

WATER PERMIT NO. 8238-3

Name of Applicant: Neil Holscher

Address: 44834 142nd St, Waubay SD 57273 Phone: 605 881-5654

Amount of Water Claimed: 1.67 cfs Total Acres: 120

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Dat

Type of Waste Disposal System:

Location: 3 miles east of Waubay

PRIORITY Date Received: 9-13-16 Application/License Fee: \$ 950

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

Remarks: Each well will be in a different water source

Diversion Point: NE 1/4 SW 1/4, SE 1/4 NW 1/4

Sec 24-T122N-R53W

Land to be Irrigated: S 1/2 NW 1/4, SW 1/4 Sec
24-T122N-R53W

Depth of Well: 45 and 162 feet deep

Well Driller: Kranz Well & Excav

Remarks:

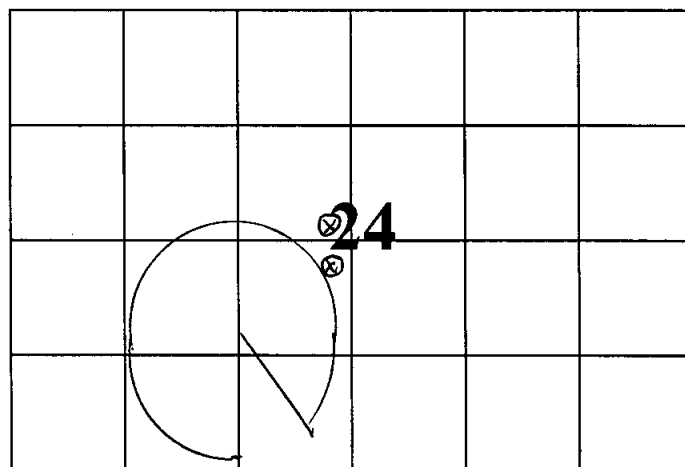
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-13-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. <u>8238-3</u> Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>
	Newspaper <u>Waubay Clipper</u> <u>605-947-4501</u>
	<u>Public Opinion - Watertown</u> <u>605-886-6901</u>

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SEP 13 2016

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 Neil Holscher
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
- Mailing Address 44834 142nd st Waubay SD 57273
 (Address) (City) (State) (Zip Code)
- Phone 605-947-4701 Mobile 881-5854 Email _____
2. Amount of water claimed 1.62 *CFS or 750 **GPM ***AF Total Acreage 120
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well - 4 or 5 wells
4. Location of point of diversion 1st well 162' NE 1/4 SW 1/4 Sec 24 - 122N - 53W
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
2nd well 45' SE 1/4 NW 1/4 Sec 24 - 122N - 53W County Day
5. County or counties where water will be used Day
6. Annual period during which water is to be used April 1 - September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>See Attached</u>			

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

Center Pivot through pipe from 5 wells
out of shallow formation

I, Neil Holscher owner, the applicant, certify under
 Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 8238-3**

Date of first receipt of application September 13, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8238-3 to Neil Holscher, 44834 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. 8238-3 appropriates 1.67 cubic feet of water per second (cfs) from up to five wells to be completed into the Coteau Lakes Aquifer (45 feet deep) located in the SE 1/4 NW 1/4 and the NE 1/4 SW 1/4 Section 24, for irrigation of 120 acres located in the S 1/2 NW 1/4 and the SW 1/4 Section 24; all in T122N-R53W (all within the former boundaries of the Sisseton Wahpeton Indian Reservation).
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 September 13, 2016.
4. The date of approval of Permit No. 8238-3 is November 29, 2016.
5. One-fifth of the construction is to be completed on or before May 28, 2019.
6. All construction is to be completed on or before November 29, 2021.
7. Water is to be put to beneficial use on or before November 29, 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. 8238-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 12 2016
date



(type or print)

(check one or both as applicable)

☐ Using existing well(s)

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

For either Existing or Proposed Wells:

d) Distance to nearest domestic well on applicant's property	Property owned by others
--	--------------------------

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of Sanitary System

a) Surface Dimensions . Depth

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

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.

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)

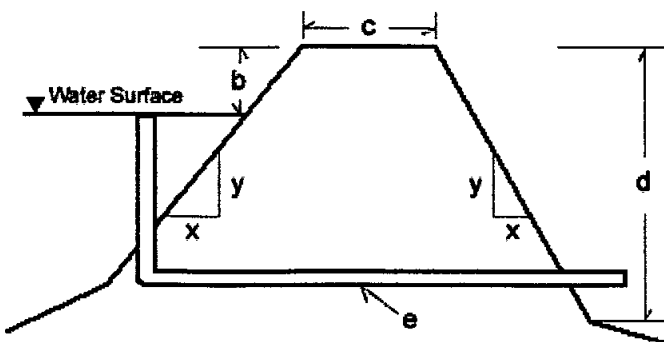
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage	Acre Feet
------------	-----------

j) Drainage Area Above Dam	Acres
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SW ¼ OF NW ¼ SEC 24-122N-53W 2.5 ACRES

SE ¼ OF NW ¼ SEC 24-122N-53W 2.5 ACRES

SW ¼ OF SW ¼ SEC 24-122N-53W 30 ACRES

SE ¼ OF SW ¼ SEC 24-122N-53W 16 ACRES

NW ¼ OF SW ¼ SEC 24-122N-53W 34 ACRES

NE ¼ OF SW ¼ SEC 24-122N-53W 35 ACRES

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**INMAN
IRRIGATION**

SEC 24-T122N-53W

shallow well

PIPE LINE

deep well

HOLSCHEER

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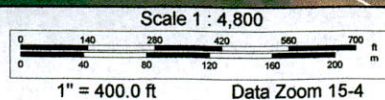
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Data use subject to license.

© DeLorme. XMap® 7.

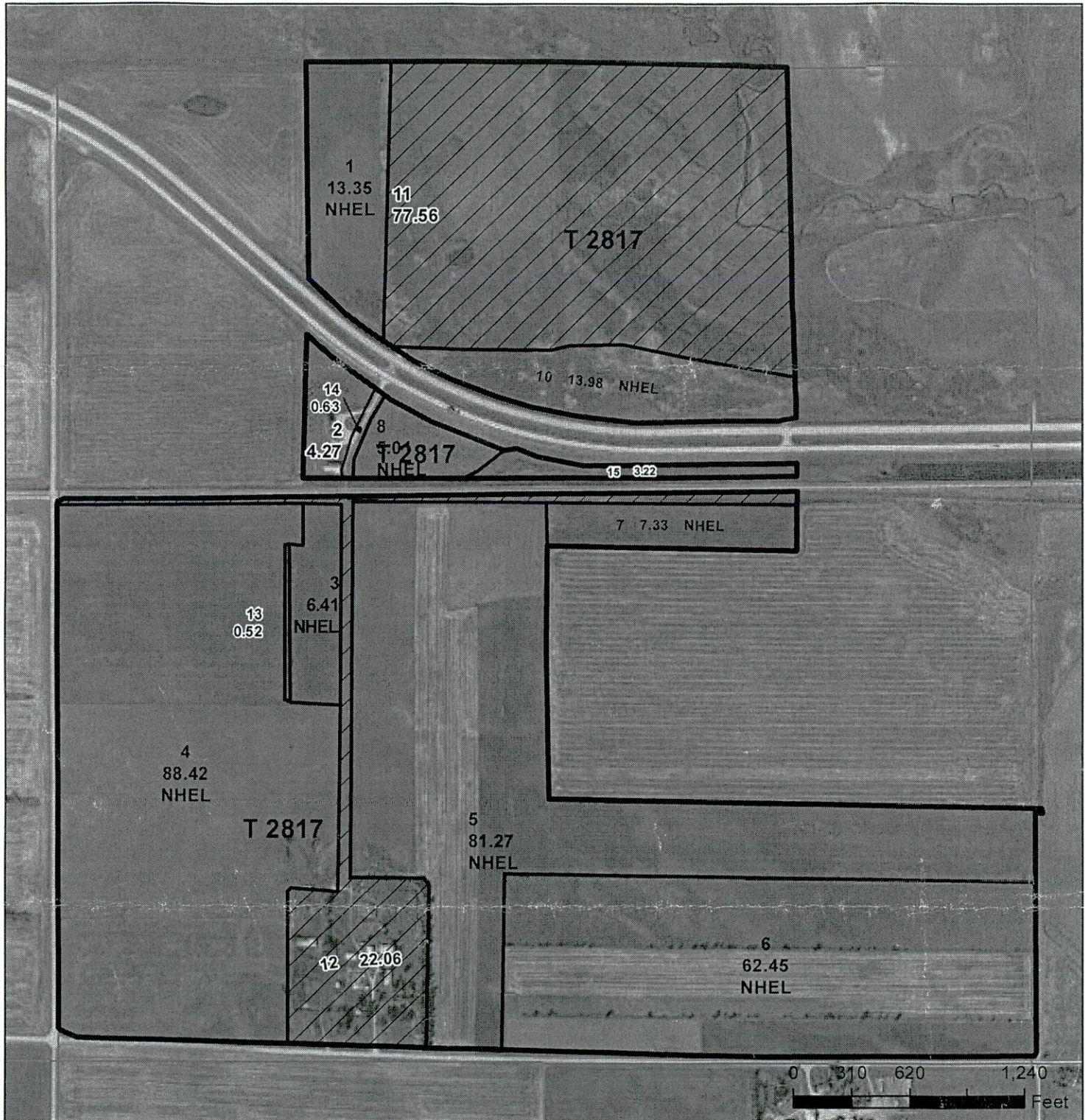
www.delorme.com





United States
Department of
Agriculture

Day County, South Dakota



Common Land Unit
Other Ag

Common Land Unit
Cropland
Rangeland

Tract Boundary

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

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John J. Hunkeler
9/1/16

2016 Program Year

Map Created February 01, 2016

Farm 5367

24 -122N -53W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

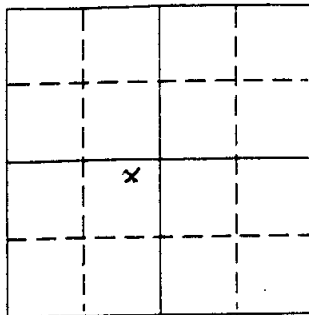
Location NE 1/4 SW 1/4 Sec 24 Twp 122N Rg 53

County

Day

North

Please mark well location with an "X"



Well completion Date

1 Mile

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

? 1500 ft from septic 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>sch 40</u> LB/FT	IN	0 FT	180 FT	6 3/4 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 _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ 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? _____

Lab sample sent to for 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>1</u>
<u>Sand</u>	<u>1</u>	<u>45</u>
<u>Blue clay</u>	<u>45</u>	<u>70</u>
<u>Yellow/Blue clay</u>	<u>70</u>	<u>140</u>
<u>Sand (pea rock + coarser)</u>	<u>140</u>	<u>162</u>
<u>Blue clay</u>	<u>162</u>	<u>180</u>

STATIC WATER LEVEL

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

Test hole #2

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This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well + Excav.

Signature of License Representative

Charles King

Signature of Well Owner or Equitable Property Holder:

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Date:

RECEIPT

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South Dakota Department of Environment and Natural Resources

Date 9/13, 20 16

RECEIVED OF Kerry Holscher - Farm Account 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>8238-3</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>8238-3</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. **07917**

By J. Ann Hodman
Chief Engineer

Gronlund, Eric

From: Brenda <brendaholscher@gmail.com>
Sent: Thursday, September 15, 2016 12:56 PM
To: Gronlund, Eric
Subject: Fwd: Delivery Status Notification (Failure)

Sent from my iPad

Begin forwarded message:

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: September 15, 2016 at 12:44:16 PM CDT
To: brendaholscher@gmail.com
Subject: **Delivery Status Notification (Failure)**

Delivery to the following recipient failed permanently:

Ericgronlund@state.sd.us

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain state.sd.us by smtp.sd.gov. [206.176.52.22].

The error that the other server returned was:

550 Rule imposed mailbox access for Ericgronlund@state.sd.us refused: user invalid

----- Original message -----

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=gmail.com; s=20120113;
h=subject:from:message-id:date:to:content-transfer-encoding
:mime-version;
bh=4HO16DairSDYfT4mN+CRFTStAJq8hSplHZYM9HXgVk0=;
b=i8KGdGG5SXjuMgnVP9/b0D/SAPD5LxzSoc8KZm6K7MDmlBkCXeLYIFLhYRz4jBX

UuQ

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w

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BRJd7D1JCt0JwDDYAZnJWzX4OYqSvtl6IIqKdXnyOKDJZCOHjEW0fGJU6/UwMwJ7

Zn46

vkWA==

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=1e100.net; s=20130820;
h=x-gm-message-state:subject:from:message-id:date:to

:content-transfer-encoding:mime-version;
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ZvB
n4dA==
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cOA==
X-Received: by 10.55.129.1 with SMTP id c1mr10537360qkd.53.1473961454875;
Thu, 15 Sep 2016 10:44:14 -0700 (PDT)
Return-Path: <brendaholscher@gmail.com>
Received: from [192.168.0.12] (24-220-201-125-dynamic.midco.net. [24.220.201.125])
by smtp.gmail.com with ESMTPSA id 35sm2402130qtn.35.2016.09.15.10.44.14
for <Ericgronlund@state.sd.us>
(version=TLS1 cipher=ECDHE-RSA-AES128-SHA bits=128/128);
Thu, 15 Sep 2016 10:44:14 -0700 (PDT)
Subject: Neil Holscher permit
From: Brenda <brendaholscher@gmail.com>
Content-Type: text/plain;
charset=us-ascii
X-Mailer: iPad Mail (13G36)
Message-Id: <5F95CCDD-DCDE-4F8A-91D5-4E7E3A360551@gmail.com>
Date: Thu, 15 Sep 2016 12:44:12 -0500
To: Ericgronlund@state.sd.us
Content-Transfer-Encoding: quoted-printable
Mime-Version: 1.0 (1.0)

Sent from my iPad

We wish to change wells on original permit. Changes include void the one deep well. We are planning on using 4-5 shallow wells 45 feet in depth. Wells are to be located in T 122N-R53W Sec.24

Wells will be in NE corner of SW 1/4 and SE Corner of NW 1/4 of Sec 24

Kerry Holscher

Application No. 8238-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 8238-3, Neil Holscher

ADDRESS: 44834 142nd Street, Waubay SD 57273

COUNTY: Clay County

DATE: September 15, 2016 TELEPHONE:

RE: Discussion on application with Kerry Holscher

Kerry Holscher is Neil Holscher's brother.

Mr. Holscher called in regards to my email acknowledging receipt of the email amending Application No. 8238-3 and inquiring if more test holes were drilled and who the driller was.

Previously, Mr. Holscher contacted me to inform DENR that the deeper well did not produce so they want to amend the application to be just for the shallow well (45 feet deep). They intend to drill 4 – 5 wells into the shallower formation in the same legal description as on the original application. Based on test pumping each well will produce approximately 150 gpm. However at time they want the application to reflect 750 gpm from the shallow formation.

Mr. Holscher stated that there were not additional test holes drilled, only the one exists. The test pump occurred used the existing test hole drilled by Kranz Well & Excavaation.

NAME: Eric Holscher



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

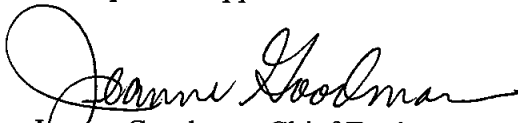
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8238-3, Neil Holscher**

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. 8238-3, Neil Holscher, 44834 142nd Street, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8238-3 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. 8238-3 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
November 10, 2016

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8238-3
NEIL HOLSCHER
OCTOBER 19, 2016**

Water Permit Application No. 8238-3 proposes to appropriate water from the Coteau Lakes aquifer for the irrigation of 120 acres located in the S½ NW¼ and the SW¼ of Section 24, T122N-R53W. This application proposes to divert water at a maximum rate of 1.67 cubic feet of water per second (cfs) from up to five wells, approximately 45 feet deep, located in the SE¼ NW¼ and the NE¼SW¼ of Sec. 24, T122N-R53W. The proposed well sites and acreage to be irrigated are all located within the former boundaries of the Sisseton Wahpeton Indian Reservation in Day County.

AQUIFER: Coteau Lakes (COL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The test hole log included with this application reports that aquifer material was encountered in the borehole from 1-45 feet below grade. A completion report on file with the DENR-Water Rights Program for a nearby monitoring well reports 35 feet of “sand-medium” from 6-41 feet below grade with a September 13, 2016, static water level of 15 feet below grade (Water Rights, 2016b). The completion report for a domestic well completed in May 20, 2005, for Tom Harrington, which is in the area of the proposed well sites, identifies medium to coarse sand from 1-41 feet below grade and a static water level of 20 feet below grade (Water Rights, 2016c). In addition, a domestic well for Neil Holscher, located immediately south of the proposed well sites encountered sand from 5-20 feet below grade (Water Rights, 2016c).

In *Ground-Water Supply for the City of Waubay, South Dakota*, by Beffort and Hedges (1967), a surface outwash was identified underlying the well sites proposed by this application (see Figure 1). This glacial outwash deposit appears to be a member of what was later named the Eastern Lakes Subsystem (Leap, 1972 and Leap, 1988). The Eastern Lakes Subsystem is a “complex system of several aquifers of varying thicknesses and elevations” (Leap, 1972). Hedges and others (1982) subsequently identified the surficial deposits in this area as part of the Coteau Lakes aquifer [system] which underlies approximately 58,200 acres of Day County, an estimated 32,000 acres of Marshall County, and parts of Roberts County. Leap (1988) identified the thickest part of his Eastern Lakes Subsystem as the Waubay aquifer and mapped a separate surficial outwash deposit approximately two miles east of the Waubay aquifer (see Figure 2). The surface outwash in this area is likely hydraulically connected to Blue Dog Lake and possibly Bitter Lake. Leap (1988) suggests groundwater flow occurs between Blue Dog Lake and Bitter Lake through the Waubay aquifer.

For appropriative purposes the SD Department of Environment and Natural Resources and the Water Management Board have adopted the “Coteau Lakes aquifer” designation for the surficial aquifer in this area. The individual outwash deposits of the Coteau Lakes aquifer system often connect with each other; however, detail of subsurface data is not available to identify individual aquifers within the system on a county wide scale.

Mathiowetz (2014) delineated the areal extent of the portion of the Coteau Lakes in this area by examining previous studies including Thompson (2001), Leap (1972) and Leap (1988); SD DENR-Geological Survey Test hole logs, SD DENR-Water Rights Program observation well records and well completion reports on file with the Water Rights Program. Mathiowetz concluded that this portion of the Coteau Lakes aquifer underlies approximately 32,660 acres of Day and Roberts Counties (see Figure 3).

In the evaluation of Water Permit Application No. 8075-3, Kilts (2015) attempted to define the surficial outwash aquifer in the vicinity of Waubay, SD, (approximately two and one-half miles west of the well sites proposed by this application). Kilts' study area did not include the well sites proposed by Application No. 8238-3, and Kilts did not represent aquifer material extending east from Blue Dog Lake within the study area for Application No. 8075-3.

Review of the hydrogeologic data for the area, including SD DENR-Geological Survey Test hole logs (Lithologic Logs Database), SD DENR-Water Rights Program observation well records (Water Rights, 2016a), water right/permit files (Water Rights, 2016b), the water well completion reports database (Water Rights, 2016c) suggests that the areal extent of this portion of the Coteau Lakes aquifer as delineated by Mathiowetz is appropriate and may be conservative, with additional aquifer material occurring to the west of Ortley, SD. Therefore, the best information available indicates the wells this application proposes will be completed into a portion of the Coteau Lakes aquifer that is included in the aquifer defined by Mathiowetz. The Coteau Lakes aquifer is under unconfined conditions in this area and based on observation well data, groundwater movement in the Coteau Lakes aquifer in this area is from the northeast to the southwest (Water Rights, 2016a).

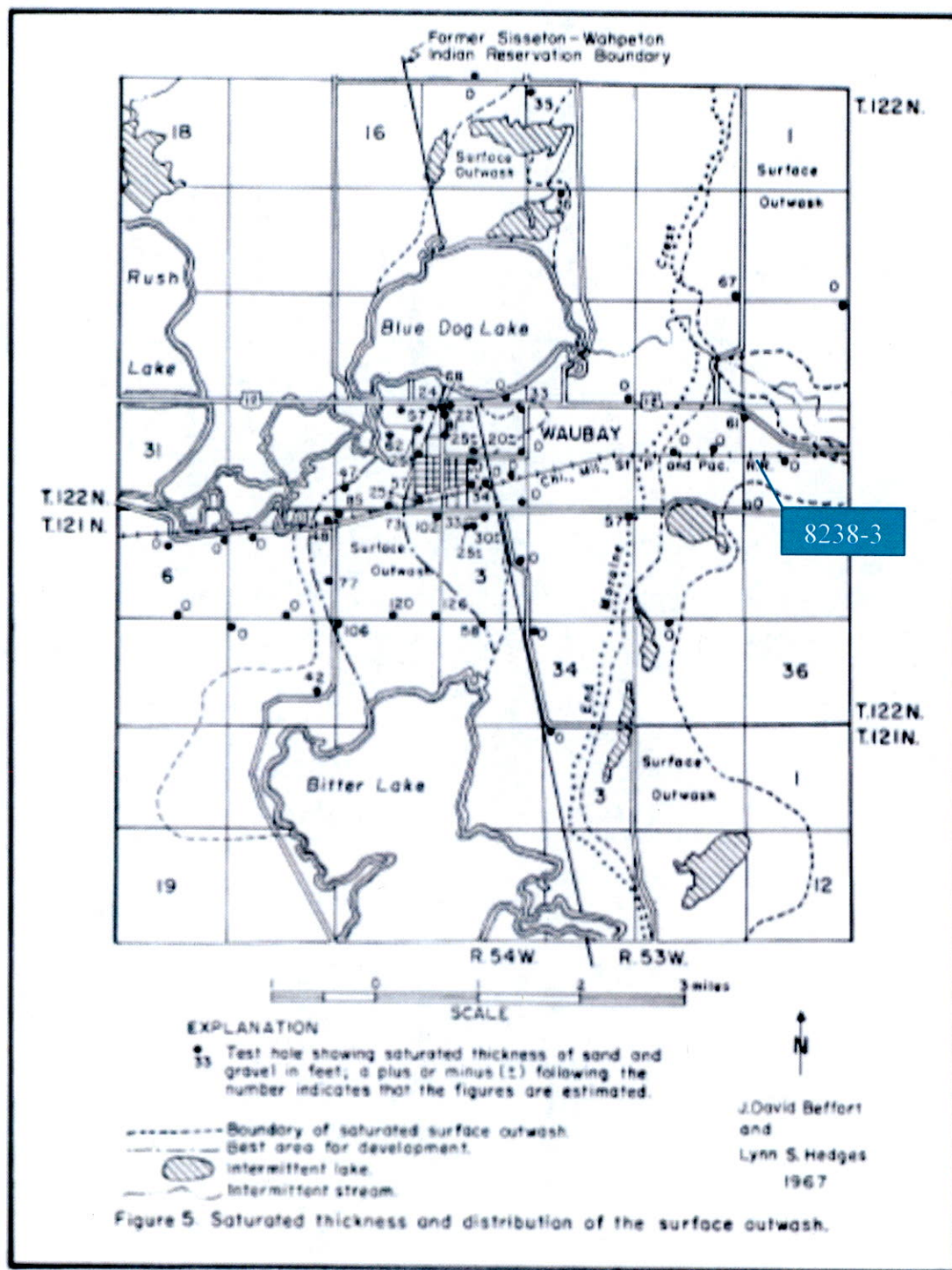


Figure 1. Map showing the areal extent of the Surface Outwash in the *Ground-Water Supply for the City of Waubay, South Dakota* study area (modified from Beffort and Hedges, 1967).

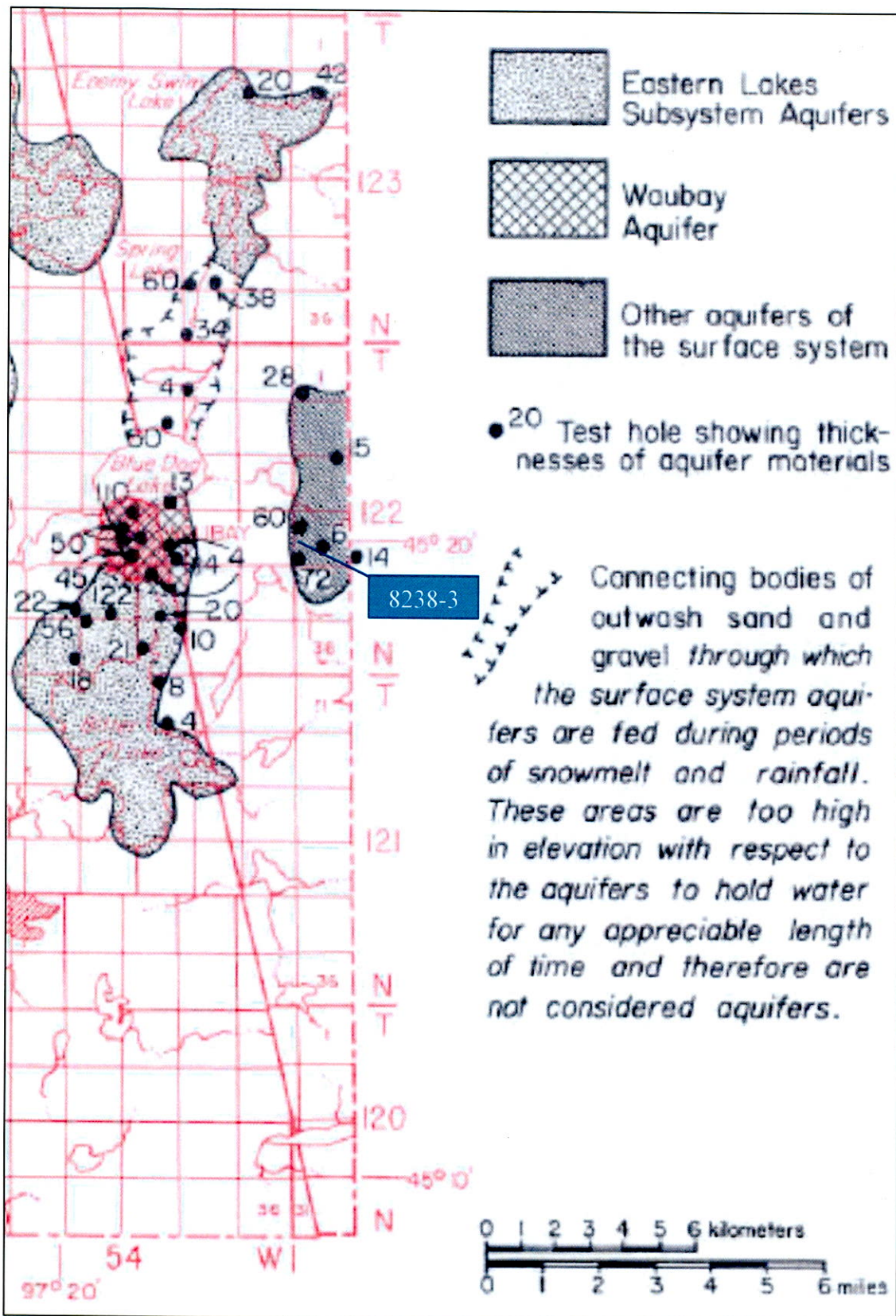


Figure 2. The location of the Waubay aquifer and well sites proposed by this application (modified from Leap, 1988)

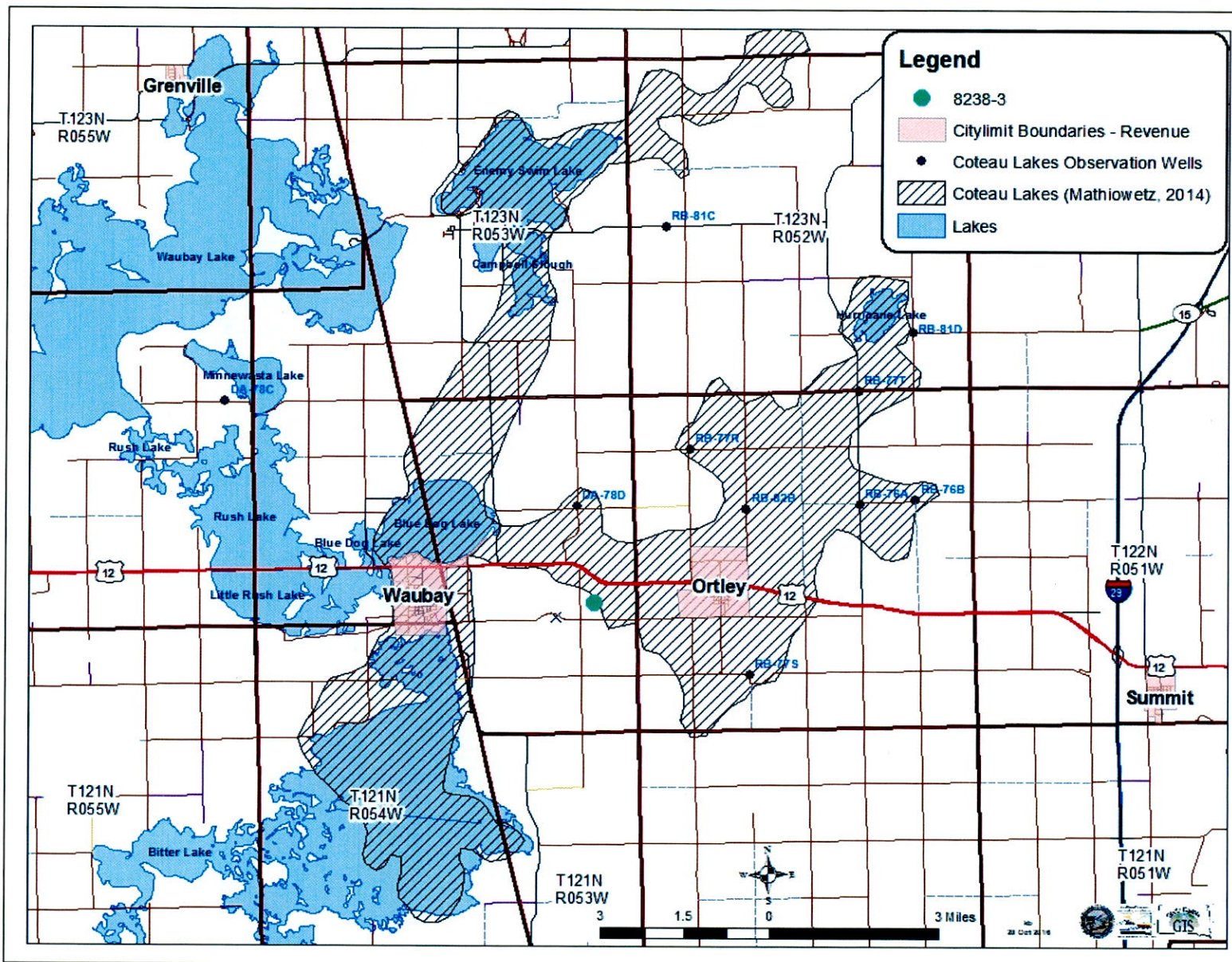


Figure 3. Map showing the location of the well sites proposed by Water Permit Application No. 8238-3, the approximate areal extent of the portion of the Coteau Lakes aquifer this application proposes to appropriate water from (modified from Mathiowetz, 2014) and the location of DENR-Water Rights' observation wells completed into the aquifer.

SDCL 46-2A-9

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

WATER AVAILABILITY:

Water Permit Application No. 8238-3 proposes to appropriate water for the irrigation of 120 acres. The average annual withdrawal rate that would be associated with this irrigation project was estimated using the average annual irrigation application rate from groundwater supplied systems located within approximately 15 miles of this proposed site, based on irrigation questionnaire reports from the water right/permit holders (Water Rights, 2006-2015). The average annual groundwater source irrigation application rate for this area is shown in Table 1.

Table 1. Average annual application rate, in inches per permitted acre per year, based on irrigation questionnaire reports from the groundwater appropriators within approximately 15 miles of the well sites proposed by this application (Water Rights, 2006-2015).

YEAR	APPLICATION RATE (IN/PRMT'D AC/YR)
2015	6.23
2014	5.45
2013	6.67
2012	8.01
2011	6.15
2010	4.40
2009	4.67
2008	5.62
2007	7.32
2006	11.62
<i>Minimum</i>	<i>4.40</i>
<i>Maximum</i>	<i>11.2</i>
<i>Average</i>	<i>6.61</i>

Based on the last ten years of data from the area, the irrigation of 120 acres is expected to use an average of approximately 66 acre-feet of water per year.

The probability that 66 acre-feet of unappropriated water is available annually for this permit can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the aquifer is not older or lower than the Greenhorn Formation therefore withdrawal/recharge issue must be considered.

Recharge versus Discharge:

Recharge to the Coteau Lakes aquifer system is primarily through infiltration of precipitation where the aquifer material is at or near ground surface. Recharge to the aquifer also occurs when hydrologically connected bodies of surface water have higher water levels than the water table of the aquifer. The average annual recharge rate to the Coteau Lakes aquifer system was estimated to be 4.5 inches per year through analysis of observation well data (Hedges et. al, 1985). Assuming an areal extent of the outwash deposit this application proposes to appropriate water from to be at least 32,660 acres; the average annual recharge to the deposit is estimated to be at least 12,247 ac-ft/yr.

Since the direction of groundwater flow in Coteau Lakes aquifer east of Blue Dog Lake is from east-northeast to west-southwest, recharge occurring north or south of Blue Dog Lake will not contribute to the portion of the aquifer east of the lake. Therefore, for water management purposes, the Coteau Lakes aquifer east of Blue Dog Lake should be considered separately. The areal extent of the outwash deposit this application proposes to appropriate water from is at least 14,500 acres. Therefore, given the average annual recharge rate estimate of 4.5 inches per acre per year, the average annual recharge to the aquifer is estimated to be approximately 5,440 acre-feet annually.

Discharge from the Coteau Lakes aquifer system occurs through evapotranspiration when the aquifer is near ground surface, seepage to lakes when the water level of the aquifer is higher than that of hydrologically connected lakes, and well withdrawals. Well withdrawals are for domestic use, commercial and irrigation use. Domestic use from the aquifer is not significant to its hydrologic budget. There are 27 water permits/rights appropriating water from the Coteau Lakes aquifer defined by Mathiowetz (2014). Twenty of the appropriations are within the portion of the aquifer east of Blue Dog Lake. They are shown in Table 2.

Table 2. Water rights/permits appropriating water from the same portion of the Coteau Lakes aquifer as Application No. 8238-3 proposes as a supply (Water Rights, 2016b).

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
2662-3	CURTIS L HANSSEN	03/03/1976	LC	IRR	2	267
2795-3	EARL ALTHOFF	06/29/1976	LC	IRR	1.33	193
3931-3	DORSETT	04/25/1977	LC	IRR	1.89	132
4041-3	JAMES N ENDRES TRUSTEE	06/20/1977	PE	IRR	5.6	393
4041A-3	JAMES N ENDRES TRUSTEE	06/20/1977	PE	IRR	0	0
4649-3	CURTIS HANSSEN	01/28/1980	LC	IRR	0.99	69
4604-3	JAMES N ENDRES TRUSTEE	12/16/1980	PE	IRR	2.1	156
4886-3	GREGORY ENDRES	04/24/1981	LC	IRR	1.78	136
5723-3	ENDRES FAMILY TRUST	10/13/1992	LC	IRR	1.89	132
5724-3	ENDRES FAMILY TRUST	10/13/1992	LC	IRR	1.89	132
6029-3	ENDRES FAMILY TRUST	12/22/1997	LC	IRR	1.78	136
7073-3	DUANE J GAIKOWSKI	09/16/2008	PE	IRR	5.13	359.5
7243-3	ROLLIN J MOREHOUSE	04/01/2011	PE	IRR	2.28	160
6835A-3	BLOOMING VALLEY GRAIN FARMS INC	08/08/2012	PE	IRR	2.22	130
7832-3	WOHLLEBER BROTHERS	04/15/2013	PE	IRR	1.86	130
7874-3	ARNIE BEISCH	07/22/2013	PE	IRR	1	60
8000-3	EARL ALTHOFF	04/11/2014	PE	IRR	1.22	75
8028-3	WOHLLEBER BROTHERS	06/05/2014	PE	IRR	2.21	155
8036-3	WOHLLEBER BROS	07/02/2014	PE	IRR	0.24	17.3
8063-3	ROLLIN J MOREHOUSE	11/19/2014	PE	IRR	2.28	160
LC= Water Right, PE= Water Permit, IRR= Irrigation						

The appropriations shown in Table 2 authorize the irrigation of 2,992.8 acres from this portion of the Coteau Lakes aquifer. Assuming an average application rate equal to the 2006-2015 average for groundwater appropriations in the area (6.61 inches per acre per year) the average annual irrigation withdrawal from this portion of the Coteau Lakes aquifer is expected to be approximately 1,650 acre-feet per year.

A comparison of estimated average annual withdrawals from this portion of the Coteau Lakes aquifer (1,650 acre-feet/year) to the estimated average recharge (5,440 acre-feet/year) indicates there is a reasonable probability that 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 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 eight observation wells completed into the outwash deposit this application proposes to appropriate water from (Water Rights, 2016a). Hydrographs for the observation wells are shown in Figures 4-11.

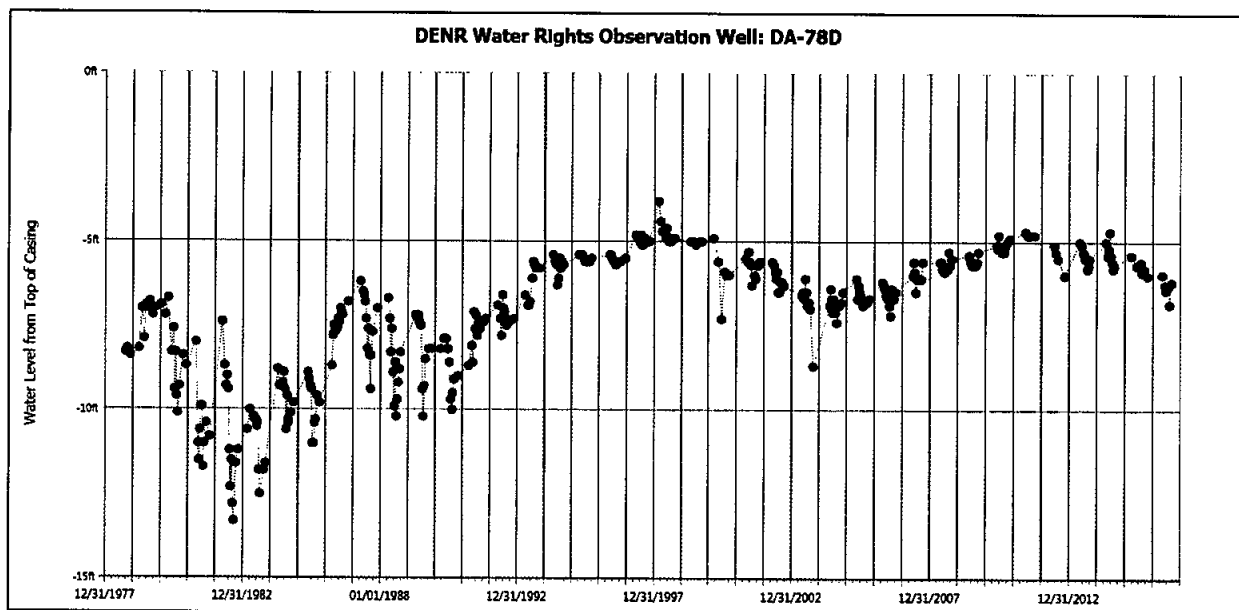


Figure 4. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 1.5 miles north of the well sites proposed by this application.

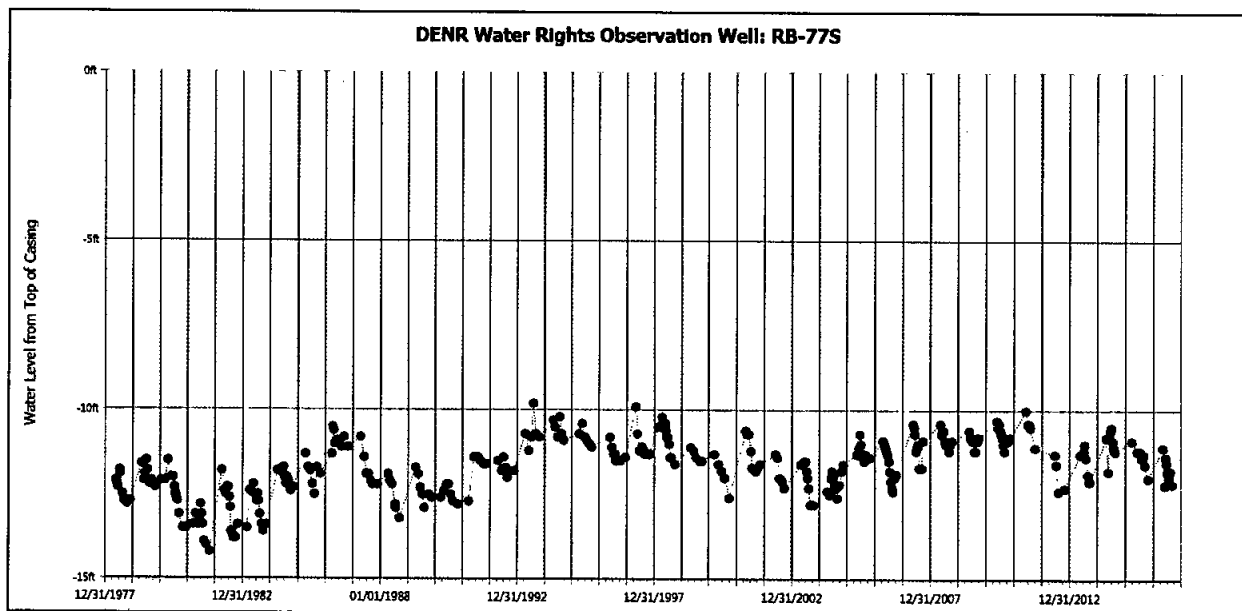


Figure 5. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 3 miles southeast of the well sites proposed by this application.

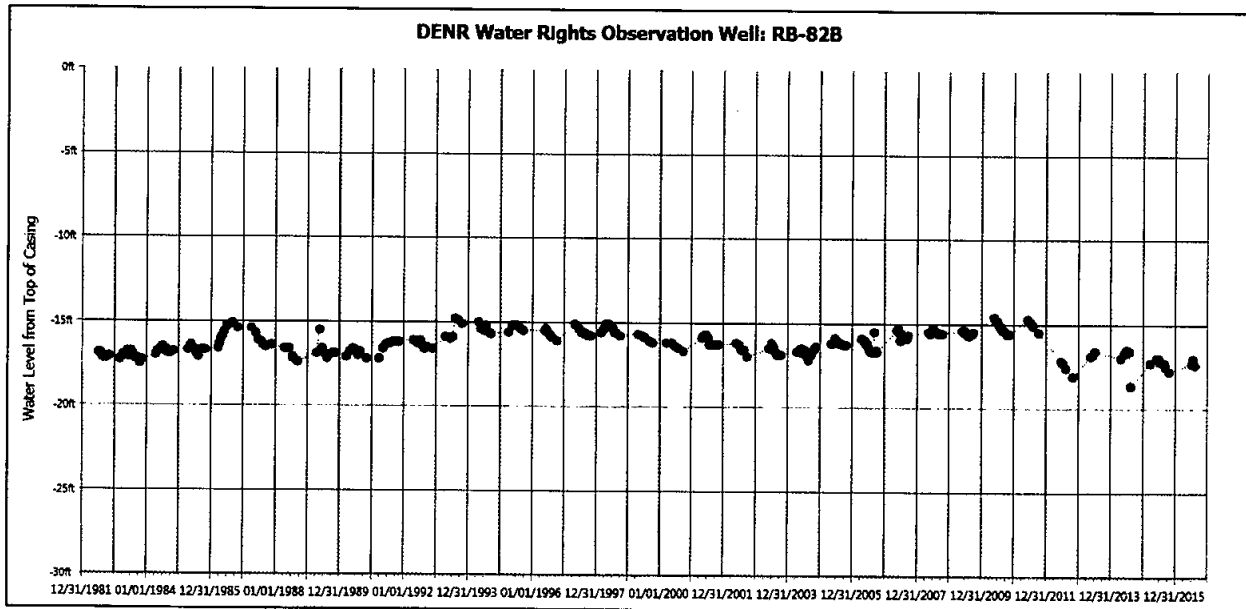


Figure 6. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 3 miles northeast of the well sites proposed by this application.

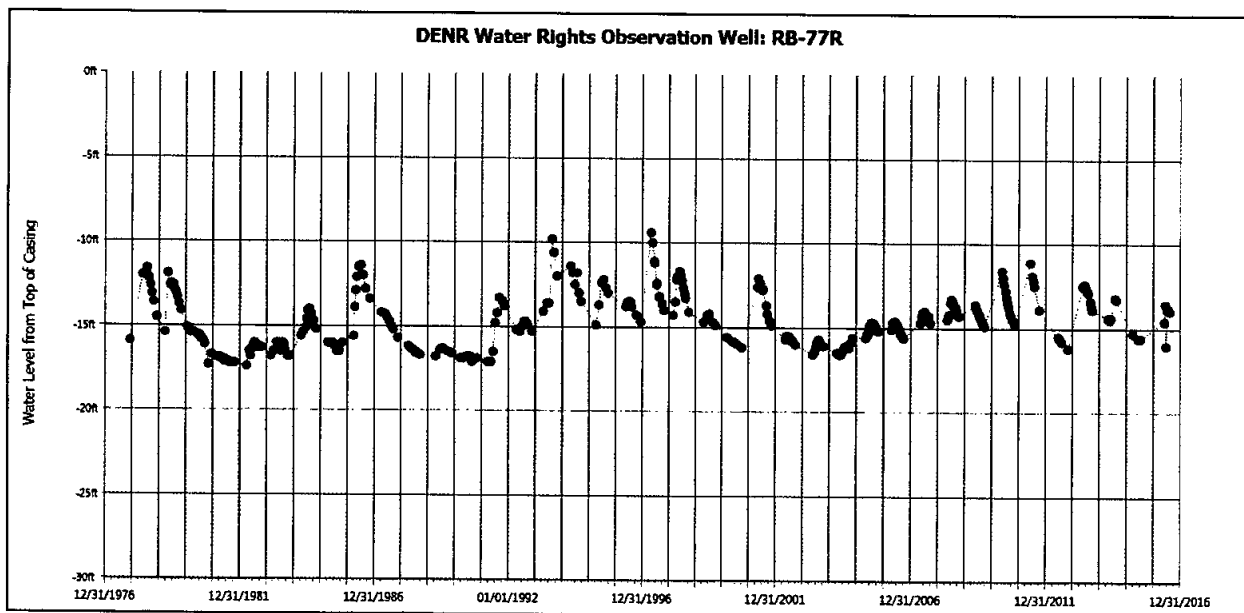


Figure 7. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 3.25 miles northeast of the well sites proposed by this application.

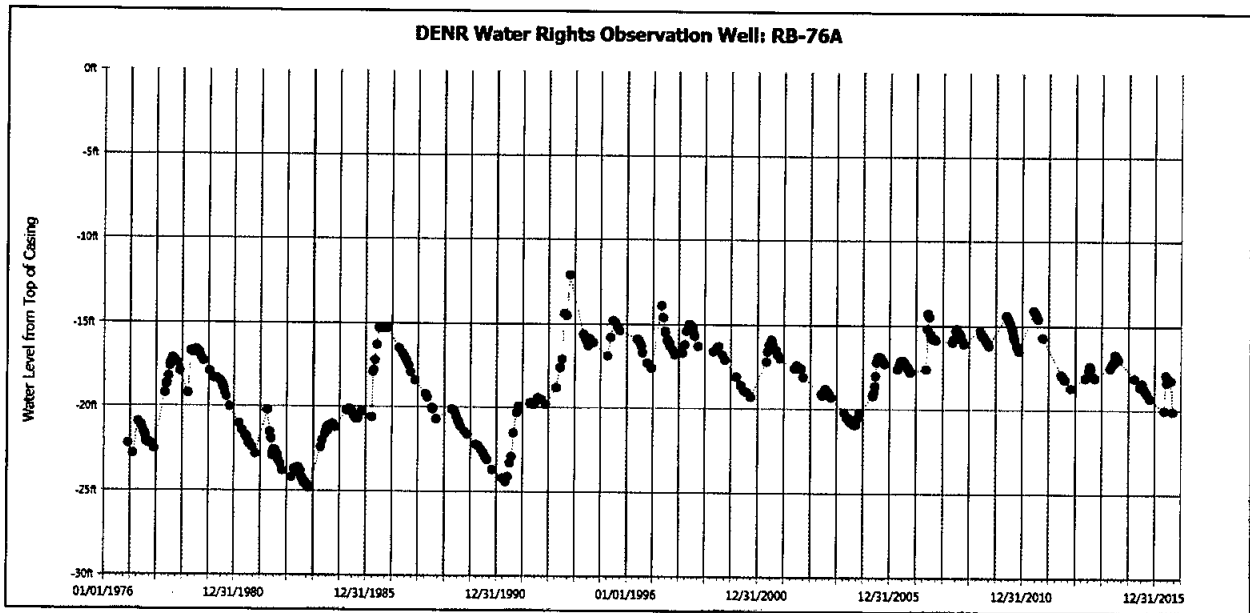


Figure 8. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 5 miles northeast of the well sites proposed by this application.

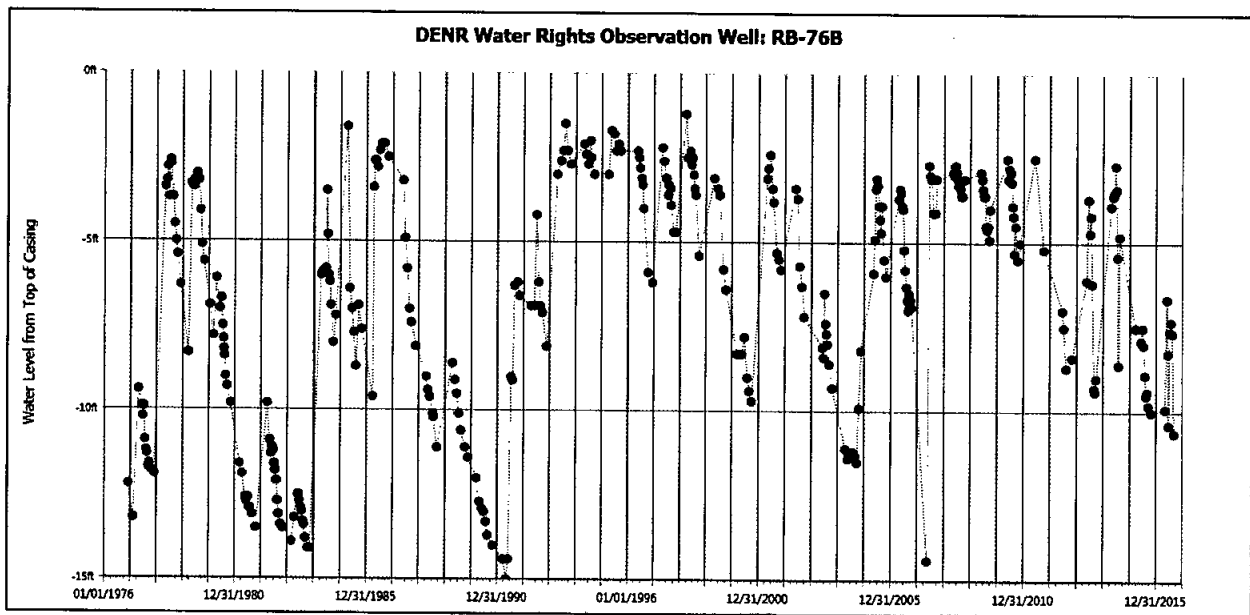


Figure 9. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 6 miles northeast of the well sites proposed by this application.

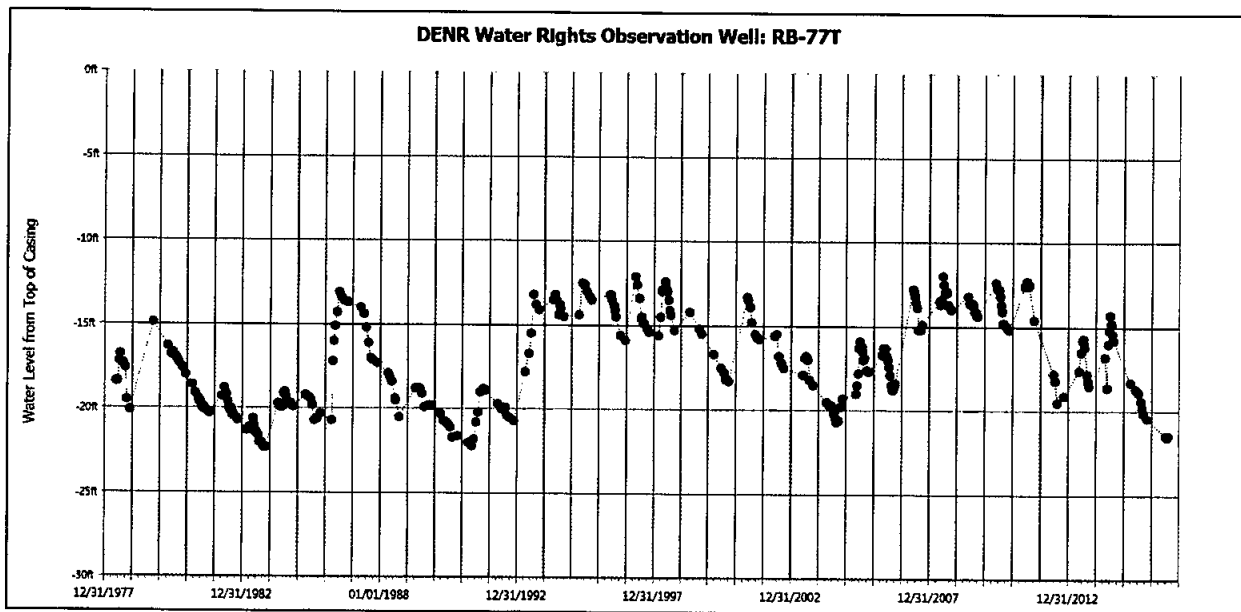


Figure 10. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 6 miles northeast of the well sites proposed by this application.

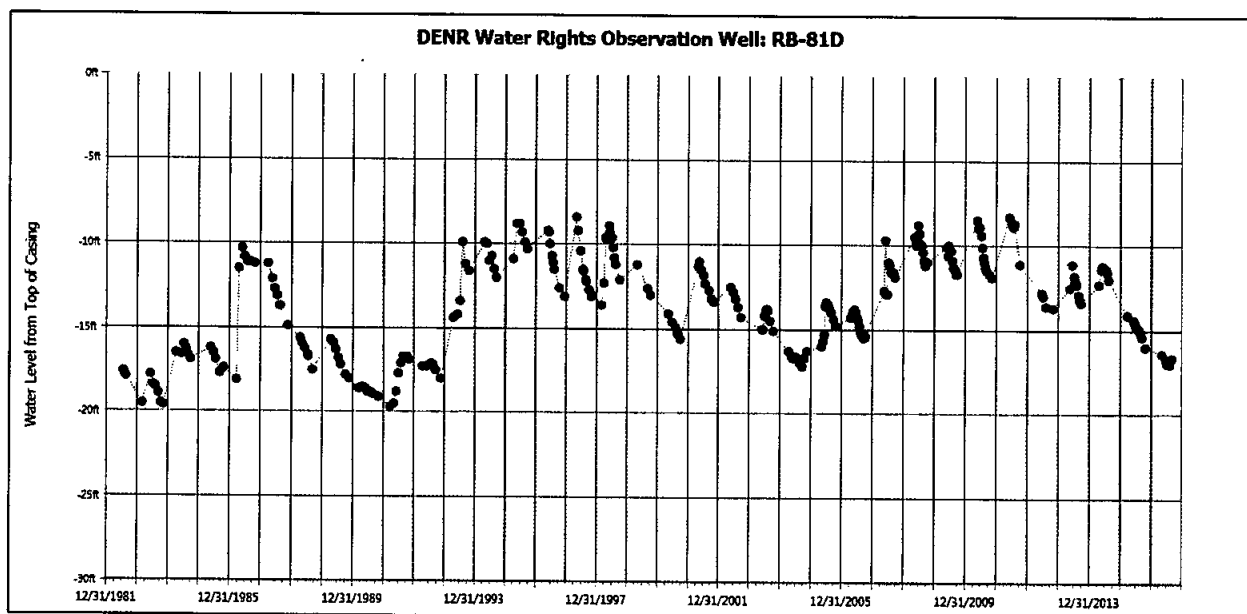


Figure 11. Hydrograph for DENR-Water Rights Observation well completed into the same aquifer Application No. 8238-3 proposes to appropriate water from, located approximately 7.5 miles northeast of the well sites proposed by this application.

The hydrographs show that the water level of the aquifer responds to climatic conditions with rising water levels during periods when recharge exceeds withdrawals, and declining water levels during periods when withdrawals exceed recharge. Some of the hydrographs document total amplitude of water level fluctuation in excess of 13 feet (see Figure 9); while in other portions of the aquifer the amplitude has been around four feet (see Figure 6). Although annual

seasonal fluctuations representing periods when discharge from the aquifer, including well withdrawals, exceeds recharge are apparent on the hydrographs, this temporal condition is masked by climatic conditions. Therefore, recharge to and natural discharge from the aquifer greatly exceeds well withdrawal, so water is available to capture for additional well withdrawals from the aquifer. The observation well data documents that unappropriated water is available from the portion of the Coteau Lakes aquifer this application proposes to use to support the proposed appropriation.

EXISTING WATER RIGHTS:

As stated above, there are twenty existing water rights/permits that divert water from the same portion of the Coteau Lakes aquifer that this application proposes to appropriate from. The nearest well supplying an appropriation from the Coteau Lakes aquifer, authorized by Water Right No. 3931-3, Maurice S. Dorsett is located approximately 0.8 miles to the east-northeast. The next nearest appropriative use well, authorized by Water Permit No. 8000-3 and Water Right No. 2795-3, is located approximately 1.6 miles to the north of the proposed well sites.

Since the Coteau Lakes aquifer is under unconfined conditions, drawdown created by pumping is not likely to be significant far from a pumped well. Observation well data documents that the impacts of pumping are minimal.

There are six domestic wells on file within approximately one mile of the well sites proposed by this application. Two of these domestic use wells appear to be completed into the Coteau Lakes aquifer (Water Rights, 2016c). The precise extent of the drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use, drawdown will occur. The Water Management Board has adopted minimum construction standards based upon the ability of a well to produce water independent of artesian pressure. South Dakota Well Construction Standard (ARSD) 74:02:04:20(7) defines an adversely impacted domestic well 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 characteristics of the Coteau Lakes aquifer at this proposed well site, and the distances involved, some existing well owners may need to lower their pumps. There is a reasonable probability that any well interference experienced in adequate domestic wells will not be adverse or unlawful.

The portion of the Coteau Lakes aquifer that this application is proposing to divert from is a relatively thin aquifer with a limited amount of water in storage. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur when withdrawals exceed recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If the saturated thickness is reduced to the extent that the water rights/permits can no longer pump at their developed or “historically established” rates, this may be considered an adverse impact.

CONCLUSIONS:

1. Water Permit Application No. 8238-3 proposes to withdraw groundwater at a maximum diversion rate of 1.67 cfs from a well to be completed into the Coteau Lakes aquifer for the irrigation of 120 acres.
2. The Coteau Lakes aquifer is a complex system of several aquifers of varying thicknesses and elevations.
3. There is a reasonable probability that the portion of the Coteau Lakes aquifer this application proposes to appropriate water from has an areal extent of at least 14,500 acres.
4. There is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer to supply the proposed appropriation.
5. There is a reasonable probability that any possible well interference due to the proposed appropriation will not adversely or unlawfully impair existing users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Beffort, J.D. and Hedges, L.S., 1967, Ground-water Supply for the City of Waubay, South Dakota: South Dakota Geological Survey Special Report 40, 40p, 8 figs., 1 table, 2 app
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., Allen, J., Holly, D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Kilts, W., 2015, Report to the Chief Engineer, Application no. 8075-3, LaBolt Farmers Grain Co., February 18, 2015, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota
- Leap, D.I., 1988, Geology and Hydrology of Day County, South Dakota: South Dakota Geological Survey Bulletin 24, 117 p., 2 pls, 53 figs. 7 tables, 10 app.
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Lithologic Logs Database. SD DENR-Geological Survey, n.d. Web. 26 Oct. 2016.

Mathiowetz, A., 2014, Report on Water Permit Application No. 8000-3, Earl Althoff, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota

Thompson, R.F., 2001, Water Resources of Lake Traverse Reservation , South and North Dakota, Roberts County, South Dakota, U.S. Geological Survey Water Resources Investigations Report 01-4219, 105 p.

Water Rights, 2006-2015, Irrigation Water Use Questionnaires, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD

Water Rights, 2016a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Affidavit of Publication
RECEIVED

State of South Dakota
County of Day

NOV 21 2016

SS. WATER RIGHTS
PROGRAM

I, Paula Beisch, of said county and state being duly sworn, on oath says that she is an employee of the Waubay Clipper, a weekly newspaper printed and published in Waubay of said County of Day, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonifide circulation of at least two hundred copies weekly; and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned; and was and is printed wholly or in part in an office maintained at said place of publication; that the notice of:

DENR - Neil Holscher

100 lines

a printed copy of which is attached was printed and published in said newspaper at least once each week, for 1 successive weeks on the day of each week on which said newspaper was regularly published, to wit:

Nov 19, 2016

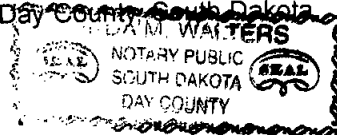
That the full amount of the fees for the publication of the annexed notice is \$ 3380

Paula Beisch
Subscribed and sworn to, before me this 22nd day of

Nov. 20 16

Linda M. Walters

Notary Public, Day County, South Dakota



My Commission Expires: July 5, 2017

Notice of Application No. 8238-3 to Appropriate Water

NOTICE IS GIVEN that Neil Holscher, 44834 142nd St, Waubay, SD. 57273 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) from up to five wells to be completed into the Coteau Lakes Aquifer (45 feet deep) located in the SE 1/4 NW 1/4 and the NE 1/4 SW 1/4 Section 24, for irrigation of 120 acres located in the S 1/2 NW 1/4 and the SW 1/4 Section 24; all in T122N-R53W (all within the former boundaries of the Sisseton Wahpeton Indian Reservation).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8238-3 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 peti-

(Continued on Page 8)

Vaubay Clipper Notice of Application

(Continued from Page 7)

tion 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 November 29, 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.**

(Publish November 19, 2016)

Published one time at the total approximate cost of \$33.80.

Form 8

RECEIVED

NOV 28 2016

WATER RIGHTS
PROGRAM

DEPARTMENT
OF
ENVIRONMENT
AND NATURAL
RESOURCES

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:

November 19th, 2016

Cost of Printing 50.96

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

November 19th, 2016
(Date Signed)

NOTICE OF APPLICATION NO. 8238-3 to Appropriate Water. Notice is given that Neil Holscher, 44834 142nd St, Waubay SD 57273 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) from up to five wells to be completed into the Coteau Lakes Aquifer (45 feet deep) located in the SE 1/4 NW 1/4 and the NE 1/4 SW 1/4 Section 24, for irrigation of 120 acres located in the S 1/2 NW 1/4 and the SW 1/4 Section 24; all in T122N-R53W (all within the former boundaries of the Sisseton Wahpeton Indian Reservation).

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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 November 29, 2016.

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applicant and any person filing a petition.
Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.
Published once at an approximate
cost of \$45.95.
(November 19, 2016)

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 10, 2016 9:52 AM
To: clpjoint@abe.midco.net
Subject: 8238-3, Neil Holscher
Attachments: 8238-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 19, 2016.

Neil Holscher, 44834 142nd St, Waubay SD 57273 (605 947-4701) 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: Thursday, November 10, 2016 9:52 AM
To: legals@thepublicopinion.com
Subject: 8238-3, Neil Holscher
Attachments: 8238-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak
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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.**

November 10, 2016

Neil Holscher
44834 142nd St
Waubay SD 57273

Dear Mr. Holscher:

Water Permit Application No. 8238-3 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 Waubay Clipper printed at Waubay SD (Ph # 605-947-4501) 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
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 November 19, 2016. The applicant is responsible for payment.

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Notice is given that Neil Holscher, 44834 142nd St, Waubay SD 57273 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) from up to five wells to be completed into the Coteau Lakes Aquifer (45 feet deep) located in the SE 1/4 NW 1/4 and the NE 1/4 SW 1/4 Section 24, for irrigation of 120 acres located in the S 1/2 NW 1/4 and the SW 1/4 Section 24; all in T122N-R53W (all within the former boundaries of the Sisseton Wahpeton Indian Reservation).

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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 November 29, 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

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

denr.sd.gov

DEC 12 2016

Neil Holscher
44834 142nd St
Waubay SD 57273

Dear Mr. Holscher:

Enclosed is Water Permit No. 8238-3 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

8238-3
11-02

Well Owner: Trevor, Ted, + Tony Holscher

City, State, Zip: Waubay SD 57273

DEPTH

TO

2

40

+

Date: 5-23-2017

~~WATER RIGHTS~~
PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

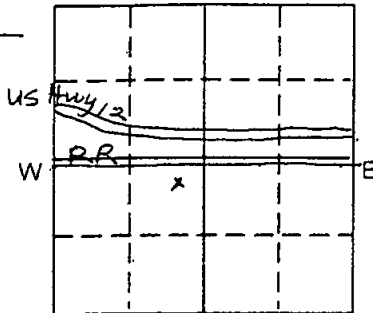
11-02

Location NE 1/4 SW 1/4 Sec 24 Twp 122N Rg 53WWell Owner: Trevor, Ted, & Tony HolscherCounty Day

North

Well 2

Please mark well location with an "X"



Well completion Date

5-22-17

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

2500 ft. from drainfield (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>5dr 21 LB/FT</u>	<u>8 IN</u>	<u>0 FT</u>	<u>20 FT</u>	<u>12 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>10</u>	<u>Lb/gal</u>	<u>0 Ft</u>	<u>20 Ft</u>
		Lb/gal	FT	FT

Describe grouting procedure Remmie line from bottom to top

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 8 Inches Length 20 FeetMaterial S. SteelSlot Size .050 Set From 20 Feet to 40 Feet

Other information

WAS A PACKER OR SEAL USED?

- ☒ Yes ☐ No

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

DISINFECTION: Was well disinfected upon completion?

- ☒ Yes, How? 12% Chlorine

- ☐ No, Why Not?

Lab sample sent to for water quality analysis

none

Business Name:

Address1: 44659 142 Str

Address2:

City, State, Zip: Waubay SD 57278

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Black top soil</u>	<u>0</u>	<u>2</u>
<u>Multi-colored gravel</u>	<u>2</u>	<u>40</u>
<u>Blue clay</u>	<u>40</u>	<u>+</u>

STATIC WATER LEVEL 11-6 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? yes

WELL TEST DATA:

- ☒ Pumped Describe: Test pumped w/ Grundfos pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

11-6 Ft After 3 Hrs. pumped 235 GPM

Ft After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 598

And this report is true and accurate.

Drilling firm: Kranz Well & Excan

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: May 23, 2017

RECEIVED

DEC 20 2017

WATER RIGHTS PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SW 1/4 Sec 24 Twp 122N Rg 53WWell Owner: Trevor, Ted, + Tony Holscher

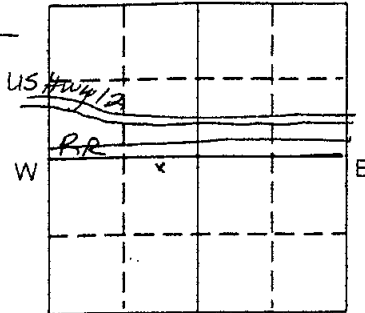
County

North

Day

Well 3

Please mark well location with an "X"



Well completion Date

May 23, 2017

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

2500 ft. from drainfield (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>dr 21</u> LB/FT	<u>8</u> IN	<u>0</u> FT	<u>20</u> FT	<u>12</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>Cement</u>	<u>10</u>	<u>Lb/gal</u>	<u>0</u> Ft	<u>20</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure: Tremmie line from bottom to top

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8 Inches Length 20 FeetMaterial Stainless steelSlot Size .050 Set From 20 Feet to 40 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? SS plateDescribe packer(s) and location bottom of screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 12% Bleach
☐ No, Why Not?

Lab sample sent to for water quality analysis

none

Business Name:

Address1:

44659 142nd Str

Address2:

City, State, Zip:

Waubay SD 57273

WELL LOG:

DEPTH

FORMATION

FROM

TO

Black top soil02Multi-colored gravel240Blue clay40+

STATIC WATER LEVEL

11-6

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?

yes

WELL TEST DATA:

☒ Pumped

Describe:

Test pumped w/ Grundfos pump
☐ Bailed

☐ Other

Pumping Level Below Land Surface

11-6

Ft. After

3

Hrs. pumped

250

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

598

And this report is true and accurate.

Drilling firm:

Kranz Well + Excav

Signature of License Representative:

Charles King

Signature of Well Owner or Equitable Property Holder:

RECEIVED

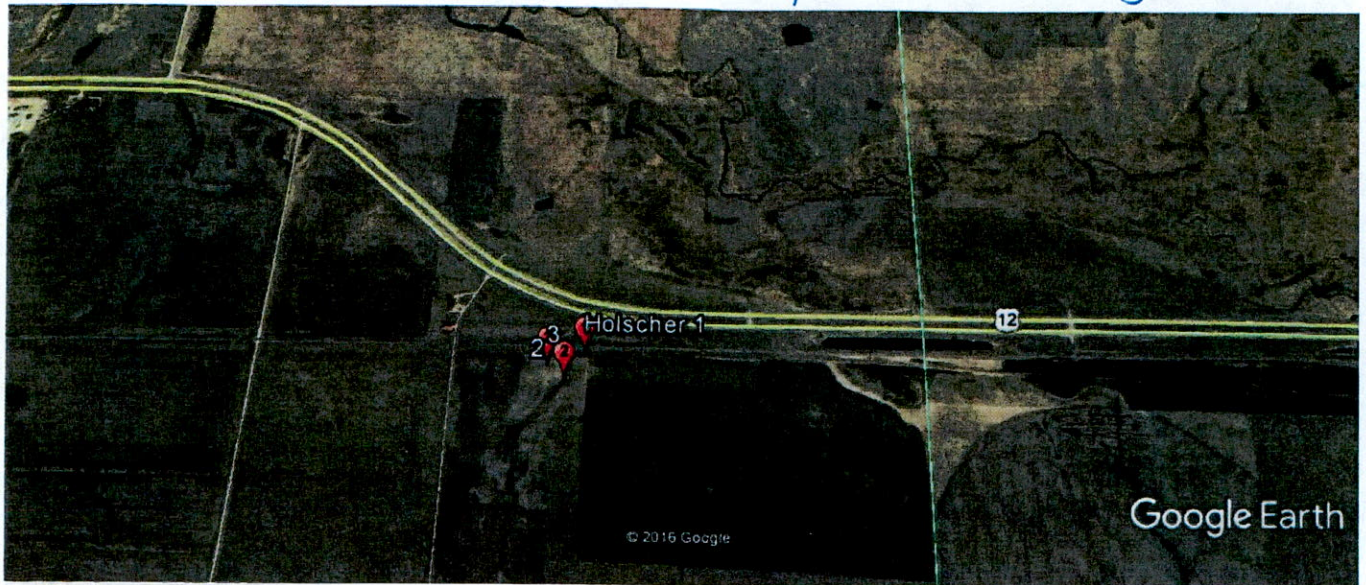
DEC 20 2017

WATER RIGHTS PROGRAM

Date:

May 23, 2017

Trevor, Ted, + Tony Holscher's Irrig wells



Holscher 1

8238-3
RECEIVED
JAN 29 2018
WATER RIGHTS
PROGRAM

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 10-20-17

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Neil Holscher
(name)

44834 142nd ST
(address)

Waubesa S.D. 57273
(city, state, zip)

605-947-4701
(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.

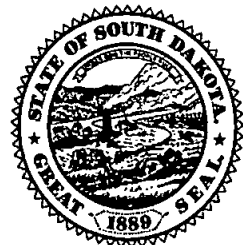
Water Permit No. 8238-3 states that the water use system is to be constructed by
NOV 29, 2025, and water is to be put to beneficial use by NOV 29, 2025
(date) (date)

The water use system was completed on 6-19-17
(date)

Applying the water to beneficial use was completed on 6-19-17
(date)

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

Neil Holscher
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2018

8238-3

Neil Holscher
44834 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,

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



8238-3
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: NEIL HOLSCHER, 44834 142ND ST, WAUBAY, SD 57273

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) 8238-3. 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) 8238-3 qualification:

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

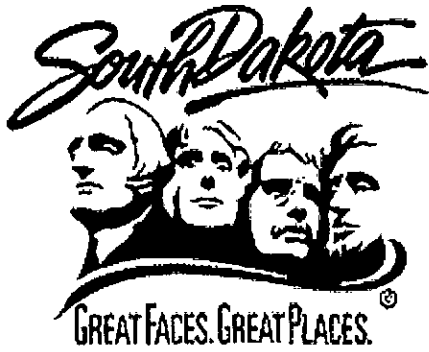
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 8238-3 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: HPQEEB**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

8238-3

Neil Holscher
44834 142nd St
Waubay SD 57273

Dear Mr. Holscher:

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. 8238-3. 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 cursive script that reads 'Genny McMath'.

Genny McMath
Water Rights Program
(605) 773-3352
email: 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

8238-3

June 16, 2023

Neil Holscher
44834 142nd Street
Waubay SD 57273

Dear Mr. Holscher:

The irrigation season is in full swing. This has led to the Department of Agriculture and Natural Resources (DANR) fielding inquiries regarding end gun overspray on to roads. This is a reminder that a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

DANR received an inquiry alleging the irrigation system located in the W 1/2 Section 24 -T122N-R53W had irrigation water from the end gun hitting the road. The water right for this system is held in your name under Water Right No. 8238-3.

Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road. If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR

Nos. 8238-3, 7874-3,
8236-3

Water Rights Program - File Documentation

NAME: Trevor Holscher – nephew of Neil Holscher

ADDRESS: 44834 142nd Street, Waubay SD 57273

DATE: June 21, 2023

RE: Overspray for Water Permit No. 8238-3

COMMENTS:

Trevor Holscher, the nephew of Neil Holscher called today to say that the overspray issue has been addressed for Water Permit No. 8238-3. He also went on to say that he spoke with Arnie Beisch whom has also taken care of his overspray issue; Water Right No. 7874-3 and Permit No. 8236-3.

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

No. 8238-3

September 11, 2023

Neil Holscher
44834 142nd Street
Waubay SD 57273

Dear Mr. Holscher:

The Department of Agriculture and Natural Resources (DANR) has again this season received information alleging the irrigation system located in the W 1/2 Section 24-T122N-R53W had irrigation water from the end gun over spraying on the road (see attached).

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DANR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8238-3

I have this day, September 13, 2023, made a thorough examination of the water use system constructed by Neil Holscher, 44834 142nd Str, Waubay, SD 57273 of Permit No. 8238-3, bearing the priority of September 13, 2016 authorizing the diversion of 1.67 cu. ft. per second of the waters of Coteau Lakes 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 4
- 3) Depth(s) 40 - 45 feet
- 4) Well log is available Y

Casing:

- 1) Diameter #1 - 8; #2 - 12; #3 - 8; #4 - 5 inches
- 2) Length 20 - 30 feet
- 3) Type Plastic (all)

Screen:

- 1) Type Stainless steel (all)
- 2) Length 20 - 30 feet
- 3) Static water level 11'6" feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 750 combined 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 1970 feet

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 9
- 4) End gun Y
- 5) Capacity 750 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: Uses commercially available injection 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 LOCATIONS From the NW corner Sec 24 T122N R53W ALL IN (SE ¼ SW ¼)

WELL #1: 2280 ft E & 2310 ft S, Lat 45.33461 Long -97.23769

WELL #2: 2466 ft E & 2315 ft S, Lat 45.33463 Long -97.23695

WELL #3: 2500 ft E & 2300 ft S, Lat 45.33460 Long -97.23682

WELL #4: 2410 ft E & 2605 ft S, Lat 45.33384 Long -97.23715

2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: Sec 24 T122N R53W

legal description/acreage

SW NW – 3 acres

SE NW – 2 acres

NW SW – 40 acres

NE SW 34 acres

legal description/acreage

SE SW – 14 acres

SW SW – 27 acres

comprising a total of 120 acres of land and the license should be issued for 1.67 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 in the permit materials is current but the telephone number is 605/265-0151.

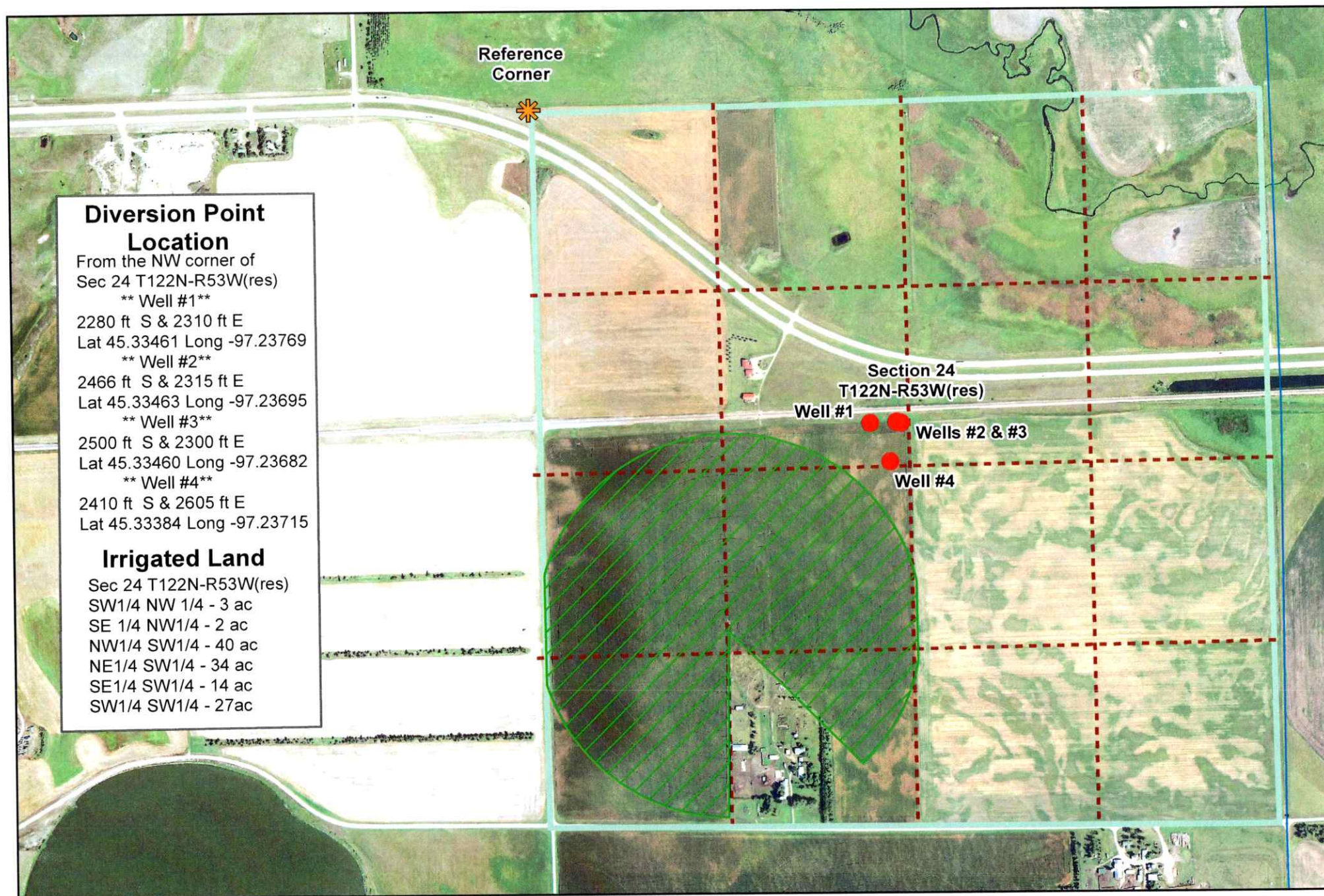
I talked to Neil Holscher on the phone during the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 21, 2023

12/13/23 Amanda Dewell called to ask "is the test hole was being used as a diversion point." Spoke to Trevor (nephew?). Trevor said the 3 bigger wells get 700GPM combined and they put a small pump in the test hole for an additional 50GPM. Totaling 750GPM (1.67cfs)



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

DEC 15 2023

8238-3

Neil Holscher
44834 142nd St
Waubay SD 57273

Dear Mr. Holscher:

Enclosed is Water License No. 8238-3. 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. 8238-3**

(1) Neil Holscher; 44834 142nd St, Waubay SD 57273, made Application No. 8238-3, September 13, 2016, for a water permit to divert 1.67 cubic feet of water per second from groundwater, five wells (Coteau Lakes Aquifer), Day County, South Dakota for irrigation purposes. Permit No. 8238-3, with a priority date of September 13, 2016, was approved November 29, 2016, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 29, 2021, and for the application to beneficial use of water on or before November 29, 2025.

The applicant submitted a "Notice of Completion of Works" on October 20, 2017, indicating that construction of the water use system was completed and water was put to beneficial use on June 19, 2017.

(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 1.67 cubic feet of water per second for beneficial use. The locations of the diversion points are: *(within the former boundaries of the Sisseton Wahpeton Indian Reservation)*

- Well 1: 2,280 ft E & 2,310 ft S of the NW corner of Section 24, T122N, R53W (SE ¼ NW ¼)
(Latitude 45.33461 & Longitude -97.23769)
- Well 2: 2,466 ft E & 2,315 ft S of the NW corner of Section 24, T122N, R53W (SE ¼ NW ¼)
(Latitude 45.33463 & Longitude -97.23695)
- Well 3: 2,500 ft E & 2,300 ft S of the NW corner of Section 24, T122N, R53W (SE ¼ NW ¼)
(Latitude 45.33460 & Longitude -97.23682)
- Well 4: 2,410 ft E & 2,605 ft S of the NW corner of Section 24, T122N, R53W (SE ¼ NW ¼)
(Latitude 45.33384 & Longitude -97.23715)

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

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

Section 24, T122N, R53W
(within the former boundaries of the Sisseton Wahpeton Indian Reservation)

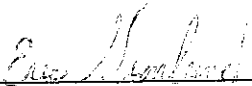
SW ¼ NW ¼	3 acres
SE ¼ NW ¼	2 acres
NE ¼ SW ¼	34 acres
NW ¼ SW ¼	40 acres
SW ¼ SW ¼	27 acres
SE ¼ SW ¼	14 acres
TOTAL: 120 acres	

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Neil Holscher, the holder and/or owner of Water Right No. 8238-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from groundwater, four wells (Coteau Lakes Aquifer), with a priority date of September 13, 2016, from the locations 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. 8238-3 and subject to the following qualifications:

1. The wells 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 in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Water Right No. 8238-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pumps shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The wells were completed in 2017 by Kranz Well Drilling & Excavation. Copies of the well completion reports are on file with the Water Rights Program.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

DEC 15 2023
date

