

WATER PERMIT NO. 6945-3

Name of Applicant: **Jerome & Dorothy Sylliaasen**

Address: **44772 309th St, Mission Hill SD 57046**

Phone: **605 665-7256**

Amount of Water Claimed: **1.56** Total Acres: **68**

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

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

Type of Waste Disposal System:

Location: **2 miles northeast of Mission Hill**

PRIORITY Date Received: **1-22-08**

Application/License Fee: **\$275**

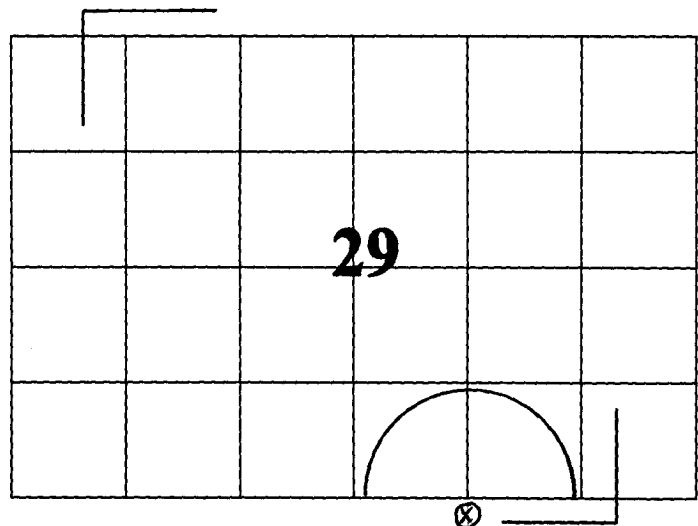
Corrected Application Received:

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

Remarks: **Requesting more water than statutory limit**

Diversion Point: **N ½ NE ¼ Sec 32-T94N-R54W**

Land to be Irrigated: **S ½ SE ¼ Sec 29-T94N-R54W**



Depth of Well: **120 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Steven Meyer, Yankton Co NRCS**

Reviewed and the Number Assigned on: **1-23-08**

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>6945-3</u> (office use only) Hydrologic Unit <u>10170102</u>	
	Basin <u>Vermillion River</u>	
	Newspaper <u>Press & Dakotan</u>	

RECEIVED
JAN 22 2008
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.

(Use predates Mar 2, 1955)

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

1. Name of Applicant Jerome & Dorothy Sylliaasen Phone 605-665-7267
(check one) X Owner Tenant/lessee
Mailing Address 44772 309th St Mission Hill State SD 57046
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.56 *CFS or **GPM 700 ***AF Total Acreage 68
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water (1 well-Missouri -Aquifer)

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in N2 NE4
Section 32 T94 R54 (tollable irriagtion)
County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used June 1- Sept. 30

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
<u>SW</u> NW 1/4 S2 SE4 Sec 29 T94 R54	<u>34</u>		
<u>NE</u> SE 1/4 S2 SE4 Sec 29 T94 R54	<u>34</u>		

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

The irrigation system is tollable and cross the road in S2 SE4 Sec. 29
T94 R54 to irrigate 68 acres. The well is in N2 NE4 Sec. 32. T94 R54

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, Jerome & Dorothy Sylliaasen, 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 Jerome Sylliaasen
Dorothy Sylliaasen

Subscribed and sworn to before me this 16th day of January 20 08

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6945-3**

Date of first receipt of application January 22, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6945-3 to Jerome and Dorothy Sylliaasen, 44772 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. 6945-3 appropriates 1.56 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in N 1/2 NE 1/4 Section 32 (same well authorized by Water Permit No. 6944-3) to irrigate 68 acres located in the S 1/2 SE 1/4 Section 29; 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: June 1 – September 30.
3. The date from which applicant may claim right is January 22, 2008.
4. The date of approval of Permit No. 6945-3 is March 17, 2008.
5. One-fifth of the construction is to be completed on or before September 17, 2010.
6. All construction is to be completed on or before March 17, 2013.
7. Water is to be put to beneficial use on or before March 17, 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. 6945-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so require, Permit No. 6945-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 68 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 07 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 120'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack Pee Rock Length of Gravel Pack 60'
1/16 3/16
- 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:

On applicants property 1/2 mile On property owned by others 3/4 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

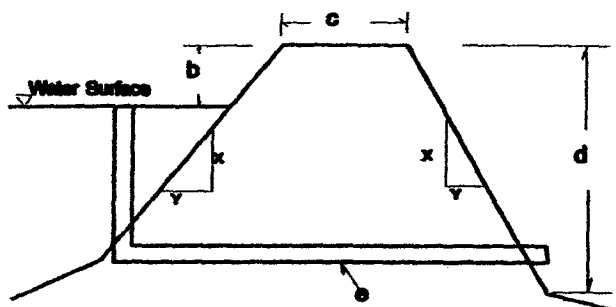
3. Dugout Information

- 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



USDA - Farm Service Agency



Yankton County, SD

29-94N-54W

1:7,658

May 17, 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 1/23, 2008

RECEIVED OF Jerome Sylliaasen 44772 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>16945-3</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. <u>16945-3</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. 03399

By Paul D. Erbe
Chief Engineer



**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. 6945-3, Jerome and Dorothy Sylliaasen**

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. 6945-3, Jerome and Dorothy Sylliaasen, 44772 309th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6945-3 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. 6945-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so require, Permit No. 6945-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 68 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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 11, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6945-3
For Jerome & Dorothy Sylliaasen
February 7, 2008

Application No. 6945-3 proposes to appropriate 1.56 cfs from one well approximately 120 feet deep located in the approximate center of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 32 to irrigate 68 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of section 29 all in T94N R54W in Yankton County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

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 120 feet is not documented but certainly should be sufficient to penetrate the entire aquifer. 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).

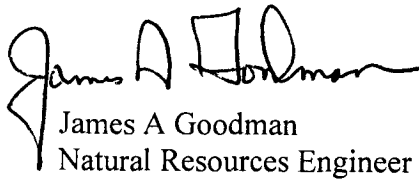
The Water Rights Program monitors four observation wells within a two mile radius of this application. YA-80JA is located about two miles north, YA-79H is located about two miles southwest, YA-78I is located about two miles northwest and YA-78J is located about two miles south all from this proposed well site. Water levels for these 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). A hydrograph for each of these observation wells is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 6781-3 (2.22 cfs, irrigation of 190 acres) with that well located about one mile northeast of this proposed well site. That production well was capable of producing 57 gpm/ft of drawdown. Drawdown created by pumping at this distance between wells is not expected to be significant. This is shown by the observation well hydrographs for this area. Interference is not expected to be a concern.

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.
4. Because of the system design and location the applicant is requesting a diversion rate greater than the statutory limit. This system will be towed across the road to the north and used to supply irrigation to additional lands. This diversion rate request is reasonable considering the system design.



James A Goodman
Natural Resources Engineer

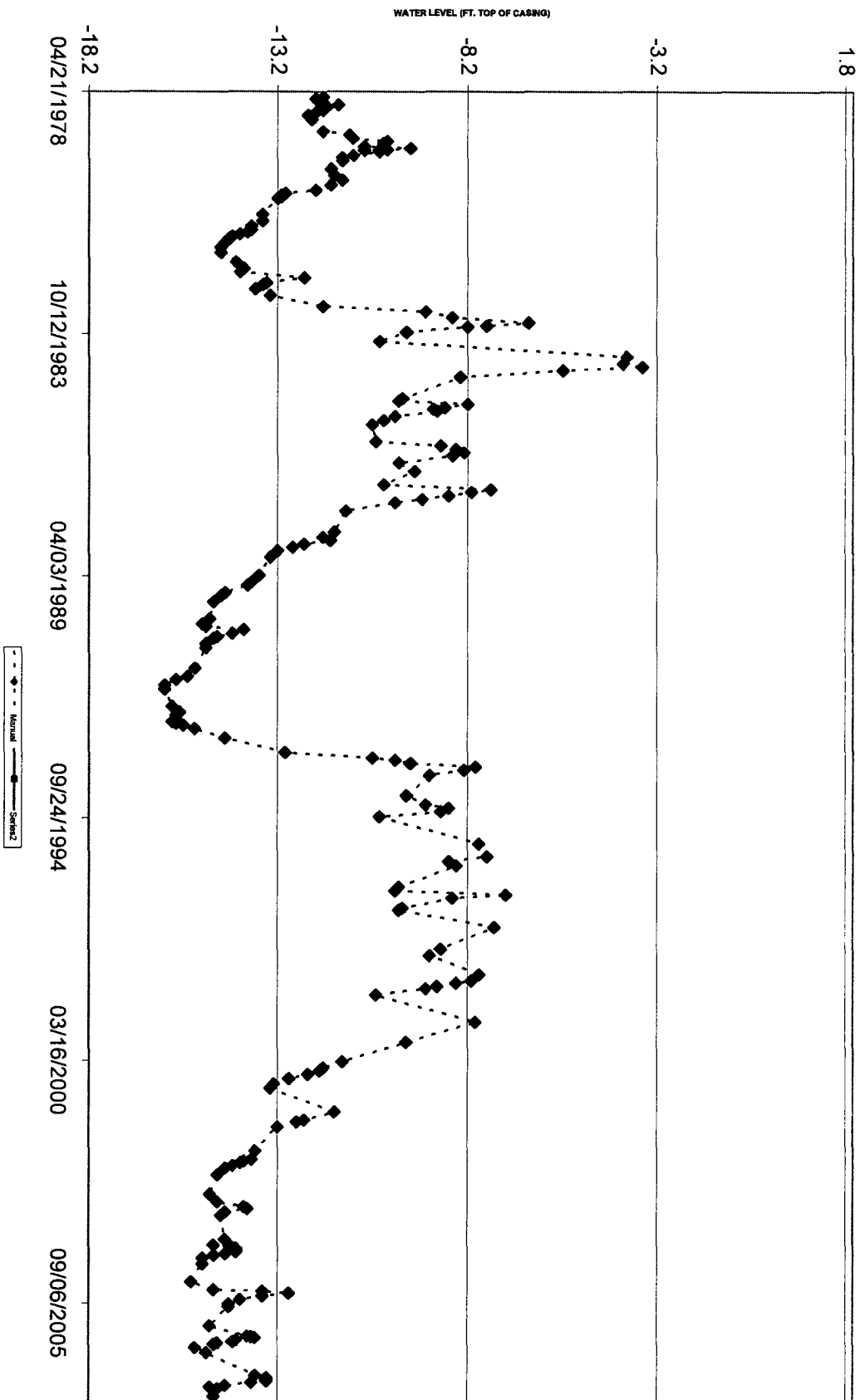
BIBLIOGRAPHY

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

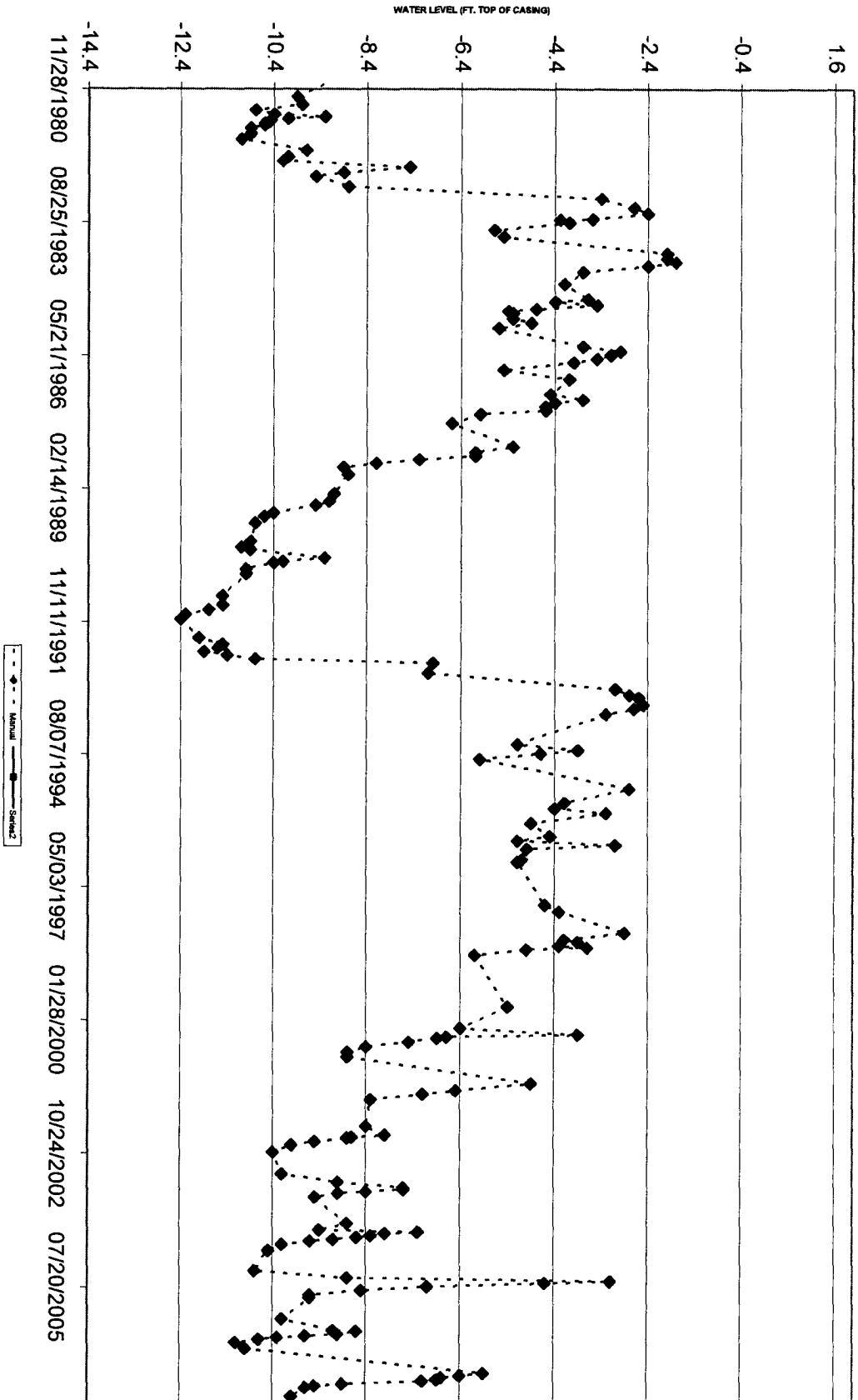
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

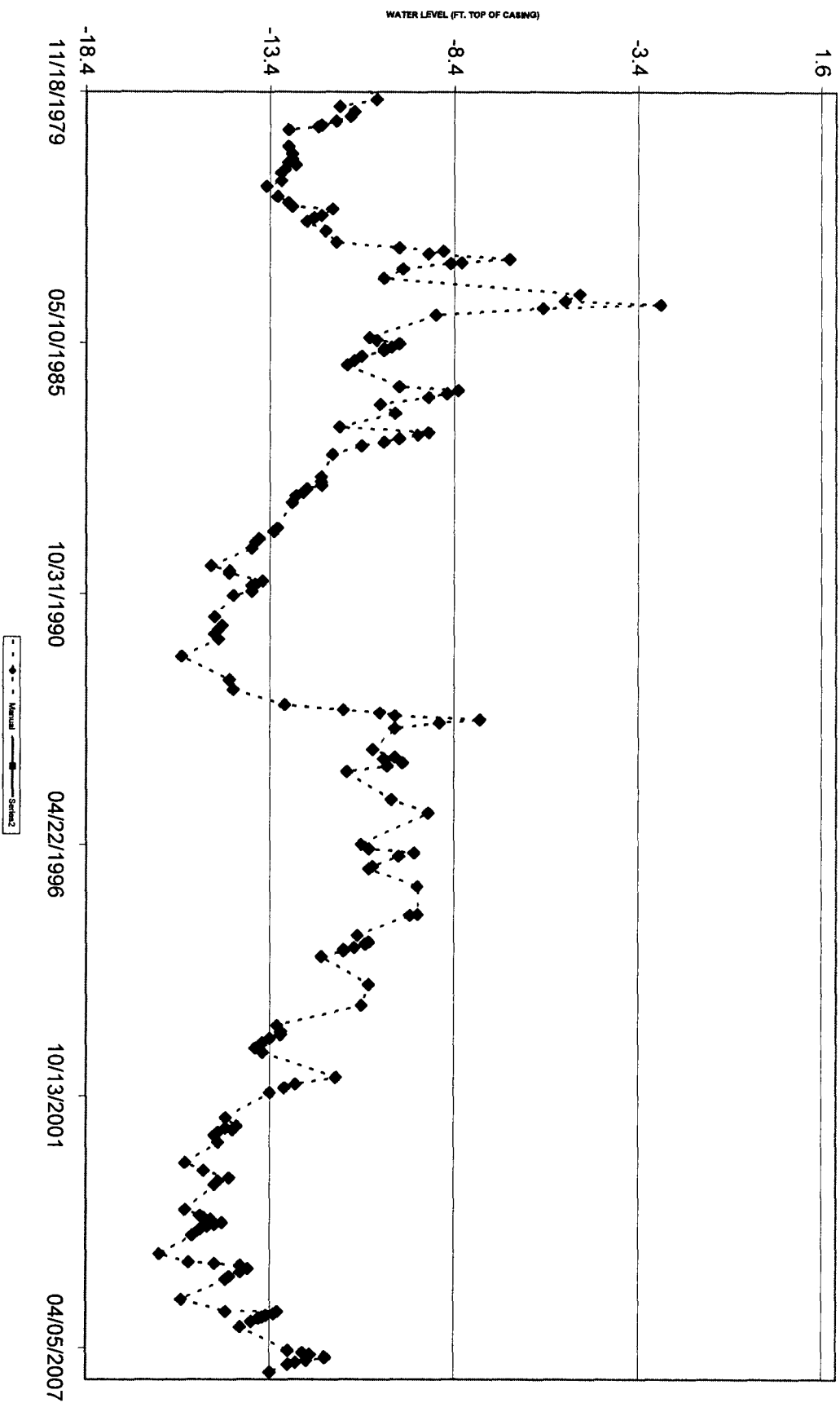
WATER RIGHTS' OBSERVATION WELL YA-78J



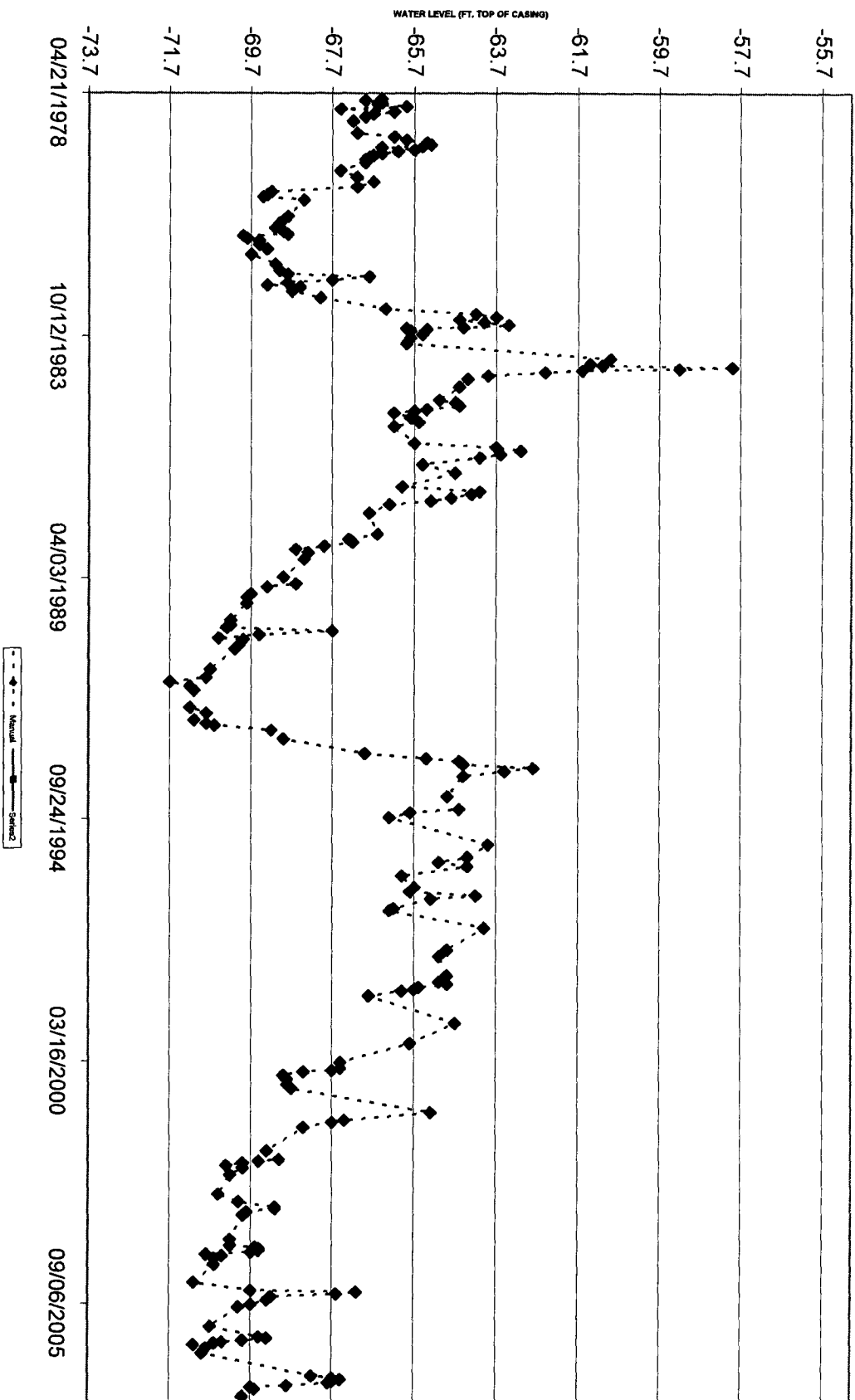
WATER RIGHTS' OBSERVATION WELL
YA-80JA



WATER RIGHTS' OBSERVATION WELL YA-79H



WATER RIGHTS' OBSERVATION WELL YA-78I



RECEIVED

MAR 10 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. 6943-3, 6944-3 and 6945-3**
to Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE **6th** DAY OF **March** 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$55.94** 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: **2/28, 3/6**

FILED ON: **3/6/2008**

SUBSCRIBED AND SWORN TO BEFORE ME THIS **6th** DAY OF **March**, 2008

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

2+28+3+6

NOTICE OF APPLICATION
NOS. 6943-3, 6944-3 and 6945-3
to Appropriate Water

Notice is given that Jerome &
Dorothy Sylliaasen, 44772 309th
St, Mission Hill SD 57046 have
filed the following applications for
a water permit.

Application No. 6943-3 proposes
to appropriate 1.56 cubic feet of
water per second (cfs) from one
well to be completed into the
Missouri-Elk Point Aquifer
(approximately 120 feet deep)
located in approximate center of
the SW 1/4 Section 21 to irrigate
123 acres located in the SW 1/4
Section 21; all in T94N-R54W.

Application No. 6944-3 proposes
to appropriate 1.56 cfs from one
well to be completed into the
Missouri-Elk Point Aquifer
(approximately 120 feet deep)
located in the N 1/2 NE 1/4
Section 32 to irrigate 68 acres
located in the N 1/2 NE 1/4
Section 32; all in T94N-R54W.
The applicant is requesting a
diversion rate greater than the
statutory limit of 1 cfs per 70
acres.

Application No. 6945-3 proposes
to appropriate 1.56 cfs from one
well to be completed into the
Missouri-Elk Point Aquifer
(approximately 120 feet deep)
located in the N 1/2 NE 1/4
Section 32 (same well as listed
above) to irrigate 68 acres located
in the S 1/2 SE 1/4 Section 29; all
in T94N-R54W. The applicant is
requesting a diversion rate greater
than the statutory limit of 1 cfs per
70 acres.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Application Nos.
6943-3, 6944-3 and 6945-3
because 1) unappropriated water is
available, 2) existing rights will
not be unlawfully impaired, 3) it is
a beneficial use of water, and 4) it
is in the public interest. In accordance
with SDCL 46-2A-23, the
Chief Engineer will act on these
applications, as recommended,
unless a petition is filed opposing
the applications or the applicant
files a petition contesting the Chief
Engineer's recommendations. If a

petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 17, 2008.

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



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 21, 2008

Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6943-3, 6944-3 and 6945-3 to Appropriate Water to be published twice. Please publish the first notice on February 28, 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 Jerome & Dorothy Sylliaasen, 44772 309th St, Mission Hill SD 57046 (Ph # 605 665-7256).

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. 6943-3, 6944-3 and 6945-3

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

Date _____

We are in receipt of your letter of February 21, 2008 enclosing Notice to Appropriate Water by Application Nos. 6943-3, 6944-3 and 6945-3 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

February 21, 2008

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

Jerome & Dorothy Sylliaasen
44772 309th St
Mission Hill SD 57046

Dear Mr. & Mrs. Sylliaasen:

Water Permit Application No. 6943-3, 6944-3 and 6945-3 for irrigation use have 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 & 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 recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your 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 recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on February 28, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6943-3, 6944-3 and 6945-3 to Appropriate Water

Notice is given that Jerome & Dorothy Sylliaasen, 44772 309th St, Mission Hill SD 57046 have filed the following applications for a water permit.

Application No. 6943-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in approximate center of the SW ¼ Section 21 to irrigate 123 acres located in the SW ¼ Section 21; all in T94N-R54W.

Application No. 6944-3 proposes to appropriate 1.56 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the N ½ NE ¼ Section 32 to irrigate 68 acres located in the N ½ NE ¼ Section 32; all in T94N-R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6945-3 proposes to appropriate 1.56 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the N ½ NE ¼ Section 32 (same well as listed above) to irrigate 68 acres located in the S ½ SE ¼ Section 29; all in T94N-R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6943-3, 6944-3 and 6945-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 07 2000

Jerome & Dorothy Sylliaasen
44772 309th St
Mission Hill SD 57046

Dear Mr. and Mrs. Sylliaasen:

Enclosed are Water Permit Nos. 6943-3, 6944-3 and 6945-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

6945-3

Oct. 22, 2010

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

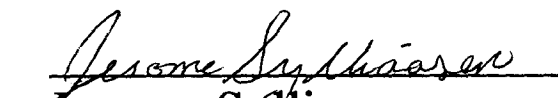
RECEIVED
OCT 27 2010
WATER RIGHTS
PROGRAM

Dear Sir:

A error on our part is that we did not send the enclosed forms to you when our irrigation systems was completed. Therefor we are sending the forms to you now.

Sorry about the error.

Sincerely,


Jerome Sylliaasen


Dorothy Sylliaasen

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 10-22-2010

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

FROM: Jerome & Dorothy Syllaasen
(name)
44772 309th St
(address)
Mission Hill SD 57046 605-665-2267
(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.

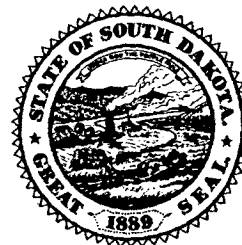
Water Permit No. 6945-3 states that the water use system is to be constructed by
March 17, 2013 and water is to be put to beneficial use by March 17, 2017
(date) (date)

The water use system was completed on June - 2008
(date)

Applying the water to beneficial use was completed on July - 2009
(date)

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

Jerome Syllaasen
(signature)
Dorothy Syllaasen
7-98





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2010

6943-3
6944-3
6945-3

Jerome & Dorothy Sylliaasen
44772 309th St
Mission Hill SD 57046

Dear Mr. & Mrs. Sylliaasen:

Thank you for the prompt return of your 2010 irrigation questionnaires and the "Completion of Works" forms.

The systems are 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 permits.

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,

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

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

6945-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2019

6943-3

6944-3

6945-3

Ray Epp
30849 448th Ave
Mission Hill SD 57046

Dear Mr. Epp:

I am writing in follow-up to our phone conversation concerning Water Permit Nos. 6943-3, 6944-3 and 6945-3 listed in the names of Jerome and Dorothy Sylliaasen.

When ownership is determined, the permits should be transferred to reflect current ownership. Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water permits for you to keep or to give to whoever may need them. Additional copies can be obtained from our website at the following link:
<https://denr.sd.gov/des/wr/wr.aspx> Once you get to the website, go to the link for databases (along the left side of the page) and then click on "water rights". You would be able to put in the permit number and obtain a copy of the entire administrative record for each water permit.

If you have any questions concerning the water permits or completion of the ownership changes, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

NOV 04 2019

Ck# 5407

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

NOV 04 2019

WATER RIGHTS
PROGRAM

No. 6945-3

Date: Oct 31 2019

I/We request that Water Permit No. 6945-3

formerly owned by: Jerome and Dorothy Sylliaasen

be transferred to: (name & address) RAYMON & PAMELA EPP

30849 448TH AVE

MISSION HILL, S. DAK
57046-6106

Telephone No. 605-661-7099
760-0747

Title to the following described land(s)/property has been transferred as described above:

68 acres -S 1/2 SE 1/4 Section 29, T94N, R54W

I/We understand that the validity of Water Permit No. 6945-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We RAY & Pam EPP, the new owner, certify that the above information is true and correct.

Raymon D. Epp
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 4, 20 19

RECEIVED OF R G Epp P A Epp30849 448th Ave Mission Hill SD 57046-6106

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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 <u>6945-3</u>		
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	50 00

No. **09235**

By Jeanne Goodman
Chief Engineer *jem*

6945-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 2019

6943-3
6944-3
6945-3

Raymon & Pamela Epp
30849 448th Ave
Mission Hill SD 57046-6106

Dear Mr. & Mrs. Epp:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Permit Nos. 6943-3, 6944-3 and 6945-3.

The ownership changes have been completed. The above listed permits formerly held by Jerome and Dorothy Sylliaasen are now listed in your names.

Enclosed for your records are Receipt Nos. 09235, 09236 and 09237 in the amounts of \$50 each. If you have any questions, please let me know.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 2020

6945-3

Patricia J Larsen
805 E 18th St
Yankton SD 57078

Dear Ms. Larsen:

Recently upon mailing annual irrigation questionnaires to Ray and Pamela Epp, one of the forms was returned by them indicating they no longer had the property. A search of Yankton County records indicates you may now own the land.

Water Permit No. 6945-3 authorizes irrigation of the S ½ NE ¼ Section 29, T94N, R54W (copy enclosed). If you intend to irrigate the property, the water permit should be transferred to your name. I have enclosed a partially completed transfer form for your use. Please complete and return the form to us with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions about the process or the permit in general, please give me a call.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

PAID

NOV 25 2020

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 3507

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

NOV 25 2020

WATER RIGHTS
PROGRAM

No. 6945-3

Date: 11-21-20

I/We request that Water Permit No. 6945-3

formerly owned by: Raymon and Pamela Epp

be transferred to: (name & address)

Patricia J. Larsen
805 E 18th Yankton S.D 57078

Telephone No. 605-661-2238

Title to the following described land(s)/property has been transferred as described above:

68 acres - S 1/2 SE 1/4 Section 29, T94N, R54W

I/We understand that the validity of Water Permit No. 6945-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Patricia Larsen, the new owner, certify that the above information is true and correct.

Patricia J. Larsen
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

6945-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date November 25, 2020RECEIVED OF Patricia J Larsen 805 E 18th St Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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 <u>6945-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By Eric Gronlund

Chief Engineer



6945-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 2020

6945-3

Patricia J Larsen
805 E 18th St
Yankton SD 57078

Dear Ms. Larsen:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 6945-3.

The ownership change has been completed. Water Permit No. 6945-3, formerly held by Raymon and Pamela Epp is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid. If you have any questions, let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly visible.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 30, 2021

6945-3

Patricia Larsen
805 East 18th Street
Yankton SD 57078

Dear Ms Larsen:

During a recent water permit inspection Water Rights staff performed for Water Permit No. 6944-3 held by Raymon and Pamela Epp, the staff member was told that you were the new owner of the irrigation system authorized by Water Permit No. 6945-3 and your center pivot was no longer connected to the well located on the Epps' property which is the water source listed for your irrigation system.

South Dakota water law requires a water permit holder to irrigate once every three years or the permit may be cancelled due to abandonment or forfeiture unless there are extenuating circumstances. I checked our records and is in good standing, so you if you wish to keep continue to irrigate, you will need to find a source of water within the next two years.

If you intend to continue to irrigate under Permit No 6945-3, you either need reach an agreement allowing you to reconnect to the well on Epps' property in the NE $\frac{1}{4}$ Section 32 T94N-R542 or obtained a new source of water by probably drilling a new well. If decide to construct a new well, it would need to be drilled into the Missouri: Elk Point Aquifer which is the aquifer your permit was issued for. Our groundwater staff recommend a new well into the Missouri: Elk Point Aquifer to be spaced at least 100 feet from the existing well on the Epps' property. If you choose to drill a new well, please send us a request for a change in diversion point which would include the location of the new well and we would make that change administratively. If choose to abandon irrigation authorized by Permit No. 6945-3, please contact us and we will schedule your permit for cancellation.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program



6945-3
RECEIVED
OCT - 4 2021
WATER RIGHTS
PROGRAM

TIMOTHY N. KUCHTA, PRESIDENT

SALES • MANAGEMENT • APPRAISALS
FARMLAND • RESIDENTIAL • COMMERCIAL

September 30, 2021

Water Rights Program
Attention: Mark D. Rath
523 E. Capitol Ave
Pierre SD 57501-3182

RE: Water Permit No. 6945-3 (Patricia Larsen.)

Dear Mark,

I am requesting a change in diversion point for the above referenced water permit. I plan to dig a new well in the Southeast corner of the SW1/4 of the SE1/4 of Section 29, Township 94 North, Range 54 West of the 5th P.M., Yankton Co., SD. I will be staying a minimum of 100 feet from the existing well situated in the N1/2 of the NE1/4 of Section 32, Township 94 North, Range 54 West of the 5th P.M.

Please let know if you need additional information. I represent Patricia Larsen as her farm manager.

Thank you.

Sincerely,

Tim Kuchta

TK: tnk

110 North Broadway • PO Box 697 • Hartington, NE 68739
Phone: 800-866-LAND (5263) • Cell: 402-841-4478 • Fax: 402-254-3294
Email: tim@farmandranchcompany.com

6945-3

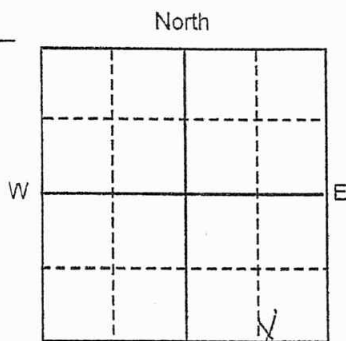
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 29 Twp 94=N Rg 54WCounty Yankton

Please mark well location with an "X"



Well Completion Date

12-2-21

1 Mile

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

3000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>40</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>Cement</u>	<u>50</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>25</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

pumped down w/ pressure grouter

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter 16 Inches Length 40 Feet
 Material PVC
 Slot Size .085 Set From 40 Feet to 80 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? chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis
Well Owner: Patricia J. LarsenBusiness Name: 805 East 18th St.

Address:

City, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Brown top soil</u>	<u>0</u>	<u>6</u>
<u>gray clay</u>	<u>6</u>	<u>23</u>
<u>course sand</u>	<u>23</u>	<u>50</u>
<u>course gravel</u>	<u>50</u>	<u>85</u>
<u>ROCKS</u>	<u>85</u>	

STATIC WATER LEVEL 13 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: pumped w/ turbine
☐ Bailed
☐ Other Pump + engine
 Pumping Level Below Land Surface
23 Ft. After 2 Hrs. pumped 850 GPM
 _____ Ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate: 500 GPM

REMARKS

This well was drilled under license # 444 and this report is true and accurate.Drilling firm: Chastensen Well & Signatures

Signature of License Representative:

Cedric W. Chastensen

REC

Signature of Well Owner or Equitable Property Holder

FEB 12

Patricia J. Larsen Chastensen Ranch Co. by TimDate: 12-9-21

Water Permit No. 6945-3

Water Rights Program - DANR
File Documentation

NAME OF PERSON OR FILE: Patricia Larsen

ADDRESS: 805 East 18th Street, Yankton SD

COUNTY: Yankton

DATE: August 3, 2022 TELEPHONE:

RE: Request for change of diversion point under Water Right No. 6945-3

Water Permit Nos. 6944-3 and 6945-3 which both appropriated water from the same well were filed at the same by the same person and share a common priority date. Mr. Sylliaasen filed separate applications since a road divided the property and required two quarter section pivot each operating in a windshield wipe manner. Upon passing, the two quarter section parcels went to separate heirs of the estate. The well is located on the southern parcel held by Raymon and Pamela Epps. The parties could not work out an agreement in which the well would continue to supply the northern pivot. The farm manager for Water Permit No. 6945-3 filed for a request for a change of diversion point.

Water Permit No. 6945-3 – Patricia Larsen

Contact Time Kuchta, Farm & Ranch Co., ph 402 841-4478

Mr. Kuchta stated well was completed on December 2, 2021 by Christianson Well Service out of Nebraska. The well is located about 120 feet from original well authorized by No. 6944-3. He indicated both well have operated and the same time and to his knowledge there have been no problems.

Water Right No. 6944-3, Raymon and Pamela Epp, ph. 605 661-7099.

Spoke with Mr. Epp to determine if they have had any interference issues due to the new well. He indicated as of right now – no they have not. He went on to state he was rather discouraged when they drilled the well so close to theirs. He would have preferred a 300 foot set back from his well. That being said he has not experienced a lack of pressure when both pivots were operating at the same time.

NAME: Eve Hurlund

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Patricia Larsen.

ADDRESS: 805 East 18th Street, Yankton SD 57078

DATE: October 4, 2021

COUNTY: Yankton

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to irrigate 68 acres in the S1/2 SE1/4 of Sec 29 T94N-R54W at a diversion rate of 1.56 cfs from a single well completed into the Missouri:Elk Point Aquifer in the N1/2 NE1/4 of Sec 32 T94N-R54W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

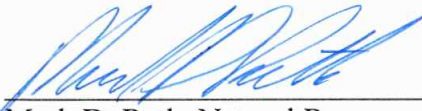
The new well will be completed into the Missouri:Elk Point Aquifer located in the SW1/4 SE1/4 of Sec 29 T94N-R54W.

- **Review of Existing Diversions**

The nearest well is over 100 feet from the original well located in N1/2 NE1/4 of Sec 32 T94N-R54W which supplies Water Permit No 6944-3 and previous supplied this permit.

RECOMMENDED ACTION

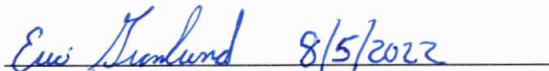
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

6944-3 & 6945-3

August 8, 2022

Patricia Larsen
805 East 18th Street
Yankton SD 57078

Raymon & Pamela Epp
30849 448 Avenue
Mission Hill SD 57046

Re: Water Permit Nos. 6944-3 and 6945-3

Dear Ms. Larsen & Mr. and Mrs. Epp:

I am writing regarding the water rights authorizing irrigation of property northeast of Mission Hill. This letter is to inform you that the change of diversion point for Water Permit No. 6945-3 has been granted.

Jerome and Dorothy Sylliaasen filed two water permit applications for irrigation on January 22, 2008. One well was to be used to supply the two pivots that each make a windshield-wipe rotation. One pivot making full rotation could not be utilized because of a road separating the two parcels of land. Presumably the well was used on an alternating basis to supply the pivots.

It is the Water Rights Program's understanding that upon the passing of Dorothy Sylliaasen, you, as heirs of the estate, acquired the properties authorized for irrigation as follows:

- Raymon & Pamela Epp – N 1/2 NE 1/4 Section 32-T94N-R54W including the well authorized by Water Permit No. 6944-3.
- Patricia Larsen – S 1/2 SE 1/4 Section 29-T94N-R54W authorized by Water Permit No. 6945-3.

Last fall, Tim Kuchta, who is the farm manager for the Larsen property filed a request to change the diversion point (well) in order to drill a well to supply the Larsen center pivot independent of the well on Epp's property. I have recently become aware that the new well was drilled in December of 2021, and it is the Water Rights Program's understanding that two wells are within 120 feet of each other.

South Dakota Codified Law 46-5-13.1 allows for a change of diversion point or additional diversion points if the change is from the same source of water, no additional water is appropriated, and no new land is irrigated. This may occur without formal application or publication of a notice if the chief engineer makes a finding that the change does not increase the potential for interference.

I discussed this matter by phone with Mr. Epp and Mr. Kuchta. Each stated the systems operated at the same time this season without interference issues. The fact that it has been dry in your area and interference has not occurred provides sufficient evidence that the change does not impose a reasonable potential for interference.

These two water rights share a common priority date. If future interference between the two wells occurs, neither will have priority over the other's right to the use of water. Should such a situation arise, you initially would need to cooperate to manage water use in a mutually acceptable manner. If that is not successful, the matter could be brought before the Water Management Board for resolution which likely could result in an alternating schedule for operation of the irrigation systems or some other form of management and mitigation to reduce interference between the two wells.

Please let me know if you have questions.

Sincerely,



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

C: Tim Kuchta, Farm & Ranch Co., PO Box 697, Hartington, NE 68739

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6945-3**

I have this day, August 11, 2022 made a thorough examination of the water use system owned by Patricia J Larsen, 805 E 18th Street, Yankton, SD 57078, holder of Permit No. 6945-3, bearing the priority date of January 22, 2008, authorizing the diversion of 1.56 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 66 acres, located in Yankton County.

Inspection contact: DANR

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells: 1
- 3) Depth(s): 85 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 13 feet

Pump:

- 1) Make: Gould
- 2) Model: 9CNHC
- 3) Capacity: 750 gpm

Motor:

- 1) Make: Franklin
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- 1) Type: PVC
- 2) Size: 8 inches
- 3) Length: 75 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,298 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 750 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: The pump is rated for more than what was permitted.

E. The system is in good condition with the point(s) of diversion located as follows:

- 1) The well is 1,290 feet west and 40 feet north of the southeast corner of Section 29-T94N-R54W (Latitude 42.92382, Longitude -97.24465 – SE1/4 of the SE1/4).

The works are capable of diverting and conveying to the place of use 1.67 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:

Section 29-T94N-R54W

SW1/4SE1/4 34 acres

SE1/4SE1/4 32 acre

comprising a total of 66 acres of land and the license should be issued for 1.56 cfs.

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

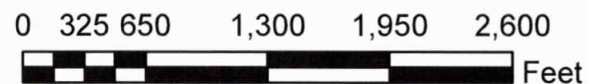
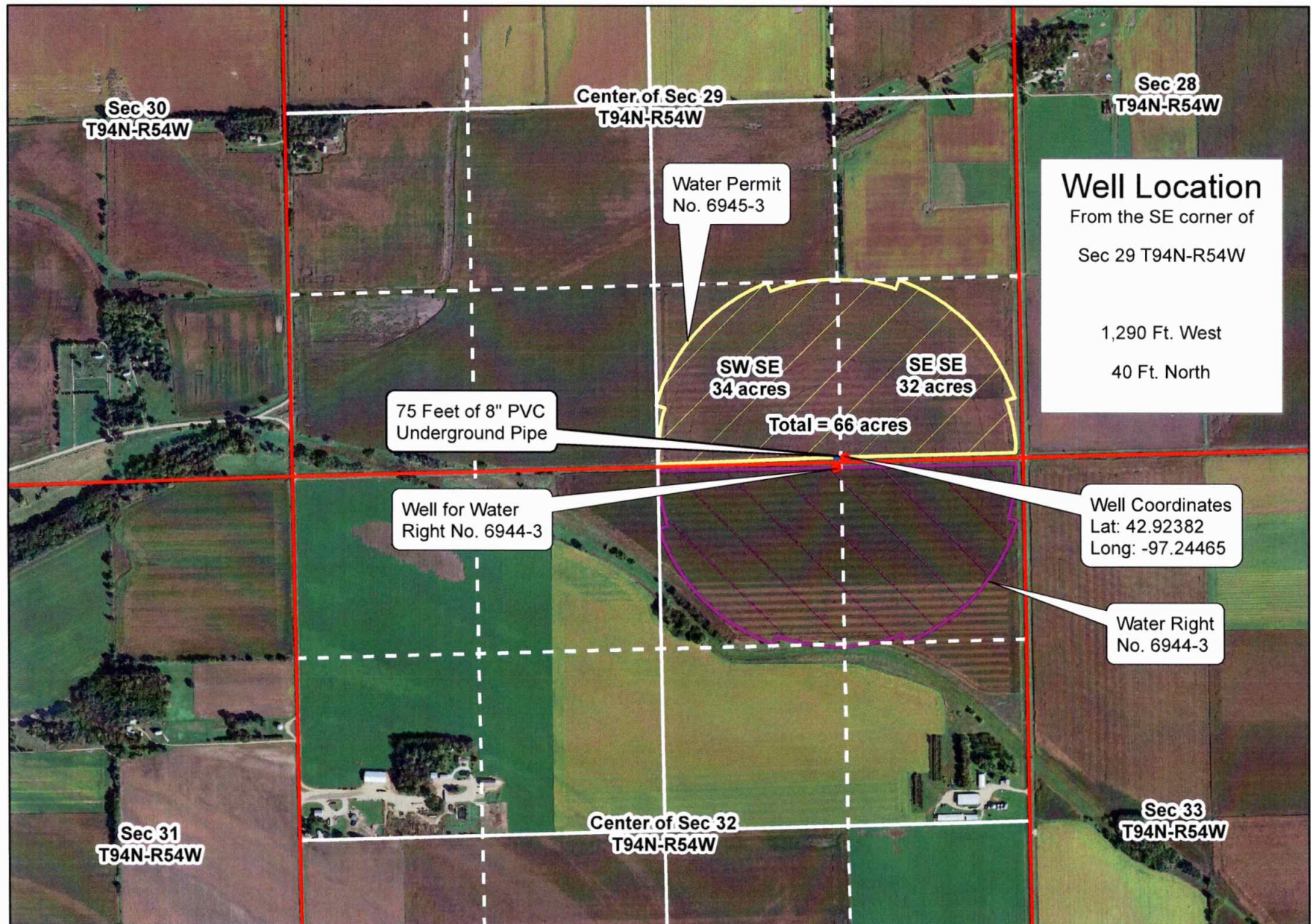
F. Comments or other permit(s) associated with the project: This system previously received water from the well associated with licensed Water Right No. 6944-3. Later, the system was disconnected from that well since the well had a different owner. On December 2, 2021, a new well was installed for Water Permit No. 6945-3. The new well is approximately 120 feet from the well associated with Water Right No. 6944-3.



Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 11, 2022

Water Permit No. 6945-3



SCALE



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
August 11, 2022



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

AUG 18 2022

6945-3

Patricia J Larsen
805 E 18th St
Yankton SD 57078

Dear Ms. Larsen:

Enclosed is Water License No. 6945-3. 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: The investigation found your irrigation system is capable of diverting 1.67 cubic feet of water per second (cfs) which is equivalent to approximately 750 gallons per minute. The original permit was issued for a maximum of 1.56 cfs which is equivalent to 700 gpm. Diversion of water under this water license is limited to 1.56 cfs.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6945-3

(1) Jerome & Dorothy Sylliaasen made Application No. 6945-3, January 22, 2008, for a water permit to divert 1.56 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6945-3, with a priority date of January 22, 2008, was approved March 17, 2008, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 17, 2013, and for the application to beneficial use of water on or before March 17, 2017.

Ownership changes filed for Water Permit No. 6945-3 include:

- November 4, 2019, from Jerome & Dorothy Sylliaasen to Raymon & Pamela Epp
- November 25, 2020, from Raymon & Pamela Epp to Patricia J Larsen

Water Permit No. 6945-3 authorized a well located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32, T94N, R54W (same well as authorized under Water Permit No. 6944-3) to irrigate the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, T94N, R54W. A new well was drilled December 2, 2021, to allow the acreage to be irrigated independent of Water Permit No. 6944-3.

Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,290'W and 40'N of the SE corner of Section 29, T94N, R54W (SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29)
Latitude 42.92382, Longitude -97.24465

(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 29, T94N, R54W	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres
Total		66 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Patricia J Larsen, 805 E 18th St., Yankton SD 57078 the holder and/or owner of Water Right No. 6945-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of January 22, 2008, from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 6945-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6945-3 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. 6945-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. *The well was drilled December 2, 2021 by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.*

Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 6945-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 66 acres with an annual volume not to exceed 2 acre feet of water per acre per year. *The acreage was reduced from 68 to 66 based on the system as developed.*

This water right is subject to the irrigation water use questionnaire being submitted each year.


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

AUG 18 2022
date



6945-3

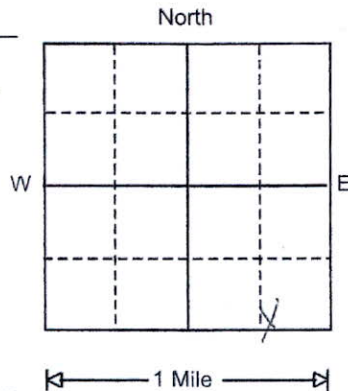
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 29 Twp 94N Rg 54WCounty Yankton

Please mark well location with an "X"

Well Completion Date
12-2-21Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>160</u> IN	<u>0</u> FT	<u>40</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>Cement</u>	<u>50</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>25</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

pumped down w/ pressure grouter

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter 16 Inches Length 40 Feet
 Material PVC
 Slot Size .085 Set From 40 Feet to 80 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? Chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

 Well Owner: Patricia J. Larsen
 Business Name: 805 East 18th St.
 Address:
 City, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Brown top soil</u>	<u>0</u>	<u>6</u>
<u>gray clay</u>	<u>6</u>	<u>23</u>
<u>course sand</u>	<u>23</u>	<u>50</u>
<u>course gravel</u>	<u>50</u>	<u>85</u>
<u>ROCKS</u>	<u>85</u>	

STATIC WATER LEVEL

13 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: pumped w/ turbine
☐ Bailed
☐ Other Pump + engine
 Pumping Level Below Land Surface
23 Ft. After 2 Hrs. pumped 850 GPM
 _____ Ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate: 500 GPM

REMARKS

RECEIVED

JAN 18 2022

WATER RIGHTS PROGRAM

This well was drilled under license # 444 and this report is true and accurate.Drilling firm: Chastensen Well & Foundation

Signature of License Representative:

Cody W. Chastensen

Signature of Well Owner or Equitable Property Holder:

Patricia J. Larsen c/o Farmo Ranch Co. by Tim KuchtaDate: 12-9-21