

WATER PERMIT NO. 7145-3

Name of Applicant: **Delos Warriner**

Address: **44147 307th St, Yankton SD 57078**

Phone: **605 665-6421**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **140 acres**

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

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System: **NA**

Location: **1 miles northwest of Yankton**

PRIORITY

Date Received: **6-8-09**

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

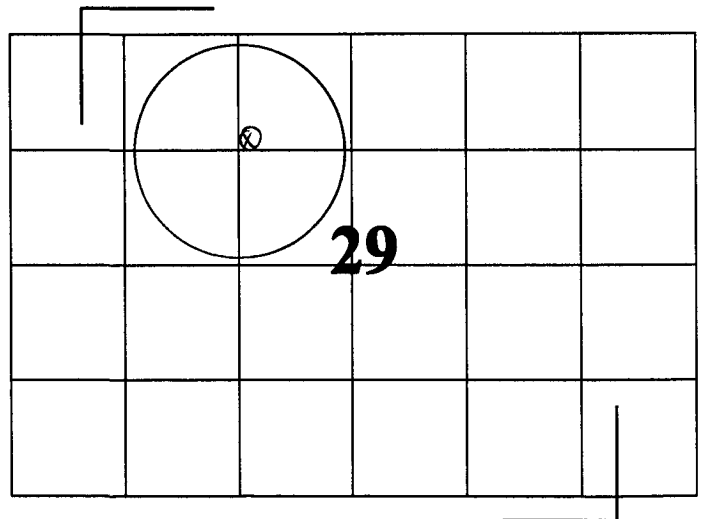
Corrected Application Received: **6-15-09**

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

Remarks:

Diversion Point: **NE ¼ NW ¼ Sec 29-T94N-R55W**

Land to be Irrigated: **NW ¼ Sec 29-T94N-R55W**



Depth of Well: **200 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Steve J Lynch, Yankton Co NRCS**

Reviewed and the Number Assigned on: **6-15-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7145-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Press & Dakotan, Yankton</u>

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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.) _____

- Cell: 661-4136
1. Name of Applicant Delos Warriner Phone 605 665 6421
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 44147 307th st. Yankton State S.D. 57078
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 1 well to lower Missouri river
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE of NW of sec. 29
Township 94N Range 55W
County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used April 1 to October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW of NW 1/4, NE of NW 1/4, SE of NW 1/4, SW of NW 1/4, all of			
Section 29 township 94N	<u>140</u>		
Range 55W			

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

Crop Irrigation.

STATE OF SOUTH DAKOTA) SS
County of Yankton

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Delos Warriner, 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 Delos Warriner

Subscribed and sworn to before me this 2nd day of June 20 09

Donna Steinboch
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7145-3**

Date of first receipt of application June 8, 2009.

Date of return to applicant for corrections, amendments or changes June 8, 2009.

Date of receipt of corrected application June 15, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7145-3 to Delos Warriner, 44147 307th 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. 7145-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 200 feet deep) located in NE ¼ NW ¼ Section 29 to irrigate 140 acres located in the NW ¼ Section 29; 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 – October 31.
3. The date from which applicant may claim right is June 8, 2009.
4. The date of approval of Permit No. 7145-3 is August 24, 2009.
5. One-fifth of the construction is to be completed on or before February 24, 2012.
6. All construction is to be completed on or before August 24, 2014.
7. Water is to be put to beneficial use on or before August 24, 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. 7145-3 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.

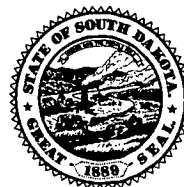
WATER MANAGEMENT BOARD

By: Garland Erbele

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

SEP 02 2009

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 200'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack 1/8 to 3/8" P-rock Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 120'
- f) Depth to Water (ground surface to water level) 110'
- g) Distance to nearest existing domestic well:

On applicants property N/A

On property owned by others Greater than 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 _____

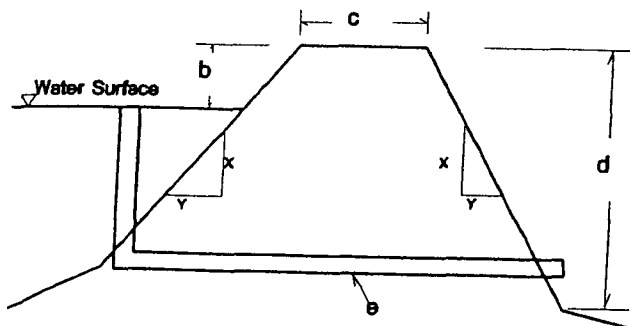
3. Dugout Information

- 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

Customer(s): STEVEN AUCH

Field Office: YANKTON SERVICE CENTER
Agency: USDA/NRCS

Legal Description: NW 1/4 29-94-55

State and County: SD, YANKTON



map by Slim & Lurch

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USDA/NRCS - Yankton

6-4-09



Legend

☐ Sections

610 0 610 1,220 1,830 2,440 Feet



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Natural X
Gamma:

Extra:

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7

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1310.0 - 1282.0	0.0 - 28.0	CLAY, YELLOW-BROWN, SILTY, SANDY (OXIDIZED TILL)
1282.0 - 1249.0	28.0 - 61.0	SAND, MEDIUM TO COARSE; SOME VERY COARSE GRAVEL
1249.0 - 1200.0	61.0 - 110.0	CLAY, GRAY, SILTY TO PEBBLY (TILL)
1200.0 - 1067.0	110.0 - 243.0	SAND AND GRAVEL, COARSE SAND TO MEDIUM GRAVEL
1067.0 - 1015.0	243.0 - 295.0	CLAY, LIGHT-GRAY-BROWN; NONCALCAREOUS, GREASY LUSTER (BLUE HILL MEMBER - CARLILE SHALE)
1015.0 - 975.0	295.0 - 335.0	CLAY, LIGHT- TO MEDIUM-BROWN; FAIRLY CALCAREOUS, GRITTY, GREASY LUSTER (FAIRPORT SHALE MEMBER - CARLILE SHALE)

*Richard H. Hamel***Record 27 of 45****Location Information**

Legal SE SE SE SE SEC. 19, T. 094 N., R. 55 W.

Location:

County: YANKTON

Location:

094N55W19DDDD

Basin: JAMES

Latitude:

42 56' 18"

Hydrologic 10160011

Longitude:

97 22' 37"

Unit Code:

Land

Ground Surface Elev. (ft.): 1318 T

Owner:

Project InformationProject: YANKTON
COUNTY STUDY

Drill Date: 04/30/1986

Geologist:

G. JOHNSON

Company: SDGS

Geologist's Log:

Drilling ROTARY

Driller:

T. MCCUE

Method:

Test Hole R2-86-8

Driller's Log:

X

Number:

Samples:

Total Drill Hole Depth (ft.): 320.0

Lithologic Information

<u>Elevation (ft.)</u>	<u>Depth (ft.)</u>	<u>Description</u>
1318.0 - 1317.0	0.0 - 1.0	TOPSOIL, BLACK

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1317.0 - 1313.0	1.0 - 5.0	CLAY, YELLOWISH-BROWN; OXIDIZED (TILL)
1313.0 - 1296.0	5.0 - 22.0	CLAY, LIGHT-GRAYISH-BROWN, SILTY, PEBBLY; OXIDIZED (TILL)
1296.0 - 1288.0	22.0 - 30.0	CLAY, LIGHT-BROWN; OXIDIZED (TILL)
1288.0 - 1280.0	30.0 - 38.0	CLAY, YELLOWISH- TO DARK- BROWN, GRAY FROM 34 TO 36 FEET; OXIDIZED (TILL)
1280.0 - 1260.0	38.0 - 58.0	CLAY, GRAY, PEBBLY, GRAVELLY IN UPPER 10 FEET (TILL)
1260.0 - 1243.0	58.0 - 75.0	SAND AND GRAVEL
1243.0 - 1236.0	75.0 - 82.0	CLAY, GRAY (TILL)
1236.0 - 1223.0	82.0 - 95.0	SAND AND GRAVEL
1223.0 - 1164.0	95.0 - 154.0	CLAY, GRAY, SANDY; LOWER 6 FEET DRILLS HARD (TILL)
1164.0 - 1129.0	154.0 - 189.0	SAND AND GRAVEL
1129.0 - 1128.0	189.0 - 190.0	CLAY, YELLOWISH-BROWN (TILL)
1128.0 - 1041.0	190.0 - 277.0	CLAY, GRAY OR BROWNISH- GRAY, YELLOWISH- BROWN FROM 237 TO 239 FEET; SAND AND GRAVEL STRINGERS, ESPECIALLY LOWER 40 FEET (TILL)
1041.0 - 998.0	277.0 - 320.0	CLAY, GRAY; WITH GREASY LUSTER (CARLILE SHALE)

DRIED CUTTINGS CHECKED BY GEOLOGIST, 05-01-1989; DRILLER'S DESCRIPTION
SLIGHTLY MODIFIED.

Record 28 of 45**Location Information**

Legal SE SW SE NE SEC. 20, T. 094 N., R. 55 W.

Location:

County: YANKTON

Location:

094N55W20ADCD

Basin: JAMES

Latitude:

42 56' 46"

Hydrologic 10160011

Longitude:

97 21' 35"

Unit Code:

Land

Ground Surface Elev. (ft.): 1225 T

Owner:

Project Information

Project: YANKTON
COUNTY STUDY

Drill Date: 06/09/1980

Geologist:

D. TOMHAVE

Company: SDGS

Geologist's Log:

X

Drilling AUGER

Driller:

M. WEISSMAN

Method:

Test Hole YA-21-80

Driller's Log:

Number:

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date June 8, 20 09

RECEIVED OF Delos L. Warriner, 44147 307th St, Yankton SD 57078

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

Fee for Application for Permit No. <u>7145-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>7145-3</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	275.00

No. 04152

By Harland Erbele
Chief Engineer (KS)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/15, 20 09

RECEIVED OF Delos L warriner 44147 307th St Yankton SD 57078

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

Fee for Application for Permit No. <u>7145-3</u> to Appropriate Water, to construct and to put water to beneficial use	25	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 _____		
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	25 00

No. 04157

By

[Signature]
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

June 8, 2009

Delos Warriner
44147 307th St
Yankton SD 57078

Dear Mr. Warriner:

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

- Enclosed is the aerial photo map submitted with the application. Please mark the proposed location of the well with an "X".
- Also, the application states you are proposing to irrigate 100 acres and lists the acreage to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29-T94N-R55W. The area outlined on the map appears to be more than 100 acres and includes the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29. The map needs to match the legal description identified on the application. Please make the necessary changes to the map and/or the application.
- Regarding the amount of water claimed, State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.43 cfs or 640 gpm to irrigate 100 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

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

enclosure

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WATER RIGHTS
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June 12, 2009

Karen Schlaak
Water Rights Program
523 East Capitol
Pierre, SD 57501-3182

Dear Karen:

Sorry about the mistakes on the Application for a Permit to Appropriate Water for irrigation. I have enclosed a revised form, and hopefully this time it is correct.

I have also enclosed a well or test hole log (don't know which one), signed by a licensed South Dakota well driller.

I am also enclosing a check for \$25.00, to be added to the \$275.00 check that I sent previously, for the total of \$300.00 for the Application.

If anything else is needed or you have any questions, please contact me.

Sincerely,

Marietta Warriner

Delos and Marietta Warriner
44147 307th St
Yankton, SD 57078
605-665-6421 (Home)
605-661-4136 (Cell)
dmwarriner@hotmail.com



**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. 7145-3, Delos Warriner**

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. 7145-3, Delos Warriner, 44147 307th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7145-3 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. 7145-3 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.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 30, 2009

**Report on Water Permit Application No. 7145-3
for Delos Wariner
July 1, 2009**

Application No. 7145-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 200 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29 to irrigate 140 acres located in the NW $\frac{1}{4}$ Section 29 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-57C, 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.

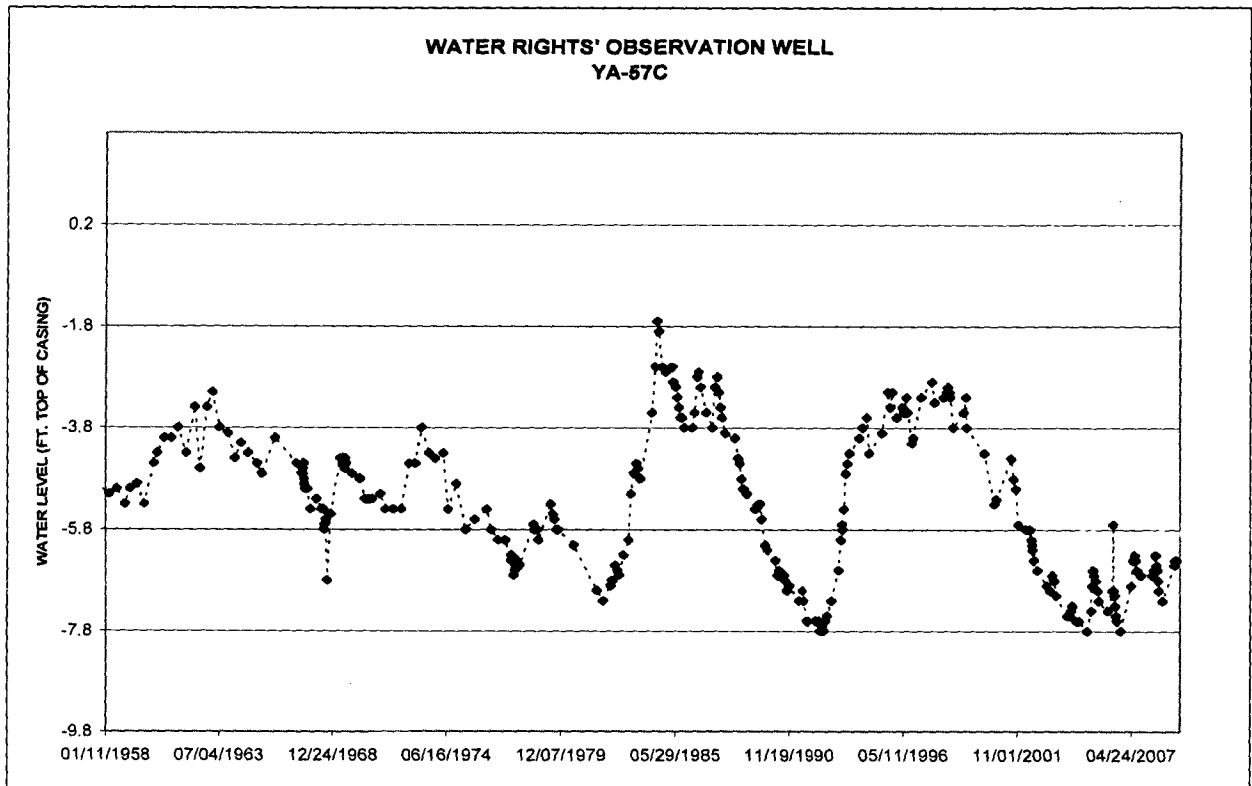


Figure 1. Hydrograph for Water Rights Observation Well YA-57C, completed into the Lower James Missouri Aquifer within one mile of 7145-3

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

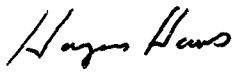
Table 1. Irrigation usage from the Lower James Missouri aquifer (Water Rights, 1979-2008).

There are ten existing water permits/rights for irrigation located within one and a half miles of this application. The nearest water permit, 6756-3, is located approximately three quarters of a mile south 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

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
Attn: Water Rights Program
523 E Capitol
Pierre, SD 57501

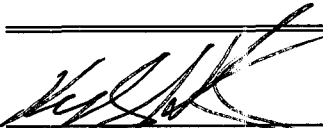
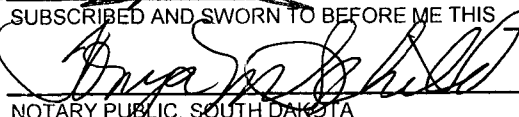
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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 Application No. 7145-3.

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE 14th DAY OF August 2009 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$49.45 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: 8/7/2009, 8/14/2009

FILED ON: 8/14/2009


SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF August 2009

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

NOTICE OF APPLICATION
NOS. 7145-3 to
Appropriate Water

OK
Notice is given that Delos Warriner, 44147 307th St, Yankton, SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be complete into the Lower James:Missouri Aquifer (approximately 200 feet deep) located in NE 1/4 NW 1/4 Section 29 to irrigate 140 acres located in the NW 1/4 Section 29; all in T94N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7145-3 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 August 24, 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.

Published twice at the total approximate cost of: \$49.45
Estimated Publishing Cost Per Circulated Copy: \$.003



**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.**

July 31, 2009

Delos Warriner
44147 307th St.
Yankton SD 57078

Dear Mr. Warriner:

Water Permit Application No. 7154-3 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 and 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 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 31, 2009

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7145-3 to Appropriate Water to be published twice. Please publish the first notice on August 7, 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 Delos Warriner, 44147 307th St, Yankton SD 57078 (Ph # 605 665-6421).

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. 7145-3

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

Date _____

We are in receipt of your letter of July 31, 2009 enclosing Notice to Appropriate Water by Application No. 7145-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 7, 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. 7145-3 to Appropriate Water

Notice is given that Delos Warriner, 44147 307th St, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 200 feet deep) located in NE ¼ NW ¼ Section 29 to irrigate 140 acres located in the NW ¼ Section 29; all in T94N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7145-3 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 August 24, 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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 02 2009

Delos Warriner
44147 307th St
Yankton SD 57078

Dear Mr. Warriner:

Enclosed is Water Permit No. 7145-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

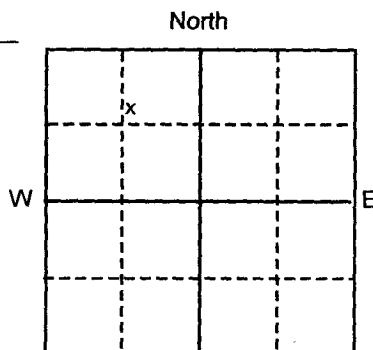
7145-3 SD EForm - 1621LD V1

11-02

Location ne 1/4 nw 1/4 Sec 29 Twp 94n Rg 55w

County Yankton

Please mark well location with an "X"



Well Completion Date

11/17/09



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

1,100.0 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:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>163.0</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>27</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>157.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 40.0 Feet

Material pvc

Slot Size .060 Set From 163.0 Feet to 203.0 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 analysis

Well Owner: Delos warriner

Business Name:

Address: 44140 307th Street

City, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, brown, silty, pebbly till	0	33
Clay, gray, silty, pebbly till	33	160
Gravel, medium to coarse,	160	204
Siltstone, gray	204	210

STATIC WATER LEVEL 126.0 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

142.0 Ft. After 4.0 Hrs. pumped 600.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 700.0 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:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date: JAN 29 2010

WATER RIGHTS
PROGRAM

2-1-10



7145-3

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: DELOS WARRINER, 44147 307TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7145-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 7145-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 7145-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** 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: <https://danr.sd.gov/iq> using this password: HPSFXD**

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

February 16, 2022

7145-3

Delos Warriner
44147 307th St
Yankton SD 57078

Dear Mr. Warriner:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No 7145-3. 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
Genny.mcmath@state.sd.us

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7145-3**

I have this day, May 16, 2022 made a thorough examination of the water use system owned by Delos Warriner, 44147 307th St., Yankton, SD 57078, holder of Permit No. 7145-3, bearing the priority date of June 8, 2009, authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 140 acres, located in Yankton County.

Inspection contact: Jacob Warriner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 210 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 163 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 126 feet

Pump:

- 1) Make: Am Marsh
- 2) Model: 12KS
- 3) Capacity: 725 gpm

Motor:

- 1) Make: Holloshaft Gear Drive (US Electrical Motors)
- 2) Serial No.: SN-056062
- 3) Horsepower rating: 60 hp

Engine:

- 1) Make: Case Corporation
- 2) Part No.: N1347633C1

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

- 1) Type: Galvanized
- 2) Size: 8 inches
- 3) Length: 10 feet

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

- 1) Make: Zimmatic
- 2) Overall length: 1,259 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 725 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 the construction period: Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

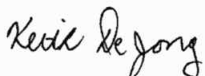
- 1) The system is in good condition with the point(s) of diversion located as follows:
The well is 1,330 feet east and 1,340 feet south of the northwest corner of Section 29-T94N-R55W (Latitude 42.93420, Longitude -97.37232 – SE1/4 of the NW1/4).
- 2) The works are capable of diverting and conveying to the place of use 1.62 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 29-T94N-R55W

<u>NW1/4NW1/4</u>	<u>31 acres</u>
<u>NE1/4NW1/4</u>	<u>32 acres</u>
<u>SW1/4NW1/4</u>	<u>32 acres</u>
<u>SE1/4NW1/4</u>	<u>34 acres</u>

comprising a total of 129 acres of land and the license should be issued for 1.62 cfs.

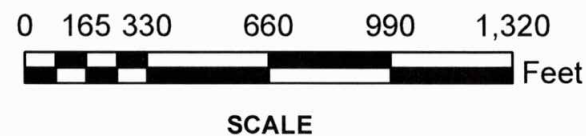
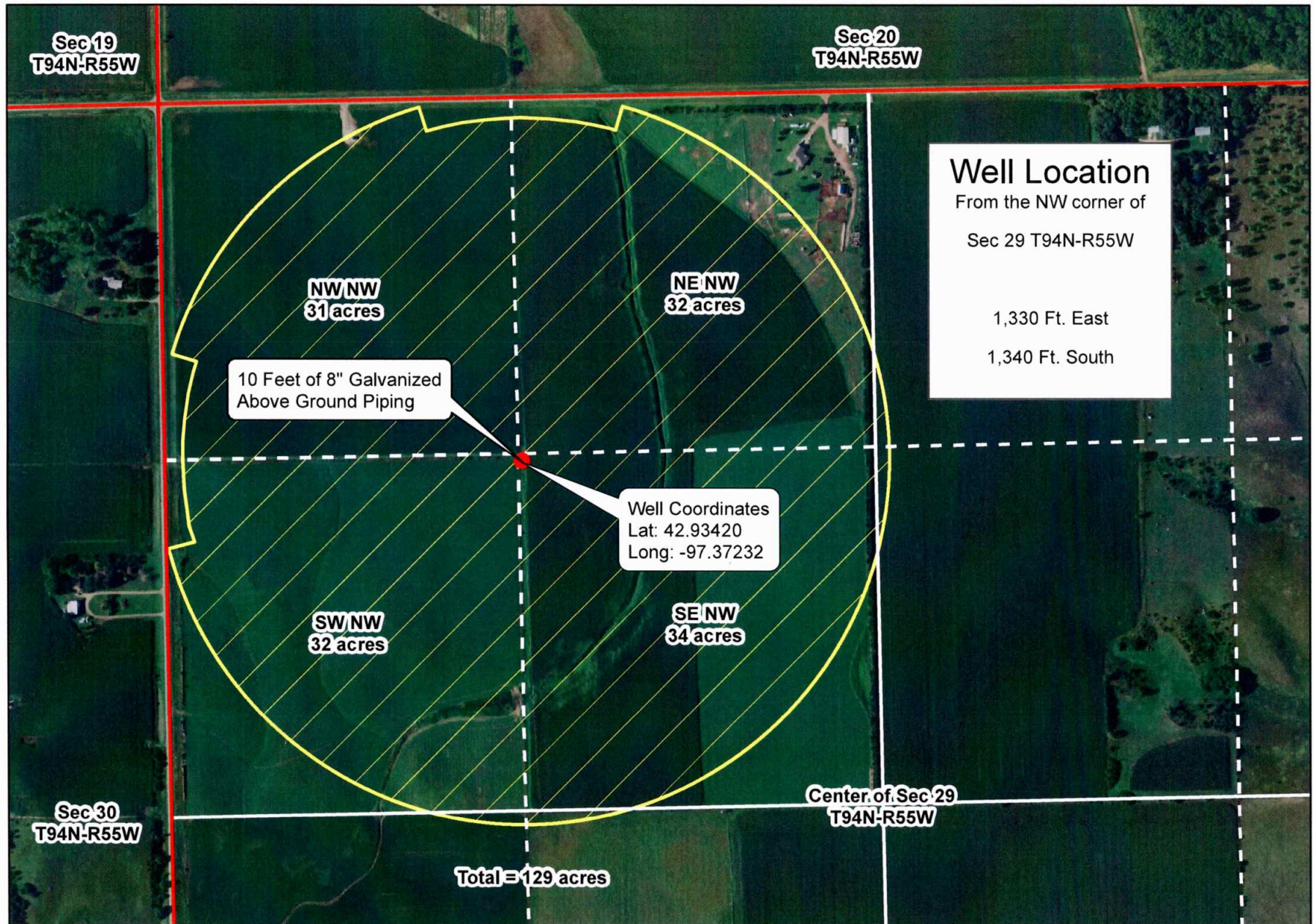
- 3) All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: The pump is a turbine pump, but it did not have a nameplate on it. I got the pump information from Heine Electric and Irrigation. The well appears to be in the SE1/4 of the NW1/4 instead of the NE1/4 of the NW1/4. Also, Mr Warriner does not chemigate at this time. However he may chemigate in the future. I told him that if he decides to chemigate he can contact the DANR in Pierre to get the current chemigation regulations.

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

Date report completed: June 9, 2022

Water Right No. 7145-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
June 9, 2022

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Delos Warriner

ADDRESS: 44147 307th St, Yankton SD 57078

DATE: July 11, 2022

COUNTY: Yankton

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct a well into the **Lower James Missouri Aquifer** in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of **Section 29** for irrigation of **140** acres in the NW $\frac{1}{4}$ of **Section 29** all in **T94N-R55W**.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder was authorized a well into the Lower James Missouri Aquifer located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T94N-R55W with a diversion rate of 1.78 cfs. The well was constructed slightly south in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T94N-R55W and is capable of a diversion rate of 1.62 cfs.

- **If irrigation, no new land is irrigated**

The permit holder developed 129 acres of the 140 acres that were authorized in the NW $\frac{1}{4}$ of Section 29 T94N-R55W.

- **Review of Existing Diversions**

There are six existing water permits/rights within a mile of where the this well was developed. One of these was an existing permit/right when this permit was issued the other five were permitted and developed after this permit was issued, when any of these permits were issued it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 13 2022

7145-3

Delos Warriner
44147 307th St
Yankton SD 5708

Dear Mr. Warriner:

Enclosed is Water License No. 7145-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7145-3

(1) Delos Warriner, 44147 307th St., Yankton SD 57078 made Application No. 7145-3, June 8, 2009, for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7145-3, with a priority date of June 8, 2009, was approved August 24, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 24, 2014, and for the application to beneficial use of water on or before August 24, 2018.

An investigation conducted for licensing purposes found the diversion point developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.62 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,330'E and 1,340'S of the NW corner of Section 29, T94N, R55W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 42.93420, Longitude -97.37232

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

Section 29, T94N, R55W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	32 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	32 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	Total	129 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Delos Warriner, 44147 307th St., Yankton SD 57078 the holder and/or owner of Water Right No. 7145-3 is issued a license to appropriate water, the right to use 1.62 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of June 8, 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. 7145-3 and subject to the following qualifications:

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

continued

- The well authorized by Permit No. 7145-3 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 November 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.

Eric Gronlund

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

JUL 13 2022

date





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: DELOS WARRINER, 44147 307TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7145-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 7145-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 7145-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** 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: <https://danr.sd.gov/iq> using this password: YUGZIQ**

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

March 1, 2023

7145-3

Delos Warriner
44147 307th St
Yankton SD 57078

Dear Mr. Warriner:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 7145-3. 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
Genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: DELOS WARRINER, 44147 307TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7145-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 7145-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 7145-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** 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 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: ZEKOZM**

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

March 5, 2024

7145-3

Delos Warriner
44147 307th St
Yankton SD 57078

Dear Mr. Warriner

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 7145-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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: DELOS WARRINER, 44147 307TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7145-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 7145-3 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) 7145-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 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 questionnaire(s) 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: MEPLUL**

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

March 3, 2025

7145-3

Delos Warriner
44147 307th St
Yankton SD 57078

Dear Mr. Warriner:

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). 7145-3. 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

7145-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: DELOS WARRINER, 44147 307TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7145-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 7145-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 7145-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NHYODF**

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.