

WATER PERMIT NO. 6795A-3

Name of Applicant: Yankton Land and Cattle Company

Address: PO Box 774, Yankton SD 57078 Phone:

Amount of Water Claimed: 1.64 Total Acres: 115

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation and commercial County: Yankton

Type of Waste Disposal System:

Location: 2 miles north of Yankton

PRIORITY Date Received: 7-10-12 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: W ½ NE ¼ or SW ¼ SE ¼ Sec 24-
T94N-R56W

Land to be Irrigated: E ½ NW ¼, NE ¼ Sec 24-
T94N-R56W

Depth of Well: 250 feet deep

Well Driller:

Remarks:

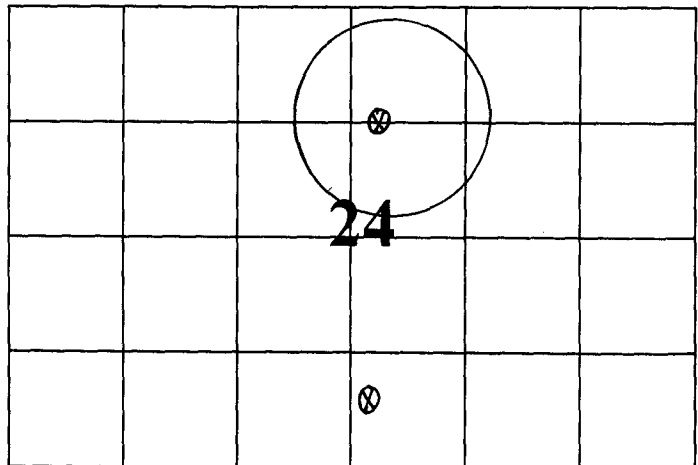
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 7-16-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

JUL 10 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>6795A-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Press & Dakotan</u>	<u>319 Walnut</u> <u>Yankton 57078</u>
	<u>605-665-7811</u>	

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.)
Reinstatement of Water Permit No. 6795-3

1. Name of Applicant Yankton Land and Cattle company Phone 605-665-2999
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 774 Yankton SD 57078
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.64 *CFS or **GPM ***AF Total Acreage 115
(*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 completed into the Lower James:Missouri Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
either in the W1/2 NE 1/4 or the SW 1/4 SE 1/4 Section 24, T94N, R56W
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used April 1 - Nov 30 (irrigation) & Jan 1 - December 31 (cattle)
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
see attachment			

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

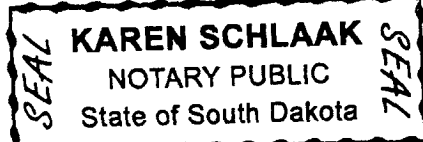
STATE OF SOUTH DAKOTA)
County of Hughes) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Floyd Peterson, 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

Subscribed and sworn to before me this 10th day of July 20 12



My commission expires 4/1/13

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6795A-3**

Date of first receipt of application July 10, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6795A-3 to Yankton Land and Cattle Company, PO Box 774, 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. 6795A-3 reinstates Water Permit No. 6795-3. Permit No. 6795-3 appropriates 1.64 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 250 feet deep) located in W 1/2 NE 1/4 or the SW 1/4 SE 1/4 Section 24 to irrigate 115 acres located in the E 1/2 NW 1/4, NE 1/4 Section 24; all in T94N-R56W. Water may be applied directly for irrigation or diverted to the Company's wastewater lagoon prior to land application. This well may also serve as a backup supply to Water Right No. 6264-3 for commercial use at the Yankton Land and Cattle Company. The permit was approved March 12, 2007, and the project was to be completed March 12, 2012, with water being put to beneficial use by March 12, 2016. Permit No. 6795A-3 reinstates Water Permit No. 6795-3 since the project has not been completed.
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 – November 30 (irrigation) and January 1 – December 31 (commercial use).
3. The date from which applicant may claim right is July 10, 2012.
4. The date of approval of Permit No. 6795A-3 is September 17, 2012.
5. All construction is to be completed on or before September 17, 2017.
6. Water is to be put to beneficial use on or before September 17, 2021.
7. 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. 6795A-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.
4. If water from the well is diverted to a wastewater lagoon, Permit No. 6795A-3 is subject to obtaining approval for this addition from DENR's Surface Water Quality Program for compliance with the facility's General Water Pollution Control Permit.
5. Water Permit No. 6795A-3 cancels Water Permit No. 6795-3.

WATER MANAGEMENT BOARD

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

OCT 29 2012

date



Breakdown of irrigated acreage - Yankton Land and Cattle Company's water permit application

Attachment

Legal Description	Acreage
NE ¼ NW ¼ Section 24, T94N, R56W	19.3
SE ¼ NW ¼ Section 24, T94N, R56W	16.6
NW ¼ NE ¼ Section 24, T94N, R56W	32.2
NE ¼ NE ¼ Section 24, T94N, R56W	9.1
SW ¼ NE ¼ Section 24, T94N, R56W	30.2
SE ¼ NE ¼ Section 24, T94N, R56W	7.6
TOTAL	115.0



United States Department of Agriculture
Farm Service Agency

PLSS: 24_94_56
Farm: 5669

Yankton County, SD
1:10,236



February 11, 2011

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

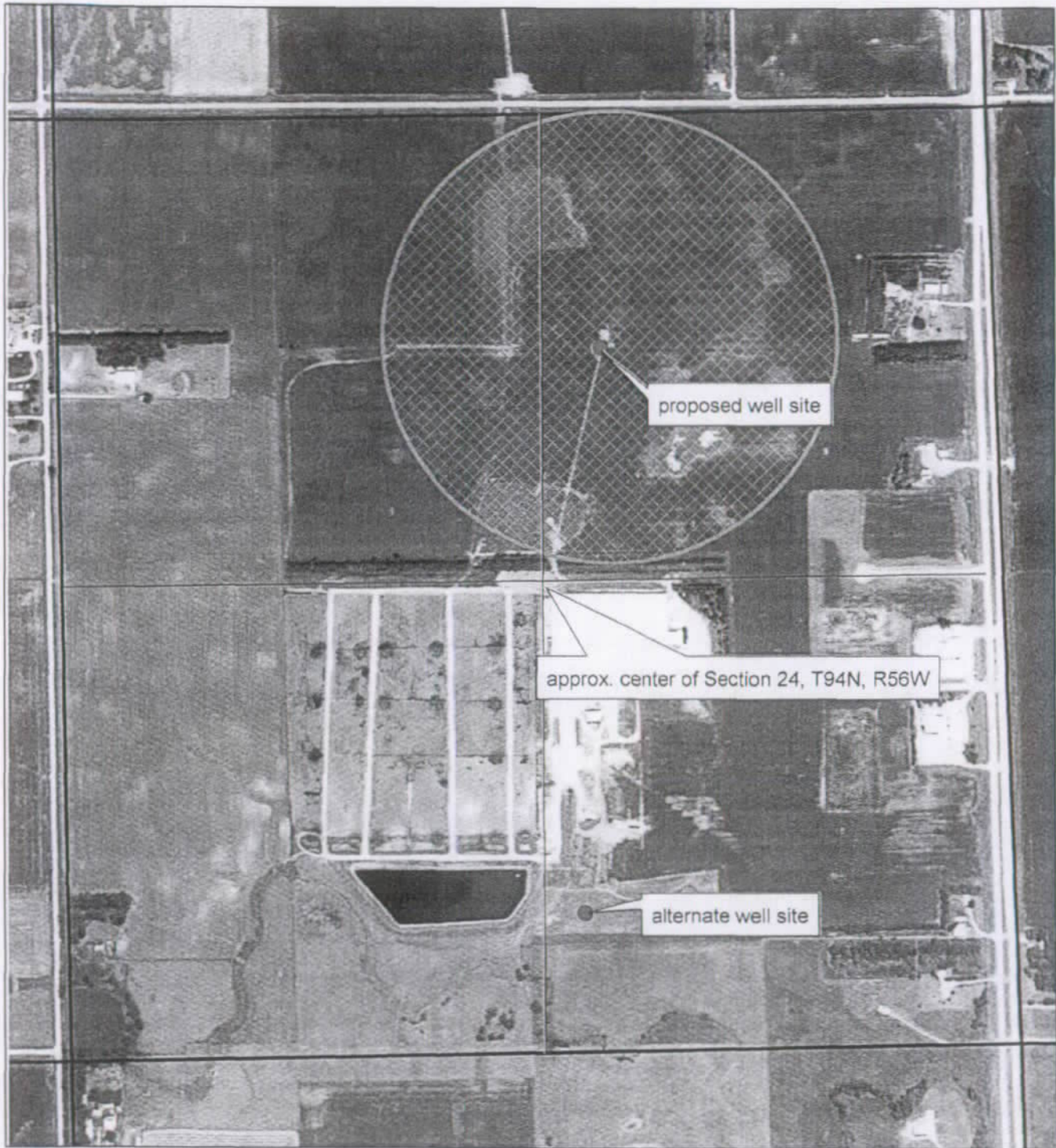
2010 Ortho-Photography - Not to Scale

RECEIVED Conservation Units

JUL 10 2012

**WATER RIGHTS
PROGRAM**

Water Permit Application to irrigate for Yankton Land and Cattle Company



0 335 670 1,340 2,010 2,680
Feet

Propose to construct a well to irrigate acreage as shown. Pivot is currently in place and effluent from wastewater pond is disposed of through the pivot. This new well will allow sufficient water to be applied to meet crop needs.



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
January 5, 2008

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

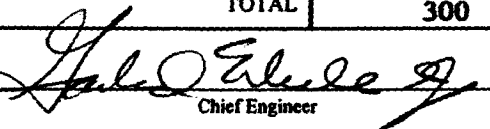
Date 7/10, 20 12

RECEIVED OF Floyd Peterson 209 27th St NW Huron SD 57350

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

Fee for Application for Permit No. <u>6795A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>6795A-3</u>	200	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. **05484**

By 
Chief Engineer

They paid license fee back in 2007.
Need to reimburse them \$200.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Yankton Land & Cattle Co, PO Box 774, Yankton SD 57078 Date Jan 16, 20 07

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

Fee for Application for Permit No. <u>6795-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6795-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No.

02802

By

Harland Erbe

Chief Engineer

(125)

October 30, 2012

PAYMENT REQUEST FORM

PAYEE: Floyd Peterson
209 27th St NW
Huron SD 57350

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

refund on 6795A-3 Yankton Land & Cattle Co

AMOUNT: \$200.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Gail Jackson 10/30/12

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2012

Floyd Peterson
209 27th St NW
Huron SD 57350

Dear Mr. Peterson:

I am writing in regard to Water Permit No. 6795A-3 which you submitted on behalf of Yankton Land & Cattle Company. At the time, you submitted a check in the amount of \$300.00 for payment of the application filing fees. Upon further review, it was determined that the application fee should have been \$100.00. Therefore, \$200.00 will be refunded to you. The refund check should be received within the next couple of weeks.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352

c: Yankton Land & Cattle Co



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6795A-3, Yankton Land and Cattle Company**

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. 6795A-3, Yankton Land and Cattle Company, PO Box 774, Yankton SD 57078.

The Chief Engineer is recommending REINSTATEMENT of Application No. 6795A-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. 6795A-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.
4. If water from the well is diverted to a wastewater lagoon, Permit No. 6795A-3 is subject to obtaining approval for this addition from DENR's Surface Water Quality Program for compliance with the facility's General Water Pollution Control Permit.
5. Water Permit No. 6795A-3 cancels Water Permit No. 6795-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 27, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 6795A-3
YANKTON LAND AND CATTLE COMPANY
August 24, 2012

Water Permit Application No. 6795A-3 proposes to reinstate Water Permit No. 6795-3 pursuant to SDCL 46-2A-8.1. This application proposes to appropriate 1.64 cubic feet of water per second (cfs) from one well to be completed in to the Lower James-Missouri aquifer. The well is expected to be approximately 250 feet deep and is to be located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ (primary) or SW $\frac{1}{4}$ SE $\frac{1}{4}$ (alternate) of Section 24, T94N-R56W. This application proposes to irrigate 115 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 24, T94N-R56W in Yankton County. Water may be applied directly for irrigation or diverted to the Company's wastewater lagoon prior to land application. The new well will also serve as a backup supply to Water Right No. 6264-3 for commercial use. Approval of Water Permit Application No. 6795A-3 will cancel No. 6795-3.

AQUIFER: LOWER JAMES-MISSOURI (LJM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower James-Missouri aquifer is a glacial outwash (sand and gravel) aquifer (Bugliosi, 1986). The aquifer is estimated to underlie 92,500 acres in Yankton County and contain an approximate 2.08 million ac-feet of recoverable water (Hedges et. al, 1982). The aquifer extends north into Hutchinson County, and has a little extension east into Clay County. According to McCormick (2003), aquifer materials are likely to be found greater than 100 feet below ground surface in the area of this application, and lithologic logs (SD-DENR Geological Survey, 2012) indicate aquifer materials first occur between 130 to 200 feet below ground surface in the area of this application. According to Bugliosi (1986) aquifer thickness averages 150 feet with a saturated thickness of approximately 100 feet in the area of this application. Wells completed into the Lower James-Missouri aquifer can be expected to yield at least 500 gal/min and may yield more than 1,000 gal/min (Bugliosi, 1986). The aquifer is also hydraulically connected to the James River and the Missouri River.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate 230 acre-feet annually from the Lower James-Missouri aquifer. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:**Recharge:**

Recharge to the Lower James-Missouri aquifer in Yankton County is seepage from streams and by infiltration of precipitation. Hedges and others (1985) estimated the recharge rate to the aquifer, through a regional flow-net analysis, to be 1.5 inches per year. The estimated annual recharge to the Lower James-Missouri aquifer in Yankton County is 11,562.5 ac-ft.

Withdrawals:

There two domestic wells and one industrial well on file with the SD DENR-Water Rights program that are completed into the Lower James-Missouri aquifer within one mile of the proposed well location (Water Rights, 2012c). There are 77 Water Rights/Permits currently appropriating water from the Lower James-Missouri aquifer in Yankton County. All of the appropriations are for irrigation except five. The non-irrigation appropriations are shown by table 1. Estimated annual withdrawal from the aquifer by the non-irrigation appropriations is 1,034 ac-ft. That estimate is based on pumping at the maximum allowed diversion rate for 14.4 hours per day. The withdrawals from the Lower James-Missouri aquifer through irrigation is shown in table 2.

Permit No.	Name	Status	Type	CFS
840-3	Stuelpnagels Inc	LC	COM	1.11
1288-3	National Food Stores Inc	LC	IND	0.16
4556-3	Concrete Materials	LC	COM	0.44
6264-3	Yankton Land & Cattle Co.	LC	COM, LCO	0.56
7047-3	Services Center Federal Credit Union	PE	GEO	0.111
LC= Water Right. PE= Water Permit, COM= Commercial, IND= Industrial, LCO= Livestock Confinement Operation, GEO= Geothermal Heating				

Table 1 – Non-Irrigation Water Rights/Permits in the Lower James-Missouri Aquifer in Yankton County (Water Rights, 2012b)

Year	LJM Total				LJM Yankton County		
	No. of Prmts	Appropriation (ac-ft/yr)	Pumped (ac-ft/yr)		No. of Prmts	Appropriation (ac-ft/yr)	Pumped (ac-ft/yr)
2011	89	27367.1	4147.47		54	17426.1	2628.87
2010	85	25751.1	665.37		50	15790.1	494.2
2009	84	25451.1	1463.27		49	15510.1	905.57
2008	79	23891.7	4494.03		46	14446.7	2836.68
2007	56	17477.7	3425.91		33	10586.7	2376.23
2006	50	15627.1	3630.92		30	9696.1	2174.95
2005	48	14749.1	2866.63		30	9762.1	1800.55
2004	47	14525.1	2886.65		29	9442.1	1596.61
2003	53	17373.1	2843.15		29	9432.1	1450.85
2002	53	17108.1	4061.52		30	9807.1	2124.41
2001	53	17208.1	2940		29	9877.1	1553.77
2000	51	17048.1	3751.08		29	9877.1	2085.63
1999	50	15992.1	2102.15		25	8459.1	1048.5
1998	53	16915.1	2787.03		28	9258.1	955.57
1997	50	17072.1	2320		28	9735.1	1010
1996	49	17240.1	2102.99		27	9701.1	1177.02
1995	41	15088.1	1483.23		24	8694.1	796.14
1994	45	17094.1	1918.17		28	10670.1	1128.29
1993	45	16241.9	230.44		38	13526.5	245.84
1992	45	16791.9	1159		38	14300.5	993
1991	42	15497.9	2599		35	13398.5	2279
1990	35	12673.1	2928.1		35	13398.5	2836.1
1989	31	10909.1	2144.8		32	11934.5	2178.8
1988	31	11769.5	2744.9		30	11592.5	2404.2
1987	30	11613.5	1041.6		30	11592.5	990
1986	30	11613.5	989.6		30	11592.5	937.6
1985	27	10033.1	1483		22	8542	1146
1984	28	12283.1	1360		23	10702.1	981
1983	27	9883.1	1306.54		22	8302.1	1091.71
1982	23	9440.1	1301.25		20	7986.1	1056.32
1981	27	13053	1835		23	11200	1609.66
1980	24	11561	1299		20	10148	1299
1979	22	11265	588		19	9852	588
Max	89	27367.1	4494.03		54	17426.1	2836.68
Min	22	9440.1	230.44		19	7986.1	245.84
Ave	45.55	15685.08	2209.08		30.76	11098.16	1478.18

Table 2- Irrigation Water Use from the entire Lower James-Missouri aquifer and the Lower James-Missouri aquifer in Yankton County. (Modified from Buhler, 2012)

Comparing the estimated average annual recharge to the aquifer in Yankton County, 11,562.5 acre-feet, to the estimated average annual withdrawal in Yankton County, 2,512 acre-feet, shows that the estimated annual withdrawal to be much less than the estimated annual recharge to the aquifer.

Therefore, there is a reasonable probability that unappropriated water is available from the Lower James-Missouri aquifer for the proposed appropriation of 230 acre-feet per year.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 21 observation wells located into the Lower James-Missouri aquifer in Yankton County (Water Rights, 2012a). The nearest of these wells, YA-78H, YA-80N, and YA-78G, are 0.42 miles northeast, 1.47 miles north-northeast, and 1.56 miles west-northwest of the proposed well location, respectively. Water levels for the observation wells show a good response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. The observation wells show pumping effects, but it does not appear to be adverse over most of the period of record. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Lower James-Missouri aquifer significantly exceeds pumping. Figures 1, 2, and 3 are the hydrographs for observation wells YA-78H, YA-80N, and YA-78G, respectively.

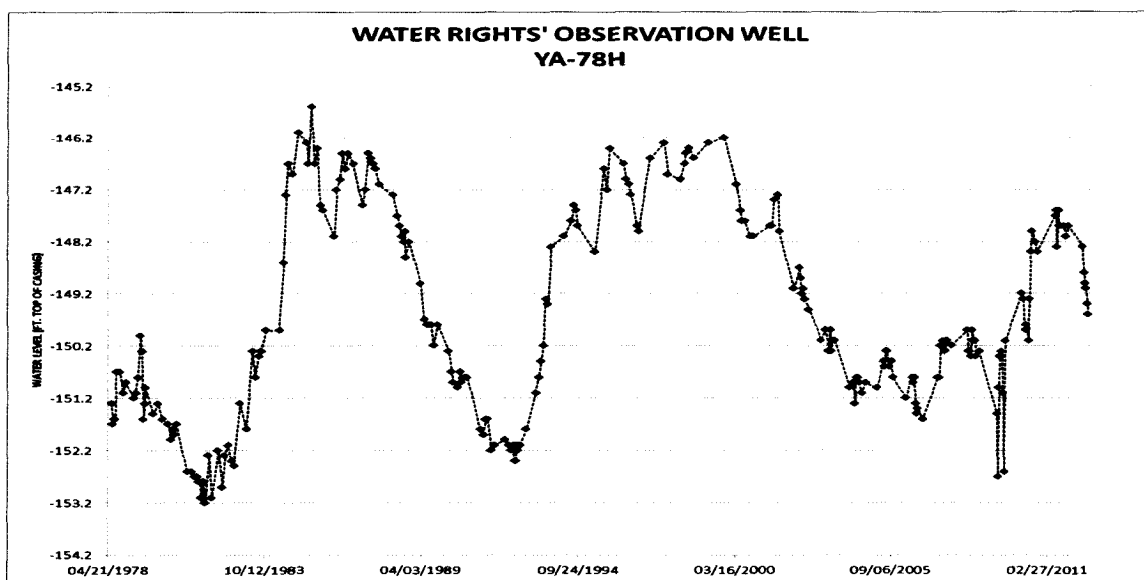


Figure 1- Hydrograph of DENR-Water Rights' observation well YA-78H, located approximately 0.42 miles northeast of the proposed well location (Water Rights, 2012a)

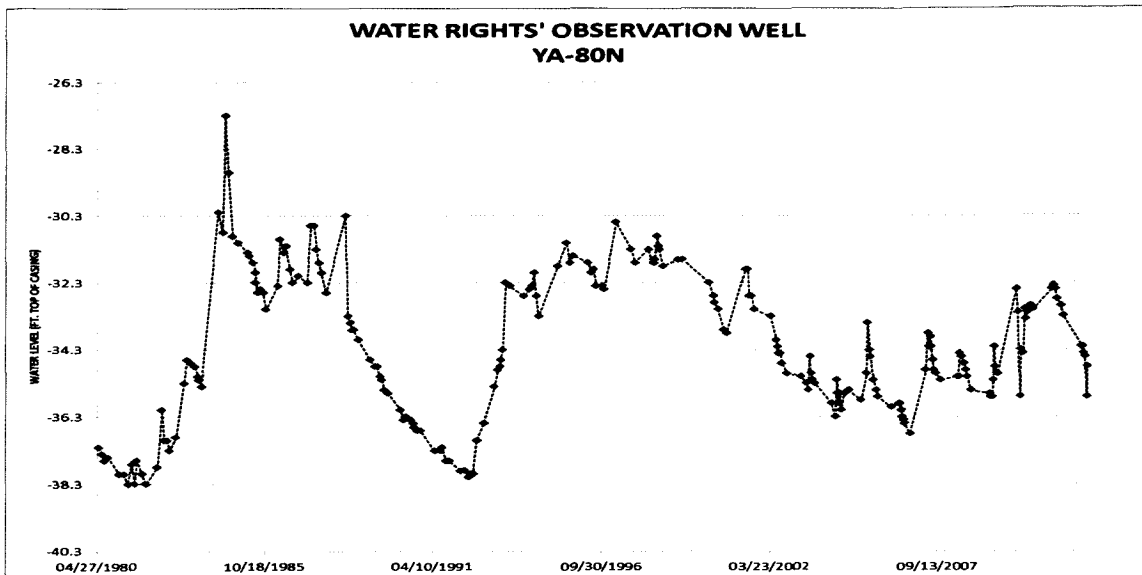


Figure 2- Hydrograph of DENR-Water Rights' observation well YA-80N, located approximately 1.47 miles north-northeast of the proposed well location (Water Rights, 2012a)

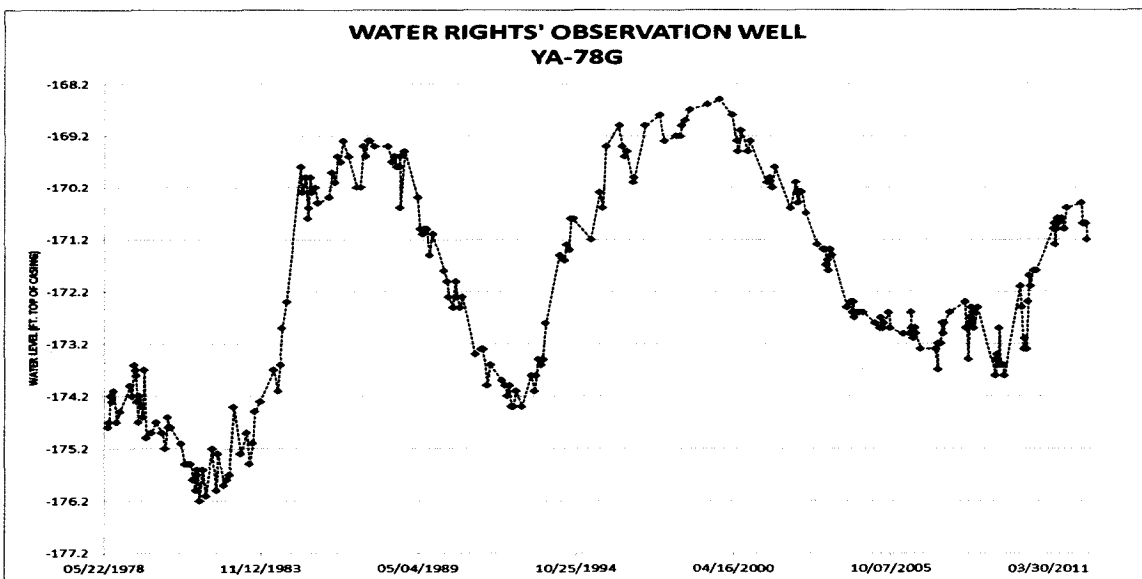


Figure 3- Hydrograph of DENR-Water Rights' observation well YA-78G, located approximately 1.56 miles west-northwest of the proposed well location (Water Rights, 2012a)

The hydrographs show that interference from drawdown should not be significant. The water level in the aquifer did not drop more than three feet during any year.

EXISTING WATER RIGHTS:

There are 77 water permits appropriating water from the Lower James-Missouri aquifer in Yankton County (Water Rights, 2012b). There are nine water rights within one mile of the primary proposed well site, eight for irrigation and one for the Yankton Land and Cattle Company feedlot. There are also two domestic wells and one industrial well within one mile of the proposed primary well location. This aquifer is very prolific. Two existing wells located within one mile of the proposed well location have

specific capacity of 157 gpm/ft of drawdown and 31 gpm/ft of drawdown (Goodman, 2007). These are high specific capacities and the drawdown created by pumping does not extend very far from the individual production well. Some of the irrigation wells (Water Rights Nos. 3369A-3 and 3369B-3) within one mile of the proposed well location have been in use for many years with no apparent adverse impacts upon the observation wells. Figure 4 is a map of the area.



Figure 4 – Map of the area surrounding the proposed well location in Yankton County

CONCLUSIONS:

1. This application proposes to appropriate 230 acre-feet annually for the irrigation of 115 acres, but the amount of water that will actually be used is expected to be much less.
2. There is a reasonable probability that unappropriated water is available from the Lower James-Missouri aquifer to supply this proposed diversion
3. There is a reasonable probability that the diversion rate requested by this application, 1.64 cfs, can be made without adversely affecting existing water rights.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. Water-Resources Investigations Report 84-4241. U.S. Geological Survey. Huron, South Dakota.
- Buhler, K. 2012. Report on Water Permit Application No. 7355-3 Lee Friesen. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Goodman, J.A. 2007. Report on Water Permit Application No. 6795-3 for Yankton Land and Cattle Company. SD-DENR Water Rights Program, Joe Foss Building, Pierre, SD.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
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- Water Rights, 2012c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

SEP 12 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020 - Joe Foss Building
523 East Capitol
Pierre, SD 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, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 6795-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 7th DAY OF September 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$36.59 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: 9/7/2012

FILED ON: 9/7/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF September

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

9-7
NOTICE OF APPLICATION
NO. 6795A-3 to Reinstate Water
Permit No. 6795-3

Notice is given that Yankton Land and Cattle Company, PO Box 774, Yankton, SD 57078 has filed an application for a water permit to reinstate Water Permit No. 6795-3. Permit No. 6795-3 appropriates 1.64 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 250 feet deep) located in W 1/2 NE 1/4 or the SW 1/4 SE 1/4 Section 24 to irrigate 115 acres located in the E 1/2 NW 1/4, NE 1/4 Section 24; all in T94N-R56W. Water may be applied directly for irrigation and diverted to the Company's wastewater lagoon prior to land application. This well may also serve as a backup supply to Water Right No. 6264-3 for commercial use at the Yankton Land and Cattle Company. The permit was approved March 12, 2007, and the project was to be completed March 12, 2012, with water being put to beneficial use by March 12, 2016. Application No. 6795A-3 proposes to reinstate Water Permit No. 6795-3 since the project has not been completed. Approval of 6795A-3 will cancel No. 6795-3.

Application No. 6795A-3 to reinstate Permit No. 6795-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7382-3 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 this application, as recommended, unless a petition is filed opposing the application or 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is Water Rights

Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 17, 2012.

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'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.

Published once at the total approximate cost of \$36.59.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 2012

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6975A-3 to Appropriate Water. Please publish the notice once on September 7, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Yankton Land & Cattle Company, PO Box 774, Yankton SD 57078 (Ph # 605-665-2999).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

August 28, 2012

Yankton Land & Cattle Company
PO Box 774
Yankton SD 57078

Dear Sir:

Water Permit Application No. 6795A-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 Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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.

c: Floyd Peterson

Instruction to Newspaper - Publish the Notice on September 7, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 6795A-3 to Reinstate
Water Permit No. 6795-3

Notice is given that Yankton Land and Cattle Company, PO Box 774, Yankton SD 57078 has filed an application for a water permit to reinstate Water Permit No. 6795-3. Permit No. 6795-3 appropriates 1.64 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 250 feet deep) located in W ½ NE ¼ or the SW ¼ SE ¼ Section 24 to irrigate 115 acres located in the E ½ NW ¼, NE ¼ Section 24; all in T94N-R56W. Water may be applied directly for irrigation or diverted to the Company's wastewater lagoon prior to land application. This well may also serve as a backup supply to Water Right No. 6264-3 for commercial use at the Yankton Land and Cattle Company. The permit was approved March 12, 2007, and the project was to be completed March 12, 2012, with water being put to beneficial use by March 12, 2016. Application No. 6795A-3 proposes to reinstate Water Permit No. 6795-3 since the project has not been completed. Approval of No. 6795A-3 will cancel No. 6795-3.

Application No. 6795A-2 to reinstate Permit No. 6795-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6795A-3 to reinstate No. 6795-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 17, 2012.

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.

Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 29 2012

Yankton Land & Cattle Co
PO Box 774
Yankton SD 57078

Dear Sir:

Enclosed is Water Permit No. 6795A-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



6195 HJ
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 18, 2013

NOTICE

TO: BRAD PETERSON, YANKTON LAND & CATTLE COMPANY, PO BOX 774,
YANKTON SD 57078 0774

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No. 6795A-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 6795A-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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. 6795A-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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2013

6795A-3

Brad Peterson
Yankton Land & Cattle Co
PO Box 774
Yankton SD 57078 0774

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit No. 6795A-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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

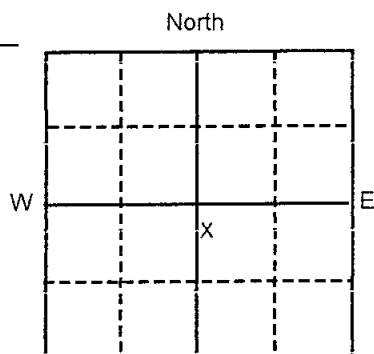
Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

6795A-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 24 Twp 94N Rg 56WCounty YanktonPlease mark well
location with an "X"

Well Completion Date

October 8, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
500.0 ft. from Feed Lot (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	160.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	30	9.5 Lb/gal	0.0 Ft	150.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 60.0 FeetMaterial PVCSlot Size .060 Set From 160.0 Feet to 220.0 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?

☒ No, Why Not? Not Required
 Lab to which water quality sample sent for analysis
Well Owner: Yankton Land & Cattle CompanyBusiness Name: Yankton Land and Cattle CompanyAddress: PO Box 774City, State, Zip: Yankton SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Black Soil	0	1
Brown Sandy Clay	1	30
Gray Clay	30	90
Sand Gravel	90	158
Granite Rock	158	159
Sand Gravel Pebble to Quarter Size	159	220

STATIC WATER LEVEL 155.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled 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 GPMIf pump installed, pump rate: GPM

REMARKS

RECEIVED

NOV 27 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Richard H. Hammond

Signature of Well Owner or Equitable Property Holder:

Date: 11/22/13

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6795A-3**

I have this day, April 29, 2021 made a thorough examination of the water use system owned by Yankton Land and Cattle Company, PO Box 774, Yankton, SD 57078, holder of Permit No. 6795A-3, bearing the priority date of July 10, 2012, authorizing the diversion of 1.64 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 115 acres, located in Yankton County.

Inspection contact: Wiatt Tesch

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 220 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 160 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 12 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 155 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625S750-4A
- 3) Capacity: 700 gpm

Motor:

- 1) Make: Grundfos
- 2) Model No.: MMS800
- 3) Horsepower rating: 75 hp

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

- 1) Type: Galvanized and PVC Size: 8 inches Length: 3,330 feet (well and CAFO pump lines)

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,198 feet
- 3) Number of towers: 7
- 4) End gun: Yes

5) Capacity: 700 gpm

Chemigation Equipment:

1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The well is 2,470 feet west and 4,300 feet south of the northeast corner of Section 24-T94N-R56W (Latitude 42.94051, Longitude -97.40691 – SW1/4 of the SE1/4).
- 2) The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 24-T94N-R56W

NW1/4NE1/4 27 acres

NE1/4NE1/4 9 acres

SW1/4NE1/4 34 acres

SE1/4NE1/4 7 acres

SE1/4NW1/4 13 acres

comprising a total of 90 acres of land and the license should be issued for 1.56 cfs.

- 3) All structures, wells and lands on map Yes

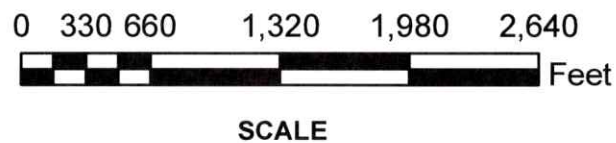
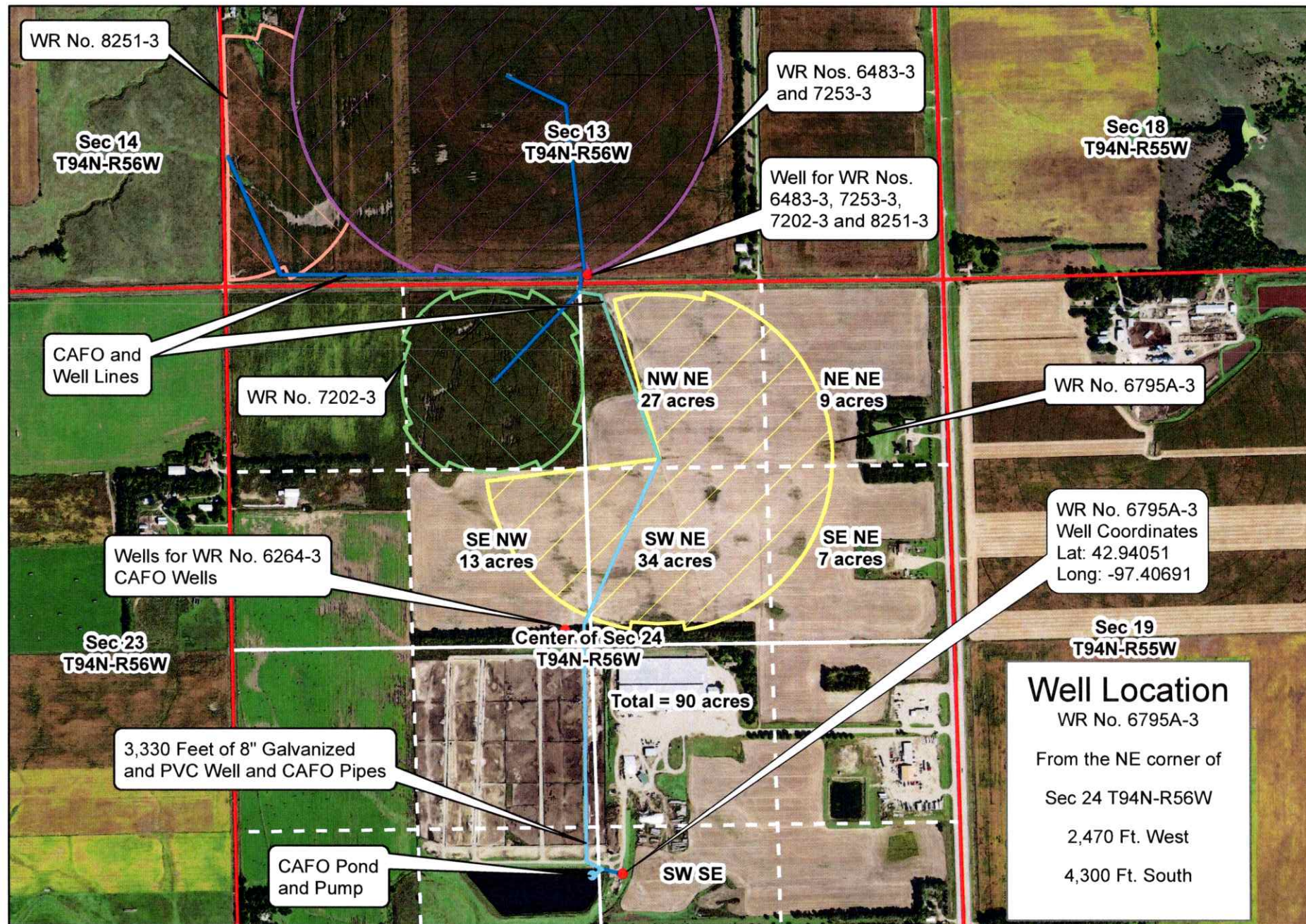
F. Comments or other permit(s) associated with the project: The center pivot associated with this water right is also used to distribute water from a CAFO holding pond onto the irrigated land. The piping from the holding pond also delivers water to three other center pivots (WR Nos. 6483-3, 7253-3, 7202-3 and 8251-3) in the area as shown on the attached map. The CAFO holding pond piping is physically disconnected from the well piping when the well is in use as is true when the holding pond pump is in use and the well is not in use. Generally, the holding pond supplies most of the water needed for the irrigation systems and the well is not used very often. The pump and motor information was obtained from Heine Electric & Irrigation, Inc.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: April 30, 2021

Water Right No. 6795A-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
April 30, 2021



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

6795A-3

MAY 10 2021

Brad Peterson
Yankton Land & Cattle Co
PO Box 774
Yankton SD 57078-0774

Dear Mr. Peterson:

Enclosed is Water License No. 6795A-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 in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Diversion from the well for commercial purposes is authorized at a rate of 1.56 cfs or 700 gpm. A maximum diversion rate of 1.28 cfs or 577 gpm (statutory limit for 90 acres) is authorized when using water for irrigation purposes.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6795A-3**

(1) Yankton Land & Cattle Co., PO Box 774, Yankton SD 57078 made Application No. 6795A-3, July 10, 2012 for a water permit to divert 1.64 cubic feet of water per second (cfs) from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation and commercial purposes. Permit No. 6795A-3, with a priority date of July 10, 2012 was approved September 17, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 17, 2017 and for the application to beneficial use of water on or before September 17, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,470' W and 4,300' S of the northeast corner of Section 24, T94N, R56W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
Latitude 42.94051, Longitude -97.40691

The above well can be used as a backup water supply for commercial purposes authorized under Water Right No. 6264-3 at a rate of 1.56 cfs or 700 gpm. A maximum diversion rate of 1.28 cfs or 577 gpm (statutory limit for 90 acres) is authorized when using water for irrigation purposes.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial and irrigation purposes. The irrigated land is located as follows:

T94N, R56W Section 24	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	13 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	9 acres		
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	Total irrigated –	90 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Yankton Land & Cattle Co., PO Box 774, Yankton SD 57078 the holder and/or owner of Water Right No. 6795A-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of July 10, 2012 from the location specified in (2) of this license for commercial and irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6895A-3 and subject to the following qualifications:

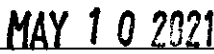
- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6795A-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. *The well was drilled by Hammond-Wetmore Drilling in October 2013. A copy of the well completion report is on file with the Water Rights Program.*

continued

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
- If water from the well is diverted to a wastewater lagoon, No. 6795A-3 is subject to obtaining approval for this addition from the DANR's Surface Water Quality Program for compliance with the facility's General Water Pollution Control Permit. ***The facility has secured approval through DANR Surface Water Quality for compliance with the General Permit.***
- Water Permit No. 6795A-3 cancels Water Permit No. 6795-3. ***The cancellation of No. 6795-3 occurred at the time of permit approval for No. 6795A-3.***



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources



date





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

January 20, 2022

NOTICE

TO: YANKTON LAND AND CATTLE COMPANY, BRAD PETERSON, PO BOX 774,
YANKTON, SD 57078 0774

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6795A-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 6795A-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 2, 2022 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) 6795A-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 2, 2022** 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: XMGKDJ**

c: OSCAR PETERSON, 209 27TH ST NW, HURON SD 57350

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

6795A-3

Brad Peterson
Yankton Land & Cattle Co
PO Box 774
Yankton SD 57078-0774

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 6795A-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

c: Oscar Peterson, 209 27th St NW, Huron SD 57350

6795A-3



**NUTRIENT
ADVISORS**

October 31, 2022

Water Rights Program
523 E Capitol
Pierre, South Dakota 57501-3181

RE: Yankton Land and Cattle Company
Subject: 2022 Water Management Board Irrigation Questionnaire

Enclosed is the 2022 Water Management Board Irrigation Questionnaire for Yankton Land and Cattle Company.

If you have any questions please call our office.

Sincerely,

Matt Kennedy

Nutrient Advisors

Enclosures



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Phone: 402.372.CAFO nutrientadvisors.com