

WATER PERMIT NO. 7017-3

Name of Applicant: **J & J Farming Company LLC**

Address: **118 W 3rd St, Yankton SD 57078** Phone: **863 517-0324**

Amount of Water Claimed: **1.56 cfs** Total Acres: **160**

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

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

Type of Waste Disposal System:

Location: **6 miles east of Yankton**

PRIORITY Date Received: **4-10-08**

Application/License Fee: **\$300**

Corrected Application Received: **4-18-08**

Period of Annual Use: **April 1 – Oct 31**

Remarks:

Diversion Point: **W ½ SE ¼ Sec 9-T93N-R54W**

Land to be Irrigated: **W ½ SE ¼, W ½ NE ¼ Sec 9-T93N-R54W**

Depth of Well: **110 – 120 feet deep**

Well Driller:

Remarks:

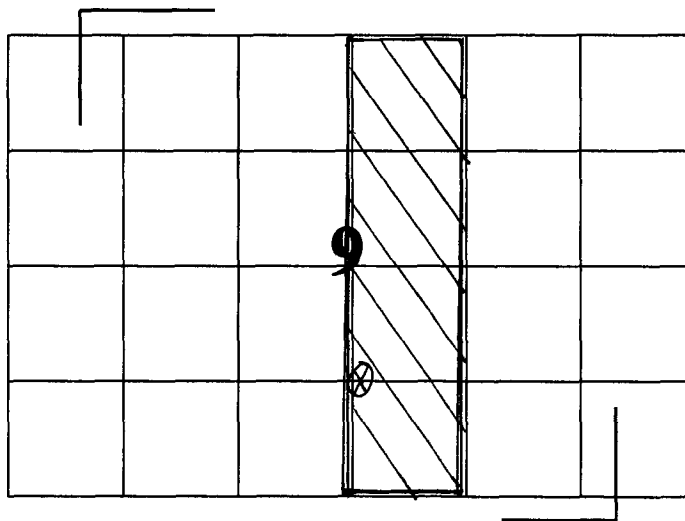
Type of Map: **aerial**

Prepared by: **Mike Riefevous, Yankton Co FSA**

Reviewed and the Number Assigned on: **4-21-08**

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. 7017-3 (office use only) Hydrologic Unit 10170101
Basin Missouri River
Newspaper Daily Press & Dakotan PO Box 56
605-665-7811 Yankton 57078

RECEIVED
APR 10 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.)

1. Name of Applicant J & J Farming Company LLC Phone (863) 517-0324
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 118 West 3rd Street Yankton State SD 57078
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 160
(*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)

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton

1 Well at a point in the West fence line 1300' North of Highway 50 North right of way line with an underground pipe line constructed on the fence line to run the 2nd pivot 1/2 mile North. W 1/2 SE 1/4

5. County or counties where water will be used Yankton Sec 9 T93N R54W

6. Annual period during which water is to be used April 1 - Oct. 31

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
NW1/4 of the SE1/4 Sec. 9 T93 R54	40		
SW1/4 of the SE1/4 Sec. 9 T93 R54	40		
NW1/4 of the NE1/4 Sec. 9 T93 R54	40		
SW1/4 of the NE1/4 Sec. 9 T93 R54	40		

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

We plan to install 2 wiper pivot systems to irrigate the West 1/2 of Section 9 T93 R54. They will not run at the same time.

**We request more than the statutory limit due to wiper systems. Each irrigator will require 700 gpm.

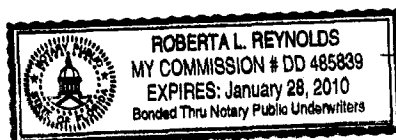
STATE OF ~~SOUTH DAKOTA~~ FLORIDA SS
County of Yankton HENDRY

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, Carl J. Neitzke, 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 Carl J. Neitzke

Subscribed and sworn to before me this 25th day of March 2008



Roberta L. Reynolds
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7017-3**

Date of first receipt of application April 10, 2008.

Date of return to applicant for corrections, amendments or changes April 11, 2008.

Date of receipt of corrected application April 18, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7017-3 to J & J Farming Company LLC, 118 West 3rd St, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7017-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in W 1/2 SE 1/4 Section 9 to irrigate 160 acres located in the W 1/2 SE 1/4, W 1/2 NE 1/4 Section 9; 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: April 1 – October 31.
3. The date from which applicant may claim right is April 10, 2008.
4. The date of approval of Permit No. 7017-3 is June 30, 2008.
5. One-fifth of the construction is to be completed on or before December 30, 2010.
6. All construction is to be completed on or before June 30, 2013.
7. Water is to be put to beneficial use on or before June 30, 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. 7017-3 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

JUL 28 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22 inches Depth 110-120'
- b) Casing Type PVC Diameter 16 inches Thickness 3/4 inch
- c) Screen Type PVC Diameter 16 inches Thickness 3/4 inch
- d) Gravel Pack 1/8 - 3/8 pea Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 24'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 2200'

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

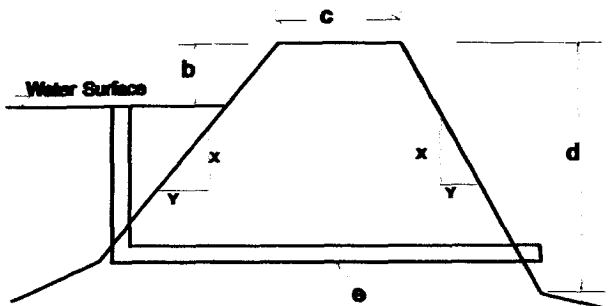
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

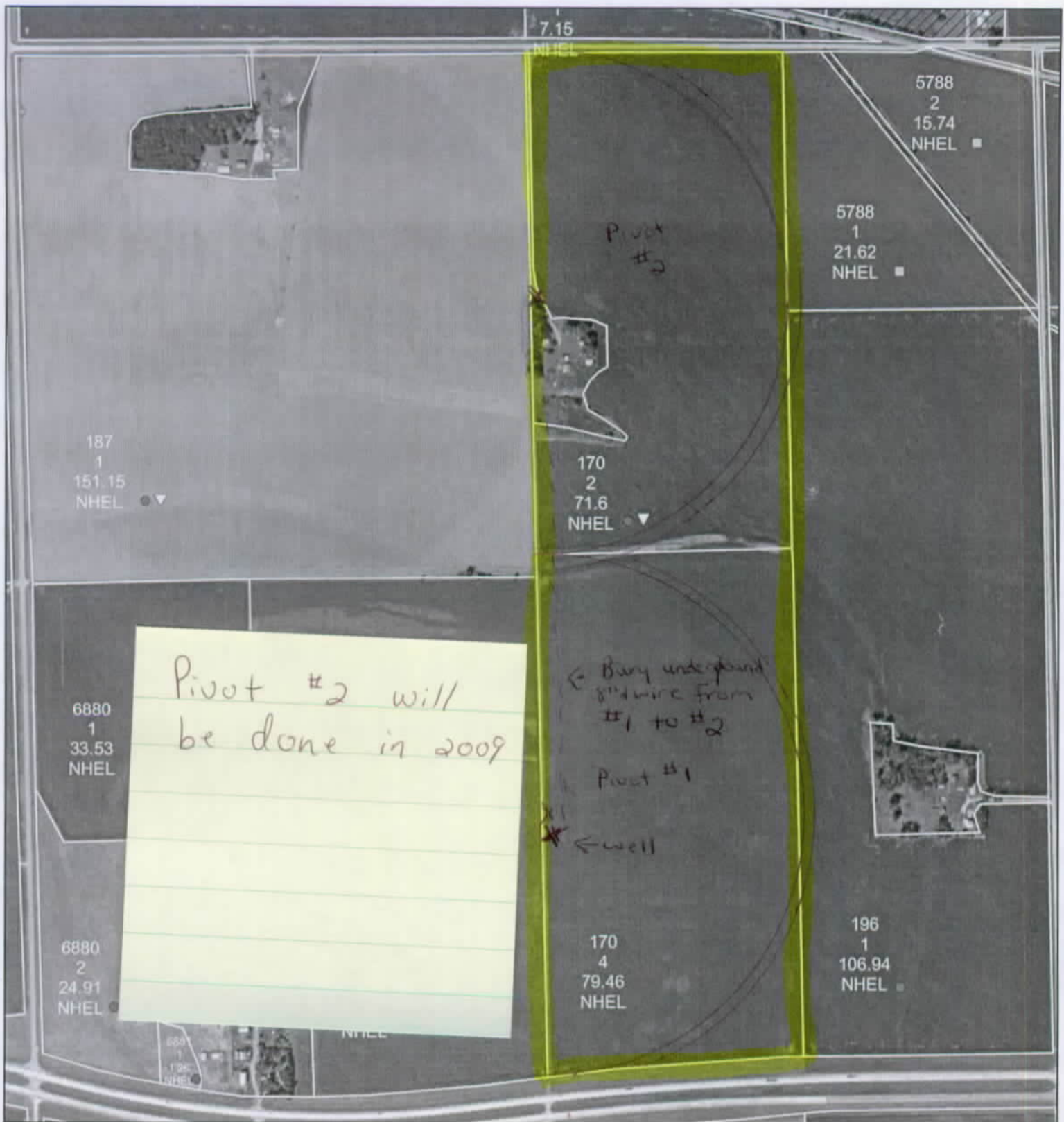
4. Water Storage Dams

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

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APR 10 2008

WATER RIGHTS
PROGRAM



Lockwood

9-93-54

1:7,797

March 06, 2008

Mike
Reardon
FSA-PT

4/4/08

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-626 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 4/10, 20 08

RECEIVED OF Carl Neitzke PO Box 99 Labelle FL 33975

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

Fee for Application for Permit No. <u>7017-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>7017-3</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	300 00

No.

03016

By

Carl Neitzke
Chief Engineer

March 24, 2008

Mr. Eric Gonlund
Water Rights Program
Joe Foss Building
523 E. Capital
Pierre, South Dakota 57501-3181

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APR 10 2008

WATER RIGHTS
PROGRAM

RECEIVED

APR 10 2008

WATER RIGHTS
PROGRAM

Dear Mr. Gonlund,

Re: Application for Irrigation in South Dakota in Yankton County Sec.9 T93R54

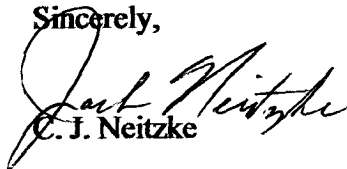
You will note that we have requested more water because we are planning on installing a wiper system. Also, please note that we will be installing 2 wipers to irrigate this mile long strip. I don't know whether that changes any information or requirements but you can be assured that the irrigators will not be run at the same time.

We respectfully request permission to drill a test well as soon as possible. Well drillers are mighty busy and we sure don't want to miss our turn in they are in the area.

Please copy me on any correspondence as I'm the person designated to get the irrigation ready to go. My address is P.O. Box 99 LaBelle, Florida 33975. My telephone number is 863-517-0324 and fax number is 863-675-1545.

Thank you,

Sincerely,


C. J. Neitzke

File No.

Water Rights Program - File Documentation

NAME: J & L Farming Company LLC

ADDRESS: Yankton SD

DATE: 4-11-08 **COUNTY:** YA **TELEPHONE:** 863-517-0324

RE: Pending applications

COMMENTS:

I called Jack Neitzke (aka Carl or C.J.) regarding the pending applications. I told Jack what was required on his maps and he asked that I send them to Scott Heine because he was working with him on these projects. Mr. Neitzke indicated that the well in Section 9-T93N-R54W would be located in the W ½ SE ¼ along the west fence line.



Karen Schlaak
Environmental Scientist



April 11, 2008

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APR 13 2008

WATER RIGHTS
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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

Scott Heine
311 S Robinson Ave
Hartington NE 68739

Dear Mr. Heine:

I am writing regarding the two *Applications for a Permit to Appropriate Water for Irrigation* in Yankton County submitted by J & J Farming Company LLC. Jack Neitzke has indicated that you have been helping him with these applications. He requested that I return these two aerial photo maps to you.

- On each map, please outline the acres to be irrigated and mark the proposed well locations with an "X".

Upon return of the maps, further processing of the applications will continue. If you have any questions, please contact me.

Sincerely,

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

c: C. J. Neitzke, PO Box 99, LaBelle FL 33975

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 11, 2008

Carl J. Neitzke
118 West 3rd Street
Yankton, SD 57078

Dear Mr. Neitzke:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct one test well in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9, T93N-R54W prior to approval of a water permit. The test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

c: C.J. Neitzke, PO Box 99, La Belle, Florida 33975



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7017-3, J & J Farming Company LLC**

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. 7017-3, J & J Farming Company LLC, c/o Carl J. Neitzke, 118 West 3rd Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7017-3 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. 7017-3 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
May 30, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7017-3
For J & J Farming Company
May 21, 2008

Application No. 7017-3 proposes to appropriate 1.56 cfs from one well approximately 110 feet deep located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 9 to irrigate 160 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 9; 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 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 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). An existing irrigation well located about one-half mile to the northwest of this proposed well site was capable of producing 800 gpm with 14 feet of drawdown. This equates to a specific capacity of about 57 gpm/ft of drawdown.

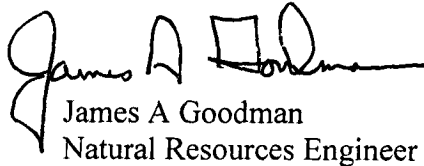
The Water Rights Program monitors observation well YA-78J located one mile northwest of this proposed well site. Water levels for this well show good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record 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/permitted irrigation well is located near the center of the SW $\frac{1}{4}$ of section 9, T93N R54W. This is the well for Water Permit No. 6839-3 and physically will be located about one-quarter mile west of the well proposed 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. Nearby pumping does not appear to affect water levels significantly. 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

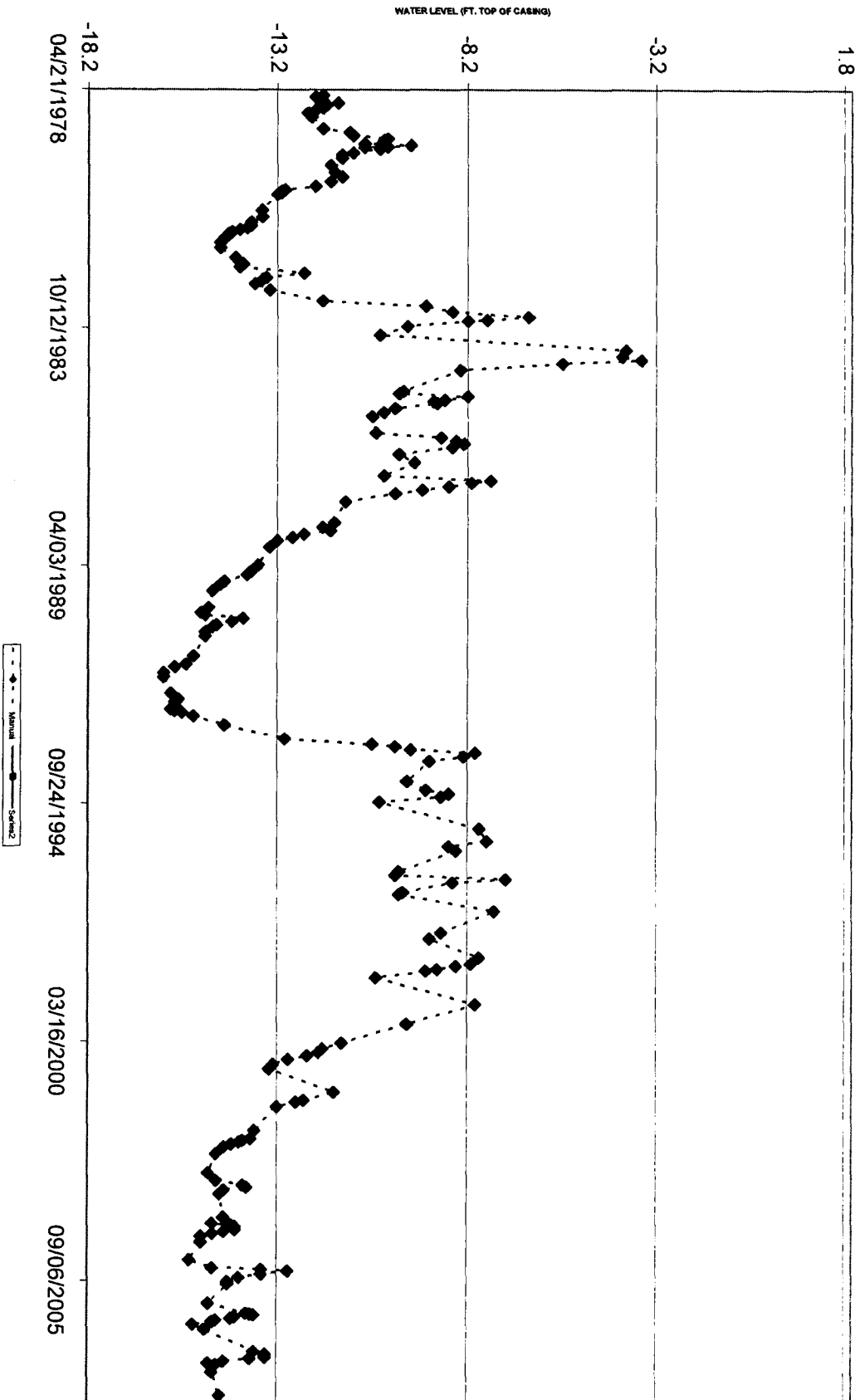
BIBLIOGRAPHY

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**



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JUN 23 2008

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF 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. 7017-3 and 7018-3 to Appropriate
Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 19th DAY OF June, 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$52.42 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: 6/12/08, 6/19/08

FILED ON: 6/19/2008

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th DAY OF June, 2008

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

6+12+19

NOTICE OF APPLICATION
NOS. 7017-3 and 7018-3 to
Appropriate Water

Notice is given that J & J Farming
Company LLC, Carl J Neitzke,
118 W 3rd St, Yankton SD 57078
has filed the following applica-
tions for a water permit.

Application No. 7017-3 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 110 feet deep)
located in W 1/2 SE 1/4 Section 9
to irrigate 160 acres located in the
W 1/2 SE 1/4, W 1/2 NE 1/4
Section 9; all in T93N-R54W.

Application No. 7018-3 proposes
to appropriate 2.57 cfs from one
well to be completed into the
Missouri:Elk Point Aquifer
(approximately 110 feet deep)
located in NE 1/4 SW 1/4 Section
1 to irrigate 180 acres located in
the NW 1/4, NW 1/4 SW 1/4, W
1/2 NE 1/4 (Lot 7), NW 1/4 SE 1/4
Section 1; all in T93N-R55W. A
total of 48 acres of these 180 acres
located in Lot 7 (W 1/2 NE 1/4)
and the NW 1/4 SE 1/4 Section 1
are currently authorized by Water
Permit No. 6297-3 (Schempp
Family Limited Partnership).
Permit No. 6297-3 appropriates
water from a well completed into
the same aquifer which is located
in the N 1/2 SE 1/4 of Section 1.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Application Nos.
7017-3 and 7018-3 because 1)
unappropriated water is available;
2) existing rights will not be
unlawfully impaired, 3) it is a ben-
eficial 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 applica-
tions, as recommended, unless a
petition is filed opposing the applica-
tions or the applicant files a peti-
tion contesting the Chief
Engineer's recommendations. If a
petition opposing the applications
or contesting the recommenda-
tions 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 June 30, 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

June 3, 2008

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7017-3 and 7018-3 to Appropriate Water to be published twice. Please publish the first notice on June 11, 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 J & J Farming Co. LLC., Carl J Neitzke, 118 W 3rd St, Yankton SD 57078 (Ph # 863-517-0324).

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-----

Nos. 7017-3 & 7018-3

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

Date _____

We are in receipt of your letter of June 3, 2008 enclosing Notice to Appropriate Water by Application Nos. 7017-3 & 7018-3 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.**

June 3, 2008

J & J Farming Co LLC
Carl J Neitzke
118 W 3rd St
Yankton SD 57078

Dear Mr. Neitzke:

Water Permit Application Nos. 7017-3 & 7018-3 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 Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the 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

cc: John Harmelink Partnership, Schempp Family Limited Partnership, 205 Green St, Yankton SD 57078

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 application.

Instruction to Newspaper - Publish first Notice on June 11, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 7017-3 and 7018-3 to Appropriate Water

Notice is given that J & J Farming Company LLC, Carl J Neitzke, 118 W 3rd St, Yankton SD 57078 has filed the following applications for a water permit.

Application No. 7017-3 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 110 feet deep) located in W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9 to irrigate 160 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9; all in T93N-R54W.

Application No. 7018-3 proposes to appropriate 2.57 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1 to irrigate 180 acres located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ (Lot 7), NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1; all in T93N-R55W. A total of 48 acres of these 180 acres located in Lot 7 (W $\frac{1}{2}$ NE $\frac{1}{4}$) and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 are currently authorized by Water Permit No. 6297-3 (Schempp Family Limited Partnership). Permit No. 6297-3 appropriates water from a well completed into the same aquifer which is located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7017-3 and 7018-3 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 June 30, 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

JUL 26 2008

J & J Farming Company LLC
Carl J Neitzke
118 W 3rd St
Yankton SD 57078

Dear Mr. Neitzke:

Enclosed are Water Permit Nos. 7017-3 & 7018-3 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

RECEIVED

7017-3

DEC - 1 2008

WATER RIGHTS
PROGRAM

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

Date November 20, 2008

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

FROM: J & J Farming Co LLC
(name)

118 W 3rd St.
(address)

Yankton, SD 57078
(city, state, zip)

863-517-0324
(phone)

Partial
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. 7017-3 states that the water use system is to be constructed by

June 30, 2013 , and water is to be put to beneficial use by June 30, 2017 .
(date) (date)

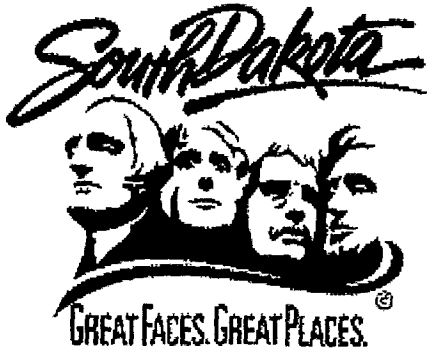
on W 1/2 SE 1/4
The water use system was completed on August 2, 2008 .
(date)

Applying the water to beneficial use was completed on August 7, 2008 .
(date)

No Investigation is requested at this time. This is notice of
~~You may schedule an investigation so that the water license may be issued.~~
portion completed. Anticipate total completion prior March 1, 2009
We will make final report upon completion and application of water.

M. [Signature]
(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

December 2, 2008

7017-3
7018-3

Carl J Neitzke
PO Box 99
LaBelle FL 33975

Dear Mr. Neitzke:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms letting us know the status of your irrigation systems. Also, enclosed is your check for \$50.00. A review of our files indicates the \$50 license fee for each permit was paid last April when you submitted the applications.

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 projects 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 cursive script that reads "Karen Schlaak".

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352
email: karen.schlaak@state.sd.us

enclosure

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location sw 1/4 se 1/4 Sec 9 Twp 93n Rg 54w

County

Yankton

North

Please mark well
location with an "X"

W

E

Well Completion Date

6/26/2008

1 Mile

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

? 2,300.0 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	52.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
bent grout	17	9.5	0.0	50.0

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 60.0 FeetMaterial pvcSlot Size 0.60 Set From 52.0 Feet to 112.0 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 analysisWell Owner: Jay HarmelinkBusiness Name: J and J FarmingAddress: 118 West 3rd StreetCity, State, Zip: Yankton SD 57078

WELL LOG:

DEPTH

FORMATION	FROM	TO
clay, dk brown, silty	0	15
Sand, fine, silty	15	49
Gravel, fine, sandy	49	77
gravel, coarse	77	114

STATIC WATER LEVEL 22.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS
PROGRAMThis 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:

12/10/09

7017-3

RECEIVED

MAY 13 2009

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9 May 2009TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: J + J Farming Co. LLC
(name)118 W 3rd St.
(address)Yankton, SD 57078
(city, state, zip)863-517-0324
(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. 7017-3 states that the water use system is to be constructed by
June 30, 2013, and water is to be put to beneficial use by June 30, 2017.
(date) (date)

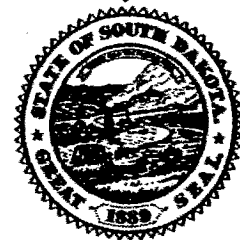
The water use system ^{on W $\frac{1}{2}$ NE $\frac{1}{4}$} was completed on March, 2009 - Underground Pipe + Power
(date) from Well in SE $\frac{1}{4}$

Applying the water to beneficial use was completed on when needed - circle installed May 2009
(date)

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

• See partial completion report dated November 20, 2008 for 1st $\frac{1}{2}$ Project.

[Signature] co-owner
(signature)



Carl J. Neitzke
P.O. Box 99
LaBelle, FL 33975

RECEIVED

MAY 13 2009

WATER RIGHTS
PROGRAM

May 9, 2009

Mr. Eric Gonlund
Water Rights Program
Joe Foss Building
523 E. Capital
Pierre, South Dakota 57591-3181

Dear Mr. Gonlund,

Re: Water Permit No. 7017-3

Enclosed is the report of final completion of this project. As noted on the form a partial completion report was sent to you November 20, 2008.

If you have any questions or instructions please advise me at P.O. Box 99, LaBelle, Florida 33975. My day time telephone number is 863-517-0234.

Thank You,



C. Jack Neitzke



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2011

7017-3

7018-3

Carl J Neitzke
PO Box 99
LaBelle FL 33975 0099

Dear Mr. Neitzke:

Recently, we mailed out the 2011 irrigation questionnaires to irrigators in South Dakota for reporting annual water use. The forms mailed to J & J Farming Company LLC came back in the mail with a notation that the company was no longer there.

I looked through your permit files and found your address in Florida so am sending the correspondence to you in hopes you can either complete the forms or perhaps forward them on to where they need to go to.

Thank you in advance for your help. Please contact me if I can help in anyway.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures



7017-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 9, 2015

7017-3

Karl Schenk
Stop, Drop and Lock Inc.
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Thank you for your note concerning ownership of the property described in Water Permit No. 7017-3. I have included a copy of the permit for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2015 irrigation questionnaire pertaining to this permit. Please note the questionnaire is due back by December 1st.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

RECEIVED

JAN 15 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7017-3

Date: 12-27-15

I/We request that Water Permit No. 7017-3

formerly owned by: J & J Farming Company LLC

be transferred to: (name & address) Karl M Schenk
44352 308th St.
Mission Hill SD 57046 Telephone No. _____

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

160 acres - W 1/2 SE 1/4 and W 1/2 NE 1/4 Section 9, T93N, R54W

I/We understand that the validity of Water Permit No. 7017-3 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 Karl Schenk, the new owner, certify that the above information is true and correct.

Karl Schenk
(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 1/15, 20 16

RECEIVED OF Karl Schenk 946 Wynstone Drive Jefferson SD 57038

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>7017-3</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. 07661

By *James L. Larson*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 19, 2016

7017-3

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee submitted for changing ownership on Water Permit No. 7017-3.

The ownership change has been completed. Water Permit No. 7017-3, formerly held by J & J Farming Company LLC is now listed in your name.

Enclosed for your records is Receipt No. 07661 in the amount of \$50 which you paid for filing the ownership change.

Thank you for including all of the irrigation questionnaires for 2015. You are up to date for another year. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7017-3**

I have this day, **August 12, 2021** made a thorough examination of the water use system owned by **Karl M. Schenk, 44352 308th St., Mission Hill, SD 57046**, holder of Permit No. **7017-3**, bearing the priority of **April 10, 2008** authorizing the diversion of **1.56** cu. ft. per second of the waters of **groundwater (Missouri: Elk Point Aquifer)** for the **irrigation of 160 acres** located in **Yankton** County.

Inspection contact: **Karl Schenk**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond Wetmore Drilling**
- 2) No. of Wells: **1**
- 3) Depth(s): **114** feet
- 4) Well log is available: **Yes**

Casing:

- 1) Diameter: **16** inches
- 2) Length: **52** feet
- 3) Type: **Plastic**

Screen:

- 1) Diameter: **16** inches
- 2) Length: **60** feet
- 3) Type: **PVC**
- 4) Static water level: **22** feet

Pump:

- 1) Make: **American Marsh**
- 2) Model: **12LSA-3**
- 3) Capacity: **700** gpm

Motor:

- 1) Make: **Unknown**
- 2) Model No.: **Unknown**
- 3) Horsepower rating: **80** hp

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

- | | | |
|------------------------------|---------------------------------|--|
| 1) Type: <u>PVC</u> | 2) Size: <u>8</u> inches | 3) Length: <u>2,550</u> feet (to the north pivot) |
| 2) Type: <u>Steel</u> | 2) Size: <u>8</u> inches | 3) Length: <u>15</u> feet (to the south pivot) |

C. Works used to apply water to beneficial use:**South Center Pivot:**

- 1) Make: Valley
- 2) Overall length: 1,322 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 700 gpm

North Center Pivot

- 1) Make: Valley
- 2) Overall length: 1,300 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 700 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 2,660 feet east and 3,880 feet south of the northwest corner of Section 9-T93N-R54W (Latitude 42.885367, Longitude -97.230150 – NW1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All in the Section 9-T93N-R54W**NW1/4NE1/4 34 acres****SW1/4NE1/4 34 acres****NW1/4SE1/4 37 acres****SW1/4SE1/4 31 acres**

comprising a total of 136 acres of land and the license should be issued for 1.56 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: Pump and motor information obtained from Dick Hammond.

Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 10, 2021

Water Right No. 7017-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
September 10, 2021



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7017-3

SEP 14 2021

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

Enclosed is Water License No. 7017-3. 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7017-3

(1) J & J Farming Company LLC, Yankton SD made Application No. 7017-3, April 10, 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. 7017-3, with a priority date of April 10, 2008 was approved June 30, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 30, 2013 and for the application to beneficial use of said water on or before June 30, 2017.

Water Permit No. 7017-3 was transferred on January 15, 2016 to Karl M Schenk.

(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:

- 2,660' E and 3,880' S of the NW corner of Section 9, T93N, R54W (NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 9)
Latitude 42.885367, Longitude -97.230150

(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 9, T93N, R54W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
Total		136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Karl Schenk, 44352 308th St., Mission Hill SD 57046 the holder and/or owner of Water Right No. 7017-3 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 April 10, 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. 7017-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The well authorized by Permit No. 7017-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in June 2008 by Hammond Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

SEP 14 2021

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: KARL M SCHENK, 44352 308TH ST, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4506-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4506-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ESGTCO**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

4506-3, 4855-3, 6838-3, 6839-3
6917-3, 6918-3, 7017-3, 7667-3
7668-3, 7670-3, 7819-3, 7842-3
7939-3, 7955-3, 8192-3 & 8816-3

Karl Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4506-3, 4855-3, 6838-3, 6839-3, 6917-3, 6918-3, 7017-3, 7667-3, 7668-3, 7670-3, 7819-3, 7842-3, 7939-3, 7955-3 & 8816-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda. However, the 2024 reporting has not been completed for 8192-3, held by Stop Lock Drop Inc.

Please contact our office to report 2024 irrigation water use for Water Right No. 8192-3, prior to March 5, 2025.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us