

WATER PERMIT NO. 6734-3

Name of Applicant: Avera Sacred Heart Health Services

Address: 501 Summit St, Yankton SD 57078

Phone: 605 668-8000

Amount of Water Claimed: 1.11 cfs (500 gpm)

Total Acres: 15.5

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: just west of Yankton

PRIORITY

Date Received: 6-14-06

Application/License Fee: \$200

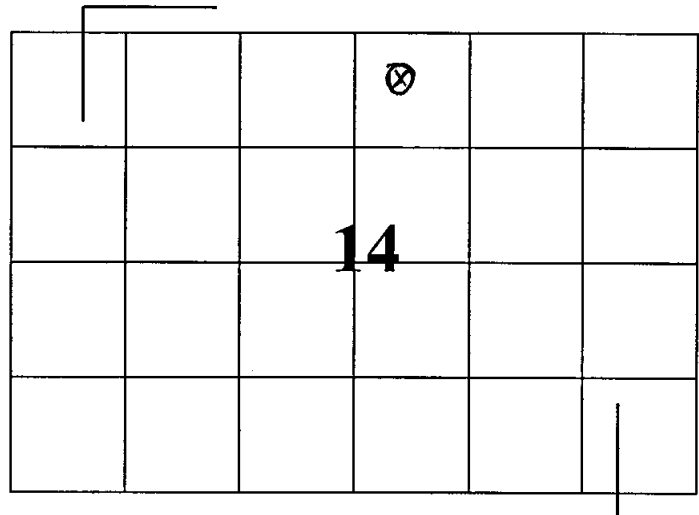
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Water Permit No. 6153-3 authorizes irrigation of the same acreage from three Niobrara Formation wells. This application is for a Dakota Formation well

Diversion Point: NW ¼ NE ¼ Sec 14-T93N-R56W

Land to be Irrigated: N ½ NE ¼ Sec 14-T93N-R56W



Depth of Well: 600 feet deep

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Christopher J Wormann, PE

Reviewed and the Number Assigned on: 6-14-06

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>6734-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan, Yankton</u>

RECEIVED

JUN 14 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 Avera Sacred Heart Health Services Phone 605-668-8000
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 501 Summit St. Yankton State S.D. 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 15.5
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dakota
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
Refer to attached map NW1/4 NE1/4 Sec14-T93N-R56W
- County or counties where water will be used Yankton
- Annual period during which water is to be used Year round Jan 1 - Dec 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
<u>Refer to permit 6153-3</u>			
<u>N1/2 NE1/4 Sec14-T93N-R56W</u>	<u>15.5</u>		

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

Same description as that of permit 6153-3 but in this case we would be installing a well into the Dakota aquifer

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, Randy Bylander, 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 Randy Bylander Dir Facilities ASHHSubscribed and sworn to before me this 12 day of June 20 06

Annette Lehoutek
Notary Public signature

Exp: 12-6-07

SOUTH DAKOTA
WATER PERMIT NO. 6734-3

Date of first receipt of application June 14, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6734-3 to Avera Sacred Heart Health Services, 501 Summit 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. 6734-3 appropriates 1.11 cubic feet of water per second (cfs) from one well to be completed into the Dakota Formation (approximately 600 feet deep) located in the NW ¼ NE ¼ Section 14-T93N-R56W to irrigate the same lands authorized by Water Permit No. 6153-3. Water Permit No. 6153-3 authorizes 0.444 cfs from three wells completed into the Niobrara Formation to irrigate 15.5 acres located in the N ½ NE ¼ Section 14-T93N-R56W. Well water may be diverted directly for irrigation or be used to maintain a 43.4 acre-feet detention pond prior to being used for irrigation at the senior retirement campus.
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: January 1 – December 31.
3. The date from which applicant may claim right is June 14, 2006.
4. The date of approval of Permit No. 6734-3 is September 5, 2006.
5. One-fifth of the construction is to be completed on or before March 5, 2009.
6. All construction is to be completed on or before September 5, 2011.
7. Water is to be put to beneficial use on or before September 5, 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. 6734-3 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. 6734-3 and 6153-3, combined authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 15.5 acres with an annual volume not to exceed 2 acre feet of water per acre per year. Water may be diverted directly from the wells or to the pond prior to being used for irrigation.
4. Water Permit Nos. 6153-3 and 6734-3 authorize a pond with a storage capacity of 43.4 acre feet of water. The pond may be maintained by diversions from the wells.
5. 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

NOV 03 2006

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 600 estimated
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

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

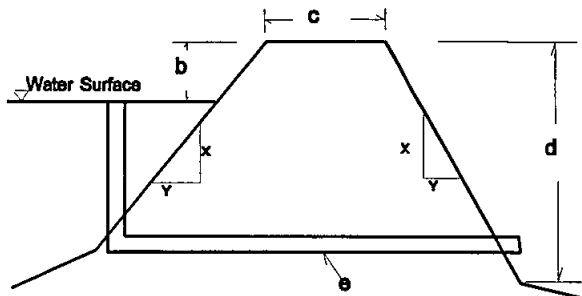
3. Dugout Information

- 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 June 14, 2006, 20__

RECEIVED OF Avera Sacred Heart Health Service, 501 Summit, Yankton SD 57078

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

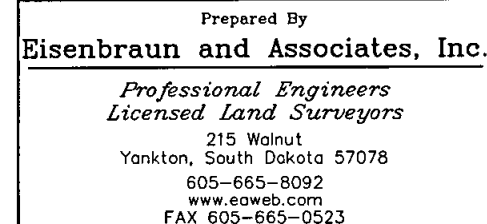
Fee for Application for Permit No. <u>6734-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6734-3</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. 02487

By Darland Eide

Chief Engineer gm

EXHIBIT - A



501 Summit
Yankton, SD 57078-3899
(605) 668-8000

www.averasacredheart.com

June 13, 2006

RECEIVED

JUN 14 2006

**WATER RIGHTS
PROGRAM**

Water Rights Program
Attn: Eric Gronlund
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3181

RE: APPLICATION FOR IRRIGATION PERMIT

Dear Eric:

Attached is the application fee and certified map indicating the proposed location for an artesian well to be fed from the Dakota Formation. We are also requesting authorization to begin construction of this well now, due to the lack of precipitation. Our pond is dropping approximately 4 to 5 inches a week without irrigating and our clay liner on the shoreline is becoming exposed. We realize that the permit could be denied, but are willing to take the risk.

Your prompt response would be appreciated.

Sincerely,



Randy Bylander
Director of Planning & Facilities

RB/ss

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 2006

Randy Bylander
Director of Planning & Facilities
Avera Sacred Heart Hospital
501 Summit
Yankton, SD 57078-3899

Dear Mr. Baylander:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Avera Sacred Heart Hospital is authorized to construct a test hole prior to approval of a water permit. The test well will be completed into the Dakota aquifer. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

REPORT ON APPLICATION NO. 6734-3

For Avera Sacred Heart Health Services

July 31, 2006

This application proposes to appropriate 1.11 cubic feet of water per second (cfs) from one well completed into the Dakota Formation (approximately 600 feet deep) located in the NW ¼ NE ¼ Section 14, T93N-R56W to irrigate the same lands authorized by Water Permit No. 6153-3. Water Permit No. 6153-3 authorizes 0.444 cfs from three wells completed into the Niobrara Formation to irrigate 15.5 acres located in the N ½ NE ¼ Section 14, T93N-R56W. Well water may be diverted directly for irrigation or be used to maintain a 43.4 acre-feet detention pond prior to being used for irrigation at the senior retirement campus.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation of Cretaceous age is composed of many beds of fine-grained, sand or sandstone interbedded with layers of shale. The aquifer is confined and under artesian conditions at this site. The Dakota Formation contains and estimated 7.9 million acre-feet of recoverable water and underlies 523 square miles in Yankton County (Hedges, 1982).

The Water Rights Program monitors an observation well (YA-80P) located approximately 14 miles northeast of this location. A hydrograph of this well is included in this report labeled as Figure 1 (Water Rights, 2006). Various authors have documented the Dakota Formation head pressure is in a declining state primarily due to the large number of uncontrolled flowing wells and improperly built or abandoned wells which allow water to flow to waste.

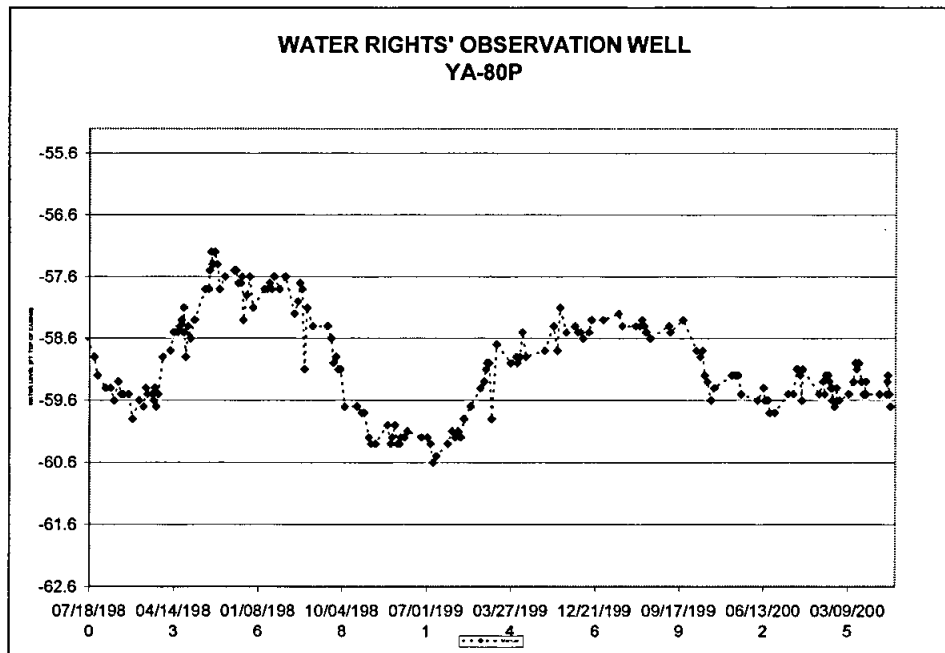


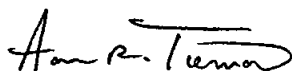
Figure 1. Hydrograph of observation well YA-80P.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one water right/permit from the Dakota Formation located approximately 1 mile east of this application. This well is for Water Right No. 5642-3 (0.28 cfs for recreational use). Drawdown will be created by pumping but interference should not be a concern.

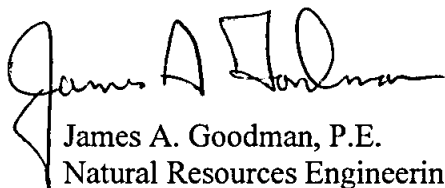
CONCLUSIONS

1. Water is available from the Dakota aquifer.
2. The aquifer is under artesian conditions. Drawdown will be created by pumping. Interference should not be a concern.
3. The well authorized by this application must be completed in accordance with SD Well Construction Standards.
4. Dakota Formation head pressure is in a declining state primarily due to the large number of uncontrolled flowing wells and improperly built or abandoned wells which allow water to flow to waste.
5. Water will be pumped from the well into a detention pond (43.4 acre-feet) at a rate of 500 gpm and from the pond at a rate of 500 gpm to irrigate 15.5 acres. This rate is greater than the 100 gpm allowed under the 1 cfs/70 acre rule. This rate can be approved with a total volume of 31 acre-feet per year applied for irrigation.



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 DWR, SDGS, Vermillion, SD, 57069.

Water Right, 2006, Unpublished Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6734-3, Avera Sacred Heart Health Services**

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. 6734-3, Avera Sacred Heart Health Services, c/o Randy Bylander, 501 Summit Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6734-3 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. 6734-3 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. 6734-3 and 6153-3, combined authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 15.5 acres with an annual volume not to exceed 2 acre feet of water per acre per year. Water may be diverted directly from the wells or to the pond prior to being used for irrigation.
4. Water Permit Nos. 6153-3 and 6734-3 authorize a pond with a storage capacity of 43.4 acre feet of water. The pond may be maintained by diversions from the wells.
5. 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
August 7, 2006

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Avera Sacred Heart Health Services
501 Summit St.
Yankton, SD 57078

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.6734-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 23rd DAY OF August, 2006.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$44.26 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: 8/16/06, 8/23/06

FILED ON: 8/28/2006

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28 DAY OF August, 2006.

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

RECEIVED
SEP 11 2006
WATER RIGHTS
PROGRAM

8+16+23

NOTICE OF APPLICATION NO. 6734-3 to Appropriate Water

Notice is given that Avera Sacred Heart Health Services, c/o Randy Bylander, 501 Summit St, Yankton SD 57078 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the Dakota Formation (approximately 600 feet deep) located in the NW 1/4 NE 1/4 Section 14-T93N-R56W to irrigate the same lands authorized by Water Permit No. 6153-3. Water Permit No. 6153-3 authorizes 0.444 cfs from three wells completed into the Niobrara Formation to irrigate 15.5 acres located in the N 1/2 NE 1/4 Section 14-T93N-R56W. Well water may be diverted directly for irrigation or be used to maintain a 43.4 acre-foot detention pond prior to being used for irrigation at the senior retirement campus.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6734-3 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 September 5, 2006.



**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.**

August 8, 2006

Avera Sacred Heart Health Services
% Randy Bylander
501 Summit St
Yankton SD 57078

Dear Mr. Bylander:

Water Permit Application No. 6734-3 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

August 8, 2006

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6734-3 to Appropriate Water to be published twice. Please publish the first notice on August 16, 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.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Avera Sacred Heart Health Services, % Randy Bylander, 501 Summit St, Yankton, SD (Ph # 605-688-8000).

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. 6734-3

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

Date _____

We are in receipt of your letter of August 8, 2006 enclosing Notice to Appropriate Water by Application No. 6734-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 16, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6734-3 to Appropriate Water

Notice is given that Avera Sacred Heart Health Services, c/o Randy Bylander, 501 Summit St, Yankton SD 57078 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the Dakota Formation (approximately 600 feet deep) located in the NW ¼ NE ¼ Section 14-T93N-R56W to irrigate the same lands authorized by Water Permit No. 6153-3. Water Permit No. 6153-3 authorizes 0.444 cfs from three wells completed into the Niobrara Formation to irrigate 15.5 acres located in the N ½ NE ¼ Section 14-T93N-R56W. Well water may be diverted directly for irrigation or be used to maintain a 43.4 acre-feet detention pond prior to being used for irrigation at the senior retirement campus.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6734-3 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 September 5, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 03 2006

Avera Sacred Heart Health Services
% Randy Bylander
501 Summit St
Yankton SD 57078

Dear Mr. Bylander:

Enclosed is Water Permit No. 6734-3 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 8-31-07

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

RECEIVED

SEP 04 2007

WATER RIGHTS
PROGRAM

FROM: Avera Sacred Heart Health Services
%o Randy Bylander
(name)

501 Summit St.

(address)

Yankton S.D. 57078

(city, state, zip)

605-668-8000

(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. 6734-3 states that the water use system is to be constructed by

9-5-2011

(date)

, and water is to be put to beneficial use by 9-5-2015

(date)

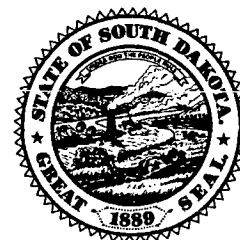
The water use system was completed on 8-29-2007
(date)

Applying the water to beneficial use was completed on 8-29-2007
(date)

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

Randy Bylander

(signature)

Dir Planning & Facilities



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 2007

6734-3

Randy Bylander
Avera Sacred Heart Health Services
501 Summit St
Yankton SD 57078

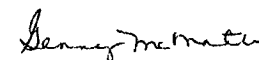
Dear Mr. Bylander:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that the system utilizing the Dakota Formation well for irrigation of the lawns at the retirement campus was completed.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,


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

Rx Date/Time AUG-12-2009(WED) 06:31

08/12/2009 06:29 14023955096

14023955096

GROSH IRRIGATION CO

PAGE 01

AUG-10-2009(MON) 09:40 DENR

(FRX)605 773 1068

P. 002/032

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

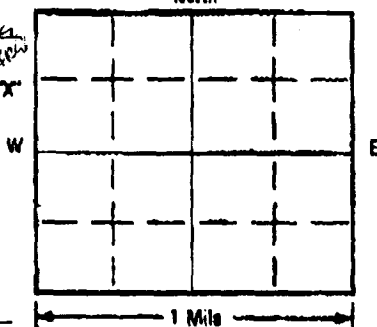
Location NW ¼ NE ¼ Sec 14 Twp 93 Rg 56W

County

Cadiz, Yankton

North

Please mark well location with an "X"



Well Completion Date

March -07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? _____ ft. from _____ (Identify source).

PROPOSED USE: Fish Pond

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

METHOD OF DRILLING:

Reverse & Air

CASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other, describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	MOLE DIAMETER
200 LB/FT	8 IN	_____ FT	_____ FT	20 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Bags	Grout Weight	From	To
Halliburton	352	102 lb./gal	400 ft	10 ft
Grout	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure to 6" to 6 1/2" gal water to 1 Bag Bentonite Grout

SCREEN: ☐ Perforated pipe ☐ Manufactures

Diameter 8" in Length 21' FEET

Material Plastic

Slot Size 51 Set from 540 Feet to 640 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? Bentonite Grout

Describe packer(s) and location? _____

DISINFECTED: Was well disinfected upon completion?

X YES, How: _____

Laboratory sent to for water quality analysis

NO, Why Not? _____

was good drinking

Well Owner: Avera Sacred Heart

Business Name: _____

Address: Yankton, S.D

WELL LOG:

DEPTH

FORMATION

FROM

TO

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? Yes

WELL TEST DATA:

☒ Purged

Describe: 3' - Pipe Unit

☐ Bailed

Sub

☐ Other _____

Pumping Level Below Land Surface

36 ft. After 4 Hrs. pumped 140 GPM

45 ft. After 18 Hrs. pumped 450 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 39070-189

And this report is true and accurate.

Drilling firm: Grosh Irrigation Co. Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Same

Date: _____

Rx Date/Time AUG-10-2009(MON) 07:58
08/10/2009 07:56 14023955096

14023955096
GROSH IRRIGATION CO

P. 001
PAGE 01

GROSH IRRIGATION CO.

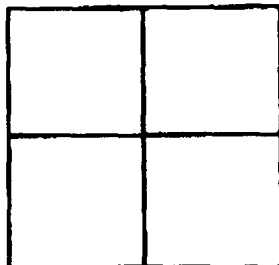
RANCH ALBION

DATE 5-3-07

NAME AVERA SACRED HEART

ADDRESS YANKTON
YANKTON, SD

SEC TWN RGE
(LOCATE TEST WITH X)



605-773-4048
Att. Ken
Gail Borer Grosh Fr.
ALBION, NE. TEMP DEGC 20.00
ph. 402-395-6437

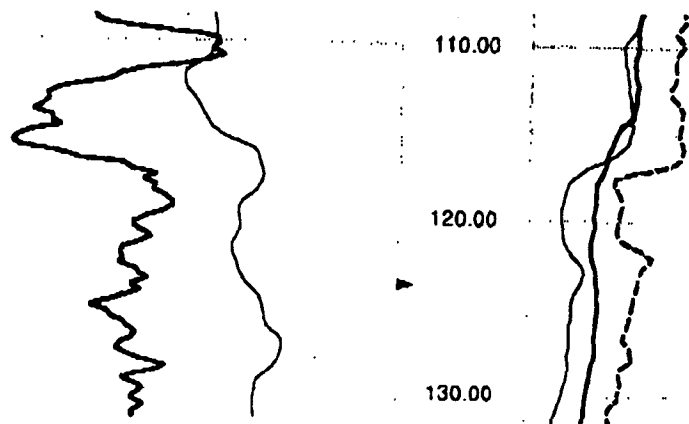
FEET FROM LINE
FEET FROM LINE

TEST LOG

FOOTAGE DESCRIPTION

0	2	TOP SOIL & ROCKS	
2	28	STICKY BROWN CLAY - SOFT	
28	30	SAND	
30	92	HARD GREY CLAY	
92	115	CLAY W/ SAND LAYERS	
115	343	BLACK SHALE VERY HARD LIMB	171' & 192' used roller bit
343	411	BLACK SHALE W/ LIME STRIPS	
411	416	FINE SAND	5'
416	428	BLACK SHALE W/ LIME STRIPS	
428	443	BLACK SHALE W/ FINE SAND LAYERS & HARD LIME STRIPS	
443	472	BLACK SHALE	
472	480	BLACK SHALE W/ FINE SAND	4'
480	537	TAN & GREY SHALE W/ LIME STRIPS	
537	540	SHALE & SAND	2'
540	555	SHALE W/ SAND & LIME STRIPS	7'
555	590	S. STONE W/ SOME SHALE	30'
590	600	SHALE	
600	615	FINE SAND	12'
615	636	FINE SAND - LITTLE BIGGER, SOME SHALE	15'
636	645	SHALE W/ SAND LAYERS	4'
645	660	SHALE & SAND	7'

DRILLER
MATT GROSCH

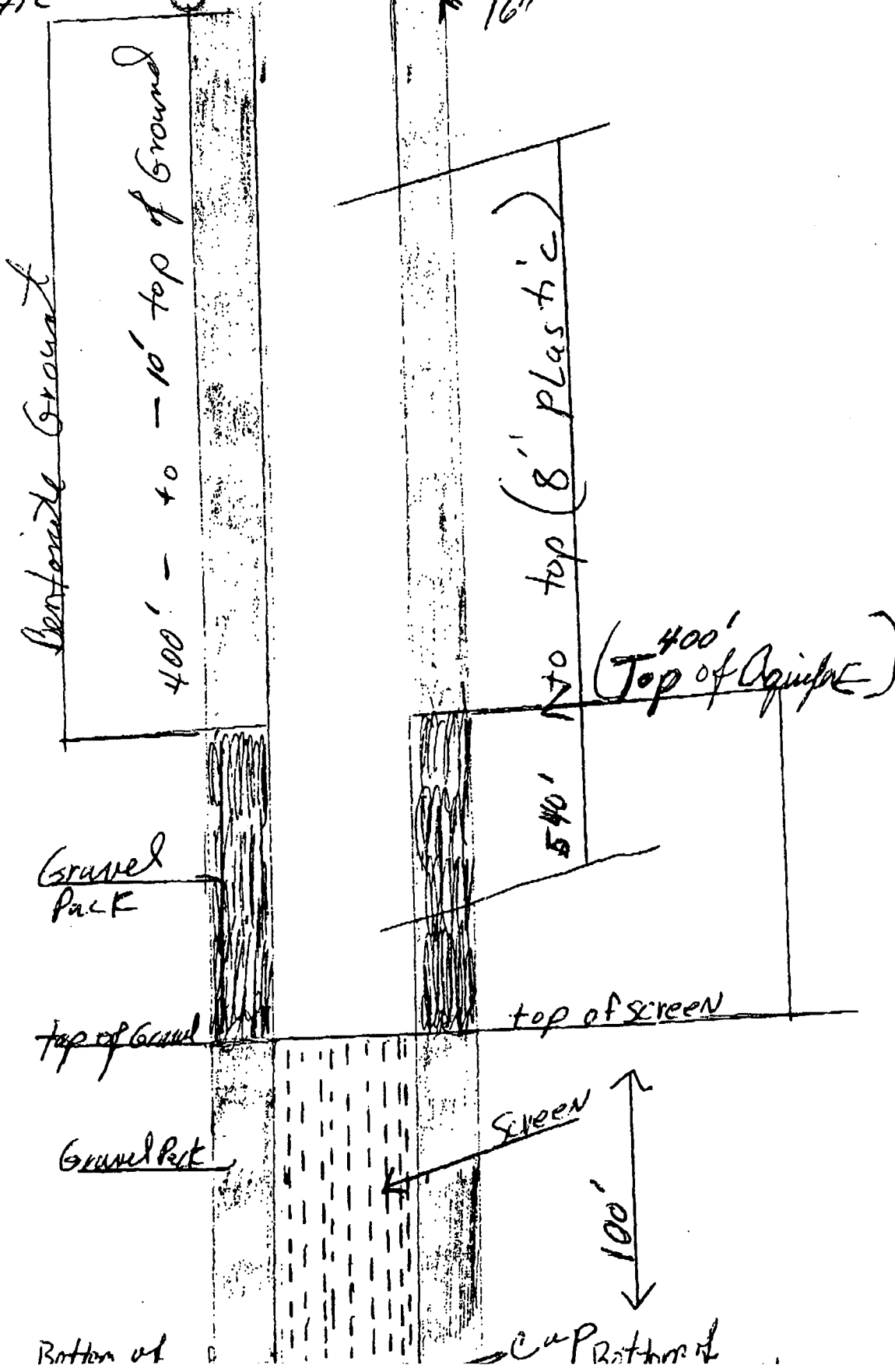


Drilled 640'

540' - Plain

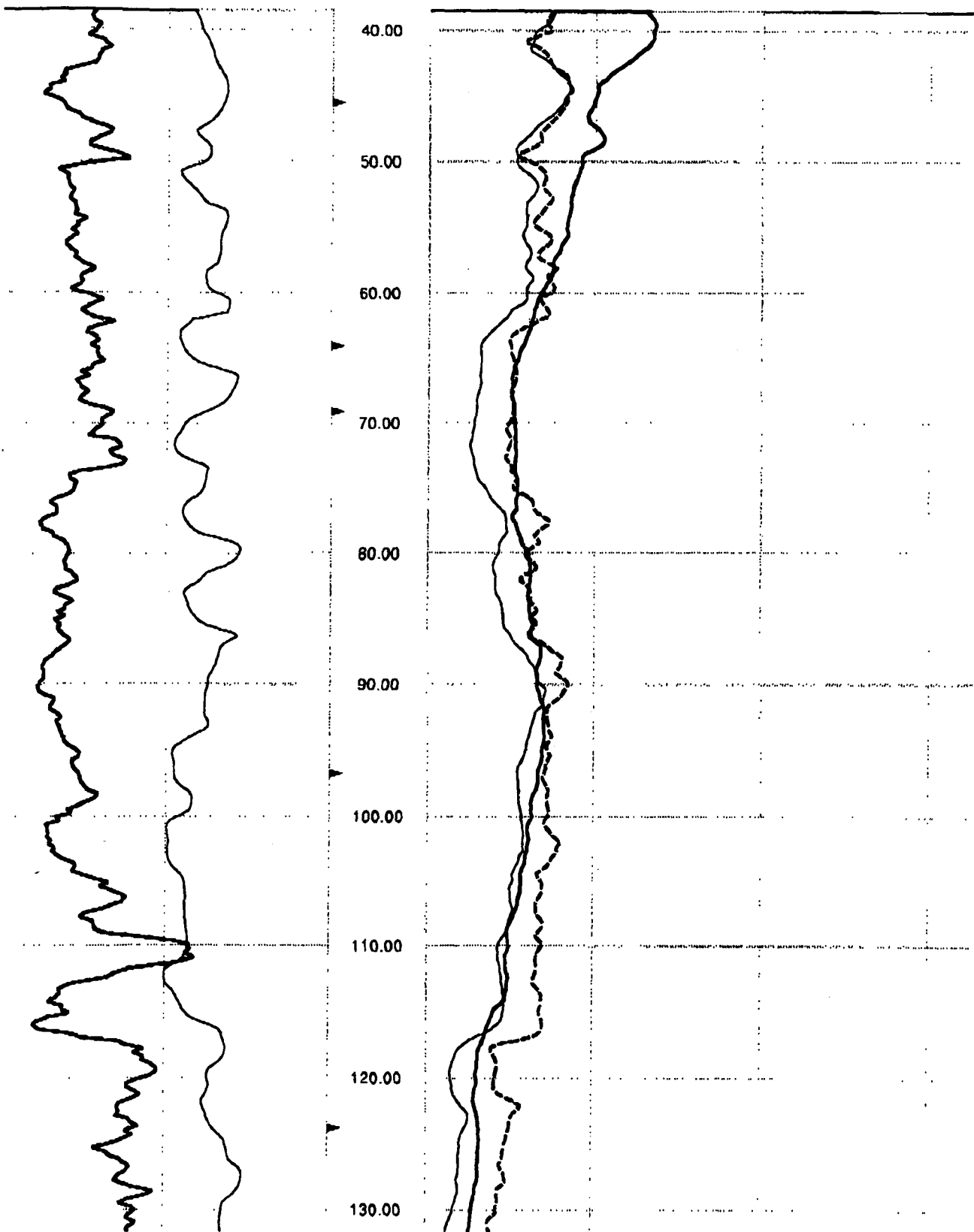
100' - Screen

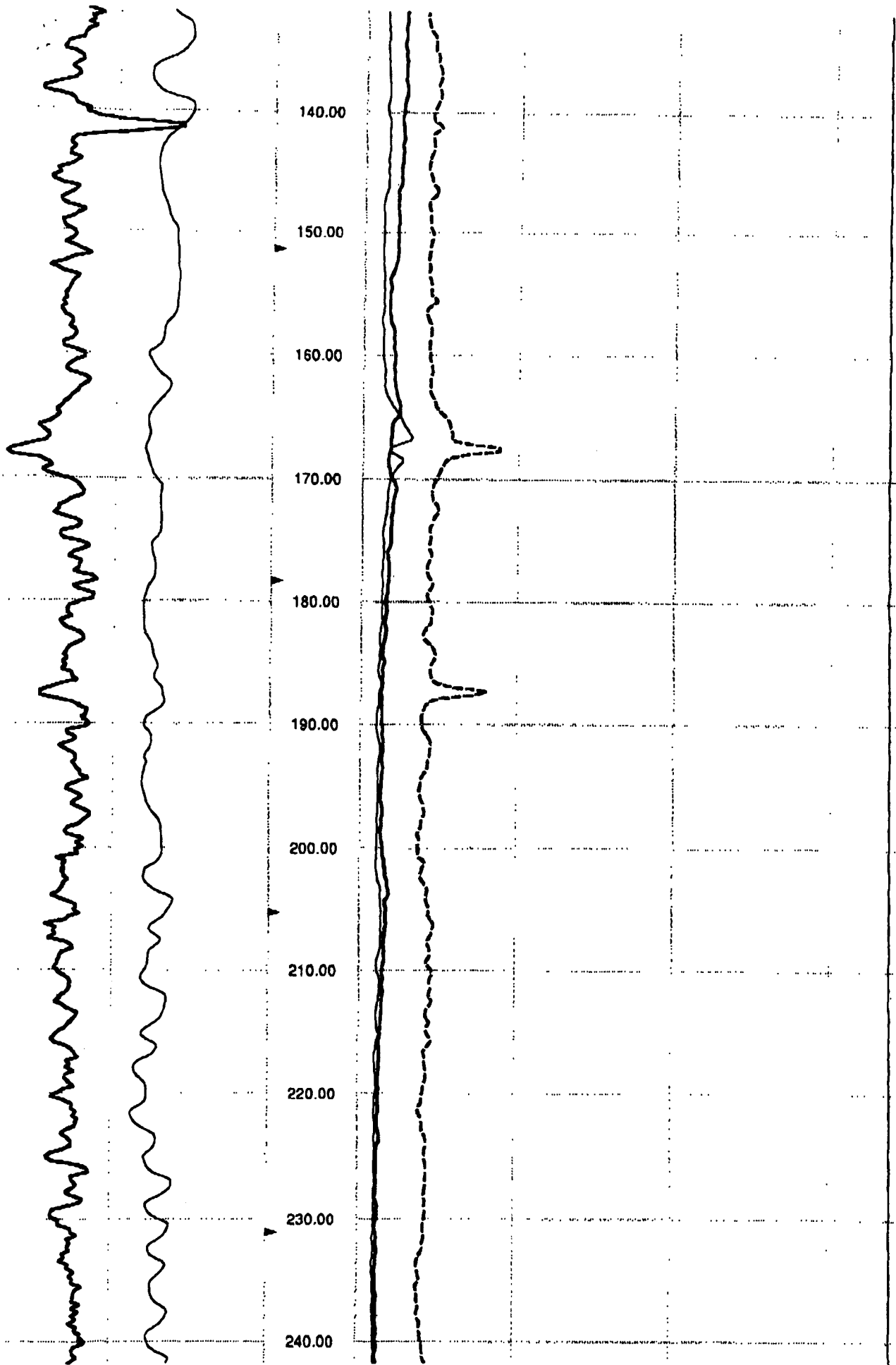
16" Plastic

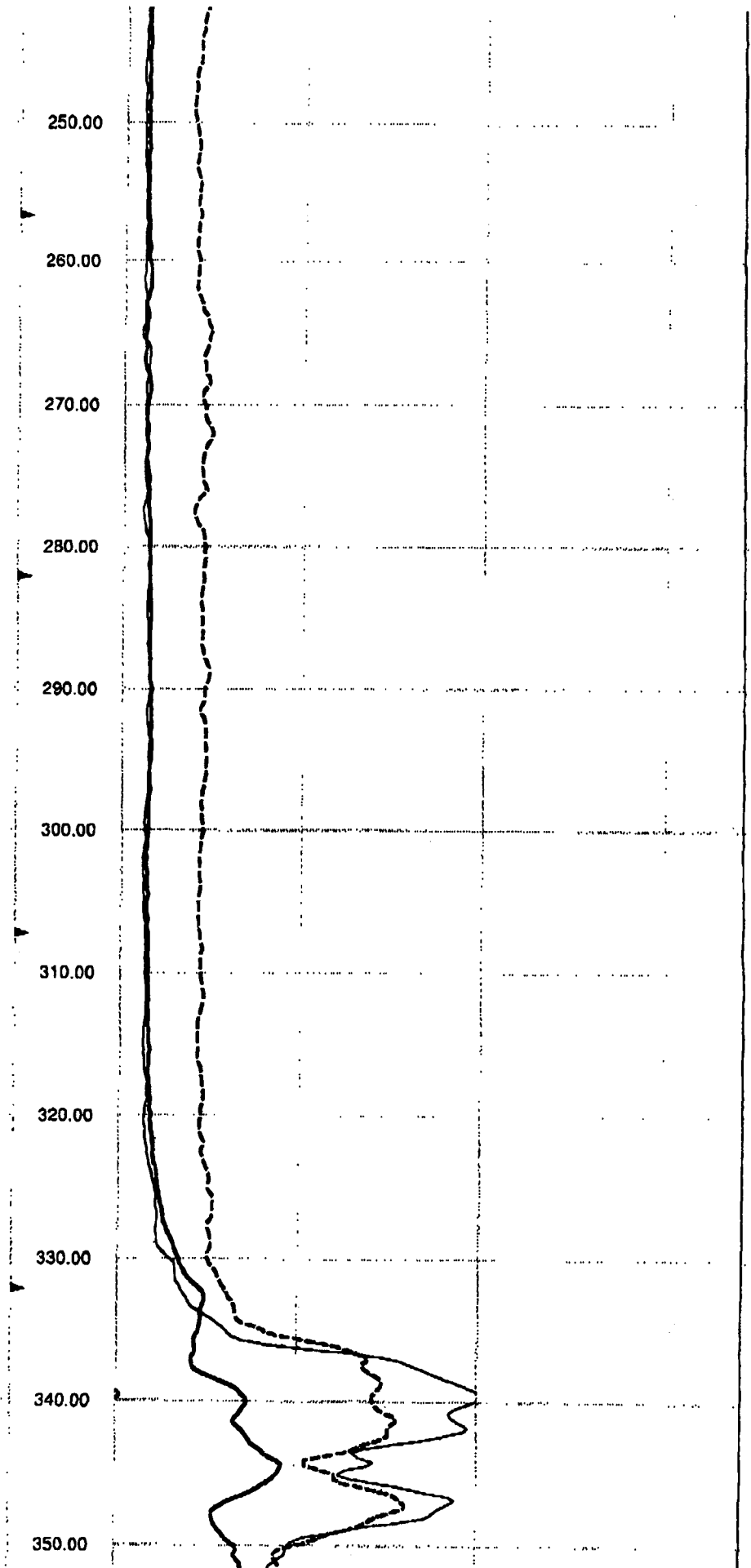
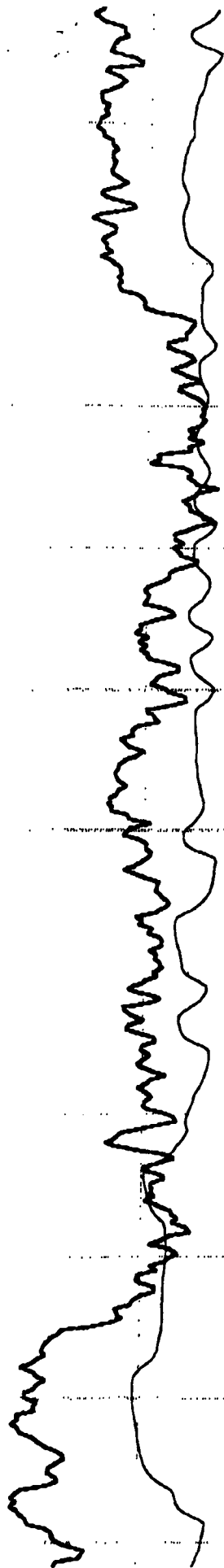


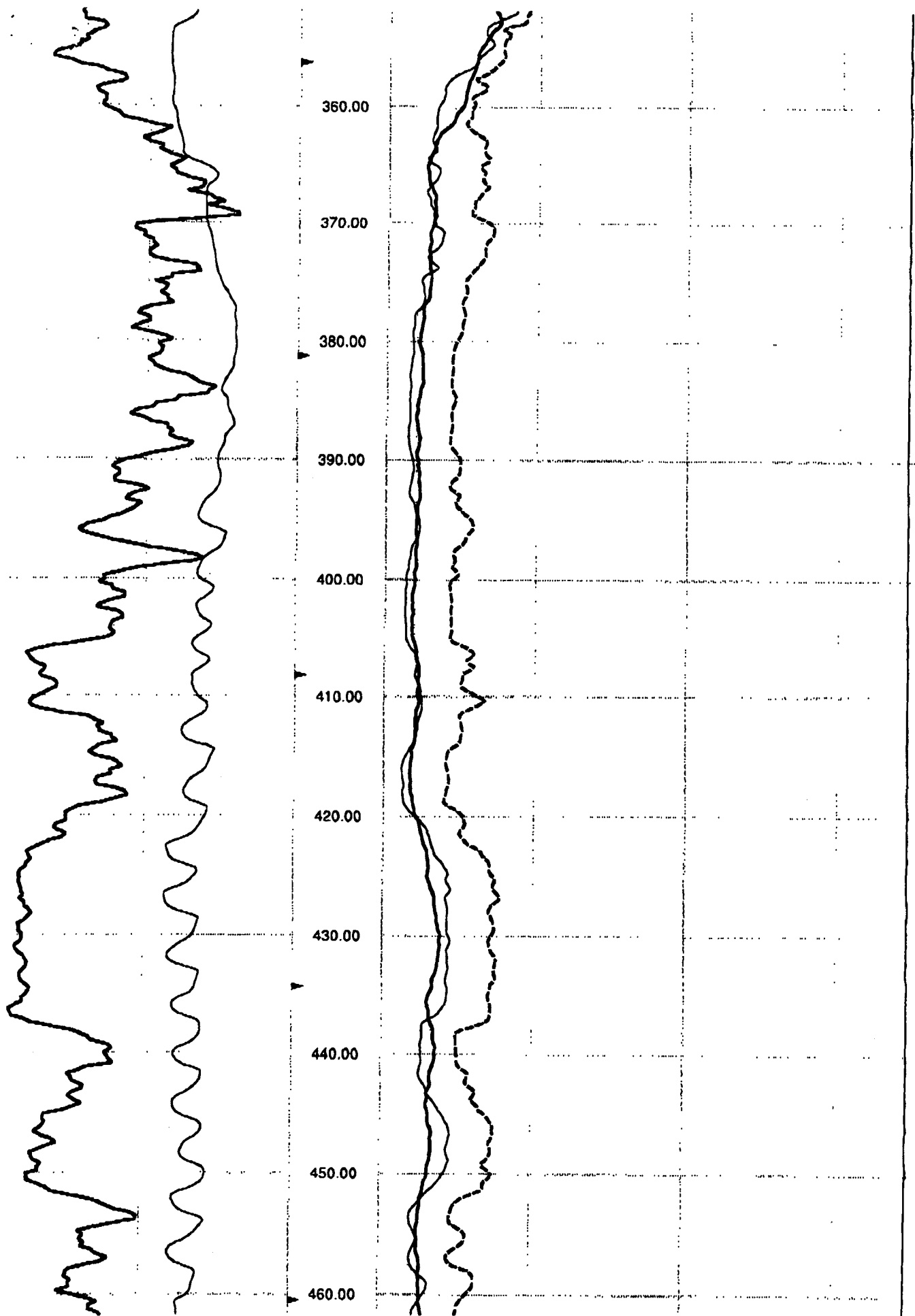
-400.00	SP mV	400.00
0.00	NGAM CPS	200.00

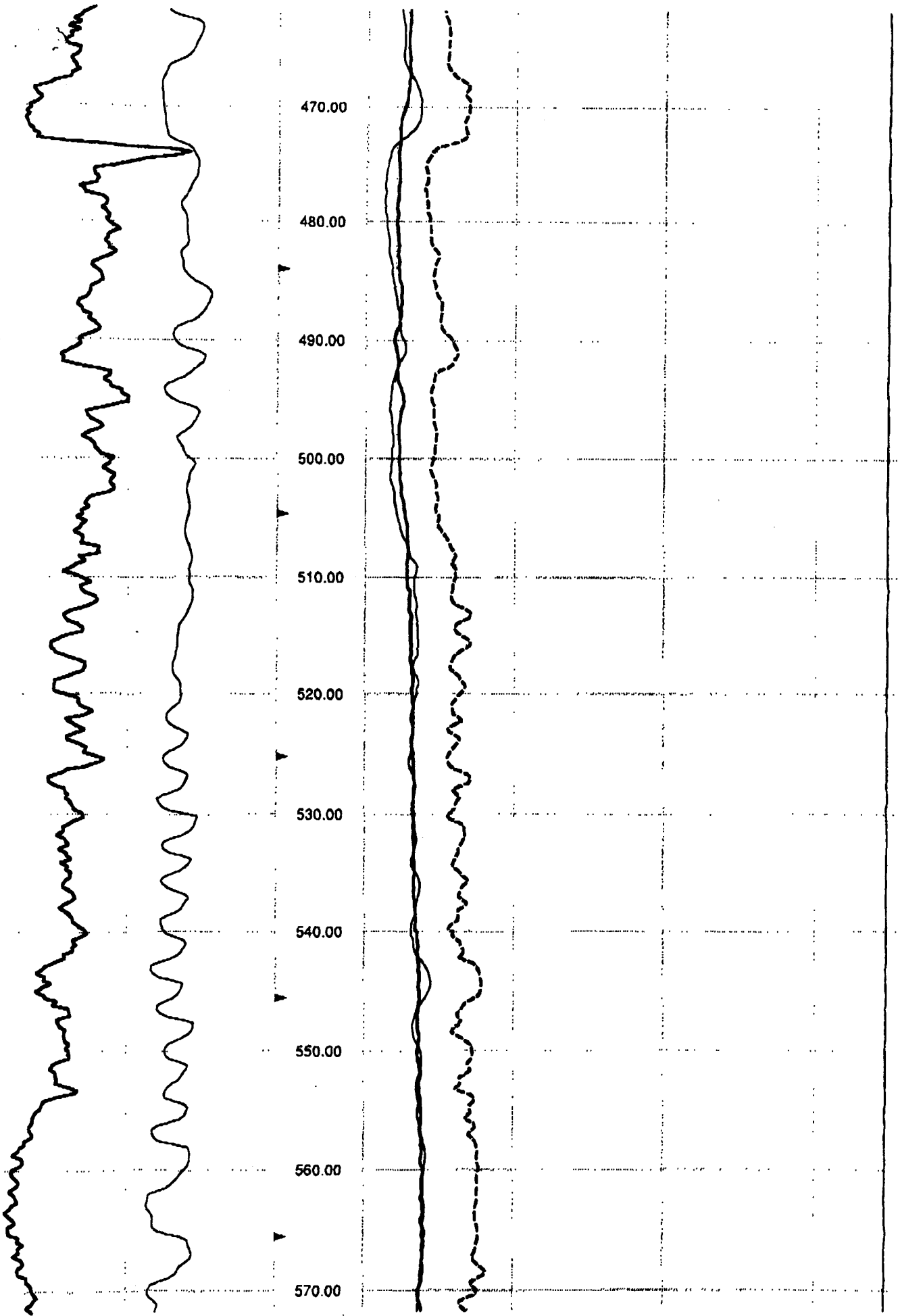
0.00	SHRT OHMM	150.00	10.00	TEMP DEGC	20.00
0.00	LONG OHMM	150.00			
0.00	SPR OHM	150.00			

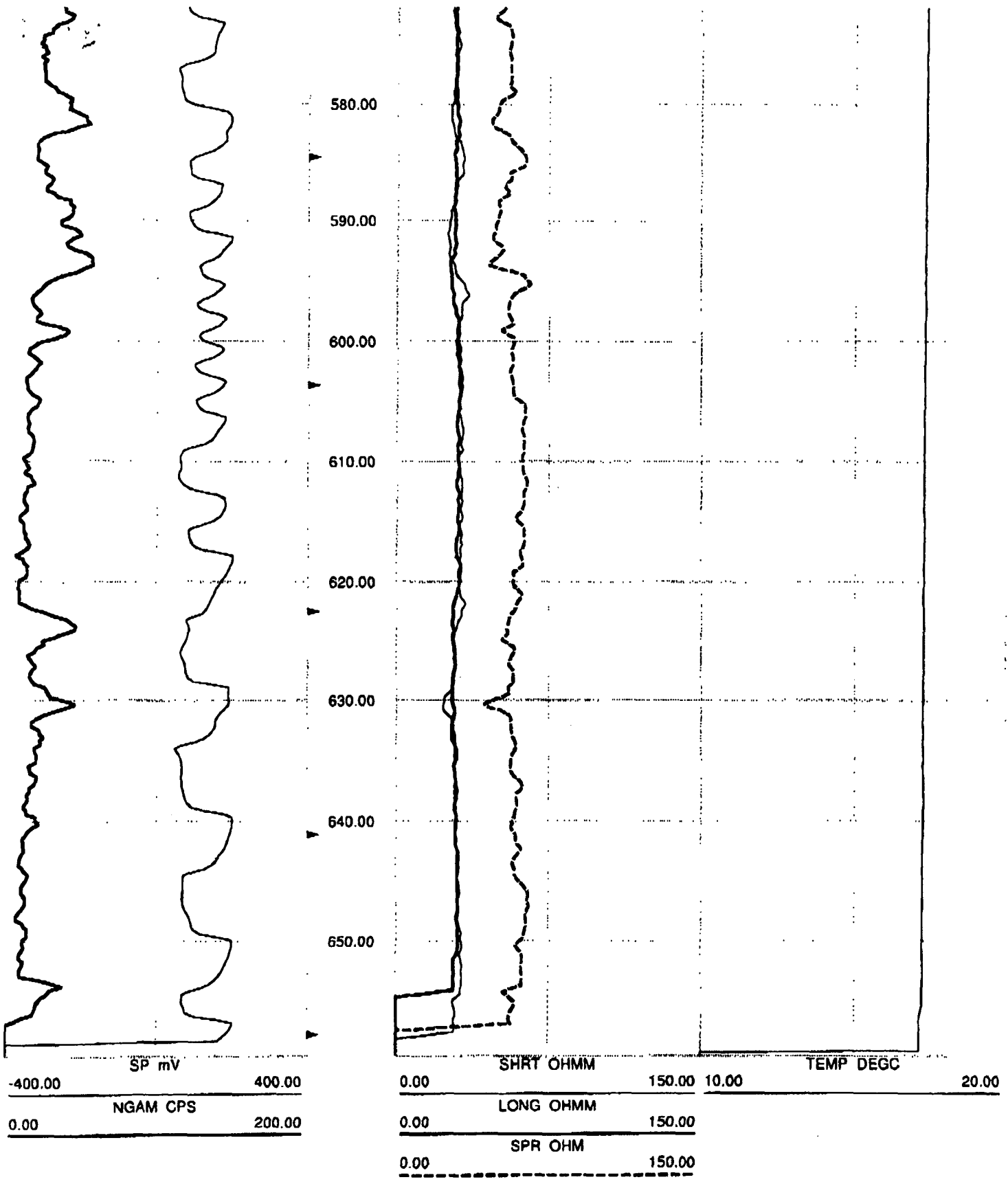












Depth: 38.00 ft Date: 02 May 2007 Time: 18:14:21 File: "C:\WinLogger\DATA\Avera Magestics1.LOG"

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6734-3**

I have this day, August 8, 2019, made a thorough examination of the water use system constructed by Avera Sacred Heart Health Services, 501 Summit Street, Yankton, SD 57078, holder of Permit No. 6734-3, bearing the priority of June 14, 2006 authorizing the diversion of 1.11 cu. ft. per second of the waters of groundwater (Dakota Aquifer) for the irrigation of 15.5 acres in Yankton County.

Inspection contact: Randy Bylander and Mark Mauch

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Grosch Irrigation Co., Inc.
- 2) No. of Wells 1
- 3) Depth(s) 660 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 8 inches
- 2) Length 540 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Diameter 8 inches
- 3) Length 100 feet
- 4) Static water level 30 feet

Pump:

- 1) Make Western Land Roller
- 2) Model Unknown
- 3) Capacity 325 GPM

Motor:

- 1) Make Franklin
- 2) Model No. Unknown
- 3) Horsepower rating 15 hp

B. Works used to transport water to place of use: (Retention Pond)

- 1) Type PVC
- 2) Size 2 inches
- 3) Length 110 feet

C. Works used to apply water to beneficial use:**Lawn Sprinkler Irrigation System**

- 1) Make Unknown
- 2) Overall length Unknown feet
- 3) Capacity Unknown GPM

Chemigation Equipment:

- 1) Does chemigate No

Pump:

- 4) Make Unknown
- 5) Model Unknown
- 6) Capacity Unknown GPM

Motor:

- 4) Make Marathon Electric
- 5) Model No. 8VD215TBFV7001AAL
- 6) Horsepower rating 10 hp

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: The system irrigates 0.2 acres in Section 11-T93N-R56W.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:

The well is 2,270 feet west and 400 feet south of the northeast corner of Section 14-T93N-R56W (Latitude 42.87878, Longitude -97.42558 – NW1/4 of the NE1/4).

The irrigation pump is 2,100 feet west and 80 feet south of the northeast corner of Section 14-T93N-R56W (Latitude 42.87966, Longitude -97.42950 – NW1/4 of the NE1/4).

2. The well is capable of diverting and conveying to the retention pond 0.73 cu. ft. per second of water which is to be used for detention pond and/or irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 14-T93N-R56W</u>	
<u>NE1/4NW1/4</u>	<u>7.0 acres</u>
<u>NW1/4NE1/4</u>	<u>8.2 acres</u>

<u>Section 11-T93N-R56W</u>	
<u>SW1/4SE1/4</u>	<u>0.3 acres</u>

comprising a total of 11.9 acres of land and the license should be issued for 0.73cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

The well is used to pump water into the retention pond at the site. The water from the well maintains the water level in the retention pond for aesthetic purposes and as a landscape irrigation water source. There is another pump at the site that draws water from the retention pond and the pumped water is used for landscape irrigation at the site.

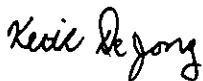
The well pump information was obtained from Grosch Irrigation Co., Inc. The information they had, indicated that pump was rated for 325 gpm. This contradicts what is written on the Water Management Board Irrigation Questionnaire for the site. I suspect that the 500 gpm shown on the questionnaire was written in based on the flow rate noted on the water permit.

I contacted Quality Well Service, LLC about the landscape irrigation pump. They stated that they did not install the original pump, but that they overhauled the pump for the owner. They did not have any information about the pump except that they had worked on it. The pump does not have any name plate information on it.

There are 0.3 acres of landscaping that are irrigated in the SW1/4 of the SE1/4 of Sec. 11-T93N-R56W. This irrigated area was not noted in Water Right No. 6743-3 or Water Right No. 6153-3. However, this area is owned by ASHHS and is adjacent to the property listed in the permits and should be incorporated into the license.

The retention pond was dug into the ground and there it is not a dam. It does have a synthetic liner and is fed by drainage runoff and the well. The pond has a surface area of approximately 3.6 acres and a storage capacity of approximately 43.4 acre feet.

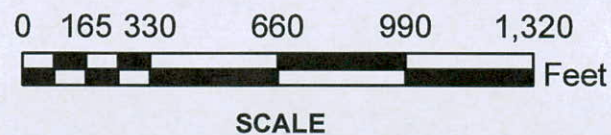
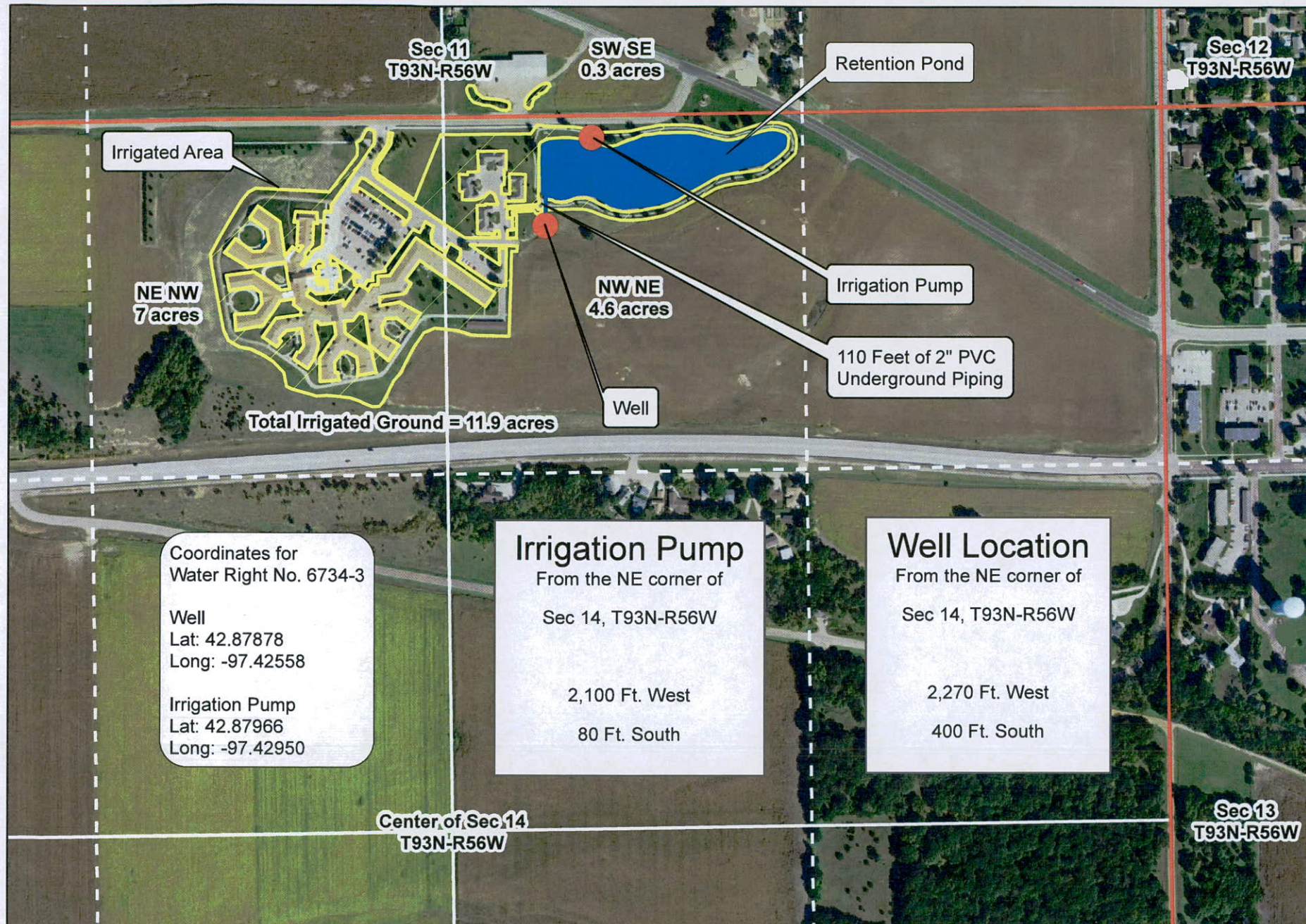
The three wells from cancelled Water Right No. 6153-3 have been plugged with concrete and are no longer visible.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 18, 2019

Water Right No. 6734-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
September 18, 2019

Licensing of Acreage Outside of Permitted Area

NAME: Avera Sacred Heart Health Services

ADDRESS: 501 Summit Street, Yankton SD 57078

DATE: August 9, 2019 **COUNTY:** Yankton **TELEPHONE:**

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 15.5 acres as compared to 15.5 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes - Water Permit No. 6734-3 authorized 15.5 acres of irrigation to be located in the N 1/2 NE 1/4 Section 14-T93N-R56W. A licensing investigation found 0.3 acres located in the SW 1/4 SE 1/4 Section 11-T93N-R56W. This is part of the Avera Sacred Heart Health Services's complex.

- **Owned by Same Property Owner**

Yes – the property where all the irrigation is occurring is owned by Avera Sacred Heart Health Services

- **Developed Prior to Expiration of Construction Period**

Date to complete construction was September 5, 2011 with the date to place water to beneficial use being September 5, 2015. To the best of our knowledge this project was completed within the construction period.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 0.3 acre area be included in the water license.



Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer

Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 03 2019

6734-3

Randy Bylander
Avera Sacred Heart Health Services
501 Summit St
Yankton SD 57078

Dear Mr. Bylander:

Enclosed is Water License No. 6734-3. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6734-3

(1) Avera Sacred Heart Health Services, 501 Summit St., Yankton SD 57078 made Application No. 6734-3, June 14, 2006 for a water permit to divert 1.11 cubic feet of water per second from ground water, one well (Dakota Formation), Yankton County, South Dakota for irrigation purposes. Permit No. 6734-3, with a priority date of June 14, 2006 was approved September 5, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 5, 2011 and for the application to beneficial use of water on or before September 5, 2015.

An investigation of the water use system for licensing purposes found 0.3 acres being irrigated outside of the area described in the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding the change of acreage does not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.73 cubic feet of water per second for beneficial use. The location of the well and pump site of the pond are located:

- Well: 2,270' W and 400' S of the NE corner of Section 14, T93N, R56W (NW ¼ NE ¼)
Latitude 42.87878, Longitude -97.42558
- Pond: 2,100' W and 80' S of the NW corner of Section 14, T93N, R56W (NW ¼ NE ¼)
Latitude 42.87966, Longitude -97.42950

The water from the well maintains the water level in the 43.4 acre-feet pond for aesthetic purposes. There is another pump at the site (see above description) that draws water from the pond for landscape irrigation.

(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 14, T93N, R56W		Section 11, T93N, R56W	
NE ¼ NW ¼	7.0 acres	SW ¼ SE ¼	0.3 acres
NW ¼ NE ¼	4.6 acres		
Total 11.9 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Avera Sacred Heart Health Services, 501 Summit St., Yankton SD 57078 the holder and/or owner of Water Right No. 6734-3 is issued a license to appropriate water, the right to use 0.73 cubic feet of water per second from ground water, one well (Dakota Aquifer) with a priority date of June 14, 2006 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6734-3 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. 6734-3 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. *The well was drilled in March 2007 by Grosch Irrigation Co Inc. A copy of the well completion report is on file with the Water Rights Program.*
- 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, Water Right No. 6734-3 authorizes a maximum diversion rate of 0.73 cfs for the irrigation of 11.9 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. Water may be diverted directly from the wells or to the pond prior to being used for irrigation. *This qualification was edited at the time of licensing to remove reference to Water Permit No. 6153-3 (cancelled in 2009) and to reflect the developed diversion rate of 0.73 cfs and 11.9 acres.*
- Water Right No. 6734-3 authorizes a pond with a storage capacity of 43.4 acre-feet of water. The pond may be maintained by diversions from the well.
- This Water Right is subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 03 2019

date

