

WATER PERMIT NO. 6934-3

Name of Applicant: **Don A Johnson**

Address: **1150 June Court, Windom MN** Phone: **507 831-1103**

Amount of Water Claimed: **1.56 cfs** Total Acres: **245 acres**

Source of Water Supply: **groundwater (one well)**

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

Type of Waste Disposal System:

Location: **8 miles northeast of Yankton**

PRIORITY Date Received: **1-2-08**

Application/License Fee: **\$350**

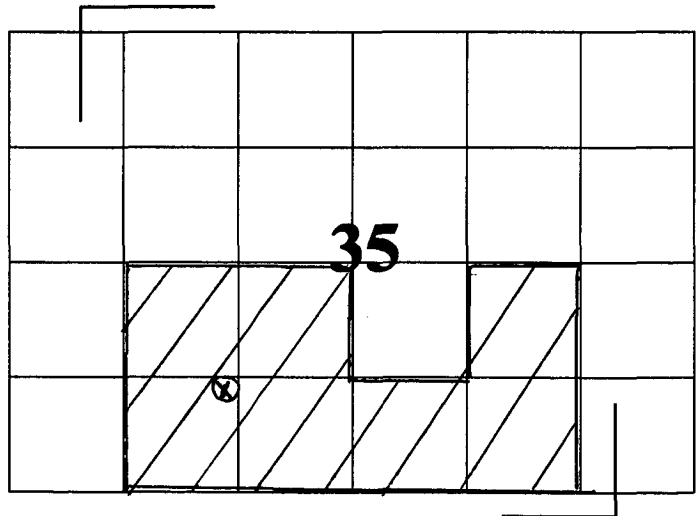
Corrected Application Received: **1-11-08**

Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **SW ¼ SW ¼ Sec 35-T94N-R54W**

Land to be Irrigated: **SW ¼, S ½ SE ¼, NE ¼ SE ¼, Sec 35-T94N-R54W**



Depth of Well: **100 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Valeria Schwartz, Yankton Co FSA**

Reviewed and the Number Assigned on: **1-11-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type of print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6934-3</u> (office use only) Hydrologic Unit <u>10/70101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan P.O. Box 56</u> <u>605-665-7811 (Thurs)</u> <u>Yankton 57078</u>

RECEIVED
JAN - 2 2008
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 Don A. Johnson Phone (507) 831-1103
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 1150 June Court Windom State Mn. 56101
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56*CFS or 700**GPM ***AF Total Acreage 245
(*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 (1) well - Missouri Elk Point aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
Well # 1 SW 1/4 SW 1/4 Section 35 T94N-R54W
- County or counties where water will be used Yankton County, S. Dakota
- Annual period during which water is to be used April thru Sept. 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
NW 1/4 SW 1/4 Sec. 35 T94N R54W	35	SW 1/4 SE 1/4 Sec. 35 T94N R54W	35
SW 1/4 SW 1/4 Sec. 35 T94N-R54W	35	SE 1/4 SE 1/4 Sec. 35 T94N R54W	35
SE 1/4 SW 1/4 Sec. 35 T94N-R54W	35	NE 1/4 SE 1/4 Sec. 35 T94N R54W	35
NE 1/4 SW 1/4 Sec. 35 T94N-R54W	35	All in Yankton County, S. Dakota	

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

Plan to install a center pivot in SW 1/4 sec 35 in '08 with another pivot located in SE 1/4 sec. 35 in succeeding year(s). All water coming from one well located in SW 1/4 sec. 35.

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, DON A. JOHNSON, 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 Don A. Johnson

Subscribed and sworn to before me this 28th day of December 20 07



Evelyn Hammer
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6934-3**

Date of first receipt of application January 2, 2008.

Date of return to applicant for corrections, amendments or changes January 3, 2008.

Date of receipt of corrected application January 11, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6934-3 to Don A Johnson, 1150 June Court, Windom MN 56101 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. 6934-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in SW 1/4 SW 1/4 Section 35 to irrigate 245 acres located in the SW 1/4, S 1/2 SE 1/4, NE 1/4 SE 1/4 Section 35; all in T94N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is January 2, 2008.
4. The date of approval of Permit No. 6934-3 is March 3, 2008.
5. One-fifth of the construction is to be completed on or before September 3, 2010.
6. All construction is to be completed on or before March 3, 2013.
7. Water is to be put to beneficial use on or before March 3, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

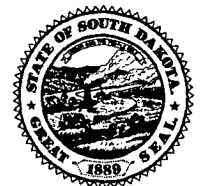
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6934-3 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

MAR 14 2008
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 100'
- b) Casing Type ~~1 1/2" PVC~~ Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 1/16" - 3/16"
- d) Gravel Pack Pea Rock Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well: Irrigation well NNW = 2950'
Artesian well SW = 2690'
- On applicants property N/A. On property owned by others

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) N/A
- b) System Capacity (gallons) N/A Year Constructed N/A
- c) Connected to the City of N/A Sanitary System

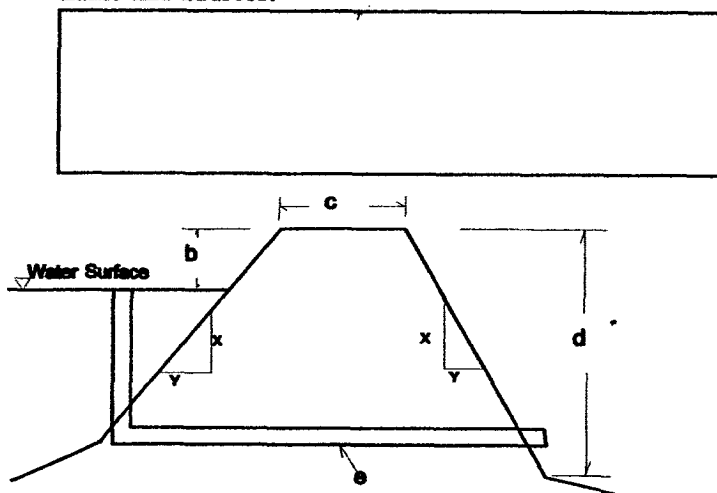
3. Dugout Information

- a) Surface Dimensions N/A Depth N/A
- b) Depth to water (ground surface to water level) N/A

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

Aerial Map



map center: 42° 55' 0.68, 97° 11' 27.68
scale: 1:8803



12/19/2007

Map Provided by



©AgriData, Inc. 2006

35-94N-54W
Yankton County
South Dakota

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/3, 20 08

RECEIVED OF Don A Johnson 899 Verona Ave Windom MN 56101

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

Fee for Application for Permit No. <u>6934-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>6934-3</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	325 00

No. 03522

By Garland Erbe
Chief Engineer

[Signature]

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/11, 20 08

RECEIVED OF Don A Johnson 899 Verona Ave Windom MN 56101

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

Fee for Application for Permit No. <u>6934-3</u> to Appropriate Water, to construct and to put water to beneficial use	25	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. _____		
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	25 00

No.

03003

By

Garland Erbe
Chief Engineer

27

Publish in
Yankton Press & Dakota

Any Questions

Call 507-831-1103 home
507-920-8586 cell



January 3, 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Don A Johnson
1150 June Court
Windom MN 56101

Dear Mr. Johnson:

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

- We have received your check for \$325.00. The total number of acres to be irrigated adds up to 245 acres (35 acres in each quarter-quarter). The application/license filing to irrigate 245 acres is \$350.00. Please submit an additional \$25.00.
- 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



**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. 6934-3, Don A Johnson**

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. 6934-3, Don A Johnson, 1150 June Court, Windom MN 56101.

The Chief Engineer is recommending APPROVAL of Application No. 6934-3 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. 6934-3 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
February 4, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6934-3

For Don A Johnson

January 24, 2008

Application No. 6934-3 proposes to appropriate 1.56 cfs (700 gpm) from one well approximately 100 feet deep located in the center of the SW $\frac{1}{4}$ of section 35 to irrigate 245 acres located in the SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 35 all in T94N R54W in Yankton County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is a surficial outwash (sand and gravel) that is under water table conditions in this portion 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 aquifer extends into Clay County to the east, blends into the Lower James Missouri aquifer to the north and is hydraulically connected to the James and Missouri Rivers over portions of Yankton County. Bugliosi in the Yankton County Study divided the Lower James Missouri aquifer into the northern and southern areas which roughly coincide with the Lower James Missouri aquifer and Missouri Elk Point aquifer as mapped by Hedges. The aquifer is prolific and well yields can be expected to be at least 500 gpm and may be more than 1,000 gpm (Bugliosi, 1986).

No test wells were drilled for this application. The estimate of 100 feet is not documented but certainly may be sufficient to penetrate the entire aquifer. An existing irrigation well located about one-half mile to the north was completed to a depth of 100 feet. Test wells need to be drilled to determine if the site has sufficient water for development for irrigation. The county study, other irrigation and domestic wells and observation wells all indicate irrigation potential. Also this area should have about 100 feet of saturated thickness in the aquifer (Bugliosi, 1986).

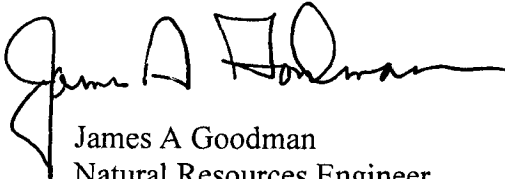
The Water Rights Program monitors observation well YA-78J located about two miles southwest and observation well YA-80JA located about three miles northwest of this application. Water levels for these observation wells show good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007). Hydrographs for these observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Right is No. 4613-3 with that permitted well located about one-half mile northwest of the proposed well site in the SW $\frac{1}{4}$ of section 35. Drawdown created by pumping at this distance is not expected to be significant. This is shown by the observation well hydrographs for YA-80JA and YA-78J. Interference is not expected to be a concern. There have never been any problems with water availability complaints in Yankton County from the Missouri Elk Point aquifer.

CONCLUSIONS

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

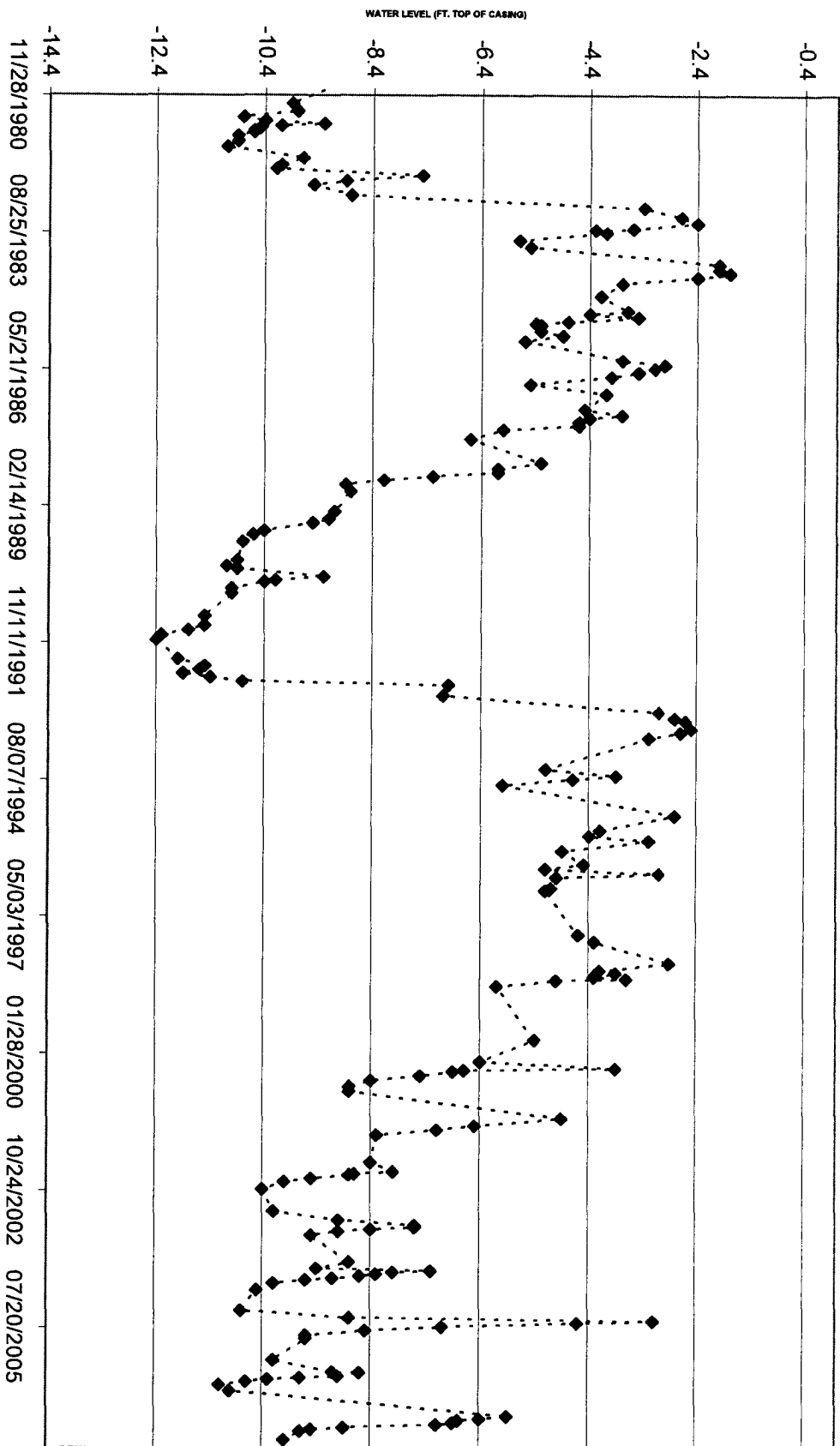


James A Goodman
Natural Resources Engineer

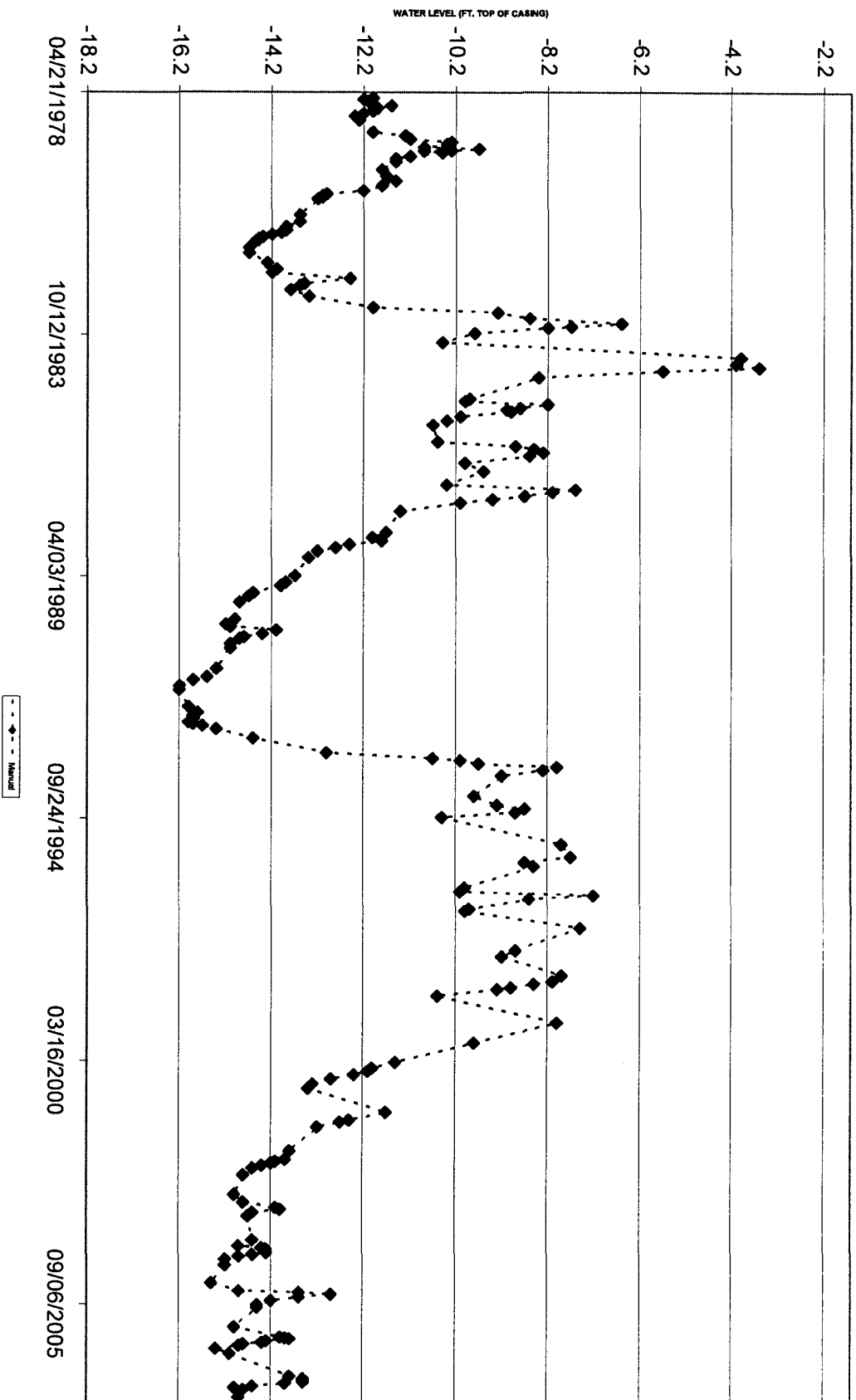
BIBLIOGRAPHY

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water-Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.
- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2007, Unpublished Observation Well Records for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-80JA



**WATER RIGHTS' OBSERVATION WELL
YA-78J**



RECEIVED

FEB 25 2008

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR
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 Nos. 6934-3 To Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF February 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$39.82 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: 2/14, 2/21

FILED ON: 2/21/2008

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF February, 2008

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009

2-14-21

NOTICE OF APPLICATION
NO. 6934-3 to Appropriate
Water

Notice is given that Don A Johnson, 1150 June Court, Windom MN 56101 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in SW 1/4 SW 1/4 Section 35 to irrigate 245 acres located in the SW 1/4, S 1/2 SE 1/4, NE 1/4 SE 1/4 Section 35; all in T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6934-3 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 March 3, 2008.

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

February 4, 2008

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6934-3 to Appropriate Water to be published twice. Please publish the first notice on February 14, 2008 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 Don A Johnson, 1150 June Court, Windom MN 56101 (Ph # 507-831-1103).

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. 6934-3

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

Date _____

We are in receipt of your letter of February 4, 2008 enclosing Notice to Appropriate Water by Application No. 6934-3 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.

February 4, 2008

Don A Johnson
1150 June Court
Windom MN 56101

Dear Mr. Johnson:

Water Permit Application No. 6934-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on February 14, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6934-3 to Appropriate Water

Notice is given that Don A Johnson, 1150 June Court, Windom MN 56101 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35 to irrigate 245 acres located in the SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35; all in T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6934-3 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 March 3, 2008.

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

MAR 14 2008

Don A Johnson
1150 June Court
Windom MN 56101

Dear Mr. Johnson:

Enclosed is Water Permit No. 6934-3 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



6934.8

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 23, 2009

NOTICE

TO: DONALD JOHNSON, 1150 JUNE COURT, WINDOM, MN 56101

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6934-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 6934-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 6934-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

6934-3

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DONALD JOHNSON
1150 JUNE COURT
WINDOM MN 56101

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2009

6934-3

Donald Johnson
1150 June Court
Windom MN 56101

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit No. 6934-3.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw 1/4 sw 1/4 Sec 35 Twp 94n Rg 54w

County

Yankton

North

Please mark well location with an "X"

W

E

Well Completion Date

5/8/2008

1 Mile

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

? 2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	84.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	80.0 Ft
bent grout	25	9.4		

Describe grouting procedure
tremie

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches Length 40.0 Feet

Material PVC

Slot Size .040 Set From 84.0 Feet to 124.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Don Johnson

Business Name:

Address: 1150 June Court

City, State, Zip: Windom Mn 56101

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, clayey,	0	14
sand, fine, silty	14	82
Gravel, med to coarse, sandy	82	130

STATIC WATER LEVEL 13.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS PROGRAM

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/16/08

6934-3
RECEIVED

JUN 18 2009

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate June 6, 2009TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Don A. Johnson
(name)1150 June Court
(address)Windom, Mn. 56401
(city, state, zip)507-831-1103
(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. 6934-3 states that the water use system is to be constructed by March 3, 2013 , and water is to be put to beneficial use by March 3, 2017 .
(date) (date)

The water use system was completed on 5-25-2008 .
(date)

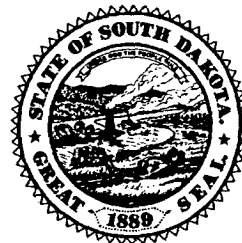
Applying the water to beneficial use was completed on 6-24-2008 .
(date)

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

Don A. Johnson
(signature)

7-98

For inspection appointment, please
call Chris Nelson 605-661-7417
(well & land renter)



* Mr. Nelson called 6/18/09 - dates for completion should be 2008 not 2009.
Gm

6934-3

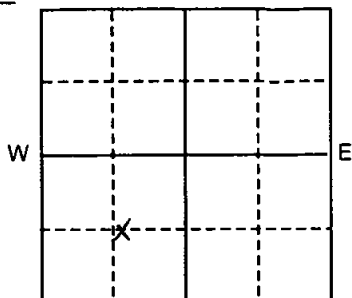
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 35 Twp 94N Rg 54WWell Owner: Don JohnsonCounty Yankton

North

Please mark well location with an "X"



Well Completion Date

5-17-17

1 Mile

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

2500 ft. from septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>70</u> FT	<u>28</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Benagout</u>	<u>53</u>	<u>9.5</u> Lb/gal	<u>0</u> Ft	<u>65</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

FreeSCREEN: ☒ Perforated pipe ☒ ManufacturedDiameter 12 Inches Length 40 FeetMaterial Johnson Stainless SteelSlot Size 60 Set From 70 Feet to 110 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? 14TH Tablets☐ No, Why Not?

Lab to which water quality sample sent for analysis

Business Name:

Address: 1150 June CourtCity, State, Zip: Winkon, MN 56101

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	3
clay	3	30
Sand fine	30	57
gravel / sand	57	110

STATIC WATER LEVEL 10 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Air developed☒ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

OKMissouri: Elk Point AMThis well was drilled under license # 805 and this report is true and accurate.Drilling firm: Sam Heine Well Co., LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

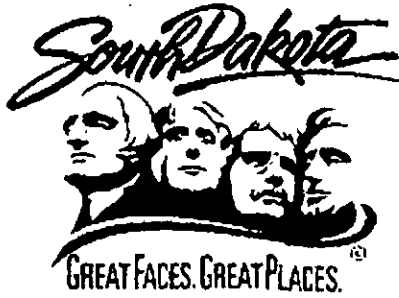
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Date:

JAN 24 2018

WATER RIGHTS PROGRAM

6934-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 26 2020

6934-3
7936-3

Don A Johnson
1150 June Court
Windom MN 56101

Dear Mr. Johnson:

Enclosed is Water License No. 7936-3. 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.

Upon licensing, the applicable portions of Water Permit No. 6934-3 were incorporated into Water License No. 7936-3.

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,

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

enclosures

c: Chris Nelsen, 30723 444th Ave., Mission Hill SD 57046