

WATER PERMIT NO. 8201-3

Name of Applicant: **Kerry Holscher**

Address: **44621 142nd St, Waubay SD 57273**

Phone: **605 881-7219**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **240 acres**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation**

County: **Day**

Type of Waste Disposal System:

Location: **7 miles south of Waubay**

PRIORITY

Date Received: **2-3-16**

Application/License Fee: **\$ 1150.00**

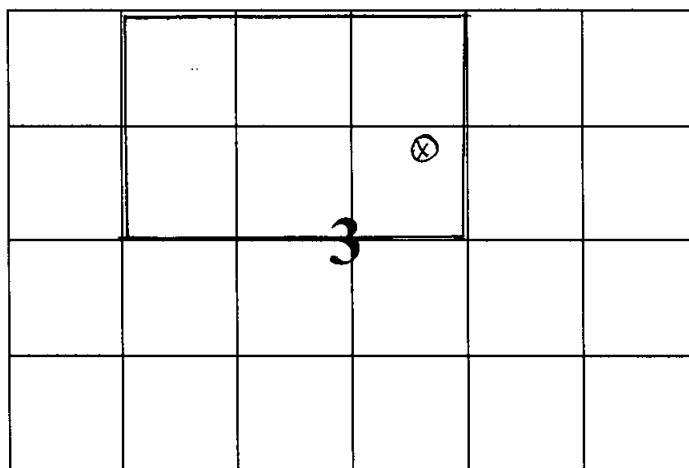
Corrected Application Received: **2-8-16**

Period of Annual Use: **April 1 – Sept 30**

Remarks:

Diversion Point: **SW 1/4 NE 1/4 Sec 3-T120N-R54W**

Land to be Irrigated: **NW 1/4, W 1/2 NE 1/4 Sec 3-T120N-R54W**



Depth of Well: **110 feet deep**

Well Driller: **Kranz Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **2-8-16**

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>8201-3</u> (office use only)	Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	<u>605-345-</u>
	Newspaper <u>Reporter & Farmer Weekly</u>	<u>3356</u>
	<u>Public Opinion 605-886-6901</u>	

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Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Kerry Holscher
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
Mailing Address 44621 142nd Wauabay S.D. 57273
(Address) (City) (State) (Zip Code)
Home Phone 605-947-4852 Cell 605-881-7219 Email _____

2. Amount of water claimed 2.22*CFS or 1000**GPM ***AF Total Acreage 240
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 2 wells

4. Location of point of diversion Sec 3 Twp 120 Range 54
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW 1/4 of NE 1/4 County DAY

5. County or counties where water will be used DAY

6. Annual period during which water is to be used April 1 - Sept. 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
NW Quarter T120 R54 Sec 3	170		
West 1/2 NE Quarter T120 R54 Sec 3	70		

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

~~8. Pumping~~ Pumping a well with Pump through underground pipe to Center Pivot

I, Kerry Holscher, 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. 8201-3

Date of first receipt of application February 3, 2016.

Date of return to applicant for corrections, amendments or changes February 3, 2016.

Date of receipt of corrected application February 8, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8201-3 to Kerry Holscher, 44621 142nd St, Waubay SD 57273 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. 8201-3 appropriates 2.22 cubic feet of water per second from two wells to be completed into the Prairie Coteau Aquifer (110 feet deep) located in the SW 1/4 NE 1/4 Section 3 for irrigation of 240 acres located in the NW 1/4, W 1/2 NE 1/4 Section 3; all in T120N-R54W.
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 February 3, 2016.
4. The date of approval of Permit No. 8201-3 is April 28, 2016.
5. One-fifth of the construction is to be completed on or before October 28, 2018.
6. All construction is to be completed on or before April 28, 2021.
7. Water is to be put to beneficial use on or before April 28, 2025.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

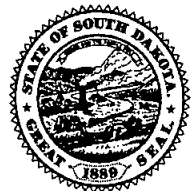
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8201-3 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

MAY 12 2016
date



Supplemental Information
(type or print)

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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 Kranz Well #598
possible 2 depends on water amount in test well (if yes, please provide copies of logs)
- b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

- c) Well Depth (required) 110 Depth to Top of Water Bearing Material 68 Depth to Water from Surface 2
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others 2000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

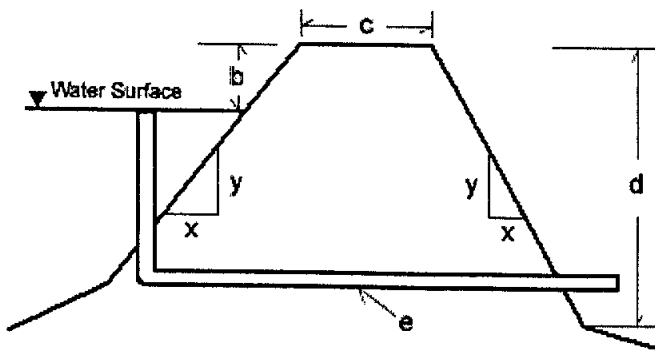
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

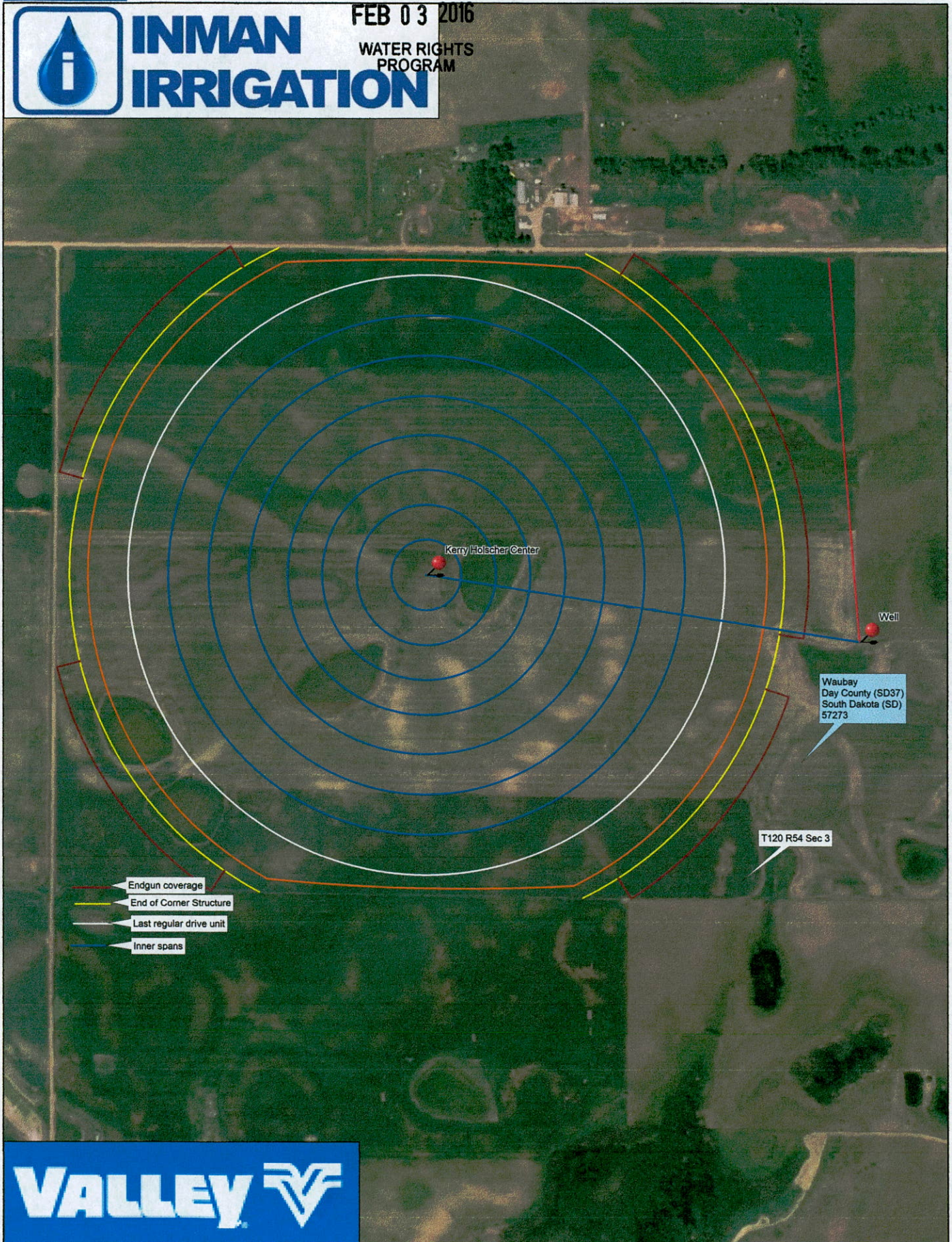




**INMAN
IRRIGATION**

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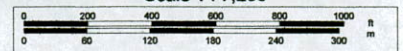
Data use subject to license.

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www.delorme.com



Scale 1 : 7,200



1" = 600.0 ft

Data Zoom 14-7

Sec 33
T121N
R54W

Sec 34
T121N
R54W

Sec 3
T121
R54W

Sec 4
T120N
R54W

Sec 3
T120N
R54W

Sec 2
T120N
R54W

Sec 9
T120N
R54W

Sec 10
T120N
R54W

Sec 11
T120N
R54W

Hole # 3
Well # 3

for reference

881-7219

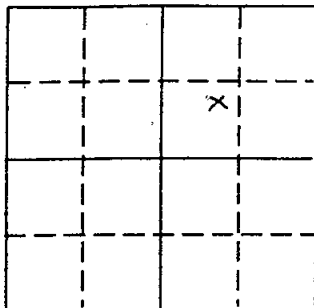
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location S 1/4 NE 1/4 Sec 3 Twp 120 Rg 54

County _____

North



Please mark well location with an "X"

Well completion Date _____

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2000 ft. from Sewer system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING: Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>sd 21</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>90</u> FT	<u>8 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5 Inches Length 20 Feet

Material pvc

Slot Size .020 Set From 90 Feet to 110 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? _____

Lab sample sent to for ☐ No, Why Not? _____

water quality analysis

Well Owner: Kerry Holscher

Business Name: _____

Address1: _____

Address2: _____

City, State, Zip: _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>Sand</u>	<u>2</u>	<u>16</u>
<u>Blue clay</u>	<u>16</u>	<u>68</u>
<u>Sand</u>	<u>68</u>	<u>110</u>
<u>Blue clay</u>	<u>110</u>	

STATIC WATER LEVEL

4

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: Air lifted

☐ Bailed

☒ Other _____

Pumping Level Below Land Surface

Ft. After 2

Hrs. pumped approx 200

GPM

Ft. After _____

Hrs. pumped _____

GPM

If pump installed, pump rate: _____

GPM

REMARKS

#3 test Well

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This well was drilled under license # 598

And this report is true and accurate.

Drilling firm: _____

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Please return **WHITE COPY** to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501.

#1 200' no casing

#2 140' no casing

#3 120' 5" casing 20' screen

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/3, 20 16

RECEIVED OF Kerry Holscher 44621 142nd St Waubay SD 57273

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

Fee for Application for Permit No. <u>8201-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>8201-3</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	1,150 00

No. 07742

By J. James Goodman Jr.
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 3, 2016

Kerry Holscher
44621 142nd St
Waubay SD 57273

Dear Mr. Holscher:

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

- Item No. 2, of the application indicates the total acreage as 210 acres. Item No. 7 indicates 170 acres in the NW 1/4 and 70 acres in the W 1/2 NE 1/4 Section 3-T120N-R54W (total of 240 acres). Please clarify the number of acres you are requesting. The fee remains the same regardless.
- Enclosed is the Form 2A, Supplemental Information. Please complete Item No. 1 regarding the Well Information.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

*Kerry called 2-5-16
would like to request 240 acres
because they may put in corner
systems.*

enclosures



**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. 8201-3, Kerry Holscher**

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. 8201-3, Kerry Holscher, 44621 142nd Street, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8201-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8201-3 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
April 12, 2016

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8201-3
KERRY HOLSCHER
APRIL 12, 2016

Water Permit Application No. 8201-3 proposes to appropriate 2.22 cubic feet of water per second (cfs) from two wells to be completed into the Prairie Coteau aquifer to irrigate up to 240 acres located in the NW ¼, W ½ NE ¼ Section 3-T120N-R54W in Day County. The wells are expected to be approximately 110 feet deep and are to be located in the SW ¼ NE ¼ Section 3-T120N-R54W.

AQUIFER: Prairie Coteau (PCO)

Aquifer Characteristics:

The applicant proposes to withdraw water from aquifer materials at an elevation range of approximately 1,700 to 1,750 feet above mean sea level (fmsl). At this depth and location, aquifer materials have been mapped by Leap (1988; 1972). Leap called the aquifer the Eastern Lakes Subsystem (1988) and the Eastern Lakes aquifer (1972) in his two reports on Day County. However, the DENR-Water Rights Program recognizes the deeper, buried portions of Leap's aquifers as the Prairie Coteau aquifer, and that is the name used in the remainder of this report. Leap created aquifer and geological maps of Day County, including maps of vertical variability of the outwash deposits (1988). Leap's (1988; 1972) reports show data from only one test hole providing data in this portion of the Prairie Coteau aquifer in the same elevation range this application proposes to use. Since completion of Leap's reports, several DENR-Geological Survey lithologic borings (SDGS, 2016), DENR-Water Rights Program observation wells (Water Rights, 2016a), appropriative wells (Water Rights, 2016b), and domestic wells (Water Rights, 2016c) have been completed into this portion of the Prairie Coteau aquifer and the surrounding area.

The Prairie Coteau aquifer is a general name for disconnected deposits of generally buried outwash on the Coteau Des Prairies. Hedges and others (1982) estimated the Prairie Coteau aquifer underlies approximately 500,000 acres and contains approximately 675,000 or greater acre-feet (ac-ft) of recoverable water in storage. However, the total acreage of the aquifer is not contiguous. This particular portion underlies an estimated minimum area of 5,000 acres. This was determined by looking at lithologic logs (SDGS, 2016), observation wells completion reports (Water Rights, 2016a), appropriative well completion reports (Water Rights, 2016b), and domestic well completion reports (Water Rights, 2016c). Based on mapping from Leap (1988; 1972) and estimated lake-bed elevation (1,760 to 1,770 fmsl) for Bitter Lake (GFP, 2014; Niehus, Vecchia, and Thompson, 1999; Water Rights, 2016d) this portion of the Prairie Coteau is likely hydraulically connected to the portions of the Prairie Coteau and Coteau Lakes aquifers that underlie and surround Bitter Lake and Blue Dog Lake. This would be a potential aquifer area nearly three times greater than the estimated minimum area of 5,000 acres.

The test well log submitted with this application identifies "sand" from 68 to 110 feet below grade with a static water level of 4 feet below land surface. Thus, this portion of the Prairie

Coteau aquifer is under confined conditions at this well site. Figure 1 is a map of the area including aquifer maps from Leap's 1988 and 1972 reports, observation wells and water rights/permits completed into this portion of the Prairie Coteau aquifer (Water Rights, 2016a and 2016b), and the estimated minimum aquifer area. Table 1 is a list of the water rights/permits completed into the same portion of the Prairie Coteau aquifer this application proposes to use.

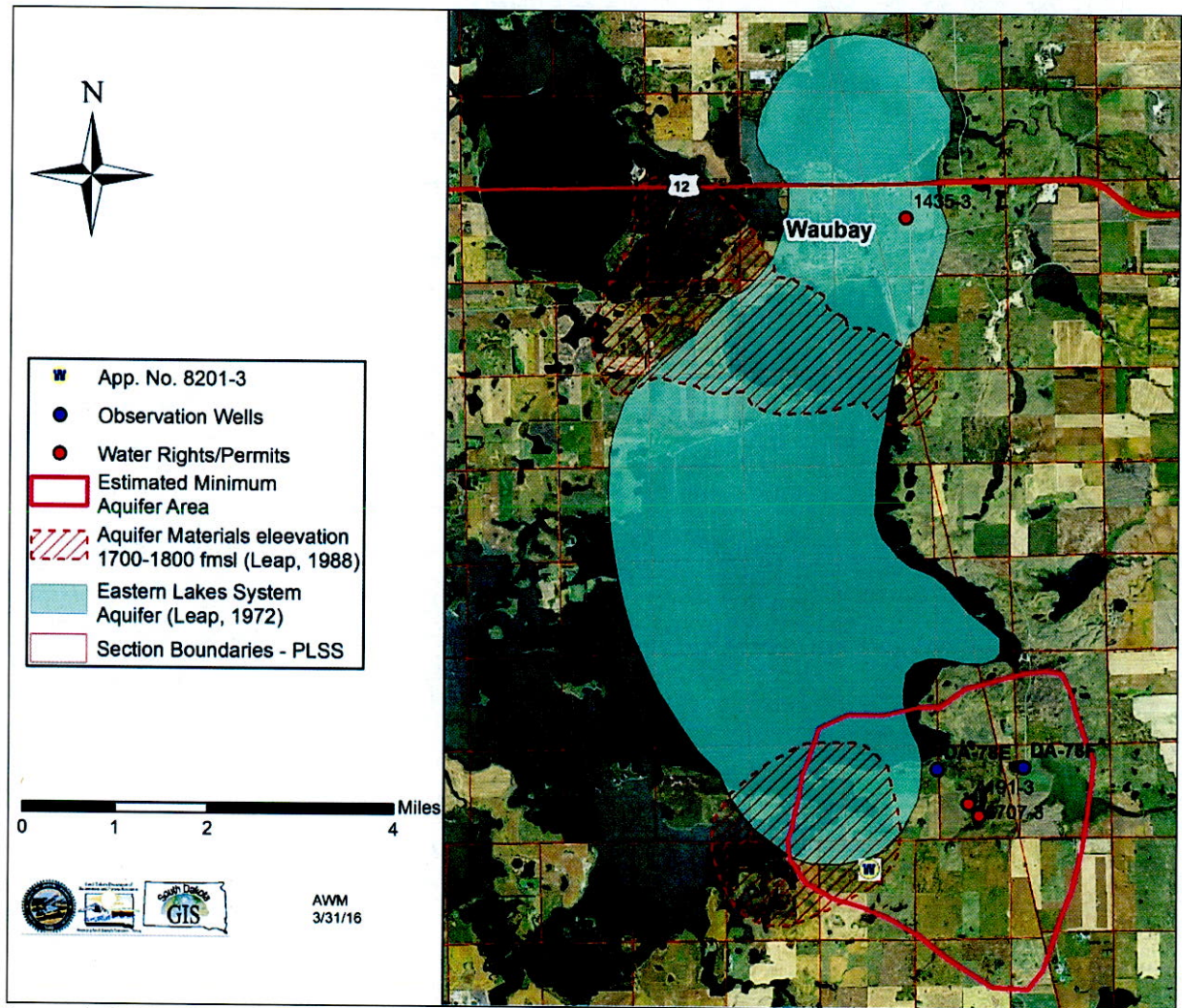


Figure 1- Map of project area

Permit No.	Name	Status	Use	CFS	Storage Capacity
1435-3	City of Waubay	LC	MUN	0.46	
*4191-3	Prairie Coteau Restoration LLC.	LC	DOM/FWP	1.11	100 ac-ft
*6707-3	Prairie Coteau Restoration LLC.	PE	DOM/FWP	0	99.8 ac-ft
LC= Water Rights, PE= Water Permit, DOM= Domestic, FWP= Fish and Wildlife Propagation, *= in the same portion of the Prairie Coteau aquifer as the application					

Table 1- Water Rights/Permits authorized to withdraw water from the same portion of the Prairie Coteau aquifer this Application No. 8201-3 proposes to use (Water Rights, 2016b)

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 Prairie Coteau aquifer. 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 water distribution 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 water distribution system.

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 in addition to other data 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 57 observation wells completed into the Prairie Coteau aquifer with two observation wells, DA-78E and DA-78F, completed into the portion of the aquifer this application proposes to use (Water Rights, 2016a). The hydrographs for these observation wells are shown in Figures 2 and 3, respectively (Water Rights, 2016a). The hydrographs show that over the period of record the water level have risen approximately 15 feet.

The water levels have shown the effects of drawdown in the early part of the record but the water level during that period and since then have been dominated by climate. The effects of drawdown no longer appear after 1989 when irrigation withdrawals from the aquifer ceased (Water Rights, 1979-2016). Climate dominating water levels in the observation wells means that recharge to and natural discharge from the aquifer significantly exceeds pumping. Natural discharge from an aquifer can be captured for pumping. Recognizing that, the hydrographs for the observation wells show there is unappropriated water available for this proposed appropriation.

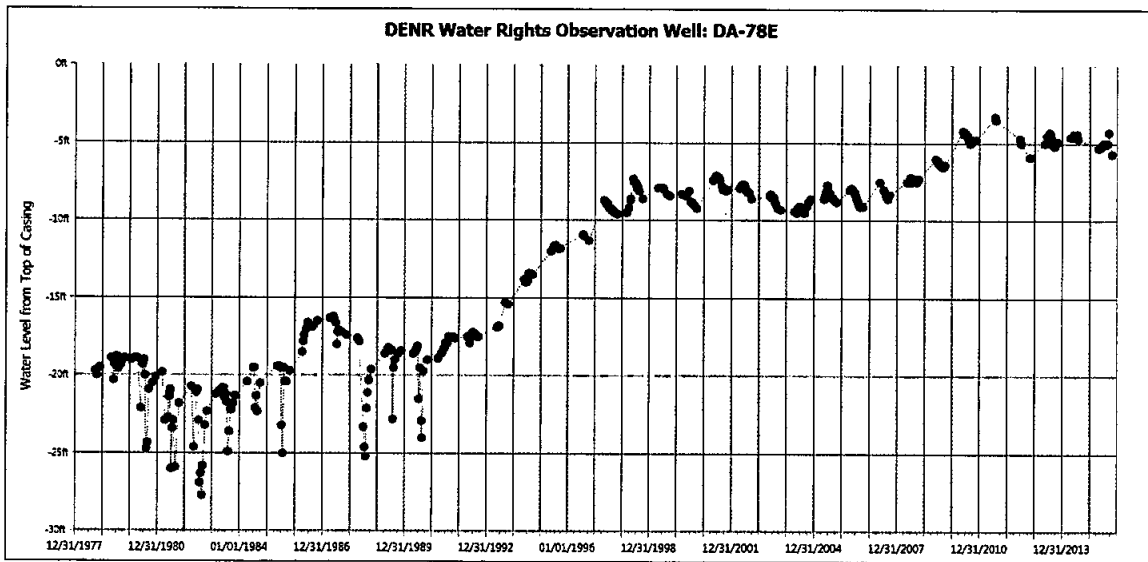


Figure 2- Hydrograph for observation well DA-78E (Water Rights, 2016a)

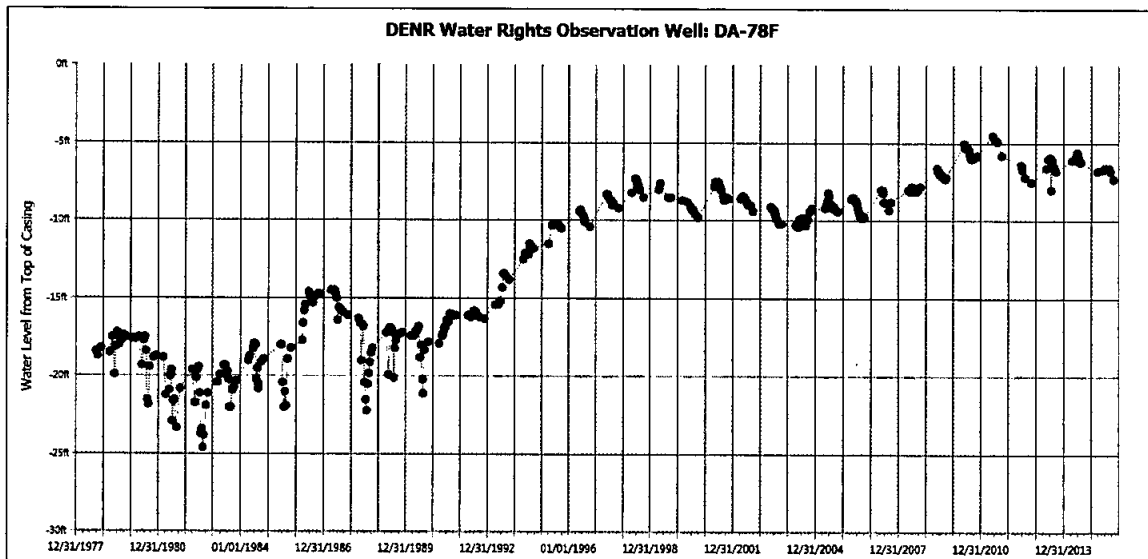


Figure 3- Hydrograph for observation well DA-78F (Water Rights, 2016a)

Recharge and Discharge:

Recharge:

This portion of the Prairie Coteau is primarily recharged through infiltration of rain and melting snow on hydraulically connected surface deposits (Leap, 1972). There is no estimated recharge rate for this portion of the Prairie Coteau aquifer. However, Hedges and others (1985) stated for management and development programs a range of 0.15 in/yr to 0.6 in/yr would be reasonable recharge rates to buried-confined aquifers. Using the 5,000 acre minimum areal estimate that is a range of recharge rates of 62.5 to 250 ac-ft/yr. However, if this portion of the Prairie Coteau aquifer is hydraulically connected to portions of the Prairie Coteau and Coteau Lakes aquifers that underlie and surround Bitter Lake and Blue Dog, as it likely is, the annual recharge could be much greater than the estimate from Hedges and others (1985).

Hedges and others (1985) estimated the recharge rate to the Coteau Lakes aquifer to be 4.5 in/yr. The estimated area of the Coteau Lakes aquifer around and underlying Bitter and Blue Dog lakes is 13,400 acres (Leap, 1972). That is an approximate recharge rate of 5,025 ac-ft/yr that this portion of the Prairie Coteau aquifer may have access to use for induced recharge.

Discharge:

Discharge from this portion of the Prairie Coteau aquifer is primarily through well withdrawals, and outflow to hydraulically connected outwash deposits and adjacent till. Water Right No. 4191-3 and Water Permit No. 6707-3 are authorized to withdraw water from the same portion of the Prairie Coteau aquifer as this application (Water Rights, 2016b). There are also several domestic wells on file that are completed into the aquifer (Water Rights, 2016c). Water Right No. 4191-3 authorizes the diversion of 1.11 cfs and the storage of 100 ac-ft of water in a ring dike. Water Permit No. 6707-3 authorizes a control structure on a wetland that would impound up to 99.8 ac-ft of water. The water supply from the ring dike and the wetland is natural runoff with supplement from the well authorized by Water Right No. 4191-3.

A conversation with Kurt Forman (March 30, 2016), the local contact for Prairie Coteau Restoration, the holders of Water Right No. 4191-3 and Water Permit No. 6707-3, stated since they received Permit No. 6707-3 in 2006 and for several years before that they had not pumped any water into the ring dike (4191-3) or the wetland (6707-3). Mr. Forman said they only pumped a few hundred gallons per year to fill atv-mounted sprayer tanks for weed control purposes (Forman, March 30, 2016). He went on to say they would probably only pump enough to fill the ring dike authorized by Water Right No. 4191-3, if needed. Generally, non-irrigation use is estimated by assuming pumping at the maximum allowed diversion rate for 60 percent of the time. Using this method Water Right No. 4191-3 would pump approximately 482 ac-ft/yr. But, based on the conversation with Mr. Forman (March 30, 2016) it is likely that they would not pump more than 100 ac-ft/yr, if they pumped anything.

The potential domestic use from this portion of the Prairie Coteau aquifer is likely less than 3.6 ac-ft/yr. This estimate is based on water use values from Carter and Neitzert (2008) for livestock in Day County and a weighted average per capita use for the counties listed. It is assumed the distribution of livestock water use is uniform through the county. Livestock is estimated to use 1.6 ac-ft/yr within the estimated boundaries of the aquifer. Based on 2014 satellite imagery, there are 10 rural housing units within the approximate minimum area boundary of the aquifer. Assuming 2.5 residents per rural housing unit, the domestic water use is approximately 2.0 ac-ft/yr. This assumes all users within the aquifer are withdrawing from the same portion of the Prairie Coteau aquifer and are not connected to rural water, which is not likely.

Across South Dakota, irrigation application rates are generally less than 10 inches. Therefore, the estimated annual pumpage would be 200 ac-ft/yr if all lands that were applied for are irrigated. However, the applicant submitted a map that had a tentative center pivot design. This center pivot is estimated to irrigate 205 acres. Using that area this application is estimated to pump approximately 171 ac-ft/yr.

Water Right No. 1435-3 for the City of Waubay is authorized to withdraw water at 0.46 cfs from a portion of the Prairie Coteau aquifer that is likely hydraulically connected to the portion this application proposes to use. The estimated use is 200.0 ac-ft/yr.

Hydrologic Budget:

The estimated use by this application if approved ranges from 171 to 200 ac-ft/yr. The existing appropriative users (Water Right No. 4191-3 and Water Permit No. 6707-3) will likely pump only a few hundred gallons per year on average, but may pump 100 ac-ft/yr to fill their ring dike in very dry years. Domestic users are estimated to pump 3.6 ac-ft/yr. Thus, estimated use from this portion of the Prairie Coteau ranges from 174.6 to 303.6 ac-ft/yr. The estimated recharge using the range of recharge rates from Hedges and others (1985) and the estimated minimum aquifer area (5,000 acres) is 62.5 to 250 ac-ft/yr. Assuming no hydraulic connection between this portion of the Prairie Coteau aquifer and other portions of the Prairie Coteau or Coteau Lakes aquifer, the average annual use in near the high end or in the worst-case scenario exceeds the estimated average annual recharge. However based on Forman's (2016) statement about pumpage under Water Right No. 4191-3, use in average year is not expected to exceed average annual recharge. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

If this portion of the Prairie Coteau aquifer is hydraulically connected with the portions of the Prairie Coteau and Coteau Lakes aquifers, which it likely is, that underlie and surround Bitter Lake and Blue Dog Lake, estimated average annual use ranges from 374.6 to 503.6 ac-ft/yr. however average annual recharge is estimated to be at 5,025 ac-ft/yr. Therefore, under either circumstance there is a reasonable probability that unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

The well authorized by Water Right No. 4191-3 is approximately 1.25 miles northeast of the proposed well sites (Water Rights, 2016b). There are a number of domestic wells on file with the Water Rights Program within one mile of the proposed well sites (Water Rights, 2016c). The well sites of the water rights/permits authorized to withdraw water and the observation wells completed into this portion of the Prairie Coteau aquifer are shown in Figure 1. Also shown in Figure 1 is the location of the well authorized by Water Right No. 1435-3 for the City of Waubay. That well is also completed into a portion of the Prairie Coteau aquifer. That portion is likely hydraulically connected to the portion of the Prairie Coteau aquifer this application proposes to use.

The hydrographs shown in Figures 2 and 3 are representative of this portion of the Prairie Coteau aquifer. Both hydrographs show the effects of pumping on water level prior to cessation of irrigation pumping by Incorporated License No. 3834-3 and Water Right No. 4191-3 after 1989. In November 1994, Permit No. 3834-3 was incorporated into Water Right No. 4191-3. The authorization for irrigation was removed from Water Right No. 4191-3 in May 2006 after the permit holder indicated irrigation use had been discontinued. At the end of 1989, the water rights/permits authorized to withdraw water from this portion of the Prairie Coteau aquifer were authorized for the irrigation of 472 acres and pumped at a much greater diversion rate (3.6 cfs) than now. In the case of both observation wells, there was at least 36 feet of artesian head

pressure below the lowest recorded water levels. Since the lowest recorded water levels, both observation wells have seen a rise in water levels of approximately 15 feet. Therefore, there is a reasonable probability that this proposed diversion can be made without adversely impacting existing appropriative or domestic users.

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”

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under confined conditions drawdown due to pumping may be significant some distance from the well site. Thus, depending on specific characteristics of the Prairie Coteau aquifer at the well sites some existing well owners may need to lower their pumps to accommodate for deeper water levels. When considering the statute (SDCL 46-6-6.1) and the rule (ARSD 74:02:04:20(7)), well interference from this proposed diversion is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference created by pumping the proposed wells will not be adverse.

CONCLUSIONS:

1. Application No. 8201-3 proposes to appropriate 2.22 cfs from the Prairie Coteau aquifer for the irrigation of 240 acres in Day County.
2. There is a reasonable probability that there is unappropriated water available for this application.
3. There is a reasonable probability that the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Carter, J.M. and K.M. Neitzert. 2008. Estimated Use of Water in South Dakota, 2005: U.S. Geological Survey Scientific Investigations Report 2008-5216. 30 p.
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- Water Rights. 2016b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2016c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

RECEIVED

MAY - 6 2016

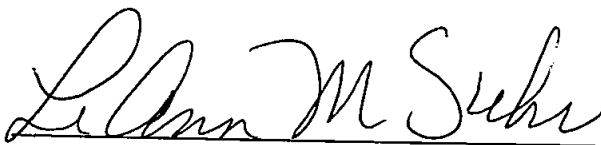
WATER RIGHTS
PROGRAM

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed, Water Application: Holscher, a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

First Publication	April 18, 2016;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$29.04 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 18th day of April, 2016.



LeAnn M. Suhr
Day County South Dakota
My Commission Expires November 2, 2017

Notary Public, Day County, South Dakota

Applicatio appropriat

NOTICE OF APPLICATION No. 8201-3

to Appropriate Water

Notice is given that Kerry Holscher, 44621 142nd St., Waubay, SD 57273 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Prairie Coteau Aquifer (110 feet deep) located in the SW1/4NE1/4 Section 3 for irrigation of 240 acres located in the NW1/4W1/2NE1/4 Section 3; all in T120N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8201-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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

n for water tion

address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

Published once at the total
approximate cost of \$29.04.

RECEIVED

APR 25 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken
from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published
in the newspaper on the following date:

April 18th, 2016

Cost of Printing \$60.20

Monica K Saathoff
(Signature)

Bookkeeper

(Title)

April 18th, 2016

(Date Signed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO. 8201-3 to Appropriate Water

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Published once at an approximate cost of \$53.74
(April 18, 2016) 60.20

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 13, 2016 7:44 AM
To: news@reporterandfarmer.com
Subject: 8201-3, Kerry Holscher
Attachments: 8201-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on April 18, 2016.

Kerry Holscher, 44621 142nd St, Waubay SD 57273 (c 605 881-7219) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 13, 2016 7:44 AM
To: legals@thepublicopinion.com
Subject: 8201-3, Kerry Holscher
Attachments: 8201-3publicnov2015.short1.docx; FORM8.FRM.doc

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Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



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.**

April 12, 2016

Kerry Holscher
44621 142nd St
Waubay SD 57273

Dear Mr. Holscher:

Water Permit Application No. 8201-3 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 Reporter & Farmer printed at Webster SD (Ph # 605-345-3356) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8201-3 to Appropriate Water

Notice is given that Kerry Holscher, 44621 142nd St, Waubay SD 57273 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells to be completed into the Prairie Coteau Aquifer (110 feet deep) located in the SW 1/4 NE 1/4 Section 3 for irrigation of 240 acres located in the NW 1/4, W 1/2 NE 1/4 Section 3; all in T120N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8201-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 April 28, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

~~MAY 12 2016~~

Kerry Holscher
44621 142nd St
Waubay SD 57273

Dear Mr. Holscher:

Enclosed is Water Permit No. 8201-3 authorizing construction of the 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

8201-3

RECEIVED

SEP 21 2016

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-20-16TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

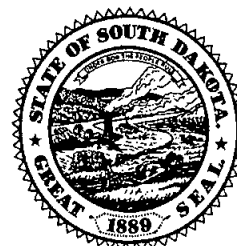
Kerry Holscher
(name)44621 142 St
(address)Waubesa SD 57273
(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8201-3 states that the water use system is to be constructed by4-28-21 (date), and water is to be put to beneficial use by 4-28-25 (date).The water use system was completed on 6-1-16 (date).Applying the water to beneficial use was completed on 6-9-16 (date).

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

Kerry Holscher
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 2016

8201-3

Kerry Holscher
44621 142nd St
Waubay SD 57273

Dear Mr. Holscher:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

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

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

Sincerely,

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

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

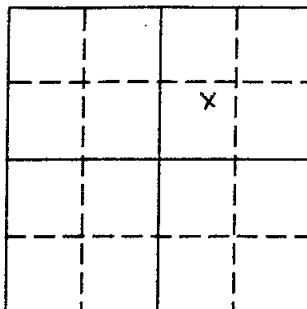
8201-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 3 Twp 120 Rg 54County Day

North



Please mark well location with an "X"

Well completion Date

5-18-16

1 Mile

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

2000 ft. from Sewer system (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR21</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>67</u> FT	<u>18"</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>15</u>	Lb/gal	<u>20</u> Ft	<u>67</u> Ft
<u>Cement</u>	<u>5</u>	Lb/gal	<u>0</u> Ft	<u>20</u> Ft

Describe grouting procedure Tremmie line from gravel pack to ground level

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 40 FeetMaterial Stainless SteelSlot Size 025 Set From 67 Feet to 107 FeetOther information End plate on bottom

WAS A PACKER OR SEAL USED?

- ☒ Yes ☐ No

If so, what material? SS SteelDescribe packer(s) and location plate on bottom of screen

DISINFECTION: Was well disinfected upon completion?

- ☒ Yes, How? Bleach

Lab sample sent to for water quality analysis ☐ No, Why Not?Well Owner: Kerry Holscher

Business Name:

Address1: 44621 142nd Str.

Address2:

City, State, Zip: Waubay SD 57273

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>Sand</u>	<u>2</u>	<u>16</u>
<u>Blue clay</u>	<u>16</u>	<u>68</u>
<u>Sand</u>	<u>68</u>	<u>110</u>
<u>Blue clay</u>	<u>110</u>	<u>?</u>

STATIC WATER LEVEL

4

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: Air lifted☐ Bailed☒ Other

Pumping Level Below Land Surface

Ft. After _____ Hrs. pumped 1100 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

SEP 26 2016

WATER RIGHTS PROGRAM

This well was drilled under license # 598

And this report is true, and accurate.

Drilling firm: Kranz Well & Excav

Signature of License Representative

Signature of Well Owner or Equitable Property Holder.

Date: 5-20-2016

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8201-3

I have this day, September 11, 2023, made a thorough examination of the water use system constructed by Kerry Holscher, 44621 142nd St, Waubay, SD 57273 of Permit No. 8201-3, bearing the priority of February 2, 2016 authorizing the diversion of 2.22 cu. ft. per second of the waters of Prairie Coteau Aquifer for irrigation purposes, in Day County.

A. Works used to divert the water:

Well Information:

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

Casing:

- 1) Diameter 12 inches
- 2) Length 67 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 40 feet
- 3) Static water level 4 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 1985 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1470 feet
- 3) Number of towers 9
- 4) End gun Y/N
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: **Used commercially available equipment**

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **WELL LOCATION**
From the NE corner Sec 3 T120N R54W, 1790 ft S & 1680 ft W, Lat 45.23454 Long -97.29588 (SW ¼ NE ¼).

2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 3 T120N R54W

NW NW – 33 acres

NE NW – 47 acres

SE NW – 39 acres

SW NW – 25 acres

NW NE – 12 acres

SW NE – 8 acres

comprising a total of 164 acres of land and the license should be issued for 1.78 cfs

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

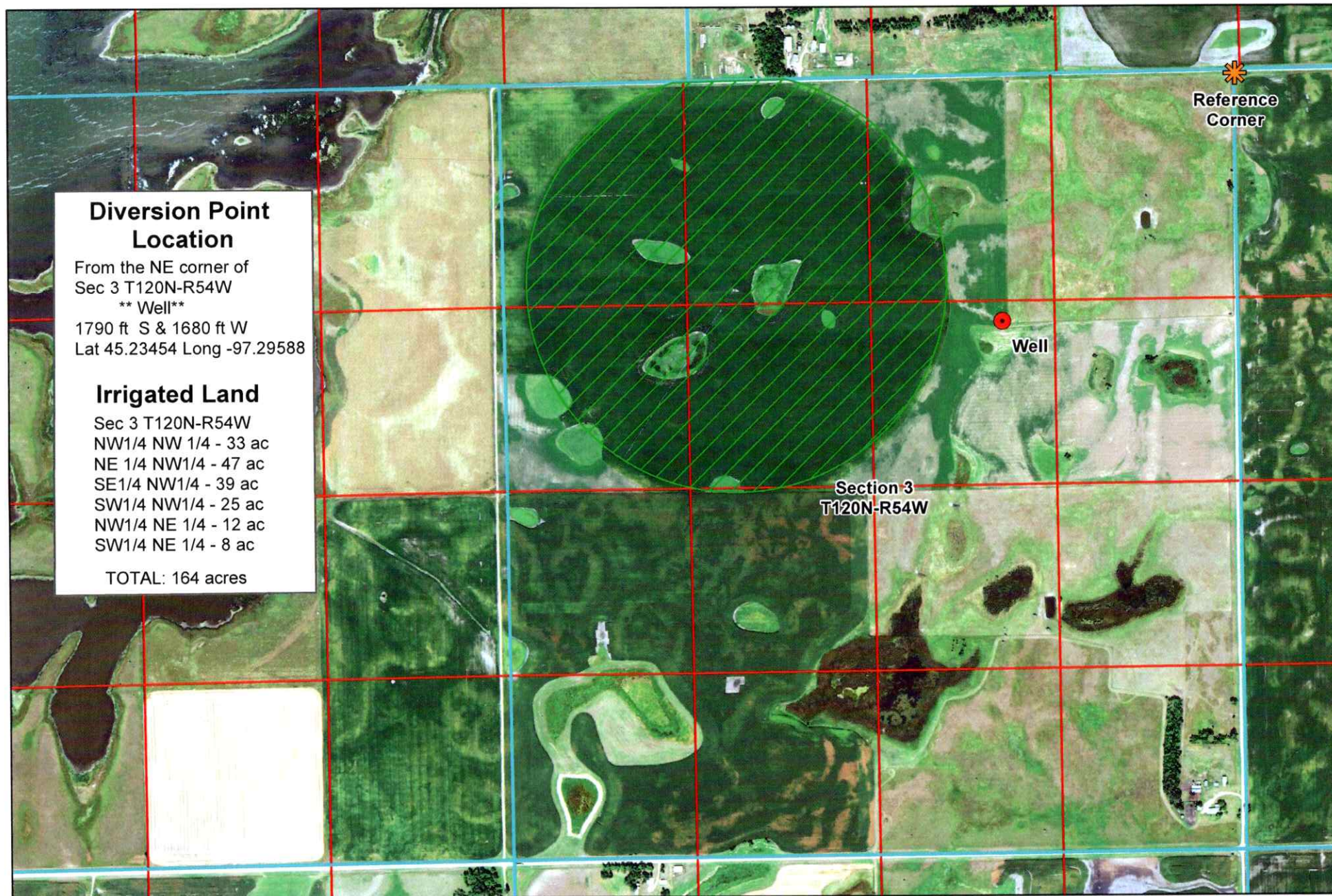
The mailing address and the telephone number in the permit materials are current

I talked to Kerry Holscher regarding the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **September 12, 2023**



0 700 1,400 2,800 4,200 5,600 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 14 2023

8201-3

Kerry Holscher
44621 142nd St
Waubay SD 57273

Dear Mr. Holscher:

Enclosed is Water License No. 8201-3. 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. 8201-3**

(1) Kerry Holscher, 44621 142nd St, Waubay SD 57273, made Application No. 8201-3, February 3, 2016, for a water permit to divert 2.22 cubic feet of water per second from groundwater, two wells (Prairie Coteau Aquifer), Day County, South Dakota for irrigation purposes. Permit No. 8201-3, with a priority date of February 3, 2016, was approved April 28, 2016, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2021, and for the application to beneficial use of water on or before April 28, 2025.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on September 20, 2016. The Notice stated the diversion system was completed on June 1, 2016, and the water was placed to beneficial use on June 9, 2016.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: *(only one well was constructed)*

- 1,790 ft S & 1,680 ft W of the NE corner of Section 3, T120N, R54W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 45.23454 & Longitude -97.29588)

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

Section 3, T120N, R54W			
NE $\frac{1}{4}$ NW $\frac{1}{4}$	47 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	12 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	25 acres		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres	TOTAL:	164 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kerry Holscher, the holder and/or owner of Water Right No. 8201-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), with a priority date of February 3, 2016, 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. 8201-3 and subject to the following qualifications:

1. The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control their 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 Water Right No. 8201-3 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 74:02:04:08. *(The well was completed by Kranz Well & Excavation in 2016. A copy of the Well Completion Report is on file with the Water Rights Program.)*

continued

3. This Water Right 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 14 2023

date

