

WATER PERMIT NO. 6752-3

Name of Applicant: Robert Smith

Address: 44630 306th St, Mission Hill SD 57046

Phone: 605 665-2698

Amount of Water Claimed: 2.22 cfs

Total Acres: 160 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 5 miles northeast of Yankton

PRIORITY

Date Received: 8-25-06

Application/License Fee: \$300

Corrected Application Received:

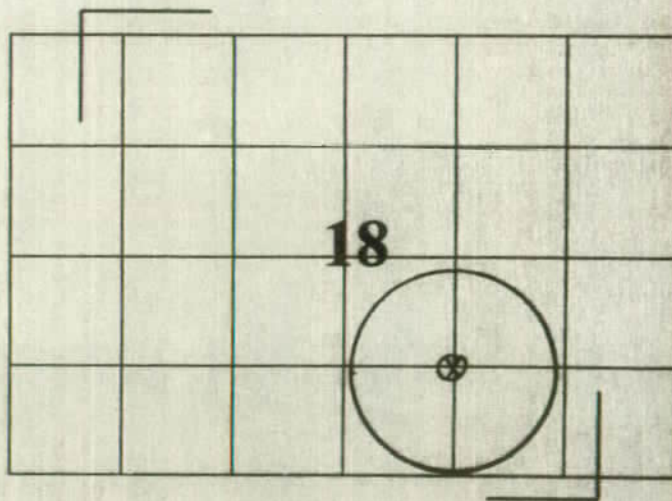
Period of Annual Use: May 1 - Sept 30

Remarks:

Diversion Point: center of SE ¼ Sec 18-T94N-

R54W

Land to be Irrigated: SE ¼ Sec 18-T94N-R54W



Depth of Well: 150 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Richard Schwartz, FSA

Reviewed and the Number Assigned on: 8-28-06

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. 6752-3 (office use only) 10170102
Hydrologic Unit
Basin Vermillion River
Newspaper Daily Press - Dakotan Yankton

RECEIVED
AUG 25 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.) _____

1. Name of Applicant Robert Smith Phone 605-665-2698
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 44630 306th St Mission Hill State S.D. 57046
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) center of
SE 1/4 Sec. 18 T94N - R54W
County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used May 1 - Sept 30
7. 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
NW 1/4 of SE 1/4 Sec. 18 T94N R54W	40		
NE 1/4 of SE 1/4 " " "	40		
SE 1/4 of SE 1/4 " " "	40		
SW 1/4 of SE 1/4 " " "	40		

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

160 acre irrigation (center pivot) - well is water source

STATE OF SOUTH DAKOTA) SS

County of Yankton

Robert Smith

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.

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)

Applicant's signature Robert Smith

Subscribed and sworn to before me this

8 Day of August 20 06

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6752-3**

Date of first receipt of application August 25, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6752-3 to Robert Smith, 44630 306th St, Mission Hill SD 57046 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. 6752-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 150 feet deep) located in the center of the SE ¼ Section 18 to irrigate 160 acres located in the SE ¼ Section 18-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: May 1 – September 30.
3. The date from which applicant may claim right is August 25, 2006.
4. The date of approval of Permit No. 6752-3 is October 2, 2006.
5. One-fifth of the construction is to be completed on or before April 2, 2009.
6. All construction is to be completed on or before October 2, 2011.
7. Water is to be put to beneficial use on or before October 2, 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. 6752-3 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. 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 01 2006
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 150 feet
- b) Casing Type PVC Diameter 16" Thickness .6"
- c) Screen Type PVC Diameter 16" Thickness .6"
- d) Gravel Pack 1/4" - 1/16" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) 50'
- g) Distance to nearest existing domestic well:

On applicants property 2,500'

On property owned by others 4,000'

2. Wastewater Disposal System Information

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

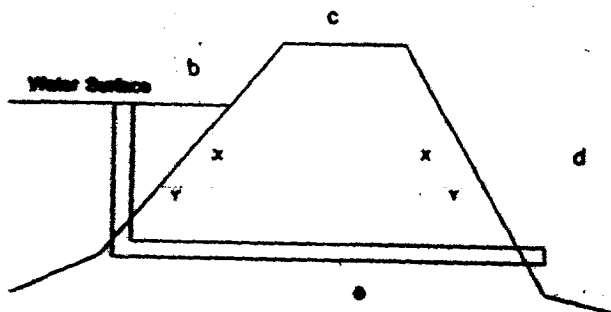
3. Dugout Information

- 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 August 28, 20 06

RECEIVED OF Robert Smith, 44630 300th Street, Mission Hill SD 57046

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	125.00
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. _____	25.00
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	150.00

No.

2560

Darkene E. Ebel
Chief Engineer
gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date AUGUST 28, 20 96

RECEIVED OF Ordell Gustad, 30491 447th Ave, Volin SD 57022

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

Fee for Application for Permit No. <u>17722 3</u> to Appropriate Water, to construct and to put water to beneficial use	125	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>17722 3</u>	25	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	150.00

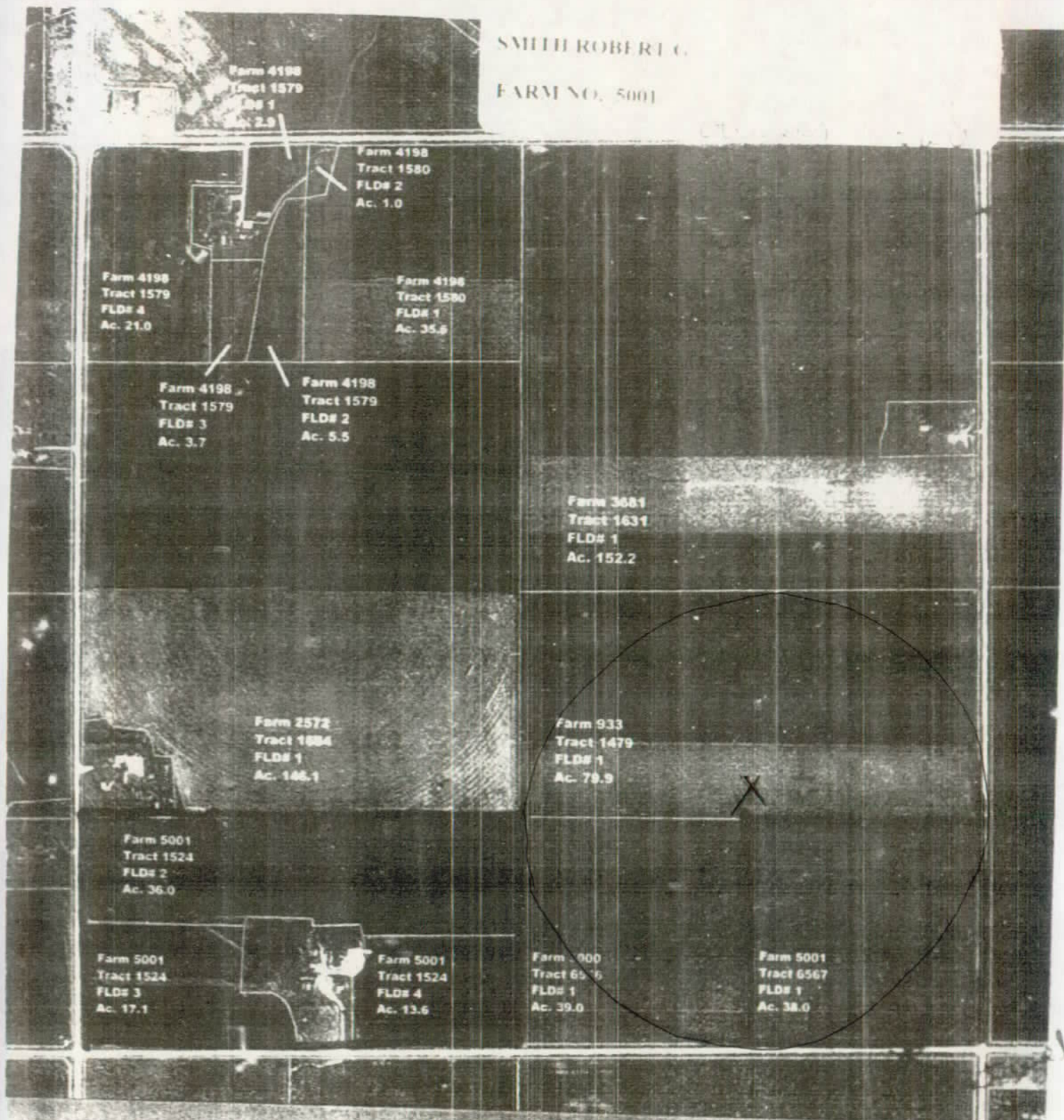
No.

2561

David E. Eide
Chief Engineer
gme

SMITH ROBERT C.

FARM NO. 5001



United States Department of Agriculture
Farm Service Agency

Richard Schmitt
CEO 7-6-06

18-94-54

February 10, 2004

Yankton County



2006

1997 Digital Orthophotography - Not To Scale

*owners

- ① Cordell Gustad
- ② Robert Smith
- ③ Donna Mellem

x = diversion point

SE $\frac{1}{4}$ of 18^{T94^N}-54^W

SE $\frac{1}{4}$ of Sec. 18-+94^N-R54^W

Form 2 A - done by K
Hammon - Wetmore
well drilled

State test well done in 1982
this is marked on maps
Thank Robert Smith

REPORT ON WATER PERMIT APPLICATION NO. 6752-3
For Robert Smith
August 30, 2006

Application No. 6752-3 proposes to appropriate 2.22 cfs (1,000 gpm) from one well approximately 150 feet deep located in the center of the SW ¼ of section 18 to irrigate 160 acres located in the SE ¼ of section 18, T94N R54W in Yankton County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The Missouri Elk Point aquifer as described by Hedges is basically equivalent to the "southern portion" of the Lower James Missouri aquifer as described in the Yankton County Study (Bugliosi, 1986). The aquifer blends into the Lower James Missouri aquifer to the north, extends into Clay County to the east, and is hydraulically connected to both the James and Missouri Rivers. Ground water movement is probably from northwest to southeast across Yankton County and toward the Missouri River. The area of this application is right on the management unit boundary between the Lower James Missouri and the Missouri Elk Point aquifers as described by Hedges.

A state test well drilled in the southeast corner of section 18 indicates sand and gravel from 39 feet below land surface to a depth of 165 feet. This fits well with information on a existing irrigation well located in the center of the NW ¼ of section 18. That log indicates sand from about 48 feet below land surface to a total depth of 140 feet. That well had a static water level of 61 feet below land surface and was capable of producing 1,200 gpm with about 10 feet of drawdown (specific capacity of 120 gpm/ft of drawdown).

The Water Rights Program monitors two observation wells YA-80IA (located about one mile to the west) and YA-80JA (located about one mile to the east) completed into the Missouri Elk Point and Lower James Missouri aquifers. Water levels for these observation wells show good response to climatic conditions, that is raising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). The effects of nearby pumping are not obvious from looking at the hydrographs. Hydrographs for these two observation wells are included with this report.

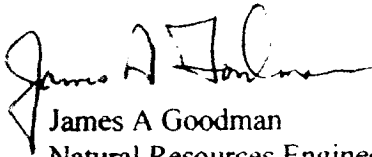
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water right No. 4827-3 located just west of this application and in the same section. The irrigation well for this water right is located about one-half mile northwest of the well proposed for this application. Interference is not a concern.

Drawdown created by pumping is not expected to be significant at this distance between wells. The observation well hydrographs bear out this conclusion.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer appears to under water table conditions in this area. The aquifer is prolific as shown by records of a nearby irrigation well. Drawdown due to pumping is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

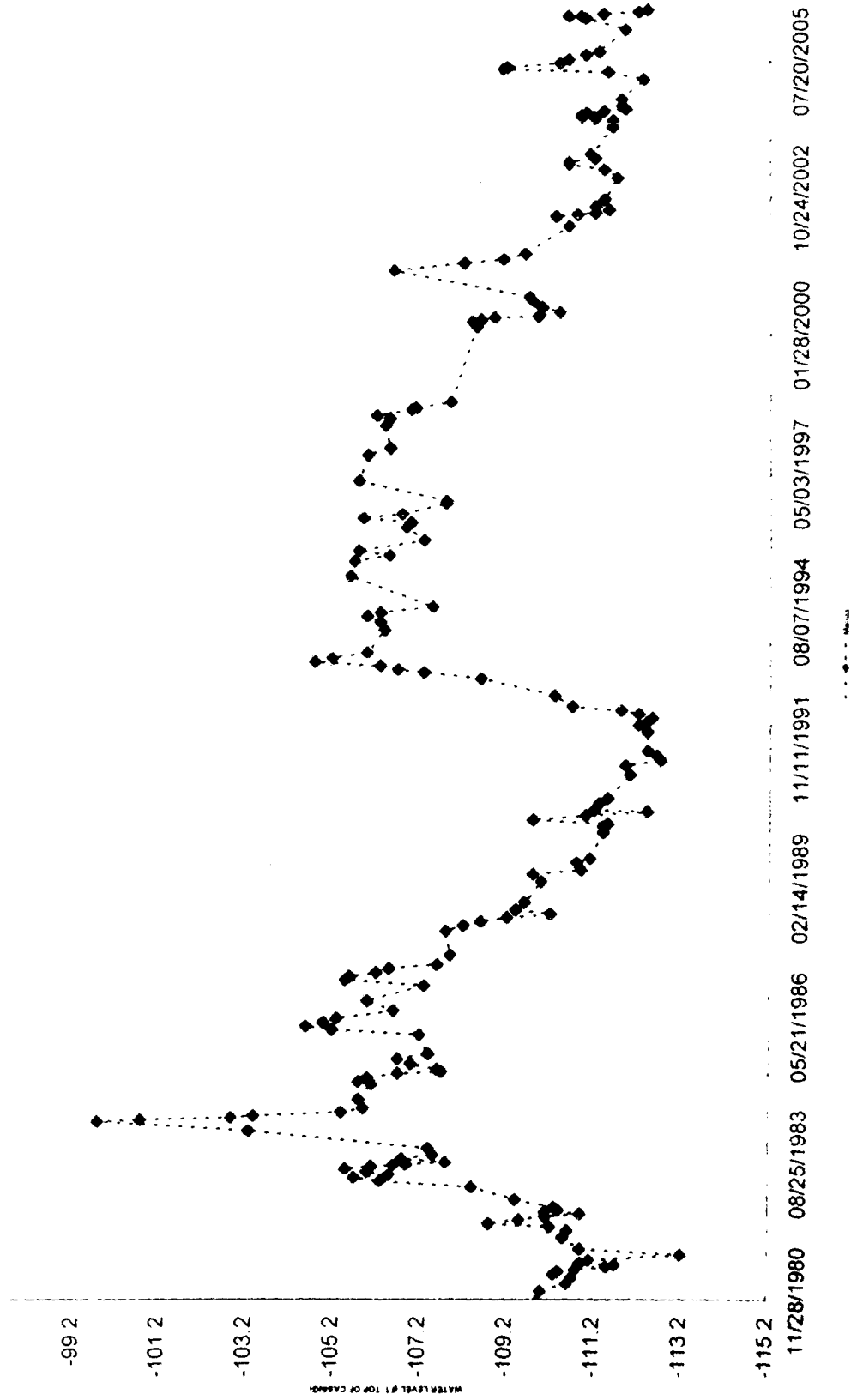
BIBLIOGRAPHY

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

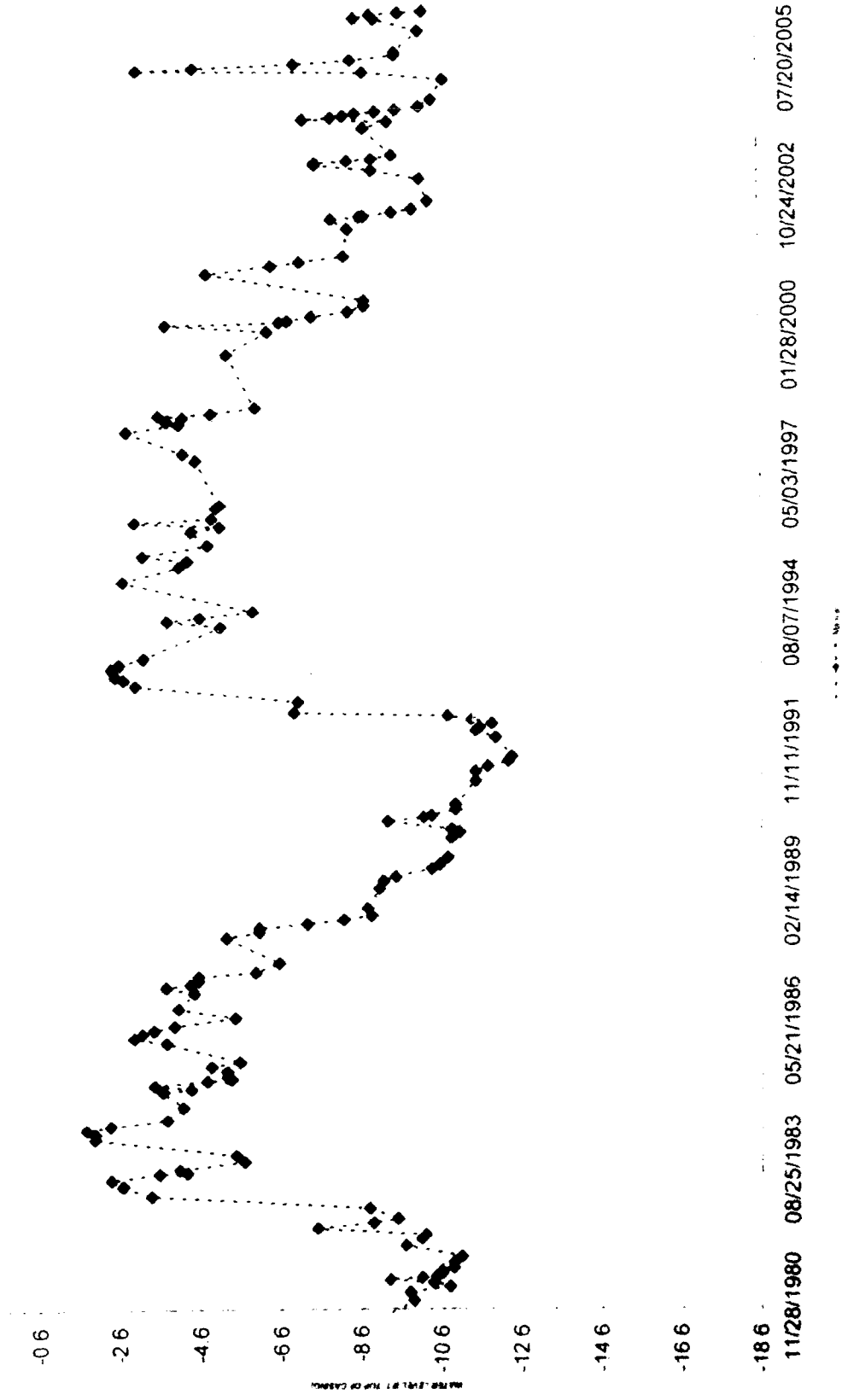
Hedges, L.S., and others. 1982. Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights. 2006. Unpublished Observation Well Records for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-801A



WATER RIGHTS' OBSERVATION WELL YA-80JA





**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. 6752-3, Robert Smith**

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. 6752-3, Robert Smith, 44630 306th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6752-3 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. 6752-3 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. 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
September 6, 2006

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR
PMB 2020
Joe Foss Building
523 East Capitol
Pierre South Dakota 57501-3182

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 on Application No. 6752-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF September, 2006
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$118.80 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 9/14/06, 9/21/06

FILED ON 9/21/2006

9+14+21

NOTICE OF APPLICATION NO. 6752-3 to Appropriate Water

Notice is given that Robert Smith, 44630 306th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (approximately 150 feet deep) located in the center of the SE 1/4 Section 18 to irrigate 160 acres located in the SE 1/4 Section 18-T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6752-3 because 1) unappropriated water is available, 2) existing rights will not be unduly 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 not concur with the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition consenting 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 October 2, 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 Gustafson at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pitzer,
Secretary, Department of Environment and Natural Resources.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF September 2006

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2009

RECEIVED
SEP 25 2006
WATER RIGHT -
PROGRAM



**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 7, 2006

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6752-3 to Appropriate Water to be published twice. Please publish the first notice on September 14, 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 Robert Smith, 44630 306th St, Mission Hill, SD (Ph # 605-665-2698).

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. 6752-3

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

Date _____

We are in receipt of your letter of September 7, 2006 enclosing Notice to Appropriate Water by Application No. 6752-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Newspaper

Instruction to Newspaper - Publish first Notice on September 14, 2006 with the second publication 7 days later.
The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6752-3 to Appropriate Water

Notice is given that Robert Smith, 44630 306th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (approximately 150 feet deep) located in the center of the SE $\frac{1}{4}$ Section 18 to irrigate 160 acres located in the SE $\frac{1}{4}$ Section 18-T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6752-3 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 October 2, 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 Gromlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, 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

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

September 7, 2006

Robert Smith
44630 306th St
Mission Hill SD 57046

Dear Mr. Smith:

Water Permit Application No. 6752-3 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.



NOV 01 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Robert Smith
44630 306th St
Mission Hill SD 57046

Dear Mr. Smith:

Enclosed is Water Permit No. 6752-3 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

RECEIVED

JUL 11 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-9-07

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

FROM:

Robert A. Smith

(name)

44630 306th St

(address)

Mission Hill, S.D. 57046

(city, state, zip)

(phone)

605-
665-2698

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. 6752-3 states that the water use system is to be constructed by

10-2-2011, and water is to be put to beneficial use by 10-2-2015.

(date)

(date)

The water use system was completed on app. 6-15-07.

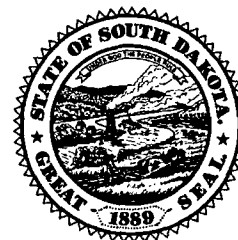
(date)

Applying the water to beneficial use was completed on 6-15-07.

(date)

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

Robert A. Smith
(signature)



SOUTH DAKOTA WATER WELL COMPLETION REPORT

6752-3

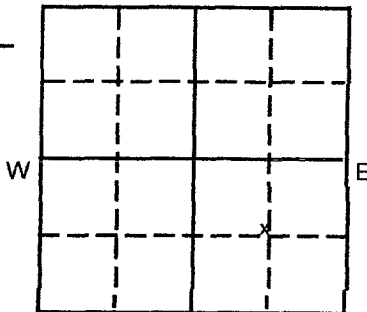
11-02

Location nw 1/4 se 1/4 Sec 18 Twp 94n Rg 54w

County

Yankton

North

Please mark well
location with an "X"

Well Completion Date

6/5/2007

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,600.0 ft. from septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	92.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
Bent grt	27	9.5	0.0	87.0

Describe grouting procedure
Tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 80.0 FeetMaterial PVC slottedSlot Size .080 Set From 92.0 Feet to 172.0 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 analysisWell Owner: Ordell Gustad

Business Name:

Address: 30491 447th AveCity, State, Zip: volin SD 57072

WELL LOG:

DEPTH

FORMATION	FROM	TO
topsoil, Dk Brn, Silty	0	1
Clay, brown, silty, pebbly	1	22
clay, gray, sandy, pebbly	22	92
gravel, coarse, sandy	92	181

STATIC WATER LEVEL 53.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

☒ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 1 2008

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: 12/27/07

Permit No. 6752-3
Vermillion River - Water District

Contact Person & Address: **Robert Smith 44630 306th Street, Mission Hill SD 57046**

Report Of Examination Of Works

On, **September 22, 2009**, I made a thorough examination of the water use system constructed by **Robert Smith 44630 306th Street, Mission Hill SD 57046** holder of Permit No. **6752-3**, bearing the priority of **August 25, 2006** authorizing the diversion of **2.22** cu. ft. per second of the waters of **ground water (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 SE corner of Sec 18 T94N-R54W; 1320 ft north and 1320 feet west** with a longitude of **-97.26457** and a latitude of **42.95628** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.78** 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 18 T94N-R54W**

NW ¼ SE ¼ - 34 ac NE ¼ SE ¼ - 34 ac SE ¼ SE ¼ - 34 ac SW ¼ SE ¼ - 34 ac

comprising a total of **136** acres of land and the license should be issued for **1.78** 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: **Hammond Wetmore**
- 2) No. of Wells **1**
- 3) Depth(s) **172** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **92** feet
- 3) Type **pvc**

Screen:

- 1) Type **pvc**
- 2) Length **80** feet

3) Static water level 53 feet

Pump:

1) Make Grundfos

2) Model 800S500

3) Size 8

4) Capacity 900 GPM

Motor:

1) Make Grundfos

2) Model No. MMS6000

3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

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

SYSTEM TYPE:

Center pivot:

1) Make Valley

2) Overall length 1300 feet

3) Number of towers 7

4) End gun yes

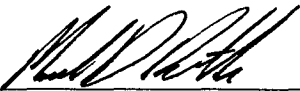
5) High or low pressure hi

6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate no

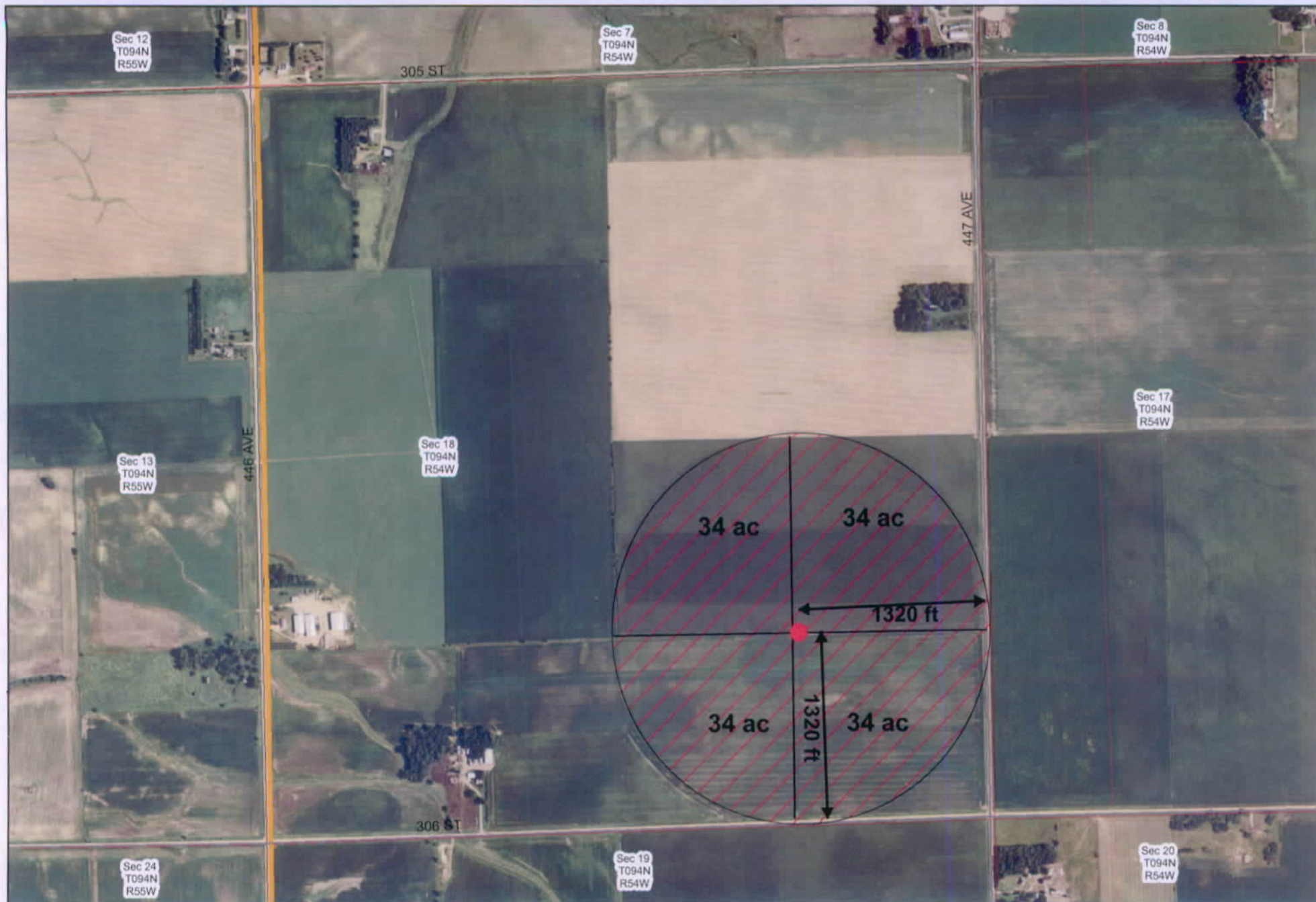
Comments : none



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

4-13-10

Date



Mark D. Rath

Mark D. Rath
Natural Resources Engineering Specialist
3/17/2010

0 0.1 0.2 0.4
Miles



6752-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 29 2010

6752-3

Robert Smith
44630 306th St
Mission Hill SD 57046

Dear Mr. Smith:

Enclosed is your Water License No. 6752-3. 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. 6752-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6752-3**

(1) Robert Smith, 44630 306th St, Mission Hill SD 57046 made Application No. 6752-3, August 25, 2006 for a water permit to divert 2.22 cubic feet of water per second from ground water – one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6752-3, with a priority date of August 25, 2006 was approved October 2, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 2, 2011 and for the application to beneficial use of said water on or before October 2, 2015.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on July 11, 2007. The "*Notice*" stated the water use system was completed and water placed to beneficial use on June 15, 2007.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet north and 1,320 feet west of the SE corner of Section 18, T94N, R54W (center of the SE ¼)

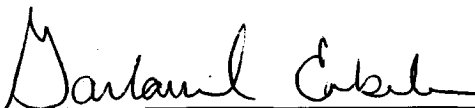
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 18, T94N, R54W	NW ¼ SE ¼	34 acres
	NE ¼ SE ¼	34 acres
	SE ¼ SE ¼	34 acres
	SW ¼ SE ¼	34 acres
	Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Smith, 44630 306th St, Mission Hill SD 57046 the holder and/or owner of Water Right No. 6752-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water – one well (Missouri Elk Point Aquifer) with a priority date of August 25, 2006 from the location specified in (2) of this license for irrigation of the land described above.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6752-3 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. 6752-3 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 by Hammond-Wetmore Drilling in June, 2007; log on file with the Water Rights Program*).
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

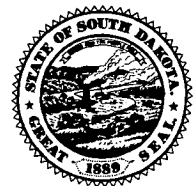


Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 29 2010

date



6752-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2022

6752-3

Cindy Smith
805 Hillcrest Grand Ave
Yankton SD 57078-5118

Dear Ms. Smith:

Enclosed is a "Notice" dated October 21, 2022 concerning the 2022 irrigation questionnaire.

The notice was originally mailed to Robert Smith, Mission Hill SD. If you or another family member now own the land, it should be transferred to reflect different ownership.

Please give me a call at your earliest convenience and I will walk you through the process. If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: ROBERT SMITH, 805 HILLCREST GRAND AVE, YANKTON, SD 57078 5118

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6752-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6752-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 6752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** 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: <https://danr.sd.gov/iq> using this password: OLNIZF**

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

February 7, 2023

6752-3

Robert Smith
805 Hillcrest Grand Ave
Yankton SD 57078

Dear Mr. Smith:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 6752-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
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

February 15, 2023

6752-3

Cindy Smith
805 Hillcrest Grand Ave
Yankton SD 57078

Dear Ms. Smith:

Thank you for calling to check on receipt of the irrigation questionnaire.

Enclosed as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

6752-3

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Agriculture and Natural Resources

Date March 6, 2023RECEIVED OF Cynthia G. Smith 805 Hillcrest Grand Ave., Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6752-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
 Chief Engineer
um

PAID

MAR 6 2023

Ck# 4081

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6752-3

Date: 3-2-2023

I/We request that Water Right No. 6752-3

formerly owned by: Robert Smith

be transferred to: (name & address) Cynthia Smith

805 Hillcrest Grand Ave

Yankton, SD

Telephone No. 605-660-3662

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

136 acres - SE 1/4 Section 18, T94N, R54W

I/We understand that the validity of Water Right No. 6752-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

Cynthia

(Cindy) Smith

I/We, the new owner, certify that the above information is true and correct.

Cynthia Smith

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

MAR 06 2023

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2023

6752-3

Cindy Smith
805 Hillcrest Grand Ave
Yankton SD 57078

Dear Ms. Smith:

We have received the transfer of ownership form and the filing fee for Water Right No. 6752-3.

The ownership change has been completed. The water right formerly held by Robert Smith is now listed under Cynthia Smith.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure