

Considered 3-26 19 80Name of Applicant YAGGIE MILLSPost Office Address YANKTON, S.D.Amount of Water Claimed 4.35 (1.2 ADDITIONAL)Source of Water Supply 63' well & James RiverWater to be used for irrigationAcres to be irrigated 304.50 (85.7 Acres) ^{maximum} per feetWater to be diverted and used in YANKTON County
about 1 miles SOUTH of MISSION HILLPROOF OF PUBLICATION Received 4-14-80Not Received

APPLICATION

Approved 5-22-80Subject to DW

Not Approved

Action deferred

Priority Date

1.24 9/12/74 Received 9-12-79 Application Complete (yes) no FEE 225.00

1.48 6/10/49

1.49 8/3/57

1.14 5/11/56

Remarks Combines 193-3-194-3 & 493-3 andplaces these in a cancelled status

Date information and/or

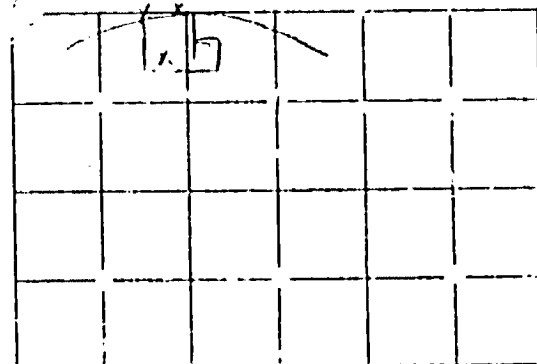
fee or corrected Application received

Period of Annual use APRIL THRU OCTOBERWATER
QUALITYReceived yes 3/4/80 no (APPROVED/CONDITIONAL (circle one))

WI-1 Description same as application yes no Remarks

Disapproved

Returned



Diversion Point on north bank of James River between points in lot 3 and 4 and on west side of center of N 1/2 SE 4, all in Section 2-T9N-R55W

Lands to be irrigated

NE 1/4, N 1/2 SE 1/4, Section 2;N 1/2 W 1/2 NW 1/4, NW 1/4 SW 1/4,3 1/2 SW 1/4, Section 1 andoutlet A, SE 1/4 SW 1/4, Section 1;all in T9N-R55W

Remarks

WELL
LOGDriller 7 drilled in 1956 ± Licensed yes noDepth 63 feet

Water Right No. _____

MAP

Map No. 3698-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by Vance Miller - Co Agent

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3-26-80.

BJ Wazilund
(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS

Date _____
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 1473-3Map No. 3698-3 Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

Home ph: 665-7788
office: 665-

1. Name of Applicant Yaggie Mills, Partnership (Frank R & Margaret D Yaggie)
 Postoffice address Box 647, Yankton, State SD 57078
 Is a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Yaggie Combined Irrigation
4. Amount of water claimed (cubic feet per second) 4.35 (1.2 ADDITIONAL)
5. Source of water supply ground water and James River
6. Location of point of diversion CENTER NW 1/4 Sec. 2, T93N, R55W existing well 1310'E & 562'S of the center of Section 2, T93N, R55W; James River - between points 2309'N of the center, and 2196'N of the E 1/4 corner, Section 2, T93N, R55W County Yankton

7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 304.50 (85.9 ADDITIONAL)

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
N 1/2 SE 1/4 Sec. 2, T93N, R55W	80.0	Sec. 12, T93N, R55W	
NE 1/4 " " " "	127.5	SEE ATTACHMENT	
W 1/2 NW 1/4 Sec. 1, T93N, R55W			
Sec. 1, T93N, R55W			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Press & Dakotan, Yankton, SD
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
existing well, pump and motor
existing pumping unit from James River

B. Works proposed to transport water to place of use.
mainline as needed

C. Works proposed to apply water to beneficial use.
center pivot irrigation system
big gun for remainder of land

This Application proposes combining Permits No. 193-3, No. 194-3 & 493-3, as well as adding the lands in Sections 1 & 12, T93N, R55W, with a choice of using either the well or the James River

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

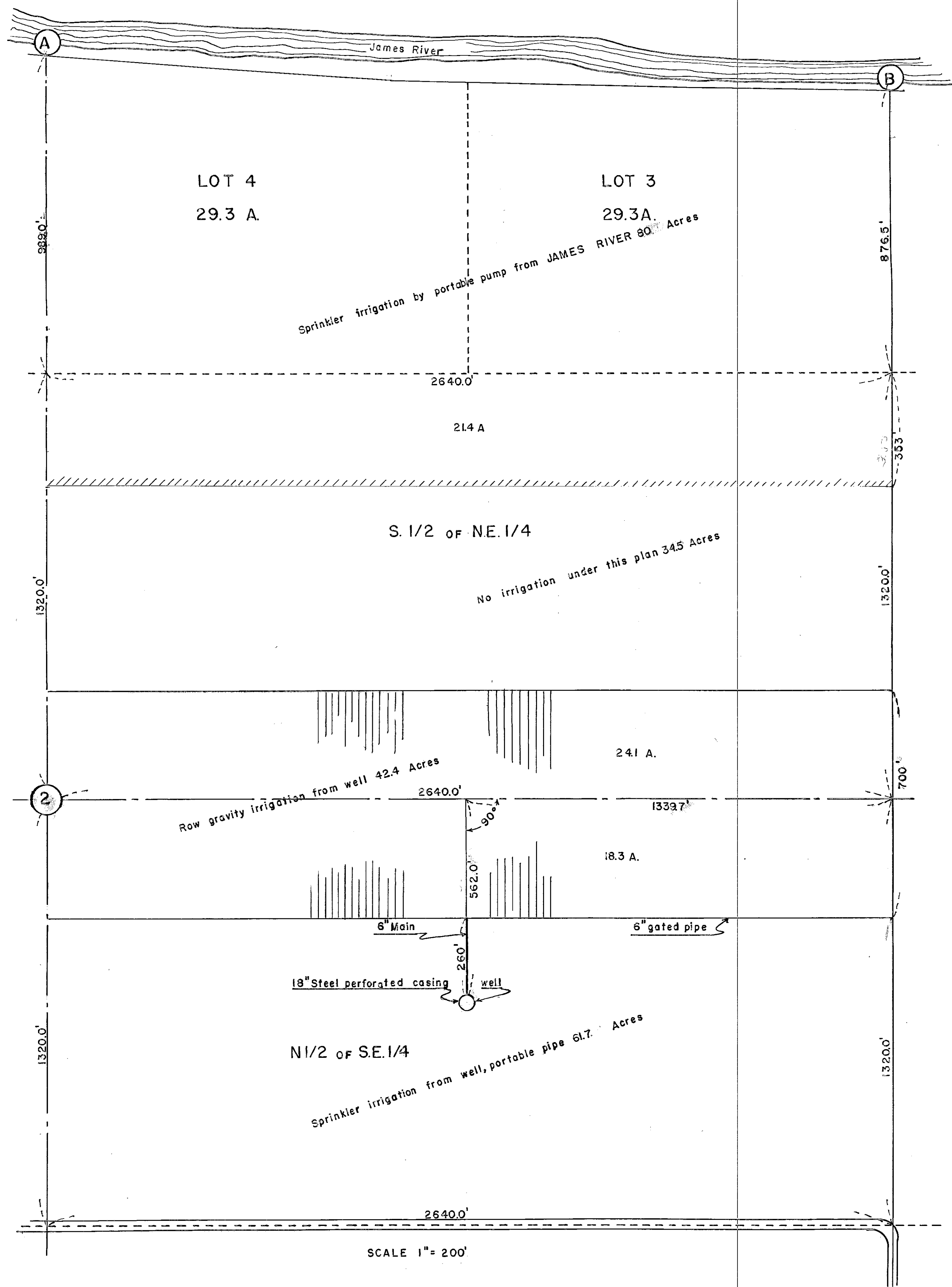
STATE OF SOUTH DAKOTA)

County of Yankton)

I, Frank R. Yaggie the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Subscribed and sworn to before me this 11th day of Dec 1979

Signed Frank R. Yaggie
Margaret D. Yaggie
Notary Public (or other qualified officer)



FRANK R. YAGGIE IRRIGATION PROJECT
 PORTABLE PUMP FROM JAMES RIVER 80.0 ACRES
 PUMPING FROM WELL ROW GRAVITY 42.4 ACRES
 SPRINKLER PORTABLE 61.7 ACRES

TOTAL ACRES 184.1

SEC. 2-T93-R55 YANKTON COUNTY S.DAK.

METHOD OF MEASURING WATER

FRANK R. YAGGIE IRRIGATION PROJECT:

Pumping with turbine pump from well- Manufacturers rating on sprinkler-heads 1/4" x 3/16" at 60# pressure equals 20 gallons per minute- 33 sprinkler-heads on line equal 660 gallons per minute from well.

Gated Pipe- 3 6 openings at 18 gallons per minute equals 648 gallons per minute.

FRANK R. YAGGIE JAMES RIVER IRRIGATION PROJECT:

Pumping from James River with Chrysler motor and Hale Centrifugal pump- Manufacturers rating on sprinkler heads 1/4" x 3/16" at 60 pounds pressure equals 20 gallons per minute- 25 sprinkler-heads on line equals 500 gallons per minute.

I, Maurice Diehl, Registered Land Surveyor, have at the direction of Frank R. Yaggie, made a survey using original plats, original surveys, and arial surveys of the property described as - Lots 3 & 4, and the S. 1/2 of N.E. 1/4, and the N. 1/2 of S.E. 1/4 all in Sec. 2-T93-R55 County of Yankton S.Dak. This plat is to the best of my knowledge and belief a true description of the property and the proposed irrigation plan.

I certify that I have executed the above this 5th day of Dec. 1955.

Maurice Diehl
 Maurice Diehl
 Registered Land Surveyor

Map No. 156-3
 (App. No. 193-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4473-3

YAGGIE MILLS
(Applicant)

Box 647, YANKTON
(Post Office Address)

SOUTH DAKOTA 57078 With the following modifications:
(State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

The applicable portions of Permits Nos. 193-3, 194-3 and 493-3 have been incorporated into this Permit No. 4473-3 and Permits Nos. 193-3, 194-3 and 493-3 have been placed in a cancelled status.

Priorities for portions of this Permit have been established by permits Nos. 193-3, 194-3 and 493-3.

Partial "Vested Right" claimed.

Date of first receipt of application SEPTEMBER 12, 1979

Date of return to applicant for correction, amendments or changes required 19

Date of receipt of corrected application 19

Approved MAY 22, 1980, Recorded in Book 21 Page 174

WATER RIGHT PERMIT NO. 4473-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4473-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:
1.48 C.F.S. JUNE 10, 1949 (VESTED RIGHT); 1.14 C.F.S. FROM MAY 11, 1956; .49 C.F.S. FROM

1. The date from which applicant may claim right is AUGUST 3, 1957 AND 1.24 C.F.S. FROM 14 SEPT. 12, 1979
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 22, 1982
3. The whole of said work is to be completed on or before MAY 22, 1988
4. The limit of time from proof of beneficial use of water, appropriated in accordance herewith is MAY 22, 1989
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 4.35 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 22, 1989; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 29th day of MAY, 1980

WATER RIGHTS COMMISSION

By: John. White
Chief Engineer, Executive Officer

Certificate of Construction Issued 19

Water License Issued 19

Lands to be irrigated

Yaggle Mills

	Sec.	Twp.	Rge.	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1	93N	55W	29.8
W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$	1	93	55	6.4
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1	93	55	34.2
Outlot A-SE $\frac{1}{4}$ SW $\frac{1}{4}$	1	93	55	5.6
Outlot A-N $\frac{1}{2}$ NW $\frac{1}{4}$	12	93	55	9.9
S $\frac{1}{2}$ NE $\frac{1}{4}$	2	93	55	34.5
N $\frac{1}{2}$ SE $\frac{1}{4}$	2	93	55	80.0
S $\frac{1}{4}$ S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$	2	93	55	24.1
Lots 3 and 4 &				
N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$	2	93	55	30.0
Total				304.50

0. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation Thirty inches, Depth Sixty-three feet

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 18 inches, Thickness of casing 14 gauge

Length of casing 63 feet If collection gallery, length, size and depth of gallery none

(b) Screens

Type of perforated screen metal

Size of perforated screen 1 1/2 inch 2 1/2 inch
(diameter) (length)

Thickness of gravel pack 6 inch, length of gravel pack 63 feet

(c) Water Bearing Materials

Distance to water 17 feet Character of water bearing materials coarse gravel

Thickness of water bearing material 30 feet

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller, size 8 inch

Kind of motor Liquid Petroleum Gas
(gasoline, electric, diesel, etc.)

Horsepower 69, Name of Motor Continental Red Seal Irrigation Engine

(e) Complete well

Capacity 100 gal. at drawdown of 10 feet Estimated cost \$1,500.00

(f) Owner of land upon which well is located Frank R. Yaggle,
Name

Yankton, South Dakota
Address

(g) Distance to nearest existing

On same owner's property rods. On property owned by others rods

REC-14347/1084
12/78

d

APPROVED



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Yaggle Hills Partnership, Yankton

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 11A times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 11A inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on See below
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Occasional use may be beneficial, especially on the small areas of clayey alluvial deposition.
6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application Gun

GENERAL COMMENTS:

Your gun system appears to best fit your needs for small irregular shaped areas. It can also be useful to you as a management tool in years of normal to excess rainfall when small areas of heavy textured soils (such as the streak of Forney soil in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ -Section 1) will require little or no irrigation.

If you have not already done so, shaping of topography to eliminate surface ponding and subsequent restricted crop growth will pay off.

Copy to applicant
Copy to Water Rights

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

RECEIVED

MAR 01 1980

Submitted by: Y. J. 117 Partnership

Date Rec'd: 2-25-80

Address: 311 1st St.

Sample No. 117

Y. J. 117, Brookings, S.D. 57007

Identification 117

Analysis completed 2-25-80

WATER ANALYSIS

Calcium (Ca)	113	ppm*	1.65	me/l**
Magnesium (Mg)	39	ppm	0.7	me/l
Sodium (Na)	36	ppm	1.09	me/l
Potassium (K)	6	ppm	0.26	me/l
Sulfate (SO ₄)	90	ppm	1.07	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.11	me/l
Bicarbonate (HCO ₃)	440	ppm	7.36	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	390	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	631	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.65	Adjusted SAR	1.70	
Sodium	113	% of cations		
Residual sodium carbonate	0.30	me/l		
pH	7.00			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 10.67 me/l
 Total anions 9.34 me/l

By: Shirley Matten

Service Performed

Amount Due

Analysis on 2/21/80

15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 117

Amount Enclosed

Signed

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: VAGGIE MILLS PARTNERSHIP OWNERS ADDRESS: 311 WALNUT
COUNTY LAND LOCATED IN: YANKTON CO. PHONE: 665-7788 YANKTON, S.D. 57028
EASANT'S NAME AND ADDRESS: (If Other Than Owner) Art Gigger 665-5461, renter

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Reg-

LOCATIONS OF AREA TO BE IRRIGATED

NW of SW Sec. 1 93-55 --- 29.8

SW of SW $\frac{1}{4}$ Sec. 1 93-55 --- 34.2

N $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 1 93-55 --- (6.4) add'l

Outlot A of the SE of SW $\frac{1}{4}$ Sec. 1 5.6A

Outlot A N $\frac{1}{2}$ of the NW $\frac{1}{4}$ Sec. 12 --- 9.9A

Total 85.9A

Location of Well (is an existing well)

Center of N $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 2 -- 93-55

LAND:

IN WHAT NAME:

or right within 6 months of receipt of such water

(at least 10 Acres.)

NE $\frac{1}{2}$ of SE $\frac{1}{4}$ 2 93-55

CLOSED SHEET

RES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

each type of system)

NOT GUN 85.9A OTHER (Specify)

BEANS - ALFALFA

IS AN IRRIGATION PERMIT YEAR OBTAINED:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

SAMPLE NUMBER: 80-010

SALINITY (EC X 10⁶) 745

SODIUM (SAR) 0.65

80-082

831

.65

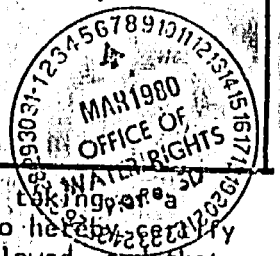
1.70

1.19

ADJUSTED (SAR)

1.65

1.15



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at already existing well, 1979, at the following location: Center of N $\frac{1}{2}$ of SE $\frac{1}{4}$ 2 93-55

(individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from YANKTON CO. SOIL Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample or the purpose of validating the water sample analysis taken at the time of application (SDCL 6-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
22 DAY OF September, 1979.

(NOTARY PUBLIC)

Vaggie Mills
Art Gigger
APPLICANT'S SIGNATURE

Keith L. Harner
Director, Division of Conservation

X APPROVED
DISAPPROVED
CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be issued from the State Water Right Commission.

No. 4473-3

Publish first publication, on or before March 14, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 7, 1980

Notice is hereby given that Yaggle Hills whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.35 cubic feet of water per second of time from groundwater (one existing well) (1.2 add'l) to add additional acreage on existing parcels and James River through the Yaggle Combined Irrigation, the point(s) of diversion of permits

which ~~xx~~(are) to be located in the center of N $\frac{1}{2}$ SE $\frac{1}{4}$ and on the southerly bank of James River between points in Lots 3 and 4

of Section 2, Twp. 93N, Range 55W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2; W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1 and Outlot A, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, all in T93N-R55W.

This Application No. 4473-3 will be considered by the Water Management Board at SDEA Auditorium, 411 E. Capitol, Pierre, SD 57501 upon the 26th day of March

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. Any Handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Foss Building, Pierre, SD prior to the hearing date for assistance to assure access to the hearing. WATER MANAGEMENT BOARD

BW:plh

Betty Westlund,
Water Rights Specialist

c. Yaggle Hills, Box 647, Yankton, SD 57076

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

ss.

Colin D. Monfore being first duly sworn says: That he is the Publisher of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Hearing of Hearing on

Application to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 14 day of March, 1980, and the last publication being made on the 21 day of March, 1980.

The first publication being made on the 14 day of March

The second publication being made on the 27 day of March

The third publication being made on the _____ day of _____

The fourth publication being made on the _____ day of _____

The fifth publication being made on the _____ day of _____

The sixth publication being made on the _____ day of _____

The seventh publication being made on the _____ day of _____

The eighth publication being made on the _____ day of _____

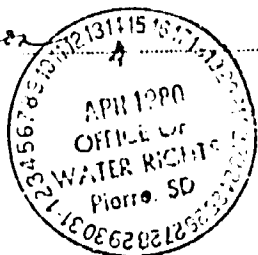
The ninth publication being made on the _____ day of _____

The tenth publication being made on the _____ day of _____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$33.67, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

[Signature]
Subscribed and sworn to before me this 11th day

of April 1980
[Signature]
Notary Public, South Dakota



NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 7, 1980

Notice is hereby given that Yaggie Mills, whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-14; 46-2-1 thru 46-2-11; 46-3-1 thru 46-3-8; 46-3-10 thru 46-3-22; 46-5-1; 46-6-1; 46-6-3; 46-6-4; 46-6-5; 46-6-8; 46-6-10; 46-6-14 and Board Rules ARSD 52 01:01:01 thru 52 01:01:13, for a permit to appropriate for beneficial use 4 3/4 cubic feet of water per second of time from groundwater (one existing well) (1.2 add'l) to add additional acreage on existing permits and James River through the Yaggie Combined Irrigation, the point(s) of diversion of which (are) to be located in the center of N 1/4 SE 1/4 and on the southerly bank of James River between points in Lots 3 and 4 of Section 2, Twp. 9N, Range 55W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 and N 1/4 SE 1/4, Section 2, W 1/2 W 1/2 NW 1/4; NW 1/4 SW 1/4; S 1/4 SW 1/4, Section 1 and Outlet A, SE 1/4 SW 1/4, Section 12, all in T 9N-R 55W.

This Application No. 4473-J will be considered by the Water Management Board at SDEA Auditorium, 411 E. Capitol, Pierre, S.D. 57501 upon the 28th day of March at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Foster Building, Pierre, S.D. prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
BETTY WESTLUND
Water Rights Specialist

Publication Fees \$ _____

Received Payment, _____

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7160

PIERRE, December 11, 1979

RECEIVED OF Frank R. Yaggie, Box 647, Yankton, SD 57078

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

Fee for Application for Permit to Appropriate Water No. 4473-3 (examination, processing, recording and filing)	225	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	225	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (EV)

4473-3

Water Rights, Water Management Division

May 30, 1930

Mr. Yaggie Mills
Box 647
Yankton, SD 57078

Dear Mr. Mills:

Enclosed herewith is your Water Right Permit No. 4473-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4473-3.

An inspection of your water use system will be scheduled as soon as time permits so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH/bt
Enc.

*Incorp
w/ 4473-3*

Observations during the Field Inspection on August 2, 1957 of the Frank R. Yaggie Project relative to Application #193-3.

Mr. Yaggie accompanied me on this inspection and was very helpful and cooperative in assisting me to complete it.

This project consisted of 80 ± acres of corn. The lands to be irrigated and diversion points A and B on the James River corresponded to those shown on map #156-3.

For the description and capacities of the equipment see report #382-3 as the same works are used interchangeably between 193-3 and 382-3.

The system was not in operation at this location during the inspection but was inspected in connection w/ 382-3 where it was operating. There was evidence that the field had been irrigated.

The area to be irrigated and the capacity of the equipment of works to deliver water to the place of use corresponded to the conditions as set forth in the permit.

Les W. Wyborny
August 27, 1957

Les Wyborny

Water Rights Engineer

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

YAGGIE MILLS
BOX 647
YANKTON, SD 57078

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

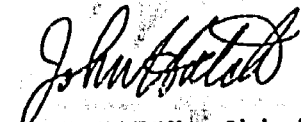
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4473-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4473-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

4473-3

YAGGIE
PENTHOUSE TOWERS (708)
3101 S. OCEAN BLVD.
DEER BEACH, FLORIDA 33440
Highland 33431



John Hatch, Chief Engineer
Dept of Water & Natural Resources
Joe Fass Building
Pierre, S. D.

In Re: Yagie Mills
Water Rights

Dear Sir:

I received your Notice of Violation
to Submit the Irrigation Questionnaire -

I wish to assure you that this was
not an intentional violation as the
forms were not forwarded to me here
in Florida, so it therefore completely
slipped my mind -

I hasten to advise the following:

On Dec 2 lots 3 & 4 we pumped out
of the James River on 160 acres of
corn, from a center pivot powered by
a 50 H.P. motor. at a cost of
\$892⁰⁰ -

Out of a well in this same area we
pumped on 25 acres, with a self propelled
Big Gun at a cost of \$636³³

This land was formerly owned by Arthur
Yegge who gave it up and the new
tenants are Robert D. Smith & Kayne Smith

YAGGIE
PENTHOUSE TOWERS (708)
3101 S. OCEAN BLVD.
SEASIDE BEACH, FLORIDA 32144

Highland

33431

who had no ground experience - in
irrigation - I will write them
and ask them to give you any further
information that you might desire -
Our cotton averaged 135 bu. per
acre on a dry matter basis -

I also have water right on Sea
8- & 9 where we did not pump
in 1986 as my tenant Morris Nelson,
who is an irrigator, put it in
the set aside acres.

All of the above are in Twp. 9 S. R. 55
Yankton County -

I regret that I cannot respond by
the permit no's because that information
is in my office in Yankton -

There is no way that I can be home by
May 6, as I am recovering from major
surgery and my wife will have an
angioplasty sometime in April -

I hope my explanation meets with
your approval - I will call you before
this letter arrives.

Yaggie
Frank R. Yaggie

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 15, 1987

4473-3

Frank Yaggie
Yaggie Mills
Penthouse Towers (708)
3101 S Ocean Blvd
Highland Beach, FL 33431

Dear Mr. Yaggie:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4473-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

Oct 26, 1987

4473-3

Water Rights Division
Joe Fass Bldg
523 East Capitol
Bartle S.D. 57501

Gentlemen:

I attempted to the best of my ability to answer
the form you sent -

We pump out of the June River through
a center pivot on 165 acres.

We pump out of the ground on 11 acres
This was all in corn - All in Sec 2-93-55

We saved considerable costs of pumping
by using the equipment from 8:00 A.M. to 8:00 P.M.
all on week-ends -

The two weeks of extremely hot weather
cut our yield to 125 bu to the acre -

We have a water right on Sec 8-49-93-55
which was put in the set aside

I hope this will be of help to you -

Sincerely,

Frank R. Giegler
Giegler & Sons Partnership



South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

Yaggie Mills
Box 647
Yankton SD 57078

Dear Sir:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 4473-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *Delvin D. Borg*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



3rd and Mulberry St.
P. O. Box 647

4473-3

Telephone
665-7801

YAGGIE MILLS, INC.

GRAIN AND FEED

Yankton, South Dakota 57078

Nov 23, 1988



Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD

Gentlemen;

I am enclosing the form you sent and have tried to fill it out to the best of my ability.

We pumped out of the James River through a center pivot on 170 acres of corn.

We pumped from the well on 15 acres of corn.

All pumping was done through the night on off peak hours except for a few hours that the units were not shut down in time.

I also enclose a copy of the electric bills which indicate costs.

Our corn averaged 130 bu per acre on a dry matter basis.

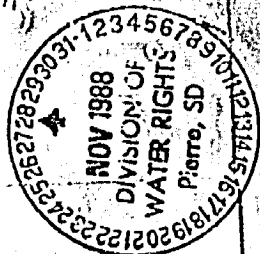
I hope this gives you the information you need.

Sincerely,

Frank R. Yaggie

LN	R	T	BILL	READ	NO	TOTAL	UNIT	TRANSACTION			
NO	T	TEN	DATE	RAT	CLS	..DATE	DAYS	USE	DAY	TOTAL....	
01	F	C	001	1088	181	421	102788	7	130	19	33.94
02	N	C		1088	181	421	102088	29	436	15	43.73
03	N	R		0988	181	421	092188	33	236	7	38.06
04	N	R		0988	182	421	092188	0	94	94	34.51
05	N	K			181	421	092188	33	236	7	
06	N	R		0888	182	421	081988	0	71	71	26.31
07	N	C			181	421	081988	30	3139	105	148.32
08	N	R		0788	182	421	072088	0	76	76	28.04
09	N	C			181	421	072088	30	4964	165	208.51
10	N	C		0688	181	421	062088	32	0	0	30.00
11	N	C		0588	181	421	051988	30	0	0	30.00
12	N	K		0488	181	421	041988	0	0	0	
13	N	K		0388	181	421	000000	0	0	0	

182 Enjeak


$$\frac{1}{2} = \frac{1}{1.76 \cdot 8^2}$$

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413242

Pierre,

June 12, 1992

RECEIVED OF Bierle, Nelson & Michels (Yaggie Trust/Frank R Yaggie and Margaret D Yaggie) PO Box 38, Yankton SD 57078-0035
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

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. _____

Fee for Filing Transfer Form Water Permit No. 4473-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

June 8, 1992

316-3
4473-3

Don A Bierle
Attorney at Law
PO Box 38
Yankton, SD 57678-0038

Dear Mr. Bierle:

Enclosed, as you requested, are "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 316-3 and Water Permit No. 4473-3. Also enclosed for your review are copies of Nos. 316-3 and 4473-3.

The transfer forms should be completed and then signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

BIERLE & MICHELS
Attorneys and Counselors

*Don A. Bierle
Matthew J.W. Michels
Stewart L. Hofer*

610 West 23rd, Suite 1
PO Box 38
Yankton, SD 57078

Telephone 605/665-8700
Fax 605/665-5420

Genny McMath
Natural Resources Analyst
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



June 11, 1992

Re: Water Permit Right No. 316-3
Water Permit Right No. 4473-3

Dear Genny McMath:

With reference to the above captioned Water Permit Rights, enclosed are individual NOTICE OF TRANSFER OF OWNERSHIP documents completed and executed by the new owner, Yaggie Trust/Frank R. Yaggie and Margaret D. Yaggie, Co-Trustee, 314 East 25th Street, Yankton, South Dakota 57078.

Also enclosed is our check in the amount of \$5.00 to pay for the cost of the filing fees as required under SDCL 46-2-13.

Please send an acknowledgement of the receipt of the documents and confirmation of the proper filing thereof with your Department. A self-addressed, stamped envelope is enclosed for your convenience.

My personal expression of appreciation to you for the assistance you have given to me on this subject matter.

very truly yours,

Don A. Bierle

ΔΑΒ:ms

cc: Frank R. Yaggie
Michael Miranda

enc

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division,
523 E. Capitol
Pierre, SD 57501-318

No. 4473-3

Date: June 11, 1992



I\We request that Water Permit Right No. 4473-3

formerly owned by: Yaggie Mills, Partnership (Frank R. & Margaret D. Yaggie)

be transferred to: (name & address) Yaggie Trust/Frank R. Yaggie and Margaret D. Yaggie,
Co-Trustee, 314 East 25th Street,
Yankton, South Dakota 57078 (Telephone No.) 605-665-7788

Title to the following described land(s)/property has been transferred as described above:

All that real estate described in and referred to in Water License No. 4473-3

currently on file with the Department of Environment and Natural Resources,
Pierre, SD

I\We understand that the validity of Water Permit Right No. 4473-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Yankton)

Frank R. Yaggie and Margaret D. Yaggie, each in his own and her own individual right, I\We Co-Trustee, Yaggie Trust, being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Frank R. Yaggie
Frank R. Yaggie, Co-Trustee
Margaret D. Yaggie
Margaret D. Yaggie, (Signed)
Co-Trustee

Subscribed and sworn to before me this 11th day of June, 1992.

Marley A. List
(Notary Public)

My Commission expires: 10-18-97

(S E A L)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 16, 1992

No. 316-3
4473-3

Don A. Bierle
Bierle & Michels
Attorneys and Counselors
P.O. Box 38
Yankton, SD 57078

Dear Mr. Bierle:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 316-3 and Water Permit No. 4473-3.

Our records now show Yaggie Trust/Frank R. and Margaret D. Yaggie, Co-Trustee, 314 East 25th St., Yankton, SD as the owner of Water Right No. 316-3 and Water Permit No. 4473-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

cc: Yaggie Trust, Frank R. and Margaret D. Yaggie

193-3

Permit No. 4473-3

James River Water District

4473-3

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Yaggie Mills

* 193-3, 194-3, 493-3 of Box 647, Yankton SD 57078 holder of
 Permit No. 4473-3, bearing the priority of May 11, 1956
August 3, 1957, Sept 12, 1979 authorizing
 the diversion of 1.17 cfs 1.14 cfs 1.49 cfs 1.24 cu. ft. per second of the waters of the James River and groundwater (M)
 for irrigation purposes, in Yankton County.

I have to report on the conditions of the same as follows:

well pumpsite:

A. Works used to divert the water:
 motor: General Electric pump: Western Land Roller
 M.N. 12F316 S.N. 44991
 20hp., 1760rpm Head No. 88 030

booster pumpsite for well:
 motor: General Electric pump: Gorman Rupp
 No. 5K1404A01 S.N. 298139
 40hp. M.N. 54B2.8

river pumpsite:

B. Works used to transport water to place of use:
 Pipeline: size - 6in 8in 8in
 type - Aluminum gated PVC
 length - 2140 Ft 2640 Ft 3360 Ft

motor: Fairbanks - Morse pump: Gorman Rupp, 6in
 No. F 444968 S.N. 273286
 50hp., 1770rpm M.N. 55A2

C. Works used to apply water to beneficial use:

Center Pivot: make - Valley low pressure - 35 psi
 (source) # of towers - 7 capacity - 900 gpm
 (James R.) endgun - yes

Big Gun: make - Alumax
 (source) S.N. 1252 pressure - 110 psi
 (well) M.N. 1560 (at well)
 hose size - 3 1/2 in. capacity - 350 gpm
 hose length - 1200 ft

The system is in the following condition good

The point of diversion is located James River; any point in the NW 1/4 NE 1/4 of sec 2; well:
1305 ft E and 540 ft S from the center of sec 2; all in T93N - R55W

The works are capable of diverting and conveying to the place of use 2.77
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: see attached sheet A

* This report proposes to incorporate License Nos. 193-3, 194-3, and 493-3 into
 Permit No. 4473-3. Priority dates have been assigned as shown on
 Attached Sheet A.

comprising a total of 247.1 acres of land and the license should be issued for 2.68 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 5, 1985

* 133.7 ac. irrigated from river: allowable diversion
1.91 cfs

113.4 ac. irrigated from well: allowable diversion
.77 cfs

Ron Danwall
 (signature)

Permit	Land Description	Water Source	Priority Date	Acres
193-3	NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 2-T93N-R55W	James River	5/11/56	18.1
193-3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	James River	5/11/56	19.9
193-3	SW $\frac{1}{4}$ NE $\frac{1}{4}$	James River	5/11/56	10.7
493-3	↓	↓	8/3/57	17.2
4473-3	↓	↓	9/12/79	10.0
193-3	SE $\frac{1}{4}$ NE $\frac{1}{4}$	James River	5/11/56	10.7
493-3	↓	↓	8/3/57	17.3
4473-3	↓	↓	9/12/79	11.1
4473-3	NW $\frac{1}{4}$ SE $\frac{1}{4}$	James River	9/12/79	8.4
194-3	↓	well	6/10/49	24.0
4473-3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	James River	9/12/79	9.2
194-3	↓	well	6/10/49	16.0
4473-3	SW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 1-T93N-R55W	James River	9/12/79	1.1
4473-3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	well	9/12/79	30.0
4473-3	SW $\frac{1}{4}$ SW $\frac{1}{4}$ (outlot A)	well	9/12/79	30.6
4473-3	SE $\frac{1}{4}$ SW $\frac{1}{4}$ (outlot A)	well	9/12/79	5.6
4473-3	NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 12-T93N-R55W	well	9/12/79	7.2
Total				247.1

193-3

194-3

493-3

4473-3

LICENSE FOR PERMIT NUMBER 4473-3

1. Legal location of wells: well: 1305 Ft E and 540 Ft S from the center of sec 2-T93N-R55W.
dams & structures: _____
2. Well Information: Well Drilling Firm Sarmon Bros, Nebraska ^{Drilled in 1949}
No. of wells 1 Depth 68 Ft
Casing a) diameter 1 1/8 in. Screen a) type slotted concrete
b) length _____ b) length _____
c) type concrete Static Water Level _____
Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____
3. Distribution lines:
a) size of lines 6 in. 8 in. 8 in.
b) type Aluminum gated PVC
c) length 2640 Ft 2640 Ft 3360 Ft
not used for flood irrigating
4. Dam information:
a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____
i) Outlet tubes:
1) diameter _____
2) type _____
3) valued (Y/H) _____
4) valve type _____
5) location on structure _____
5. System Type: a) sideroll: b) towline:
1) length _____ feet 1) length _____ feet
2) diameter of pipe _____ 2) make, model & number of sprinklers _____
3) make, model & number of sprinklers _____ 3) spacing of sprinklers _____
4) spacing of sprinklers _____ 4) nozzle size _____
5) nozzle size _____

5. System Type: c) center pivot

- 1) make Valley
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (BYN)
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 35
- 9) GPM 900
use only with James River

g) Gun

- 1) make Alumax, Long MFG
- 2) serial number 1252
- 3) ~~nozzle size~~ ^{M.N.} 1560
- 4) capacity (GPM) 350
- 5) PSI 110 at well
- 6) hose size 3 1/2 in.
- 7) hose length 1200 ft
use only with well

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ☒ | ☐ | 2. Special Qualifications to permit being abided by. |
| ☒ | ☐ | 3. All Structures, wells and lands on map. |

REMARKS: water source - James R.

motor: Fairbanks-Morse pump: Gorman Rupp, bin.
No. F444968 S.N. 273286
50hp., 1770rpm M.N. 55A2

water source -- well
motor: General Electric pump: Western Land Roller
M.N. 12F316 S.N. 44991
20hp., 1760rpm Head No. 8B 030

Booster pump:

motor: General Electric pump: Gorman Rupp
No. SK1404AD1 S.N. 298139
40hp. M.N. 54B2.8

4473-3

REPORT ON THE READVERTISEMENT OF PERMIT NO. 4473-3

YAGGIE MILLS

February 19, 1986

The final inspection of Permit No. 4473-3 was completed June 5, 1985, to determine if an irrigation system had been developed. The irrigation system has been developed and is located within the legal descriptions listed on Permit No. 4473-3.

The permit was originally advertised on March 14 and 21, 1980, and was approved on May 22, 1980. However, a discrepancy exists between a legal description on the permit and a legal description on the notice advertisement. The advertisement incorrectly identified the acreage to be irrigated in Section 12, T93N, R55W as being located in Outlot A - SE $\frac{1}{4}$ SW $\frac{1}{4}$. The correct location of Outlot A in Section 12 is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T93N, R55W. Therefore, the readvertisement is needed to accurately represent the location of the acreage irrigated under Permit No. 4473-3.

The readvertisement does not authorize any increase in diversion rates or any increase in total acres irrigated. The correct legal description is listed on Permit No. 4473-3; therefore, the readvertisement cost will be paid by the Division of Water Rights.



RON DUVAL
Natural Resource Engineer

4473-3

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 4473-3, Yaggie Mills

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4473-3, Yaggie Mills, PO Box 647, Yankton SD.

The Chief Engineer is recommending APPROVAL of Application No. 4473-3 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) in the public interest with the following qualifications:

1. The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.
2. The applicable portions of Permit Nos. 193-3, 194-3 and 493-3 have been incorporated into this Permit No. 4473-3.
3. Priorities for portions of this Permit have been established by Permit Nos. 193-3, 194-3 and 493-3.
4. Partial "Vested Right" claimed.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 20, 1986

4473-3

WATER RIGHTS DIVISION
(605) 773-3352

March 21, 1986

Frank Yaggie
Yaggie Hills
P.O. Box 647
Yankton, South Dakota 57078

Dear Mr. Yaggie:

I am contacting you regarding the final inspection of Water Permit No. 4473-3 completed on June 5, 1985. Art Giggee was present during the inspection.

The notice published for Permit No. 4473-3 in the YANKTON DAILY PRESS AND DAKOTIAN on March 14 and 21, 1980, contains an error regarding a portion of the acreage to be irrigated in Section 12-T93N-R55W. Therefore, Permit No. 4473-3 will be readvertised to correct the error in the original advertisement. The readvertisement cost will be paid by the Division of Water Rights.

After the readvertisement is completed Permit No. 4473-3 can be licensed. Issuance of the water license is the final step in obtaining a water right.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

No. 4473-3

March 21, 1986

Yankton Press & Dakotan
Box 56
Yankton, South Dakota 57078

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Yaggie Mills

Application No. 4473-3, in Yankton County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on, or before March 27, 1986.

Please bill the Water Rights Division for the cost of the publications.

Please receipt for this notice IMMEDIATELY after first publication attaching thereto a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The permit to appropriate water cannot be considered by the Water Management Board until proof of publication has been received.

Very truly yours,

Ron Duvall
Natural Resources Engineer

enclosures

RJ:ms

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

We are in receipt of your letter of _____, 1984 enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. _____ which was first published in our issue of _____, 1984. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

Equal Opportunity Employer

No. 4473-3

Instruction to Newspaper - Publish first publication of the following Notice on or before March 27, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

READVERTISEMENT OF NOTICE OF HEARING on Application No. 4473-3 to Appropriate Water and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Yaggle Mills whose mailing address is P.O. Box 647, Yankton, South Dakota has made an application for a permit water permit September 12, 1979. This notice is a readvertisement of the original notice published on March 14 and 21, 1980, for Permit Application No. 4473-3. The original advertisement gave notice of an intent to irrigate lands by diverting flows from the James River and a ground water source. The original notice contained an error regarding the description of a portion of the land to be irrigated. The correct land description is as follows: NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2; NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1; and Outlot A - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; all in T93N-R55W. This notice does not authorize any increase in diversions from the James River or the ground water source or any increase in acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 4473-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 14 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by May 2, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-43; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-21.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 2, 1986.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

ss.

Noel Hamiel, being first duly sworn says: That he is the Editor of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned

To Appropriate water - Yaggie Mills

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 27 day of March, 19 86, and the last publication being made on the 3 day of April, 19 86. The first publication being made on the 27 day of March, 19 86. The second publication being made on the 3 day of April, 19 86. The third publication being made on the day of . The fourth publication being made on the day of . The fifth publication being made on the day of . The sixth publication being made on the day of . The seventh publication being made on the day of . The eighth publication being made on the day of . The ninth publication being made on the day of . The tenth publication being made on the day of .

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$48,80, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Noel Hamiel

Subscribed and sworn to before me this 3 day

of April 19 86

Notary Public, South Dakota

Cheryl Benson

3+774+3
READVETISEMENT OF
NOTICE OF HEARING
ON APPLICATION NO. 4473
TO APPROPRIATE WATER

Notice is hereby given that Yaggie Mills, whose mailing address is P.O. Box 47, Yankton, South Dakota has made an application for a water permit September 12, 1979. This notice is a readvertisement of the original notice published on March 14, and 21, 1980, for Permit Application No. 4473-3. The original advertisement gave notice of an intent to irrigate lands by diverting flows from the James River and a ground water source. The original notice contained an error regarding the description of a portion of the land to be irrigated. The correct land description is as follows: NE 1/4, N 1/4 SE 1/4, Section 2; W 1/4 NW 1/4, N 1/4 SE 1/4, S 1/4 SW 1/4, Section 1; and Outlot A - N 1/4 NW 1/4, Section 11, all in T23N-R35W. This notice does not authorize any increase in diversions from the James River or the ground water source or any increase in acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 4473-3 because 1) unappropriated water is available; 2) will be no unlawful impairment of existing rights; 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 215, Joe Foss Building, 323 E. Capitol, Pierre, South Dakota, May 11, 1986 at 10:00 a.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve; 2) approve with qualifications; 3) defer or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-29, must file a written petition with BOTH the applicant and the Chief Engineer by May 2, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-4, 46-1-12 thru 46-1-15; 46-2-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-13, 46-2A-17, 46-3A-14, 46-3A-15; 46-6-1 thru 46-6-11, 46-6-15 thru 46-6-18, 46-6-24, 46-6-25, 46-6-30 2, 46-6-30.4, 46-6-31; and Board Rules ARSD 74:01-01:01 thru 74:02:01:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg., Pierre, S.D. (605 773-2351) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 2, 1986.

Received Payment.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

4473-3

September 1, 1989

4473-3

Yaggie Mills
%Frank Yaggie
Box 647
Yankton, SD 57078

Dear Mr. Mills:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 4473-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.





4473-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

October 27, 1993

NOTICE

TO: Yaggie Trust
Frank R and Margaret D. Yaggie, Co-Trustees
314 East 25th St.
Yankton SD 57078

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 4473-3

A Notice of Intent to validate Claim No. 4473-3 was published on June 20 and 27, 1988 in the Yankton Daily Press and Dakotan. The Water Rights Division opposed validation of No. 4473-3 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 4473-3 was completed on June 5, 1985, by Ron Duvall, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 104.1 acres to 40 acres. The diversion rate is to be reduced, accordingly, from 1.48 cubic feet of water per second (cfs) to 0.57 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (40 acres/70 = 0.57 cfs). NOTE: Validation of the vested portion of No. 4473-3 does not affect other nonvested portions including irrigation of an additional 207.1 acres from the Janes River and a well.

The Water Management Board will consider validation of Claim No. 4473-3 at 9:30 am, December 1, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 9:30 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 4473-3 is recommended for a diversion rate of 0.57 cfs from groundwater to irrigate 40 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 40 acres and 0.57 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 4473-3 will still apply at this hearing. A copy of the June 20 and 27, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

4473-3

CERTIFICATION

I hereby certify that on October 27, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 27, 1993, regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 4473-3, addressed as stated below:

Yaggie Trust, Frank R. and Margaret D. Yaggie, Co-Trustees, 314 East 25th St., Yankton, SD 57078.

Copy Sent Inter-office to:

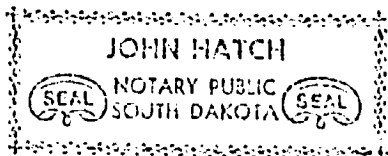
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 1st day of November, 1993.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



4473-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

November 4, 1993

Frank Yaggie
314 East 25th Street
Yankton, SD 57078

RE: Validation of Vested Water Right No. 4473-3

Dear Mr. Yaggie:

I am writing in reference to our recent conversations regarding validation of the recognized vested right portion Water Right No. 4473-3 at the upcoming December 1, 1993 Water Management Board meeting. As I stated I am sending a copy of a map which highlights those acres which inspections by staff showed you are irrigating in Section 1, 2, 11 and 12 of T93N, R55W.

This is somewhat confusing so let me first give you some background. Previously you held Recognized Vested Water Right No. 194-3 and Water Right Nos. 193-3 and 493-3. When you applied for Water Permit No. 4473-3 for irrigation of additional acres all these water rights were incorporated into Permit No. 4473-3 in order to consolidate your rights. The portion of Water Right No. 4473-3 which originated under Right No. 194-3 was for irrigation of lands from the well that began before 1955 and subsequently is a recognized vested right. In 1986, the State Legislature passed legislation that required all recognized vested right be validated (meaning that they be inspected and issued for only those acres actually being irrigated under the original permit). Water Right No. 4473-3 was inspected in 1985 by Ron Duvall and then verified by Greg Johnston in 1993. These inspections are the basis for the action that is to be taken on your water right.

The enclosed map shows those acres our inspection showed were being irrigated as authorized by Water Rights No. 4473-3. For the validation of the recognized vested right portion of Water Right No. 4473-3, the only acres found being irrigated from the well that were originally covered by No. 194-3 are 40 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2 (highlighted in orange). The other acres which were originally covered by No. 194-3 are now irrigated from the James River which does not constitute a vested water right.

Please review the enclosed map to see if the acres outlined are the same as the acres you actually irrigate. It appears the center pivot is authorized to be irrigated from the James River (highlighted in blue) while the other acres (highlighted in orange and green) are authorized to be irrigated from the well.

If this information is correct, the December 1st Board hearing will be to validate the recognized vested right portion of No. 4473-3 for 0.57 cubic feet of water per second (cfs) for irrigation of 40 acres (highlighted in orange). Enclosed is a copy of the draft Partial Vested Water Right No. 4473-3 that would be issued after validation. The Vested Water License would then be issued for No. 4473-3 which includes all your authorized irrigation as part of this system. The draft of License No. 4473-3 is for 2.68 cfs for irrigation of 247.1 acres (1.91 cfs - James River and 0.77 cfs - well). Enclosed is a copy of the draft Partial Vested Water License No. 4473-3 which shows: 1) the originating permit, 2) the legal description of the acres, 3) the water source, 4) priority date and 5) the number of acres authorized. The table is highlighted in colors that correspond to the highlighted colors on the map.

As I stated previously, please review the following for accuracy. If you believe there are mistakes, please contact me so that we can work together to remedy. If mistakes are found, I can delay the December 1st hearing on validation of the vested right portion of No. 4473-3. My primary goal is to get this validation done correct and ensure that your water rights are in compliance with state laws.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosures

Note: This letter does not include or reference your Water Right No. 316-3 which appropriates 1.08 cfs from a well for irrigation of 76 acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9; all in T93N, R55W.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

4473-3
411897

Pierre, September 6, 1980

Yaggie Mills Partnership, PO Box 847, Yankton SD 57078

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>4473-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By Allen Hartsch
Chief Engineer



4473-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

FEB 1 1994

Yaggie Trust
Frank R and Margaret D. Yaggie, Co-Trustees
314 East 25th St.
Yankton SD 57078

Dear Mr. & Mrs. Yaggie:

The Water Management Board has validated the enclosed Vested Water Right No. 4473-3. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the water license which includes the acreage and diversion rate listed on the vested right and also nonvested portions of the irrigation project.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

4473-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 4473-3 FOR IRRIGATION

Date of Receipt of Claim May 11, 1956.

Date of Validation December 1, 1993.

The Water Management Board validated Vested Water Right Claim No. 4473-3 for irrigation purposes for Yaggie Trust, Frank R and Margaret D. Yaggie, Co-Trustees, 314 East 25th St, Yankton SD 57078 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4473-3 appropriates 0.57 cubic feet of water per second from groundwater (one well) located in the NW 1/4 SE 1/4 Section 2 to irrigate 40 acres located in the N 1/2 SE 1/4 Section 2; all in T93N-R55W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is June 10, 1949.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

Note: Vested Water Right No. 4473-3 is also included as a part of Water License No. 4473-3 for a total of 2.68 cfs to irrigate 247.1 acres.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

FEB 1 1994

date

STATE OF SOUTH DAKOTA

4473-3

PARTIAL VESTED WATER LICENSE NO. 4473-3

(1) Yaggie Mills, of Yankton, SD 57078 made Application No. 4473-3, September 12, 1979 for a water permit to appropriate 4.35 cubic feet of water per second from the James River and groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 4473-3, with priority dates of June 10, 1949 (1.48 cfs), May 11, 1956 (1.14 cfs), August 3, 1957 (0.49 cfs) and September 12, 1979 (1.24 cfs) was approved May 22, 1980 and incorporated the applicable portions of Water Right No. 193-3, Vested Right Claim No. 194-3 and Water Right No. 493-3. Water Permit No. 4473-3 was issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 22, 1985 and for the application to beneficial use of said water on or before May 22, 1989. On June 12, 1992, Partial Vested Water Permit No. 4473-3 was transferred to Yaggie Trust, Frank R Yaggie and Margaret D Yaggie, Co-Trustees.

(2) It is certified that the applicant 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 2.68 cubic feet of water per second for beneficial use. The location of the diversion points are from the James River - any point in the N½ NE¼ of Section 2; from a well - 1305'E and 540'S of the center of Section 2, all in T93N, R55W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: all in T93N, R55W

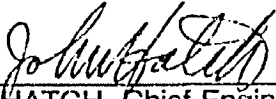
Permit No.	Land Description	Water Source	Priority date	Acreage
193-3	NW¼ NE¼ Section 2	James River	5-11-1956	18.1
193-3	NE¼ NE¼ Section 2	James River	5-11-1956	19.9
193-3	SW¼ NE¼ Section 2	James River	5-11-1956	10.7
493-3	"	"	8-3-1957	17.2
4473-3	"	"	9-12-1979	10.0
193-3	SE¼ NE¼ Section 2	James River	5-11-1956	10.7
493-3	"	"	8-3-1957	17.3
4473-3	"	"	9-12-1979	11.1
4473-3	NW¼ SE¼ Section 2	James River	9-12-1979	8.4
194-3	"	well	6-10-1949	24.0
4473-3	NE¼ SE¼ Section 2	James River	9-12-1979	9.2
194-3	"	well	6-10-1949	16.0
4473-3	SW¼ NW¼ Section 1	James River	9-12-1979	1.1
4473-3	NW¼ SW¼ Section 1	well	9-12-1979	10.0
4473-3	SW¼ SW¼ Section 1	well	9-12-1979	30.6
4473-3	SE¼ SW¼ Section 1	well	9-12-1979	5.6
4473-3	NW¼ NW¼ Section 12	well	9-12-1979	7.2
				247.1

4473-3

PAGE 2

PARTIAL VESTED WATER RIGHT LICENSE NO. 4473-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Yaggie Trust, Frank R and Margaret D Yaggie, Co-Trustees of 314 East 25th Street, Yankton, SD 57078 the holders and/or owners of Partial Vested Water Permit No. 4473-3 is issued a license to appropriate water, the right to use 2.68 cubic feet of water per second from the James River (1.91 cfs allowable) and from groundwater - one well (0.77 cfs allowable) with priority dates of June 10, 1949, May 11, 1956, August 3, 1957 and September 12, 1979 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Partial Vested Water Permit No. 4473-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

FEB 1 1994

date

Pivot - River water 44733

7A95T NO 091-4004000-011 C T LAST-BILL 30 RD CYC 14 BL C YC 18 SERV ENDED 10/1
STATUS FINA L BILL LAST-TRAN 10/1

NAME YAGGIE TRUST
SERVICE
ADDRESS YANKTON

N S IC
.. CE001

JAME S RV IRRIG		D 57078-9999		*NM*	*OC*	R ENTAL PROP. NO	
Y REVENUE BY		IC RATE		*****		**** 10/19/95 *** 082	
BILL		READ..		NO		TOT AL UNITS/	
DATE RAT CLS		.. DATE DAYS		US E		DAY... ..TOTAL..	
LN B T							
NO T T TEN							
01 F C 011	1095	161 421	101795	27	0	0	30.00
02 N R	0995	162 421	092095	35	9 32	27	48.55
03 N R		163 421	092095	35	4 71	13	47.15
04 N C		161 421	092095	35	29 37	84	124.28
05 N R	0895	162 421	081695	28	28 24	101	151.96
06 N R		163 421	081695	28	15 29	55	155.67
07 N C		161 421	081695	28	85 37	305	318.64
08 N R	0795	162 421	071995	33	31 20	95	166.86
09 N R		163 421	071995	33	12 09	37	122.69
10 N C		161 421	071995	33	98 51	299	359.81
11 N C	0695	161 421	061695	30	0	0	30.00
12 N C	0595	161 421	051795	16	0	0	30.00
13 N K	0495	161 421	000600	0	0	0	
12 MONTH TOTAL.....				314 10		84	
						1,600.61	

*** A RE THERE MORE RECORDS YES ***
NEW SS D SPLY KEY
DSPLY 11 KE Y

13000
1420.61
1/2 = 710.30

7 AUGST NO 091-4004000-01 C T LAST-BILL 10 RD CYC 14 BL C YC 18 SERV ENDED 10/1
 8 NAME YAGGIE TRUST STATUS FINA L BILL LAST-TRAN 10/1
 SERVICE JAME S RV IRRIG C OMMERIAL
 ADDRESS YANKTON S D 57078-9999 R ENTAL PROP. NO
 6 ***** 03-12 UTILIT Y REVENUE BY IC RATE ***** 10/19/95 *** 082
 N S IC LN B T BILL READ.. NO TOT AL UNITS/ TRANSACTIO
 .. CE001 NO T T TEN DATE RAT CLS ..DATE DAYS US E DAY...TOTAL..
 K 01 N K 011 0395 161 421 000000 0 0 0
 K 02 N K 0295 161 421 000000 0 0 0
 K 03 N K 0195 161 421 000000 0 0 0
 K 04 N K 1294 161 421 000000 0 0 0
 K 05 N K 1194 161 421 000000 0 0 0
 06 F C 1194 161 421 103194 13 0 0
 07 N C 1094 161 421 101894 32 0 0 15.00
 30.00

12 MONTH TOTAL..... 314 10 84 1,600.61
 * * * A FE THERE MORE RECORDS NO * * *
 DPLY 11 KE Y NEW SS D SPLY KEY

well - big gun

778667 NO 091-4004507-001 C T LAST-BILL 10 RD CYC 14 BL C YC 18 SERV ENDED 10/1
SNAME YAGGIE TRUST STATUS FINA L BILL LAST-TRAN 10/1
SERVICE WELL IRRIG I RIGATION
ADDRESS YANKTON S D 57078-9999 *NM* *OC* R ENTAL PROP. NO

LN	B	T	NO	T	TEN	DATE	RAT	CLS	..DATE	DAYS	TOT	AL	UNITS/	TRANSACTION
01	F	C	001			1095	161	421	101795	27				TOTAL..
02	N	R				0995	162	421	092095	35	10	70	31	30.00
03	N	R					163	421	092095	35	4	56	13	55.75
04	N	C					161	421	092095	35	12	94	37	45.65
05	N	R				0895	162	421	081695	28	22	09	79	71.54
06	N	R					163	421	081695	28	12	71	45	118.86
07	N	C					161	421	081695	28	80	00	286	129.41
08	N	C				0795	161	421	071995	33	86	50	262	300.48
09	N	C				0695	161	421	061695	30				360.99
10	N	C				0595	161	421	051795	16				30.00
11	N	K				0495	161	421	000000	0				30.00
12	N	K				0395	161	421	000000	0				
13	N	K				0295	161	421	000000	0				

12 MONTH TOTAL..... 229 50 75 1,187.68
* * * A RE THERE MORE RECORDS YES * * *
DSPLY 11 KE Y NEW SS D SPLY KEY 150.00
1007.68

NO Chemigation
Here!

Smith 1/2 503.87

Well 503.87
Amesbury 710.30
1214.17
÷ 2 607.08

44733

7AGGT NO 091-4004507-001 C T LAST-BILL 10 RD CYC 14 BL C YC 18 SERV ENDED 10/1
SNAME YAGGIE TRUST STATUS FINA L BILL LAST-TRAN 10/1
SERVICE WELL IRRIG I RRIGATION
ADDRESS YANKTON S D 57078-9999 *NM* *OC* R ENTAL PROP. NO
7***** 03-12 UTILIT Y REVENUE BY IC RATE ***** ** 10/19/95 *** 082
N S IC LN B T BILL READ.. NO TOT AL UNITS/ TRANSACTIO
.. CE001 NO T T TEN DATE RAT CLS ..DATE DAYS US E DAY... ..TOTAL..
K 01 N K 001 0195 161 421 000000 0 0 0
K 02 N K 1294 161 421 000000 0 0 0
K 03 N K 1194 161 421 000000 0 0 0
04 F C 1194 161 421 103194 13 0 0
05 N C 1094 161 421 101894 32 0 0 15.00
30.00

12 MONTH TOTAL..... 229 50 75 1,187.68
* * * A RE THERE MORE RECORDS NO * * *
DSPLY 11 KE Y NEW SS D SPLY KEY



4473-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: BOB SMITH, OPERATOR, 44630 306TH ST, MISSION HILL, SD 57046 9706

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 316-3 & 4473-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 316-3 & 4473-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: Yaggie Trust, 314 E 25th St, Yankton, SD 57078

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.



4473-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 26, 2000

316-3
4473-3

Bob Smith
44630 306th St
Mission Hill, SD 57046-9706

Dear Mr. Smith:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 316-3 and 4473-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

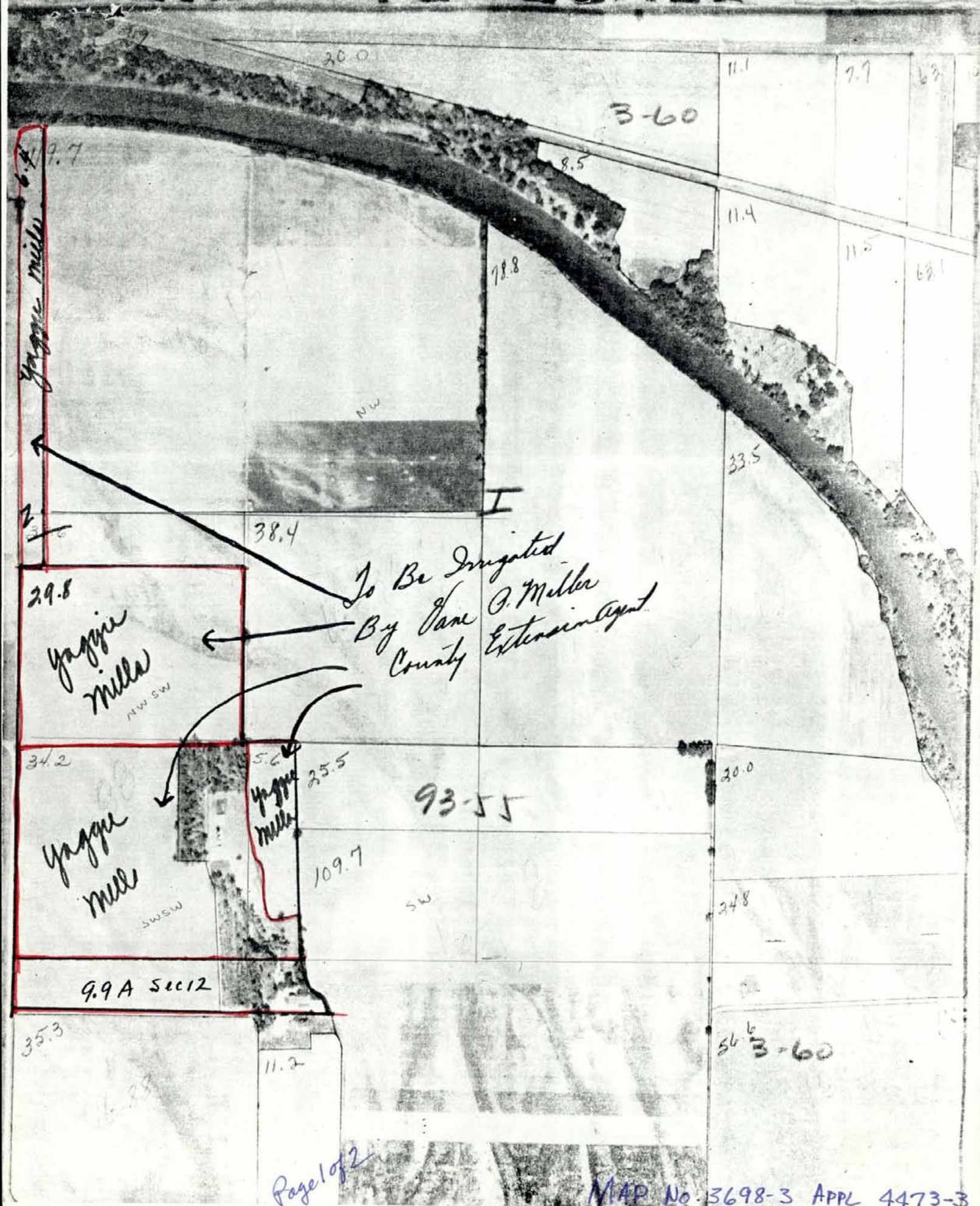
If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Yaggie Trust

NOT TO SCALE



46.8

70.8

71.4

46.0

3-62

16.2

38.7

43.4

38.3

9.2

39.1

14.5

well (existing well)

MAP No 3698-3 ADPL 4473-

OPERATOR

OWNER

FARM NO. NAME AND ADDRESS FARMLAND CROPLAND

Tract No. 16-167

Farm No. _____

Operator _____

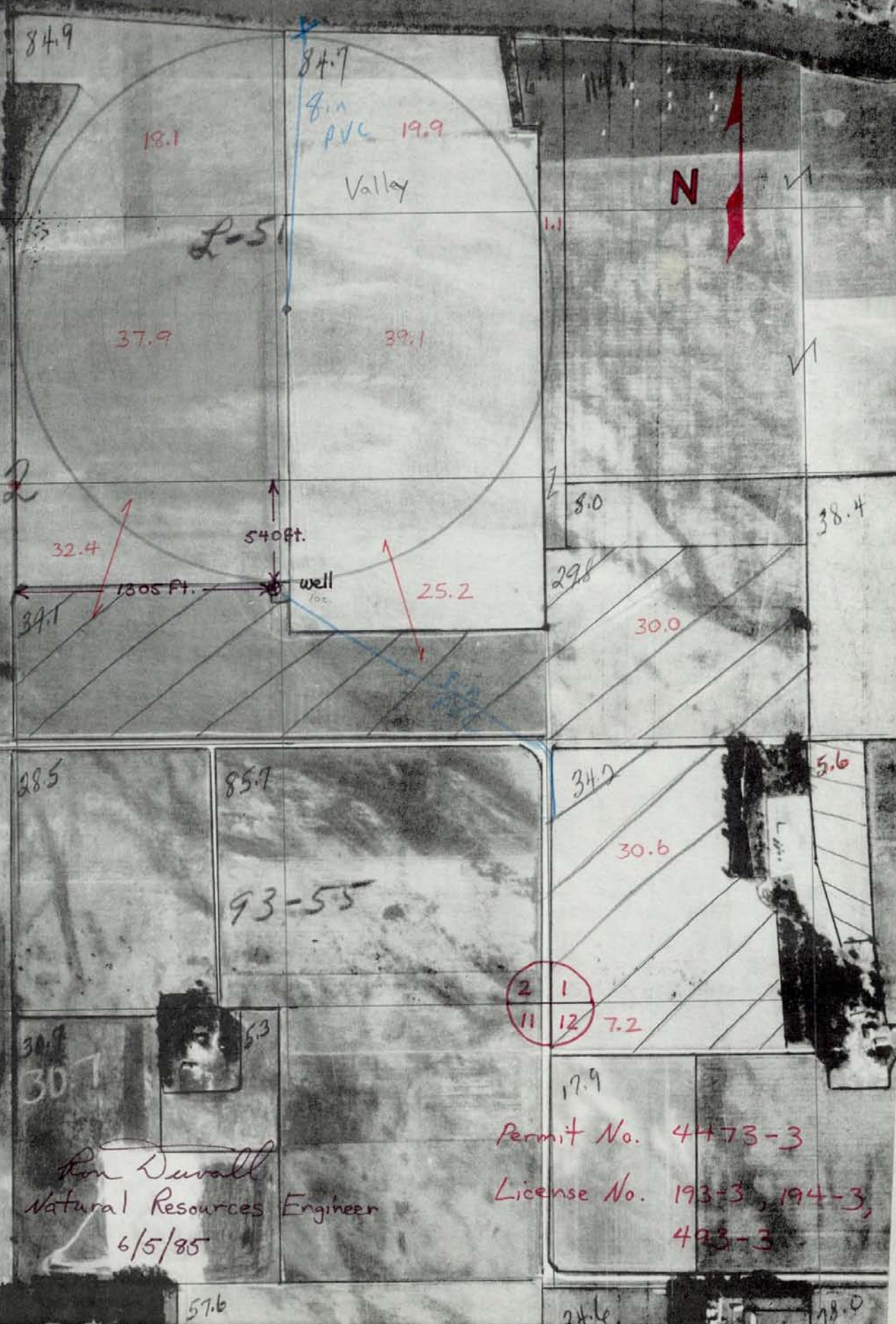
Owner Frank R. Yaggle

Legal Description N⁴ of sec 2, T3S, R2E, S5

NOT TO SCALE

4473



Ron Duvall
Natural Resources Engineer
6/5/85

Permit No. 4473-3
License No. 193-3, 194-3,
493-3

NOT TO SCALE



2

NWSE
32.4

NESE
25.2

93-55

30

Deer
Reson
6/5/85

17.9
Permit No. 44-3-3
License No. 19-4-3
4

NOT TO SCALE



NOT TO SCALE

70

84.7

114.1

78.8

L-50

80

38.4

29.8

85.7

34.2

5.6

163.9

163.8

17.9

25.6

7-50

L-5



4473-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 4, 2006

316-3
4473-3

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing in follow-up to our phone conversation concerning ownership of land described in Water Right No. 316-3 and Partial Vested Water Right No. 4473-3. Both are currently listed in the name of Yaggie Trust, Frank R Yaggie and Margaret D Yaggie, Co-Trustees. I have included copies of each for your review.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for filing the ownership changes. When I spoke with Karl Schenk, he indicated he would be farming the land and that we could mail the annual irrigation questionnaires to him and he would make sure to get them completed. If that is acceptable to you, I will go ahead and make that change. Sending the questionnaires to him does not affect ownership of the water rights.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 4473-3

Date: _____

I/We request that Partial Vested Water Right No. 4473-3

formerly owned by: Yaggie Trust, Frank R Yaggie and Margaret D Yaggie, Co-Trustees

be transferred to: (name & address)

Reuben Nicolai
4800 So. 33rd St LA CROSSE WIS 54601
Telephone No. 608 7875685

Title to the following described land(s)/property has been transferred as described above:

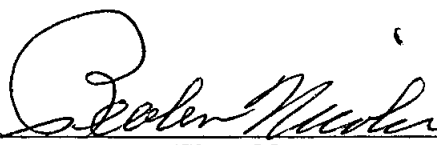
247.1 acres – portions of the E ½ Section 2, SW ¼ NW ¼, W ½ SW ¼, SE ¼ SW ¼ Section 1 and the
NW ¼ NW ¼ Section 12, T93N, R55W

I understand that the validity of Partial Vested Water Right No. 4473-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water permit or water right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Reuben Nicolai, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for non-construction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
MAY - 2 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 2, 20 06

RECEIVED OF Reuben Nicolai, 4800 S 33rd Street, LaCrosse WI 54601

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50	
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. _____		
Fee for Filing Transfer Form <u>4473-3</u>		
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. _____	2 50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03458

By

Darland Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 2, 2006

316-3
4473-3

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

Thank you for following up on the ownership changes for Partial Vested Water Right No. 4473-3 and Water Right No. 316-3. The transfers have been completed. Nos. 316-3 and 4473-3, formerly listed in the name of Yaggie Trust are now listed in your name.

Enclosed are your Receipt Nos. 02421 and 02422, in the amount of \$2.50 each, which you paid for filing the ownership changes. You may keep them for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

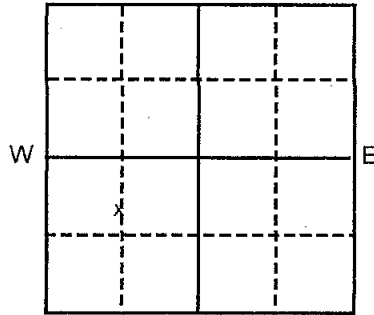
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 sw 1/4 Sec 2 Twp 93n Rg 55wCounty Yankton

North

Please mark well
location with an "X"

Well Completion Date

8/20/12

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

3,000.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>47.0</u> FT	<u>24.00</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>17</u>	<u>Lb/gal</u>	<u>0.0</u> Ft	<u>40.0</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure
tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 19.0 FeetMaterial pvcSlot Size .060 Set From 47.0 Feet to 66.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not? NA
Lab to which water
quality sample sent for analysisWell Owner: Reuben Nicolai

Business Name:

Address: 4800 33rd StreetCity, State, Zip: LaCrosse WI 54601-2311

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, brown, silty,	0	12
sand, fine, silty	12	48
gravel, coarse, sandy	48	66

STATIC WATER LEVEL

24.0 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 development, 6 hours
☐ Bailed

☒ Other

Pumping Level Below Land Surface

39.0 Ft. After 2.0 Hrs. pumped 650.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 650.0 GPM

REMARKS

RECEIVED

FEB - 1 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-12-12



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 14, 2022

4473-3

Jay Cutts
44681 309th St
Mission Hill SD 57046

Dear Mr. Cutts:

Thank you for letting us know you had purchased the land described in Partial Vested Water Right No. 4473-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

4473-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date August 1, 2022RECEIVED OF Cutts Farms 44681 309th St., Mission Hill SD 57046

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>4473-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Ironlund

Chief Engineer

EM

PAID

AUG 1 2022

Ck# 6643

Rec# 4473-3

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG 01 2022

OFFICE OF
WATER

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

No. 4473-3

Date:

I/We request that Partial Vested Water Right No. 4473-3

formerly owned by: Reuben Nicolai

be transferred to: (name & address) Jay Cutts, 44681 309th St., Mission Hill SD 57046

Telephone No.

Title to the following described land(s)/property has been transferred as described above:

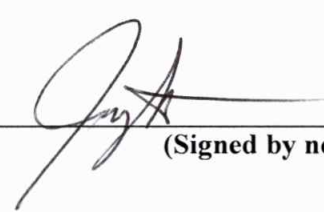
247.1 acres – E ½ Section 2; SW ¼ NW ¼ and SW ¼ Section 1, NW ¼ NW ¼ Section 12,
all in T93N, R55W

I/We understand that the validity of Water Right No. 4473-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jay Cutts, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 2, 2022

4473-3

Jay Cutts
44681 309th St
Mission Hill SD 57046

Dear Mr. Cutts:

I am writing to acknowledge receipt of the filing fee and transfer form you submitted for changing ownership on Partial Vested Water Right No. 4473-3.

The ownership change has been completed. No. 4473-3 formerly held by Reuben Nicolai is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure