

WATER PERMIT NO. 6704-3

Name of Applicant: **Nelson Family Partnership**

Address: **44023 306 St, Yankton SD 57078**

Phone: **605 665-7216**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **76 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **8 miles northeast of Yankton**

PRIORITY

Date Received: **3-13-06**

Application/License Fee: **\$275**

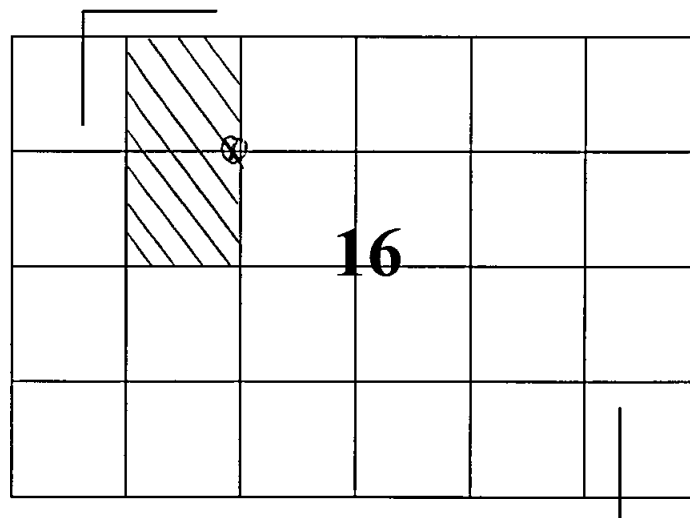
Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks: Requesting diversion rate greater than statutory limit.

Diversion Point: **W ½ NW ¼ Sec 16-T94N-R54W**

Land to be Irrigated: **W ½ NW ¼ Sec 16-T94N-R54W**



Depth of Well: **85 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Richard Schwartz, FSA**

Reviewed and the Number Assigned on: **3-13-06**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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>6704-3</u> (office use only)
	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Daily Press & Dakotan, Yankton</u>

RECEIVED

MAR 13 2006

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 NELSON FAMILY PARTNERSHIP Phone 605-665-7216
 (check one) ☒ Owner ☐ Tenant lessee
 Mailing Address 44023 306 ST YANKTON State SD 57078
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 76
 (*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) County YANKTON
ONE WELL W1/2 NW1/4 Sec 16 T94N R54W
- County or counties where water will be used YANKTON
- Annual period during which water is to be used APRIL 1 TO SEPTEMBER 30
- 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
NW1/4 NW1/4 Sec 16 94N-54W	38		
SW1/4 NW1/4 Sec 16 94N-54W	38		

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

CENTER PIVOT IRRIGATION, $\frac{1}{2}$ circle, well located near pivot point
 STATE OF SOUTH DAKOTA)
 County of Yankton) SS

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, DARRELL NELSON, 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 Darrell Nelson, partnerSubscribed and sworn to before me this 1st day of March 20 06
Jan M. Putnam
 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6704-3**

Date of first receipt of application March 13, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6704-3 to Nelson Family Partnership, 44023 306th St, 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. 6704-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 80 feet deep) located in the W ½ NW ¼ to irrigate 76 acres located in the W ½ NW ¼ Section 16; all T94N-R54W.
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 – September 30.
3. The date from which applicant may claim right is March 13, 2006.
4. The date of approval of Permit No. 6704-3 is May 22, 2006.
5. One-fifth of the construction is to be completed on or before November 22, 2008.
6. All construction is to be completed on or before May 22, 2011.
7. Water is to be put to beneficial use on or before May 22, 2015.
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. 6704-3 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 No. 6704-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 76 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: Garland Erbele

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

JUN 12 2006

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/2 Depth 85
- b) Casing Type PVC Diameter 15 Thickness 1/2
- c) Screen Type PVC Diameter 16 Thickness 1/2
- d) Gravel Pack pearock Length of Gravel Pack 20' to 80'
- e) Depth to Top of Water Bearing Material 12
- f) Depth to Water (ground surface to water level) 12
- g) Distance to nearest existing domestic well:

On applicants property NO OTHER WELLS On property owned by others 1300'

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

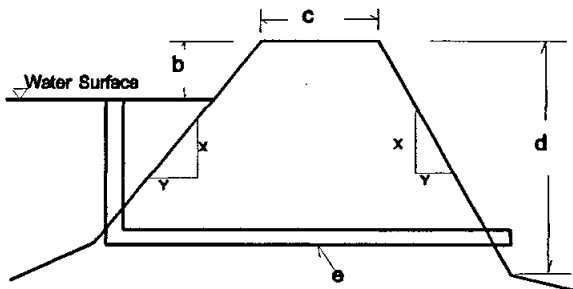
3. Dugout Information

- 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

Date MARCH 13, 20 06

RECEIVED OF Nelson Family Partnership, 44023 306 St, Yankton SD 57078

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

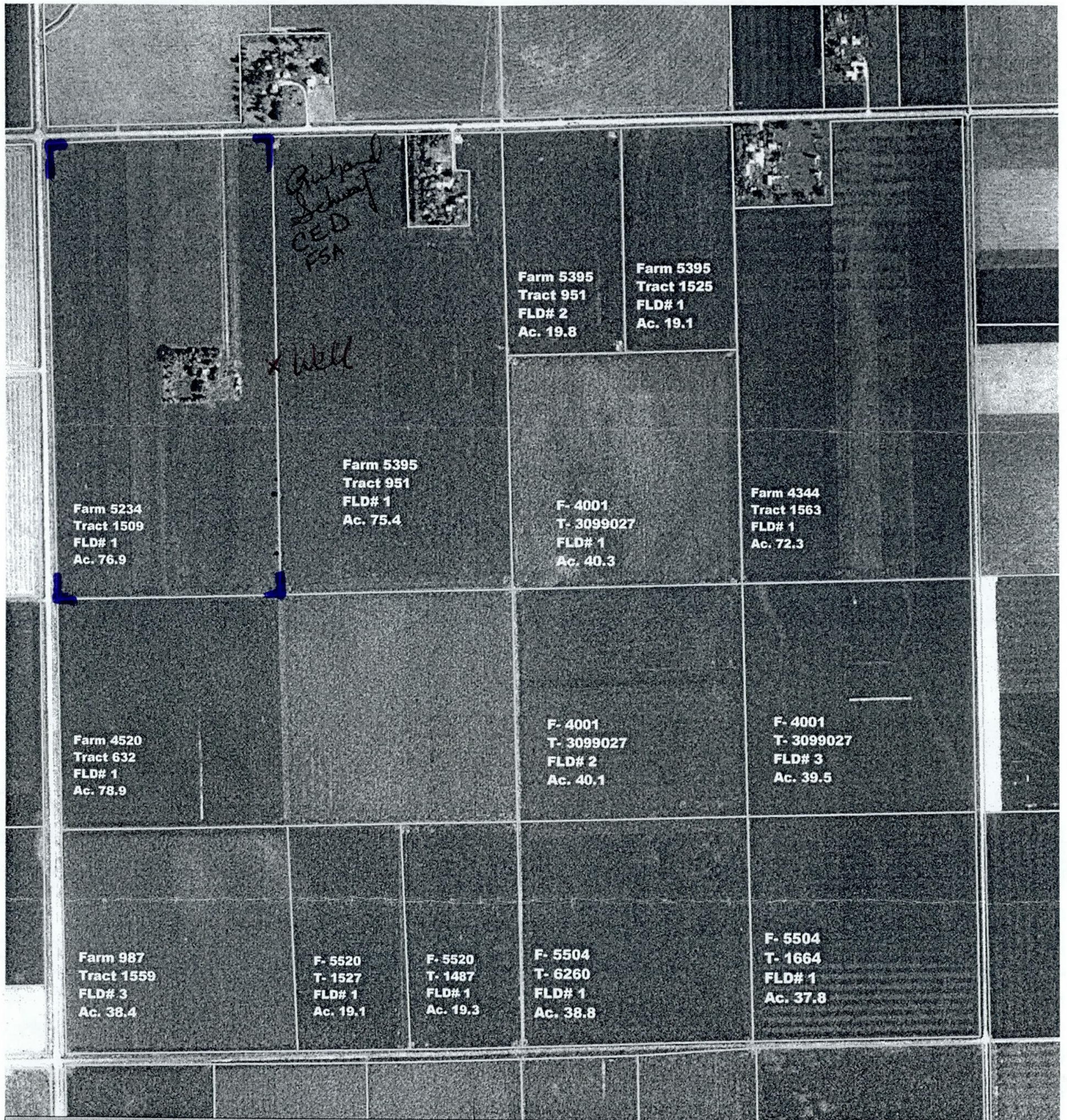
Fee for Application for Permit No. <u>6704-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6704-3</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	275.00

No.

02355

By

Darland Ebel
Chief Engineer *gm*



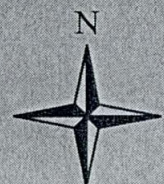
United States Department of Agriculture
Farm Service Agency

16-94-54

Yankton County

May 25, 2005

1997 Digital Orthophotography - Not To Scale



REPORT ON WATER PERMIT APPLICATION NO. 6704-3

For Nelson Family Partnership

April 6, 2006

Application No. 6704-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point Aquifer (approximately 80 feet deep) located in the W ½ NW ¼ Section 16 to irrigate 76 acres located in the W ½ NW ¼ Section 16; all in T94N R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER – MISSOURI ELK POINT (M:EP)

The Missouri Elk Point aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to both the James and Missouri Rivers. Ground water movement is from northwest to southeast and locally toward the Missouri River.

The Water Rights Program monitors an observation well (YA-78F) which is completed into the Missouri Elk Point aquifer and located approximately ¼ mile northwest of this application. Water levels for this well show good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Figure 1 illustrates the hydrograph for this observation well and is located below (Water Rights, 2006).

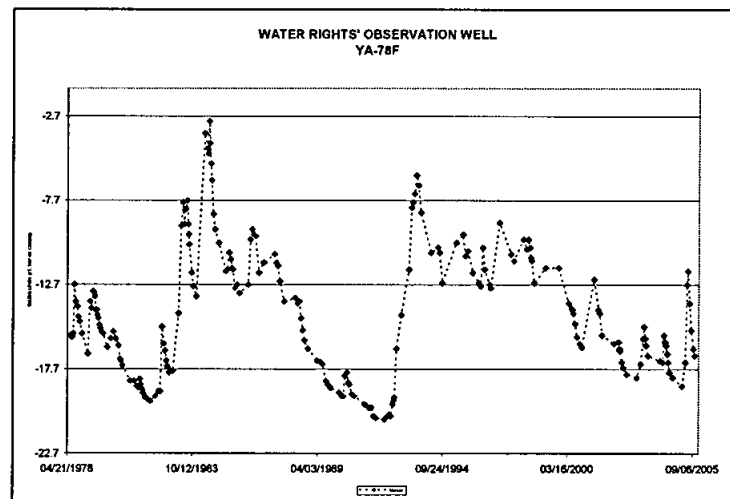


Figure 1. Hydrograph of observation well YA-78F.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Missouri: Elk Point is located approximately ½ mile northeast of this application. This well is for Water Right No. 6650-3 (2.0 cfs for irrigation).

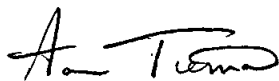
The applicant is requesting a diversion rate greater than the statutory limit than the 1 cfs per 70 acre restriction established by South Dakota Codified Law (SDCL) 46-5-6. However, SDCL 46-5-6 provides that the Water Management Board may allow for a greater diversion rate if the method of irrigation, time constraints, or soil types so require. The annual volume of water delivered to the land may not exceed two acre-feet per year.

Table 1. Table identifying water rights within a two mile radius of the application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
3399-3	JUTTELSTAD	M:EP	IRR	1.79
4603-3	SOLBERG	M:EP	IRR	2.00
4782A-3	SCHMIDT	M:EP	IRR	1.14
4782-3	BRODERSON	M:EP	IRR	1.80
5971-3	FREEBURG	LJM	IRR	1.88
6172-3	HOXENG	LJM	IRR	1.77
6482-3	SCHMIDT	M:EP	IRR	1.56
6498-3	SCHMIDT	M:EP	IRR	1.56
6555-3	SCHMIDT	M:EP	IRR	2.24
6650-3	FREEBURG	M:EP	IRR	2.00
6651-3	FREEBURG	M:EP	IRR	2.00

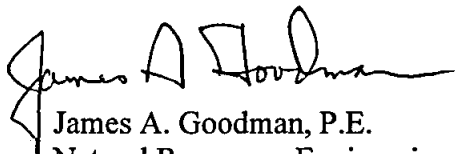
CONCLUSIONS

1. The Missouri Elk Point aquifer is a viable groundwater source and water is available for this appropriation.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acre restriction established by South Dakota Codified Law (SDCL) 46-5-6. However, SDCL 46-5-6 provides that the Water Management Board may allow for a greater diversion rate if the method of irrigation, time constraints, or soil types so require.
3. The aquifer is unconfined and under water table conditions. The aquifer is highly productive and historically the water levels do not fluctuate significantly in this area.
4. The well authorized for this application must be completed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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 DWNr, SDGS, Vermillion, SD, 57069.

Water Right, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6704-3, Nelson Family Partnership**

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. 6704-3, Nelson Family Partnership, c/o Darrell Nelson, 44073 306th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6704-3 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. 6704-3 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 No. 6704-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 76 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
April 27, 2006

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR 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. 6704-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 11th DAY OF May, 2006.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$129.60 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: 5/4/2006, 5/11/2006

FILED ON: 5/11/2006

5+4+11

NOTICE OF APPLICATION NO. 6704-3 to Appropriate Water

Notice is given that Nelson Family Partnership, c/o Darrell Nelson, 44023 306 St, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 80 feet deep) located in the W 1/2 NW 1/4 to irrigate 76 acres located in the W 1/2 NW 1/4 Section 16; all T94N-R54W. The applicant 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. 6704-3 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 May 22, 2006.

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.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF May, 2006.

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2009

RECEIVED
MAY 15 2006
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on May 4, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6704-3 to Appropriate Water

Notice is given that Nelson Family Partnership, c/o Darrell Nelson, 44023 306 St, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 80 feet deep) located in the W ½ NW ¼ to irrigate 76 acres located in the W ½ NW ¼ Section 16; all T94N-R54W. The applicant 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. 6704-3 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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

April 28, 2006

Nelson Family Partnership
% Darrell Nelson
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Water Permit Application No. 6704-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice 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 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. 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 28, 2006

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6704-3 to Appropriate Water to be published twice. Please publish the first notice on May 4, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Nelson Family Partnership, %Darrell Nelson, 44023 306 St, Yankton (Ph # 605-665-7216).

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. 6704-3

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

Date _____

We are in receipt of your letter of April 28, 2006 enclosing Notice to Appropriate Water by Application No. 6704-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 12 2006

Nelson Family Partnership
% Darrell Nelson
444023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Enclosed is Water Permit No. 6704-3 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

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

Date 6-19-06

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

FROM: NELSON FAMILY PARTNERSHIP- DARRELL NELSON
(name)
44023 306 ST
(address)
YANIKON SD 57078
(city, state, zip) 605-661-4154
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6704-3 states that the water use system is to be constructed by _____ , and water is to be put to beneficial use by _____ .
(date) (date)

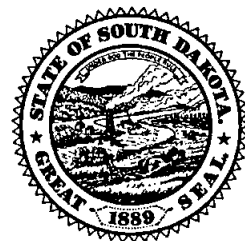
The water use system was completed on May 31, 2006 .
(date)

Applying the water to beneficial use was completed on JUNE 1, 2006 .
(date)

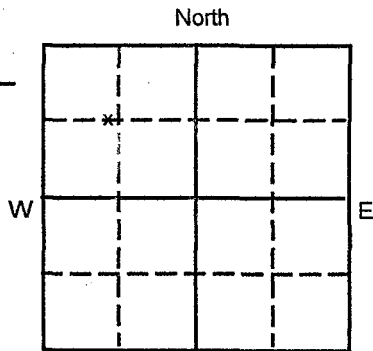
You may schedule an investigation so that the water license may be issued.

Darrell Nelson
(signature)

RECEIVED
JUN 21 2006
WATER RIGHTS
PROGRAM



SOUTH DAKOTA WATER WELL COMPLETION REPORT

6704-3
11-02Location nw 1/4 nw 1/4 Sec 16 Twp 94n Rg 54wCounty
YanktonPlease mark well
location with an "X"

Well Completion Date

5/20/2006Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
2,200.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	23.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	20.0 Ft
Bent grt	14	9.5		

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 57.0 Feet
 Material pvc
 Slot Size .060 Set From 23.0 Feet to 80.0 Feet
 Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets
☐ No, Why Not?
 Lab sample sent to for water quality analysis
Well Owner: Darrell Nelson

Business Name:

Address: 44023 306th StreetCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, clayey	0	12
gravel, coarse, sandy	12	80

STATIC WATER LEVEL 14.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

20.0 Ft. After 4.0 Hrs. pumped 500.0 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

RECEIVED

FEB 01 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 5/30/06

2-2-07

Permit No. 6704-3
Vermillion River - Water District

Contact Person & Address: **Darrell Nelson**

Report Of Examination Of Works

On, **September 21, 2009**, I made a thorough examination of the water use system constructed by **Nelson Family Farms Partnership, 44023 306th St, Yankton SD 57078** holder of Permit No. **6704-3**, bearing the priority of **March 13, 2006** authorizing the diversion of **1.78** cu. ft. per second of the waters of **groundwater; (Missouri:Elk Point)** for **irrigation** purposes, in **Yankton** County.

The system is in the following condition **good**. The point of diversion is located **from the NW corner of Sec 16 T94N-R54W, 1315 feet south and 1315 feet east** with a longitude of **-97.23495** and a latitude of **42.96360** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.56** 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:

All land is located in **Sec 16 T94N-R54W**
NW ¼ NW ¼ - 34 ac SW ¼ NW ¼ - 34 ac

comprising a total of **68** acres of land and the license should be issued for **1.56** 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: <u>Hammond Wetmore</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>80</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-------------------------------------|---------------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>23</u> feet |
| 3) Type <u>pvc</u> | |

Screen:

- | | |
|---------------------------|---------------------------------|
| 1) Type <u>pvc</u> | 2) Length <u>57</u> feet |
|---------------------------|---------------------------------|

3) Static water level 14 feet

Pump:

1) Make Flow ServeI

2) Model 12C

3) Size 12 inch

4) Capacity 700 GPM

Motor:

1) Make Us Electrical

2) Model No. 256TPABF34

3) Horsepower rating 20 hp

DISTRIBUTION LINES OR CANALS:

1) Type Aluminum 2) Size 8 inches 3) Length 20 feet

SYSTEM TYPE:

Center pivot:

1) Make Lyndsey

2) Overall length 1300 feet

3) Number of towers 6

4) End gun yes

5) High or low pressure lo

6) Capacity 700 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate no

Comments : Is authorized to pump at a rate greater than 1 cfs per 70 acres

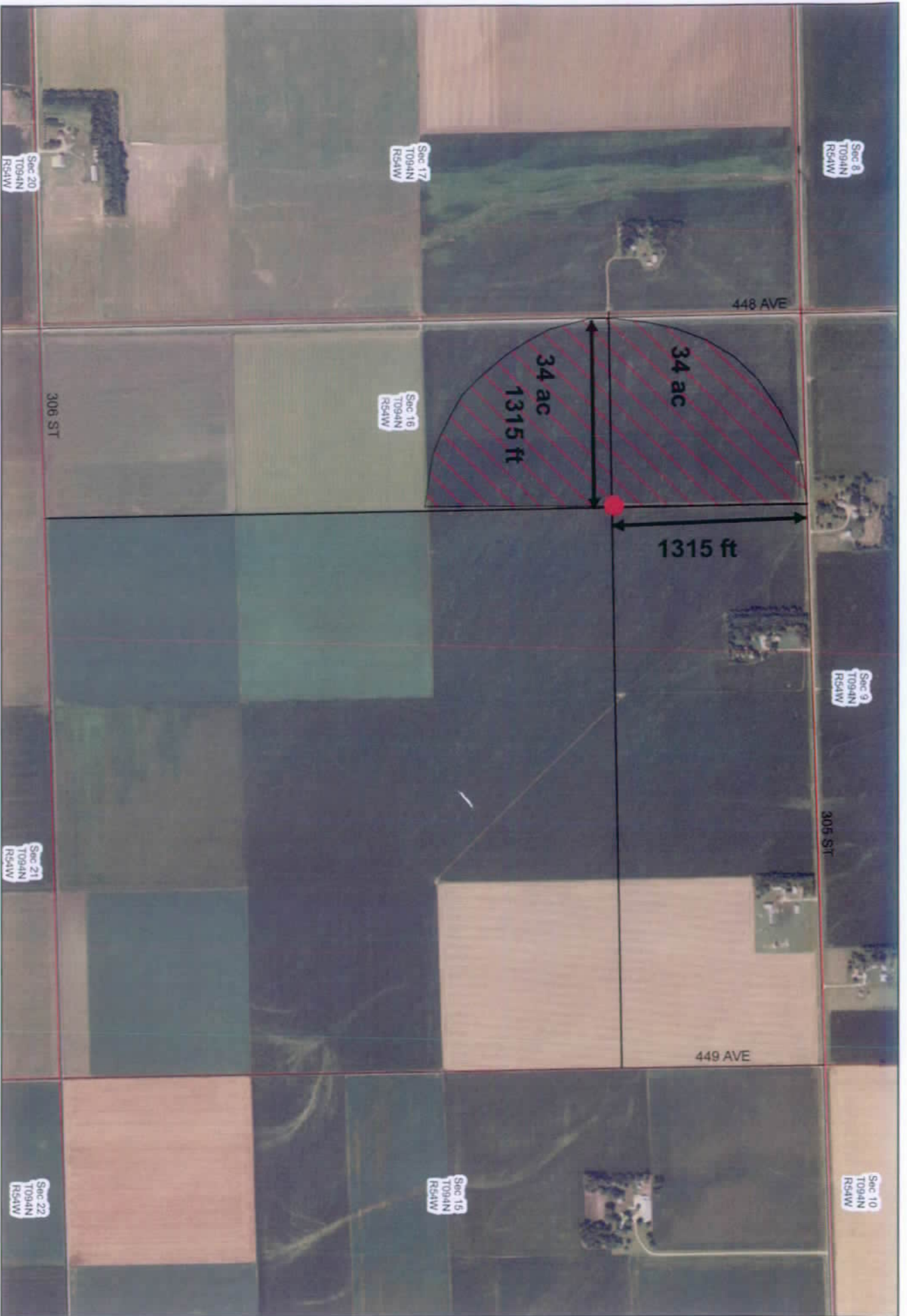


Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

4-19-2010

Date



6704-3



Mark D. Rath
Natural Resources Engineering Specialist
4/07/2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 14 2010

6704-3

Darrell Nelson
Nelson Family Farms Partnership
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Enclosed is Water License No. 6704-3. 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. 6704-3, 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, appearing to read "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6704-3

(1) Nelson Family Partnership, 44023 306th St, Yankton SD 57078 made Application No. 6704-3, March 13, 2006 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6704-3, with a priority date of March 13, 2006 was approved May 22, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 22, 2011 and for the application to beneficial use of said water on or before May 22, 2015.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 21, 2006. The "*Notice*" stated the water use system was completed on May 31, 2006 and the water placed to beneficial use on June 1, 2006.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is 1,315 feet south and 1,315 feet east of the NW corner of Section 16, T94N, R54W (NW ¼ NW ¼ or approximately the center of the NW 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 16, T94N, R54W	NW ¼ NW ¼	34 acres
	SW ¼ NW ¼	34 acres
	Total	68 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Nelson Family Partnership, 44023 306th St, Yankton SD 57078 the holder and/or owner of Water Right No. 6704-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer) with a priority date of March 13, 2006 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.

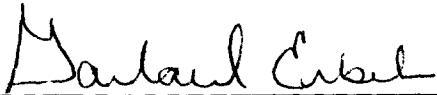
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6704-3 and subject to the following qualifications:

- 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.
- The well authorized by Permit No. 6704-3 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 (*well drilled in May, 2006 by Hammond Wetmore Drilling – log on file with the Water Rights Program*).

Page 2

Water License No. 6704-3

- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so require, No. 6704-3 authorizes a maximum diversion rate of **1.56 cfs*** for the irrigation of **68 acres*** with an annual volume not to exceed 2 acre-feet of water per acre per year. *(The diversion rate and acres have been reduced to reflect what was actually developed).*
- 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

JUL 14 2010

date





6704-3
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 16, 2015

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 1661-3, 3369B-3, 4251-3 & 4443-3 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 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 4, 2015** 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:

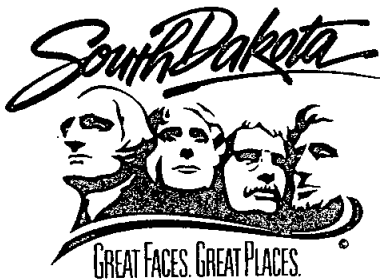
1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 before the **March 4, 2015** 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.

6704-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 27, 2015

Darrell Nelson
Nelson Family Partnership
44023 306th St
Yankton SD 57078

RE: Irrigation Questionnaires for Permit or Right Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. 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, appearing to read "Genny McMath".

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



6704-3
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 15, 2016

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1661-3, 3369B-3, 4251-3 & 4443-3 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 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 before the **March 3, 2016** 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.



6704-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 26, 2016

Darrell Nelson
44023 306th St
Yankton SD 57078

RE: Water Right or Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires for the above listed water permits and water rights. You may disregard the January 15, 2016, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

With respect to the ownership changes needed, I have enclosed partially completed transfer forms for use in filing the ownership changes. Copies of the corresponding water rights and permit are also included. Please review the forms and make any necessary corrections. Upon completion, the forms need to be signed and returned to our office with a required filing fee of \$50.00 each (total of \$300). 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,

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

Enclosures: Transfer forms & copies of Water Right Nos. 3369B-3, 4251-3, 4443-3, 2600A-3, 5414-3 and Water Permit No. 7199-3.



6704-3
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, 2020

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 1661-3, 3369B-3, 4251-3 & 4443-3 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 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 questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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> using this password: VTCLLD**

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.

6704-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2020

Darrell Nelson
Nelson Family Partnership
44023 306th St
Yankton SD 57078

RE: Water Right/Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3,
6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for the above listed water rights and permits. 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, appearing to read "Genny McMath".

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

January 14, 2025

NOTICE

TO: DARRELL & DENNIS NELSON, 44023 306TH ST, YANKTON, SD 57078 6008

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 1661-3, 3369B-3, 4251-3 & 4443-3 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) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 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) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 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 questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: URZTFB**

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 AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

1661-3, 2600A-3, 3369B-3, 4251-3,
4443-3, 4551-3, 5414-3, 6704-3,
6756-3, 7138-3, 7199-3,
7544-3, 7972-3 & 8348-3

Nelson Farms Inc
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6704-3, 6756-3, 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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