

WATER PERMIT NO. 6365-3

Name of Applicant: City of Yankton

Address: PO Box 176, Yankton SD 57078

Phone: 605 668-5231

Amount of Water Claimed: 1.11 add'l cfs

Total Acres: 100

Source of Water Supply: groundwater

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: golf course for City of Yankton

PRIORITY Date Received: 10-15-2002

Application/License Fee: \$200

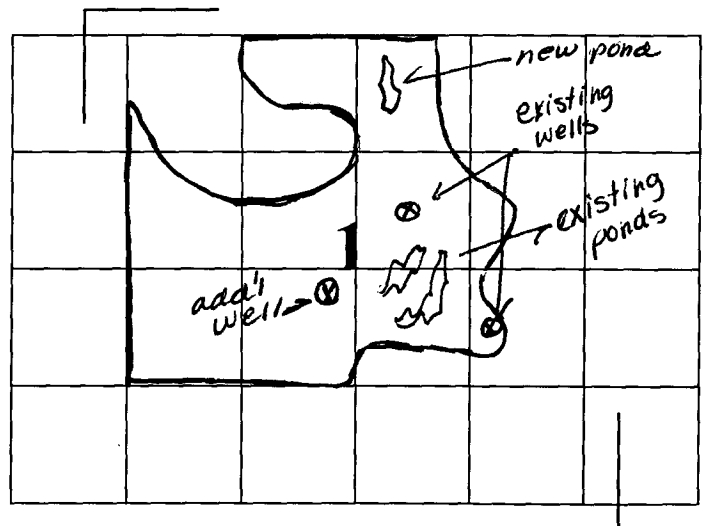
Corrected Application Received:

Period of Annual Use: March 1 – October 31

Remarks: Request for add'l water to irrigate golf course and an add'l storage pond

Diversion Point: NE ¼ SW ¼ Sec 1-T93N-R56W

Land to be Irrigated: NW ¼, N ½ SW ¼, N ½ SE ¼, W ½ NE ¼ Sec 1-T93N-R56W



Depth of Well: 100 feet deep

Well Driller: : Christenson Drilling

Remarks:

Type of Map: plat

Prepared by: Kevin Keuhl

Reviewed and the Number Assigned on: 10-15-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6365-3**

Date of first receipt of application October 15, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6365-3 to 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. 6365-3 authorizes an additional 2.23 cubic feet of water per second (cfs) and an additional storage pond to what is currently authorized by Water Permit No. 5609-3. Water Permit No. 5609-3 appropriates 1.11 cfs from 2 wells and 2 storage ponds to irrigate 100 acres of the golf course located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1-T93N-R56W. Water from the wells is diverted into the storage ponds prior to being used for irrigation. The ponds also receive surface runoff from the drainage.

This permit appropriates an additional 2.23 cfs from a new third well (Niobrara Formation) 100 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1 which will be diverted to the storage dams located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1; all in T93N-R56W. The existing pond to be added is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T93N, R56W. The diversion rate from the ponds to the irrigated acreage is 1,400 gallons per minute.

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 – October 31.
3. The date from which applicant may claim right is October 15, 2002.
4. The date of approval of Permit No. 6365-3 is December 9, 2002.
5. One-fifth of the construction is to be completed on or before June 9, 2005.
6. All construction is to be completed on or before December 9, 2007.
7. Water is to be put to beneficial use on or before December 9, 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 new well authorized by Permit No. 6365-3 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.

(continued)

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 5609-3 and 6365-3, combined, authorize a maximum diversion rate of 3.12 cfs (1,400 gpm) from the ponds for the irrigation of 100 acres with an annual volume 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.

WATER MANAGEMENT BOARD

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

JAN 15 2003

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6365-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan</u> <u>Yankton</u>

RECEIVED
OCT 15 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: XX 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 City of Yankton Phone 668-5231
(check one) XX Owner Tenant/lessee
Mailing Address P.O. Box 176, Yankton, State South Dakota 57078
(Street, RR, or Box and City) (Zip Code)
add'l 2.23 Approximately
- Amount of water claimed *CFS or 1000 **GPM ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE1/4 of the SW1/4 of Section 1-T93N, R56W, as shown on attached drawing.
Add'l pond NW1/4 NE1/4 Sec. 1-T93N-R56W County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used March 1 - 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
All in Section 1-T93N-R56W		See permit for reference 5609-3	
NW1/4 N1/2 SW1/4, N1/2 SE1/4			
W1/2 NE1/4			

- Give a description of the project. (Attach sheet if more space is needed)
Installation of well to direct water to a lake on Fox Run Golf Course. Lake to provide a water hazard for golf play and a detention cell for water storage for 1,400 irrigation purposes. Application rate from lakes to irrigated acres is 1,200 gpm. North lake along Hwy 50 is in same drainage system as holding lakes for irrigation.

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, P. Eric Swanson, 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 P. Eric Swanson

Subscribed and sworn to before me this 11 TH day of October 2002 City Manager

Joan A. Spitz
Notary Public signature
11-2005

Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24 inches Depth 100 feet
- b) Casing Type PVC Diameter 16 inches Thickness Schedule 40
- c) Screen Type Slotted PVC Diameter 16 inches Thickness Schedule 40
- d) Gravel Pack 30 feet Length of Gravel Pack 100 feet
- e) Depth to Top of Water Bearing Material 32 feet
- f) Depth to Water (ground surface to water level) 30 feet
- g) Distance to nearest existing domestic well:

On applicants property none

On property owned by others unknown

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 _____

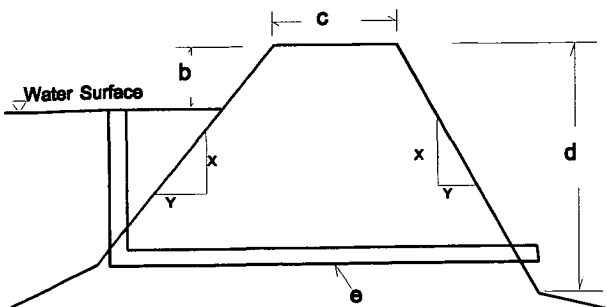
3. Dugout Information

- 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.

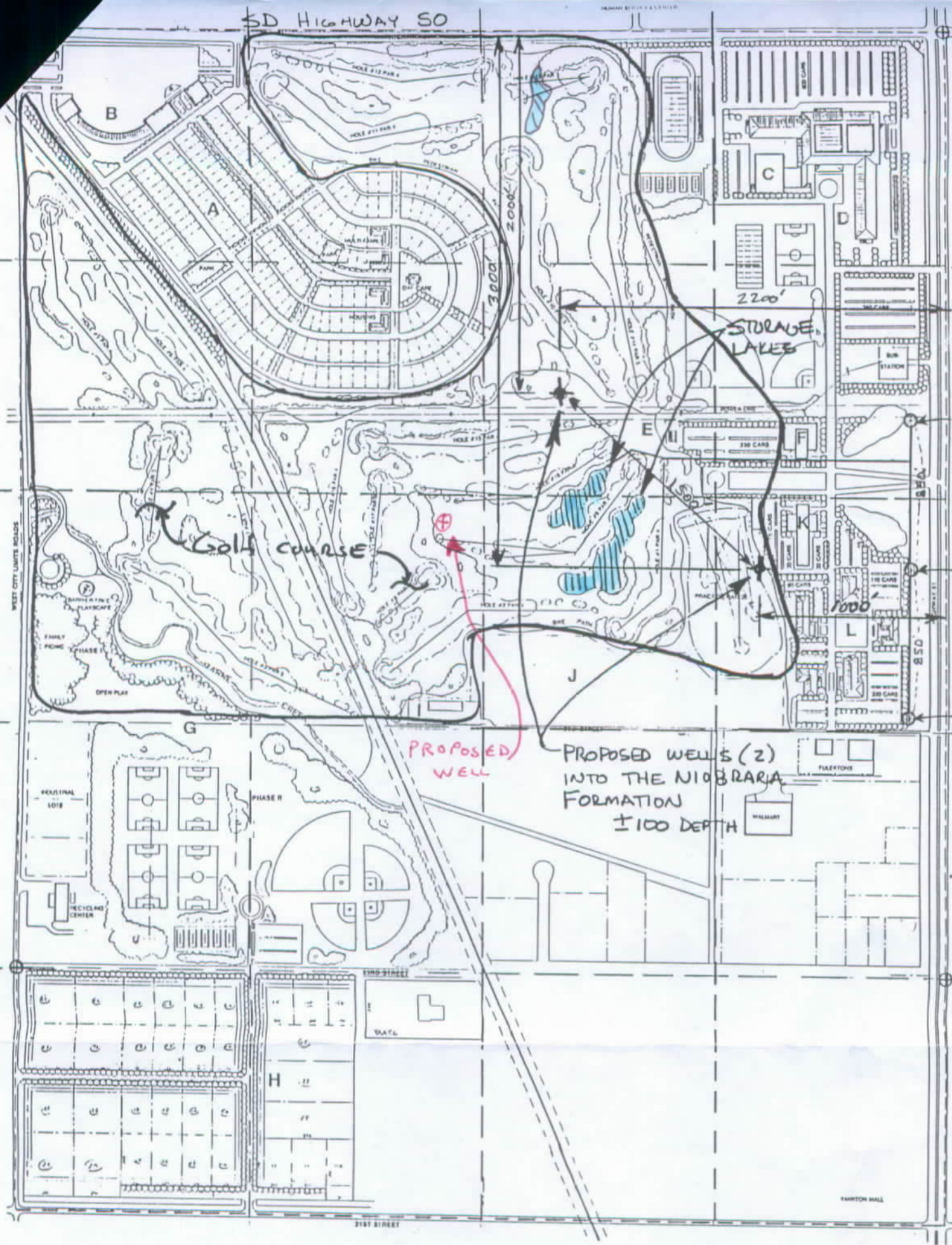
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

License # 444

P.O. # 49470



PREVIOUSLY
APPROVED WELL
LOCATIONS RE:
PERMIT #5561-7

TO BE ABANDONED
AFTER APPROVAL OF
NEW WELL SITES.

Highway
81

SE
1-93-56

SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST.

NORTH
N.T.S.

City of Yankton S.D.
GOLF COURSE IRRIGATION WELLS
(RE-APPLICATION)
NOVEMBER 1991

by
K. Kuhl
Revised Oct 2002 KK

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 18, 20 02

RECEIVED OF City of Yankton, Yankton SD 57078

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

Fee for Application for Permit No. <u>6365-3</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. <u>6365-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

000019

By

Darland Elbele
Chief Engineer *gm*



City of Yankton

410-416 Walnut
P.O. Box 176
Yankton, South Dakota 57078-0176
Phone (605) 668-5200

RECEIVED

OCT 15 2002

WATER RIGHTS
PROGRAM

October 8, 2002

Mr. Eric Gronlund
Department of Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Eric:

Enclosed with this letter is our **Application For Permit To Appropriate Water For Irrigation** for irrigation at Fox Run Golf Course. Included with this application are the following supporting materials:

1. Completed application Forms 2 and 2A.
2. Map showing location of proposed well.
3. Driller's test log.
4. Purchase Order No. 31278 for the processing and licensing fee of \$200.00.

Please forward our application through the permitting process.

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

Sincerely,

Roger L. Pierce, CPRP
Director of Parks and Recreation

RLP/lg

Enc.

Cc: Al Viereck, Finance Officer
Kevin Kuhl, Director of Public Works



EQUAL OPPORTUNITY EMPLOYER

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6365-3, City of Yankton

ADDRESS: COUNTY: Yankton

DATE: October 21, 2002 TELEPHONE: 668-5231

RE: Discussion with Roger Pierce to clarify pending application

Roger Pierce, Parks and Recreation Superintendent, stated that the application is for an additional 1000 gallons per minute from a new third well. They are uncertain whether they will be able to get that amount from the well. I explained that if the well does not produce the 1000 gpm, that the permit would only be licensed for the amount developed.

Mr. Pierce also corrected the application rate from the storage ponds to the irrigated acres – this quantity should be 1,400 gpm instead of the 1,200 gpm listed on the application.

COMMENTS:

NAME: Eve Hunkeler

REPORT ON WATER PERMIT APPLICATION NO. 6365-3
For the City of Yankton
October 29, 2002

Application No. 6365-3 proposes to appropriate 2.23 cfs (1000 gpm) and to authorize an additional storage pond to what is currently authorized by Water Permit No. 5609-3. Water Permit No. 5609-3 appropriates 1.11 cfs from two wells and two storage dams to irrigate 100 acres of the golf course located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 1, T93N R56W in Yankton County. Water from the wells is diverted into the storage ponds prior to being used for irrigation. The ponds also receive surface runoff from the surrounding drainage.

This application proposes to appropriate an additional 2.23 cfs from a new well (third well) approximately 100 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 1 that will be diverted into the storage dams located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 1; all in T93N R56W. An existing pond located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 1, T93N R56W is also to be permitted. The diversion rate from the storage dams to the irrigated acreage is 1400 gpm. The city is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER – NIOBRARA FORMATION (NBRR)

The Niobrara Formation is a buried light-gray to black, soft calcareous shale or marl and varies in thickness from 250 feet to less than 100 feet in the area of this application (Bugliosi, 1986). The aquifer appears to be under water table conditions in this area. Also, the aquifer appears to be hydraulically connected to the Lower James Missouri aquifer, which directly overlies the Niobrara Formation in this immediate area. Ground water is found within fractures and solution openings in the rock. An existing production well for the golf course completed into the Niobrara indicates a well capable of producing 620 gpm with 10 feet of drawdown. This equates to a specific capacity of 62 gpm/ft of drawdown.

No estimate for water in storage is available for the Niobrara Formation but the Niobrara does underlie 238 square miles of Yankton County (Bugliosi, 1986). The Water Rights Program does monitor an observation well, YA-80L, completed into the Niobrara and locates about two miles southwest of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002). A hydrograph for this observation well is included with this report.

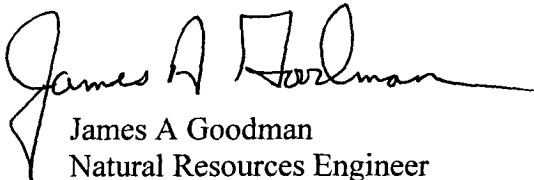
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The golf course has two existing irrigation wells located within a one-quarter mile radius of this application. Interference is not expected to be a concern. Any drawdown created by pumping would only affect the city's own wells and the city can manage around that

scenario. The aquifer is under water table conditions and significant drawdown should extend very far from an individual production well. There are no other nearby permitted wells which would be affected by this application.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping should not adversely affect any other permitted users.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Approval of this application will allow a diversion rate of 1400 gpm from the ponds for irrigation of the golf course. This rate will exceed the one cfs per 70-acre rule, however, this can be allowed because of the requirements of a golf course.



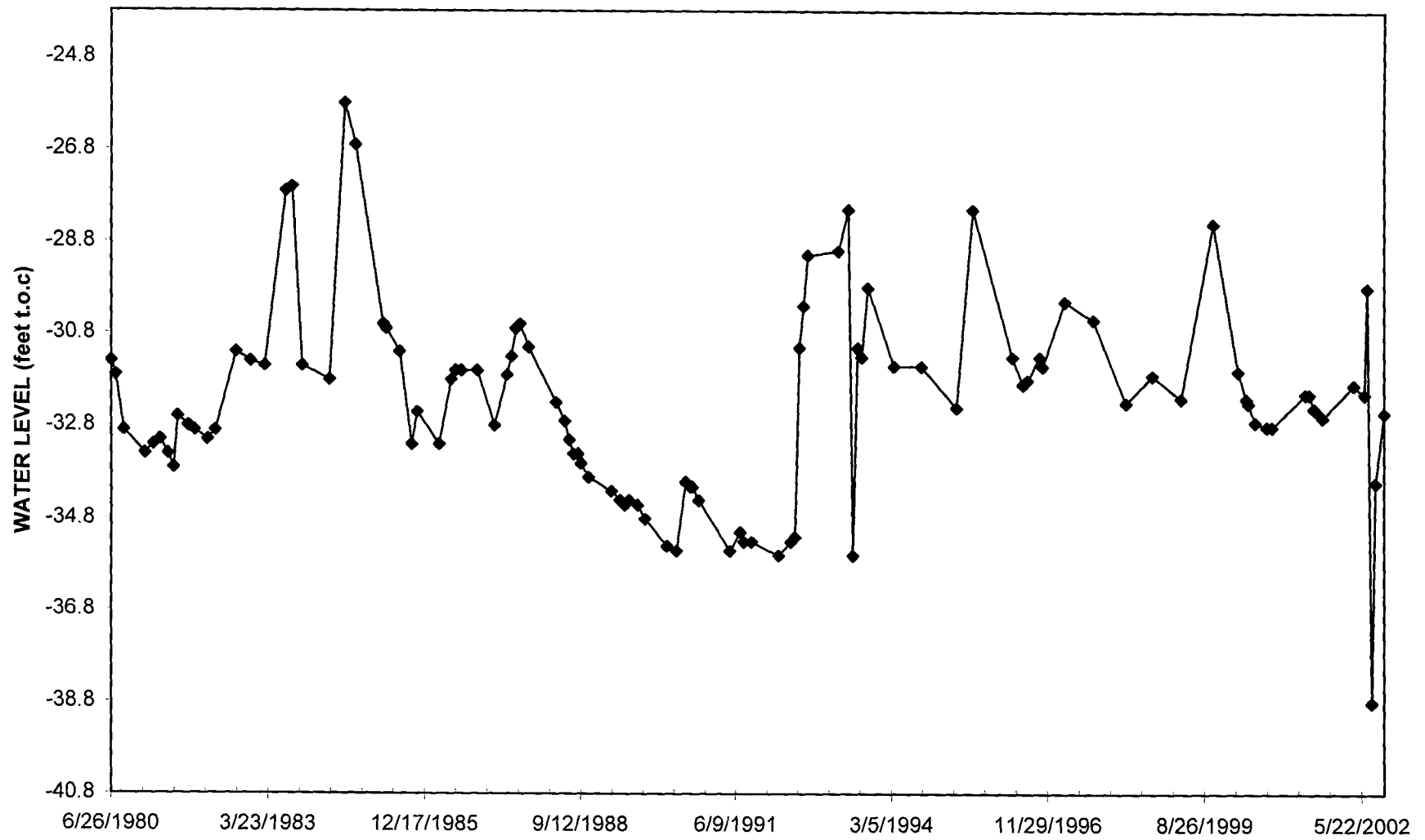
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

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

**WATER RIGHTS' OBSERVATION WELL
YA-80L**





**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. 6365-3, City of Yankton**

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. 6365-3, City of Yankton, c/o P. Eric Swanson, City Manager, PO Box 176, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6365-3 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 new well authorized by Permit No. 6365-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 5609-3 and 6365-3, combined, authorize a maximum diversion rate of 3.12 cfs (1,400 gpm) from the ponds for the irrigation of 100 acres with an annual volume 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
November 12, 2002

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

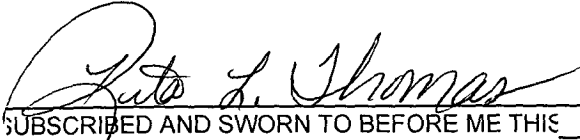
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RITA THOMAS BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE 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.6365-3 to Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 27th DAY OF November 2002
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID Notice TO WIT \$40.84 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: 11/20/02; 11/27/02

FILED ON: 11/27/02


SUBSCRIBED AND SWORN TO BEFORE ME THIS 27th DAY OF November, 2002


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/03



RECEIVED

DEC 04 2002

WATER RIGHTS
PROGRAM

11+20+27

NOTICE OF APPLICATION
NO. 6365-3 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 2.23 cubic feet of water per second (cfs) and to authorize an additional storage pond to what is currently authorized by Water Permit No. 5609-3. Water Permit No. 5609-3 appropriates 1.11 cfs from 2 wells and 2 storage ponds to irrigate 100 acres of the golf course located in the NW 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4, W 1/2 NE 1/4 Section 1-T93N-R56W. Water from the wells is diverted into the storage ponds prior to being used for irrigation. The ponds also receive surface runoff from the drainage.

This application proposes to appropriate an additional 2.23 cfs from a new third well (Niobrara Formation) 100 feet deep located in the NE 1/4 SW 1/4 Section 1 which will be diverted to the storage dams located in the SW 1/4 NE 1/4 and NE 1/4 SE 1/4 of Section 1; all in T93N-R56W. The existing pond to be added is located in the NW 1/4 NE 1/4 Section 1, T93N, R56W. The diversion rate from the ponds to the irrigated acreage is 1,400 gallons per minute. The city is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6365-3 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 December 9, 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 2002

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6365-3 to Appropriate Water to be published twice. Please publish the first notice on November 20, 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 City of Yankton, % P. Eric Swanson, PO Box 176, Yankton SD 57078 (Ph # 605-668-5231).

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. 6365-3

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

Date _____

We are in receipt of your letter of November 13, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6365-3 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.**

November 13, 2002

City of Yankton
% P. Eric Swanson
PO Box 176
Yankton SD 57078

Dear Mr. Swanson:

Water Permit Application No. 6365-3 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

cc: Roger Pierce

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 November 20, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6365-3 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 2.23 cubic feet of water per second (cfs) and to authorize an additional storage pond to what is currently authorized by Water Permit No. 5609-3. Water Permit No. 5609-3 appropriates 1.11 cfs from 2 wells and 2 storage ponds to irrigate 100 acres of the golf course located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1-T93N-R56W. Water from the wells is diverted into the storage ponds prior to being used for irrigation. The ponds also receive surface runoff from the drainage.

This application proposes to appropriate an additional 2.23 cfs from a new third well (Niobrara Formation) 100 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1 which will be diverted to the storage dams located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1; all in T93N-R56W. The existing pond to be added is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T93N, R56W. The diversion rate from the ponds to the irrigated acreage is 1,400 gallons per minute. The city is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6365-3 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 December 9, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 15 2003

City of Yankton
% P Eric Swanson
PO Box 176
Yankton SD 57078

Dear Mr. Swanson:

Enclosed is Water Permit No. 6365-3 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,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

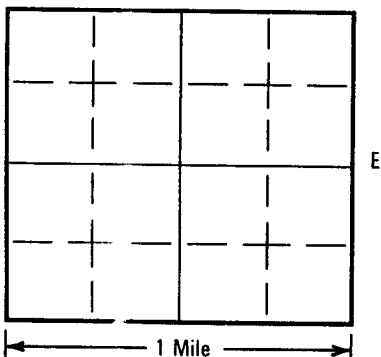
6365-3
07-92Location NW 1/4 SE 1/4 Sec 1 Twp 93N Rg 56W
County YANKTON S.D. North

Please mark well location with an "X"

75' SOUTH OF #18
TEE BOX

Well Completion Date

August 18/03



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 10,000 ft. from YANKTON SALE BARN (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

REV ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
540 LB/FT	16 IN	1 FT	30 FT	22 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
PORTLAND CEMENT	36	15 lb./gal	0 ft	28 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure PUMPED THROUGH 1" PIPE
BOTTOM TO TOP PULLED OUT 1" PIPESCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16" IN Length 70' FEETMaterial PVCSlot Size 0.80 Set From 30 Feet to 100 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☒ NO, Why Not? _____IRRIGATION WELL

Laboratory sent to for water quality analysis _____

Well Owner: CITY OF YANKTON
Business Name: FOX RUN GOLF COURSE
Address: _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
0 - MIXED SAND + CLAY	0	32
CHUNKY SHALE DRILLS EASY	32	102
LIGHT GRAY COLOR		
HARD BLACK SLURRY SHALE	102	105

STATIC WATER LEVEL 30 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:

☒ Pumped☐ Bailed☐ OtherDescribe: TURBINE TEST PUMP
POWERED BY PROPANE ENGINE

Pumping Level Below Land Surface

85 ft. After 12 Hrs. pumped 500 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 500 GPM

REMARKS

RECEIVED

This well was drilled under license # 444

JAN 13 2004

And this report is true and accurate.

Drilling firm CHRISTENSEN WELL & E.R.R. PROGRAM

Signature of License Representative:

William J. Christensen

Signature of Well Owner or Equitable Property Holder:

Date: 12/18/03

Permit Nos. 5609-3 and 6365-3
Missouri River - 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 these days, June 18, 2002 and August 24, 2004, made a thorough examination of the water use system constructed by City of Yankton of PO Box 176, Yankton SD 57078-0176 holder of Permit Nos. 5609-3 and 6365-3, bearing the priority of November 26, 1991 and October 15, 2002 authorizing the diversion of 1.11 and 2.23 cu. ft. per second respectively and/or the storage of 9 acre-feet of the waters of Niobrara Formation 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:

Three wells completed into the Niobrara Formation all equipped with 15 hp US Electric Motors divert water to ponds. Well Nos. 1 & 2 divert directly to the ponds and water from Well No. 3 is conveyed through a 6 inch pipeline approximately 1/8 of a mile to Pond No. 1.

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

A pumphouse is located on the south end of Pond No. 1. Water is drawn from the pond by a system of pumps. There are two 60 hp US Electric Motors and a 20 hp US Electrical Motor. All are equipped with American Industrial pumps.

C. Works used to apply water to beneficial use:

Underground sprinkling system for irrigating Fox Run golf course

The system is in the following condition excellent. The points of diversion are located:

All in Section 1, T93N, R56W

	Location	Distance from NE corner Section 1	Lat/Lon
Well No. 1	SW ¼ NE ¼	2,168 feet South, 2,050 West	N42.903100 W-097.405550
Well No. 2	NW ¼ SE ¼	3,156 feet South, 1,971 West	N42.900200 W-097.404950
Well No. 3	NE ¼ SW ¼	2,827 feet South, 2,853 West	N42.901050 W-097.408490
Pumphouse	NW ¼ SE ¼		N42.900167 W-097.404750
Pond No. 1	NW ¼ SE ¼		Readings not taken
Pond No. 2	NW ¼ SE ¼ & SW ¼ NE ¼		" " "
Pond No. 3	NW ¼ NE ¼		" " "

. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water from the Niobrara Formation and 3.12 cfs from the pond for application to land and storage of approximately 14 acre-feet of water which is to be used for irrigation.

(continued)

Page 2 -- Report Of Examination Of Works And/Or Application of Water To Beneficial Use

Water has been put to beneficial use to the maximum extent as follows: **All in Section 1, T93N, R56W**

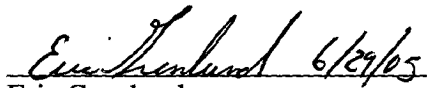
NW ¼ NW ¼	1.9	NE ¼ SW ¼	17.7
NE ¼ NW ¼	10.5	NW ¼ SE ¼	15.3
SE ¼ NW ¼	6.3	NE ¼ SE ¼	1.0
SW ¼ NW ¼	10.7	NW ¼ NE ¼	13.2
NW ¼ SW ¼	7.3	SW ¼ NE ¼	15.7

* Not all acres within the boundaries shown on the attached map are irrigated. Only the greens, fairways and tee boxes are irrigated. The submitted irrigation questionnaires states 75 – 80 acres as being irrigated. I am recommending licensing for the 99.6 acres as listed on the original application.

comprising a total of 99.6 acres of land and the license should be issued for 2.23 cfs from the Niobrara Formation to ponds and 3.12 cfs from pond for application to up to 99.6 acres of land and 14 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: Well No. 2 is in a different location than advertised (see report for change of diversion point) Date Report Completed: June 29, 2005

 6/29/05

Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 5609-3 and 6365-3

DATE OF INVESTIGATION:	June 18, 2002 and August 24, 2004
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Roger Pierce, Parks Director Rockie Wampol, Grounds Supt.
NAME & ADDRESS OF PERMIT HOLDER	City of Yankton PO Box 176 Yankton SD 57078-0176

DIVERSION POINT LEGAL LOCATION: All in Section 1, T93N, R56W

	Location	Lat/Lon
Well No. 1	SW ¼ NE ¼	N42.903100 W-097.405550
Well No. 2	NW ¼ SE ¼	N42.900200 W-097.404950
Well No. 3	NE ¼ SW ¼	N42.901050 W-097.408490
Pumphouse	NW ¼ SE ¼	N42.900167 W-097.404750
Pond No. 1	NW ¼ SE ¼	Readings not taken
Pond No. 2	NW ¼ SE ¼ & SW ¼ NE ¼	“ “ “
Pond No. 3	NW ¼ NE ¼	“ “ “

WELL INFORMATION:

- 1) Well Drilling Firm: Christensen Well Company
- 2) No. of Wells 3
- 3) Depth(s) 100, 100, 105 feet
- 4) Well log is available two well logs are on file
- 5) Comment: well Nos 1 & 2 were drilled at same time and it is reasonable that construction is the same

Casing: for two well logs on file

- 1) Diameter 16 inches
- 2) Length 22 and 24 feet
- 3) Type PVC Sch 40

Screen:

- 1) Type PVC perforated pipe
- 2) Length 70 and 80 feet
- 3) Static water level 30 and 27 feet

(continued)

Pumps on Wells

- 1) Make Well # 3 Mid America
- 2) Size
- 3) Capacity Well #1 350 gpm, Well #2 150 gpm and Well # 3 500 gpm

Motor on wells

- 1) Make US Electrical & US Motor
- 2) Model No. BF 31
- 3) Horsepower rating all 15 hp

Pumps in Pumphouse

- 1) Make Americal Industrial
- 2) Model 53037-13
- 3) Capacity cumulative 1,400 gpm

Motors in Pumphouse

- 4) Make all US Electrical
- 5) Model No.
- 6) Horsepower rating two 60 hp and one 20 hp

DISTRIBUTION LINES OR CANALS: from well # 3 to pond

- 1) Type PVC
- 2) Size 6 inches
- 3) Length approx. 700 feet

SYSTEM TYPE: all underground sprinkler system

POND INFORMATION:

Pond No. 1 – 1.6 acre surface area, storage = approx. 5 acre feet of water

Pond No. 2 – 1.8 acre surface area, storage = approx. 4 acre feet of water

Pond No. 3 – 1.5 acre surface acre, storage = approx. 5 acre feet of water

(Pond No. 3 just receives natural drainage)

CHEMIGATION EQUIPMENT: no chemigation

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes (see additional report on change of location for Well #2)
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

Comments:

Well # 1 (north) is discharged into Pond #2 which in then overflows into Pond #1. Well #2 (south) discharges directly into Pond #1. Well #3 (west) is conveyed in a 6 inch pipeline approximately 700 feet and discharged into the Pond # 1. Pump station located on the south side of Pond #1 utilizes 3 pumps to pressurize the underground sprinkler system for irrigated Fox Run golf course. The pumps can be used in a combination with their maximum pumping capacity being 1,400 gpm (3.12 cfs).

All ponds are in a drainage way and receive incidental surface runoff. Ponds 1 & 2 are maintained by diversion from the wells. Pond 3 only receives natural drainage. The storage capacity of Pond #3 was not defined on Permit No. 6365-3. I estimate its capacity at 5.0 acre feet of water

Diversion rate from Pond #1 greater than statutory limit of 1 cfs per 70 acres is authorized by condition No. 3 to Water Permit No. 6365-3.

Water Permit Nos. 5609-3 and 6536-3 should be incorporated into one water license.



0 500 1,000 2,000 3,000 4,000 Feet

Three (3) wells all in Section 1, T93N, R56W

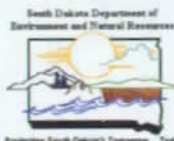
Well No. 1 - SW 1/4 NE 1/4 (N42.903100 W-97.405550)

Well No. 2 - NW 1/4 SE 1/4 (N42.900200 W-97.404950)

Well No. 3 - NE 1/4 SW 1/4 (N42.90105 W -97.408490)

Pump House NW 1/4 SE 1/4 (N 42.900167 W -97.404750)

3 Ponds located in the NW 1/4 NE 1/4, SW 1/4 NE 1/4 & NW1/4 SE 1/4



Eric Gronlund

Eric Gronlund

Water Rights Program, DENR

Investigation dates - June 18, 2002 & August 24, 2004

File No. 5609-3

Change of Diversion Point

NAME: City of Yankton, c/o Roger Pierce, Parks and Recreation Director

ADDRESS: PO Box 176, Yankton SD

DATE: June 29, 2005 **COUNTY:** Yankton County

BACKGROUND:

Water Permit No. 5609-3 appropriates 1.11 cubic feet of water per second from two wells completed into the Niobrara Formation to irrigate 100 acres at the Fox Run Golf Course. The permit also authorizes two storage ponds. The wells were to be located in the SE ¼ NE ¼ and the NE ¼ SE ¼ of Section 1, T93N, R56W

A licensing investigation found one well located in the SE ¼ NE ¼ of Section 1 as authorized. The second well is constructed in the NW ¼ SE ¼ of Section 1 which is the quarter quarter section to the west of the advertised location.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Both wells authorized under Water Permit No. 5609-3 are constructed into the Niobrara Formation at a depth of approximately 100 feet.

No additional appropriation of water is requested. Water Permit No. 5609-3 appropriates 1.11 cfs from the Niobrara Formation. Based on the licensing investigation for Water Permit No. 5609-3, the change in the location of the southerly well must be authorized prior to the licensing of Water Permit Nos. 5609-3 and 6365-3.

- **Review of Existing Diversions**

A detailed review of existing diversions was not conducted. There are domestic and municipal wells in the neighboring sections. However, this change in the diversion point is to describe the correct developed location of the south well authorized by Water Permit No. 5609-3. The well is located approximately 300 feet west of its originally proposed location. The well has been in place since 1991 with no complaints.

CONCLUSION

- This replacement well does not appropriate additional water.
- The replacement well is to be constructed into the Niobrara Formation which is the same water source as the original well authorized by Water Permit No. 5609-3.
- Existing domestic wells and water rights will not be adversely impacted by authorizing this replacement well.
- The well has been in existence since 1991 without complaint.
- Authorization of the developed location of the well will allow licensing of Water Permit Nos. 5609-3 and 6365-3.

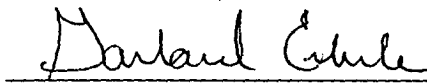
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change in location of the southerly well be authorized by Water Permit No. 5609-3.


Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in the well location will not increase the potential for adverse effects to existing diversions.


Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6365-3

(1) The City of Yankton, PO Box 176, Yankton SD 57078-0176 made Application No. 6365-3, October 15, 2002 for a water permit to divert an additional 2.23 cubic feet of water per second (cfs) from ground water (one well – Niobrara Formation), Yankton County, South Dakota for irrigation purposes. The permit also authorizes an additional storage pond to what is currently authorized by Water Permit No. 5609-3. Permit No. 6365-3, with a priority date of October 15, 2002 was approved December 9, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 9, 2007 and for the application to beneficial use of water on or before December 9, 2011.

Water Permit No. 5609-3, with a priority date of November 26, 1991, authorizes diversion of 1.11 cfs from two wells and two holding ponds for irrigation of Fox Run Golf Course. An inspection of the water use system found one of the wells authorized by No. 5609-3 had been developed outside of the advertised area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer makes a finding that the change in well location will not increase the potential for adverse effects to existing diversions.

The applicable portions of Water Permit No. 5609-3 have been incorporated into Water License No. 6365-3. A priority date of November 29, 1991 (established by No. 5609-3) is retained for diversion of 1.11 cubic feet of water per second from the Niobrara Formation and a priority date of October 15, 2002 (established by No. 6365-3) is retained for diversion of 1.12 cfs from the Niobrara Formation.

(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 City of Yankton the holder and/or owner of Incorporated Water Right No. 6365-3 is issued a license, bearing priority dates of November 26, 1991 and October 15, 2002 to appropriate 2.23 cubic feet of water per second from ground water (three wells – Niobrara Formation) and 3.12 cfs from three holding ponds to irrigate 99.6 acres.

The diversion points are located as follows:

- Well #1 – SW ¼ NE ¼ (2,168 ft S & 2,050 ft W of the NE corner Section 1, T93N, R56W)
- Well #2 – NW ¼ SE ¼ (3,156 ft S & 1,971 ft W of the NE corner Section 1, T93N, R56W)
- Well #3 – NE ¼ SW ¼ (2,827 ft S & 2,853 ft W of the NE corner Section 1, T93N, R56W)
- The pump house is located in the NW ¼ SE ¼ Section 1, T93N, R56W
- Pond No. 1 is located in the NW ¼ SE ¼ Section 1, T93N, R56W
- Pond No. 2 is located in the NW ¼ SE ¼ & SW ¼ NE ¼ Section 1, T93N, R56W
- Pond No. 3 is located in the NW ¼ NE ¼ Section 1, T93N, R56W

Water from Well Nos. 1 and 2 is diverted directly to the ponds and water from Well No. 3 is conveyed through a pipeline to Pond No. 1. The ponds store approximately 14 acre feet of water.

(continued)

Water License No. 6365-3

Page 2

The acres authorized for irrigation are as follows:

Section 1, T93N, R56W			
NW ¼ NW ¼	1.9 acres	NW ¼ SW ¼	7.3 acres
NE ¼ NW ¼	10.5 acres	NE ¼ SW ¼	17.7 acres
SE ¼ NW ¼	6.3 acres		
SW ¼ NW ¼	10.7 acres	NW ¼ SE ¼	15.3 acres
		NE ¼ SE ¼	1.0 acre
NW ¼ NE ¼	13.2 acres	Total 99.6 acres	
SW ¼ NE ¼	15.7 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6365-3 including the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit Nos. 5609-3 and 6365-3 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) 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.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils requires. Permit Nos. 5609-3 and 6365-3 combined, authorize a maximum diversion rate of 3.12 cfs from the ponds for irrigation of 99.6 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

Garland Erbele

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

JUL 08 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 08 2005

6365-3

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

Dear Mr. Pierce:

Enclosed is Water License No. 6365-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map prepared by the staff engineer who conducted the field investigation of the City's water use system.

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. 6365-3, 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

Note: The applicable portions of Water Permit No. 5609-3 were incorporated into Water License No. 6365-3.



6365-3

**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.



**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



6365-3
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 20, 2017

NOTICE

TO: YANKTON PARKS & RECREATION DEPT, ROCKIE WAMPOL, PO BOX 176, YANKTON,
SD 57078 0176

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6365-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6365-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <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.



6365-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 7, 2017

6365-3

Rockie Wampol
Yankton Parks & Recreation Dept
PO Box 176
Yankton SD 57078 0176

Dear Sir:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6365-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 25, 2024

6365-3

Yankton Parks & Rec Dept.
c/o Todd Larson
PO Box 176
Yankton SD 57078

Dear Mr. Larson:

I am writing in regard to Water Right No. 6365-3. The water right authorizes diversion 2.23 cfs (approx. 1000 gpm) of water from groundwater, one well, completed into the Niobrara Aquifer, for the irrigation of 99.6 acres in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$; all in Section 1, T93N-R56W, Yankton County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 6365-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 60 acres irrigated
- Reported water use – 206.8 ac-ft of water (approximately 41.4 inches)
- Authorized water use – 120 acre-feet (60 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure