

WATER PERMIT NO. 6775-3

Name of Applicant: **James and Brian Ryken**

Address: **31321 451st Ave, Gayville SD 57031** Phone: **605 267-4128**

Amount of Water Claimed: **1.88 cfs** Total Acres: **132**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation** County: **Yankton**

Type of Waste Disposal System:

Location: **2 miles southwest of Gayville**

PRIORITY Date Received: **11-27-06** Application/License Fee: **\$300**

Corrected Application Received: Period of Annual Use: **May 1 – October 31**

Remarks: **Will use the well authorized by Water Right No. 4846-3**

Diversion Point: **NW ¼ SE ¼ Sec 22-T93N-R54W**

Land to be Irrigated: **NW ¼ Sec 22-T93N-R54W**

Depth of Well: **112 feet deep**

Well Driller: : **Wetmore Drilling**

Remarks:

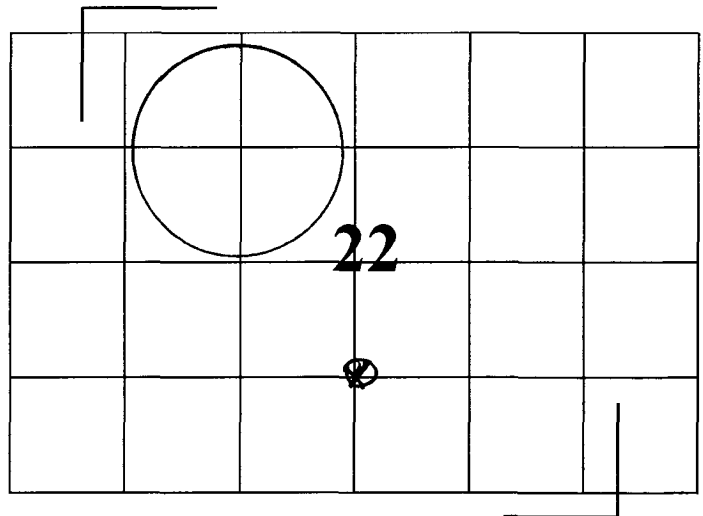
Type of Map: **aerial**

Prepared by: **Steve Meyer, NRCS**

Reviewed and the Number Assigned on: **11-27-06**

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>6775-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan</u> <u>Yankton SD</u>
	<u>605-665-0781</u> <u>57078</u>

RECEIVED

NOV 27 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 James and Brian Ryken Phone (605) 267-4128
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 31321 451st Ave Gayville State SD 57031
 (Street, RR, or Box and City) (Zip Code)

 2. Amount of water claimed 1.89*CFS or 850 **GPM ***AF Total Acreage 132
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
1 well in SW1/4 NW1/4 section 22 T93N-R54W (well authorized by Water Right # 4846-3)
NW1/4 SE1/4
5. County or counties where water will be used Yankton6. Annual period during which water is to be used May thru October
 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
NW1/4 NW1/4 Sec 22 T93N-R54W	<u>32.3</u>		
NE1/4 NW1/4 Sec 22 T93N-R54W	<u>32.3</u>		
SE1/4 NW1/4 Sec 22 T93N-R54W	<u>32.3</u>		
SW1/4 NW1/4 Sec 22 T93N-R54W	<u>32.3</u>		

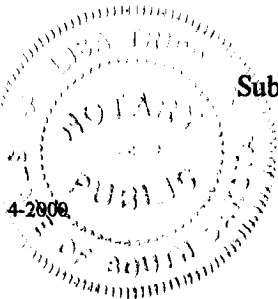
8. Give a description of the project. (Attach sheet if more space is needed)

We would like to irrigate the quarter of land adjoining the quarter we currently irrigate from the existing well. The permit for that well is 4846-3 and is issued to our mother, Helen Ryken. She has granted permission to use the well if permitted by the state.

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, James Ryken, 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 James RykenSubscribed and sworn to before me this 21 day of November 2006
Russ Kupp 01-09-11
 Notary Public signature


**SOUTH DAKOTA
WATER PERMIT NO. 6775-3**

Date of first receipt of application November 27, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6775-3 to James and Brian Ryken, 31321 451st Ave, Gayville SD 57031 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. 6775-3 appropriates 1.89 cubic feet of water per second from an existing well completed into the Missouri:Elk Point Aquifer (112 feet deep) located in the NW 1/4 SE 1/4 Section 22 to irrigate 132 acres located in the NW 1/4 Section 22; all in T93N-R54W. This project will utilize the same well authorized by Water Right No. 4846-3.
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 – October 31.
3. The date from which applicant may claim right is November 27, 2006.
4. The date of approval of Permit No. 6775-3 is January 22, 2007.
5. One-fifth of the construction is to be completed on or before July 22, 2009.
6. All construction is to be completed on or before January 22, 2012.
7. Water is to be put to beneficial use on or before January 22, 2016.
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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 20 2007

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction*using existing well w/ permit 4846-3*

- a) Drill Hole Diameter _____ Depth _____
- 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

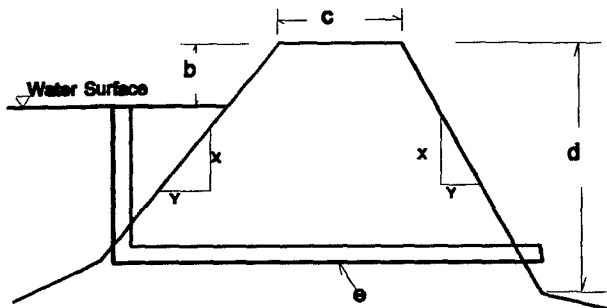
3. Dugout Information

- 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.

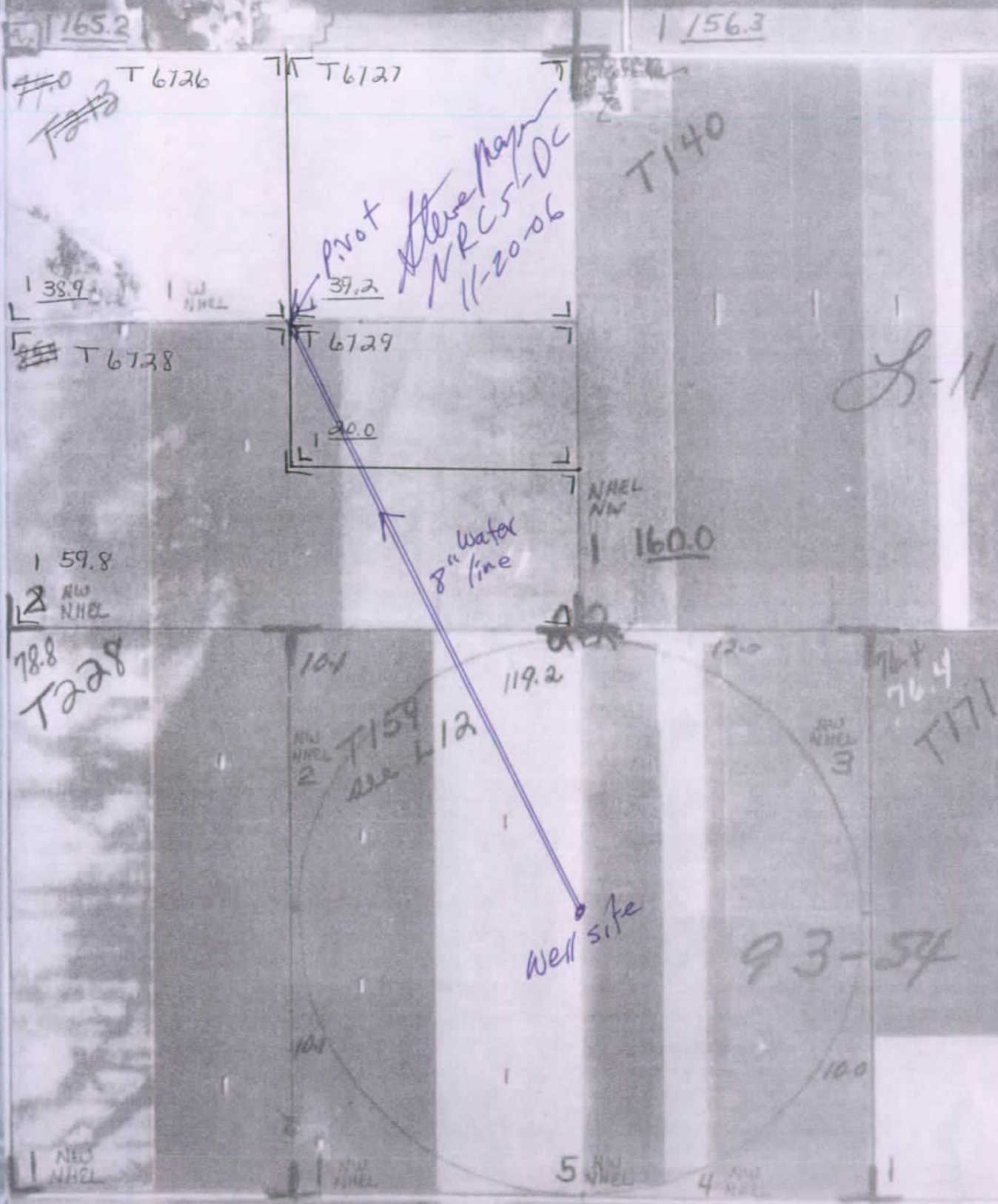
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

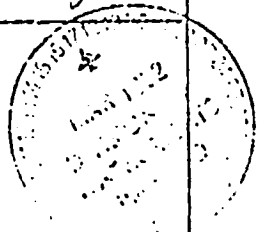


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

7-13-99

NOT TO SCALE





RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 27, 20 96

RECEIVED OF James Ryken, 31321 451st Ave., Gayville SD 57031

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

Fee for Application for Permit No. <u>6775-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6775-3</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	300.00

No.

02650

By

Darland Elshel
Chief Engineer *gm*

I, Helen Ryken, give permission to James and Brian Ryken to use the existing well that has SD permit 4846-3 to irrigate the NW1/4 of Sec 22 93-54.

Signed

Date

Helen Ryken

11-20-06



**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. 6775-3, James and Brian Ryken**

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. 6775-3, James and Brian Ryken, 31321 451st Avenue, Gayville SD 57031

The Chief Engineer is recommending APPROVAL of Application No. 6775-3 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. 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
December 21, 2006

REPORT ON WATER PERMIT APPLICATION NO. 6775-3
For James and Brian Ryken
December 18, 2006

Application No. 6775-3 proposes to appropriate 1.89 cfs (850 gpm) from an existing well approximately 112 feet deep located in the center of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 22 to irrigate 132 acres located in the NW $\frac{1}{4}$ of section 22; all in T93N 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 in this area. The Missouri Elk Point aquifer is roughly equivalent to the “southern portion” of the Lower James Missouri aquifer as described in the county study (Bugliosi, 1986). 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 aquifer extends into Clay County to the east and blends into the Lower James Missouri aquifer to the north. The aquifer is also hydraulically connected to the Missouri River and the James River. Ground water movement is from northwest to southeast across the area of this application (Hedges, 1982).

This is an existing well. The log for the well indicates fine sand beginning at 19 feet extending to 48 feet followed by coarse sand and gravel from 48 feet to 112 feet all below land surface. The well had a static water level of 17 feet below land surface and was capable of producing 1600 gpm with seven feet of drawdown. This would equate to a specific capacity of about 228 gpm/ft of drawdown. This well would appear to be capable of producing enough water to irrigate two pivots simultaneously.

The Water Rights Program monitors two observation wells located in a three mile radius of this application. One of these observation wells YA-80KA is located about two miles southeast of this application and the other observation well YA-78J is located about three miles northwest of this application. Water levels for these wells show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). Hydrographs for these observation wells are included with this report. Notice that the wells near the Missouri River show a decline that appears to be related to entrenching of the Missouri River. This phenomenon appears to be permanent.

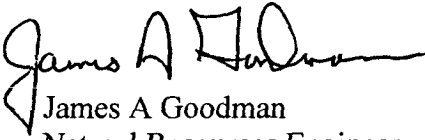
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water permits/rights within a two mile radius of this application. All three of these are for irrigation wells. The nearest permitted well is about one and one-half mile from this application. Interference is not expected to be a concern. The aquifer is highly prolific in this area and drawdown created by pumping is not significant.

This is shown by the observation well records and the testing completed by drillers of production wells in the Yankton and Clay County area.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions at this site. Drawdown is not expected to be significant. Interference is not a concern.
3. The applicant is requesting an additional 1.89 cfs for a total of 3.78 cfs (1,700 gpm). This rate appears to be possible based upon the estimated production of the existing irrigation well. However, it appears unlikely that both pivots could operate at the same time with the existing system. This permit application if approved would allow both pivots to operate at the same time.


James A Goodman
Natural Resources Engineer

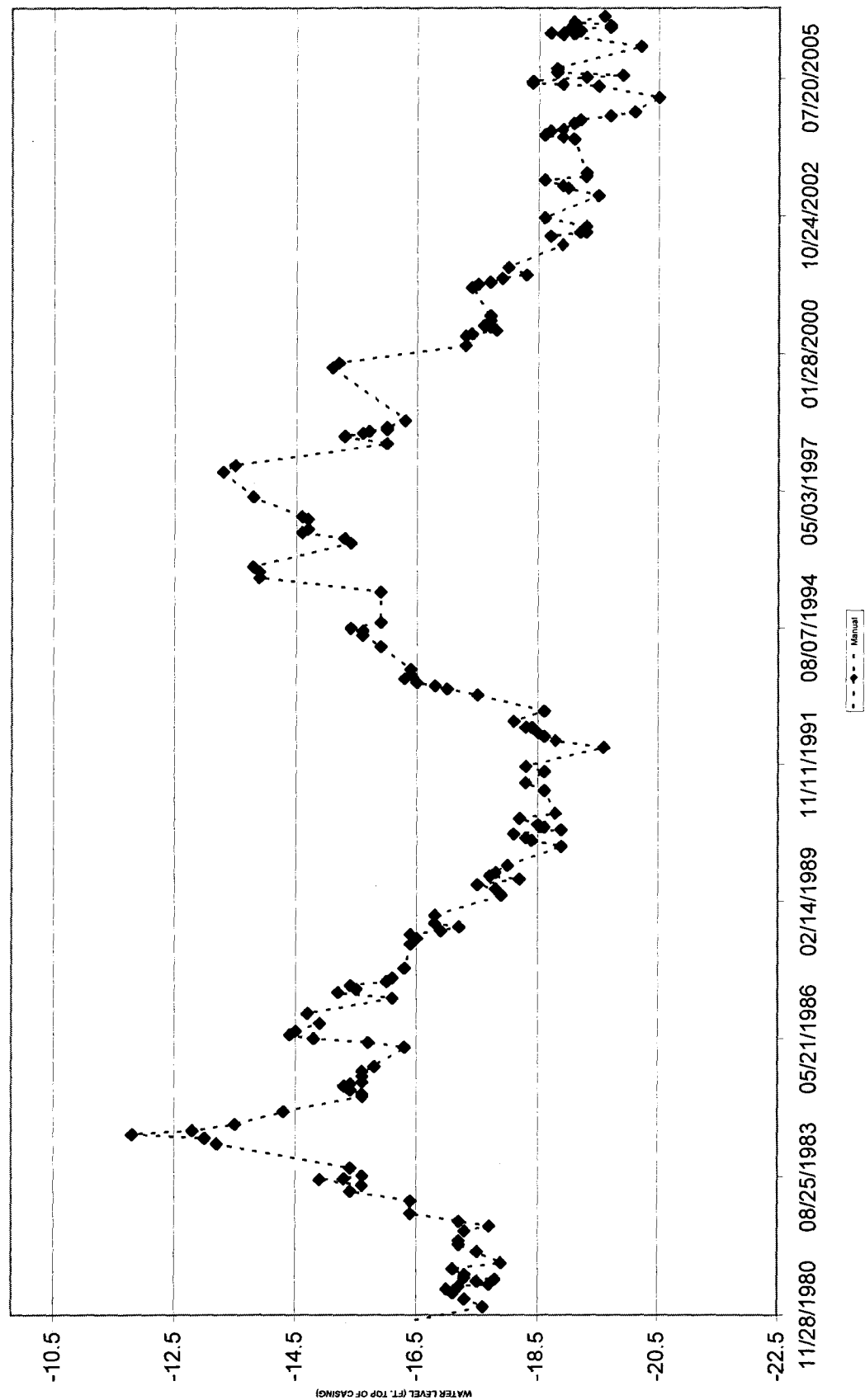
BIBLIOGRAPHY

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

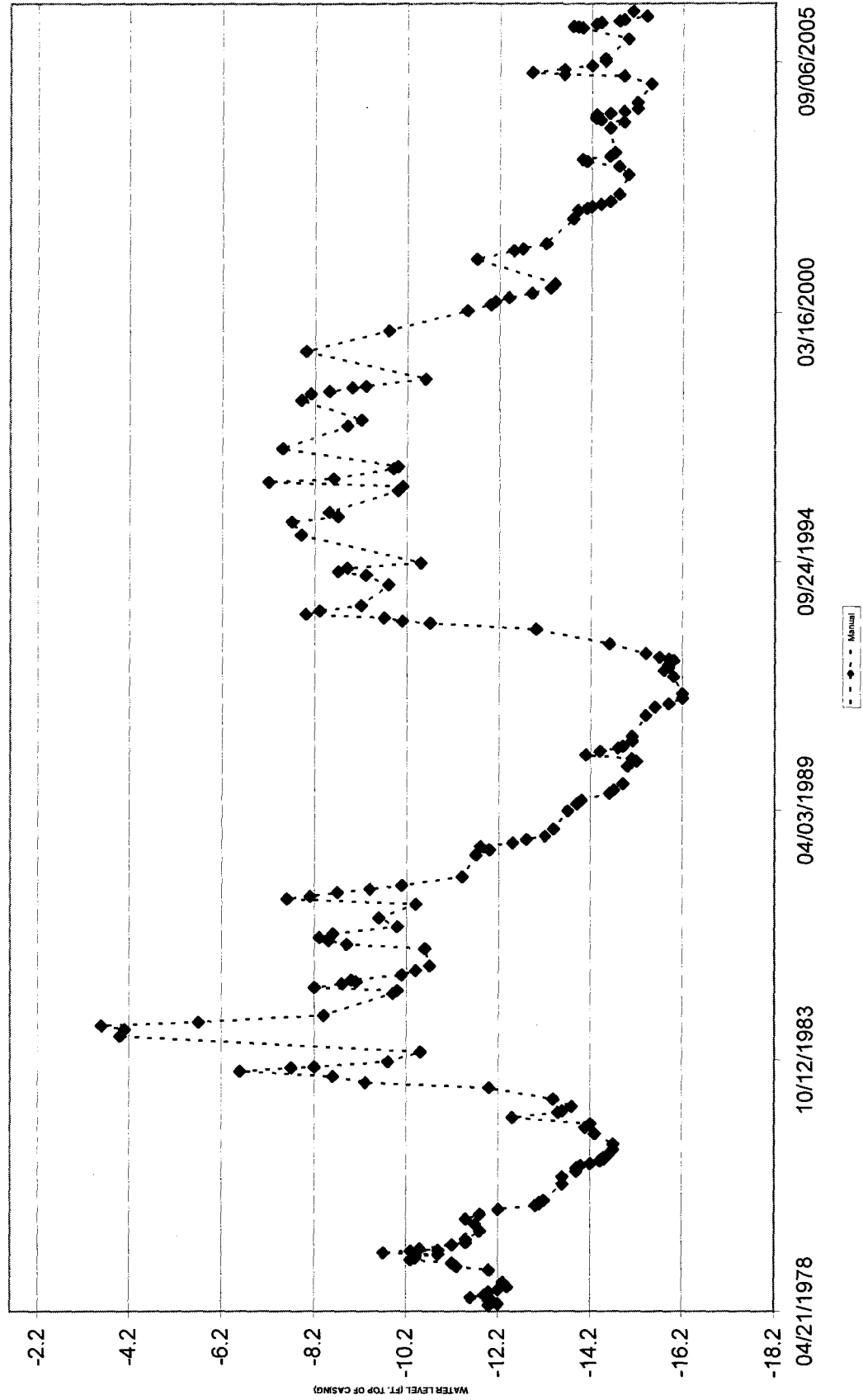
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2006, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-80KA



WATER RIGHTS' OBSERVATION WELL
YA-78J



RECEIVED

JAN 29 2007

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

James & Brian Ryken
31321 451st Ave
Gayville, SD 57031

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 6775-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 11th DAY OF January, 2007.
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: 1/4, 1/11

FILED ON: 1/11/2007

1-4-11

NOTICE OF APPLICATION NO. 6775-3 to Appropriate Water

Notice is given that James and Brian Ryken, 31321 451st Ave, Gayville SD 57031 have filed an application for a water permit to appropriate 1.89 cubic feet of water per second from an existing well completed into the Missouri Elk Point Aquifer (112 feet deep) located in the NW 1/4 SE 1/4 Section 22 to irrigate 132 acres located in the NW 1/4 Section 22; all in T93N-R54W. This project proposes to utilize the same well authorized by Water Right No. 4846-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6775-3 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 January 22, 2007.

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 Orndahl 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.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF January, 2007

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009



December 22, 2006

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6775-3 to Appropriate Water to be published twice. Please publish the first notice on January 4 2007 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 James & Brian Ryken, 31321 451st Ave, Gayville SD (Ph # 605-665-7811).

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. 6775-3

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

Date _____

We are in receipt of your letter of December 22, 2006 enclosing Notice to Appropriate Water by Application No. 6775-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

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

www.state.sd.us/denr

December 22, 2006

James & Brian Ryken
31321 451st Ave
Gayville SD 57031

Dear Sirs:

Water Permit Application No. 6775-3 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.

Instruction to Newspaper - Publish first Notice on January 4, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6775-3 to Appropriate Water

Notice is given that James and Brian Ryken, 31321 451st Ave, Gayville SD 57031 have filed an application for a water permit to appropriate 1.89 cubic feet of water per second from an existing well completed into the Missouri:Elk Point Aquifer (112 feet deep) located in the NW ¼ SE ¼ Section 22 to irrigate 132 acres located in the NW ¼ Section 22; all in T93N-R54W. This project proposes to utilize the same well authorized by Water Right No. 4846-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6775-3 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 January 22, 2007.

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.



APR 20 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

James and Brian Ryken
31321 451st Ave
Gayville SD 57031

Dear Sirs:

Enclosed is Water Permit No. 6775-3 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

JUN 13 2007

WATER RIGHTS
PROGRAM

6775-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date June 10 2007

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

FROM: James and Brian Ryken
(name)

31321 451st Ave
(address)

Gayville, SD 57031
(city, state, zip)

605-267-4128
(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.

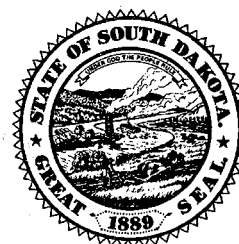
Water Permit No. 6775-3 states that the water use system is to be constructed by
Jan 22, 2012 , and water is to be put to beneficial use by Jan 22, 2016
(date) (date)

The water use system was completed on April 11, 2007
(date)

Applying the water to beneficial use was completed on June 9, 2007
(date)

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

James Ryken
(signature)



Permit No. 6775-3
Missouri River - Water District

Contact Person & Address: **James Ryken, 31321 451st Ave, Gayville SD 57031**

Other related permits **4846-3**

Report Of Examination Of Works

On, **9/22/09**, I made a thorough examination of the water use system constructed by **James and Brian Ryken** of **31321 451st Ave, Gayville SD 57031** holder of Permit No. **6775-3**, bearing the priority of **11/27/2006** authorizing the diversion of **1.89** 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 **yes**. The point of diversion is located **from the SW corner of Sec 22 T93N-R54W; 2640 ft east and 1330 ft north** with a longitude of **-97.21021** and a latitude of **42.85598** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.89** 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 22 T93N-R54W**

NW ¼ NW ¼ -33 ac NE ¼ NW ¼ -33 ac SE ¼ NW ¼ -33 ac SW ¼ NW ¼ -33 ac

comprising a total of **132** acres of land and the license should be issued for **1.89** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- | | |
|--|--|
| 1) Well Drilling Firm: <u>Wetmore</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>117</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-------------------------------------|--------------------------------|
| 1) Diameter <u>10</u> inches | 2) Length <u>?</u> feet |
| 3) Type <u>pvc</u> | |

Screen:

- 1) Type stainless steel
- 2) Length ? feet
- 3) Static water level 17 feet

Pump:

- 1) Make Western Land Roller
- 2) Model 81204
- 3) Size ?
- 4) Capacity 850 GPM

Motor:

- 1) Make General Electric
- 2) Model No. 5NK625XM502B
- 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 2900 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 6
- 4) End gun yes
- 5) High or low pressure lo
- 6) Capacity 850 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

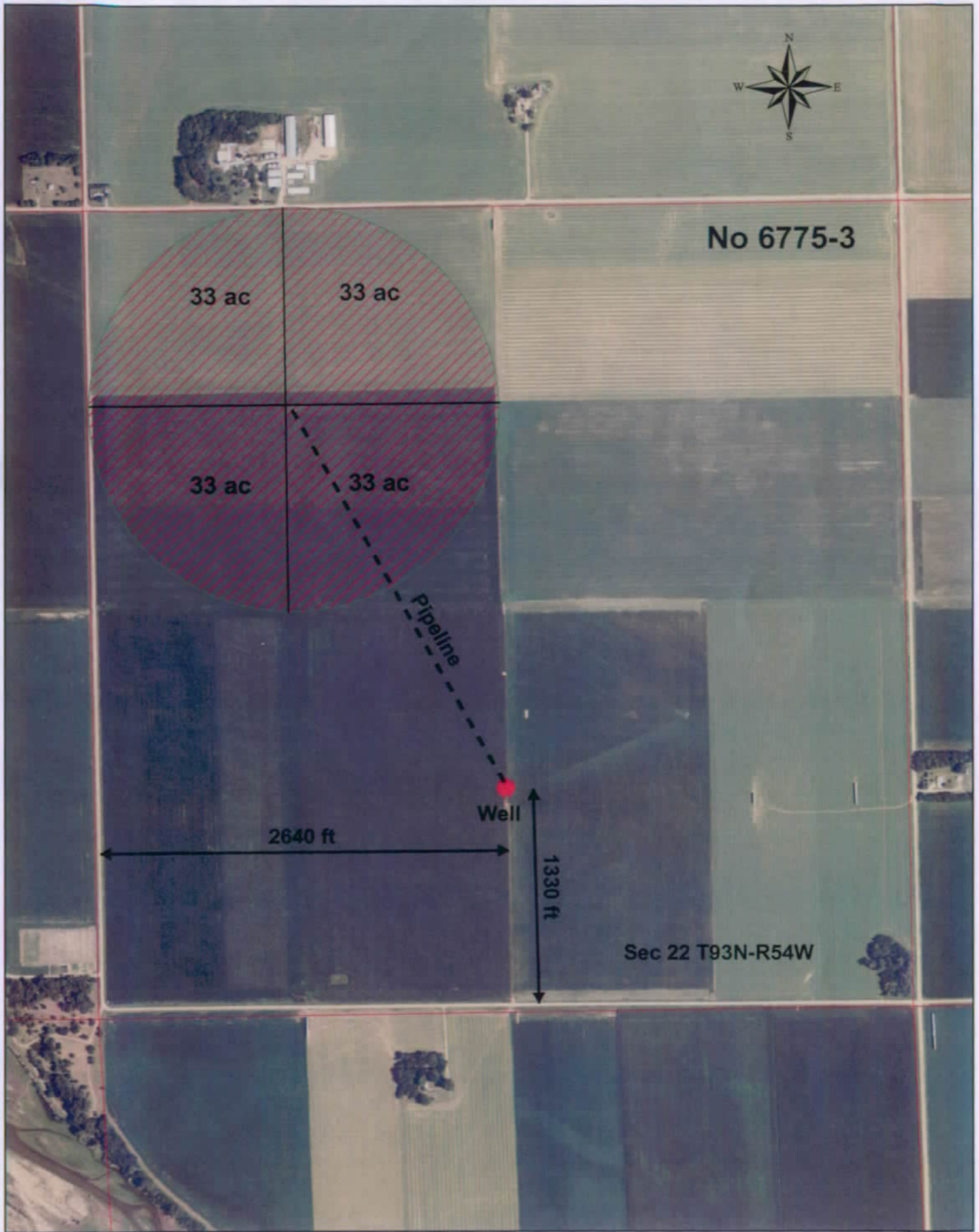
11) **Comments :** none



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

1-5-2010

Date



0 375 750 1,500 2,250 3,000 Feet



Mark D Rath

Mark D Rath
01-05-2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 13 2010

6775-3

James & Brian Ryken
31321 451st Ave
Gayville SD 57031

Dear Sirs:

Enclosed is Water License No. 6775-3. 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. 6775-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in black ink, which appears to read 'Garland Erbele'. The signature is fluid and cursive, written in a professional style.

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6775-3**

(1) James & Brian Ryken, 31321 451st Ave, Gayville SD 57031 made Application No. 6775-3, November 27, 2006 for a water permit to divert 1.89 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6775-3, with a priority date of November 27, 2006 was approved January 22, 2007 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 22, 2012 and for the application to beneficial use of said water on or before January 22, 2016.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 13, 2007. The "*Notice*" stated the water use system was completed on April 11, 2007 and the water placed to beneficial use on June 9, 2007.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is 2,640 feet east and 1,330 feet north of the SW corner of Section 22, T93N, R54W (NW ¼ SE ¼). (*This well is also used to irrigate land described in Water Right No. 4846-3 held by Helen Ryken.*)

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

Section 22, T93N, R54W	
NW ¼ NW ¼	33 acres
NE ¼ NW ¼	33 acres
SE ¼ NW ¼	33 acres
SW ¼ NW ¼	33 acres
	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 James & Brian Ryken, 31321 451st Ave, Gayville SD 57031 the holders and/or owners of Water Right No. 6775-3 are issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer) with a priority date of November 27, 2006 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6775-3 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.
- 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

JAN 13 2010

date

