

WATER PERMIT NO. 6867-3

Name of Applicant: Jay Cutts

Address: 44681 309th St, Mission Hill SD 57046

Phone: 605 665-9693

Amount of Water Claimed: 2.6 cfs

Total Acres: 207

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: ½ miles southwest of Mission Hill

PRIORITY Date Received: 6-18-07

Application/License Fee: \$325

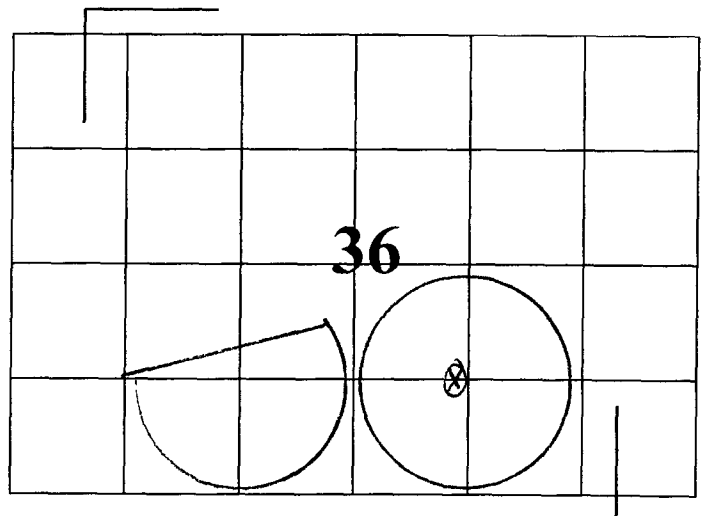
Corrected Application Received: 6-25-07

Period of Annual Use: June 1 – Sept 30

Remarks:

Diversion Point: approximate center of SE ¼ Sec
36-T94N-R55W

Land to be Irrigated: S ½ Sec 36-T94N-R55W



Depth of Well: 100 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Yankton Co PT

Reviewed and the Number Assigned on: 6-25-07

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	No. <u>6867-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan</u> PO Box <u>59</u> <u>665-7811</u> <u>Yankton 57078</u>

RECEIVED
 JUN 18 2007
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name of Applicant Jay Cutts Phone 665-9693
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 44681 309th ST Mission Hill State SD 57046
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.6 *CFS or 400 **GPM 207 ***AF Total Acreage 207
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground water well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
well SE 1/4 Section 36 T94 R55
- County or counties where water will be used Yankton
- Annual period during which water is to be used June 1 - September 30
- 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
SW 1/4 Sec 36 T94 R55	30	SW 1/4 SE 1/4 36 94 55	30
SE 1/4 SW 1/4 36 94 55	32	NW 1/4 SE 1/4 " " "	30
NE 1/4 SW 1/4 " " "	20	NE 1/4 SE 1/4 " " "	30
NW 1/4 SW 1/4 " " "	5	SE 1/4 SE 1/4 " " "	30

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

Full circle pivot on SE 1/4 Sec 36 + 1/2 circle on SW 1/4 Section 36 for the purpose of crop irrigation

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, Jay Cutts, 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 Jay Cutts

Subscribed and sworn to before me this 14 day of June 20 07

[Signature]
 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6867-3**

Date of first receipt of application June 18, 2007.

Date of return to applicant for corrections, amendments or changes June 18, 2007.

Date of receipt of corrected application June 22, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6867-3 to Jay Cutts, 44681 309th St, Mission Hill SD 57046 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6867-3 appropriates 2.6 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in approximate center of the SE ¼ Section 36 to irrigate 207 acres located in the S ½ Section 36; all in T94N-R55W.
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: June 1 – September 30.
3. The date from which applicant may claim right is June 18, 2007.
4. The date of approval of Permit No. 6867-3 is September 10, 2007.
5. One-fifth of the construction is to be completed on or before March 10, 2010.
6. All construction is to be completed on or before September 10, 2012.
7. Water is to be put to beneficial use on or before September 10, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6867-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

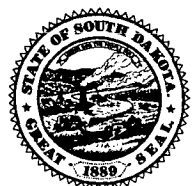
WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 19 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness 3/4
- c) Screen Type PVC Diameter 16" Thickness 3/4
- d) Gravel Pack Pea Gravel Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 14'
- f) Depth to Water (ground surface to water level) 14'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others 1 mile

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

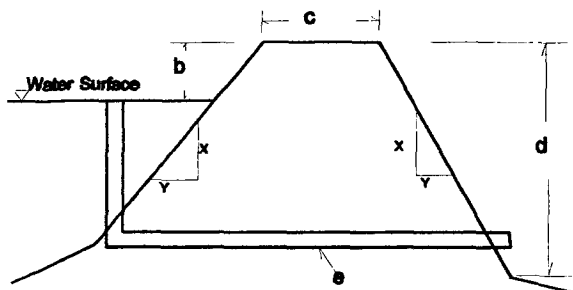
3. Dugout Information

- 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

The property in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ 94-55 is owned by George Gunderson / Gunderson Family Trust.



USDA - Farm Service Agency



Yankton County, SD

36-94N-55W

1:7,598

May 17, 2007

2007

Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/18, 20 07

RECEIVED OF Jay Cutler Cutler Farms 44681 309th St Mission Hill SD 57046

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

Fee for Application for Permit No. <u>44681</u> to Appropriate Water, to construct and to put water to beneficial use	175	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>44681</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	325 00

No.

230707

By

Michael E. White
Chief Engineer



June 18, 2007

RECEIVED

JUN 22 2007

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Jay Cutts
44681 309th St
Mission Hill SD 57046

Dear Mr. Cutts:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6867-3, Jay Cutts**

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. 6867-3, Jay Cutts, 44681 309th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6867-3 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:

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. 6867-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 16, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6867-3

For Jay Cutts

August 6, 2007

Application No. 6867-3 proposes to appropriate 2.6 cfs (1,167 gpm) from one well approximately 100 feet deep located in the approximate center of the SE ¼ of section 36 to irrigate 207 acres located in the S ½ of section 36; all in T94N R55W in Yankton County.

AQUIFER – MISSOURI ELK POINT (M-EP)

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

No test well log was provided with this application. However there is sufficient information available from the Yankton County Study, observation well drilling and area domestic and irrigation wells to evaluate this application. A nearby observation well YA-79H indicates that sand and gravel was encountered from 20 to 114 feet below land surface with shale at a depth of 114 feet below land surface.

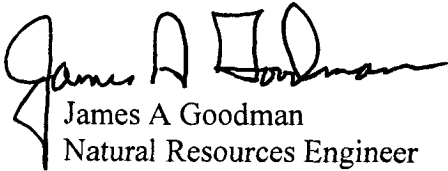
The Water Rights Program monitors an observation well completed into the aquifer and within one-half mile of this application. This is observation well YA-79H. Water levels for this well show good response to climatic conditions. The water levels rise during wet periods and gradually decline during dry periods. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted well is located about one mile to the south (Water Permit No. 6297-3). At this distance between wells drawdown is not expected to be significant. There are other irrigation wells located over one mile to the northwest, northeast and southwest of this site. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under slight artesian conditions in this area. Drawdown created by pumping is not expected to be significant. This is verified by the observation well records. Interference is not a concern.
3. This well must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

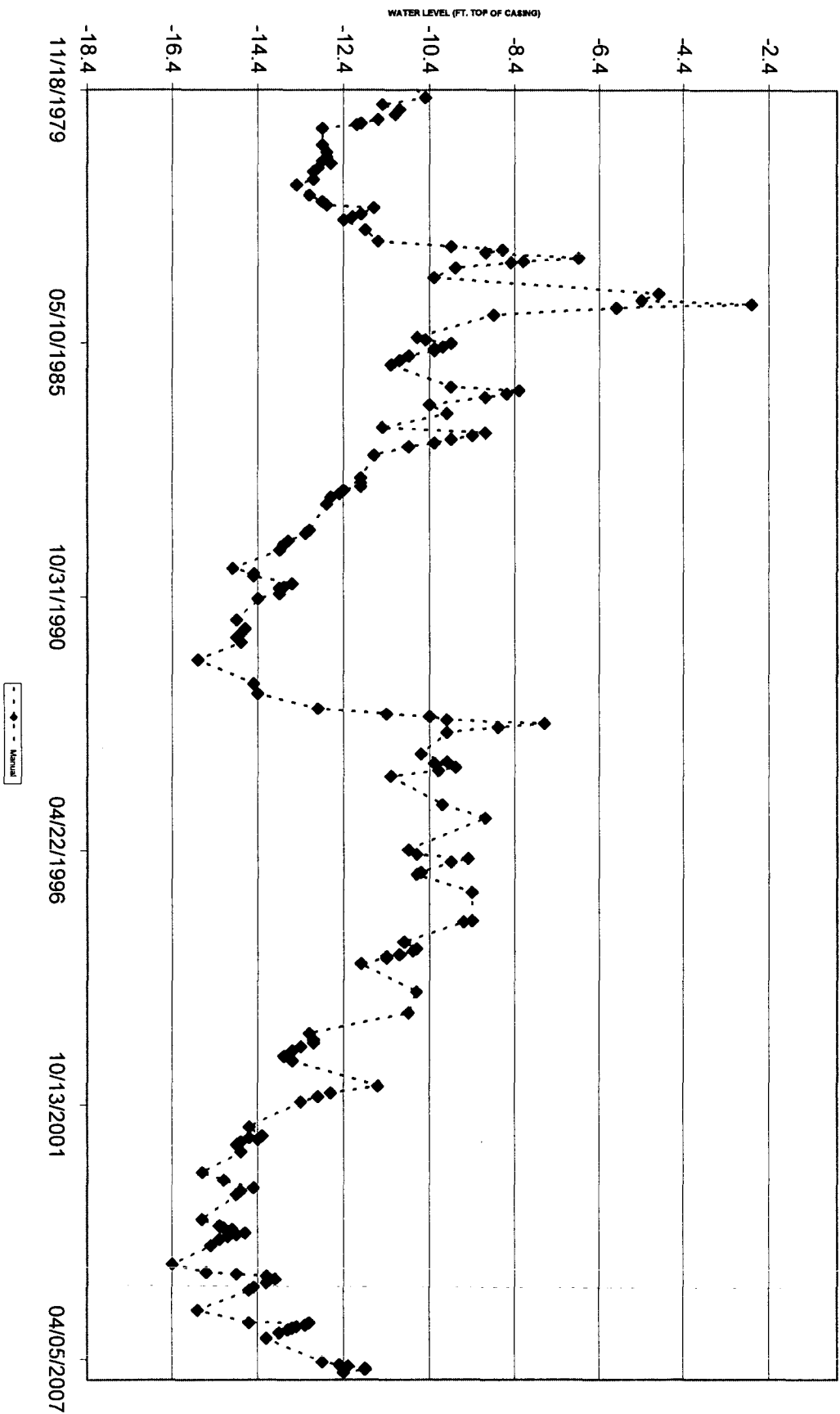
BIBLIOGRAPHY

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

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

Water Rights, 2007, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
YA-79H**



RECEIVED

SEP 04 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 Application

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 30th DAY OF August, 2007.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$133.65 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 8/23, 8/30

FILED ON: 8/30/2007

8+23+30

NOTICE OF APPLICATION NO. 6867-3 to Appropriate Water

Notice is given that Jay Cutts, 44681 309th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 2.6 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in approximate center of the SE 1/4 Section 36 to irrigate 207 acres located in the S 1/2 Section 36; all in T94N-R35W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6867-3 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 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 September 10, 2007.

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

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF August, 2007

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 16, 2007

Daily Press & Dakotan
PO Box 59
Yankton SD 57078-0059

ATTENTION: Legal Public Notice

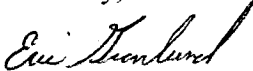
Enclosed is a Notice on Application No. 6867-3 to Appropriate Water to be published twice. Please publish the first notice on August 23, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Jay Cutts, 44681 309th St, Mission Hill SD 57046 (Ph # 605-665-9693).

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. 6867-3

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

Date _____

We are in receipt of your letter of August 16, 2007 enclosing Notice to Appropriate Water by Application No. 6867-3 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.

August 16, 2007

Jay Cutts
44681 309th St
Mission Hill SD 57046

Dear Mr. Cutts:

Water Permit Application No. 6867-3 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 Press and Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the 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 August 23, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6867-3 to Appropriate Water

Notice is given that Jay Cutts, 44681 309th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 2.6 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in approximate center of the SE ¼ Section 36 to irrigate 207 acres located in the S ½ Section 36; all in T94N-R55W.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 19 2007

Jay Cutts
44681 309TH St
Mission Hill SD 57046

Dear Mr. Cutts:

Enclosed is Water Permit No. 6867-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

RECEIVED

NOV 14 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-24-08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Jay Cuths
(name)
44681 309th ST
(address)
Mission Hill SD 57046 665-9693
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

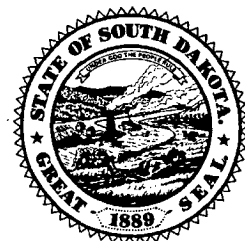
Water Permit No. 6867-3 states that the water use system is to be constructed by
9-10-2012, and water is to be put to beneficial use by 9-20-16.
(date) (date)

The water use system was completed on 7-24-08.
(date)

Applying the water to beneficial use was completed on 7-24-08.
(date)

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

Jay Cuths
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 2008

6867-3

Jay Cutts
44681 309th St
Mission Hill SD 57046

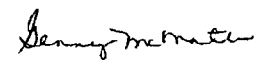
Dear Mr. Cutts:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

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

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

Sincerely,


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

11-02

Location <u>nw</u> $\frac{1}{4}$ <u>se</u> $\frac{1}{4}$ Sec <u>36</u> Twp <u>94n</u> Rg <u>55w</u>		Well Owner: <u>Jay Cutts</u>																																				
County <u>Yankton</u>		Business Name: _____																																				
Please mark well location with an "X"		Address: <u>44681 309th Street</u>																																				
Well Completion Date <u>6/18/2008</u>		City, State, Zip: <u>Mission Hill SD 57046</u>																																				
Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>? 1,700.0</u> ft. from <u>abandoned well</u> (identify source)		WELL LOG:																																				
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>clay, dk brown, silty</td> <td>0</td> <td>12</td> </tr> <tr> <td>Sand, fine, silty</td> <td>12</td> <td>70</td> </tr> <tr> <td>Gravel, fine, sandy</td> <td>70</td> <td>80</td> </tr> <tr> <td>gravel, coarse</td> <td>80</td> <td>104</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	clay, dk brown, silty	0	12	Sand, fine, silty	12	70	Gravel, fine, sandy	70	80	gravel, coarse	80	104																		
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METHOD OF DRILLING: <u>Direct rotary</u>		STATIC WATER LEVEL <u>17.0</u> FEET If flowing: closed in pressure _____ PSI GPM flow _____ through _____ Inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? _____																																				
CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____		WELL TEST DATA: ☐ Pumped Describe: _____ ☐ Bailed ☐ Other Pumping Level Below Land Surface _____ Ft. After _____ Hrs. pumped _____ GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM																																				
PIPEWEIGHT: DIAMETER FROM TO HOLE DIAMETER LB/FT 16.00 IN 0.0 FT 70.0 FT 22.00 IN LB/FT IN FT FT IN LB/FT IN FT FT IN		REMARKS RECEIVED FEB - 2 2009 WATER RIGHTS PROGRAM																																				
GROUTING DATA: Grout Type No. of Sacks Grout Weight From To <u>portland cement</u> <u>17</u> <u>9.5 Lb/gal</u> <u>0.0 Ft</u> <u>66.0 Ft</u> Lb/gal Ft Ft		Describe grouting procedure <u>tremie</u>																																				
SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>16.00</u> Inches Length <u>30.0</u> Feet Material <u>pvc</u> Slot Size <u>0.60</u> Set From <u>70.0</u> Feet to <u>100.0</u> Feet Other information _____		This well was drilled under license # <u>666</u> And this report is true and accurate. Drilling firm: <u>Hammond Wetmore Drilling</u> Signature of License Representative: _____ Signature of Well Owner or Equitable Property Holder: _____																																				
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No If so, what material? _____ Describe packer(s) and location _____		Date: <u>6/20/09</u>																																				
DISINFECTION: Was well disinfected upon completion? ☒ Yes, How? <u>hth tablets</u> ☐ No, Why Not? _____ Lab sample sent to for water quality analysis _____		_____																																				

Permit No. 6867-3
Missouri River - Water District

Contact Person & Address: **Jay Cutts, 44681 309th St, Mission Hill SD 57046**

Report Of Examination Of Works

On, 9/22/09, I made a thorough examination of the water use system constructed by **Jay Cutts** holder of Permit No. **6867-3**, bearing the priority of **June 18,2007** authorizing the diversion of **2.6** cu. ft. per second of the waters of **irrigation** for **irrigation** purposes, in **Yankton** County.

The system is in the following condition **good**. The point of diversion is located **from the SE corner of Sec 36 T94N-R55W; 1320 ft north and 1330 ft west** with a longitude of **-97.28397** and a latitude of **42.91262** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.0** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows: All land is located in **Sec 36 T94-R55W**

<u>NW ¼ SW ¼ - 5 ac</u>	<u>NE ¼ SW ¼ - 20 ac</u>	<u>SE ¼ SW ¼ - 32 ac</u>	<u>SW ¼ SW ¼ - 29 ac</u>
<u>NW ¼ SE ¼ - 32 ac</u>	<u>NE ¼ SE ¼ - 29 ac</u>	<u>SE ¼ SE ¼ - 29 ac</u>	<u>SW ¼ SE ¼ - 31 ac</u>

comprising a total of **207** acres of land and the license should be issued for **2.0** cfs.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- | | |
|--|--|
| 1) Well Drilling Firm: <u>Hammond Wetmore</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>100</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-------------------------------------|---------------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>70</u> feet |
| 3) Type <u>pvc</u> | |

Screen:

- | | |
|---|---------------------------------|
| 1) Type <u>pvc</u> | 2) Length <u>30</u> feet |
| 3) Static water level <u>17</u> feet | |

Pump:

- | | |
|-------------------------------|----------------------------|
| 1) Make <u>American Marsh</u> | 2) Model <u>900 H</u> |
| 3) Size <u>6</u> | 4) Capacity <u>900</u> GPM |

Motor:

- | | |
|-----------------------------------|-----------------------|
| 1) Make <u>American Marsh</u> | 2) Model No. <u>?</u> |
| 3) Horsepower rating <u>40</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 8 inches 3) Length 2640 feet

SYSTEM TYPE:

Center pivot:

- | | |
|-----------------------------------|------------------------------------|
| 1) Make <u>Lockwood</u> | 2) Overall length <u>1300</u> feet |
| 3) Number of towers <u>8</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>lo</u> | 6) Capacity <u>900</u> GPM |

Center pivot:

- | | |
|-----------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1470</u> feet |
| 3) Number of towers <u>8</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>lo</u> | 6) Capacity <u>900</u> GPM |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

Comments : none



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

4-13-10

Date



Mark D. Rath

Mark D. Rath
Natural Resources Engineering Specialist
3/18/2010

0 0.1 0.2 0.4
Miles



6867-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 28 2010

6867-3

Jay Cutts
44681 309th St
Mission Hill SD 57046

Dear Mr. Cutts:

Enclosed is your Water License No. 6867-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6867-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6867-3**

(1) Jay Cutts, 44681 309th St, Mission Hill SD 57046 made Application No. 6867-3, June 18, 2007 for a water permit to divert 2.60 cubic feet of water per second from ground water – one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6867-3, with a priority date of June 18, 2007 was approved September 10, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 10, 2012 and for the application to beneficial use of said water on or before September 10, 2016.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on November 14, 2008. The "Notice" stated the water use system was completed and water placed to beneficial use on July 24, 2008.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet north and 1,330 feet west of the SE corner of Section 36, T94N, R55W (approximate center of the SE ¼).

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

Section 36, T94N, R55W

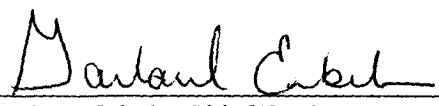
NW ¼ SW ¼	5 acres	NW ¼ SE ¼	32 acres
NE ¼ SW ¼	20 acres	NE ¼ SE ¼	29 acres
SE ¼ SW ¼	32 acres	SE ¼ SE ¼	29 acres
SW ¼ SW ¼	29 acres	SW ¼ SE ¼	31 acres

Total 207 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jay Cutts, 44681 309th St, Mission Hill SD 57046 the holder and/or owner of Water Right No. 6867-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water – one well (Missouri Elk Point Aquifer) with a priority date of June 18, 2007 from the location specified in (2) of this license for irrigation purposes on the land described above.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6867-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6867-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

APR 28 2010
date





6867-3
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 15, 2016

NOTICE

TO: JAY CUTTS, 44681 309TH ST, MISSION HILL, SD 57046

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6621-3, 6867-3, 7119-3 & 7120-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 6621-3, 6867-3, 7119-3 & 7120-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 6621-3, 6867-3, 7119-3 & 7120-3 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 3, 2016** 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: <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.



6867-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 1, 2016

Jay Cutts
44681 309th St
Mission Hill SD 57046

RE: Water Right Nos. 6621-3, 6867-3, 7119-3 & 7120-3

Dear Mr. Cutts:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 6621-3, 6867-3, 7119-3 & 7120-3. 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
email: genny.mcmath@state.sd.us