

WATER PERMIT NO. 7102-3

Name of Applicant: Gary Cwach

Address: 30627 439th Ave, Yankton SD 57078

Phone: 605 660-9362

Amount of Water Claimed: 2.11 cfs

Total Acres: 240

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System: NA

Location: 2 miles north of Yankton

PRIORITY

Date Received: 3-9-09

Application/License Fee: \$325

Corrected Application Received:

Period of Annual Use: May 1 – September 15

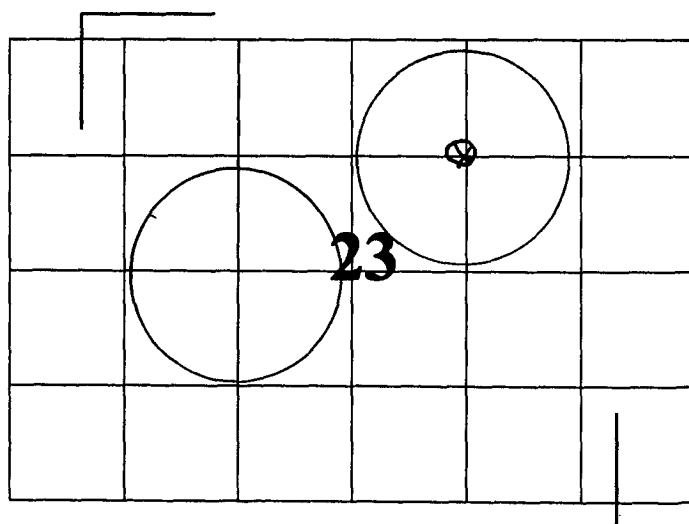
Remarks:

Diversion Point: approximate center of NE ¼ Sec

23-T94N-R56W

Land to be Irrigated: NE ¼, S ½ NW ¼, N ½ SW

¼ Sec 23-T94N-R56W



Depth of Well: 260 feet deep

Well Driller: Sargent Irrigation Co.

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-9-09

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7102-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan</u> <u>PO Box 56</u>
	<u>605-665-7811</u> <u>Yankton 57078</u>

RECEIVED
MAR - 9 2009
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant Gary Cwach Phone 605 660-9362
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 30627 439 Ave Yankton State S.D. 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.11 *CFS or 950 **GPM ***AF Total Acreage 240
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Underground Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
From The North Section Line 1320' South NE 23-94-56
From The East Section Line 1400' West (approximate center)
- County or counties where water will be used Yankton Co. South Dakota
- Annual period during which water is to be used May 1 Thru Sept 15
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 23-94-56 Yankton</u>	<u>110</u>	<u>N 1/2 SW 1/4 23-94-56 Yankton</u>	<u>65</u>
<u>S 1/2 NW 1/4 23-94-56 Yankton</u>	<u>65</u>		

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

See Attached Map

STATE OF SOUTH DAKOTA)
County of Yankton SS

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, Gary Cwach, 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 Gary Cwach

Subscribed and sworn to before me this 5th day of March 20 09

Amy Beran
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7102-3**

Date of first receipt of application March 9, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7102-3 to Gary Cwach, 30627 439th Ave, 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. 7102-3 appropriates 2.11 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 260 feet deep) located in the approximate center of the NE 1/4 Section 23 to irrigate 240 acres located in the NE 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4 Section 23; all in T94N-R56W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 15.
3. The date from which applicant may claim right is March 9, 2009.
4. The date of approval of Permit No. 7102-3 is May 11, 2009.
5. One-fifth of the construction is to be completed on or before November 11, 2011.
6. All construction is to be completed on or before May 11, 2014.
7. Water is to be put to beneficial use on or before May 11, 2018.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

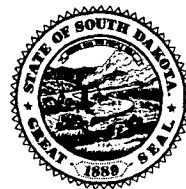
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7102-3 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

AUG 05 2009

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 Depth 260
- b) Casing Type P.V.E SDR-26 Diameter 16" Thickness .625
- c) Screen Type P.V.E SDR-26 Diameter 16" Thickness .625
- d) Gravel Pack Pea-Rock Length of Gravel Pack 260' - 150
- e) Depth to Top of Water Bearing Material See Test Hole Log
- f) Depth to Water (ground surface to water level) Estimate 160'
- g) Distance to nearest existing domestic well:

On applicants property 1000 Feet On property owned by others _____

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

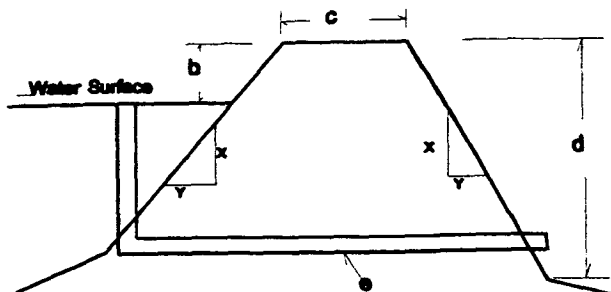
3. Dugout Information

- 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

7102-3 Gary Cwach



Section 23-94-56 Yankton



RECEIVED

MAR - 9 2009

WATER RIGHTS
PROGRAM



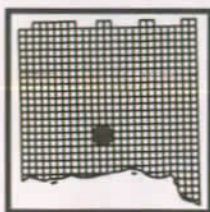
USDA

USDA - Farm Service Agency

RE

MAR - 9 2009

WATER RIGHTS
PROGRAM



Yankton County, SD

23-94N-56W

1:7,678

December 22, 2008

Legend

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

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

N

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.

Yankton County FSA
MR-DT
3-5-09
Mike
Reichman

Program Technician

SARGENT IRRIGATION CO.

NELIGH, NEBRASKA 68756

PHONE (402) 887-4112

TEST WELL LOG

DATE: 2-28-

GPS READING ELEVATION: 1382

LATITUDE: 42 56 55.0

LONGITUDE: 97 25 20.6

LEGAL: NE23-94-56

*Union Township
York Co.*

TO: Gary Cwach

ADDRESS: _____

TEST LOG NO.: 09-035

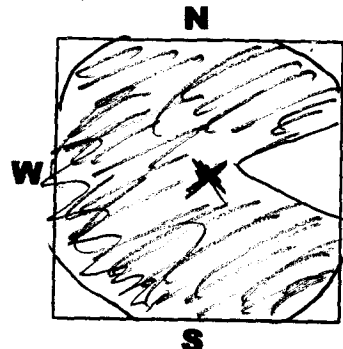
0	20	T.S. - clay w/ emb. gravel.
20	40	sticky grey clay w/ emb. gravel.
40	60	" "
60	80	grey clay
80	100	" "
100	120	grey cl. rock at 116'
120	140	12' grey cl. 8' gravel & rocks
140	160	gravel & rocks.
160	180	large gravel & rocks.
180	200	gravel & rocks.
200	220	coarse sand & fine-medium gravel
220	240	" "
240	260	12' c. sand & gravel. 5' large gravel & rocks 3' shale
260	280	
280	300	
300	320	
320	340	
340	360	
360	380	
380	400	
400	420	
420	440	
440	460	
460	480	
480	500	
500	520	
520	540	
540	560	

COMMENTS:

RECEIVED

MAR - 9 2009

WATER RIGHTS
PROGRAM



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/9, 20 09

RECEIVED OF Gary Cwach 30627 439th Ave Yankton SD 57078

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

Fee for Application for Permit No. <u>7102-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7102-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	325 00

No.

04060

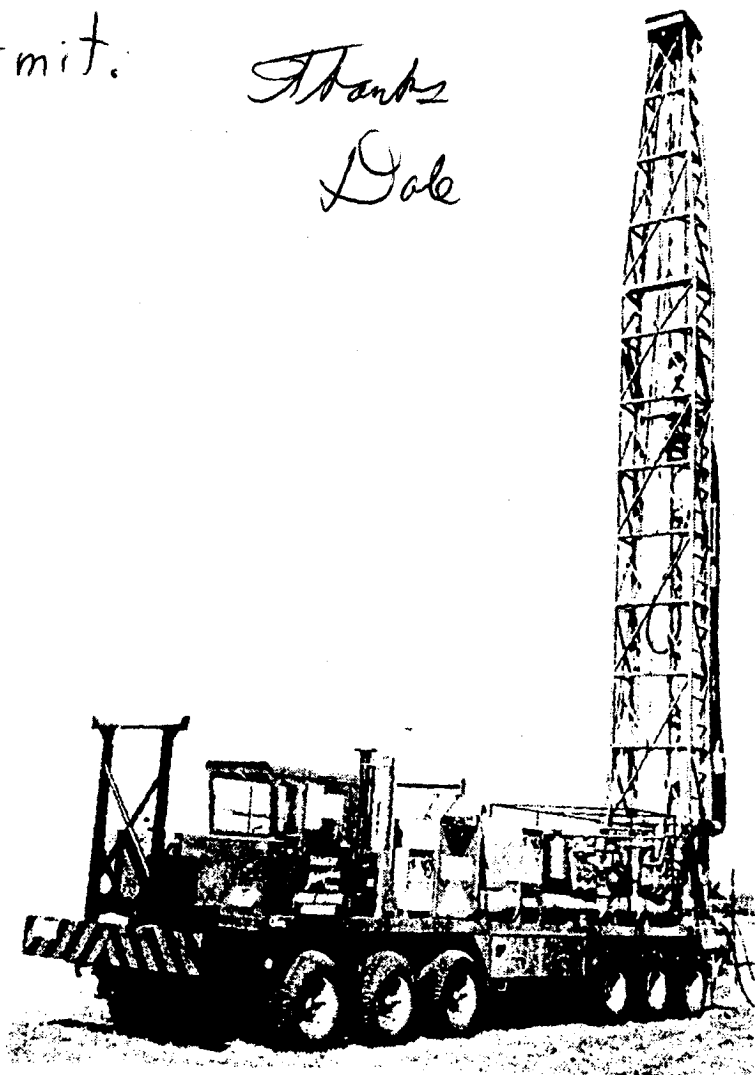
By Michael Edwards
Chief Engineer

Sargent Irrigation Company

P.O. Box 9 • Neligh, NE 68756 • 402-887-4112

Eric : Feel Free To
Call Regarding any Question
on Permit.

Thanks
Dale





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7102-3, Gary Cwach**

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. 7102-3, Gary Cwach, 30627 439th Avenue, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7102-3 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. 7102-3 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
April 9, 2009

**Report on Water Permit Application No. 7102-3 & 7103-3
for Gary Cwach
March 11, 2009**

Application No. 7102-3 proposes to appropriate 947 gallons per minute (2.11 cfs) from one well approximately 260 feet deep to be completed into the Lower James Missouri aquifer located in the NE ¼ of Section 23 to irrigate 240 acres in the NE ¼, S ½ NW ¼, N ½ SW ¼ Section 23; all in T94N-R56W in Yankton County. The annual period during which water will be used is May 1 through September 15.

Application No. 7103-3 proposes to appropriate 947 gallons per minute (2.11 cfs) from one well approximately 240 feet deep to be completed into the Lower James Missouri aquifer located in the SW ¼ NW ¼ of Section 24 to irrigate 96 acres in the W ½ NW ¼, NW ¼ SW ¼ Section 24; all in T94N-R56W in Yankton County. The annual period during which water will be used is May 1 through September 15. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Maps provided by the applicant conflict with information provided on the application in the amount of acres to be irrigated. Application 7102-3 states that 240 acres are to be irrigated, yet the map provided shows 221 acres to be irrigated, while GIS mapping software (Arcmap-Arcview), measuring the area indicated on the map provided by the applicant approximates the area at 175 acres. Application 7103-3 states that 96 acres will be irrigated, while the applicant provided map shows 97 acres, the mapping software only measures 85 acres. These quantities are significant because according to SDCL 46-5-6, one (1) cfs is allowed per 70 acres to be irrigated and the difference is demonstrated in the following table.

Table 1

	Application (ac)	Water allowed (cfs), (gpm)	applicant Map (ac)	Water allowed (cfs), (gpm)	GIS mapping software (ac)	Water allowed (cfs), (gpm)
7102-3	240	(3.43), (1,539)	221	(3.16), (1,417)	174	(2.49), (1,116)
7103-3	96	(1.37), (616)	97	(1.39), (622)	85	(1.21), (545)
Total	336	(4.8), (2,155)	318	(4.55), (2,039)	259	(3.70), (1,661)

AQUIFER: Lower James Missouri

This report will address the availability of unappropriated water from the Lower James Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Lower James Missouri is a buried outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 238 square miles of Yankton County and extends into Clay County to the east, into Hutchinson County to the north and into Bon Homme County to the west (Bugliosi, 1986). The aquifer is hydraulically connected to the James and Missouri Rivers. Bugliosi divided the Lower James Missouri into the northern and southern areas because of different depositional episodes. These areas roughly coincide with the Lower James Missouri and the Missouri Elk Point as described by Hedges. The Lower James Missouri aquifer underlies 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County (Hedges, 1982).

Observation Well Data:

The Water Rights Program monitors two observation wells, YA-78G and YA-78H, both located within a mile and a half of these application locations. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). The hydrographs for these observation wells are included with this report.

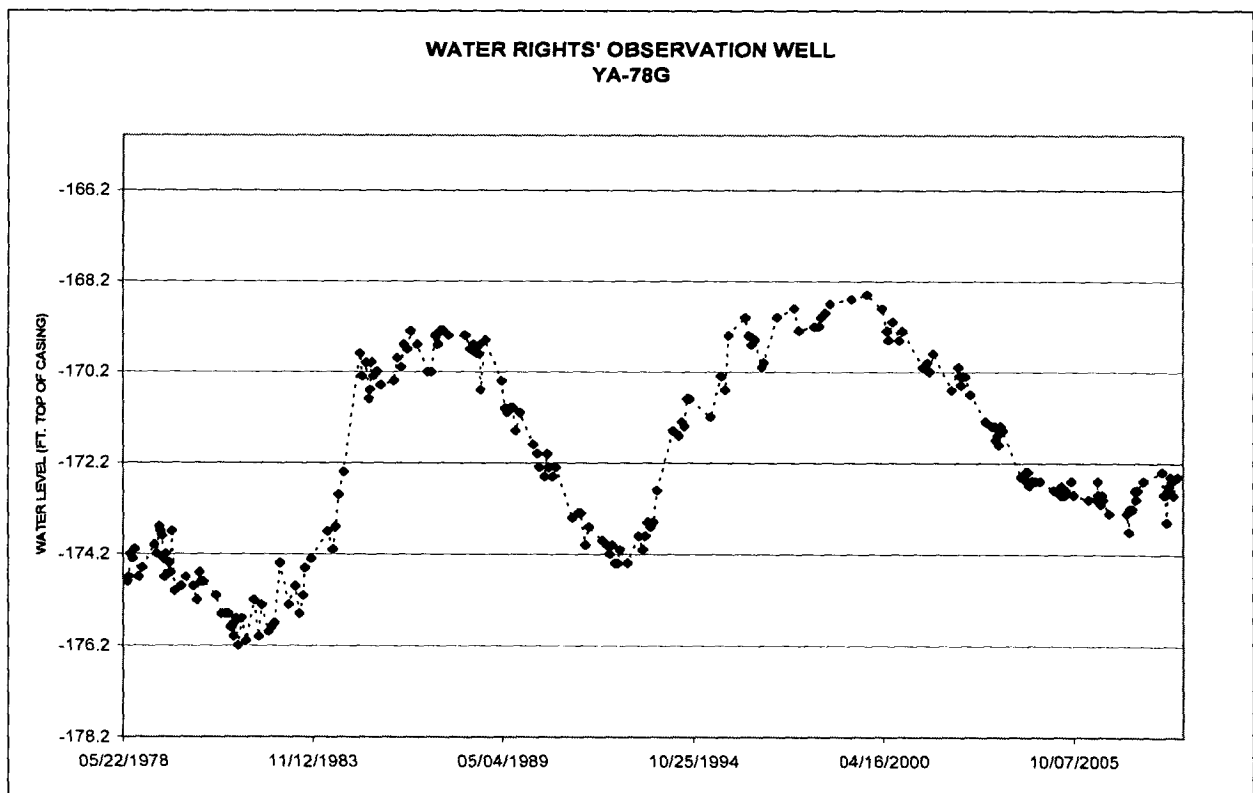


Figure 1. Hydrograph for Water Rights Observation Well YA-78G, completed into the Lower James Missouri Aquifer within one and a half miles of 7102-3 and 7103-3

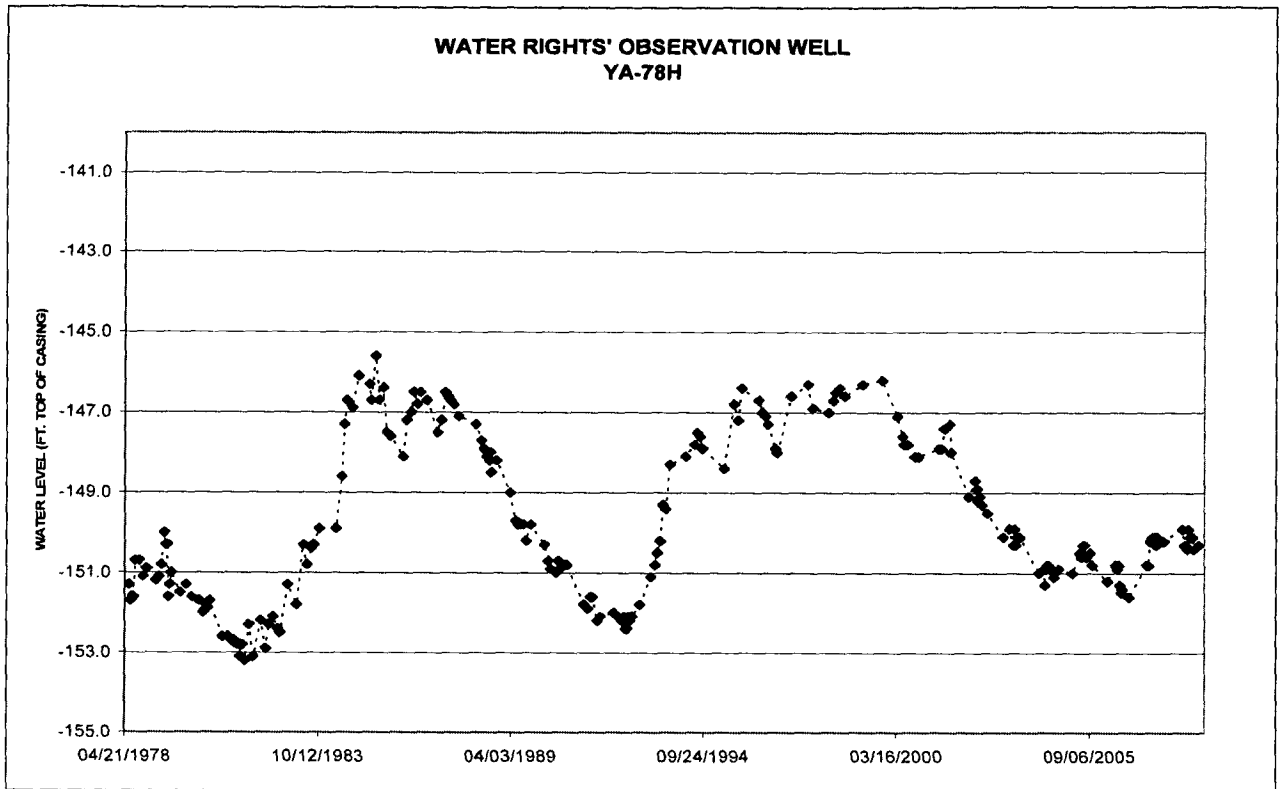


Figure 2. Hydrograph for Water Rights Observation Well YA-78H, completed into the Lower James Missouri Aquifer within one and a half miles of 7102-3 and 7103-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

In 2007 there were sixty three (63), permits to withdraw water from the Lower James Missouri aquifer. These permits appropriated 20,963 acre-feet of water from the aquifer and reportedly used 3,638 acre-feet of water, totals which are far below the estimated 2.08 million acre-feet in storage (Hedges, 1982).

There are nine existing water permits/rights located within a mile and a half of this application with the nearest being less than half a mile to the east of this application. Interference could occur during times of pumping and water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Conclusions:

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer appears to be under water table conditions at this location. Drawdown will result from pumping. Interference could occur due to the close proximity of nearby wells.
3. If the wells covered by these Permits deplete the domestic supplies or interfere with prior water rights, restrictions, to the extent necessary, of the capacity of the wells or periods of operation or other arrangements may be required to protect these water supplies.

4. These wells must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

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

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

Water Rights, 2008, Irrigation Records for the Missouri Elk Point Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

MAY 11 2009

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment & Natural Resources
Water Rights Program - Joe Foss Bldg
523 E 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 Of Application Nos 7102-3 & 7103-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF May 2009
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$49.90 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: 4/24, 5/1/2009

FILED ON: 5/6/2009

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF May

2009

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2009

4+24 & 5+1

**NOTICE OF APPLICATION
NOS. 7102-3 and 7103-3 to
Appropriate Water**

Notice is given that Gary Cwach,
30627 439th Ave, Yankton SD
57078 has filed the following
applications for a water permit.

Application No. 7102-3 proposes
to appropriate 2.11 cubic feet of
water per second (cfs) from one
well to be completed into the
Lower James:Missouri Aquifer
(approximately 260 feet deep)
located in the approximate center
of the NE 1/4 Section 23 to irrigate
240 acres located in the NE 1/4, S
1/2 NW 1/4, N 1/2 SW 1/4 Section
23; all in T94N-R56W.

Application No. 7103-3 proposes
to appropriate 2.11 cfs from one
well to be completed into the
Lower James:Missouri Aquifer
(approximately 240 feet deep)
located in the SW 1/4 NW 1/4
Section 24 to irrigate 96 acres
located in the W 1/2 NW 1/4, NW
1/4 SW 1/4 Section 24; all in
T94N-R56W. The applicant is
requesting a diversion rate greater
than the statutory limit of 1 cfs per
70 acres.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Application Nos.
7102-3 & 7103-3 because 1) unap-
propriated water is available, 2)
existing rights will not be unlaw-
fully impaired, 3) it is a beneficial
use of water, and 4) it is in the pub-
lic interest. In accordance with
SDCL 46-2A-23, the Chief
Engineer will act on the 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 applications. Notice of the
hearing will be given to the appli-
cant and any person filing a peti-
tion.

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 May 11, 2009.

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

April 14, 2009

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7102-3 & 7103-3 to Appropriate Water to be published twice. Please publish the first notice on April 24, 2009 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 Gary Cwach, 30627 439th Ave., Yankton SD 57078 (Ph # 605-660-9362).

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. 7102-3 & 7103-3

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

Date _____

We are in receipt of your letter of April 14, 2009 enclosing Notice to Appropriate Water by Application Nos. 7102-3 & 7103-3 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.

April 14, 2009

Gary Cwach
30627 439th Ave
Yankton SD 57078

Dear Mr. Cwach:

Water Permit Application Nos. 7102-3 & 7103-3 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

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 April 24, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7102-3 and 7103-3 to Appropriate Water

Notice is given that Gary Cwach, 30627 439th Ave, Yankton SD 57078 has filed the following applications for a water permit.

Application No. 7102-3 proposes to appropriate 2.11 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (approximately 260 feet deep) located in the approximate center of the NE $\frac{1}{4}$ Section 23 to irrigate 240 acres located in the NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 23; all in T94N-R56W.

Application No. 7103-3 proposes to appropriate 2.11 cfs from one well to be completed into the Lower James:Missouri Aquifer (approximately 240 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24 to irrigate 96 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24; all in T94N-R56W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7102-3 & 7103-3 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 the 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 applications. 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 May 11, 2009.

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

AUG 05 2009

Gary Cwach
30627 439th Ave
Yankton SD 57078

Dear Mr. Cwach:

Enclosed are Water Permit Nos. 7102-3 & 7103-3 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

7102-3

 PG/11/2009 09:28 14023955096
 AUG-10-2009(MON) 09:40 0244

 GROSH IRRIGATION CO
 (PAX) 605 773 4068

 PAGE 02
 P 002/002

SOUTH DAKOTA WATER WELL COMPLETION REPORT

87-02

Center N.E. 23 94 56
 County Yankton
 Range North well location with on W
 Well Completion Date

 Well Owner: Gary Cwach
 Well Name: 30627 439th AVE
 Address: Yankton, SD 57078

FORMATION	DEPTH	
	FROM	TO
Top Soil & Shy	0	20
Sticky gray Clay	20	100
Gray Clay & Rock	100	140
Gravel & Rocks	140	180
Large Gravel & Rock	180	200
C.S. & Gravel & Rocks	200	260
Shale	260	270

LOCATION:
 Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): _____ ft. from _____ Identify source:
 PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☐ Industrial ☐ Trench Water
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Mining/Processing well
 METHOD OF DRILLING:

Reverse & Air
 CASING SIZE: ☐ Steel ☐ Plastic ☐ Other
 If other describe: SDR-26
 PERFORATION: 11.6 IN. 0 FT. 249 FT. 27 IN.
 12/FT. 11 IN. 0 FT. 0 FT. 0 IN.
 12/FT. 11 IN. 0 FT. 0 FT. 0 IN.

CONCRETE DATA:
 Cement Type Mix No. of Bags 140 Bags From 0 To 0
 Gravel/Grouting material: 20yds Concrete
5 to 1 Bag (mix)

SCREEN: ☐ Perforated pipe ☐ Manufactured
 Diameter 11.6 IN. Length 21 FEET
 Material Plastic SDR-26
 Slot Size .51 Set From 250 Feet to 160 Feet
 Other information:

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO
 If so, what material? Concrete mix
 Describe packer/seal treatment:
 OBSERVATIONS: Was well disinfected upon completion?
☒ YES ☐ NO
 Laboratory sent to for water quality analysis: For Well

STATIC WATER LEVEL: 154' Feet
 If flowing: Static & pressure _____ PS
 GPM flow _____ GPM high pipe
 Controlled by ☐ Valve ☐ Pressure ☐ Other
 Reduced Pressure _____ GPM
 Can well be completely shut off?
 WELL TEST DATA:
☒ Pumped 6" - Turbine
☐ Sailed Water tube
☐ Other
 Pumping Level Meter (and Surface)
118 A. After 3 hrs. pumped 197 GPM
900 A. After 4 hrs. pumped 200 GPM
 If pump installed, pump rate 800 Gals GPM

REMARKS:
 This well was drilled under license # 189 20070
 And this report is true and accurate.
 Drilling Firm Grosh Irr. Co. Inc
 Signature of License Representative:
 Signature of Well Owner or Equitable Property holder:
Same
 Date:

RECEIVED

DEC 31 2009

WATER RIGHTS
PROGRAM

7102-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2013

7102-3
7103-3

Mary & Dan Cwach
30627 439th Ave
Yankton SD 57078

Dear Ms. Cwach and Mr. Cwach:

I am writing in follow up to the irrigation questionnaires you submitted back in October for Water Permit Nos. 7102-3 and 7103-3. The permits are currently listed in the name of Gary Cwach. On the forms, a notation was made indicating an ownership change was needed.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please give me a call.

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

enclosures

RECEIVED

JAN 31 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7102-3

Date: 1/25/13

I/We request that Water Permit No. 7102-3

formerly owned by: Gary Cwach

be transferred to: (name & address) Mary & Dan Cwach

30627 439th Ave

Yankton, SD 57078

Telephone No. 605-665-1341

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

240 acres - NE ¼, S ½ NW ¼, N ½ SW ¼ Section 23, T94N, R56W

I/We understand that the validity of Water Permit No. 7102-3 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 Mary & Dan Cwach, the new owner, certify that the above information is true and correct.

Dan Cwach

(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 1/31, 20 13

RECEIVED OF Daniel Cwach 30627 439th Ave Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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 7102-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **06059**

By *David Elwell*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2013

7102-3
7103-3

Mary & Dan Cwach
30627 439th Ave
Yankton SD 57078

Dear Ms. Cwach and Mr. Cwach:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Permit Nos. 7102-3 and 7103-3.

The ownership changes have been completed. Water Permit Nos. 7102-3 and 7103-3 formerly held by Gary Cwach are now listed in your names.

Enclosed for your records are Receipt Nos. 06059 and 06060 in the amount of \$50.00 each. If you have any questions, please give me a call.

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

enclosures



7102-3
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 24, 2014

NOTICE

TO: MARY & DAN CWACH, 30627 439 AVE, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7102-3 & 7103-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 7102-3 & 7103-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 7102-3 & 7103-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2014

7102-3
7103-3

Mary & Dan Cwach
30627 439th Ave
Yankton SD 57078

Dear Mr. & Mrs. Cwach:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit Nos. 7102-3 and 7103-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

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. 7102-3

I have this day, February 7, 2020, made a thorough examination of the water use system constructed by Mary and Dan Cwach, 30627 439th Avenue, Yankton, SD 57078, holder of Permit No. 7102-3, bearing the priority of March 9, 2009 authorizing the diversion of 2.11 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 240 acres located in Yankton County.

Inspection contact: Frank Kralicek, Jr.

A. Works used to divert the water:

Well Information:

- 1) Well Driller: Grosch Irrigation Co., Inc.
- 2) No. of Wells 1
- 3) Depth(s) 270 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 249 feet
- 3) Type PVC

Screen:

- 1) Diameter 16 inches
- 2) Length 21 feet
- 3) Type PVC
- 4) Static water level 154 feet

Pump:

- 1) Make Wilco
- 2) Model Unknown
- 3) Capacity 800 GPM

Motor:

- 1) Make Wilco
- 2) Model No. Unknown
- 3) Horsepower rating 75 hp

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

- | | | | |
|------------------------|---------------------------|-------------------------|-----------------------------|
| <u>Northeast Pivot</u> | 1) Type <u>Galvanized</u> | 2) Size <u>8</u> inches | 3) Length <u>20</u> feet |
| <u>Southwest Pivot</u> | 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>3,040</u> feet |

C. Works used to apply water to beneficial use:

Northeast Pivot:

- 1) Make Valley
- 2) Overall length 1282 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Southwest Pivot:

- 1) Make Valley
- 2) Overall length 1282 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800 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 1,330 feet west and 1,360 feet south of the northeast corner of Section 23-T94N-R56W (Latitude 42.948630, Longitude -97.422330 – SW1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 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 23-T94N-R56W:

<u>NW1/4NE1/4</u>	<u>33 acres</u>
<u>NE1/4NE1/4</u>	<u>28 acres</u>
<u>SW1/4NE1/4</u>	<u>34 acres</u>
<u>SE1/4NE1/4</u>	<u>9 acres</u>
<u>SE1/4NW1/4</u>	<u>33 acres</u>
<u>NW1/4SW1/4</u>	<u>32 acres</u>
<u>NE1/4SW1/4</u>	<u>33 acres</u>

comprising a total of 202 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Yes

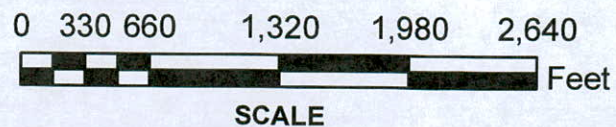
F. Comments or other permit(s) associated with the project: The original turbine pump and motor were replaced with a submersible pump and motor by Quality Well Service. The size and make of the pump and motor were on record, but not the model numbers.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: March 5, 2020

Water Right No. 7102-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
March 5, 2020

SOUTH DAKOTA WATER WELL COMPLETION REPORT

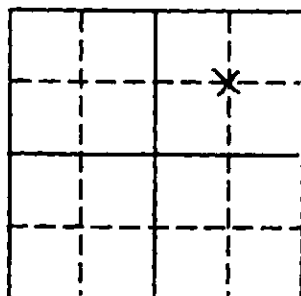
11-02

Location Center $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23 Twp 94 Rg 56

County

Yankton

North



Please mark well location with an "X"

Well Completion Date

7-2-09

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

? ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse & Air

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16	0	249	27
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
pep	mix	Lb/gal	145	0
		Lb/gal	FT	FT

Describe grouting procedure

20 yds concrete5 ton Bag (mix)

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter 16 Inches Length 20 FeetMaterial Asitic SDR-26Slot Size .51 Set From 250 Feet to 110 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Concrete Mix

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Gary Cwack

Business Name:

Address:

30627 439th Ave

City, State, Zip:

Yankton SD 57078

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil & Clay	0	20
Sticky Gray Clay	20	100
Gray Clay & Rock	100	140
Gravel & Rocks	140	180
Large Gravel & Rock	180	200
C.S. & Gravel & Rocks	200	260
Shale	260	270

STATIC WATER LEVEL

154

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
6" - Turbine Water Lube

Pumping Level Below Land Surface

668 Ft. After 3 Hrs. pumped 197 GPM

900 Ft. After 4 Hrs. pumped 200 GPM

If pump installed, pump rate:

800 gals GPM

REMARKS

This well was drilled under license #

39070

And this report is true and accurate.

Drilling firm:

Grasch Irrigation Co. Inc.

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date:

FEB 8 2010

WATER RIGHTS PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 14 2020

7102-3

Dan & Mary Cwach
30627 439th Ave
Yankton SD 57078

Dear Mr. & Mrs. Cwach:

Enclosed is Water License No. 7102-3. 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7102-3

(1) Gary Cwach, Yankton SD made Application No. 7102-3, March 9, 2009 for a water permit to divert 2.11 cubic feet of water per second from ground water (one well) Lower James Missouri Aquifer, Yankton County, South Dakota for irrigation purposes. Permit No. 7102-3, with a priority date of March 9, 2009 was approved May 11, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 11, 2014 and for the application to beneficial use of water on or before May 11, 2018.

On January 31, 2013, Water Permit No. 7102-3 was transferred to Dan and Mary Cwach.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,330' W and 1,360' S of the NE corner of Section 23, T94N, R56W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
Latitude 42.948630, Longitude -97.422330

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

Section 23, T94N, R56W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	28 acres		
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	9 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres

202 total acres irrigated

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dan & Mary Cwach, 30627 439th Ave, Yankton SD 57078 the holders and/or owners of Water Right No. 7102-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well) Lower James Missouri Aquifer with a priority date of March 9, 2009 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. 7102-3 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 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.

continued

- The well authorized by Permit No. 7102-3 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 July, 2009 by Grosch Irrigation Co. 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 Environment and Natural Resources

MAR 17 2020

date

