

WATER PERMIT NO. 6967-3

Name of Applicant: Erickson Bye Farms c/o Todd Bye

Address: 44950 310th St, Gayville SD 57031 Phone: 605 624-4151

Amount of Water Claimed: 2.0 cfs Total Acres: 277 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 8 miles east of Yankton

PRIORITY Date Received: 2-7-08

Application/License Fee: \$350

Corrected Application Received: 2-13-08

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: on quarter line between SW ¼
NE ¼ and NW ¼ SE ¼ Sec 10-T93N-R54W

Land to be Irrigated: E ½ NW ¼, S ½ NE ¼, NE ¼
SW ¼, SE ¼ Sec 10-T93N-R54W

Depth of Well: 110 feet deep

Well Driller:

Remarks:

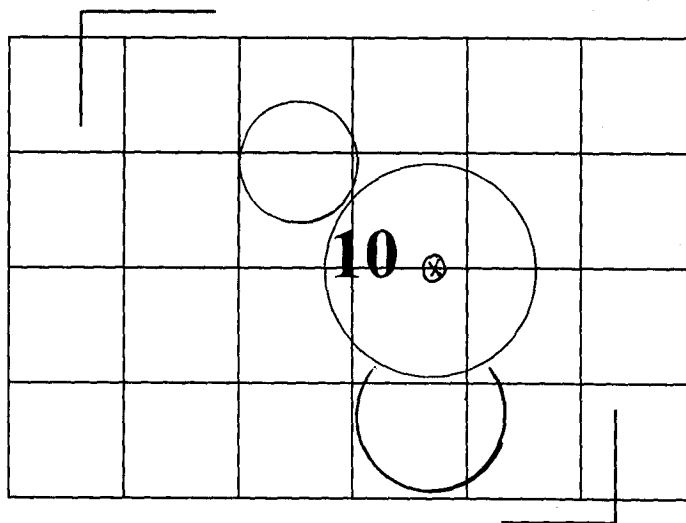
Type of Map: aerial

Prepared by: Valorie Scherschlight, FSA

Reviewed and the Number Assigned on: 2-13-08

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>6967-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Press & Dakotan P.O. Box 56</u> <u>605-665-7811</u> <u>Yankton SD 57018</u>

RECEIVED
FEB - 7 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 Erickson Bye Farms Phone 605-624-4151
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 44950 310th St Guyville State SD 57031
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM 277 ***AF Total Acreage 277
(*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 Lower James Missouri Aquifer)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
on quarter line between SW1/4 NE1/4 and NW1/4 SE1/4 Sec 10 T93N R54W
- County or counties where water will be used Yankton
- Annual period during which water is to be used May 1 - Oct 31
- 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 1/2 SE 1/4 sec 10-93-54</u>	<u>55</u>	<u>SW 1/4 NE 1/4 sec 10-93-54</u>	<u>40</u>
		<u>W 1/2 SE 1/4 NE 1/4 sec 10-93-54</u>	<u>20</u>
<u>SW 1/2 NE 1/4 NW 1/4 sec 10-93-54</u>	<u>22</u>	<u>NW 1/4 SE 1/4 sec 10-93-54</u>	<u>40</u>
<u>N 1/2 SE 1/4 NW 1/4 sec 10-93-54</u>	<u>22</u>	<u>W 1/2 NE 1/4 SE 1/4 sec 10-93-54</u>	<u>20</u>

- Give a description of the project. (Attach sheet if more space is needed)
plan to install a system that would irrigate ~277 acres. Using one well.
The main pivot would cover ~178 acres, then a 55 acre pivot, and a 44 acre pivot. All pivots
would be in Sec 10.

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, Erickson Bye Farms
By Todd Bye, 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 Todd Bye

Subscribed and sworn to before me this 5 day of Feb 2008

Lisa Supp 01-09-11
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6967-3

Date of first receipt of application February 7, 2008.

Date of return to applicant for corrections, amendments or changes February 7, 2008.

Date of receipt of corrected application February 13, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6967-3 to Erickson Bye Farms, 44950 310th St, Gayville SD 57031 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. 6967-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located on the quarter line between the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 10 to irrigate 277 acres located in the E 1/2 NW 1/4, S 1/2 NE 1/4, SE 1/4, NE 1/4 SW 1/4 Section 10; all in T93N-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: May 1 – October 31.
3. The date from which applicant may claim right is February 7, 2008.
4. The date of approval of Permit No. 6967-3 is April 14, 2008.
5. One-fifth of the construction is to be completed on or before October 14, 2010.
6. All construction is to be completed on or before April 14, 2013.
7. Water is to be put to beneficial use on or before April 14, 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. 6967-3 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.

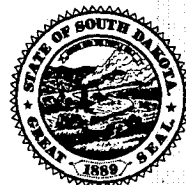
WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAY 07 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 110^{ft}
- b) Casing Type PVC Diameter 16" Thickness 3/4
- c) Screen Type PVC Diameter 16" Thickness 3/4
- d) Gravel Pack 1/8 - 3/8 pea rock Length of Gravel Pack 65'
- e) Depth to Top of Water Bearing Material 50 ft
- f) Depth to Water (ground surface to water level) 22 ft
- g) Distance to nearest existing domestic well:
On applicants property 1300 ft On property owned by others 3800 ft

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

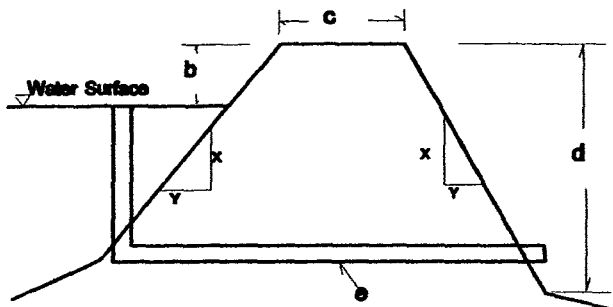
3. Dugout Information

- 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

Water Permit Application No. 6967-3, Erickson Bye Farms
Breakdown of Acreage according to submitted map compiled by Water Rights Program

All in Section 10, T93N, R54W

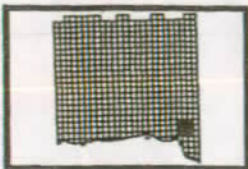
	Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	20
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$	29
SW $\frac{1}{4}$ SE $\frac{1}{4}$	27.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$	27.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$	22
SE $\frac{1}{4}$ NW $\frac{1}{4}$	42 **
NE $\frac{1}{4}$ SW $\frac{1}{4}$	20
TOTAL	277

** - the map shows 42 acres irrigated in this quarter-quarter which appears to be an over estimation of the actual acres to be irrigated. This is something that can be handled at the time of licensing.

~~without skoves~~ option 2



USDA - Farm Service Agency



Yankton County, SD

10-93-54

1:7,669

May 17, 2007

2007

Legend

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

Wetland Determination Identifiers



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.

Valerie Schuselt, Yankton Co. FSA, Pt 2/4/08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/7, 20 08

RECEIVED OF Erickson-Bye Farms 44950 310th St Gayville SD 57031

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

Fee for Application for Permit No. <u>10967-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	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>10967-3</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. <u>1</u> for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	350	00

No.

03507

By

Garland Erickson

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

February 7, 2008

Erickson Bye Farms
c/o Todd Bye
44950 310st
Gayville SD 57031

Dear Mr. Bye:

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

- Enclosed is the aerial photo map submitted with the application. Please mark the proposed well location with an "X". I wasn't sure if the proposed location of the well was the center point of the large pivot.
- 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
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

RECEIVED

FEB 13 2008

WATER RIGHTS
PROGRAM

I dont have a well log but there is a
state well about a $\frac{1}{2}$ to $\frac{3}{4}$ mile away. Its
located in sec 9 T-92-93-N
R-54-W

Todd Bge



DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6967-3, Erickson – Bye Farms**

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. 6967-3, Erickson – Bye Farms, c/o Todd Bye, 44950 310th Street, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 6967-3 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. 6967-3 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
March 18, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6967-3
For Erickson Bye Farms
February 26, 2008

Application No. 6967-3 proposes to appropriate 2.0 cfs from one well approximately 110 feet deep located about 500 feet west of the approximate center of E ½ of section 10 to irrigate 277 acres located in the E ½ NW ¼, S ½ NE ¼, SE ¼, NE ¼ SW ¼ of section 10; all in T93N R54W in Yankton County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is a surficial outwash (sand and gravel) that 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 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 110 feet is not documented but certainly that should be sufficient to penetrate the entire aquifer. Test wells need to be drilled to determine if the site chosen 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).

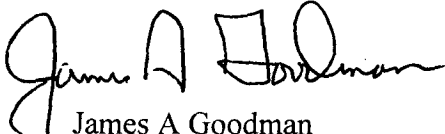
The Water Rights Program monitors observation well YA-78J located one and one-half miles northwest of this proposed well site. Water levels for this well show good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing irrigation well is located near the center of the NE ¼ of section 15, T94N R54W. This is the well for Water Right No. 4700-3 (located about three-fourths miles south of the well for this application. At this distance drawdown created by pumping is not expected to be significant. This is shown by the observation well hydrograph for YA-78J. 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.



James A Goodman
Natural Resources Engineer

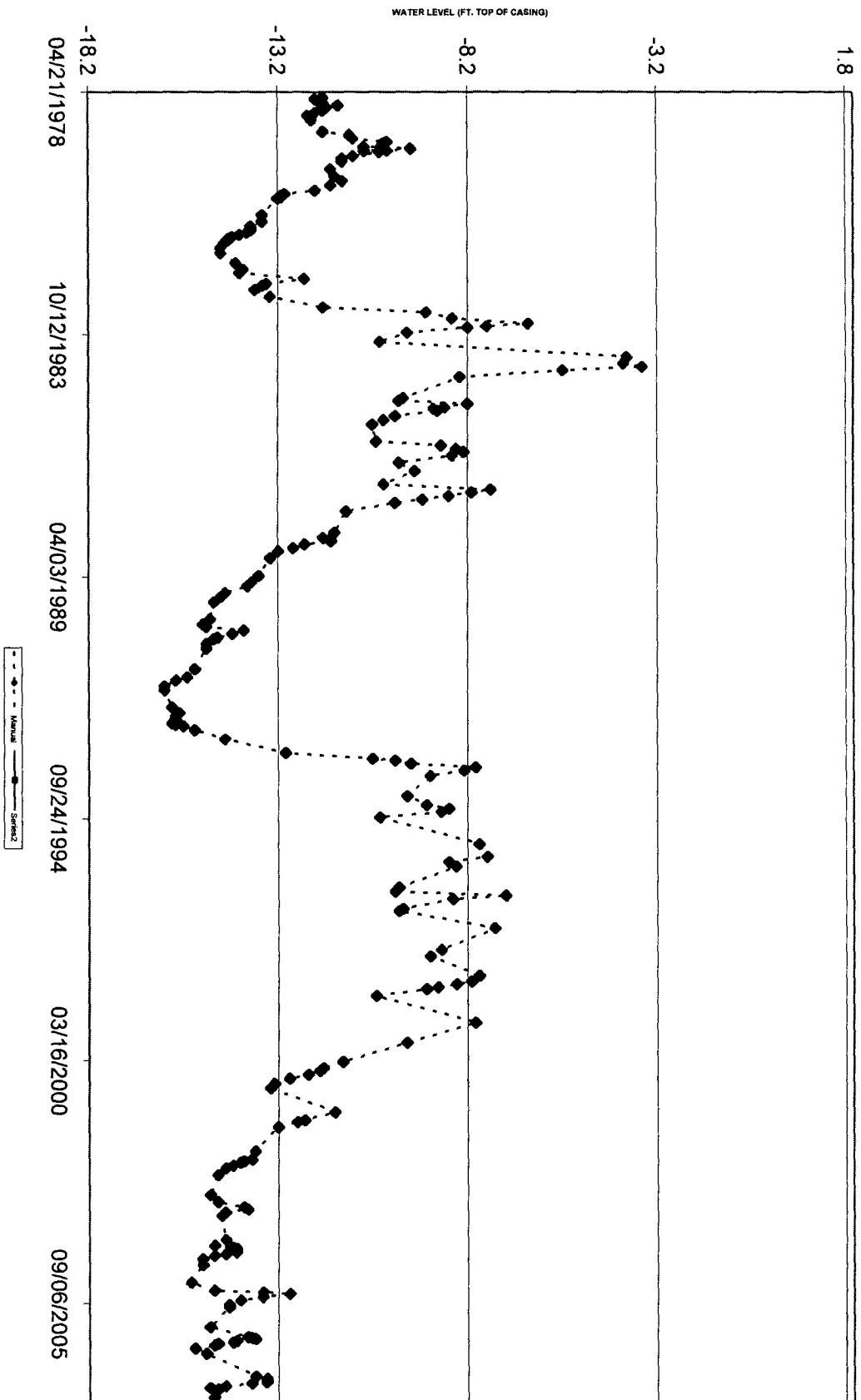
BIBLIOGRAPHY

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, 2008, Unpublished Observation Well Records for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-78J



RECEIVED

APR - 7 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 No.6967-3 to Appropriate Water**

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE **3rd** DAY OF **April** 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$41.08** ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: **3/27, 4/3**

FILED ON: **4/3/2008**

SUBSCRIBED AND SWORN TO BEFORE ME THIS **3rd** DAY OF **April**, 2008

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

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.

3+27+4+3

NOTICE OF APPLICATION NO.
6967-3 to Appropriate Water

Notice is given that Erickson Bye Farms, c/o Todd Bye, 44950 310th St, Gayville SD 57031 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located on the quarter line between the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 10 to irrigate 277 acres located in the E 1/2 NW 1/4, S 1/2 NE 1/4, SE 1/4, NE 1/4 SW 1/4 Section 10; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6967-3 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 April 14, 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

March 20, 2008

Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6967-3 to Appropriate Water to be published twice. Please publish the first notice on March 27, 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 Erickson Bye Farms, Todd Bye, 44950 310th St, Gayville SD 57031 (Ph # 605-624-4151).

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. 6967-3

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

Date _____

We are in receipt of your letter of March 20, 2008 enclosing Notice to Appropriate Water by Application No. 6967-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 20, 2008

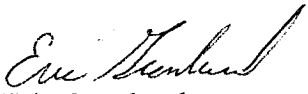
Erickson Bye Farms
Todd Bye
44950 310th St
Gayville SD 57031

Dear Mr. Bye:

Water Permit Application No. 6967-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Press & 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 March 27, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6967-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6967-3 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.

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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 2008

Erickson Bye Farms
44950 310th St
Gayville SD 57031

Dear Sirs:

Enclosed is Water Permit No. 6967-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

RECEIVED

NOV 17 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-10-08

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

FROM: Todd Bye Erickson's Bye Farms

(name)

44916 310th St

(address)

Gayville SDak 57031

(city, state, zip)

605-

(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. 6967-3 states that the water use system is to be constructed by April 14 2013, and water is to be put to beneficial use by April 14 2017.

(date)

(date)

The water use system was completed on 5-08.

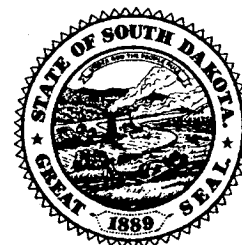
(date)

Applying the water to beneficial use was completed on 6-08.

(date)

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

Todd Bye
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 2008

6967-3

Todd Bye
Erickson-Bye Farms
44916 310th St
Gayville SD 57031

Dear Mr. Bye:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

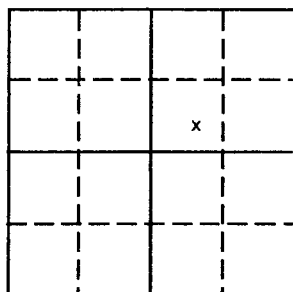
11-02

Location SW $\frac{1}{4}$ ne $\frac{1}{4}$ Sec 10 Twp 93n Rg 54w

County

Yankton

North



Please mark well location with an "X"

Well Completion Date

4/22/2008

1 Mile

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

>1,200.0 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 LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	53.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
bent grt	18	9.5	0.0	50.0

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 inches Length 40.0 FeetMaterial pvcSlot Size 0.080 Set From 53.0 Feet to 93.0 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: Todd ByeBusiness Name: Erickson Bye FarmsAddress: 44916 310 StreetCity, State, Zip: Gaville SD 57031

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, brown silty,	0	17
clay, gray, silty,	17	47
gravel, coarse, sub angular sandy	47	98

STATIC WATER LEVEL 19.0 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

28.0 Ft. After 1.0 Hrs. pumped 600.0 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: 12/08/08

Permit No. 6967-3
Vermillion River - Water District

Contact Person & Address: **Mark Erickson, 44950 310th St Gayville, SD 57031**

Report Of Examination Of Works

On, **September 22, 2009**, I made a thorough examination of the water use system constructed by **Erickson Bye Farms c/o Todd Bye of 44950 310th St Gayville, SD 57031** holder of Permit No. **6967-3**, bearing the priority of **February 7, 2008** authorizing the diversion of **2.0** cu. ft. per second of the waters of **ground water (Missouri: Elk Point)** for **irrigation** purposes, in **Yankton** County.

The system is in the following condition **good**. The point of diversion is located **NW ¼ SE ¼ Sec 10 T93N-R54W** with a longitude of **-97.20743** and a latitude of **42.88825** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.0** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 10 T93N-R54W**

<u>NE ¼ NW ¼ - 18 ac</u>	<u>SE ¼ NW ¼ - 30 ac</u>	<u>NW ¼ SW ¼ - 16 ac</u>	<u>SW ¼ NE ¼ - 40 ac</u>
<u>SE ¼ NE ¼ - 23 ac</u>	<u>NW ¼ SE ¼ - 40 ac</u>	<u>NE ¼ SE ¼ - 30 ac</u>	<u>SW ¼ SE ¼ - 28 ac</u>
<u>SE ¼ SE ¼ - 28 ac</u>			

comprising a total of **253** acres of land and the license should be issued for **2.0** cfs.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Hammond Wetmore**
- 2) No. of Wells **1**
- 3) Depth(s) **93** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **53** feet
- 3) Type **PVC**

Screen:

- 1) Type Maufactured
- 2) Length 40 feet
- 3) Static water level 19 feet

Pump:

- 1) Make Grundfos
- 2) Model 800S500
- 3) Size 8
- 4) Capacity 900 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. MMS6000
- 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 2000 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure lo
- 6) Capacity 800 GPM

Center pivot:

- 1) Make Valley
- 2) Overall length 1150 feet
- 3) Number of towers 6
- 4) End gun yes
- 5) High or low pressure lo
- 6) Capacity 600 GPM

Center pivot:

- 1) Make Valley
- 2) Overall length 600 feet
- 3) Number of towers 3
- 4) End gun yes
- 5) High or low pressure lo
- 6) Capacity 300 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no
- 11) **Comments :** none



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

4-8-10

Date



Mark D. Rath

Mark D. Rath
Natural Resources Engineering Specialist
3/15/2010

0 0.25 0.5 1 Miles



6967-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

APR 29 2010

6967-3

Todd Bye
Erickson Bye Farms
44950 310th St
Gayville SD 57031

Dear Mr. Bye:

Enclosed is your Water License No. 6967-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6967-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6967-3

(1) Erickson Bye Farms, 44950 310th St, Gayville SD 57031 made Application No. 6967-3, February 7, 2008 for a water permit to divert 2.00 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6967-3, with a priority date of February 7, 2008 was approved April 14, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 14, 2013 and for the application to beneficial use of said water on or before April 14, 2017.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 17, 2008. The "*Notice*" stated the water use system was completed in May, 2008 and the water placed to beneficial use in June 2008.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 2,580 feet north and 1,850 feet west of the SE corner of Section 10, T93N, R54W (NW ¼ SE ¼).

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

Section 10, T93N, R54W					
NE ¼ NW ¼	18 acres	SW ¼ NE ¼	40 acres	NW ¼ SE ¼	40 acres
SE ¼ NW ¼	30 acres	SE ¼ NE ¼	23 acres	NE ¼ SE ¼	30 acres
				SW ¼ SE ¼	28 acres
NW ¼ SW ¼	16 acres			SE ¼ SE ¼	28 acres
Total 253 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Erickson Bye Farms, 44950 310th St, Gayville SD 57031 the holder and/or owner of Water Right No. 6967-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer) with a priority date of February 7, 2008 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6967-3 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. 6967-3 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) from the producing formation to the surface pursuant to Section 74:02:04:28 (*Well drilled by Hammond Wetmore Drilling – log on file with the Water Rights Program.*)
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

APR 29 2010

date

