows a declining trendline while HT-83D has an increasing trendline. The hydrographs shows the cyclic nature of climatic effects on the water level as well as the temporal effects of well withdrawal. However, the water levels in both wells do recover after the end of the irrigation season.

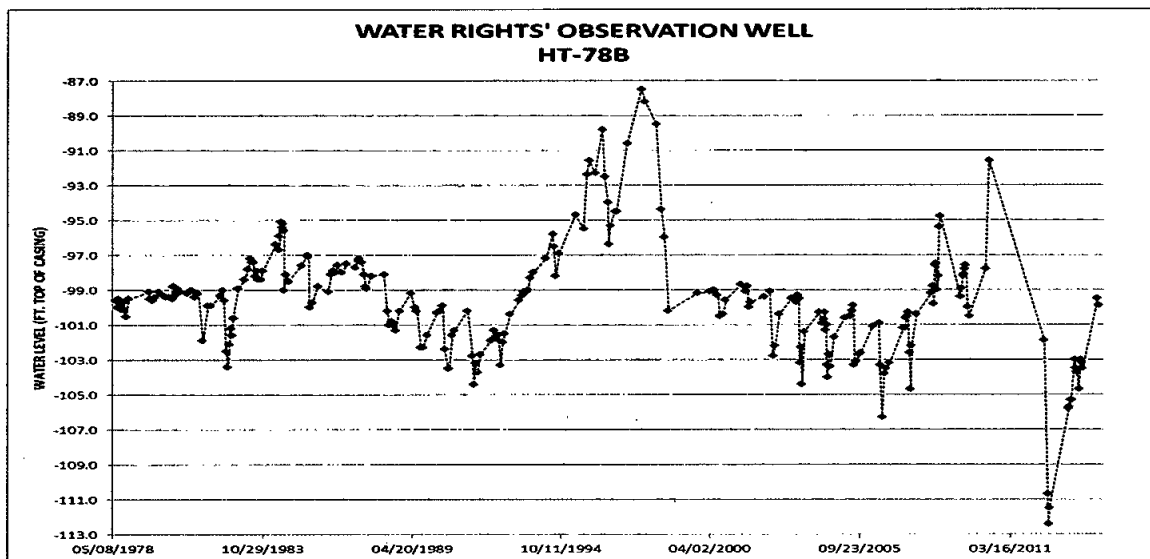


Figure 6- Hydrograph of DENR-Water Rights' observation well HT-78B (Water Rights, 2014a).

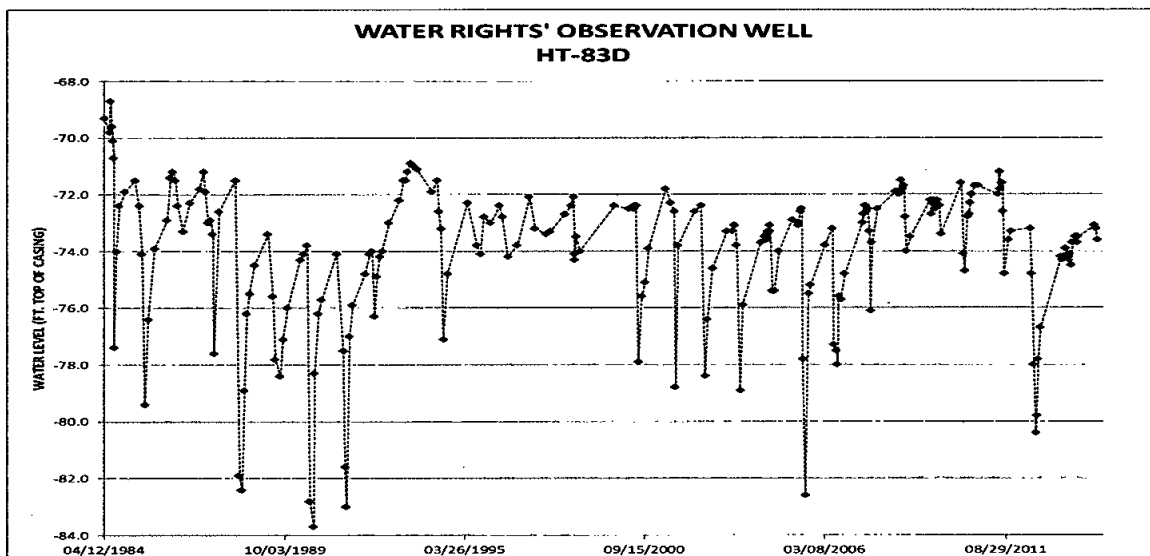


Figure 7- Hydrograph of DENR-Water Rights' observation well HT-83D (Water Rights, 2014a)

EXISTING WATER RIGHTS:

Water Permit No. 6946-3 is the only water right/permit authorizing a well to be completed into the Lower James Missouri aquifer within approximately one mile of the proposed well site (Water Rights, 2014b). Water Permit No. 6946-3 authorizes a well that is approximately one-half mile west of the proposed well site. There are no domestic wells on file with the SD DENR-Water Rights Program within approximately one mile of the proposed well site that appear to be completed into the Lower James Missouri aquifer (Water Rights, 2014c).

Observation well HT-78B has five high capacity wells and HT-83D has two high capacity wells within approximately one mile. Both hydrographs, shown in Figures 6 and 7, show an approximate maximum seasonal drawdown of 15 feet. At both observation wells there is at least 40 feet of saturated thickness below the lowest recorded water level.

Since the Lower James Missouri is generally under confined conditions, drawdown may extend some distance from the pumped well. It may be possible that drawdown from this proposed appropriation may be measurable in the nearby domestic and appropriative right wells. However, the impact of drawdown is not expected to be significant due to the distance between wells and the proliferation of high capacity wells in the area.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. To balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board 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"

Depending on the specific characteristics of the Lower James Missouri aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute (SDCL 46-6-6.1) and rule (ARSD 74:02:04:20(7)), well interference from the proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

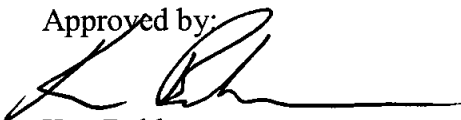
CONCLUSIONS:

1. Water Permit Application No. 8014-3 proposes to appropriate water at a maximum diversion rate of 1.56 cfs from the Lower James Missouri aquifer for the irrigation of 120 acres.
2. There is a reasonable probability that unappropriated water is available for this proposed appropriation based on a hydrologic budget.
3. Several of the observation wells completed into the Lower James Missouri aquifer show a declining water level trendline. Recent development or hydraulic connection to the Missouri River explains the declining trendline in the observation wells. Therefore, based on observation well data recharge is not being exceeded by withdrawals.
4. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.



Adam Mathiowetz
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. 2014. "Bed Degradation." Message to Ken Buhler. 20 February, 2014 E-mail.
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- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in 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.
- Lindgren, R.J. and Hansen, D.S. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093. U.S. Geological Survey. Huron, South Dakota.
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- SDSU. 2014. Precipitation Normals. <<http://climate.sdstate.edu/archives/data/pptnormals.shtm>>. Accessed: June 11, 2014. South Dakota State University – Ag Engineering Department: Climate and Weather.
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- 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. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

RECEIVED

JUL 21 2014

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

County of Hutchinson)

) ss.

State of South Dakota)

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

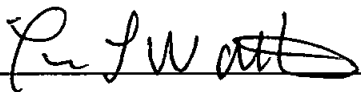
a printed copy of which is hereto attached, was printed and published in the said newspaper for one successive issue wit:

The first publication on:
July 16, 2014

the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing the to-wit: The sum of \$21.95 insures solely to the benefit of the publisher of the Hutchinson Herald, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$21.95 is the rate for publishing legal notices.



Subscribed and sworn to before me this 31st day of July 2014.



Notary Public

Commission expires: 10/9/18

Publication fee: \$21.95

Notary fee:

Total: \$21.95

**NOTICE OF APPLICATION NO. 8014-3
to Appropriate Water**

Notice is given that Kevin Schaeffer, 28711 SW River Rd, Olivet, SD 57052 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 Lower James:Missouri Aquifer (115 feet deep) located in the SE 1/4 SW 1/4 Section 15 for irrigation of 120 acres located in the SW 1/4 Section 15; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8014-3 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 28, 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.

Printed once at an
approximate cost of \$21.95
1-16HH

RECEIVED

JUL 21 2014

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 8014-3

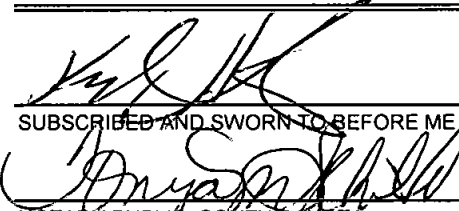
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 16th DAY OF July 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$25.48 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 7/16/2014

FILED ON: 7/18/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF July

2014


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

7+16
NOTICE OF APPLICATION
NO. 8014-3 to Appropriate Water

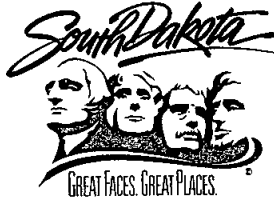
Notice is given that Kevin Schaefer, 28711 SW River Rd, Olivet SD 57052 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (115 feet deep) located in the SE 1/4 SW 1/4 Section 15 for irrigation of 120 acres located in the SW 1/4 Section 15; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8014-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$25.48.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



July 7, 2014

Hutchinson Herald
PO Box 506
Menno SD 57045

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8014-3 to Appropriate Water. Please publish the notice once on July 16, 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 Kevin Schaeffer, 28711 SW River Rd, Olivet SD 57052 (Ph # 605-387-2325).

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



July 7, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8014-3 to Appropriate Water. Please publish the notice once on July 16, 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 Kevin Schaeffer, 28711 SW River Rd, Olivet SD 57052 (Ph # 605-387-2325).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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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.**

July 7, 2014

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

Water Permit Application No. 8014-3 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 Hutchinson Herald printed at Menno SD (Ph # 605-387-5158) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

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

Instruction to Newspaper - Publish the Notice on July 16, 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. 8014-3 to Appropriate Water

Notice is given that Kevin Schaeffer, 28711 SW River Rd, Olivet SD 57052 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 Lower James:Missouri Aquifer (115 feet deep) located in the SE 1/4 SW 1/4 Section 15 for irrigation of 120 acres located in the SW 1/4 Section 15; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8014-3 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 28, 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

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denr.sd.gov



AUG 18 2014

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

Enclosed is Water Permit No. 8014-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

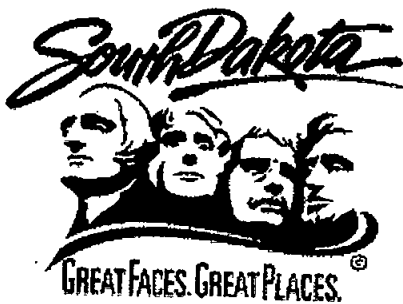
Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the 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



8014-3
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 15, 2016

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 8014-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 8014-3 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 9, 2016

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 8014-3. 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



8014-3
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 26, 2018

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 8014-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8014-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

8014-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2018

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit No. 8014-3. 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



80143
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 25, 2019

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 8014-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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:

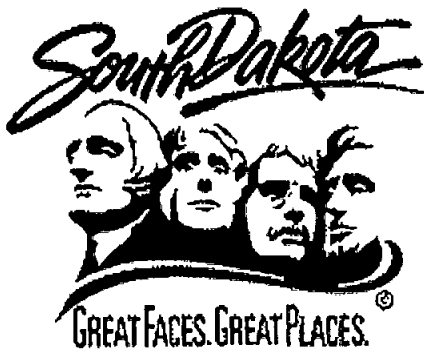
1. Suspend or cancel Permit No(s) 8014-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

8014-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2019

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit No. 8014-3. 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,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive.

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



8014-3
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: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052

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) 8014-3. 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) 8014-3 qualification:

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

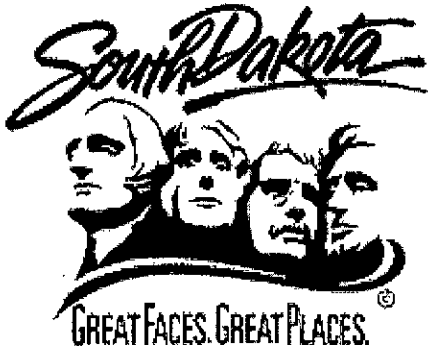
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 8014-3 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: ALCMSU**

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.



8014-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2020

No. 8014-3

KEVIN SCHAEFFER
28711 SW RIVER RD
OLIVET, SD 57052

Dear Mr. Schaeffer:

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. 8014-3. 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

8014-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 8014-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8014-3 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 3, 2021** 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: TTXIXW**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2021

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit No. 8014-3. 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
Genny.mcmath@state.sd.us

8014-3



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

January 20, 2022

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 8014-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 8014-3 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 2, 2022** 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://danr.sd.gov/iq> using this password: HGCWJO**

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 25, 2022

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 8014-3. 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
Genny.mcmath@state.sd.us



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

January 20, 2023

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 8014-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 8014-3 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 8, 2023** 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://danr.sd.gov/iq> using this password: VDGMDW**

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

March 1, 2023

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit No. 8014-3. 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
Genny.mcmath@state.sd.us



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

January 19, 2024

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 8014-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 8014-3 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 6, 2024** 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: TIFZVX**

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

February 27, 2024

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet SD 57052

Dear Mr. Schaeffer:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 8014-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

8014-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: KEVIN SCHAEFFER, 28711 SW RIVER RD, OLIVET, SD 57052

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8014-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 8014-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 8014-3 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OTJCSW**

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

February 26, 2026

8014-3

Kevin Schaeffer
28711 SW River Rd
Olivet, SD 57052

Dear Mr. Schaeffer,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us