

WATER PERMIT NO. 7187-3

Name of Applicant: **Prairie Creek Ranch**

Address: **4408 Broadway, Yankton SD 57078** Phone: **605 661-8477**

Amount of Water Claimed: **1.78 cfs** Total Acres: **150**

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

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

Type of Waste Disposal System: **NA**

Location: **1 mile east of Yankton**

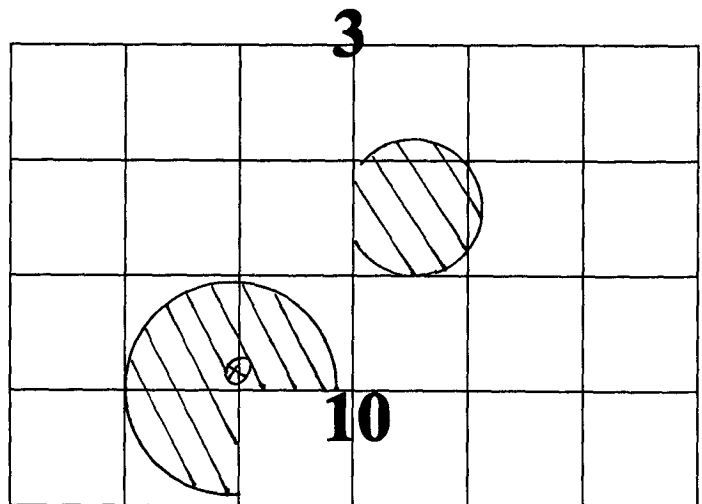
PRIORITY Date Received: **3-10-10** Application/License Fee: **\$1,050**

Corrected Application Received: Period of Annual Use: **May 1 – September 30**

Remarks: **Water Right No. 3594-3 authorizes irrigation of the same lands from the James River**

Diversion Point: **N1/2 NW ¼ Sec 10-T93N-R55W**

Land to be Irrigated: **N ½ W ¼, SW ¼ NW ¼ Sec 10 and S ½ SE ¼ NW ¼ SE ¼ Sec 3; all in T93N-R55W**



Depth of Well: **96 feet deep**

Well Driller: **Hammond-Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Steve Lunch (sp) Yankton NRCS**

Reviewed and the Number Assigned on: **3-11-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED
MAR 10 2010
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7178-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Daily Press & Dakotan</u> PO Box <u>56</u>	
	<u>605-665-7811</u> <u>Yankton 57078</u>	

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 PRAIRIE CREEK RANCH - Tom ARENS Phone 605 661-8477
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 1408 BROADWAY YANKTON State SD 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 150
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 WELL INTO LOWER MISSOURI RIVER AQUIFER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 WELL IN NW1/4 SECTION 10-T93N-R55W
CN1/2 NW1/4 County YANKTON
- County or counties where water will be used YANKTON
- Annual period during which water is to be used MAY 1 TO 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
NW1/4 NE1/4 SEC 10 T93N-R55W	35	SW1/4 SE1/4 SEC 3 T93N-R55W	35
SW1/4 NW1/4 SEC 10 T93N-R55W	35	SE1/4 SE1/4 SEC 3 T93N-R55W	5
NE1/4 NW1/4 SEC 10 T93N-R55W	35	NW1/4 SE1/4 SEC 3 T93N-R55W	5

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

REPLACE RIVER PERMIT ~~3594-3~~ WITH WELL

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, Tom ARENS, 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 Tom Arens

Subscribed and sworn to before me this 25th day of February 20 10

Notary Public signature

my commission expires - 3/21/2014

**SOUTH DAKOTA
WATER PERMIT NO. 7187-3**

Date of first receipt of application March 10, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7187-3 to Prairie Creek Ranch, c/o Tom Arens, 4408 Broadway, 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. 7187-3 appropriates 1.78 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (96 feet deep) located in N 1/2 NW 1/4 Section 10 to irrigate 150 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 10 and S 1/2 SE 1/4, NW 1/4 SE 1/4 Section 3; all in T93N-R55W. Water Right No. 3594-3 authorizes irrigation of the same acreage from the James River.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is March 10, 2010.
4. The date of approval of Permit No. 7187-3 is May 3, 2010.
5. One-fifth of the construction is to be completed on or before November 3, 2012.
6. All construction is to be completed on or before May 3, 2015.
7. Water is to be put to beneficial use on or before May 3, 2019.
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 Permit No. 7187-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 15 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 96'
- b) Casing Type PVC BE Diameter 16" Thickness SCH 40-1/2"
- c) Screen Type PVC BE Diameter 16" Thickness SCH 40-1/2"
- d) Gravel Pack 1/8" to 3/8" BE Rock Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 46'
- f) Depth to Water (ground surface to water level) 17'
- g) Distance to nearest existing domestic well:

On applicants property N/A

On property owned by others GREATER THAN 1500'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) N/A Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

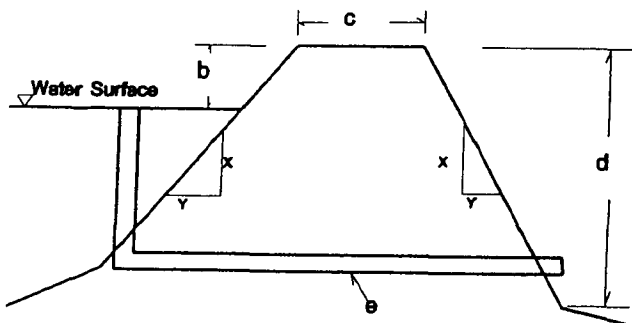
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) _____

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:

N/A



- 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

Field Office: YANKTON SERVICE CENTER
Agency: USDA/NRCS

State and County: SD, YANKTON

Legal Description: NW1/4 Section 10 93N-55W



Legend

-  PrairieCreek
-  Sections



Map By:
Shaneh DC-NRCS
2/24/10

350 0 350 700 1,050 1,400
Feet



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MAR 10 2010

WATER RIGHTS
PROGRAM

Field Office: YANKTON SERVICE CENTER
Agency: USDA/NRCS

State and County: SD, YANKTON

Legal Description: SE1/4 Section 3 93N-55W



Legend

-  PrairieCreek
-  Sections



Map By:

Steve Smith DC-NRCS
3/24/10

350 0 350 700 1,050 1,400
Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/10, 20 10

RECEIVED OF Prairie Creek Ranch LLC 4604 Broadway Ave Yankton SD 57078

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

Fee for Application for Permit No. <u>7187-3</u>	to Appropriate Water, to construct and to put water to beneficial use	850	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>7187-3</u>		200	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	1050	00

No.

04505

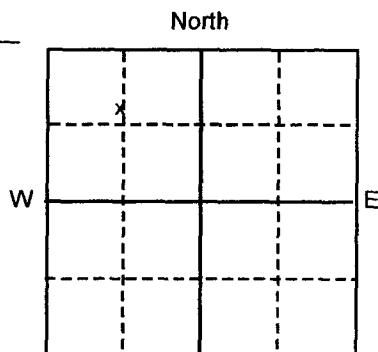
By

John E. Eide

Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location nw ¼ nw ¼ Sec 10 Twp 93n Rg 55wCounty YanktonPlease mark well
location with an "X"

Well Completion Date

12/27/09

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,400.0 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	16.00 IN	0.0 FT	65.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grt	17	9.5 Lb/gal	0.0 Ft	57.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial pvcSlot Size .080 Set From 65.0 Feet to 95.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets
☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Tom Arens & Robert WeverstadBusiness Name: Prairie Creek RanchAddress: 4408 BroadwayCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Sand, brown, fine, silty,	0	43
Sand, coarse,	43	50
Sand, medium to fine	50	63
Gravel, coarse	63	95
Shale, gray, brittle, calcareous	95	104

STATIC WATER LEVEL 21.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

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

Signature of License Representative:

RECEIVED

JAN 29 2010

Signature of Well Owner or Equitable Property Holder:

WATER RIGHTS
PROGRAM

Date: _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2010

Prairie Creek Ranch
Tom Arens & Robert Weverstad
4408 Broadway
Yankton SD 57078

Dear Sirs:

A well driller's report filed by Hammond-Wetmore Drilling shows that they recently completed a new well for you. The report indicates the well water will be used for irrigation. I have reviewed our files and can not find a water permit for a well located in NW ¼ Section 10-T93N-R55W. Based on the information in the report, it appears you need a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures

Water Rights Program - File Documentation

NAME: Tom Arens

ADDRESS: 4408 Broadway, Yankton SD

DATE: 2-17-10 **COUNTY:** YA **TELEPHONE:**

RE: Well Log

COMMENTS:

Tom Arens called regarding my February 9, 2010 letter regarding a well completion report. Tom Arens stated this well replaces the James River diversion point authorized by Water Right No. 3594-3, Robert Weverstad. Tom further indicated he was Robert Weverstad's son-in-law.

Karen Schlaak
Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7187-3, Prairie Creek Ranch**

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. 7187-3, Prairie Creek Ranch, c/o Tom Arens, 4408 Broadway, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7187-3 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 Permit No. 7187-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 7, 2010

NOTE: Water Right No. 3594-3 appropriates water from the James River for 180.7 acres which includes the 150 acres request for irrigation from the well. If the James River diversion point will no longer be used, please let us know and the water right will be cancelled. However, the James River water right may be maintained as long as the diversion works are maintained in working condition for immediate use upon demand.

**Report on Water Permit Application No. 7187-3
for Prairie Creek Ranch
March 15, 2010**

Application No. 7187-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 95 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 to irrigate 150 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 and S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3; all in T93N R55W in Yankton County. The annual period during which water will be used is April 1 through September 30. Water Right No. 3594-3 authorizes irrigation of the same acreage from the James River. A well completion report was submitted with this application.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point aquifer is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in the area of this application. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north, the Missouri and James Rivers and also extends into Clay County to the east. This application location is on the boundary between the Missouri Elk Point and the Lower James Missouri aquifers since the area is identified as the "southern portion" of the Lower James Missouri in the Yankton County Report (Bugliosi, 1986). Groundwater movement is likely from the northwest to the southeast across Yankton County and toward the Missouri River.

The well completion report submitted by Hammond-Wetmore Drilling indicates brown, fine, silty sand material from 0 to forty three feet below land surface, coarse sand from forty three to fifty feet below land surface, medium to fine sand from fifty to sixty three feet below land surface, coarse gravel from sixty three to ninety five feet below land surface and gray, brittle, calcareous shale from ninety five to one hundred and four feet below land surface. The static water level was twenty one feet below land surface. The well appears to be an adequate well.

Observation Well Data:

The Water Rights Program monitors two observation wells, YA-57D and YA-79H, located within three and a half miles of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010).

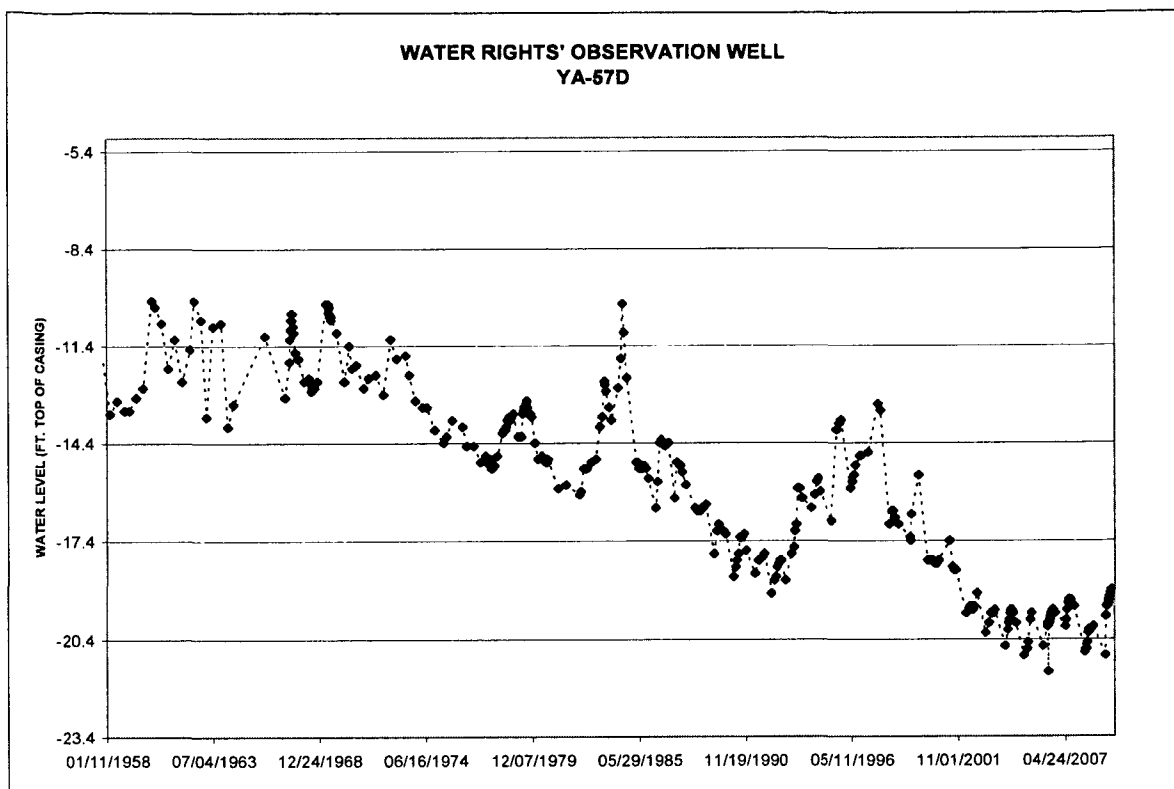


Figure 1. Hydrograph for Water Rights Observation Well YA-57D, completed into the Missouri Elk Point Aquifer within two and a half miles of 7187-3.

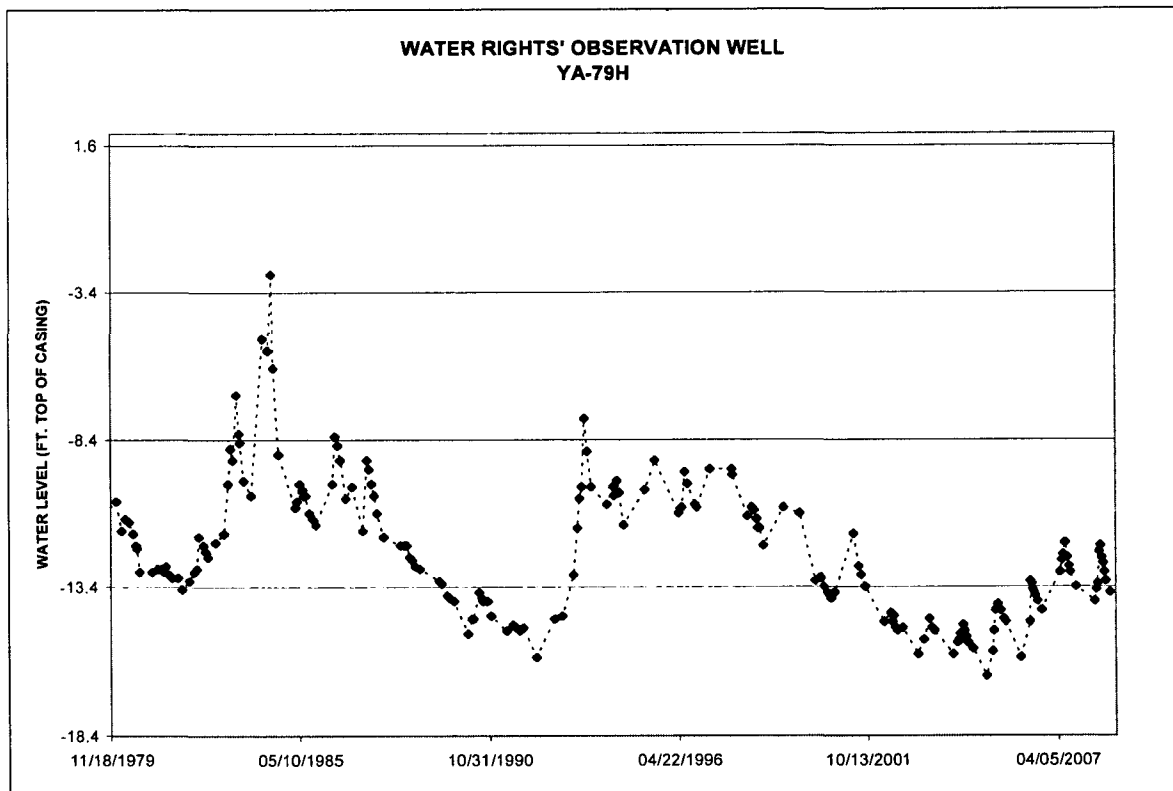


Figure 2. Hydrograph for Water Rights Observation Well YA-79H, completed into the Missouri Elk Point Aquifer within three and a half miles of 7187-3.

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

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators; irrigators in the other management units typically total less than ten.

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 over 304, with the average annual appropriation being nearly 128,000 acre-feet and the average annual pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M:EP			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2008	396	151130.4	16261.88
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	304.47	127767.86	17095.79
MAXIMUM	396	151130.4	31052.03
MINIMUM	265	121644.25	1475.2

Table 1. Irrigation usage from the Missouri aquifer (Water Rights, 1979-2007).

There are four existing water permits/rights for irrigation located within one mile of this application, including Permit 3594-3, which irrigated the same acreage from the James

River. The nearest water permit, 6793-3, is located just over half a mile south and east 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 Missouri Elk Point 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 or other arrangements may be required to protect these water supplies.
4. This well appears to be constructed in accordance with SD Well Construction Standards.
5. Permit 3594-3, which appropriates 2.85 cubic feet per second of water from the James River for irrigation, should be cancelled due to approval of this permit application since the acreage irrigated in this application location is permitted under Permit 3594-3.



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

NOTICE OF
APPLICATION NO.
7187-3
to Appropriate Water •

RECEIVED

APR 26 2010

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Prairie Creek Ranch
c/o Tom Arens
4408 Broadway
Yankton, SD 57078

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 7187-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF April 2010
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$53.32 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 4/14/2010 & 4/21/2010

FILED ON: 4/21/2010

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF April 2010

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

Notice is given that Prairie Creek Ranch, c/o Tom Arens, 4408 Broadway, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (96 feet deep) located in N 1/2 NW 1/4 Section 10 to irrigate 150 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 10 and S 1/2 SE 1/4, NW 1/4 SE 1/4 Section 3; all in T93N-R55W. Water Right No. 3594-3 authorizes irrigation of the same acreage from the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7187-3 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 May 3, 2010.

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.

Estimated publishing cost per publication approximately \$53.32.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 7, 2010

Yankton Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

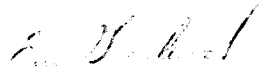
Enclosed is a Notice on Application No. 7187-3 to Appropriate Water to be published twice. Please publish the first notice on April 14, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Prairie Creek Ranch, c/o Tom Arens, 4408 Broadway, Yankton SD 57078 (Ph # 605-661-8477).

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. 7187-3

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

Date _____

We are in receipt of your letter of April 7, 2010 enclosing Notice to Appropriate Water by Application No. 7187-3 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
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

April 7, 2010

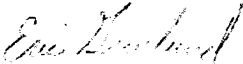
Prairie Creek Ranch
Tom Arens
4408 Broadway
Yankton SD 57078

Dear Mr. Arens:

Water Permit Application No. 7178-3 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 Yankton Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

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 April 14, 2010 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. 7187-3 to Appropriate Water

Notice is given that Prairie Creek Ranch, c/o Tom Arens, 4408 Broadway, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (96 feet deep) located in N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10 to irrigate 150 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 and S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3; all in T93N-R55W. Water Right No. 3594-3 authorizes irrigation of the same acreage from the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7187-3 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 May 3, 2010.

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

JUL 15 2010

Prairie Creek Ranch
Tom Arens
4408 Broadway
Yankton SD 57078

Dear Mr. Arens:

Enclosed is Water Permit No. 7187-3 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



7187-3
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: PRAIRIE CREEK RANCH, TOM ARENS, 4408 BROADWAY, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7187-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 7187-3 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) 7187-3 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, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 21, 2015

Tom Arens
Prairie Creek Ranch
4408 Broadway
Yankton SD 57078

RE: Irrigation questionnaires for Water Permit or Right Nos. 127-3, 2539A-3, 3594-3 and 7187-3

Dear Mr. Arens:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for Prairie Creek Ranch, Arthur Giggee and Robert Weverstad.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for the above listed permits. The information was received in our office prior to the Water Management Board meeting and no hearing will be scheduled concerning these permits.

Thank you for calling to confirm the information and for working to get the forms submitted on-line. Next year's irrigation questionnaires will be mailed directly to your address. Please keep us updated on any new address or renter changes.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

c: Robert Weverstad, 4604 Broadway, Yankton SD 57078
Arthur P Giggee, 3405 Alumax Rd, Yankton SD 57078

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7187-3

I have this day, June 15, 2021, made a thorough examination of the water use system constructed by Prairie Creek Ranch, 4408 Broadway, Yankton, SD 57078, holder of Permit No. 7187-3, bearing the priority of March 10, 2010 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 150 acres located in Yankton County.

Inspection contacts: Tom Arens

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 104 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 65 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 30 feet of PVC
- 3) Static water level: 21 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 625s400-2a
- 3) Capacity: 750 GPM

Motor:

- 1) Make: Grundfos
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- | | | |
|----------------------------|--------------------------|---|
| 1) Type: <u>Galvanized</u> | 2): Size <u>8</u> inches | 3): Length <u>20</u> feet to the SW pivot |
| 2) Type: <u>PVC</u> | 2): Size <u>8</u> inches | 3): Length <u>3,030</u> feet to the NE pivot |
| 3) Type: <u>Unknown</u> | 2): Size <u>6</u> inches | 3): Length <u>1,450</u> feet from WR No. 3594-3 to the NE pivot |

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

- 1) Make: Zimmatic
- 2) Overall length: 1,278 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 750 GPM

Chemigation Equipment:

- 1) Does chemigate: No

NE Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 696 feet
- 3) Number of towers: 4
- 4) End gun: Yes
- 5) Capacity: 750 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: No

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,320 feet east and 1,310 feet south of the northwest corner of Section 10-T93N-R55W (latitude 42.89081, longitude -97.33308 – N1/2 of the NW1/4).
2. The works are capable of diverting and conveying to the place of use 1.67 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:

Section 10-T93N-R55W

<u>NW1/4NW1/4</u>	<u>33 acres</u>
<u>NE1/4NW1/4</u>	<u>33 acres</u>
<u>SW1/4NW1/4</u>	<u>31 acres</u>

Section 3-T93N-R55W

<u>NW1/4SE1/4</u>	<u>2 acres</u>
<u>SW1/4SE1/4</u>	<u>37 acres</u>
<u>SE1/4SE1/4</u>	<u>2 acres</u>

comprising a total of 138 acres of land and the license should be issued for 1.67 cfs.

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

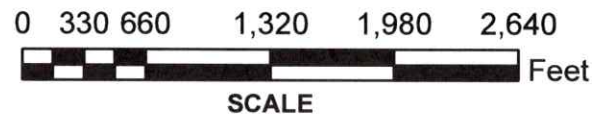
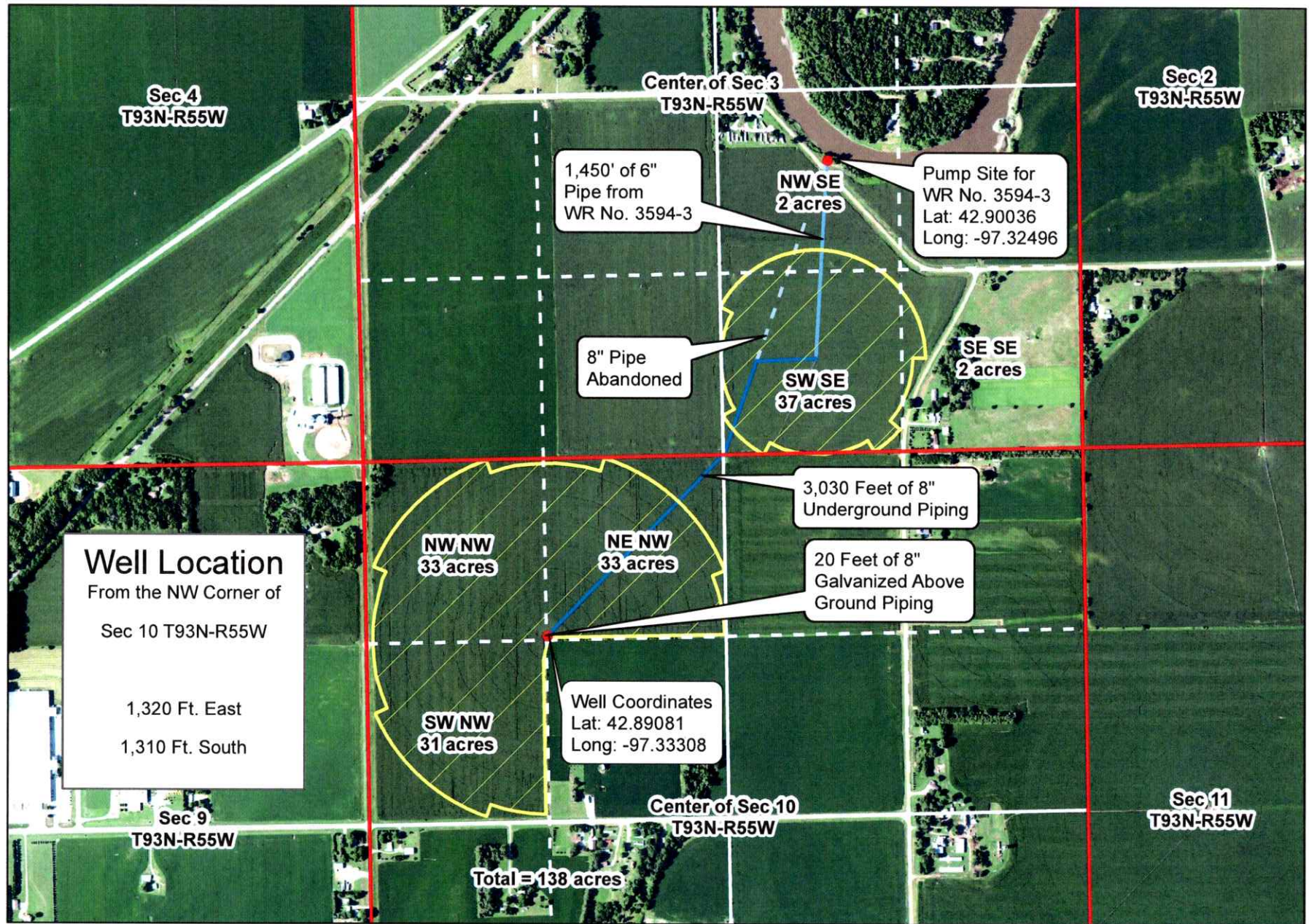
F. Comments or other permit(s) associated with the project: The pump and motor information was obtained from Dick Hammond. Also, the James River intake associated with licensed Water Right No. 3594-3 has not been used for several years. However, the piping to the pivots is in place and the owner would like to keep the licensed water right in place for use if needed.

Keith DeJong

Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: June 21, 2021

Water Right No. 7187-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
June 21, 2021



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

JUN 28 2021

7187-3

Tom Arens
Prairie Creek Ranch
4408 Broadway
Yankton SD 57078

Dear Mr. Arens:

Enclosed is Water License No. 7187-3. 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. 7187-3**

(1) Prairie Creek Ranch, 4408 Broadway, Yankton SD 57078 made Application No. 7187-3, March 10, 2010 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7187-3, with a priority date of March 10, 2010 was approved May 3, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 3, 2015 and for the application to beneficial use of water on or before May 3, 2019.

(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 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is located as follows:

- 1,320'E and 1,310'S of the NW corner of Section 10, T93N, R55W (near center of NW ¼ Sec 10)
Latitude 42.89081, longitude -97.33308

(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 10, T93N, R55W		Section 3, T93N, R55W	
NW ¼ NW ¼	33 acres	NW ¼ SE ¼	2 acres
NE ¼ NW ¼	33 acres	SW ¼ SE ¼	37 acres
SW ¼ NW ¼	31 acres	SE ¼ SE ¼	2 acres

Total 138 acres

Water Right No. 3594-3 authorizes irrigation of the above acreage from the James River.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Prairie Creek Ranch, 4408 Broadway, Yankton SD 57078 the holder and/or owner of Water Right No. 7187-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of March 10, 2010 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. 7187-3 and subject to the following qualifications:

- 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.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

JUN 28 2021
date

