

WATER PERMIT NO. 7194-3

Name of Applicant: **John G Yaggie**

Address: **30848 444th Ave, Mission Hill SD 57046**

Phone: **605 661-2668**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **38**

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

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **2 miles east of Yankton**

PRIORITY

Date Received: **4-8-10**

Application/License Fee: **\$700**

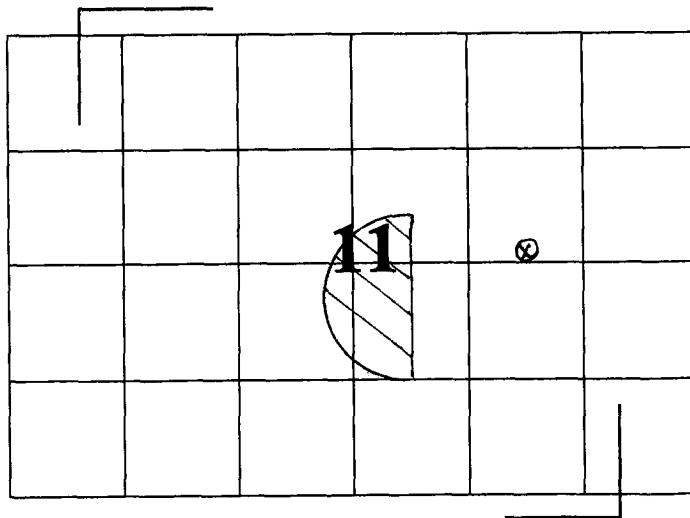
Corrected Application Received:

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

Remarks: **Proposing to drill new well, additional diversion rate authority and additional acreage to Water Permit No. 6939-3.**

Diversion Point: **SE ¼ NE ¼ Sec 11-T93N-R55W**

Land to be Irrigated: **NE ¼ SW ¼, NW ¼ SE ¼,
SW ¼ NE ¼, SE ¼ NW ¼ Sec 11-T93N-R55W**



Depth of Well: **110 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Stan Lench, Yankton Co NRCS**

Reviewed and the Number Assigned on: **4-8-10**

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>7194-3</u>	(office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	
	Newspaper <u>Daily Press & Dakotas, Yankton</u>	

RECEIVED
APR - 8 2010
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

Drill new well, additional diversion rate authority & additional acres
to water permit #6939-3

1. Name of Applicant John G. YAGGIE Phone 605-661-2668
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 30848 444 Ave Mission Hill State S.D. 57046
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 38
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County YANKTON
New Well SE of NE Section 11 T93N R55W

5. County or counties where water will be used YANKTON

6. Annual period during which water is to be used April 1 to September 30

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
<u>E 1/4 of NE 1/4 of SW 1/4 Sect 11 T93N R55W</u>	<u>38</u>		
<u>W 1/2 of NW 1/4 of SE 1/4 " "</u>			
<u>SW 1/4 of SW 1/4 of NE 1/4 " "</u>			
<u>E 1/2 of SE 1/4 of SE 1/4 of NW 1/4 " "</u>			

8. Give a description of the project. (Attach sheet if more space is needed) Apply for additional well & diversion rate authority, with intent of the full circle pivot in Section 12 & W. Nasheid wipe in Section 11 running independent of each other, in addition; Intention to use new well to irrigate additional acres (38). Requesting greater than statutory limit due to Pivots requirements.

STATE OF SOUTH DAKOTA)
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, John Yaggie, 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

Subscribed and sworn to before me this

7th

day of April

20 10

Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 110'
- b) Casing Type PUC Diameter 16" Thickness .616
- c) Screen Type PUC Diameter 16" Thickness .616
- d) Gravel Pack Armor Coat Length of Gravel Pack 20'-110'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) EST 20'
- g) Distance to nearest existing domestic well:
- On applicants property 1800 On property owned by others 2000

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 _____

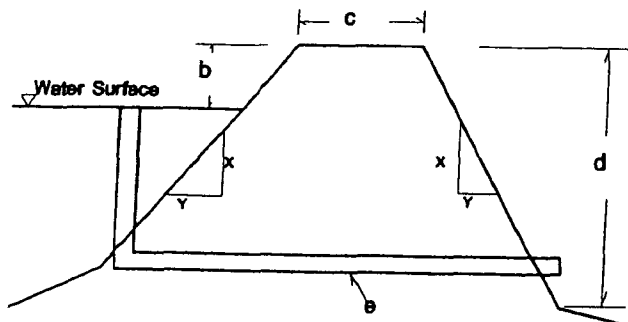
3. Dugout Information

- 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

SOUTH DAKOTA
WATER PERMIT NO. 7194-3

Date of first receipt of application April 8, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7194-3 to John G Yaggie, 30848 444 Ave, Mission Hill SD 57046 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. 7194-3 authorizes the following: 1) drill an additional well, 2) appropriate 2.22 cubic feet of water per second (cfs), and 3) to irrigate 38 additional acres. Water Permit No. 6939-3 appropriates 2.22 cfs from one well completed into the Missouri:Elk Point Aquifer located in the center of Section 12 to irrigate 198 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 12 and S 1/2 NE 1/4 Section 11; all in T93N-R55W. Currently, this existing well serves a full center pivot in the center of Section 12 and a pivot making one half rotation in the S 1/2 NE 1/4 Section 11 and SW 1/4 NW 1/4 Section 12 on an alternating basis. The permit authorizes 2.22 cfs from a new well completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in SE 1/4 NE 1/4 Section 11 to irrigate the 65 acres under the pivot making one half rotation and to irrigate an additional 38 acres located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 11; all in T93N-R55W. This permit provides the diversion authority to operate the two existing pivots authorized by Water Permit No 6939-3 independently of each other.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is April 8, 2010.
4. The date of approval of Permit No. 7194-3 is May 24, 2010.
5. One-fifth of the construction is to be completed on or before November 24, 2012.
6. All construction is to be completed on or before May 24, 2015.
7. Water is to be put to beneficial use on or before May 24, 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 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. 7194-3 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.

(continued)

Water Permit No. 7194-3

John G Yaggie

Page 2

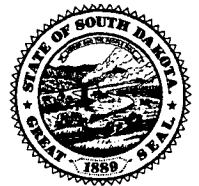
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7194-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 103 acres (65 acres authorized by Permit No. 6939-3 and 38 new acres) with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 24 2010

date



RECEIVED

Customer(s): JOHN YAGGIE

APR - 8 2010

WATER RIGHTS
PROGRAM

Field Office: YANKTON SERVICE CENTER
Agency: USDA/NRCS

State and County: SD, YANKTON

Legal Description: 11-93N-55W



Prepared By: *John J. Lench*
District Conservationist /
NRCS
4/7/2010

Legend

- Well
- Irrigation Pivot
- Sections



450 0 450 900 1,350 1,800
Feet



6939-3



USDA - Farm Service Agency

Yankton County, SD

11-93N-55W

1:7,601

May 17, 2007

Legend

- Tract Boundaries
- Section/Township-Range
- Statements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Wetland Use
- Limited Use
- Change from Conservation Compliance



USDA - Farm Service Agency

Yankton County, SD

12-93N-55W

1:7,637

May 17, 2007

Legend

- Tract Boundaries
- Section/Township-Range
- Statements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Wetland Use
- Limited Use
- Change from Conservation Compliance



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/8, 2010

RECEIVED OF Yaggle Farms RR 1 Box 215A Mission Hill SD 57046

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

Fee for Application for Permit No. <u>7194-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7194-3</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	700 00

No. 04524

By [Signature]
Chief Engineer



**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. 7194-3, John G Yaggie**

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. 7194-3, John Yaggie, 30848 444th Avenue, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 7194-3 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 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. 7194-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7194-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 103 acres (65 acres authorized by Permit No. 6939-3 and 38 new acres) with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 22, 2010

**Report on Water Permit Application No. 7194-3
for John G Yaggie
April 13, 2010**

Application No. 7194-3 proposes to appropriate 1,000 gallons per minute (2.22 cfs) from one well approximately 110 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11 to irrigate 65 acres already permitted under Water Permit No. 6939-3 and 38 additional acres located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 in T93N R55W in Yankton County. The 65 acres already permitted under Water Permit No. 6939-3 are in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 11 and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 in T93N R55W. The annual period during which water will be used is April 1 through September 30. A test well report was not submitted with this application; however, water availability can be determined using permitted wells and observation wells in the vicinity.

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. The aquifer is prolific in this area (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 Christensen Well and Irrigation for Water Permit No. 6939-3 indicates brown, clay material from 0 to nine feet below land surface, coarse sand from nine to thirty feet below land surface, medium sand and gravel from thirty to one hundred eight feet below land surface, and rocks from one hundred and eight to one hundred and ten feet below land surface. The static water level was twenty feet below land surface.

Observation Well Data:

The Water Rights Program monitors an observation well, YA-57D, located within one and a half miles of this application location. Water levels for this well shows 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).

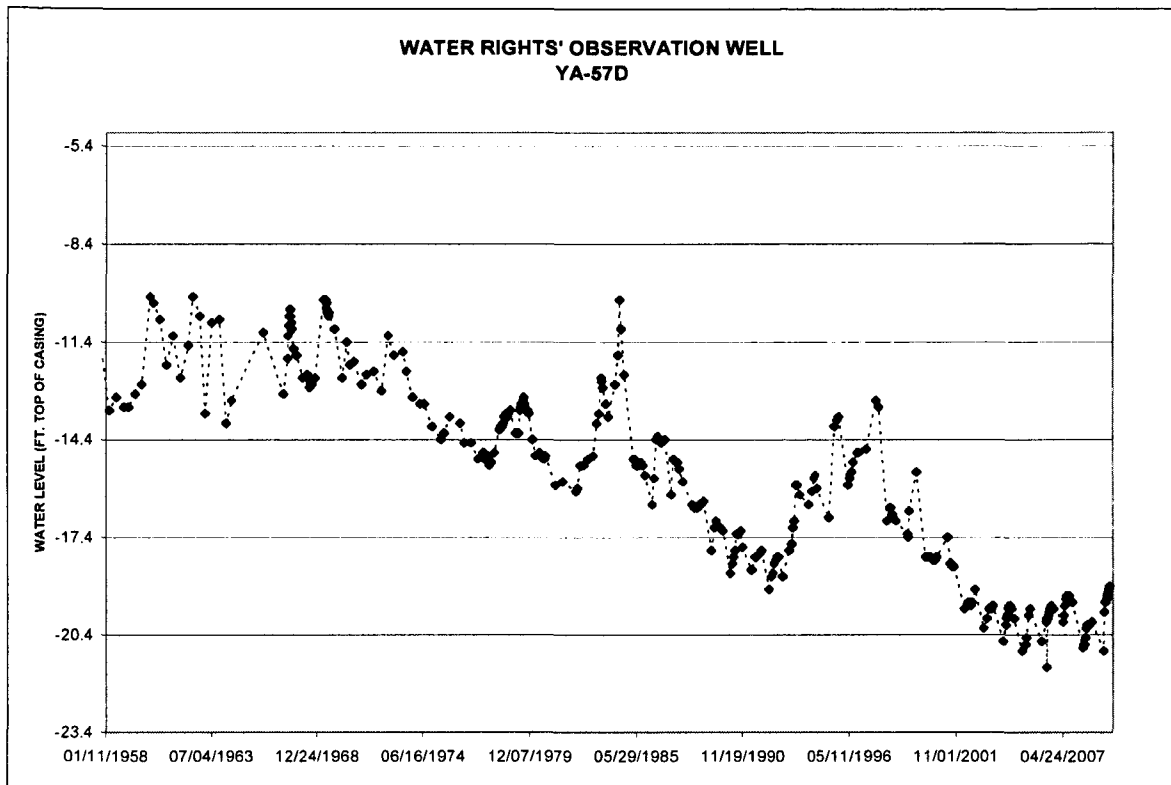


Figure 1. Hydrograph for Water Rights Observation Well YA-57D, completed into the Missouri Elk Point Aquifer within one and a half miles of 7194-3.

Note that water levels this close to the river appear to be in decline. This is likely due to entrenchment of the Missouri River since construction of the upstream dam. This phenomenon is seen in observation well records that are located near the Missouri River from the Yankton area to the Sioux City area. 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 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, 1979-2008).

There are ten existing water permits/rights for irrigation located within one mile of this application, including Permit 6939-3, which currently irrigates 65 acres which are to be covered under this permit application, if approved. The nearest water permits are within a half mile 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 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 26, 2010

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

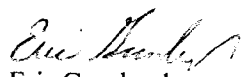
Enclosed is a Notice on Application No. 7194-3 to Appropriate Water to be published twice. Please publish the first notice on May 5, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 John G Yaggie, 30848 444th Ave., Mission Hill SD 57046 (Ph # 605-661-2668).

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. 7194-3

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

Date _____

We are in receipt of your letter of April 26, 2010 enclosing Notice to Appropriate Water by Application No. 7194-3 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 26, 2010

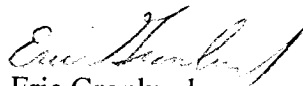
John G Yaggie
30848 444th Ave
Mission Hill SD 57046

Dear Mr. Yaggie:

Water Permit Application No. 7194-3 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 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 May 5, 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. 7194-3 to Appropriate Water

Notice is given that John G Yaggie, 30848 444th Ave, Mission Hill SD 57046 has filed an application for a water permit to: 1) drill an additional well, 2) appropriate 2.22 cubic feet of water per second (cfs), and 3) to irrigate 38 additional acres. Water Permit No. 6939-3 appropriates 2.22 cfs from one well completed into the Missouri:Elk Point Aquifer located in the center of Section 12 to irrigate 198 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 12 and S 1/2 NE 1/4 Section 11; all in T93N-R55W. Currently, this existing well serves a full center pivot in the center of Section 12 and a pivot making one half rotation in the S 1/2 NE 1/4 Section 11 and SW 1/4 NW 1/4 Section 12 on an alternating basis. The application proposes to appropriate 2.22 cfs from a new well completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in SE 1/4 NE 1/4 Section 11 to irrigate the 65 acres under the pivot making one half rotation and to irrigate an additional 38 acres located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 11; all in T93N-R55W. This will provide the diversion authority to operate the two existing pivots authorized by Water Permit No 6939-3 independent of each other and authorize additional acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7194-3 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 24, 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 _____.

RECEIVED

MAY 14 2010

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 7194-3 to

Appropriate Water

AFFIDAVIT OF PUBLICATION

OK

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Appl. No 7194-3 to Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 12th DAY OF May 2010
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$69.12 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: 5/5/2010 & 5/12/2010

FILED ON: 5/13/2010

SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF May 2010

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that John G Yaggie, 30848 444th Ave, Mission Hill SD 57046 has filed an application for a water permit to: 1) drill an additional well, 2) appropriate 2.22 cubic feet of water per second (cfs), and 3) to irrigate 38 additional acres. Water Permit No. 6939-3 appropriates 2.22 cfs from one well completed into the Missouri:Elk Point Aquifer located in the center of Section 12 to irrigate 198 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 12 and S 1/2 NE 1/4 Section 11; all in T93N-R55W. Currently, this existing well serves a full center pivot in the center of Section 12 and a pivot making one half rotation in the S 1/2 NE 1/4 Section 11 and SW 1/4 NW 1/4 Section 12 on an alternating basis. The application proposes to appropriate 2.22 cfs from a new well completed into the Missouri:Elk Point Aquifer (approximately 110 feet deep) located in SE 1/4 NE 1/4 Section 11 to irrigate the 65 acres under the pivot making one half rotation and to irrigate an additional 38 acres located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 11; all in T93N-R55W. This will provide the diversion authority to operate the two existing pivots authorized by Water Permit No 6939-3 independent of each other and authorize additional acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7194-3 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 24, 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 \$69.12.

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\$0.0040



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 24 2010

John G Yaggie
30848 444 Ave
Mission Hill SD 57046

Dear Mr. Yaggie:

Enclosed is Water Permit No. 7194-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Also, included are the statutes pertaining to Chemigation.

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

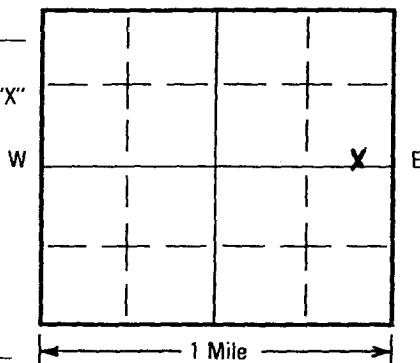
7194-3

07-92

Location SE 1/4 NE 1/4 Sec 11 Twp 93 Rg 55WCounty Sanborn

North

Please mark well location with an "X"



Well Completion Date

4-29-10

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2600 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>48</u> FT	<u>28</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>Cement</u>	<u>12</u>	_____ lb./gal	<u>0</u> ft	<u>19</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure

pressure grouterSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 60 FEETMaterial PVCSlot Size .085 Set From 48 Feet to 108 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:chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner:

John Naggie

Business Name:

Address:

30848 444 ave
Mission Hill, SD 57046

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	4
med sand	4	10
Brown clay	10	25
Coarse sand med gravel	25	90
grey clay	90	98
Coarse gravel + ROCKS	98	108

STATIC WATER LEVEL

19

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe:

Turbine pump
w/ engine☐ Bailed☐ Other

Pumping Level Below Land Surface

<u>29</u> ft. After <u>2</u> Hrs. pumped	<u>850</u> GPM
<u>40</u> ft. After <u>2</u> Hrs. pumped	<u>1500</u> GPM

If pump installed, pump rate

850

GPM

REMARKS

RECEIVED

SEP 20 2010

WATER RIGHTS PROGRAM

This well was drilled under license #

444

And this report is true and accurate

Drilling firm

Christensen Well & Drilling

Signature of License Representative

Cal W. Christensen

Signature of Well Owner or Equitable Property Holder:

Date:

7194-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 23, 2013

John G Yaggie
901 E 17th St
Yankton SD 57078 2430

RE: Water Permit Nos. 6939-3, 7194-3, 7416-3 & 7417-3

Dear Mr. Yaggie:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaires.

The notice was originally mailed to 30848 444th Ave, Mission Hill SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



7194-3
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: JOHN G YAGGIE, 901 E 17TH ST, YANKTON, SD 57078 2430

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) 6939-3, 7194-3, 7416-3 & 7417-3. 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) 6939-3, 7194-3, 7416-3 & 7417-3 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) 6939-3, 7194-3, 7416-3 & 7417-3 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 23, 2015

John G Yaggie
901 E 17th St
Yankton SD 57078-2430

RE: Water Permit Nos. 6939-3, 7194-3, 7416-3 & 7417-3

Dear Mr. Yaggie:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit Nos. 6939-3, 7194-3, 7416-3 & 7417-3. 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



7194-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: JOHN G YAGGIE, 901 E 17TH ST, YANKTON, SD 57078 2430

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 6939-3, 7194-3, 7416-3 & 7417-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 17, 2016

6939-3
7194-3
7416-3
7417-3

John G Yaggie
901 E 17th St
Yankton SD 57078-2430

Dear Mr. Yaggie:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 6939-3, 7194-3, 7416-3 and 7417-3. 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
email: genny.mcmath@state.sd.us



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 20, 2017

NOTICE

TO: JOHN G YAGGIE, 901 E 17TH ST, YANKTON, SD 57078 2430

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6939-3, 7194-3, 7416-3 & 7417-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 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 1, 2017** 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.



7194-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 10, 2017

John G Yaggie
901 E 17th St
Yankton SD 57078 2430

RE: Water Permit Nos. 6939-3, 7194-3, 7416-3 & 7417-3

Dear Mr. Yaggie:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6939-3, 7194-3, 7416-3 & 7417-3. 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
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7194-3 and the West Half of Permit No. 6939-3 Combined

I have this day, June 9, 2020, made a thorough examination of the water use systems constructed by John G. Yaggie, 901 E. 17th St., Yankton, SD 57078, holder of Permit Nos. 7194-3 and 6939-3, bearing the priority dates of April 8, 2010, and January 14, 2008, respectively, authorizing the diversion of 2.22 cu. ft. per second for Permit No. 7194-3 of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 38 and 198 acres respectively, located in Yankton County.

Inspection contact: John G. Yaggie

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells: 1
- 3) Depth(s): 110 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 70 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 20 feet

Pump:

- 1) Make: Goulds
- 2) Model: 202612-08
- 3) Capacity: 1,000 GPM

Motor:

- 1) Make: US Motor and a John Deer Engine
- 2) Model No.: R-9478-00-H-931
- 3) Horsepower rating: 80 hp

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

- 1) Type: Steel 2) Size: 8 inches 3) Length: 10 feet
(from the well associated with Permit No. 7194-3 to the west pivot of Permit No. 6939-3)
- 2) Type: PVC 2) Size: 8 inches 3) Length: 1,940 feet
(from the well associated with Permit No. 7194-3 to the pivot for Permit No. 7194-3)

C. Works used to apply water to beneficial use:

Permit No. 7194-3 Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 966 feet
- 3) Number of towers: 6
- 4) End gun: Yes
- 5) Capacity: 1,000 GPM

Permit No. 6939-3 West Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1,298 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 1,000 GPM

Chemigation Equipment:

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

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of 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 380 feet west and 2,630 feet south of the northeast corner of Section 11-T93N-R55W (Latitude 42.88728, Longitude -97.30013 – SE1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use 2.22 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:

<u>Section 11-T93N-R55W</u>	
<u>SE1/4NW1/4</u>	<u>3 acres</u>
<u>NE1/4SW1/4</u>	<u>7 acres</u>
<u>SW1/4NE1/4</u>	<u>19 acres</u>
<u>NW1/4SE1/4</u>	<u>18 acres</u>
<u>SE1/4NE1/4</u>	<u>39 acres</u>

<u>Section 12-T93N-R55W</u>	
<u>SW1/4NW1/4</u>	<u>23 acres</u>

comprising a total of 109 acres of land and the license should be issued for 2.22 cfs.

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

F. Comments or other permit(s) associated with the project: Please see the attached map titled "Water Permit No. 7194-3 and the West Half of Water Permit No. 6939-3 Combined" to better understand the following. Permit No. 6939-3 authorized one well near the center of Section 12 and two pivots, the east pivot in Section 12 and the west pivot in Section 11. Later, Permit No. 7194-3 authorized an additional well to feed the west pivot associated with Permit No. 6939-3 along with an additional 38 acres of irrigation. The acreages listed above represent the area irrigated by the west pivot of Permit No. 6939-3 and the additional pivot associated with Permit No. 7194-3. Thirty-seven of these acres are in the area authorized by Permit No. 7194-3 and 72 of the acres are authorized by Permit No. 6939-3.

The total acres irrigated by the two pivots associated with Permit No. 6939-3 amount to 213 acres (141 acres at the east pivot and 72 acres at the west pivot), which is more than the 198 acres authorized by the permit.

Permit No. 7417-3 also authorized additional acreage to Permit 6939-3. Currently, the well authorized by Permit No. 6939-3 provides water to the additional acres that were authorized and to the east pivot authorized by Permit No. 6939-3. The west pivot authorized by Permit No. 6939-3 is not connected to the well authorized by Permit No. 6939-3.

At the request of Mr. Yaggie, the areas irrigated by the east well should be combined into one permit with the east well, and the areas irrigated by the west well should be combined into a separate permit with the west well.

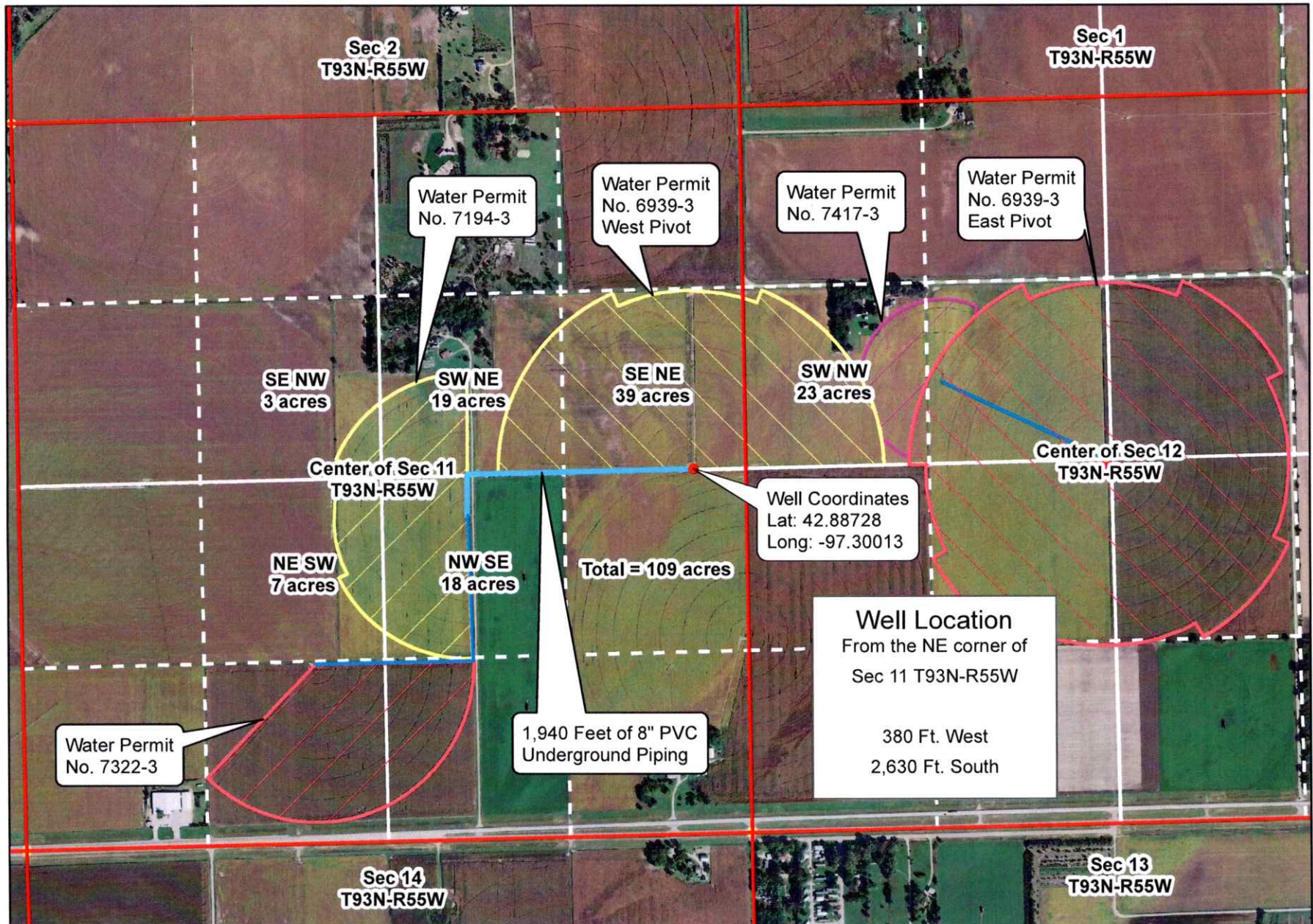
Permit No. 7322-3 gets water from the west well authorized by Water Right No. 7194-3. However, this pivot and the land it is on are owned by someone else and Mr. Yaggie prefers to not supply water for the pivot. Also, the pivot associated with this permit was blown over several years ago and has not been replaced.



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

Date report completed: August 4, 2022

Water Permit No. 7194-3 and the West Half of Water Permit No. 6939-3 Combined



Keith DeJong

Keith DeJong, PE Ret.
Staff Engineer
August 4, 2022

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7194-3

(1) John G Yaggie, 901 E 17th St, Yankton SD 57078 made Application No. 7194-3, April 8, 2010, for a water permit to divert 2.22 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7194-3, with a priority date of April 8, 2010, was approved May 24, 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 24, 2015, and for the application to beneficial use of water on or before May 24, 2019.

Water Permit No. 6939-3 served a full center pivot in the center of Section 12 and a pivot making a half rotation in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 11 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 on an alternating basis. Water Permit No. 7194-3 authorized an additional well, diversion authority and included 38 acres for a smaller half circle pivot. The well and diversion authority allowed the two existing center pivots to run independently of each other.

An investigation of the water use systems found the well serving the two half circle pivots was irrigating an additional 7 acres. Water Permit No. 8652-3 was obtained to cover the additional acres.

The pertinent portions of Water Permit No. 6939-3 and Water Permit No. 8652-3 are incorporated into this water license. Priority dates retained are as follows:

- January 14, 2008 (established under No. 6939-3) 65 acres
- April 8, 2010 (established under No. 7194-3) 37 acres; 2.22 cfs, well in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11
- August 11, 2022 (established under No. 8652-3) 7 acres

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

- 380' W and 2,630' S of the NE corner of Section 11-T93N-R55W (SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11)
Latitude 42.88728, Longitude -97.30013

(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 11, T93N, R55W		Section 12, T93N, R55W	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	23 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	19 acres		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	7 acres		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18 acres	Total acres – 109 acres	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39 acres		

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 John G Yaggie, 901 E 17th, Yankton SD 57078 the holder and/or owner of Incorporated Water Right No. 7194-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with priority dates of January 14, 2008 (65 acres), April 8, 2010 (37 acres & 2.22 cfs) August 11, 2022 (7 acres) 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. 7194-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7194-3 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. ***Well drilled by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.***
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 7194-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 109 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

MAY 24 2023

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 24 2023

John G Yaggie
901 E 17th St
Yankton SD 57078

Dear Mr. Yaggie:

Enclosed are Water Permit No. 8652-3 and Water License Nos. 7194-3 and 7417-3. These are the final water right documents completing the process of obtaining Water Rights. Included with the licenses are maps 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 Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

NOTE: The applicable portions of Water Permit Nos. 6939-3 and 8652-3 are incorporated into Water License Nos. 7194-3 and 7417-3.