

WATER PERMIT NO. 7138-3

Name of Applicant: **Morris Nelson Farms Inc.**

Address: **44023 306th St, Yankton SD 57078**

Phone: **605 661-4154**

Amount of Water Claimed: **2.22 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: **5 miles northeast of Yankton**

PRIORITY Date Received: **5-21-09**

Application/License Fee: **\$325**

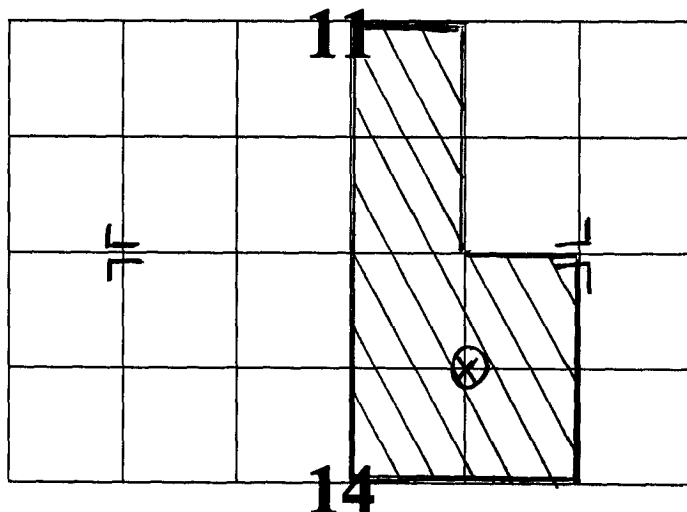
Corrected Application Received: **5-28-2009**

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

Remarks:

Diversion Point: **Center NE ¼ Sec 14-T94N-R55W**

Land to be Irrigated: **NE ¼ Sec 14 and W ½ SE ¼**
Sec 11; all in T94N-R55W



Depth of Well: **250 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Richard Schwartz, Yankton Co FSA**

Reviewed and the Number Assigned on: **5-28-09**

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>7138-3</u> (office use only) Hydrologic Unit <u>10/20/02</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Daily Press & Dakotan Box 56</u>
	<u>605-665-1221</u> <u>Yankton SD 57078</u>

RECEIVED

MAY 21 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 MORRIS NELSON FARMS INC Phone 605-661-4154
 (check one) ☒ Owner ☐ Tenant lessee
 Mailing Address 44023 306 TH ST YANKTON State SD 57078
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22*CFS or 1000**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 GROUNDWATER WELL
- Location of point of diversion (example - 3 wells in SW1 4 NE1 4 section 12-T104N-R53W) County YANKTON
1 WELL CENTER OF NE 1/4 T94-N 55W Sec 14
UNDERGROUND TO THE W 1/2 SE 1/4 T94N-55W Sec 11
- County or counties where water will be used YANKTON
- Annual period during which water is to be used APRIL - SEPTEMBER 30
- 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 Sec 14 94N 55W</u>	<u>160</u>	<u>- owned by MORRIS NELSON FARMS</u>	
<u>W 1/2 SE 1/4 Sec 11 94N 55W</u>	<u>80</u>	<u>- owned by MORRIS AND ELLA NELSON</u>	

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

WELL IN CENTER OF NE 1/4 Sec 14, CENTER PIVOT, FULL CIRCLE
UNDERGROUND 8" TO W 1/2 SE 1/4 Sec 11 CENTER PIVOT, HALF CIRCLE

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, Morris Nelson Farms Inc, 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 Debra NelsonSubscribed and sworn to before me this 26 day of May 2009
Debra Langel
 Notary Public signature
my Commission Expires - 3-21-2014

**SOUTH DAKOTA
WATER PERMIT NO. 7138-3**

Date of first receipt of application May 21, 2009.

Date of return to applicant for corrections, amendments or changes May 21, 2009.

Date of receipt of corrected application May 28, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7138-3 to Morris Nelson Farms, Inc., 44023 306th 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. 7138-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 250 feet deep) located in center of the NE 1/4 Section 14 to irrigate 240 acres located in the NE 1/4 Section 14 and W 1/2 SE 1/4 Section 11; all in T94N-R55W.
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 – September 30.
3. The date from which applicant may claim right is May 21, 2009.
4. The date of approval of Permit No. 7138-3 is July 6, 2009.
5. One-fifth of the construction is to be completed on or before January 6, 2012.
6. All construction is to be completed on or before July 6, 2014.
7. Water is to be put to beneficial use on or before July 6, 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. 7138-3 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.

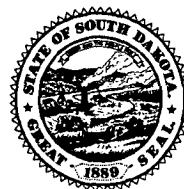
WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 04 2009

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16 Depth 250
- b) Casing Type PVC Diameter 16 Thickness 1/2"
- c) Screen Type PVC Diameter 16 Thickness 1/2"
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 145'
- g) Distance to nearest existing domestic well:
On applicants property NONE On property owned by others 2500'

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

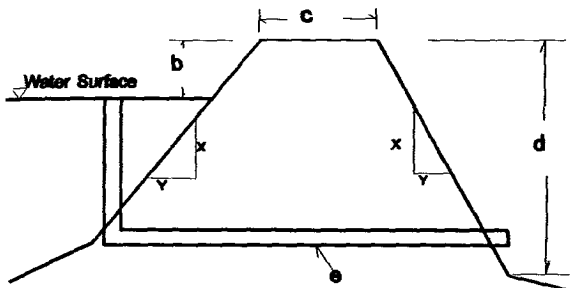
3. Dugout Information

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

4. Water Storage Dams

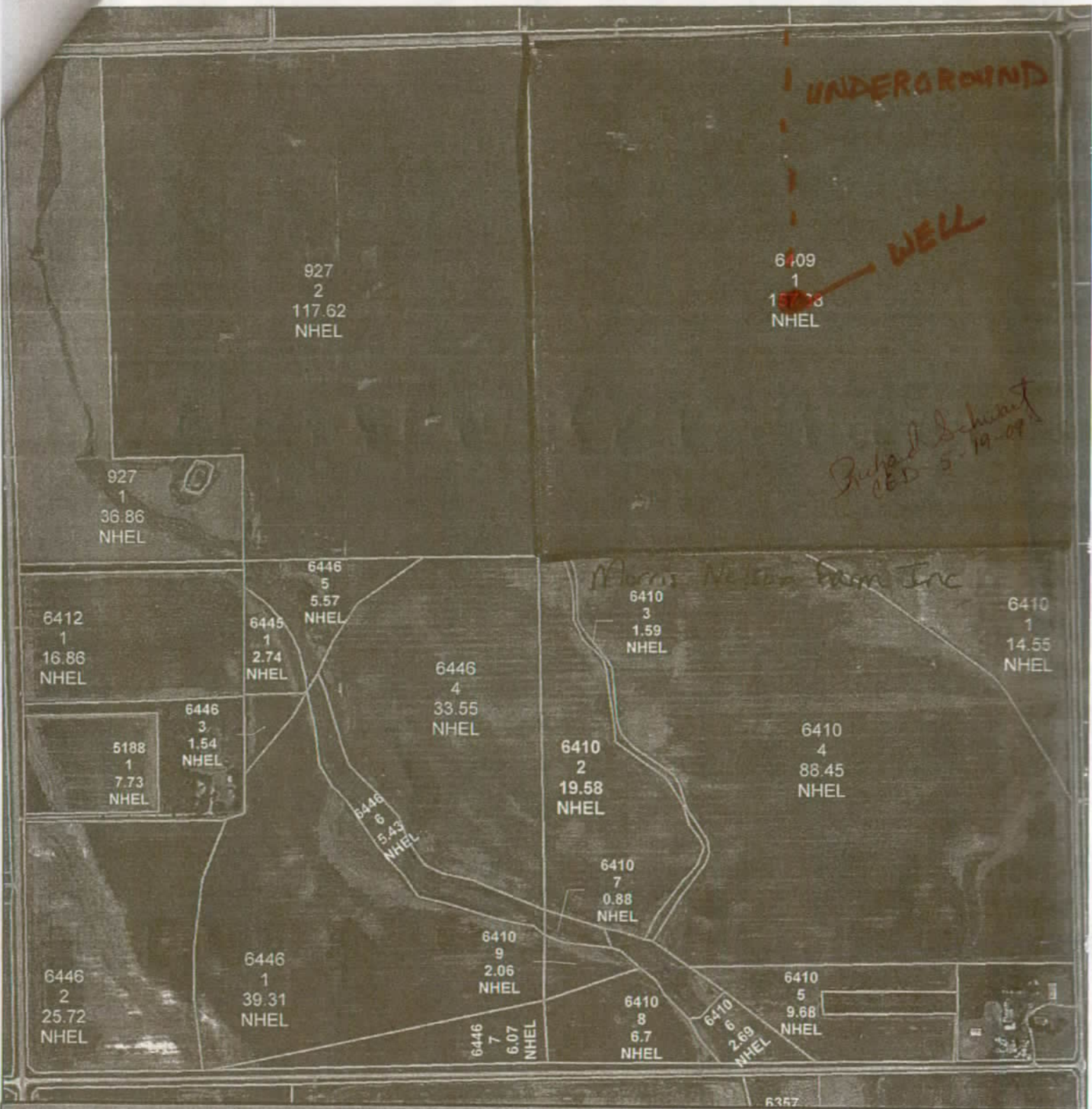
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

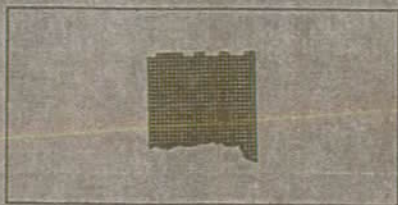


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

APPLICATION PREPARED BY
DARRELL NELSON



USDA U.S. Dept. of Agriculture
Farm Service Agency N



South Dakota

Yankton County

14-94N-55W

Legend

- Section-Township-Range
- CRP
- Common Land Units
- Rangeland

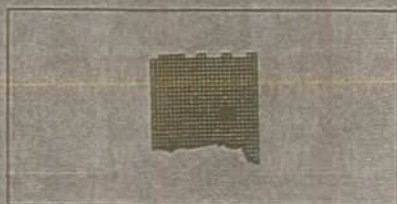
USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 or the 2004 or the 2004 imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or potential damage caused by the use of this map.

January 31, 2007

LAND OWNED AND OPERATED BY MORRIS NELSON FARMS INC



USDA U.S. Dept. of Agriculture
Farm Service Agency N



South Dakota Yankton County 11-94N-55W

Legend

- Section-Township-Range
- CRP
- Common Land Units
- Rangeland

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey and is not intended to be used as such. It does not constitute a warranty or guarantee of any kind.

LAND IS OWNED BY MORRIS AND ELLA NELSON
OPERATED BY MORRIS NELSON FARMS INC

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/21, 20 09

RECEIVED OF Morris Nelson farms 44023 306th St Yankton Sd 57078

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

Fee for Application for Permit No. <u>7138-3</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>7138-3</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. 04139

By

Ernie Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7138-3, Morris Nelson Farms Inc.**

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. 7138-3, Morris Nelson Farms Inc., c/o Darrell Nelson, 44023 306th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7138-3 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. 7138-3 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
June 10, 2009

**Report on Water Permit Application No. 7138-3
for Morris Nelson Farms Inc.
May 27, 2009**

Application No. 7138-3 proposes to appropriate 997 gallons per minute (2.22 cfs) from one well approximately 230 feet deep located in the center of the NE ¼ Section 14 to irrigate 240 acres located in the NE ¼ Section 14 and W ½ SE ¼ Section 11; all in T94N R55W in Yankton County. The annual period during which water will be used is April 1 through September 30.

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 can be encountered either under artesian or water table conditions in Yankton County. Technically, the aquifer may be considered under artesian conditions however, the water levels mimic water table conditions in this area. The aquifer underlies 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Hutchinson County to the north, blends into the Missouri Elk Point aquifer to the south and blends into the Lower James Missouri Scotland aquifer to the west (also extending into Bon Homme County). The aquifer appears to be hydraulically connected to the James River over portions of Yankton County. The aquifer is prolific and well yields from the Lower James Missouri aquifer can be expected to be at least 500 gpm (Bugliosi, 1986).

Observation Well Data:

The Water Rights Program monitors one observation well, YA-78E, located within one mile of this application location. Water levels for this well 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 hydrograph for this observation well is included with this report.

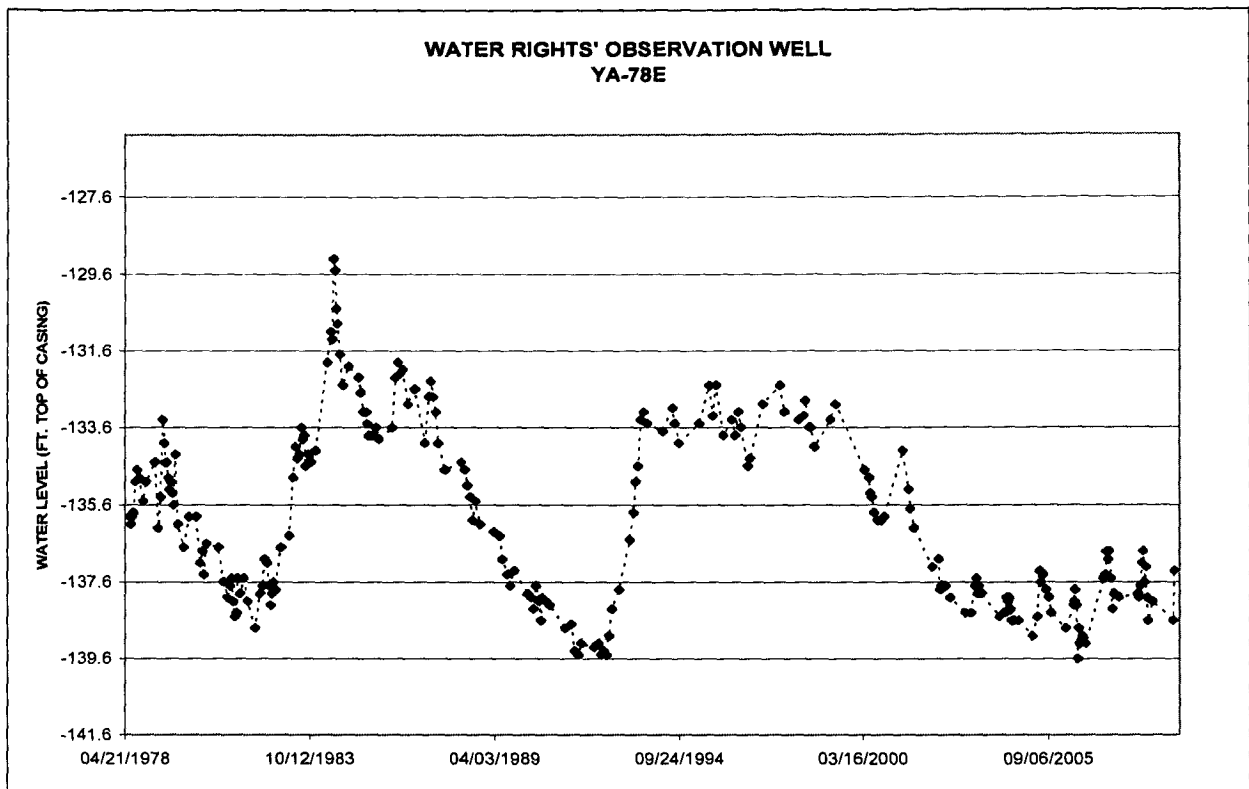


Figure 1. Hydrograph for Water Rights Observation Well YA-78E, completed into the Lower James Missouri Aquifer within one mile of 7138-3

In general, the hydrograph shows that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Lower James Missouri aquifer date back to 1979.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is nearly 47, with the average annual appropriation being about 16,500 acre-feet and the average annual pumpage reported at over 2,400 acre-feet.

IRRIGATION USE (ac-ft/yr)m LJM			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2007	63	20962.7	3638.03
2006	57	17564.1	4161.77
2005	55	16366.1	3250.23
2004	54	16142.1	3063.42
2003	60	18990.1	3327.43
2002	59	18709.1	4484.12
2001	59	18809.1	3324.79
2000	57	18649.1	4197.04
1999	56	17593.1	2373.41
1998	60	18950.1	3036.5
1997	57	19359.1	2565
1996	56	19527.1	2342.64
1995	48	17462.1	1758.35
1994	52	19468.1	2114.36
1993	53	18658.3	256.44
1992	52	19022.3	1279
1991	49	17728.3	2882
1990	42	14903.5	3345.1
1989	-	-	-
1988	38	13999.9	3104.3
1987	-	-	-
1986	30	11613.5	989.6
1985	33	12179.1	2724
1984	34	13429.2	1546
1983	31	11596.5	1292.06
1982	28	11466.1	1427.2
1981	31	14665	1890.8
1980	26	12611	1372
1979	25	12315	706
AVERAGE	46.85	16397.77	2461.17
MAXIMUM	63	20962.7	4484.12
MINIMUM	25	11466.1	256.44

Table 1. Irrigation usage from the Lower James Missouri aquifer (Water Rights, 1979-2008).

There are four existing water permits/rights for irrigation located within two miles of this application. The nearest water permit, 7014-3, is located approximately one half mile west of this permit application. 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 is not expected to be a problem.

3. If the well covered by this Permit depletes the domestic supplies or interferes 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. This well 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, Water Resources Investigations Report 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, Unpublished Observation Well Records for Yankton County, SD DENR, Water Rights Program, Pierre, SD, 57501

RECEIVED

JUL - 2 2009

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020, Joe Foss Building
523 E Capitol
Pierre, SD 57501

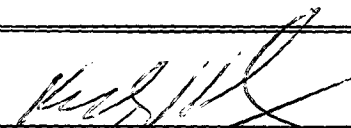
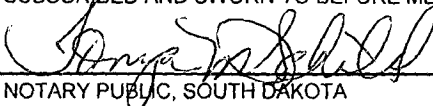
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application No. 7138-3.

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 26th DAY OF June 2009
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$42.34 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: 6/26/2009

FILED ON: 6/29/2009


SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF June 2009

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

NOTICE OF APPLICATION
NO. 7138-3 to
Appropriate Water

Notice is given that Morris Nelson Farms, Inc., c/o Darrell Nelson, 44023 306th St, Yankton SD 57078 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 250 feet deep) located in center of the NE 1/4 Section 14 to irrigate 240 acres located in the NE 1/4 Section 14 and W 1/2 SE 1/4 Section 11; all in T94N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. ~~7138-3~~ because 1) ~~unappropriated~~ water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition

contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 6, 2009.

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

Published twice at the total approximate cost of: \$42.34
Estimated Publishing Cost Per Circulated



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 11, 2009

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7138-3 to Appropriate Water to be published twice. Please publish the first notice on June 19, 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 Morris Nelson Farms Inc., c/o Darrell Nelson, 44023 306th St., Yankton SD 57078 (Ph # 605-661-4154).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7138-3

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

Date _____

We are in receipt of your letter of June 11, 2009 enclosing Notice to Appropriate Water by Application No. 7138-3 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 11, 2009

Morris Nelson Farms Inc
c/o Darrell Nelson
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Water Permit Application No. 7138-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-1721). 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 Notices 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on June 19, 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 NO. 7138-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7138-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 6, 2009.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 21, 2009

Morris Nelson Farms Inc.
c/o Darrell Nelson
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

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

- Enclosed is the application. The bottom of portion of the application needs to be signed by you and notarized.
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

Not available

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



**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 04 2009

Morris Nelson Farms Inc
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Enclosed is Water Permit No. 7138-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

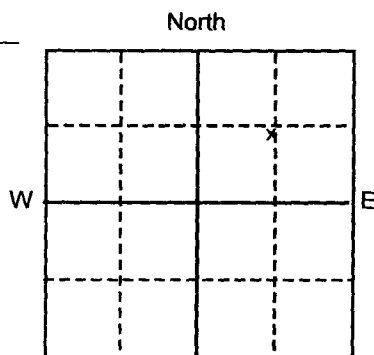
enclosures

7138-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location sw 1/4 ne 1/4 Sec 14 Twp 94n Rg 55wCounty yanktonPlease mark well
location with an "X"

Well Completion Date

7/20/09

1 Mile

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

3,600.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>160.0</u> FT	<u>22.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>bent grt</u>	<u>34</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>154.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 50.0 FeetMaterial pvcSlot Size .060 Set From 160.0 Feet to 210.0 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 to which water
quality sample sent for analysisWell Owner: Morris Nelson Farms

Business Name:

Address: 44023 306th StreetCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, dark brown, clayey	0	2
Clay, brown, silty, pebbly, till	2	46
Clay, gray, silty, pebbly, till	46	157
Gravel, coarse, sandy	157	212

STATIC WATER LEVEL 162.0 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: air lift development
☒ Bailed

☐ Other

Pumping Level Below Land Surface

172.0 Ft. After 4.0 Hrs. pumped 860.0 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 780.0 GPM

REMARKS

This well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

RECEIVED

Signature of Well Owner or Equitable Property Holder

JAN 29 2010

WATER RIGHTS
PROGRAM

Date:



7138-3
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 16, 2015

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** 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.

7138-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 27, 2015

Darrell Nelson
Nelson Family Partnership
44023 306th St
Yankton SD 57078

RE: Irrigation Questionnaires for Permit or Right Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7138-3

**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 15, 2016

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

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



SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** 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.



7138-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 26, 2016

Darrell Nelson
44023 306th St
Yankton SD 57078

RE: Water Right or Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires for the above listed water permits and water rights. You may disregard the January 15, 2016, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

With respect to the ownership changes needed, I have enclosed partially completed transfer forms for use in filing the ownership changes. Copies of the corresponding water rights and permit are also included. Please review the forms and make any necessary corrections. Upon completion, the forms need to be signed and returned to our office with a required filing fee of \$50.00 each (total of \$300). 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,

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

Enclosures: Transfer forms & copies of Water Right Nos. 3369B-3, 4251-3, 4443-3, 2600A-3, 5414-3 and Water Permit No. 7199-3.



7138-3
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 23, 2020

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact 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: <https://denr.sd.gov/iq> using this password: VTCLLD**

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.



7138-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2020

Darrell Nelson
Nelson Family Partnership
44023 306th St
Yankton SD 57078

RE: Water Right/Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for the above listed water rights and permits. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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 Nos. 7138-3**

I have this day, April 7, 2020, made a thorough examination of the water use systems constructed by Morris Nelson Farms Inc., 44023 306th St., Yankton, SD 57078, holder of Permit No. 7138-3, bearing the priority of May 21, 2009 authorizing the diversion of 2.22 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: Darrell Nelson

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 212 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 160 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 50 feet
- 3) Type: PVC
- 4) Static water level: 162 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 800S7503A
- 3) Capacity: 850 GPM

Motor:

- 1) Make: Grundfos
- 2) Model No.: MMS8000
- 3) Horsepower rating: 75 hp

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

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

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1,292 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 850 GPM

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes
- 5) Discharge is 20' from source: Needs Hose
- 6) Interlock type: Electrical
- 7) Injection pump: Positive Displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

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 1,350 feet west and 1,340 feet south of the northeast corner of Section 14-T94N-R55W (Latitude 42.963300, Longitude -97.303570 – SW1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use 1.89 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 14-T94N-R55W

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

comprising a total of 134 acres of land and the licenses should be issued for 1.89 cfs.

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

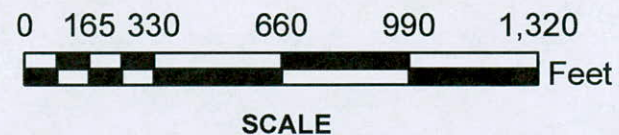
F. Comments or other permit(s) associated with the project: The irrigation system in the W1/2 of the SE1/4 of Section 11- T94N-R55W was not installed. I visited with Mr. Nelson about keeping a hose at the site to make sure discharges from the chemigation system are at least twenty feet away from the well.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: April 23, 2020

Water Right No. 7138-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
April 23, 2020



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 01 2020

7138-3

Darrell Nelson
Morris Nelson Farms Inc
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Enclosed is Water License No. 7138-3. 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. 7138-3**

(1) Morris Nelson Farms Inc., 44023 306th St, Yankton SD 57078 made Application No. 7138-3, May 21, 2009 for a water permit to divert 2.22 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7138-3, with a priority date of May 21, 2009 was approved July 6, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 6, 2014 and for the application to beneficial use of water on or before July 6, 2018.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion 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 as follows:

- 1,350' W and 1,340' S of the NE corner of Section 14, T94N, R55W (approximate center of NE ¼)
Latitude 42.96330, Longitude -97.303570

(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:

T94N, R55W Section 14	NW ¼ NE ¼	33 acres	
	NE ¼ NE ¼	33 acres	
	SW ¼ NE ¼	34 acres	Total acres 134
	SE ¼ NE ¼	34 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Morris Nelson Farms Inc., 44023 306th St, Yankton SD 57078 the holder and/or owner of Water Right No. 7138-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of May 21, 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. 7138-3 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. 7138-3 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 Hammond-Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

JUN 01 2020

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

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: DARRELL & DENNIS NELSON, 44023 306TH ST, YANKTON, SD 57078 6008

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

1661-3, 2600A-3, 3369B-3, 4251-3,
4443-3, 4551-3, 5414-3, 6704-3,
6756-3, 7138-3, 7199-3,
7544-3, 7972-3 & 8348-3

Nelson Farms Inc
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6704-3, 6756-3, 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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