

WATER PERMIT NO. 7018-3

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

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

Amount of Water Claimed: **2.57** Total Acres: **180**

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

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

Type of Waste Disposal System:

Location: **3 miles northeast of Yankton**

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

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

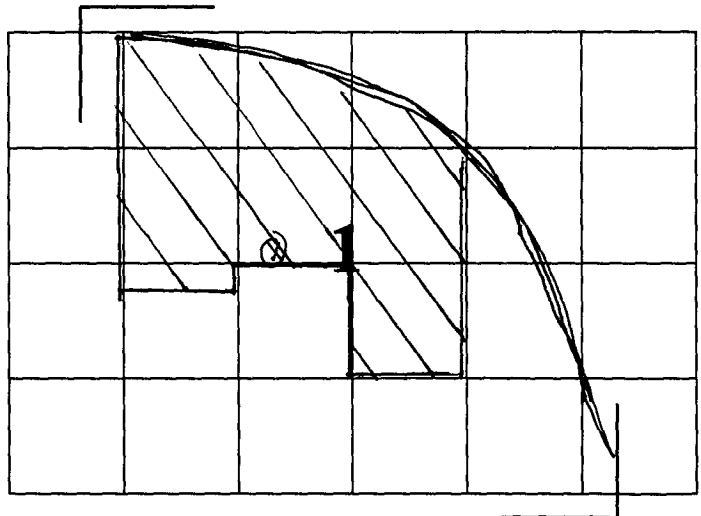
Corrected Application Received: **4-18-08**

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

Remarks:

Diversion Point: **SE ¼ NW ¼ Sec 1-T93N-R55W**

Land to be Irrigated: **NW ¼, NW ¼ SW ¼, W ½**
NE ¼, NW ¼ SE ¼ Sec 1- T93N-R55W



Depth of Well: **110 – 120 feet dee**

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. <u>7018-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Press & Dakotan</u>

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 Yankton State SD 57078
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.57 *CFS or **GPM ***AF Total Acreage 180
 (*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
Approx. 500 East of the NW corner of the NE1/4 of the SW1/4 of Section 1, Township 93 Range 55
NE 1/4 SW 1/4
5. County or counties where water will be used Yankton
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
Govt. Lot 5 less the West 100 ft. Sec. 1 T93 R55	----	being the SW of the NW 1/4	36.97
	----	being the NW of the NW 1/4 south of the Jim River	20.3
Govt Lot 6(all of) Sec. 1 T93 R55	=====	being the SE of the NW1/4	40
N291' of NW of SW except W 100' Sec1T93R55	8.15	being the NE of the NW 1/4 south of the Jim River	17.78

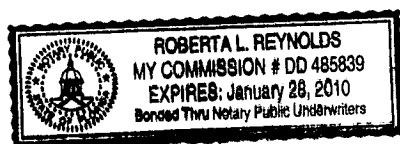
8. Give a description of the project. (Attach sheet if more space is needed)

Plan to install a wiper pivot system to the above legal description and a part of the attached legal description North of the big power line.

FLORIDA
 STATE OF ~~SOUTH DAKOTA~~ 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. NeitzkeSubscribed and sworn to before me this 25th day of March 2008Notary Public signature Roberta L. Reynolds

**SOUTH DAKOTA
WATER PERMIT NO. 7018-3**

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. 7018-3 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. 7018-3 appropriates 2.57 cubic feet of water per second 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.
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. 7018-3 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. 7018-3 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. Combination of diversions for the same lands authorized by Right No. 230-3 (James River) and Permit Nos. 6297-3 and 7018-3 may not exceed an annual volume of 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland 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

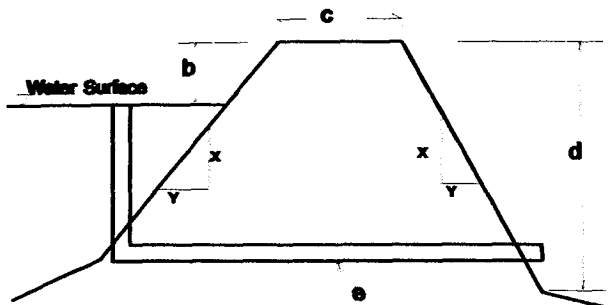
3. Dugout Information

- 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

Form 2: Application for irrigation in South Dakota

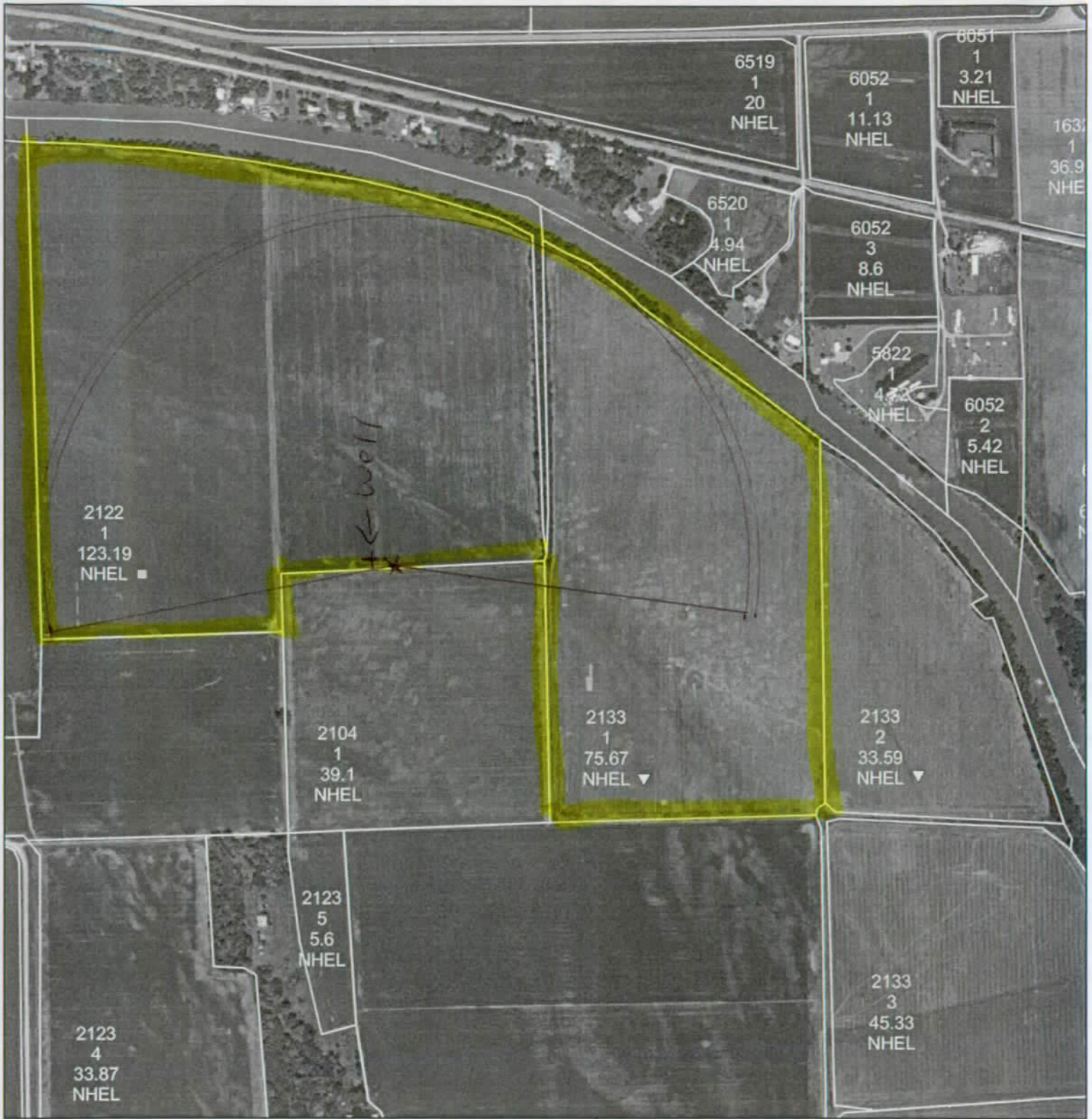
Continuation of item 7 Land description

The intent of the land description on the form is to clarify the Gov't lots which exceed 40 acres each.

In addition we intend to irrigate land in the Northeast $\frac{1}{4}$ and the North $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 1 Township 93 Range 55 lying North of the big power transmission line all lying South and West of the James River. That acreage estimated as follows.

NW$\frac{1}{4}$ of the NE$\frac{1}{4}$ Sec. 1 T93 R55	4 acres
SW$\frac{1}{4}$ of the NE$\frac{1}{4}$ Sec. 1 T93R55	35 acres
N 200' NW$\frac{1}{4}$ of the SE$\frac{1}{4}$ of Sec.1 T93R55	9 acres
SE$\frac{1}{4}$ of the NE$\frac{1}{4}$ of Sec.1 T93R55	5 acres
NE$\frac{1}{4}$ of the SE$\frac{1}{4}$ of Sec. 1 T93R55	3.8 acres

Total acreage 180 acres.



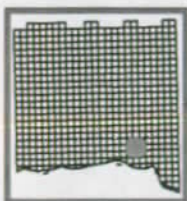
USDA - Farm Service Agency

Yankton County

1-93N-55W

1:7,695

March 06, 2008



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Mike Reifman
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-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

D~~4~~/10 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>7018-3</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>7018-3</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.

03017

By

Donald E. White
Chief Engineer

March 24, 2008

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APR 10 2008

WATER RIGHTS
PROGRAM

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

Dear Mr. Gonland,

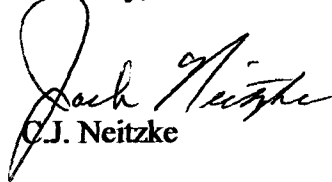
Re: Application for Irrigation in South Dakota in Yankton County Sec.1 T93R55

We respectfully request permission to drill a test well at the proposed site as soon as possible.

Please carbon copy me with any correspondence at P.O. Box 99 LaBelle, Florida 33975.
My telephone number is 863-517-0324 and fax number is 863-675-1545.

Thank you for your instruction and patience.

Sincerely,



C.J. Neitzke



**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 10, 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 Section 1, T93N-R55W 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

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

April 29, 2008

J & J Farming Company
118 West 3rd Street
Yankton SD 57078

Jack Neitzke
PO Box 99
LaBelle Florida 33975

Dear Mr. Neitzke:

I am writing in regards to one of the applications you filed for irrigation in Yankton County, South Dakota. Specifically, the application in question is for irrigation in the N ½ Section 1, T93N, R55W. In reviewing the application I find that some of the acreage proposed to be irrigated is currently authorized for irrigation by Water Permit No. 6297-3.

Enclosed is a map to that shows the overlap in the existing permit and your application. The red is your proposed irrigation system while the green outlines a portion of the acreage held under Permit No. 6297-3 (copy enclosed). This neighboring permit was obtained in 2002 and is currently held in the name of Schempp Family Limited Partnership (permit was originally obtained by Patrick Lyons). My question is whether this land to be cover this application that is already listed under Permit No. 6297-3 is owned by J& J Farming and if it was previously developed for irrigation? Please contact me so that we can discuss this further.

I have left phone messages at your Florida address that you must not have received, therefore I am writing in hopes we can get this resolved.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure



7018-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7018-3, J & J Farming

ADDRESS: 118 West 3rd Street, Yankton SD COUNTY: Yankton County

DATE: April 30, 2008 TELEPHONE:

RE: phone conversation with C. Jack Neitzke

COMMENTS:

Mr. Neitzke returned my call. I explained that in reviewing the irrigated acres proposed for irrigation under Application No. 7018-3, I find that portions of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and Lot 7 of Section 1, T93N, R55W are covered under Water Permit No. 6297-3, Schempp Family Limited Partnership. I asked about the land ownership of these parcels and whether Mr. Neitzke knew about the status of irrigation on this land.

Mr. Neitzke indicated that this land is owned by Schempp Family Limited Partnership and has been being irrigated. J & J Farming has entered into a lease where their windshield wipe pivot will irrigate some of these lands authorized by Permit No. 6297-3. The lay of the land is more conducive to irrigating the ground in this manner. The existing system for Permit No. 6297-3 would not duplicate irrigation on this property. However, since J & J Farming is just leasing the property he doubted that Schempp's would want to loose any portion of their water permit.

NAME: Eric Hunter A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7018-3, 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. 7018-3, 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. 7018-3 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. 7018-3 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. Combination of diversions for the same lands authorized by Right No. 230-3 and Permit Nos. 6297-2 and 7018-3 may not exceed an annual volume of 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 30, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7018-3
For J & J Farming Company
May 22, 2008

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

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 southeast of this proposed well site was capable of producing 700 gpm with 8 feet of drawdown. This equates to a specific capacity of about 87.5 gpm/ft of drawdown.

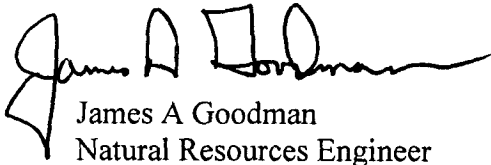
The Water Rights Program monitors observation well YA-57D located one mile southeast of this proposed well site and observation well YA-79H located about one mile northeast of this proposed well site. Water levels for this well show good response to climatic conditions. The water levels rise during wet 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). Hydrographs for these observation wells are included with this report. Also note the decline of water levels in YA-57D. This is probably due to entrenching of both the James and Missouri Rivers in this area. As the river entrenches the ground water levels will decline in response because ground water discharges to the river in effect controlled by the stage of the river. This phenomena is also illustrated by all the observation well near the Missouri River between Yankton and North Sioux City. As the distance from the river increase this effect diminishes until not obvious.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing/permitted irrigation well is located about one half mile southeast of this proposed well site. This is the well for Water Permit No. 6297-3. At this distance drawdown created by pumping is not expected to be significant. This is shown by the observation well hydrograph for YA-57D and YA-79H. Nearby pumping does not appear to affect water levels significantly. Interference is not expected to be a concern. The lands authorized by Water Permit No. 6297-3 are also authorized by Water Right No. 230-3 (surface water from James River).

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. Existing irrigation wells in this area are very prolific producers. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. A portion of the lands requested by this application are covered by Water Permit No. 6297-3 and Water Right No. 230-3. Approval of this application does not allow water use combined from any of the three sources to this acreage to exceed two acre-feet per acre.



James A Goodman
Natural Resources Engineer

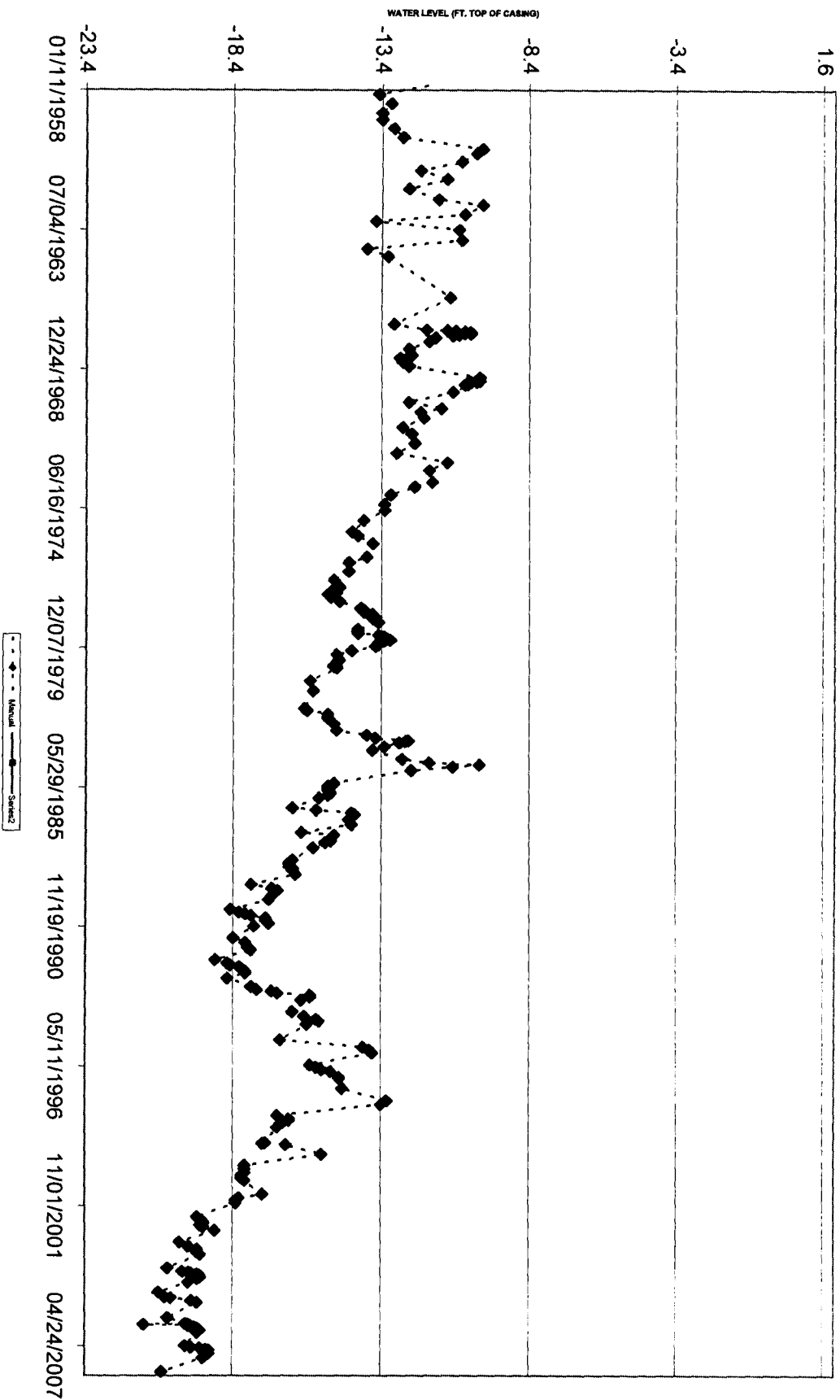
BIBLIOGRAPHY

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

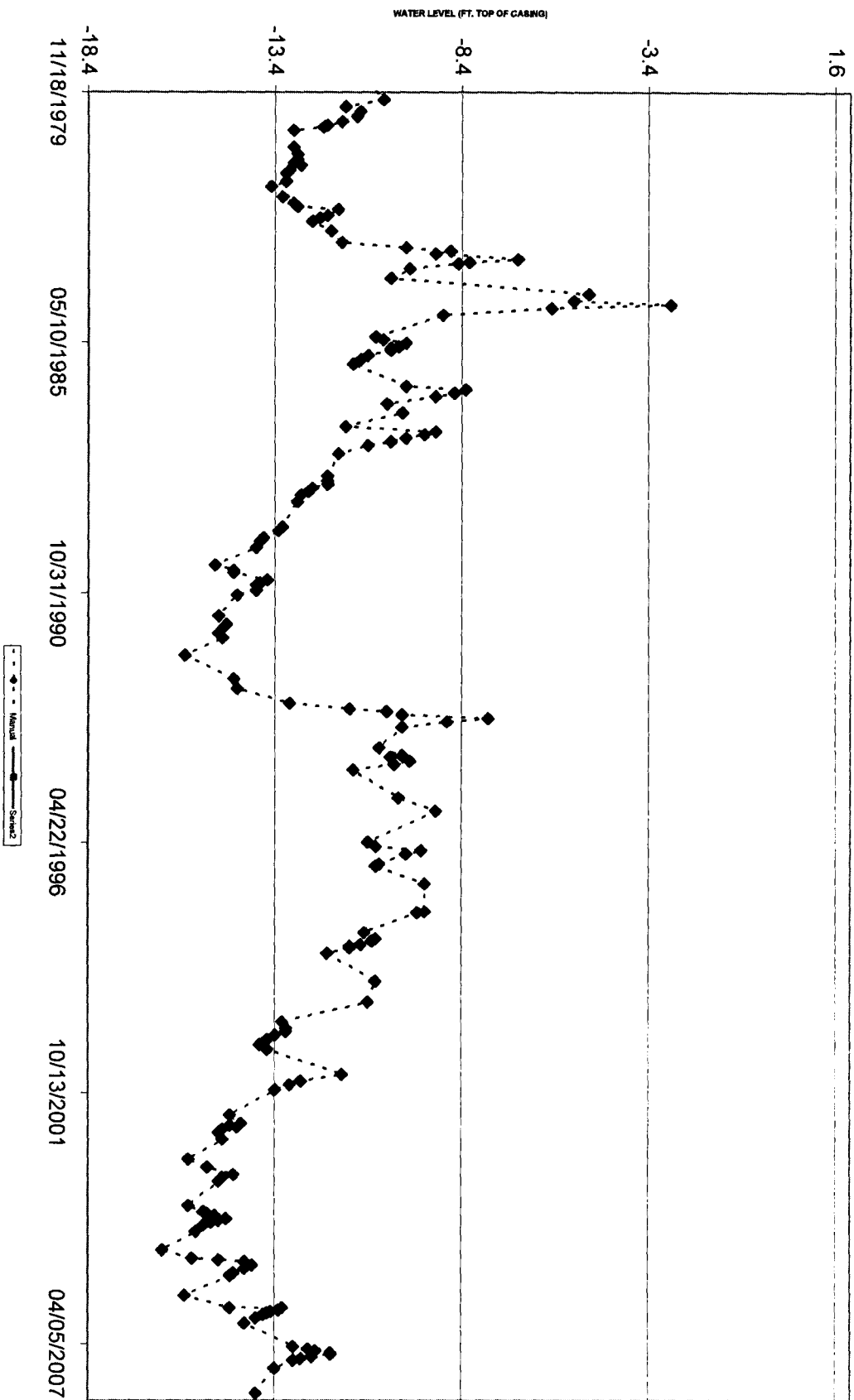
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

WATER RIGHTS' OBSERVATION WELL YA-57D



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



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JUN 23 2008

WATER RIGHTS
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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 appli-
cations 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.

Ashley called
going to publish
June 12th 19



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 28 2000

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

DEC - 1 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate November 20, 2008TO: 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. 7018-3 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)

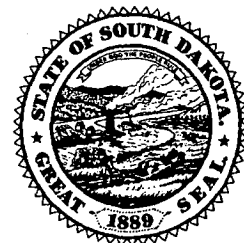
The water use system was completed on July 27, 2008.
(date)

Applying the water to beneficial use was completed on July 30, 2008.
(date)

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

Carl J. Neitzke owner
(signature)

7-98 Carl J. Neitzke
P.O. Box 99
LeBelle, FL 33975





**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 black ink that reads "Karen Schlaak". The signature is written in a cursive, flowing style.

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

enclosure

SOUTH DAKOTA WATER WELL COMPLETION REPORT

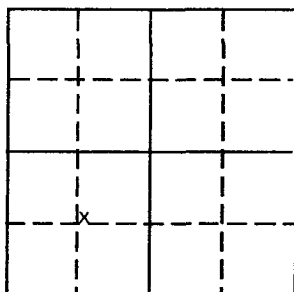
11-02

Location ne $\frac{1}{4}$ sw $\frac{1}{4}$ Sec 1 Twp 93n Rg 55w

County

Yankton

North



Please mark well location with an "X"

Well Completion Date

6/23/2008

1 Mile

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

? 2,700.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	55.0	22.00

GROUTING DATA:

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

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial pvcSlot Size 0.80 Set From 55.0 Feet to 95.0 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: 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	9
Sand, fine, silty	9	53
Gravel, fine, sandy	53	80
gravel, coarse	80	96

STATIC WATER LEVEL 21.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS PROGRAM

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

12/10/08

7018-3



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,

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

enclosures



7018-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: J & J FARMING COMPANY LLC, CARL J NEITZKE, PARTNER, 214 CAPITOL ST STE 4,
YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7018-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7018-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 7018-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7018-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2018

6297-3
7018-3

Jason Harmelink
J & J Farming Company LLC
214 Capitol St, Suite 4
Yankton SD 57078

Dear Mr. Harmelink:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for Water Right No. 6297-3 (Schempp Family Limited Partnership) and Water Permit No. 7018-3 (J & J Farming Co LLC).

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 6297-3 and Water Permit No. 7018-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In November, 2017, we spoke on the phone and I forwarded a transfer form to you for changing ownership of Water Right No. 6297-3 from Schempp Family Ltd Partnership to J & J Farming. To date, we have not received anything back from you.

Enclosed is another 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 and return the form 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.

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7018-3

I have this day, June 16, 2022, made a thorough examination of the water use system constructed by J & J Farming Company LLC, 118 W 3rd St, Yankton, SD 57078, holder of Permit No. 7018-3, bearing the priority of April 10, 2008, authorizing the diversion of 2.57 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 180 acres located in Yankton County.

Inspection contact: Jason Harmelink

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 96 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 55 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 21 feet

Pump:

- 1) Make: Unknown, (probably a Goulds)
- 2) Model: Unknown
- 3) Capacity: 900 GPM (reported by Jason Harmelink)

Engine:

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

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

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make: Valley
- 2) Overall length: 1768 feet
- 3) Number of towers: 11
- 4) End gun: Yes
- 5) Capacity: 900 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 3,320 feet west and 2,640 feet south of the northeast corner of Section 1-T93N-R55W (Latitude 42.90179, Longitude -97.29138 – NE1/4 of the SW1/4 of Section 1).
2. 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 purposes. Water has been put to beneficial use to the maximum extent as follows:

All in Section 1-T93N-R55W

NW1/4NW1/4 5 acres

NE1/4NW1/4 15 acres

SW1/4NW1/4 33 acres

SE1/4NW1/4 40 acres

NW1/4NE1/4 2 acres

SW1/4NE1/4 30 acres

NW1/4SW1/4 7 acres

comprising a total of 132 acres of land and the license should be issued for 1.89 cfs (Based on acres developed).

3. All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: The nameplates on the diesel engine, gear drive and pump were all heavily corroded or missing, so I used what information I could from the nameplates and from Mr. Harmelink.

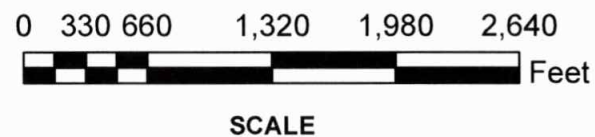
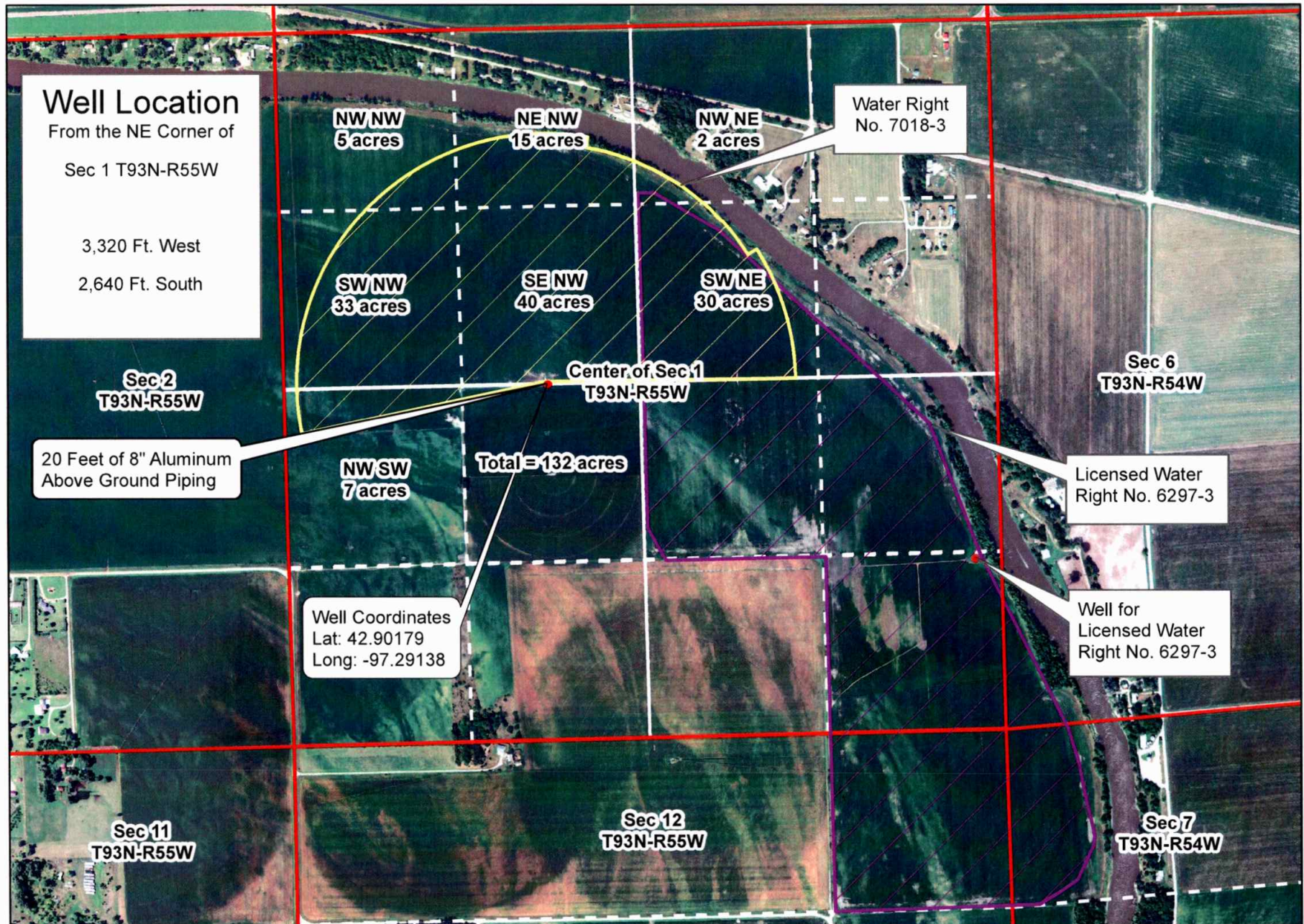
The pivot in this water right irrigates 28 acres of the same ground that is licensed under Water Right No. 6297-3. The 132 acres shown above and on the map are all of the acres irrigated by Water Right No. 7018-3. The well for Water Right No. 6297-3 also pumps water from the Missouri: Elk Point Aquifer.



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

Date report completed: June 23, 2022

Water Right No. 7018-3



Keith DeJong

Keith DeJong, PE Ret.
Staff Engineer
June 23, 2022



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 27 2022

7018-3

Jason Harmelink
J & J Farming Co LLC
118 W 3rd St
Yankton SD 57078

Dear Mr. Harmelink:

Enclosed is Water License No. 7018-3. This is the final water right document completing the process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

NOTE: The investigation found your irrigation system is capable of diverting 2.00 cubic feet of water per second (cfs) which is equivalent to approximately 900 gallons per minute. The statutory limit for 132 acres is 1.89 cfs (equivalent to approx. 845 gpm). Diversion of water under this water license is limited to 1.89 cfs.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7018-3**

(1) J & J Farming Company LLC, 118 W 3rd St., Yankton SD 57078 made Application No. 7018-3, April 10, 2008, for a water permit to divert 2.57 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7018-3, 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 water on or before June 13, 2017.

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

- 3,320' W and 2640' S of the NE corner of Section 1, T93N, R55W (NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1)
Latitude 42.90179, Longitude -97.29138

(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 1, T93N, R55W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	15 acres	* SW $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7 acres
Total 132 acres				

****28 acres described in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1 are also covered under Water Right No. 6297-3.***

(4) Pursuant to South Dakota Water Law 46-5-30.1 J & J Farming Company LLC, 118 W 3rd St., Yankton SD 57078 the holder and/or owner of Water Right No. 7018-3 is issued a license to appropriate water, the right to use 1.89 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. 7018-3 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.
- The well authorized by Permit No. 7018-3 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.***

continued

- Combination of diversions for the same lands authorized by Water Right No. 230-3 (James River) and Water Right Nos. 6297-3 and 7018-3 may not exceed an annual volume of 2 acre feet of water per acre per year.
- 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

JUN 27 2022

date

