

WATER PERMIT NO. 6297-3

Name of Applicant: Patrick Lyons

Address: 1704 Willowdale Road, Yankton SD 57078

Phone: 605 665-5302

Amount of Water Claimed: 3.2 cfs

Total Acres: 224

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 3 miles east of Yankton

PRIORITY

Date Received: 2-5-2002

Fee: \$375

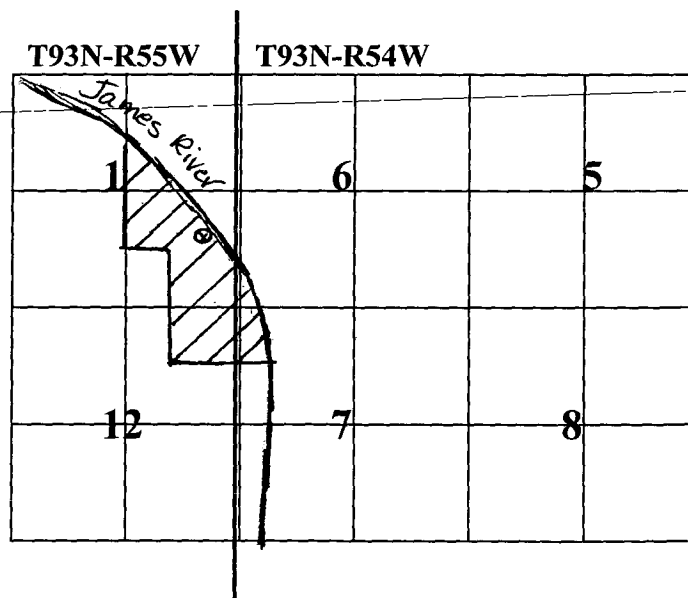
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Water Right No. 230-3 authorizes irrigation of the same lands from the James River

Diversion Point: N ½ SE ¼ Sec 1-T93N-R55W

Land to be Irrigated: NE ¼ NE ¼ Sec 12, SE ¼ SE ¼, NW ¼ SE ¼, Lots 7 & 8, Sec 1; T93N-R55W
Lot 2 Sec 7 and Lot 5 Sec 6; T93N-R54W



Depth of Well: 110 feet deep

Well Driller: : Christensen Well & Irrigation

Remarks:

Type of Map: aerial

Prepared by: Richard Schwartz, Yankton Co.FSA

Reviewed and the Number Assigned on: 2-5-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6297-3

Date of first receipt of application February 5, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6297-3 to Patrick Lyons, 1704 Willowdale Road, 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. 6297-3 appropriates 3.2 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 110 feet deep located in the N ½ SE ¼ Section 1-T93N-R55W to irrigate 224 acres located in the SE ¼ SE ¼, NW ¼ SE ¼, Lots 7 and 8 of Section 1 and the NE ¼ NE ¼ of Section 12 in T93N-R55W; Lot 5 of Section 6 and Lot 2 of Section 7 in T93N-R54W. Water Right No. 230-3 authorizes irrigation of generally the same lands from the James River.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 5, 2002.
4. The date of approval of Permit No. 6297-3 is April 1, 2002.
5. One-fifth of the construction is to be completed on or before October 1, 2004.
6. All construction is to be completed on or before April 1, 2007.
7. Water is to be put to beneficial use on or before April 1, 2011.
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. 6297-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion of water authorized by Permit Nos. 230-3 (James River) and 6297-3 (Missouri:Elk Point Aquifer), combined, shall not exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 16 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6297-3</u>	(office use only) Hydrologic Unit <u>10160011</u>	RECEIVED FEB - 5 2002
	Basin <u>James River</u>	Newspaper <u>Daily Press + Dakotan, Yankton</u>	WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant PATRICK LYONS Phone (605) 665-5302
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1704 WILLOWDALE ROAD YANKTON State SOUTH DAKOTA 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 3.2 *CFS or **GPM ***AF Total Acreage 224
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply GROUND WATER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) N 1/2 SE 1/4 1-93-55
County YANKTON
- County or counties where water will be used YANKTON
- Annual period during which water is to be used April 1 THRU OCTOBER 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 12-93-55	↓	LOTS 7+8 1-93-55	↓
SE 1/4 SE 1/4 1-93-55	↓	LOT 2 7-93-54	↓
NW 1/4 SE 1/4 1-93-55	↓	LOT 5 6-93-54	↓
	↓	ALL INCLUSIVE	224

8. Give a description of the project. (Attach sheet if more space is needed)
Water Right No. 230-3 covers irrigation of same lands from James River.

STATE OF SOUTH DAKOTA) SS
County of Yankton

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)

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

Applicant's signature Patrick Lyons

Subscribed and sworn to before me this 31st day of January 2002

My Commission Expires March 5, 2004

Jolene G. Pravecek

Notary Public signature

Jolene G. Pravecek

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 26 Depth 110
- b) Casing Type 16" PVC Diameter 16" Thickness sch. 40
- c) Screen Type Double PVC Diameter 16" Thickness sch. 40
- d) Gravel Pack Asd gravel Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
On applicants property NONE On property owned by others 1 mile

2. Wastewater Disposal System Information

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

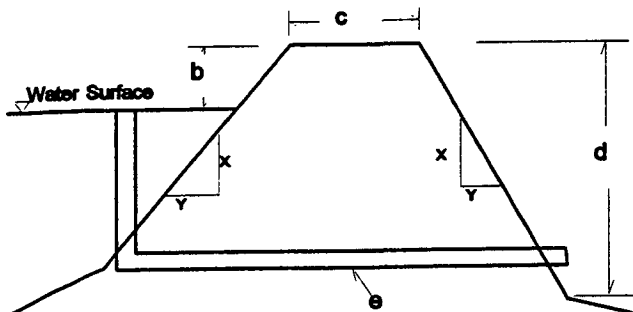
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 417077

Pierre, February 5, 20 02

RECEIVED OF Lyons Farms, Inc., 1704 Willowdale Rd, Yankton SD 57078
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6297-3 to Appropriate Water, to construct
and to put water to beneficial use _____

275 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. 6297-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

325 00

By

Garland Erbele
Chief Engineer

Garland Erbele

OWNER Pat Lyons
ADDRESS

ADDRESS

STATE

DATE _____

19

STONE

SHALE

GRAVE

SAND

CLAY

FT.

FT.

0	10
---	----

10 | 30

3050

5080

20	110
----	-----

With some

11 med.

med

med X

[illegible]

ROCKS

William F. Anderson
Diller

STATIC WATER LEVEL

 $20'$

PUMPING WATER LEVEL

AQUIFER THICKNESS

SCREEN LENGTH

SLOT SIZE

FITTING - TOP

FITTING - BOTTOM

TOTAL DEPTH

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 NE 1/4 Sec 1 Twp 93N Rg 55W, KS
County YANKTON North

Please mark well location with an "X"

W

E

Well Completion Date

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

40 LB/FT 1 1/2 IN 0 FT 95 FT 7 1/2 IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Portland Cement No. of Sacks _____ Grout Weight _____ lb./gal 20 ft. 50 ft.

_____ lb./gal 0 ft. 20 ft.

Describe grouting procedure pressure groutedSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 1 1/2 IN Length 20 FEETMaterial ADCSlot Size 0.075 Set From 95 Feet to 115 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: Chlorine

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

Well Owner: Kat Lyons

Business Name: _____

Address: _____

WELL LOG:

DEPTH

FORMATION

FROM

TO

top soil	0	10
fine sand	10	50
course sand	50	60
fine sand & clay	60	101
rocks	101	109
course gravel	109	115

STATIC WATER LEVEL

21

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: turbine pump☐ Bailed☐ Other

Pumping Level Below Land Surface

29 ft. After 1 Hrs. pumped 700 GPM38 ft. After 2 Hrs. pumped 1400 GPMIf pump installed, pump rate 700 GPM

REMARKS

RECEIVED

OCT 15 2002

WATER RIGHTS PROGRAM

This well was drilled under license # 4444

And this report is true and accurate.

Drilling firm Chastensen Well & Irrigation, Inc.

Signature of License Representative:

Bob W. Chastensen

Signature of Well Owner or Equitable Property Holder:

Date: _____

3-20-03

REPORT ON WATER PERMIT APPLICATION NO. 6297-3

For Patrick Lyons

February 25, 2002

Application No. 6297-3 proposes to appropriate 3.2 cfs from one well approximately 110 feet deep located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 1, T93N R55W to irrigate 224 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 7 and 8 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 12, T93N R55W; Lot 5 of section 6 and Lot 2 of section 7, in T93N R54W all in Yankton County. Water Right No. 230-2 authorizes irrigation of generally the same lands from the James River.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) in this area. The aquifer is under water table conditions at this site. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The Missouri Elk Point aquifer is equivalent to the "southern area" of the Lower James Missouri aquifer described in the Yankton County Study (Bugliosi, 1986). The Missouri Elk Point aquifer extends into Clay County to the east, blends into and is hydraulically connected to both the Lower James Missouri aquifer to the north and to the James and Missouri Rivers.

Test well information provided with the application indicates silty sand from the surface to a depth of 10 feet, followed by medium sand from 10 to 50 feet, followed by medium gravel from 50 to 80 feet, and followed by medium gravel with rocks from 80 to 110 feet below land surface. The test had a static water level of 20 feet below land surface. No pumping information was provided with the log but irrigation wells in the area have relatively high specific capacities.

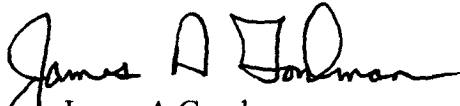
The Water Rights Program monitors an observation well, YA-57D, located within one-half mile of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002). The only unusual characteristic of the observation well hydrograph is the downward trend in water levels. This can not be easily explained and is the only observation well in the area which demonstrates this phenomena.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Water Right No. 230-3 from the James River already covers the same lands as this application. This application and the river diversion combined cannot exceed the statutory limit for irrigation of two acre-feet per acre. There are four existing ground water rights/permits in a one-mile radius of this application. Interference is not a concern. Drawdown created by pumping does not extend very far from individual production wells.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions and interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Most of the lands covered by this application are already irrigated under Water Right No. 230-3 with water from the James River. The combined diversion from ground water and surface cannot exceed 2 acre-feet per acre annually.


James A Goodman
Natural Resources Engineer

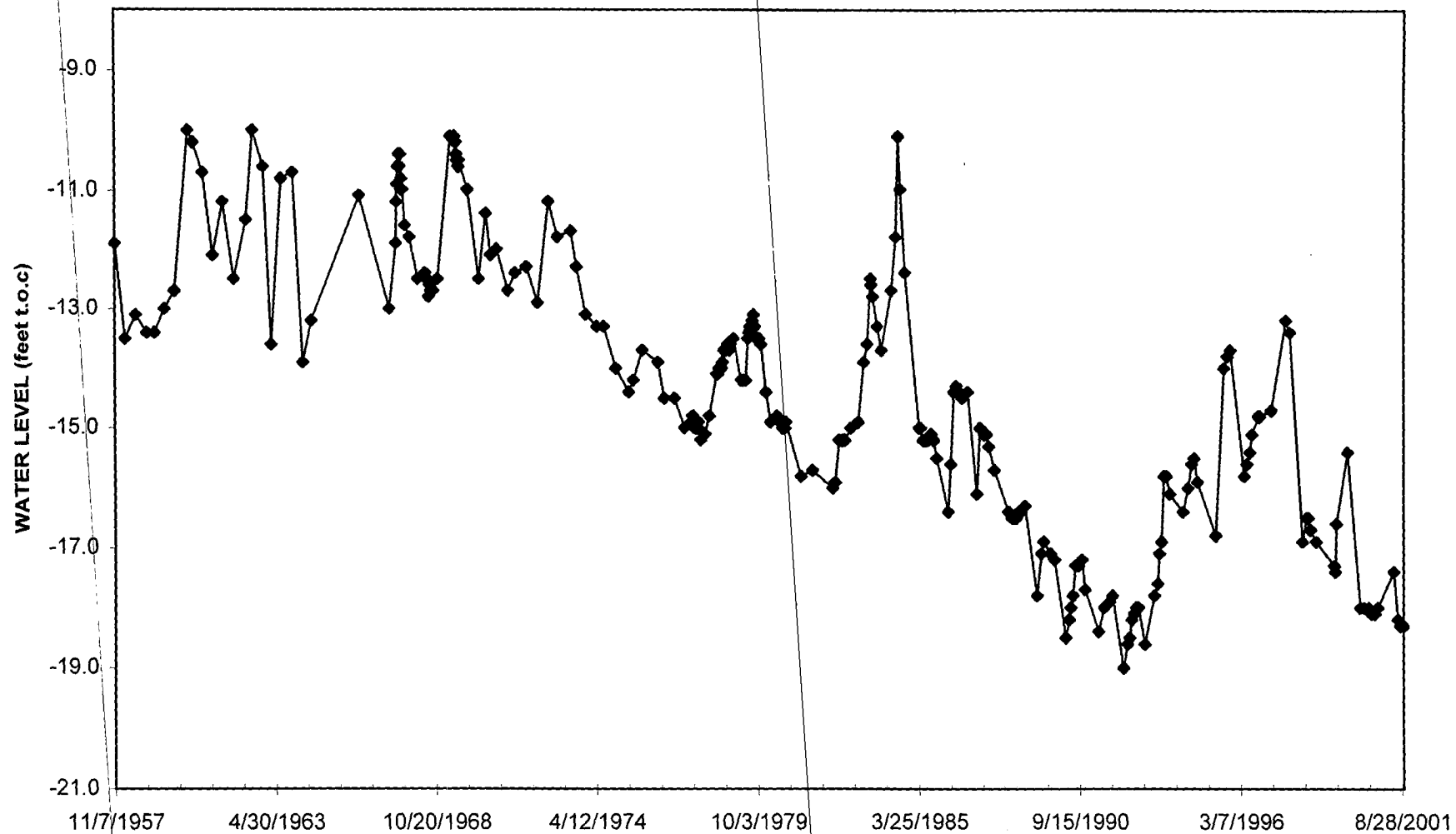
BIBLIOGRAPHY

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

Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2002, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-57D





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6297-3, Patrick Lyons**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6297-3, Patrick Lyons, 1704 Willowdale Road, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6297-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under 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. 6297-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion of water authorized by Permit Nos. 230-3 (James River) and 6297-3 (Missouri:Elk Point Aquifer), combined, shall not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 1, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2002

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

ATTENTION: Legal Public Notice

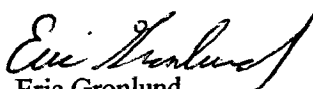
Enclosed is a Notice of Hearing on Application No. 6297-3 to Appropriate Water to be published twice. Please publish the first notice on March 13, 2002 with the second publication 7 days later.

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 Patrick Lyons, 1704 Willowdale Road, Yankton, SD 57078 (Ph # 605-665-5302).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6297-3

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

Date _____

We are in receipt of your letter of March 1, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6297-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 1, 2002

Patrick Lyons
1704 Willowdale Rd.
Yankton, SD 57078

Dear Mr. Lyons:

Water Permit Application No. 6297-3 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). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on March 13, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6297-3 to Appropriate Water

Notice is given that Patrick Lyons, 1704 Willowdale Road, Yankton SD 57078 has filed an application for a water permit to appropriate 3.2 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 110 feet deep located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1-T93N-R55W to irrigate 224 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 7 and 8 of Section 1 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12 in T93N-R55W; Lot 5 of Section 6 and Lot 2 of Section 7 in T93N-R54W. Water Right No. 230-3 authorizes irrigation of generally the same lands from the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6297-3 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 1, 2002.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**NOTICE OF APPLICATION NO. 6297-3
to Appropriate Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 6297-3 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 Program, Foss Building, 523 E. Capitol, Pierre, SD 57071 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 1, 2002.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR

Joe Foss Building
523 E. Capitol Ave
Pierre SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RITA THOMAS BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT SHE IS THE PUBLISHER OF THE YANKTON PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Notice Of Application No. 6297-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE 20th DAY OF March 2002 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$53.99 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 03/13/02; 03/20/02

FILED ON: 04/02/02

SUBSCRIBED AND SWORN TO BEFORE ME THIS

2nd

DAY OF

April

2002

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

08/19/03

RECEIVED

APR - 4 2002

**WATER RIGHTS
PROGRAM**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 16 2002

Patrick Lyons
1704 Willowdale Road
Yankton, SD 57078

Dear Mr. Lyons:

Enclosed is Water Permit No. 6297-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

6297-3

HARMELINK & FOX LAW OFFICE
721 DOUGLAS - SUITE 101
P.O. BOX 18
YANKTON, SD 57078



John Harmelink
Licensed in SD and IA
Wanda Howey-Fox
Licensed in SD and NE

TELEPHONE
605-665-1001
FAX
605-665-6781

December 17, 2004

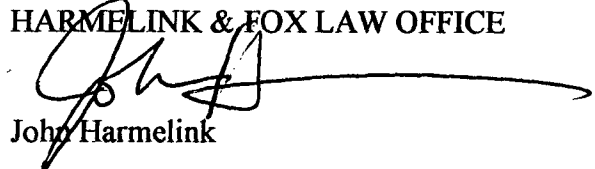
Water Right Program
523 East Capitol
Pierre, SD 57501-3181

Re: 2004 Water Management Board Irrigation Questionnaires

Enclosed please find a completed 2004 Water Management Board Irrigation Questionnaire.

Sincerely,

HARMELINK & FOX LAW OFFICE


John Harmelink

JEH: 

Enclosures

RECEIVED

DEC 20 2004

WATER RIGHTS
PROGRAM



6297-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 21, 2004

230-3
6297-3

John Harmelink
Harmelink & Fox Law Office
PO Box 18
Yankton SD 57078-0018

Dear Mr. Harmelink

I am writing in follow-up to our December 20th phone conversation about Water Right No. 230-3 and Water Permit No. 6297-3, currently listed in the name of Patrick Lyons. Enclosed are copies of each which you may keep for your records.

When the sale of the land has been finalized, Nos. 230-3 and 6297-3 should be transferred to reflect new ownership. Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review and complete as necessary. 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.

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



6297-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

230-3
6297-3

Pat Lyons
1704 Willowdale Rd
Yankton SD 57078

Dear Mr. Lyons:

Thank you for calling concerning the sale of your land and the ownership changes needed for Water Right No. 230-3 and 6297-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. The new owner will need to complete and sign the forms. Once they are completed, they need to be returned 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.

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

HARMELINK & FOX LAW OFFICE
721 DOUGLAS - SUITE 101
P.O. BOX 18
YANKTON, SD 57078



John Harmelink
Licensed in SD and IA
Wanda Howey-Fox
Licensed in SD and NE

TELEPHONE
605-665-1001
FAX
605-665-6781

December 13, 2005

Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3181

Re: Ownership transfers.

Dear Sir:

Enclosed please find two (2) Notices of Transfer of Ownership and Questionnaire.
Also enclosed is a check for \$5.00. If any further information is needed, please contact
me at your convenience.

Sincerely,

HARMELINK & FOX LAW OFFICE

John Harmelink

JEH:mjh

Enclosures

RECEIVED
DEC 16 2005
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6297-3

Date: 12-12-05

I/We request that Water Permit No. 6297-3

formerly owned by: Patrick Lyons, 1704 Willowdale Rd, Yankton SD 57078

be transferred to: (name & address) Schenpp Family Limited
Partnership, 205 Green Street, Yankton,
South Dakota 57078 Telephone No. 605-665-7764

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

224 acres - NE 1/4 NE 1/4 Section 12, SE 1/4 SE 1/4, NW 1/4 SE 1/4, Lots 7 & 8 Section 1, T93N, R55W

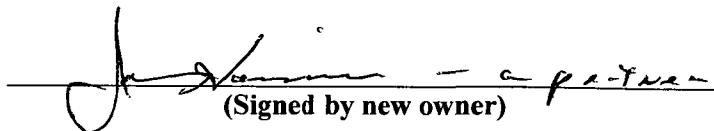
Lot 5 Section 6 and Lot 2 Section 7, T93N, R54W

I/We understand that the validity of Water Permit No. 6297-3 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 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 Schenpp Family Limited, the new owner, certify that the above information is true and correct.
Partnership


(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.

RECEIVED
DEC 16 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 16, 2005

RECEIVED OF Harmelink, Business Account, 721 Douglas Suite 101, Yankton SD 57078

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>6297-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 00000

By

Darland Erbele
Chief Engineer *gm*

DEPARTMENT OF ENVIRONMENT & NATURAL
RESOURCES
WATER RIGHTS PROGRAM
523 E CAPITOL
PIERRE, SD 57501
PHONE (605) 773-3352 FAX (605) 773-4068

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
John Harmelink	Genny McMath
COMPANY:	DATE:
	12/28/2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
605 665-6781	4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
605 665-1001	
RE:	YOUR REFERENCE NUMBER:
irrigation questionnaire	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

John,

I am forwarding a copy of the 2004 irrigation questionnaire completed by Mr. Lyons for 6297-3 and a sample copy of how to fill out the questionnaire.

If you have any questions, please contact me.

Genny



6297-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

December 19, 2005

230-3
6297-3

John Harmelink, Partner
Schempp Family Limited Partnership
205 Green St
Yankton SD 57078

Dear Sir:

I am writing to acknowledge receipt of the ownership changes for Water Right No. 230-3 and Water Permit No. 6297-3. The transfers have been completed. Both Nos. 230-3 and 6297-3 are now listed in the name of Schempp Family Limited Partnership.

Enclosed are Receipt Nos. 002078 and 002079 in the amounts of 2.50 which you paid for filing the ownership changes.

Also enclosed are the 2005 irrigation questionnaires. Please complete and return the forms by December 31, 2005. The form you submitted with the transfer forms indicated 189 acres were irrigated but no information was included on how much irrigation took place. You will note on the forms that they cover basically the same land but the source of water is different on each one.

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

6297-3

HARMELINK & FOX LAW OFFICE
721 DOUGLAS - SUITE 101
P.O. BOX 18
YANKTON, SD 57078



John Harmelink
Licensed in SD and IA
Wanda Howey-Fox
Licensed in SD and NE

TELEPHONE
605-665-1001
FAX
605-665-6781

December 30, 2005

Water Rights Program
Attn: Genny McMath
523 East Capitol
Pierre, SD 57501-3181

Re: 2005 Irrigation Questionnaires.

Dear Genny:

Enclosed please find irrigation questionnaires for water permits #6297-3 and 230-3. If you need any further information, please contact me at your convenience.

Sincerely,

HARMELINK & FOX LAW OFFICE


John Harmelink

JEH:mjh

Enclosures

RECEIVED
JAN - 5 2006
WATER RIGHTS
PROGRAM



6297-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: SCHEMPP FAMILY LIMITED PARTNERSHIP, JOHN HARMELINK, 205 GREEN ST,
YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 230-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6297-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 6297-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 230-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

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.

6297-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6340
Status: **Delivered**

Your item was delivered at 1:19 PM on January 29, 2009 in CAVE CREEK, AZ 85331. The item was signed for by K HARMELINK.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6340

SCHEMPP FAMILY LIMITED PARTNERSHIP
JOHN HARMELINK
205 GREEN ST
YANKTON SD 57078

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2009

230-3
6297-3

John Harmelink
Schempp Family Limited Partnership
205 Green St
Yankton SD 57078

Dear Mr. Harmelink:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 230-3 and Water Permit No. 6297-3.

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

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: SCHEMPP FAMILY LIMITED PARTNERSHIP, JOHN HARMELINK, 205 GREEN ST,
YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 230-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6297-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 6297-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 230-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<https://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2010

230-3
6297-3

John Harmelink
Schempp Family Ltd Partnership
38065 N Cave Creek Rd Villa #45
Cave Creek AZ 85331-8536

Dear Mr. Harmelink:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 230-3 and Water Permit No. 6297-3.

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

If you have any questions, please contact me.

Sincerely,

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

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

Permit No. 6297-3
James River - Water District

Contact Person & Address: **John Harmelink**

Report Of Examination Of Works

On, 9/22/09, I made a thorough examination of the water use system constructed by **Schempp Family Limited Partnership (John Harmelink); 205 Green St, Yankton SD 57078** holder of Permit No. 6297-3, bearing the priority of February 5, 2002 authorizing the diversion of 3.2 cu. ft. per second of the waters of **ground water:(Missouri: ElkPoint)** for **irrigation** purposes, in **Yankton** County.

The system is in the following condition **good**. The point of diversion is located **from the SE corner of Sec 1 T93N R55W; 1320 ft north and 90 ft east** with a longitude of -97.27968 and a latitude of 42.89810 as determined using **GPS**. The works are capable of diverting and conveying to the place of use 2.0 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:

Land is located in **Sec 1 T93N-R55W**

<u>NW ¼ NE ¼ - 4 ac</u>	<u>SE ¼ NE ¼ - 3 ac</u>	<u>SW ¼ NE ¼ - 29 ac</u>	<u>NW ¼ SE ¼ - 39 ac</u>
<u>NE ¼ SE ¼ - 28 ac</u>	<u>SE ¼ SE ¼ - 40 ac</u>		

Land is located in **Sec 6 T93N R54W**

SW ¼ SW ¼ - 5 ac

Land is located in **Sec 12 T93N R55W**

NE ¼ NE ¼ - 40 ac

Land is located in **Sec 7 T93N R54W**

NW ¼ NW ¼ - 16 ac

comprising a total of 204 acres of land and the license should be issued for 2.0 cfs.

Review of 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**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Christensen Well and Irrigation**
- 2) No. of Wells **1**

3) Depth(s) 115 feet

4) Well log is available yes

Casing:

1) Diameter 16 inches

2) Length 95 feet

3) Type pvc

Screen:

1) Type pvc

2) Length 20 feet

3) Static water level 21 feet

Pump:

1) Make Goulds MidAmerica

2) Model A48817-02

3) Size #

4) Capacity 900 GPM

Motor:

1) Make Caterpillar

2) Model No. 3208 Diesel

3) Horsepower rating 125 hp

DISTRIBUTION LINES OR CANALS:

1) Type pvc 2) Size 8 inches 3) Length ? feet

SYSTEM TYPE:

Center pivot:

1) Make T-L

2) Overall length 1300 feet

3) Number of towers 7

4) End gun yes

5) High or low pressure lo

6) Capacity 900 GPM

SYSTEM TYPE:

Center pivot:

1) Make unknown towable

2) Overall length 650 feet

3) Number of towers 3

4) End gun yes

5) High or low pressure lo

6) Capacity ? GPM

Center pivot:

1) Make unknown towable

2) Overall length 650 feet

3) Number of towers 3

4) End gun yes

5) High or low pressure lo

6) Capacity ? GPM

Center pivot:

- | | |
|-----------------------------------|-----------------------------------|
| 1) Make <u>unknown towable</u> | 2) Overall length <u>650</u> feet |
| 3) Number of towers <u>3</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>lo</u> | 6) Capacity <u>?</u> GPM |

Center pivot:

- | | |
|-----------------------------------|-----------------------------------|
| 1) Make <u>unknown towable</u> | 2) Overall length <u>650</u> feet |
| 3) Number of towers <u>3</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>lo</u> | 6) Capacity <u>?</u> GPM |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

Comments : none



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

4-15-2010

Date



6297-3

Mark D. Rath
Natural Resources Engineering Specialist
4/06/2010

0 0.1 0.2 0.4
Miles





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 28 2010

6297-3

John Harmelink
Schempp Family Ltd Partnership
205 Green St
Yankton SD 57078

Dear Mr. Harmelink:

Enclosed is your Water License No. 6297-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6297-3, 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,

A handwritten signature in black ink, which appears to read "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6297-3

(1) Patrick Lyons made Application No. 6297-3, February 5, 2002 for a water permit to divert 3.20 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6297-3, with a priority date of February 5, 2002 was approved April 1, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 1, 2007 and the application to beneficial use of said water on or before April 1, 2011.

Water Permit No. 6297-3 was transferred December 16, 2005 from Patrick Lyons to Schempp Family Limited Partnership % John Harmelink.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet north and 90 feet east of the SE corner of Section 1, T93N, R55W (E ½ SE ¼).

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

Section 1, T93N, R55W		Section 12, T93N, R55W		Section 6, T93N, R54W		
NW ¼ NE ¼	4 acres	NE ¼ NE ¼	40 acres	SW ¼ SW ¼	5 acres	
SE ¼ NE ¼	3 acres			Section 7, T93N, R54W	NW ¼ NW ¼	16 acres
SW ¼ NE ¼	29 acres					
NW ¼ SE ¼	39 acres					
NE ¼ SE ¼	28 acres					
SE ¼ SE ¼	40 acres					
Total acres irrigated – 204*						

*portions of the acreage described above are also irrigated from the James River authorized by Water Right No. 230-3.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Schempp Family Limited Partnership, % John Harmelink, 205 Green St, Yankton SD 57078 the holder and/or owner of Water Right No. 6297-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer) with a priority date of February 5, 2002 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

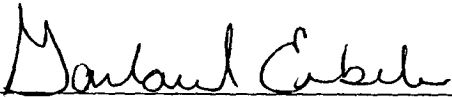
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6297-3 and subject to the following qualifications:

- 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.

continued

Water License No. 6297-3

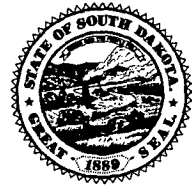
- The well authorized by Permit No. 6297-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 *(The well was drilled in June, 2002 by Christensen Well & Irrigation Inc and a copy of the log is on file with the Water Rights Program.)*
- The diversion of water authorized by Water Right No. 230-3 (James River) and Water Right No. 6297-3 (Missouri Elk Point Aquifer), combined shall not exceed 2 acre feet of water per acre per year.
- 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

APR 28 2010

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 16, 2017

6297-3

Jason Harmelink
J & J Farming Company LLC
214 Capitol St Ste 4
Yankton SD 57078

Dear Mr. Harmelink:

I am writing in follow-up to our phone conversation concerning Water Right No. 6297-3. I have included a copy of the water right and map for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2017 irrigation questionnaire pertaining to the land described in Water Right No. 6297-3. Please take a few minutes to complete the form and return it to us along with the transfer form and filing fee.

If you have any questions, please contact me.

Sincerely,

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

enclosures



6297-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: JASON HARMELINK, OPERATOR, 214 CAPITOL ST STE 4, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6297-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 6297-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6297-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genney.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

6297-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2018

6297-3
7018-3

Jason Harmelink
J & J Farming Company LLC
214 Capitol St, Suite 4
Yankton SD 57078

Dear Mr. Harmelink:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for Water Right No. 6297-3 (Schempp Family Limited Partnership) and Water Permit No. 7018-3 (J & J Farming Co LLC).

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 6297-3 and Water Permit No. 7018-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In November, 2017, we spoke on the phone and I forwarded a transfer form to you for changing ownership of Water Right No. 6297-3 from Schempp Family Ltd Partnership to J & J Farming. To date, we have not received anything back from you.

Enclosed is another partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign and return the form to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIVED

FEB 12 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6297-3

Date: 2-8-18

I/We request that Water Right No. 6297-3

formerly owned by: Schempp Family Limited Partnership

be transferred to: (name & address) J & J Farming Company LLC
214 Capitol St., Ste 4 Yankton, SD 57078

Telephone No. 605-661-0245

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

204 acres in portions of the E 1/2 Section 1, NE 1/4 NE 1/4 Section 12, T93N, R55W;

SW 1/4 SW 1/4 Section 6, NW 1/4 NW 1/4 Section 7, T93N, R54W

I/We understand that the validity of Water Right No. 6297-3 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 Harmelink, the new owner, certify that the above information is true and correct.

Jay Harmelink of
J & J Farming Company

Jay Harmelink Partner/owner
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 15, 20 18

RECEIVED OF J & J Farming Company, LLC 214 Capitol St. Ste 4 Yankton, SD 57078

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. _____		
Fee for Filing Transfer Form <u>6297-3</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. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 08661

By

Joanne Goodman
Chief Engineer JM



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **J & J FARMING COMPANY LLC**

General Information

SOS Business ID: **DL015592**
 Filing Type: **Limited Liability Company - Domestic**
 01/22/2008
 Status: **Good Standing**
 Duration Term: **Perpetual**
 Managed By: **Manager-Managed**

Registered Agent Address

MICHAEL R HENDERSON
 118 W 3RD STREET
 YANKTON, SD 57078-4321

Principal Address

214 CAPITOL, STE.4
 YANKTON, SD 57078-4321

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
11/02/2017	2018 Annual Report	B0043-8654
01/18/2017	2017 Annual Report	B0022-1761
01/04/2016	2016 Annual Report	
12/18/2014	2015 Annual Report	
12/20/2013	2014 Annual Report	
01/03/2013	2013 Annual Report	
03/14/2012	2012 Annual Report	
02/22/2011	2011 Annual Report	
01/01/2010	2010 Annual Report	
01/05/2009	2009 Annual Report	
01/22/2008	Initial Filing	DL015592



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 14, 2018

6297-3

Jason Harmelink
J & J Farming Company LLC
214 Capitol St, Ste 4
Yankton SD 57078

Dear Mr. Harmelink:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6297-3.

The ownership change has been completed. Water Right No. 6297-3 formerly held by Schempp Family Limited Partnership is now listed in the name of J & J Farming Company LLC.

Enclosed for your records is Receipt No. 08601 in the amount of \$50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure