

WATER PERMIT NO. 6792-3

Name of Applicant: Eagle Venture

Address: Box 711, Yankton SD 57078

Phone: 605 665-7523

Amount of Water Claimed: 0.29 cfs

Total Acres: 20

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 1 mile east of Yankton

PRIORITY

Date Received: 1-3-07

Application/License Fee: \$200

Corrected Application Received: 1-10-07

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: SD Survey – SE ¼ Sec 15-T93N-

R55W Accretion to Gov't Lots 1, 2, 3 & 4

Land to be Irrigated: SD Survey – SE ¼ Sec 15-

T93N-R55W Accretion to Gov't Lots 1, 2, 3 & 4

			15		

Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Steve Meyer, NRCS

Reviewed and the Number Assigned on: 1-11-07

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	(office use only)	
	No. <u>6792-3</u> Basin <u>Missouri River</u> Newspaper <u>Daily Press & Dakotan Yankton SD</u> <u>605-665-7811</u>	Hydrologic Unit <u>10170101</u> <u>57078</u>

RECEIVED
JAN 10 2007
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predated Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) ~~605-665-7523~~

- Name of Applicant Eagle Venture Phone 605 665 7523
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address Box 711 Yankton State SD 57078
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.29*CFS or 130**GPM ***AF Total Acreage 20
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply River Missouri
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SD Survey - SE 1/4 Sec 15 T 93N R 55W
Accretion to Govt Lots 1, 2, 3, & 4 County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used April - September
- 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
ACCRETION TO GOVERNMENT			
Lot 1, 2, 3, 4	20		
SD Survey SE 1/4 Sec 15			
T 93N R 55W			

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

Irrigation COOP LAND

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, Devin M. 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.

Applicant's signature Devin M. Smith

Subscribed and sworn to before me this 8 day of JAN 20 07

Debra J. Smith
 Notary Public signature

Exp April 25, 2008

**SOUTH DAKOTA
WATER PERMIT NO. 6792-3**

Date of first receipt of application January 10, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6792-3 to Eagle Venture, Box 711, 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. 6792-3 appropriates 0.29 cubic feet of water per second from the Missouri River located in the (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4) to irrigate 20 acres located in portions of the (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4).
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is January 10, 2007.
4. The date of approval of Permit No. 6792-3 is March 26, 2007.
5. One-fifth of the construction is to be completed on or before September 26, 2009.
6. All construction is to be completed on or before March 26, 2012.
7. Water is to be put to beneficial use on or before March 26, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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 30 2007
date



Form 2A **Supplemental Information**

(Complete applicable portions only)

~~The well has not been~~ (type or print in ink) ~~drilled~~ ~~yet~~. *Water Intake permit*

1. Well Information - Proposed Construction

- 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 _____

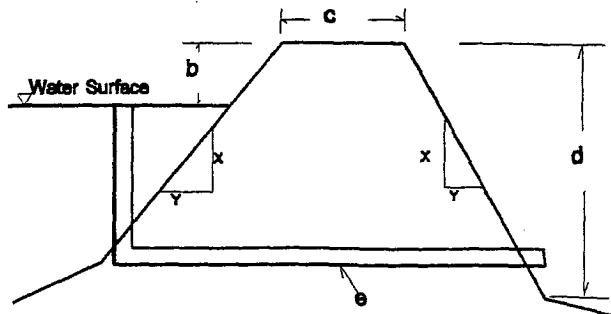
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

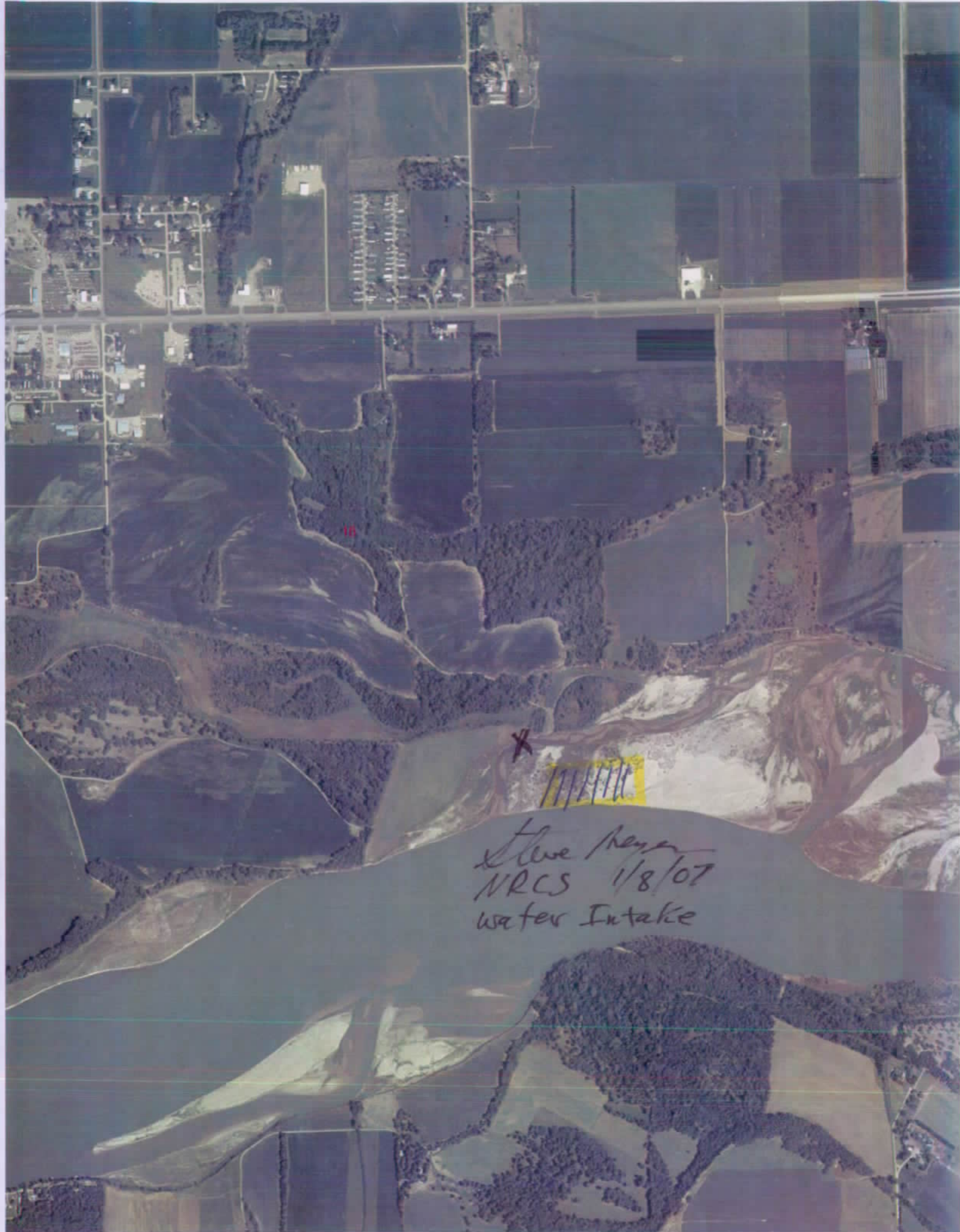
4. Water Storage Dams

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



Steve Meyer
NRCS 1/8/07
water Intake

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 10, 20 07

RECEIVED OF Dennis Mitchell, PO Box 711, Yankton SD 57078

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

Fee for Application for Permit No. <u>6792-3</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>6792-3</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.

0278A

By

Darland Erbe
Chief Engineer

File No.

Water Rights Program - File Documentation

NAME: Eagle Venture, Dennis Mitchell

ADDRESS: Yankton

DATE: 1-11-07 **COUNTY:** YA **TELEPHONE:** 605 665-7523

RE: Pending application

COMMENTS:

I called Dennis Mitchell regarding his pending application from the Missouri River and the amount of water claimed. Mr. Mitchell stated he did not know the capacity of the pump. He indicated they were going to use a traveling gun to irrigate the 20 acres. I indicated that State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that they would be allowed approximately 0.29 cfs or 130 gpm to irrigate 20 acres. Mr. Mitchell stated he would like to request that amount.



Karen Schlaak
Environmental Scientist



**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. 6792-3, Eagle Venture**

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. 6792-3, Eagle Venture, c/o Dennis Mitchell, Box 711, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6792-3 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 qualification:

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
February 28, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6792-3

Eagle Venture
January 18, 2007

Application No. 6792-3 proposes to appropriate 0.29 cubic feet of water per second (cfs) from the Missouri River located in the (SD Survey) SE ¼ Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4) to irrigate 20 acres located in (SD Survey) SE ¼ Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4). The water will be used for irrigation purposes. The proposed project is located approximately 3 miles east of the City of Yankton in Yankton County.

Review of the Water Source

The water source for these two applications is the Missouri River near Yankton SD approximately 10 miles downstream from Gavins Point Dam. The U.S. Army Corps of Engineers (USACE) constructed Gavins Point Dam in the 1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. The USACE operate Gavins Point Dam to set the release rate to the Missouri River for the lower river reach from Yankton down to the mouth near St. Louis Missouri. Water flow below Gavins Point is regulated to maintain at least 9000 cfs. Releases during the spring and summer month are generally in the 20,000 to 35,000 cfs range. Water availability is not a problem.

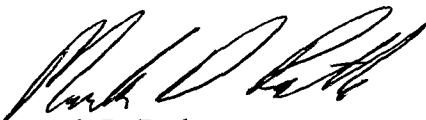
If this water permit is approved, it does not preclude the applicant from the requirement to obtain any applicable permits from the U.S. Army Corps of Engineers needed to placie an intake in the Missouri River.

Review of Existing Water Rights

There are 216 existing water rights/permits appropriating water from the Missouri River in South Dakota. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This Application proposes to appropriate 0.29 cfs from the Missouri River to irrigate 20 acres.
2. The diversion point is located approximately 10 miles downstream of Gavins Point Dam.
3. Water availability is not a problem.
4. Approval of this permit does not preclude the applicant from any requirements in obtaining additional permits from the U.S. Army Corps of Engineers to placie an intake in the Missouri River.



Mark D. Rath
Natural Resources Engineering Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2007

Wayne Workmeister
National Park Service
PO Box 591
O'Neill NE 68763

Steve Wilson
National Park Service
PO Box 666
Yankton SD 57078

Dear Mr. Workmeister and Mr. Wilson:

Please find enclosed a copy of the reports, recommendations and public notice for Water Right Permit Application Nos. 6792-3 and 6793-3 filed by Eagle Ventures near Yankton. This information is being sent because one of the applications will have a Missouri River intake. It is my understanding that you are aware of these applications.

If you have any questions, please contact Mark Rath or myself at 605 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program DENR
605 773-3352

enclosures

RECEIVED

MAR 19 2007

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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 APPS 6792-3/6793-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 15th DAY OF March, 2007
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$170.10 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: 3/8, 3/15

FILED ON: 3/15/2007

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15th DAY OF March, 2007

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

3+8+15

**NOTICE OF APPLICATION NO. 6792-3 & 6793-3
to Appropriate Water**

Notice is given that Eagle Venture, c/o Dennis Mitchell, Box 711,
Yankton SD 57078 has filed the following applications for a water
permit.

Application No. 6792-3 proposes to appropriate 0.29 cubic feet of
water per second (cfs) from the Missouri River located in the (SD
Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2,
3 & 4) to irrigate 20 acres located in portions of the (SD Survey) SE
1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4).

Application No. 6793-3 proposes to appropriate 2.89 cfs from one well
to be completed into the Missouri-Elk Point Aquifer (approximately
120 feet deep) located in the approximate center of Section 15 to irri-
gate 263 acres located in the (SD Survey) N 1/2 NW 1/4, NW 1/4 NE
1/4 and Gov't Lot 2, 3 and 4 Section 15; all in T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends
APPROVAL of Application Nos. 6792-3 & 6793-3 because 1) unap-
propriated 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 these applications, as recommended, unless a petition is filed
opposing the applications or the applicant files a petition contesting the
Chief Engineer's recommendations. If a petition opposing the applica-
tions or contesting the recommendations is filed, then a hearing will be
scheduled and the Water Management Board will consider these applica-
tions. Notice of the hearing will be given to the applicant and any
person filing a petition.

Any person interested in opposing or supporting these applications or
recommendations must file a written petition with BOTH the applicant
and Chief Engineer. The applicant must file a petition if contesting the
Chief Engineer's recommendations. 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 March 26, 2007.

The petition may be informal, but must include a statement describing
the petitioner's interest in the applications, the petitioner's reasons for
opposing or supporting the applications, and the signature and mailing
address of the petitioner or the petitioner's legal counsel, if legal coun-
sel is obtained. Contact Eric Gronlund at the above Water Rights
Program address to request copies of information pertaining to these
applications. Steven M. Pirner, Secretary, Department of Environment
and Natural Resources.



March 1, 2007

DAILY PRESS AND DAKOTAN
PO BOX 56
YANKTON SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6792-3 and 6793-3 to Appropriate Water to be published twice. Please publish the first notice on March 8, 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.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Eagle Ventures, Dennis Mitchell, PO Box 711, Yankton SD 57078 (Ph # 605-665-7523).

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. 6792-3 and 6793-3

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

Date _____

We are in receipt of your letter of March 1, 2007 enclosing Notice to Appropriate Water by Application Nos. 6792-3 and 6793-3 which was first published in our issue of _____; **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

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

March 1, 2007

Eagle Venture
Dennis Mitchell
PO Box 711
Yankton SD 57078

Dear Mr. Mitchell:

Water Permit Application Nos. 6792-3 and 6793-3 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 and Tribune 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 recommendations of the Chief Engineer and reports on the applications 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 Notices 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 applications.

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 March 8, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6792-3 and 6793-3 to Appropriate Water

Notice is given that Eagle Venture, c/o Dennis Mitchell, Box 711, Yankton SD 57078 has filed the following applications for a water permit.

Application No. 6792-3 proposes to appropriate 0.29 cubic feet of water per second (cfs) from the Missouri River located in the (SD Survey) SE $\frac{1}{4}$ Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4) to irrigate 20 acres located in portions of the (SD Survey) SE $\frac{1}{4}$ Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4).

Application No. 6793-3 proposes to appropriate 2.89 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the approximate center of Section 15 to irrigate 263 acres located in the (SD Survey) N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and Gov't Lot 2, 3 and 4 Section 15; all in T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6792-2 & 6793-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations 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 March 26, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



APR 30 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

EAGLE VENTURE
PO BOX 711
YANKTON SD 57078

Dear Sir:

Enclosed is Water Permit No. 6792-3 and 6793-3 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



6792-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: EAGLE VENTURE, DENNIS MITCHELL, PO BOX 711, YANKTON, SD 57078 0711

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6792-3 & 6793-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 6792-3 & 6793-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 6792-3 & 6793-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.



6792-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2008

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMITS

TO: Dennis Mitchell, Eagle Venture, PO Box 711, Yankton SD 57078-0711

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Permit Nos. 6792-3 and 6793-3

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Permit Nos. 6792-3 and 6793-3 be suspended for the 2008 irrigation season for failure to submit the 2007 irrigation questionnaires.

If the 2007 irrigation questionnaires are received prior to April 11, 2008 the suspensions will not take effect.

Suspension of the water permits means water may not be pumped during the 2008 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2008 unless the irrigation questionnaires are submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2007 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008 in Pierre, SD. The letter should include your reasons for not completing the 2007 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

MAR 27 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 3/10/08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Eagle Venture

(name)

P.O. Box 711

(address)

Yankton SD 57078

(city, state, zip)

(605) 665-7523

(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.

HAVE NOT completed construction as of 3/24/08

Water Permit No. 6792-3 states that the water use system is to be constructed by

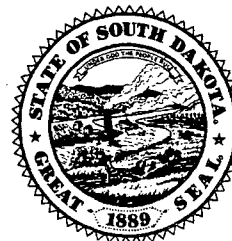
_____, and water is to be put to beneficial use by _____
(date) (date)

The water use system was completed on _____
(date)

Applying the water to beneficial use was completed on _____
(date)

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

Dennis Mitchell
(signature)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2008

6792-3

6793-3

Dennis Mitchell
Eagle Venture
PO Box 711
Yankton SD 57078

Dear Mr. Mitchell:

On March 11th, the Water Management Board ordered Water Permit Nos. 6792-3 and 6793-3 be suspended if the 2007 irrigation questionnaire was not received prior to April 11, 2008. The irrigation questionnaires have now been received. Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. **You are hereby authorized to irrigate during the 2008 irrigation season.**

The "Notice of Completion of Works and Application of Water to Beneficial Use" for Water Permit No. 6793-3 (ground water permit) was also received. 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. When you have completed the system for Water Permit No. 6792-3 (Missouri River permit), please let us know. Enclosed is an additional form for you to use.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



6792-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: EAGLE VENTURE, DENNIS MITCHELL, PO BOX 711, YANKTON, SD 57078 0711

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6792-3 & 6793-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 6792-3 & 6793-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 6792-3 & 6793-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



6792-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8757

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:36 AM on January 25, 2010 in YANKTON, SD 57078. The item was signed for by D MITCHELL.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 25, 2010, 10:36 am, YANKTON, SD 57078
- Notice Left, January 23, 2010, 10:10 am, YANKTON, SD 57078
- Arrival at Post Office, January 23, 2010, 7:30 am, YANKTON, SD 57078

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8757

**EAGLE VENTURE
DENNIS MITCHELL
PO BOX 711
YANKTON SD 57078 0711**

before mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access internet web site at
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or call 1-800-222-1811

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2010

6792-3

6793-3

Dennis Mitchell
Eagle Venture
PO Box 711
Yankton SD 57078 0711

Dear Mr. Mitchell:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit Nos. 6792-3 and 6793-3.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 26, 2012

6792-3

Dennis Mitchell
Eagle Venture
PO Box 711
Yankton SD 57078 0711

Dear Mr. Mitchell:

I am writing in response to the 2012 irrigation questionnaire you submitted for Water Permit No. 6792-3.

On the form, you indicated you would like to increase to 60 acres next year. The current permit only authorizes irrigation of 20 acres. In order to increase the acreage you would need to make an application for the additional acres.

Enclosed is a set of application forms and the instruction sheet to start the process. If you would like to be able to irrigate the additional land next irrigation season, please complete the forms and return them as soon as possible as it could take anywhere from 4-6 months to have a new permit in hand.

I have included a copy of Water Permit No. 6792-3 to show you what is currently authorized for irrigation. If you have any questions, please give us a call.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosure

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit Nos. 6792-3 and 7549-3**

I have this day, February 7, 2020, made a thorough examination of the water use system constructed by Eagle Venture, Box 711, Yankton, SD 57078, holder of Permit Nos. 6792-3 and 7549-3, bearing the priority of January 10, 2007 for Permit No. 6792-3 and December 7, 2012 for Permit No. 7549-3 authorizing the diversion of 0.29 cfs for Permit No. 6792-3 and 1.93 cfs for Permit No. 7549-3 of the waters of surface water (Missouri: River) for the irrigation of 20 acres for Permit No. 6792-3 and 60 acres for Permit No. 7549-3 located in Yankton County.

Inspection contact: Frank Kralicek, Jr. and Mary Mitchell

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sam Heine Well Co., LLC
- 2) No. of Wells 1
- 3) Depth(s) 115 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 70 feet
- 3) Type PVC

Screen:

- 1) Diameter 16 inches
- 2) Length 50 feet
- 3) Type PVC
- 4) Static water level 18 feet

Pump:

- 1) Make Wilo
- 2) Model SPI10.1200-2CC
- 3) Capacity 600 GPM

Motor:

- 1) Make Wilo
- 2) Model No. Unknown
- 3) Horsepower rating 25 hp

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

- 1) Type Galvanized
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make Valley
- 2) Overall length 604 feet
- 3) Number of towers 4
- 4) End gun Yes
- 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by No
- 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 uses a well, not a river intake.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,230 feet west and 3,400 feet south of the northeast corner of Section 15-T93N-R55W (Latitude 42.840630, Longitude -97.322900 – NE1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 15-T93N-R55W:

<u>NW1/4SE1/4</u>	<u>10 acres</u>
<u>NE1/4SE1/4</u>	<u>10 acres</u>

comprising a total of 20 acres of land and the license should be issued for 1.34 cfs.

3. All structures, wells and lands on map Yes

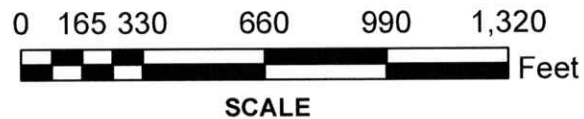
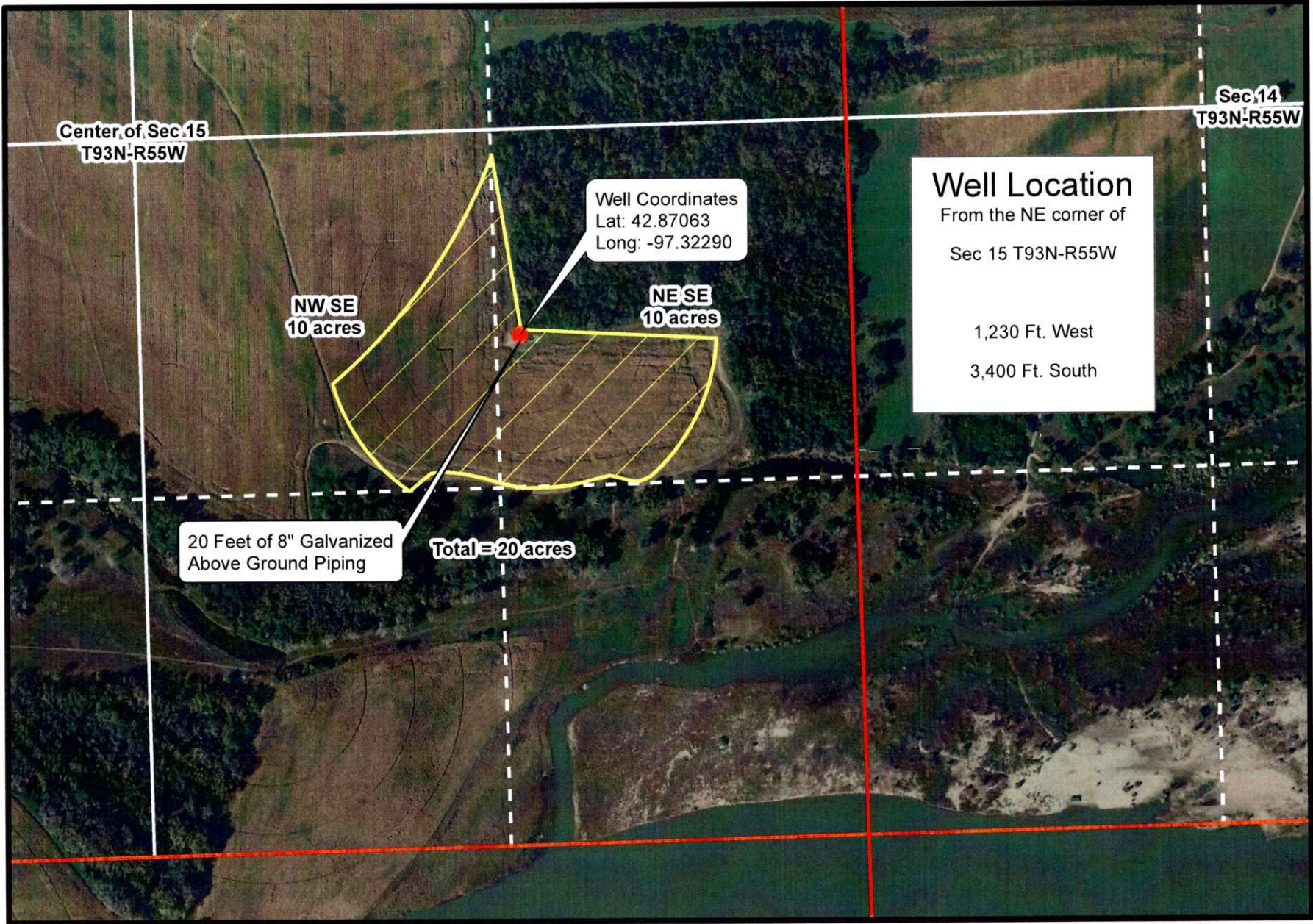
F. Comments or other permit(s) associated with the project: The property referred to in Water Permit No. 7549-3 was not developed for irrigation since it was often flooded by the Missouri River. The southern portion of this area is probably in Nebraska. The original pivot for Water Permit No. 6792-3 was fed from the Missouri River. However, a well was installed in 2017 and the original pivot was replaced in 2017. The water permits could be combined to serve the 20 acres with one well or a new permit could be applied for since there was not a well approved by either existing permit. Also, this water permit is next to Water Right No. 6793-3. The pivots for each system overlap and the overlap area is included in the acres for Water Right No. 6793-3.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: March 11, 2020

Water Right Nos. 6792-3 and 7549-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
March 11, 2020

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, May 30, 2024 2:45 PM
To: FrankKralicek Jr@gmail.com; plowboy1974@hotmail.com
Subject: Eagle Venture Water Permits
Attachments: 6792-3 & 7549-3 Map.pdf; Permit 6792-3.pdf; Permit 7549-3.pdf; 6793-3_map & license.pdf

Gary & Frank,

My name is Amanda, and I am the Permitting Administrator for the South Dakota Water Rights Program. I am emailing you today in hopes of clearing up some confusion surrounding Permit Nos. 6792-3 & 7549-3, held by Eagle Venture LLC.

Permit No. 6792-3 authorizes the diversion of 0.29 cfs from the Missouri River for irrigation of 20 acres located within the SE ¼ Section 15-T93N-R55W, Yankton County. All construction to be completed by 3/26/2012.

Permit No. 7549-3 was obtained to appropriate an additional 1.93 cfs (2.22 cfs total) for the irrigation of 60 additional acres located within the SE ¼ Section 15 (80 acres total). All construction to be completed by 2/11/2018.

In 2020, one of our seasonal staff conducted an inspection for the purpose of licensing the irrigation system. The inspection found that diversions from the Missouri River had been abandoned and the pivot was now diverting water from a well located in the NE ¼ SE ¼ Section 15. The inspection also found that only 20 acres had been developed for irrigation. (see attached map created in March 2020)

I checked to see if Eagle Venture LLC had another permit/right authorizing diversion from the well. The only other water right I found was for 6793-3, authorizing diversion of 2.89 cfs from 2 wells (NE ¼ NW ¼ & SE ¼ NW ¼ Sec 15) for the irrigation of 247 acres.

Has a new permit been submit for diversion from the well being used w/ the 6792-3/7549-3 system? If so, what name would it have been applied for under? If not, a new permit application will need to be submit for the well and irrigation system, then cancelling Permit Nos. 6792-3 & 7549-3. [Irrigation Permit Application Link](#)

I've attached copies of the permits issued for 6792-3 & 7549-3, as well as the license and map for 6793-3 for you to reference.

Please let me know how you would like to proceed and feel free to email or call w/ any questions. My direct line is 605.910.5187

Amanda Dewell

DANR - Water Rights Program
 Permitting Administrator
 Main Phone: 605 773-3352
 Website: danr.sd.gov

