

WATER PERMIT NO. 8314-3

Name of Applicant: Cody Schelling

Address: 39456 281st St, Armour SD 57313 Phone: 605 680-9685

Amount of Water Claimed: 0.07 cfs Total Acres:

Source of Water Supply: groundwater (1 well)

Water to be used for: commercial County: Douglas

Type of Waste Disposal System:

Location: approximately 3 miles southeast of Armour

PRIORITY Date Received: 10-11-17 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: cattle confinement facility

Diversion Point: E 1/2 SE 1/4 Section 21-T98N-
R63W

Land to be Irrigated: NA

Depth of Well: 300 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-11-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			21		
				⊗	

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OCT 11 2017

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8314-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Armour Chronicle,</u> <u>Daily Republic, Mitchell</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: (check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

New well

- Name to Appear on Water Permit Cody Schelling
Mailing Address 39456 281st ST Armour SD 57313
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-680-9685 Email _____
- Amount of water claimed 0.07 *CFS or 30 **GPM and 24 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use
- Source of water supply Well E 1/2
- Location of point of diversion 1 well NE 1/4 section 21 T98N-R63W County Douglas
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Douglas
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Cattle confinement facility holding approximately 950 hd.

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I, Cody Schelling, 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. 8314-3

Date of first receipt of application October 11, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8314-3 to Cody Schelling, 39456 281st St, Armour SD 57313 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. 8314-3 appropriates 29 acre-feet of water annually at a maximum pump rate of 0.07 cubic feet of water per second from one well to be completed into the Codell Aquifer (approximately 300 feet deep) located in the E 1/2 SE 1/4 Section 21 for commercial use in a livestock confinement facility located in the E 1/2 SE 1/4 Section 21; all in T98N-R63W. The site is located approximately 3 miles southeast of Armour SD.
2. The water appropriated shall be used for the purpose of commercial use in a livestock confinement facility and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 8314-3 is December 29, 2017.
5. The date from which applicant may claim right is October 11, 2017.
6. One-fifth of the construction is to be completed on or before June 29, 2020.
7. All construction is to be completed on or before December 29, 2022.
8. Water is to be put to beneficial use on or before December 29, 2026.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8314-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8314-3 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. Water Permit No. 8314-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

(continued)

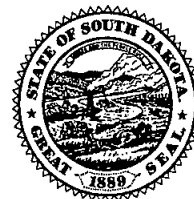
4. Water Permit No. 8314-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Codell aquifer.
6. Water Permit No. 8314-3 authorizes a total annual diversion of 29 acre feet of water.

WATER MANAGEMENT BOARD

By: _____

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

JAN 09 2018
date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 300' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

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

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

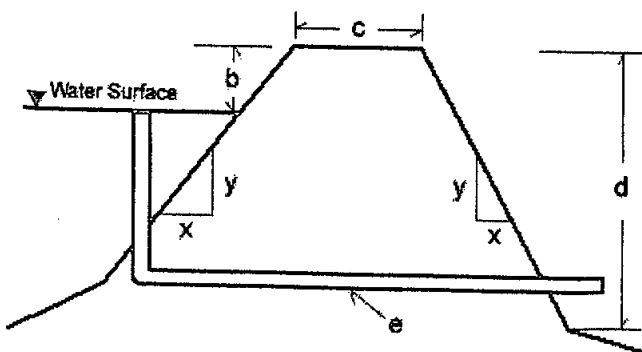
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 11, 2017

RECEIVED OF Cody Schelling 39456 281st St Armour 57313-5813

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

Fee for Application for Permit No. <u>8314-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>8314-3</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	300	00

No. **08355**

By

Jeanne Goodman
Chief Engineer

Zm

Untitled Map

Write a description for your map.

Legend

283rd St

394th Ave

395th Ave

Google Earth

© 2017 Google

2000 ft



Sec 8
T098N
R63W

Sec 9
T098N
R63W

Sec 10
T098N
R63W

Sec 17
T098N
R63W

Sec 16
T098N
R63W

Sec 15
T098N
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Sec 20
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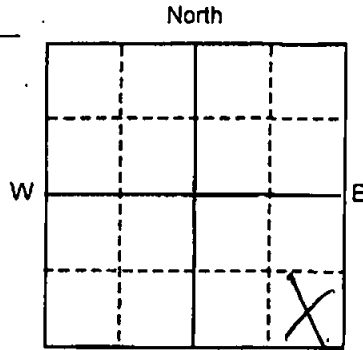
Sec 32
T098N
R63W

Sec 33
T098N
R63W

Sec 34
T098N
R63W

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 21 Twp 98 Rg 63County DOUGLASPlease mark well
location with an "X"

Well Completion Date

11-8-2017

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
100.0 ft. from FEED LOT (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
LB/FT	<u>5.00</u> IN	<u>0.0</u> FT	<u>165.0</u> FT	<u>8.75</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>12</u>	<u>0.0</u> Lb/gal	<u>0.0</u> Ft	<u>160.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
TRIMMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5.00 Inches Length 40.0 FeetMaterial SDR 17 PVCSlot Size .013 Set From 165.0 Feet to 205.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINATEDLab to which water ☐ No, Why Not?

quality sample sent for analysis

Well Owner: CORNELIUS SCHELLING

Business Name:

Address: 525 SOUTH DAKOTA AVECity, State, Zip: CORSICA SD 57323-2263

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
CLAY BROWN	2	17
GRAVEL	17	19
CLAY BROWN	19	45
CLAY BLUE	45	67
CLAY BLUE/SOME GRAVEL LAYER	67	77
CLAY BLUE SANDY SOFT	77	90
CLAY BLUE W/ GRAVEL LAYERS	90	95
continued		

STATIC WATER LEVEL 69.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Air Lift
☐ Bailed
☒ Other

Pumping Level Below Land Surface

84.0 Ft. After 4.0 Hrs. pumped 25.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 43 17 11.0 W 98 17 14.5

Choteau: West WdThis well was drilled under license # 475 and this report is true and accurate.Drilling firm: THEIN WELL COMPANY INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 11-25-17

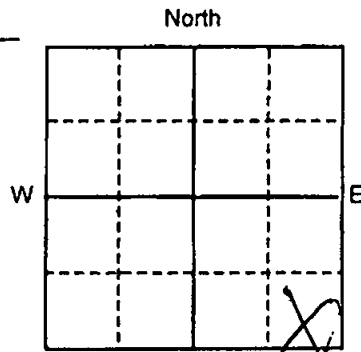
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SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SE ¼ Sec 21 Twp 98 Rg 63County DOUGLASPlease mark well
location with an "X"

Well Completion Date

11-8-2017

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

100.0 ft. from FEED LOT (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
LB/FT	<u>5.00</u> IN	<u>0.0</u> FT	<u>165.0</u> FT	<u>8.75</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>12</u>	<u>0.0</u> Lb/gal	<u>0.0</u> Ft	<u>160.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TRIMMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5.00 Inches Length 40.0 FeetMaterial SDR 17 PVCSlot Size .013 Set From 165.0 Feet to 205.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINATED
☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: CORNELIUS SCHELLING

Business Name:

Address: 525 SOUTH DAKOTA AVECity, State, Zip: CORSICA SD 57323-2263

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
CLAY BLUE SANDY PEBBLY	95	175
GRAVEL FINE MEDIUM	175	203
CLAY GREY SANDY	203	206

STATIC WATER LEVEL 69.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Air Lift
☐ Bailed
☒ Other

Pumping Level Below Land Surface

84.0 Ft. After 4.0 Hrs. pumped 25.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 43 17 11.0 w 98 17 14.5

This well was drilled under license # 475 and this report is true and accurate.Drilling firm: THEIN WELL COMPANY INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder: **RECEIVED****DEC 04 2017**

Date:

**WATER RIGHTS
PROGRAM**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

July 31, 2017

Terry Grosz
Grosz Drilling Company
PO Box 157
Delmont, SD 57330

Dear Mr. Grosz:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Grosz Drilling Company is authorized to construct a test well for Cornie Schelling prior to approval of a water permit. The test well will be located in the E ½ Section 21-T98N-R63W in Douglas County. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7). Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions, call Eric Gronlund at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

CC:
Cornie Schelling
525 South Dakota Ave
Corsica, SD 57328

Water Rights Program - File Documentation

NAME: Cory Schelling

ADDRESS: Armour SD

DATE: Douglas **COUNTY:** DG **TELEPHONE:** 605 680-9685

RE: Pending Application

COMMENTS:

I called Cory Schelling to clarify the location of the facility. He stated the new well will only be used in the new pit barn for cattle located in the E 1/2 SE 1/4 Section 21-T98N-R63W as he marked on the map.

Mr. Schelling stated there is a well located across the road in Section 22, but that is domestic use only.



Karen Schlaak
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8314-3, Cody Schelling**

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. 8314-3, Cody Schelling, 39456 281st Street, Armour SD 57313.

The Chief Engineer is recommending APPROVAL of Application No. 8314-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 8314-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8314-3 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. Water Permit No. 8314-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Water Permit No. 8314-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

Recommendation for Application No. 8314-3
Page 2

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Codell aquifer.
6. Water Permit No. 8314-3 authorizes a total annual diversion of 29 acre feet of water.

See report on application for additional information.



Jeanne Goodman, Chief Engineer
December 13, 2017

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 8314-3

Cody Schelling

December 11, 2017

Water Permit Application No. 8314-3 proposes to appropriate 29 acre-feet of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.07 cubic feet per second (cfs). The diversion point for this application is one well to be completed into the Codell aquifer at a depth of approximately 300 feet and located in the E ½ SE ¼ Section 21 in T98N-R63W. This water will be used for commercial use in a cattle livestock confinement operation also located in the E ½ SE ¼ Section 21 in T98N-R63W in Douglas County, SD.

AQUIFER: Codell (CDLL)

HYDROGEOLOGY

The Codell aquifer consists of portions of the Codell Sandstone Member of the Cretaceous aged Carlile Shale. The Codell Sandstone Member consists of brown, fine to medium grained, moderately cemented sandstone with a hard, well cemented upper layer and some interbedded shale layers (Hanson, 1983). Well logs near the proposed well site show that the aquifer in the immediate area is overlain by 40 to 60 feet of shale, 70 to 90 feet of chalk (Niobrara Formation), 120 to 125 feet of clay, and a surficial sand and gravel unit on some of the well logs. The Codell aquifer is a confined aquifer in Douglas County (Kume, 1977), and the static water level ranges between 70 and 90 feet below the ground surface (Water Rights, 2017b).

The Carlile Shale is extensive throughout South Dakota, however the Codell Sandstone Member that contains the Codell aquifer is not as extensive. East of the Missouri River, Hedges et al (1982) showed the Codell aquifer underlying the majority of Aurora, Beadle, Bon Homme, Brule, Charles Mix, Davison, Douglas, Hutchinson, Jerauld, Kingsbury, Miner, and Sanborn Counties. The aquifer was also shown as extending into Buffalo, Clark, Hand, Hanson, Lake, and Spink Counties. West of the Missouri River, the Codell Sandstone member has not been recognized, however the Carlile Shale is present in all areas except for the Black Hills region (Allen et al, 1985). There are some people utilizing the Codell aquifer outside of the boundaries described by Hedges et al (1982), and lithologic logs show the Codell Sandstone Member being encountered across Brookings, Lake, and Moody Counties (Water Rights, 2017a; SD Geological Survey, 2017).

Not all areas where the Codell Sandstone Member is present are currently being used as an aquifer for a variety of reasons including depth, shale content, cementation of the sand grains, and the availability of other aquifers. This report will use the area outlined by Hedges et al (1982) as the area of the aquifer portion of the Codell Sandstone Member (see Figure 1). The outlined area is almost 5 million acres in size and contains an estimated 9,895,700 acre-feet of water in storage (Hedges et al., 1982)

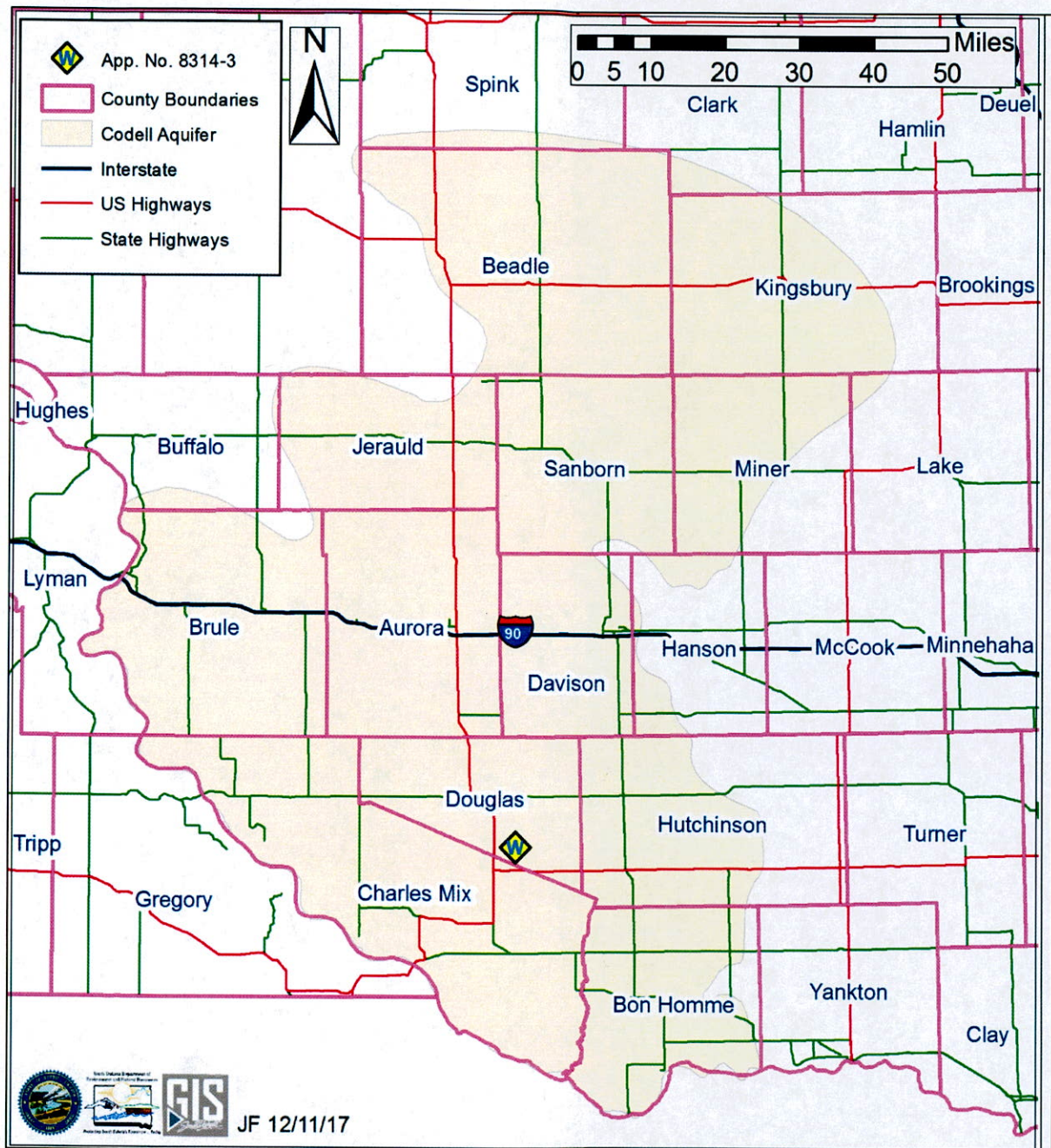


Figure 1. Map showing the location of the proposed diversion and Codell aquifer boundaries as shown from Hedges et al. (1982).

South Dakota Codified Law 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 and existing rights within the Codell aquifer.

WATER AVAILABILITY

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable 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 than or stratigraphically lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of withdrawal and recharge must be considered.

Hydrologic Budget

Recharge

Recharge to the Codell aquifer in Charles Mix and Douglas Counties is thought to occur from groundwater migrating laterally from adjacent counties, along with some minor local recharge in the Missouri, Choteau, and Corsica bedrock channels where the Codell aquifer is in contact with the outwash (Kume, 1977). Kume (1977) noted that one Codell aquifer observation well showed a water level rise when Lake Francis Case was filled, indicating a hydraulic connection between the sandstone and the alluvium beneath the reservoir. The well logs near the applicant’s location show over 40 to 60 feet of shale separating the Codell Sandstone from the Niobrara Chalk, suggesting that recharge at the proposed location occurs through lateral migration of water within the aquifer. No quantification of the average annual recharge to the Codell aquifer has been published. While the estimated recharge to the aquifer is unknown, Hedges et al. (1985) stated that the Codell Sandstone has “such high storage and low use that it is unlikely that use is approaching or exceeding recharge”.

Discharge

Discharge from this part of the Codell aquifer is through well withdrawals, drainage to the Missouri River trench, and drainage to the Choteau bedrock channel (Kume, 1977). No quantification of the total average annual discharge from the Codell aquifer has been published, however the discharge from well withdrawals has been estimated.

In addition to domestic well withdrawals, there are 41 water rights/permits that are appropriating water from the Codell aquifer (Water Rights, 2017a). Table 1 lists the water rights/permits. Historically, the estimated annual volume pumped by non-irrigation users has been calculated by assuming that the well will be pumped at the permitted maximum diversion rate for 60 percent of the time. The non-irrigation users that are limited by an annual volume are assumed to use their full appropriation annually. A number of municipalities have been connected to rural water systems and maintain their water right for emergency or backup purposes (Mathiowetz, 2017). Non-irrigation water rights/permits are estimated to use less than 2,152 acre-ft per year.

Table 1: Water rights/permits authorized to withdraw water from the Codell aquifer including estimated annual volume pumped (Water Rights, 2017a)

PERMIT NO.	NAME	COUNTY	STATUS	USE	CFS	ACRES	ESTIMATED ANNUAL PUMPAGE (AC-FT)
551-3	STATE TRAINING SCHOOL	AU	LC	INS	0.17	N/A	73.8
555-3	CITY OF ARMOUR	DG	LC	MUN	0.5	N/A	*
687-3	CITY OF LAKE ANDES	CM	LC	MUN	0.73	N/A	*
1676-3	TOWN OF NUNDA	LK	LC	MUN	0.1	N/A	43.4
1694-3	TOWN OF STICKNEY	AU	LC	MUN	0.11	N/A	*
1892-3	CITY OF WAKONDA	CL	LC	MUN	0.33	N/A	*
1966-3	CITY OF GEDDES	CM	LC	MUN	0.38	N/A	*
4120-3	CITY OF PLANKINTON	AU	LC	MUN	0.36	N/A	*
4279-3	CITY OF DELMONT	DG	LC	MUN	0.3	N/A	*
4279A-3	CITY OF DELMONT	DG	LC	MUN	0	N/A	*
4383-3	DOUGLAS COUNTY CHEESE CO	DG	LC	IND	0.07	N/A	30.4
4402-3	CITY OF TRIPP	HT	LC	MUN	0.64	N/A	278
4836-3	CITY OF CORSICA	DG	LC	MUN	0.13	N/A	*
4977-3	CITY OF MENNO	HT	LC	MUN	0.5	N/A	*
5330-3	CITY OF AVON	BH	LC	MUN	0.33	N/A	*
5477-3	ARTESIAN-LETCHER SCHOOL DIST 55-5	SA	LC	INS	0.05	N/A	21.7
5480-3	CORTRUST BANK NA	SA	LC	COM	0.04	N/A	17.4
5549-3	NATIONAL FOODS CORP	AU	LC	COM/LCO	0.26	N/A	112.9
5598-3	STORLA SUNSET HOME	AU	LC	INS	0.08	N/A	*
5731-3	ST CHARLES CATHOLIC CHURCH	SA	LC	INS	0.033	N/A	14.3
5756-3	TOWN OF RAVINIA	CM	LC	MUN	0.07	N/A	*
5823-3	DNA PRODUCTION LLC	DG	LC	COM/LCO	0.22	N/A	95.6
5978-3	NORFELD HUTTERIAN BRETHREN INC	BG	LC	COM/LCO	0.111	N/A	48.2
5995-3	BERNARD L VAN VUUREN	DG	LC	COM/LCO	0.177	N/A	76.9
6018-3	NATIONAL FOODS CORP	AU	LC	COM/LCO	0.27	N/A	117.3
6041A-3	CALVIN BERWALD	AU	LC	COM/LCO	0.08	N/A	34.8
6232-3	ROCKPORT HTRN BRTH	HS	LC	DOM	0.222	N/A	96.4
6323-3	NEW ELM SPRINGS COLONY	HT	LC	DOM/LCO	0.09	N/A	39.1
6539-3	CLEARFIELD COLONY	CM	LC	DOM/LCO	0.2	N/A	86.9
6544-3	ARMOUR	DG	LC	REC/FWP	1.381	N/A	599.9
6762-3	VAN WINKLE DAIRY LP	MC	LC	COM/LCO	0.27	N/A	117.3
7206-3	LONG VIEW FARMS LLP	CM	PE	COM/LCO	0.067	N/A	29.1
7359-3	JAMES C KOKES	BH	PE	COM/LCO	0.1	N/A	43.4
7469-3	WILLIAM CHENOWETH	BH	PE	IRR	3.11	217	N/A
7664-3	JAMES C & JASON KOKES	BH	PE	IRR	1.78	90	N/A
7830-3	TOM BARES	BH	PE	IRR	1.78	96	N/A
7851-3	ALAN ARMSTRONG	BH	PE	DOM	0.067	N/A	29.1
7978-3	CHAD OR RITA SVATOS	CM	LC	IRR	1.78	140	* N/A
8252-3	MICHAEL J SLAMA	BH	PE	COM/LCO	0.1	N/A	45**
8291-3	JACKRABBIT FAMILY FARMS	DN	PE	COM/LCO	0.085	N/A	50**
8303-3	FRANK PRAVACEK	BH	PE	COM/LCO	0.12	N/A	51**
AU = Aurora, BG = Brookings, BH = Bon Homme, CL = Clay, CM = Charles Mix, DG = Douglas, HS = Hanson, HT = Hutchinson, LK = Lake, MC = McCook, SA = Sanborn							
LC = Water Right, PE = Water Permit							
COM = Commercial, DOM = Domestic, FWP = Fish and Wildlife Production, IND = Industrial, INS = Institutional, IRR = Irrigation, LCO = Livestock Confinement Operation, MUN = Municipal, REC = Recreational							
* = Connected to rural water/standby use, ** = Limited to an Annual Volume							

There are a number of domestic wells on file (Water Rights, 2017b) that withdraw water from the Codell aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use. The annual quantity of water withdrawn for domestic uses is considered to not be significant to the hydrologic budget of the aquifer.

Irrigation of crops from the Codell aquifer has only recently been developed. Prior to 2013, the only developed permit for irrigation was for Dakota Wesleyan University, for irrigation of 37 acres on campus. This permit was canceled in 2014 because they no longer used water from the wells for their irrigation needs. Irrigation data from 2013 to 2016 is included in Table 2.

Table 2: Reported Irrigation Questionnaire data from 2013 to 2016 (Water Rights, 1980-2017)

Year	No. of Permits	Appropriation (ac-ft)	Pumpage (ac-ft)	Irrigated Acres
2013	3	806	23.57	N/A
2014	4	1086	161.69	557
2015	4	1086	191.21	554
2016	4	1086	220.43	537

Using the irrigation data from 2014-2016, an estimate of the future use for these 4 irrigation permits can be made. On average, 4.2 inches of water was applied on each irrigated acre. In general, irrigators in South Dakota apply less than one foot of water per acre per year. As there are only three years of data with the current number of permitted acres, to account for the year to year variability and wet and dry cycles, the one foot of water per acre per year estimate will be used to estimate future withdrawals. Therefore, the estimated annual withdrawal for irrigation is likely to be less than 543 ac-ft/yr.

Hydrologic Budget

The estimated withdrawals from the Codell aquifer are 2,152 ac-ft/yr from non-irrigation users, and 543 ac-ft/yr from irrigation. Including an estimated 29 ac-ft/yr from this application, the estimated average annual withdrawal from the Codell aquifer is 2,724 ac-ft/yr.

The estimated annual withdrawals equate to roughly 0.03% of the available water in storage. Due to the relatively small development of this large resource, the hydrologic budget indicates that there is a reasonable probability there is unappropriated water available from the Codell aquifer for the proposed appropriation.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on 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 annual recharge.

The Water Rights Program monitors 22 observation wells completed in the Codell aquifer (Water Rights, 2017c). The nearest observation well to the proposed well for the application is DG-80F, located approximately 5 miles north of the proposed well location. Other nearby

observation wells include HT-87D (14.2 miles), HT-78D (15.4 miles), CM-52A (15.6 miles), and HT-68D (18.7 miles). These observation well hydrographs are representative of the Codell aquifer. The locations of these and other observation wells completed into the Codell aquifer are shown in Figure 2.

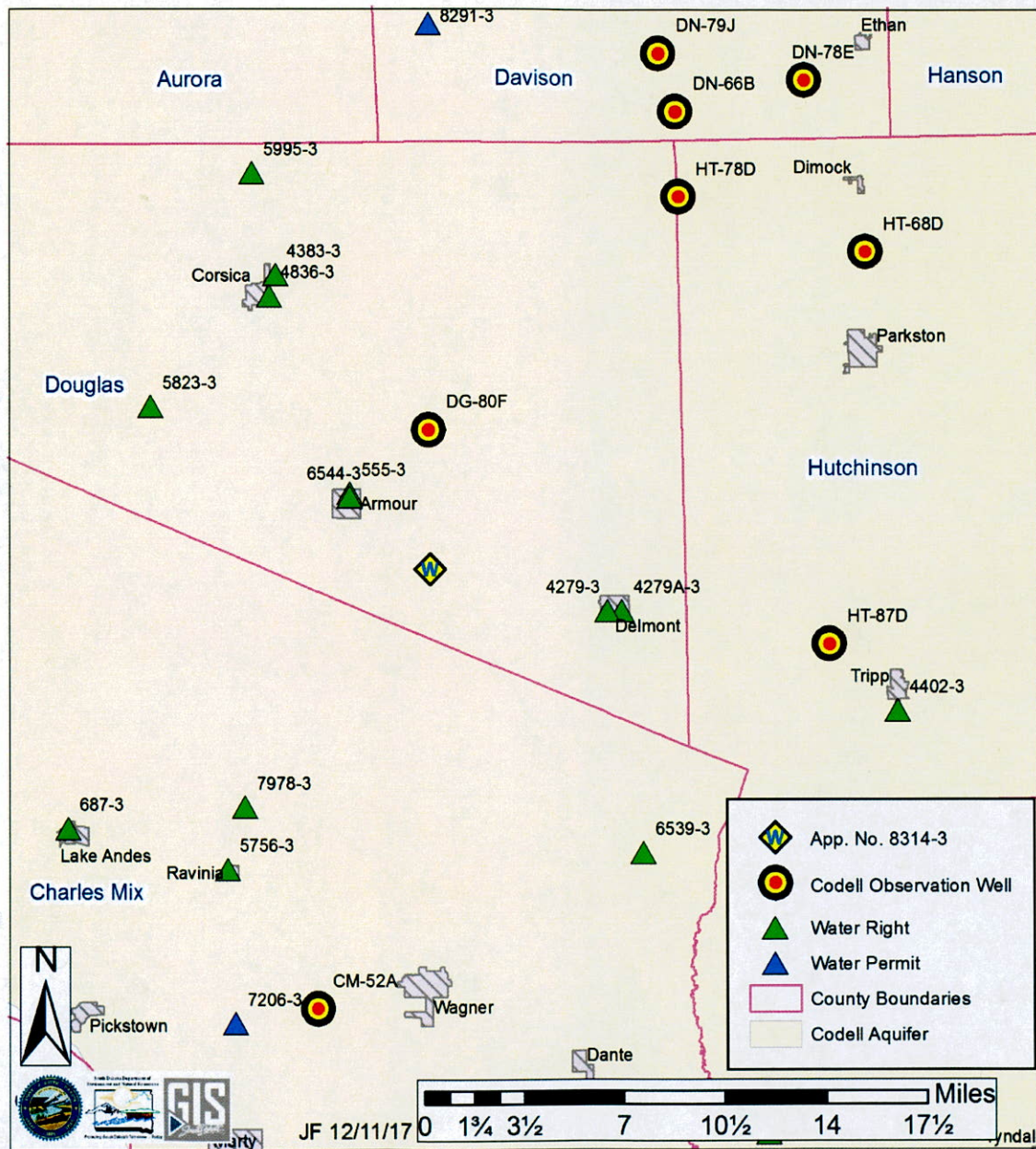


Figure 2. Map showing the location of nearby observation wells and water rights/permits in the Codell aquifer (Water Rights, 2017a; Water Rights, 2017c)

The hydrograph for the nearest well, DG-80F, is shown in Figure 3. The hydrographs for all of the mentioned observation wells are shown in Figure 4. The hydrographs for observation wells

completed into the Codell aquifer generally show a rising water level, or a water level that is neither rising nor falling over the period of record. The hydrographs show that the aquifer responds well to climatic conditions, recharging during wetter periods and declining during drier periods. By comparing the shape of the hydrograph between the observation wells, the climatic effects mask the temporal effects of well withdrawals. The observation well measurements show that the effects from pumping are temporal, and that the aquifer generally returns to pre-pumping conditions. The observation well data indicates that there is a reasonable probability that there is unappropriated water available from the Codell aquifer.

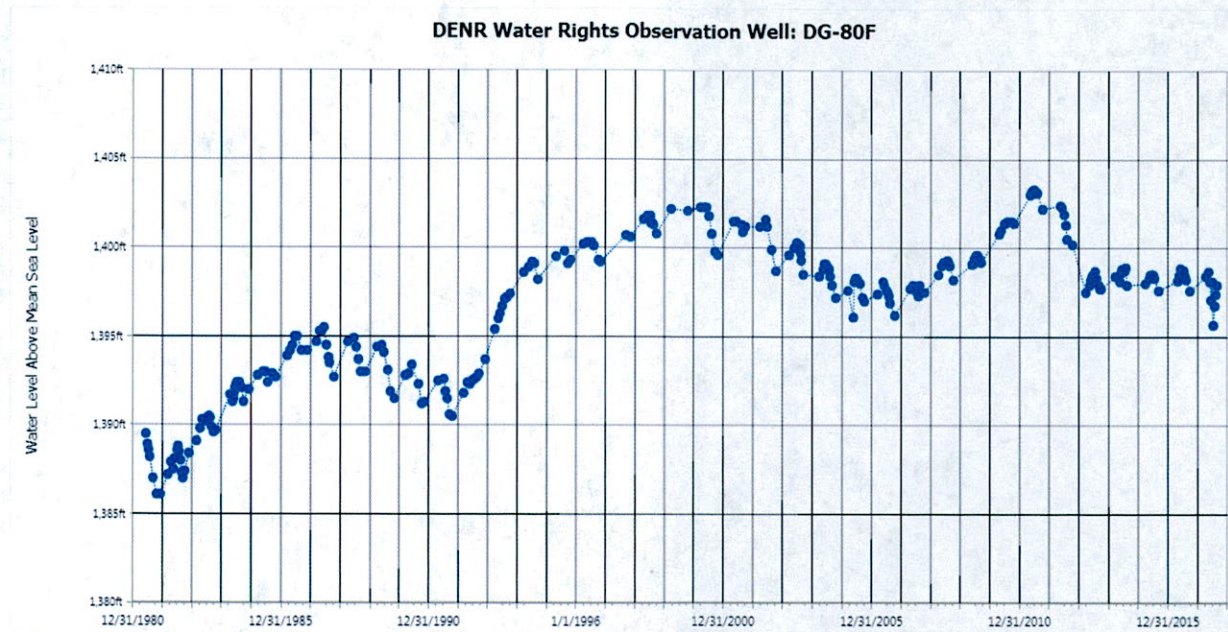


Figure 3: Hydrograph for Observation Well DG-80F (Water Rights, 2017c)

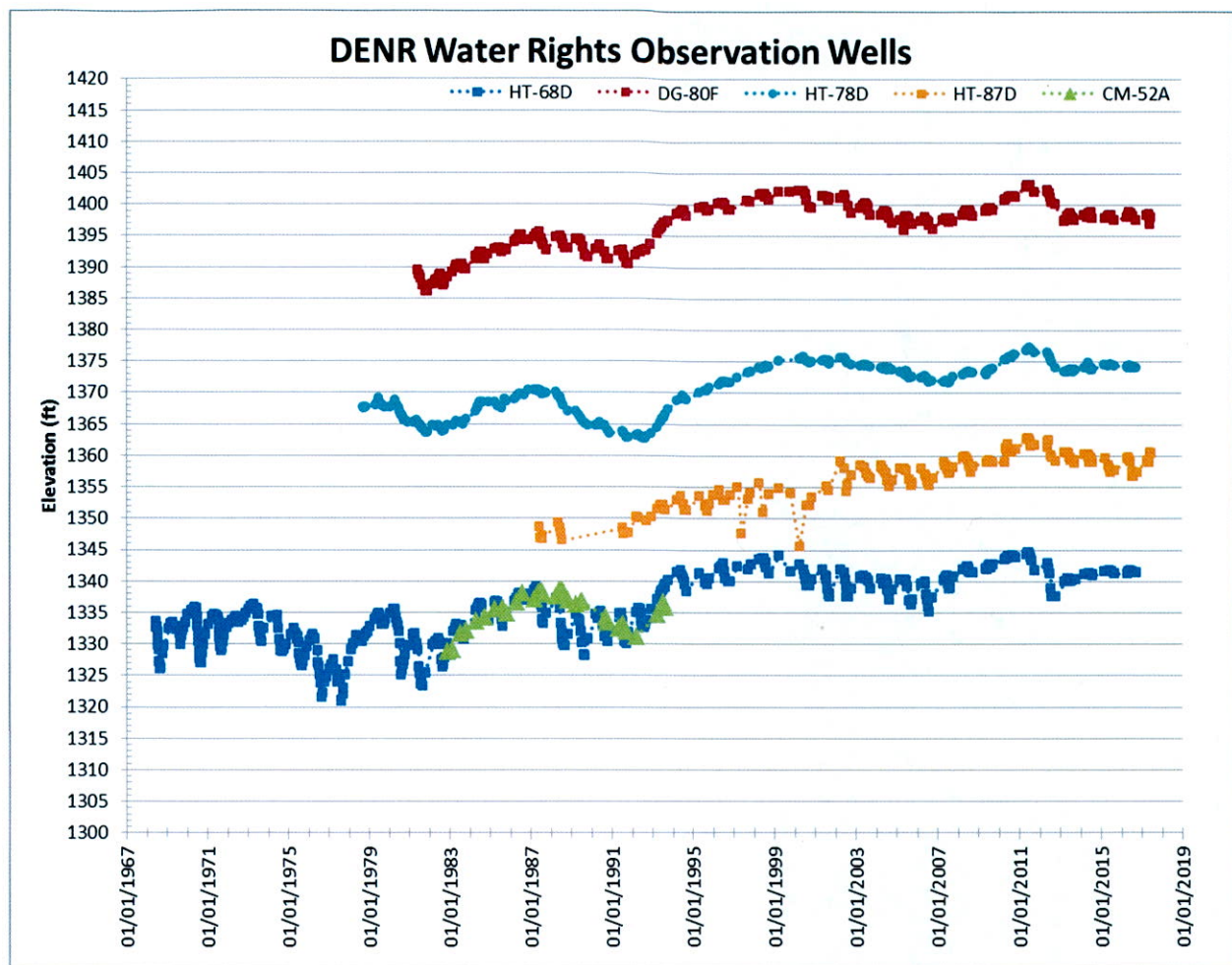


Figure 4: Hydrographs for Observation Wells HT-68D, DG-80F, HT-78D, HT-87D, and CM-52A (Water Rights, 2017c)

EXISTING WATER RIGHTS

The nearest existing water right/permits identified as completed in the Codell aquifer are located approximately 3.7 miles to the northwest of the proposed well location (Figure 2) and are for the City of Armour, SD (#555-3 and #6544-3) (Water Rights, 2017a). The City of Delmont, SD holds the next nearest existing water right/permits completed into the Codell aquifer (#4279-3 and #4279A-3), located approximately 6.4 miles to the east southeast. The hydrograph of the nearest observation well to these appropriations, DG-80F, does not indicate any adverse impacts from these appropriative withdrawals. There are some domestic wells located nearby that use the Codell aquifer; the nearest on record with the Water Rights Program is about one mile north of the proposed well (Water Rights, 2017b).

The Codell aquifer is generally under confined conditions, and due to the physics of artesian head pressure, the drawdown from pumping may extend a considerable distance from the pumped well. However, given the large distance between wells in this area of the aquifer and the low production rate for this application, this proposed appropriation is unlikely to cause any adverse impacts to the adequate wells of domestic users and existing water rights. In addition,

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. In order to balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

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

Depending on the specific characteristics of the Codell aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. This permit, if approved, is not expected to adversely impact adequate wells in the area.

CONCLUSIONS

1. Application No. 8314-3 proposes to appropriate water from one new well (approximately 300 feet deep) completed in the Codell aquifer at a maximum instantaneous diversion rate of 0.07 cubic feet per second for a commercial livestock application.
2. Based on the best available information and the low use of the aquifer, there is a reasonable probability that unappropriated water is available from the Codell aquifer to supply the 29 acre-ft per year requested by this application.
3. Based on the best information available and the low proposed pumping rate, there is a reasonable probability that the diversions proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.



John Farmer
SD DENR – Water Rights Program

REFERENCES

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- Water Rights. 2017a. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017b. Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017c, "Observation Well Database", SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

JAN 02 2018

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION
NO. 8314-3 to
Appropriate Water**

Notice is given that

Cody Schelling, 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.

39456 281st St, Armour SD 57313 has filed an application for a water permit to appropriate 29 acre-feet of water annually at a maximum pump rate of 0.07 cubic feet of water per second from one well to be completed into the Codell Aquifer (approximately 300 feet deep) located in the E 1/2 SE 1/4 Section 21 for commercial use in a livestock confinement facility located in the E 1/2 SE 1/4 Section 21; all in T98N-R63W. The site is located approximately 3 miles southeast of Armour SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8314-3 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 December 29, 2017.

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

Steven M. Pimer,
Secretary,
Department of
Environment and
Natural Resources.
Published once at the total approximate cost of \$68.20

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

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

Tuesday, December 19, 2017

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$68.20

Signed: Penny Hohbach

Subscribed and sworn to before me this 28th day of December, 2017.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

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

DEB TOWNSEND
Notary Public
SEAL
South Dakota

Affidavit Of Publication

RECEIVED

DEC 27 2017

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Douglas

GERRI K. OLSON of said County and State, being first duly sworn, on her oath says: THE ARMOUR CHRONICLE is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by GERRI K. OLSON and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bonafide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Notice of water

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 12+19, 20 17
the second publication being made on 20
the third publication being made on 20
the fourth publication being made on 20
the fifth publication being made on 20
the sixth publication being made on 20
the seventh publication being made on 20
the eighth publication being made on 20

that \$ 26.80 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division there of has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Gerri K. Olson

Gerri K. Olson

Subscribed and sworn to before me this 26 day of Dec., 20 17

[Signature]

Notary Public, Douglas County, South Dakota

My Commission Expires Aug. 2020

Notice Of Application No. 8314-3 to Appropriate Water

Notice is given that Cody Schelling, 39456 281st St. Armour SD 57313 has filed an application for a water permit to appropriate 29 acre-feet of water annually at a maximum pump rate of 0.07 cubic feet of water per second from one well to be completed into the Codell Aquifer (approximately 300 feet deep) located in the E 1/2 SE 1/4 Section 21 for commercial use in a livestock confinement facility located in the E 1/2 SE 1/4 Section 21; all in T98N-R63W. The site is located approximately 3 miles southeast of Armour SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8314-3 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 December 29, 2017.

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. Pirmer,
Secretary, Department of Environment
and Natural Resources.

Published one time at the total approximate cost of \$26.80.

66x12/19

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, December 13, 2017 1:25 PM
To: 'phohbach@mitchellrepublic.com'
Subject: 8314-3, Cory Schelling
Attachments: 8314-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 19, 2017.

Cory Schelling, 39456 281st St, Armour SD 57313 (605 680-9685) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, December 13, 2017 1:24 PM
To: Armour Chronicle (chronicle@unitelsd.com)
Subject: 8314-3, Cory Schelling
Attachments: 8314-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 19, 2017.

Cory Schelling, 39456 281st St, Armour SD 57313 (605 680-9685) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 13, 2017

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

Cody Schelling
39456 281st St
Armour SD 57313

Dear Mr. Schelling:

Water Permit Application No. 8314-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Armour Chronicle printed at Armour SD (Ph # 605-724-2747) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the 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 December 19, 2017. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8314-3 to Appropriate Water

Notice is given that Cody Schelling, 39456 281st St, Armour SD 57313 has filed an application for a water permit to appropriate 29 acre-feet of water annually at a maximum pump rate of 0.07 cubic feet of water per second from one well to be completed into the Codell Aquifer (approximately 300 feet deep) located in the E 1/2 SE 1/4 Section 21 for commercial use in a livestock confinement facility located in the E 1/2 SE 1/4 Section 21; all in T98N-R63W. The site is located approximately 3 miles southeast of Armour SD.

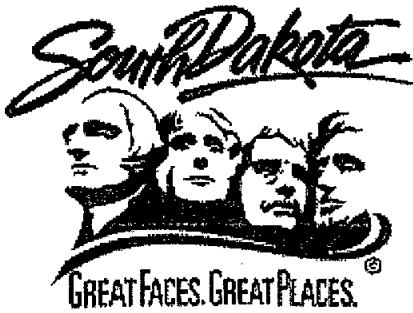
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8314-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's 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 December 29, 2017.

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
<http://denr.sd.gov>

JAN 09 2018

Cody Schelling
39456 281st St
Armour SD 57313

Dear Mr. Schelling:

Enclosed is Water Permit No. 8314-3 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,

A handwritten signature in cursive script that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

8314-3

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

RECEIVED
MAY 18 2018
WATER RIGHTS
PROGRAM

Date 05-16-18

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

FROM:

Cody Schelling
(name)39456 281st St
(address)Armour SD 57313
(city, state, zip)605-685-9685
(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. 8314-3 states that the water use system is to be constructed by

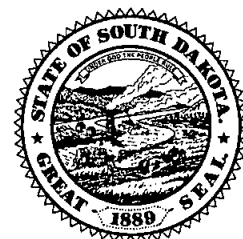
12-29-2022, and water is to be put to beneficial use by 12-29-2026.
(date) (date)

The water use system was completed on 04-01-2018.
(date)

Applying the water to beneficial use was completed on 04-25-2018.
(date)

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

Cody Schelling
(signature)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 24, 2018

8314-3

Cody Schelling
39456 281st St
Armour SD 57313

Dear Mr. Schelling:

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 the water use system authorized under Water Permit No. 8314-3.

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 black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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