

WATER PERMIT NO. 5840-3

Phone: 605 665-4501

Name of Applicant: City of Yankton

Post Office Address: PO Box 176, Yankton SD 57078

Amount of Water Claimed: 250 gpm (0.55 cfs) Total Acres: 40

Source of Water Supply: groundwater

Water to be used for: irrigation County: Yankton

Location: _____

PRIORITY Date Received: 12-19-94 Fee: _____

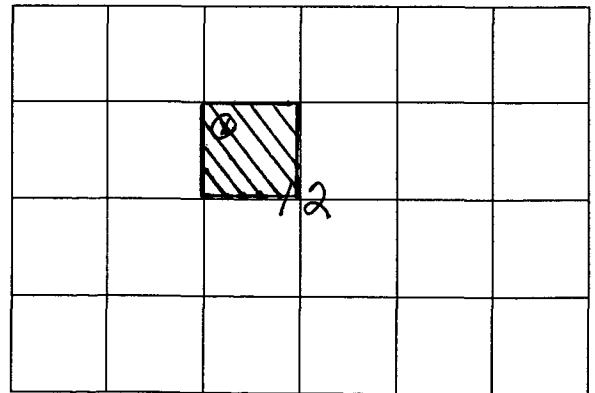
Corrected Application Received: 12-23-94 Period of Annual Use: March 1 - Nov 30

Remarks: _____

Diversion Point: SE 1/4 NW 1/4 Sec 12-T93N-R56W

Land to be Irrigated: SE 1/4 NW 1/4

Section 12-T93N-R56W.



Well Log: Driller: Christensen Well Co. Licensed: YES X NO _____

Depth of Well: 100 feet REMARKS: _____

Type of Map: Plat Prepared By: Kevin Kuhl Reviewed and the Number

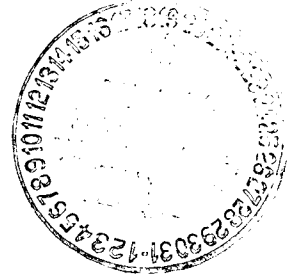
Assigned on: 12-23-94 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5840-3 Hydrologic Unit 10170101
Basin James River
Newspaper Daily Press & Dakotan
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: XX New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

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

- Name of Applicant City of Yankton Phone 665-4501, ext. 31
(check one) X Owner Tenant/lessee
Mailing Address P.O. Box 176, Yankton State SD 57078
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.55 *CFS or 250 **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in NE 1/4, SE 1/4 of the NW 1/4, Sec 12, T93N, R56W
 County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used March-November 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4, SE 1/4 <u>SE 1/4 NW 1/4</u>	<u>40</u>		
<u>Sec 12-T93N-R56W</u>			

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

Wells to provide water for irrigating play fields, athletic fields, and open areas at the city/school common use facility.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Yankton)^{ss}

I, William R Ross, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed William R Ross City Manager

Subscribed and sworn to before me this 9th day of December 19 94

Donna Steinbach
Notary Public



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24 inch Depth 100 feet
- b) Casing Type PVC Diameter 16 inch Thickness Schedule 40
- c) Screen Type slotted PVC Diameter 16 inch Thickness Schedule 40
- d) Gravel Pack Thickness 4 inches Length of Gravel Pack 80 feet
- e) Depth to Top of Water Bearing Material 10 feet
- f) Depth to Water (ground surface to water level) 10 feet
- g) Distance to nearest existing domestic well:
On applicants property none On property owned by others unknown

2. Dugout Information

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

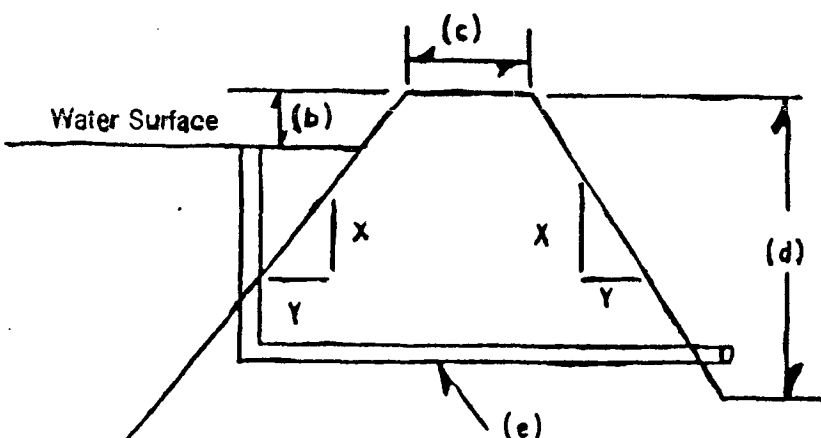
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

William R. Ross
City of Yankton
PO Box 176
Yankton SD 57078

Dear Mr. Ross:

Enclosed is Reissued Water Permit No. 5840-3. The permit is being reissued because the dates listed on Item Nos. 6 and 7, are incorrect. The correct dates are as follows:

6. All construction is to be completed on or before February 21, 2000.
7. Water is to be put to beneficial use on or before February 21, 2004.

If you have any questions, please contact this office.

Very truly yours,

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

enclosure

cy: Roger Pierce, Director of Parks & Recreation, PO Box 176, Yankton SD 57078

**REISSUED SOUTH DAKOTA
WATER PERMIT NO. 5840-3**

Date of first receipt of application December 19, 1994.

Date of return of applicant for corrections, amendments or changes December 19, 1994.

Date of receipt of corrected application December 23, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5840-3 to the City of Yankton, PO Box 176, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5840-3 appropriates 250 gallons per minute (0.55 cubic feet of water per second) from one well (Niobrara Aquifer) 100 feet deep located in the SE 1/4 NW 1/4 Section 12 to irrigate 40 acres located in the SE 1/4 NW 1/4 Section 12; all in T93N-R56W. The water will be used to irrigate play and athletic fields and open areas at the city/school common use facility.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - November 30.
3. The date from which applicant may claim right is December 19, 1994.
4. The date of approval of Permit No. 5840-3 is February 21, 1995.
5. One-fifth of the construction is to be completed on or before August 21, 1997.
6. All construction is to be completed on or before February 21, 2000.
7. Water is to be put to beneficial use on or before February 21, 2004.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5840-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to surface pursuant to Section 74:02:04:28.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 6 1995
date

**SOUTH DAKOTA
WATER PERMIT NO. 5840-3**

Date of first receipt of application December 19, 1994.

Date of return to applicant for corrections, amendments or changes December 19, 1994.

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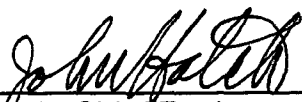
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4. The date of approval of Permit No. 5840-3 is February 21, 1995.
5. One-fifth of the construction is to be completed on or before August 21, 1997.
6. All construction is to be completed on or before February 21, 1999.
7. Water is to be put to beneficial use on or before February 21, 2003.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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WATER MANAGEMENT BOARD

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

date

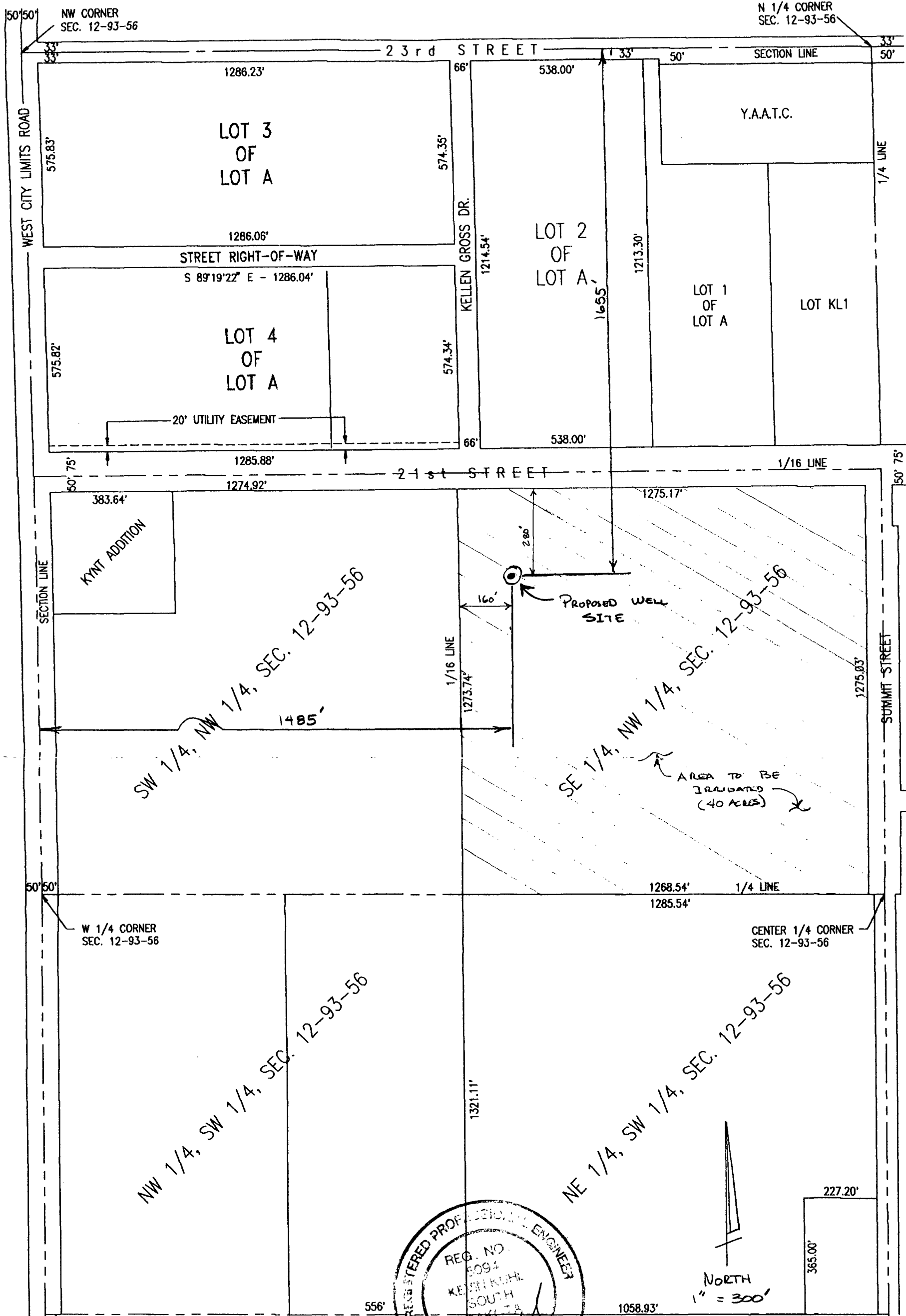
FEB 24 1995

07-92

Date:

07-92

Date:



NOTE: DISTANCES SHOWN BASED UPON
CITY OF YANKTON BASE MAP

COMMON USE FACILITY - IRRIGATION WELL
APPLICATION LOCATION MAP

12-16-94

Revised 12-20-94



City of Yankton

410-416 Walnut
P.O. Box 176
Yankton, South Dakota 57078-0176
Phone (605) 665-4501

December 16, 1994



Mr. James A. Goodman
Dept. of Environment & Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Goodman:

Enclosed with this letter is our **Application For Permit To Appropriate Water For Irrigation** for irrigation of athletic and play areas. Included with this application are the following supporting materials:

- ♦ Completed application Forms 2 and 2A,
- ♦ Map showing location of well and area to be irrigated,
- ♦ Driller's test log,
- ♦ Purchase Order No. 1066 for the processing fee of \$150.00.

Water samples were submitted to the SDSU Water Resource Institute and the results should be on file in your office.

Thank you for your attention to this application. If you have further questions or need additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger L. Pierce".

Roger L. Pierce, CLP
Director of Parks and Recreation

RLP/lg

Enc.

cc: Gene Hoag, Director of Public Works, City of Yankton



EQUAL OPPORTUNITY EMPLOYER

PURCHASE ORDER VOUCHER

Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

N/A

DATE	December 9, 1994
VENDOR NO.	
P.O. NO.	Nº 1066
DESCRIPTION	Filing Fee
CONTRACT NO.	
	
(PURCHASE AUTHORIZED BY)	

☒ ORIGINAL ORDER
☐ CONFIRMATION

[illegible]

VENDOR COPY



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 1994

Roger L Pierce
Director of Parks and Recreation
PO Box 176
Yankton SD 57078-0176

Dear Mr. Pierce:

In regard to the water permit application received today for the City of Yankton, the following information needs to be clarified in order to process the application.

The application states the 40 acres to be irrigated are located in the NE 1/4, SE 1/4. It appears from areas marked on the plat map, that lands to be irrigated are located in the SE 1/4 NW 1/4 and the NE 1/4 SW 1/4 Section 12-T93N-R56W. Please list the number of acres to be irrigated in each quarter-quarter and cross-hatch the area to be irrigated on the map. The two locations must correspond.

On the application, Item No. 2 indicates the amount of water claimed to be 300 gallons per minute which is equivalent to 0.66 cfs. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 0.57 cfs (256 gpm) for the 40 acres to be irrigated. Please let us know if you concur with this change.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure



City of Yankton

410-416 Walnut
P.O. Box 176
Yankton, South Dakota 57078-0176
Phone (605) 665-4501

December 21, 1994



Ms. Karen Schlaak, Environmental Scientist
Dept. of Environment & Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms Schlaak:

Enclosed are the requested changes to concur with your letter of December 19, 1994 regarding the City of Yankton's water permit application. **Form 2** has been changed to request that our claim be 250 GPM and the map revised to be consistent with the description.

Thank you for your assistance. If you have further questions or need additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger L. Pierce".

Roger L. Pierce, CLP
Director of Parks and Recreation

RLP/lg

Enc.



EQUAL OPPORTUNITY EMPLOYER

RECEIPT

414366

Division of Water Rights

South Dakota Department of Environment and Natural Resources

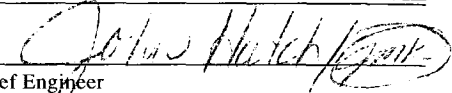
Pierre, _____, January 4, 19 95

RECEIVED OF City of Yankton, PO Box 176, Yankton, SD 57078

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

Fee for Application for Permit No. <u>5840-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By 
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5840-3
for the City of Yankton
January 5, 1994

Application No. 5840-3 proposes to appropriate 250 gpm (0.55 cfs) from one well approximately 100 feet deep located in the SE 1/4 NW 1/4 of section 12 to irrigate 40 acres located in the SE 1/4 NW 1/4 of section 12; all in T93N R56W in Yankton County. The water well be used to irrigate play and athletic fields and open areas at the city/school common use facility.

AQUIFER - NIOBRARA (NBRR)

The Niobrara is a bedrock aquifer consisting of light-gray to black, soft, calcareous shale (marl) (Bugliosi, 1986). The aquifer is buried but may behave like water table conditions at this site. The driller's log submitted with the application indicates sand and clay streaks from 5 to 46 feet lying directly upon the Niobrara which was penetrated to a depth of 70 feet. The completed test well had a static water level of 7 feet below land surface. The surficial sand and gravel overlying the Niobrara is probably the Lower James Missouri aquifer which is a large and prolific system. At this location, the both the Niobrara and Lower James Missouri are probably in direct hydraulic connection. This location is at the very western boundary of the Lower James Missouri aquifer. The Niobrara underlies 238 square miles of Yankton County (Bugliosi, 1986) and there is no estimate available for the amount of water in storage.

The Division of Water Rights monitors one observation well (YA-80L) completed into the Niobrara Formation and located about 1 mile southwest of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

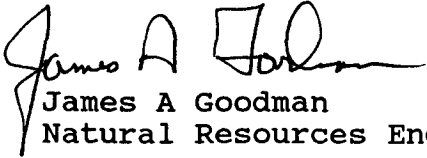
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit from the Niobrara is No. 5609-3 (also for City of Yankton) which is located about 1 1/2 miles north of this application. One other permit No. 5325-3 from the Lower James Missouri aquifer is located about 1 mile southeast of this application. Interference is not expected to be a concern. Drawdown created by pumping should not cause adverse impacts. Even though this application may technically be confined the other permits in the area are all unconfined and under water table conditions.

CONCLUSIONS

1. Water is available from the Niobrara Formation.

2. The aquifer is confined but with the potential of overlying sand and gravel being in direct hydraulic communication with the Niobrara the formation probably behaves like a water table situation.
3. Interference is not expected to be a concern. Drawdown should not be significant very far from the well. The distance between existing permits is sufficient to minimize any potential effects.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

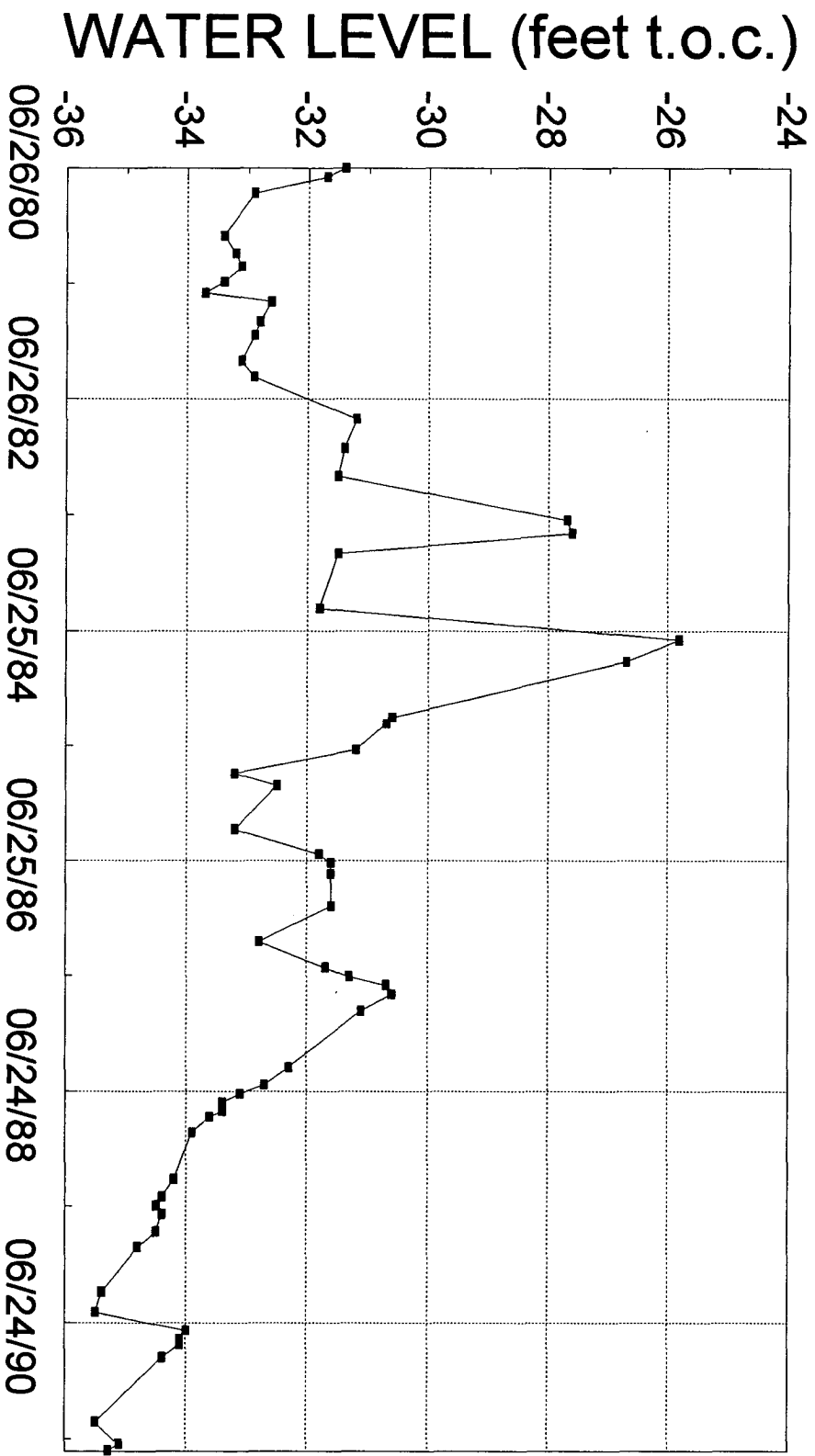
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, WRI 84-4241, USGS, Huron, SD, 57350.

Water Rights, 1995, Unpublished Observation Well Records for Yankton County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

YA-80L



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5840-3, City of Yankton

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5840-3, City of Yankton, c/o William R. Ross, PO Box 176, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 5840-3 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 qualification:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5840-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
January 20, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 26, 1995

Roger Pierce, Director
Parks and Recreation
City of Yankton
PO box 176
Yankton, SD 57078

Dear Mr. Pierce:

Water Permit Application No. 5840-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1995

Daily Press & Dakotan
PO box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5840-3 to be published twice. Please publish the first notice on February 2, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Yankton, PO Box 176, Yankton, SD 57078 (Ph # 605-665-4501).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 2, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5840-3 to Appropriate Water

Notice is given that the City of Yankton, PO Box 176, Yankton, SD 57078 has filed an application for a water permit to appropriate 250 gallons per minute (0.55 cubic feet of water per second) from one well (Niobrara Aquifer) 100 feet deep located in the SE 1/4 NW 1/4 Section 12 to irrigate 40 acres located in the SE 1/4 NW 1/4 Section 12; all in T93N-R56W. The water will be used to irrigate play and athletic fields and open areas at the city/school common use facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5840-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 21, 1995.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Yankton)



2+2+9
 NOTICE OF APPLICATION NO. 5840-3

to Appropriate Water

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I, Larry Benson

certify that the attached printed Notice was
 taken from the Yankton Daily Press
 & Dakotan

printed and published in Yankton

County of Yankton and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

February 2, 1995

February 9, 1995

Cost of Printing: \$42.46

Larry A Benson
 (Signature)

Business Manager
 (Title)

2-9-95

(Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 24 1995

William R. Ross
City of Yankton
PO Box 176
Yankton, SD 57078

Dear Mr. Ross:

Enclosed is Water Permit No. 5840-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

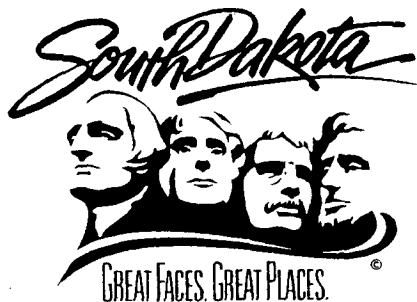
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

c: Roger Pierce, Director of Parks & Recreation, PO Box 176,
Yankton, SD 57078



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 4, 2002

5840-3

Roger Pierce, Parks & Recreation Director
City of Yankton
PO Box 176
Yankton SD 57078-0176

Dear Mr. Pierce:

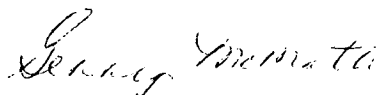
On June 18, 2002, an investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5840-3, was completed by Eric Gronlund, a staff engineer with our program. The permit authorizes irrigation of portions of the NW ¼ Section 12, T93N, R56W. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

A licensed water right is similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of the water use system or payment of the fee, please contact me.

Sincerely,


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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 23, 2002

RECEIVED OF City of Yankton, PO Box 176, Yankton SD 57078-0176

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8940-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000526

By

Darland Erbele
Chief Engineer

Permit No. 5840-3
James River (10170101) - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 18, 2002**, made a thorough examination of the water use system constructed by the **City of Yankton** of **PO Box 176, Yankton SD 57078** holder of Permit No. **5840-3**, bearing the priority of **December 19, 1994** authorizing the diversion of **0.55** cu. ft. per second of the waters of **Niobrara Aquifer** for **irrigation** purposes, in **Yankton** County.

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

A. Works used to divert the water:

Well with a pitless unit, submersible pump

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

Well located next to a pump house for controlling and pressurizing the irrigation system. The pump house was locked and Mr. Pierce did not have a key, so I did not get view the equipment inside the pump house.

C. Works used to apply water to beneficial use:

Underground sprinkler system

The system is in the following condition **good**. The point of diversion is located **approximately 1,560 feet east and 1,760 feet south of the NW corner (SE ¼ NW ¼) of Section 12, T93N, R56W (lat/lon N42.8896 and W-097.41160)** The works are capable of diverting and conveying to the place of use **0.45** 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:

SE ¼ NW ¼ Section 12, T93N, R56W 30 acres

comprising a total of **30** acres of land and the license should be issued for **0.43** cfs based on the statutory limit of 1 cfs per 70 acres.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **none**

Date Report Completed: **August 29, 2002**


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5840-3

DATE OF INVESTIGATION:	June 18, 2002
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Roger Pierce Parks and Recreation Director
NAME & ADDRESS OF PERMIT HOLDER	City of Yankton PO Box 176 Yankton SD 57078
DIVERSION POINT LEGAL LOCATION	SE ¼ NW ¼ Section 12, T93N, R56W

WATER SUPPLY

Source: Niobrara Formation

Well Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Christensen Well Co</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>70</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>4</u> inches | 2) Length <u>50</u> feet |
| 3) Type <u>plastic</u> | |

Screen:

- | | |
|-------------------------------------|--------------------------|
| 1) Type <u>PVC perforated pipe</u> | 2) Length <u>20</u> feet |
| 3) Static water level <u>7</u> feet | |

Pump: submersible

- | | |
|-------------------------|----------------------------|
| 1) Make <u>Grundfos</u> | 2) Model |
| 3) Size <u>20 Hp</u> | 4) Capacity <u>200</u> GPM |

SYSTEM TYPE: Underground sprinkler system

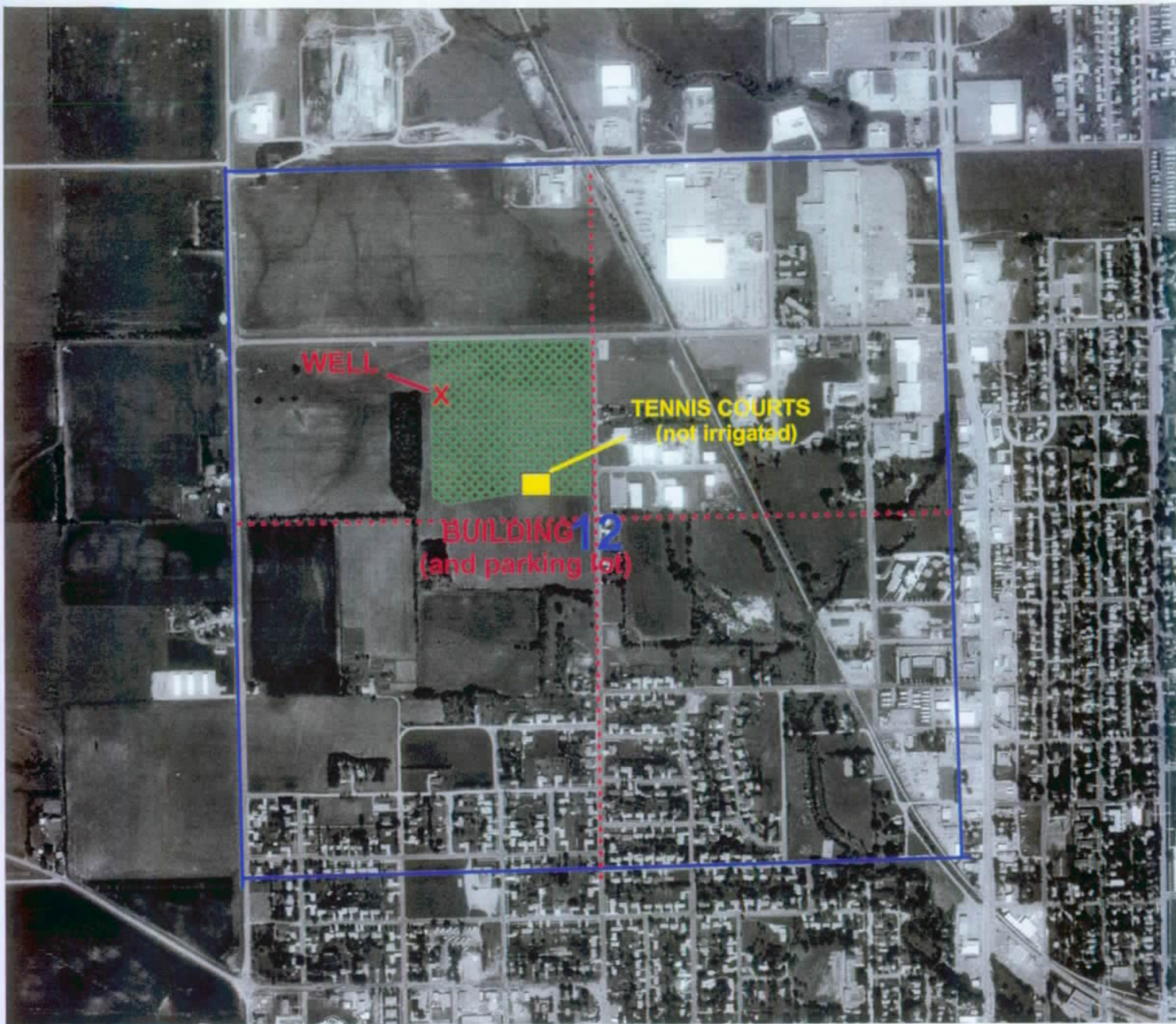
CHEMIGATION EQUIPMENT:

- 1) Does chemigate No

PERMIT QUALIFICATIONS AND REGULATIONS:

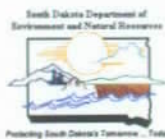
- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

- Since this is an underground sprinkler system, the area irrigated is an approximation.
- Information on pump capacity and type was obtained from Christensen Well Company (402 254-6809)



2000 0 2000 4000 Feet

One well located approximately 1,560 feet east and 1,760 feet south of the NW corner (SE 1/4 NW 1/4) of Section 12, T93N, R56W (approx. Lat/Lon - N42.8896 and W-097.41160)



Eric Gronlund

Eric Gronlund
Water Rights Program
Licensing Investigation - June 18, 2002

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5840-3

(1) The City of Yankton, PO Box 176, Yankton SD 57078 made Application No. 5840-3, December 19, 1994 for a water permit to divert 0.55 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 5840-3, with a priority date of December 19, 1994 was approved February 21, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 21, 2000 and for the application to beneficial use of water on or before February 21, 2004.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5840-3 is issued a license, bearing a priority date of December 19, 1994, to appropriate 0.43 cubic feet of water per second from groundwater (one well) to irrigate 30 acres.

The diversion point is located approximately 1,560 feet east and 1,760 feet south of the northwest corner of Section 12-T93N-R56W (SE ¼ NW ¼).

The acres authorized for irrigation are as follows: **SE ¼ NW ¼ Section 12-T93N-R56W 30 acres**

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5840-3 including the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 5840-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 04 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 04 2002

5840-3

City of Yankton
Roger Pierce, Parks & Recreation Director
PO Box 176
Yankton SD 57078-0176

Dear Mr. Pierce:

Enclosed is Water License No. 5840-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000326 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5840-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



5840-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: DEPT OF PARKS & RECREATION, ROGER L PIERCE, DIRECTOR, PO BOX 176,
YANKTON, SD 57078 0176

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5840-3 & 6365-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5840-3 & 6365-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5840-3 & 6365-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

5846-3



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5302

Your item was delivered at 9:47 am on January 25, 2006 in YANKTON, SD 57078. The item was signed for by A VIEREK.

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DEPT OF PARKS & RECREATION
ROGER L PIERCE, DIRECTOR
PO BOX 176
YANKTON SD 57078 0176

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2006

5840-3
6365-3

Kari Happold
Yankton Parks & Recreation Department
PO Box 176
Yankton SD 57078 0176

Dear Ms. Happold:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 5840-3 and 6365-3.

The information was received in our office prior to the Water Management Board meeting and the issue 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