

WATER PERMIT NO. 7220-3

Name of Applicant: Larry Rupiper

Address: 317 Broadway, Yankton SD 57078

Phone: 605 665-9736

Amount of Water Claimed: 0.22 cfs

Total Acres: 44

Source of Water Supply: groundwater (existing well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 15 miles northwest of Yankton

PRIORITY

Date Received: 11-1-10

Application/License Fee: \$700

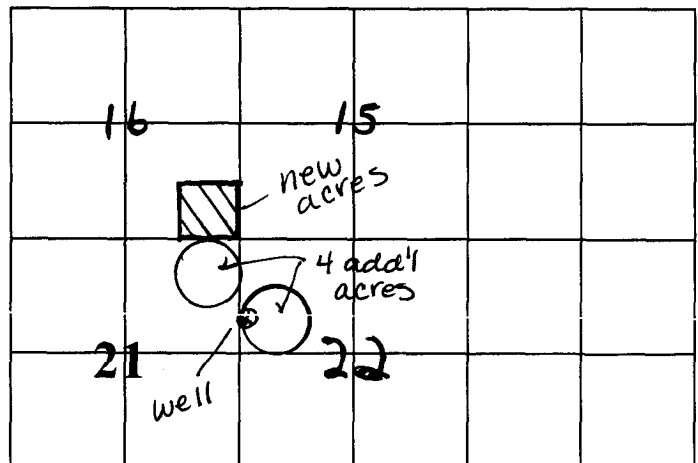
Corrected Application Received:

Period of Annual Use: March 1 – November 30

Remarks: Going to use existing well authorized by No. 4179-3

Diversion Point: SW ¼ NW ¼ Sec 22-T95N-R56W

Land to be Irrigated: SE ¼ SE ¼ Sec 16; SW ¼ NW ¼ Sec 22 and NE ¼ NE ¼ Sec 21; all in T95N-R56W



Depth of Well: 110 feet deep

Well Driller: Missouri Valley Irri, Inc.

Remarks:

Type of Map: aerial

Prepared by: Valorie Schusc ? Yankton Co FSA

Reviewed and the Number Assigned on: 11-1-01

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7220-3</u> (office use only) Hydrologic Unit <u>10160010</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>

RECEIVED

NOV - 1 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.)

1. Name of Applicant Larry Rupiper Phone 605-665-9736
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 317 Broadway Yankton SD 57078
 (Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.22 *CFS or add 100 **GPM ***AF Total Acreage 44
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply existing well authorized by 4179-3

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
sw,nw sec 22 T95N R56 W

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used March- November 30th

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>SE 1/4 SE 1/4 Sec 16 T95N R56W</u>	<u>40</u>	<u>To accommodate increase existing acres under</u>	
<u>SW 1/4 NW 1/4 Sec 22 " "</u>	<u>2</u>	<u>4179-3</u>	
<u>NE 1/4 NE 1/4 Sec 21 " "</u>	<u>2</u>		

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

Developing 40 new acres from existing well need additional 100 gallons per minute to reflect actual well production. Applying for an additional 4 acres to reflect actual acres under existing permit. New location: SE 1/4 SE 1/4 Section 16 T95N R56W

STATE OF SOUTH DAKOTA)

County of Yankton) SS

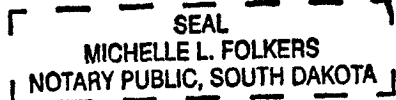
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Larry Rupiper, 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 28th day of October 20 10

2010-01



Nichelle Folkers
 Notary Public signature
 my commission expires: 03/17/2015

**SOUTH DAKOTA
WATER PERMIT NO. 7220-3**

Date of first receipt of application November 1, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7220-3 to Larry Rupiper, 317 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. 7220-3 appropriates an additional 0.22 cubic feet of water per second (cfs) from an existing well to irrigate 44 additional acres. Water Right No. 4179-3 authorizes 0.91 cfs from one well completed into the Lower James Missouri:Scotland Aquifer (110 feet deep) located in SW 1/4 NW 1/4 Section 22 for irrigation of 64 acres located in the SW 1/4 NW 1/4 Section 22 and NE 1/4 NE 1/4 Section 21; all in T95N-R56W. This permit appropriates an additional 0.22 cfs from the existing well to irrigate an additional 40 acres in the SE 1/4 SE 1/4 Section 16 and to reflect an additional 4 acres by the existing system located in the SW 1/4 NW 1/4 Section 22 and NE 1/4 NE 1/4 Section 21; all in T95N-R56W. This permit and Water Right No. 4179-3 will authorize a total diversion rate of 1.13 cfs for irrigation of 108 acres.
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: March 1 – November 30.
3. The date from which applicant may claim right is November 1, 2010.
4. The date of approval of Permit No. 7220-3 is January 3, 2011.
5. One-fifth of the construction is to be completed on or before July 3, 2013.
6. All construction is to be completed on or before January 3, 2016.
7. Water is to be put to beneficial use on or before January 3, 2020.
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. 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

MAR 03 2011
date



Supplemental Information

(type or print in ink)

See existing well info # 4179-3

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

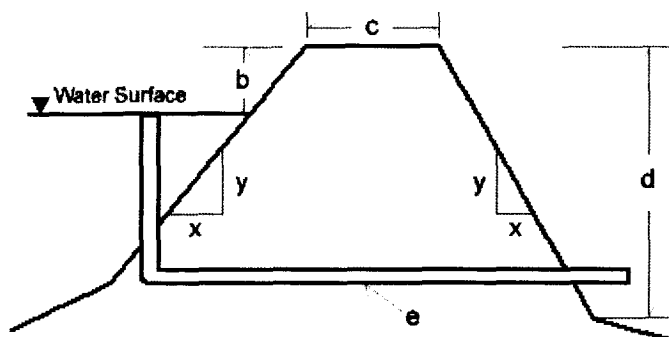
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



United States Department of Agriculture Farm Service Agency



NOV - 1 2010
FSA RECEIVED
WATER RIGHTS PROGRAM

South Dakota
Yankton County

2010

Farm Number
55

Township-Range-Section
95N56W16

Legend

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- CLU Field Boundary
- Tract Boundary

1:8,177

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or the 2008 ortho rectified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs. Wetland identifications do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA 026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Apr 22, 2009

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/1, 20 10

RECEIVED OF Larry Rupiper 317 Broadway Yankton SD 57078

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

Fee for Application for Permit No. <u>7220-3</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>7220-3</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.

04660

By

John E. White
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7220-3, Larry Rupiper**

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. 7220-3, 317 Broadway, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7220-3 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. 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
December 3, 2010

**Report on Water Permit Application No. 7220-3
for Larry Rupiper
November 8, 2010**

Application No. 7220-3 proposes to appropriate an additional 0.22 cfs from an existing well to irrigate an additional forty-four acres. Water Right No. 4179-3 appropriates 0.91 cubic feet of water per second from one well approximately 110 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 to irrigate 64 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 2; all in T95N R56W in Yankton County. This application proposes to appropriate an additional 0.22 cfs to irrigate an additional 40 acres located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24 in T94N-R56W and an additional four acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 T95N-R56W. If approved, this application and Water Right No. 4179-3 will authorize a total diversion rate of 1.13 cfs for irrigation of 108 acres. The annual period during which water will be used is June 1 through September 30.

AQUIFER: Lower James Missouri Scotland (LJM:S)

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

WATER AVAILABILITY

Aquifer Characteristics:

The Lower James Missouri Scotland is a buried outwash (sand and gravel) that is probably under water table conditions at this location. The aquifer underlies 37,700 acres and contains an estimated 847,400 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Bon Homme County to the west, and blends into the Lower James Missouri aquifer to the east and south. Groundwater movement is probably from northwest to southeast in the area of this application. Reported well yields from the Lower James Missouri aquifer can be expected to be at least 500 gpm (Bugliosi, 1986).

The well log on file for Water Permit No. 4179-3 indicates top soil from the surface to two feet below surface, yellow clay from two to 31 feet below surface, blue clay from 31 to 63 feet, sand – clayey sand – and clay from 63 to 75 feet and fine to medium sand from 75 to 110 feet below surface. The static water level for that well was not reported.

Observation Well Data:

The Water Rights Program monitors two observation wells located within one mile 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). Hydrographs for these observation wells are included with this report.

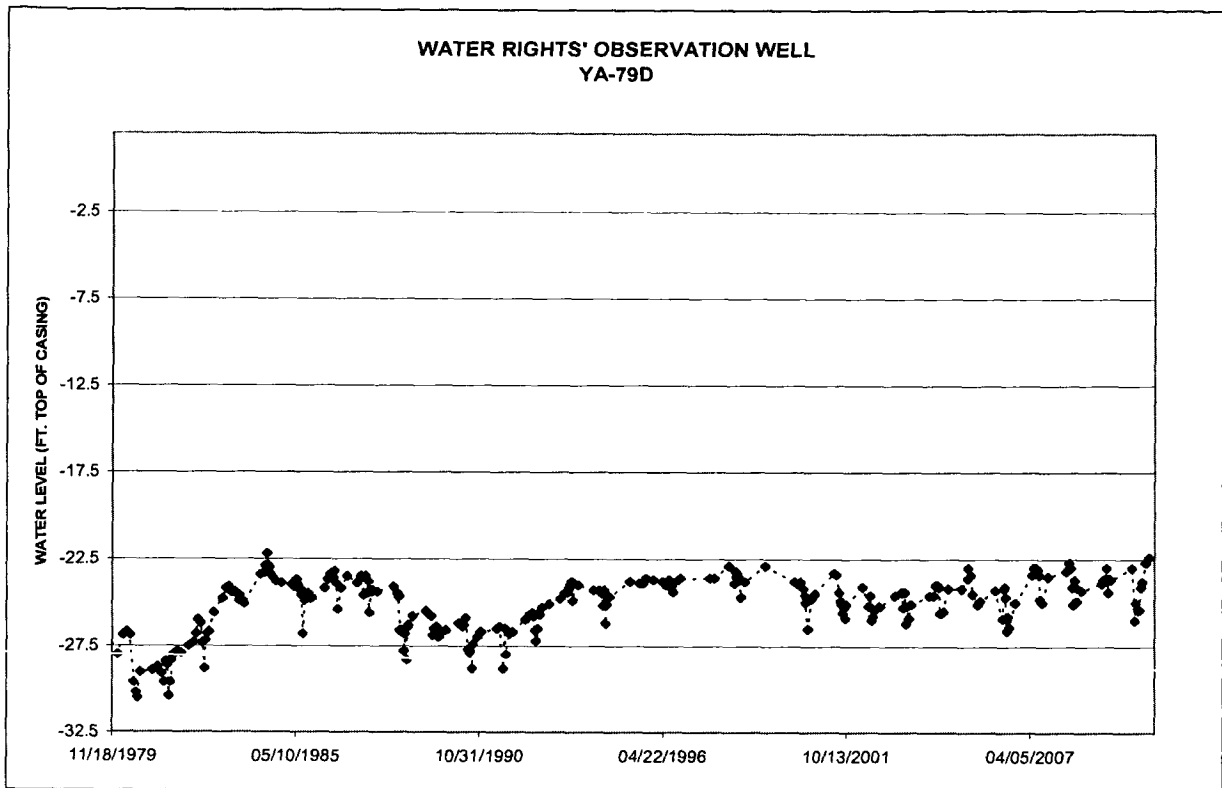


Figure 1. Hydrograph for Water Rights Observation Well YA-79D, completed into the Lower James Missouri:Scotland Aquifer within one mile of 7220-3

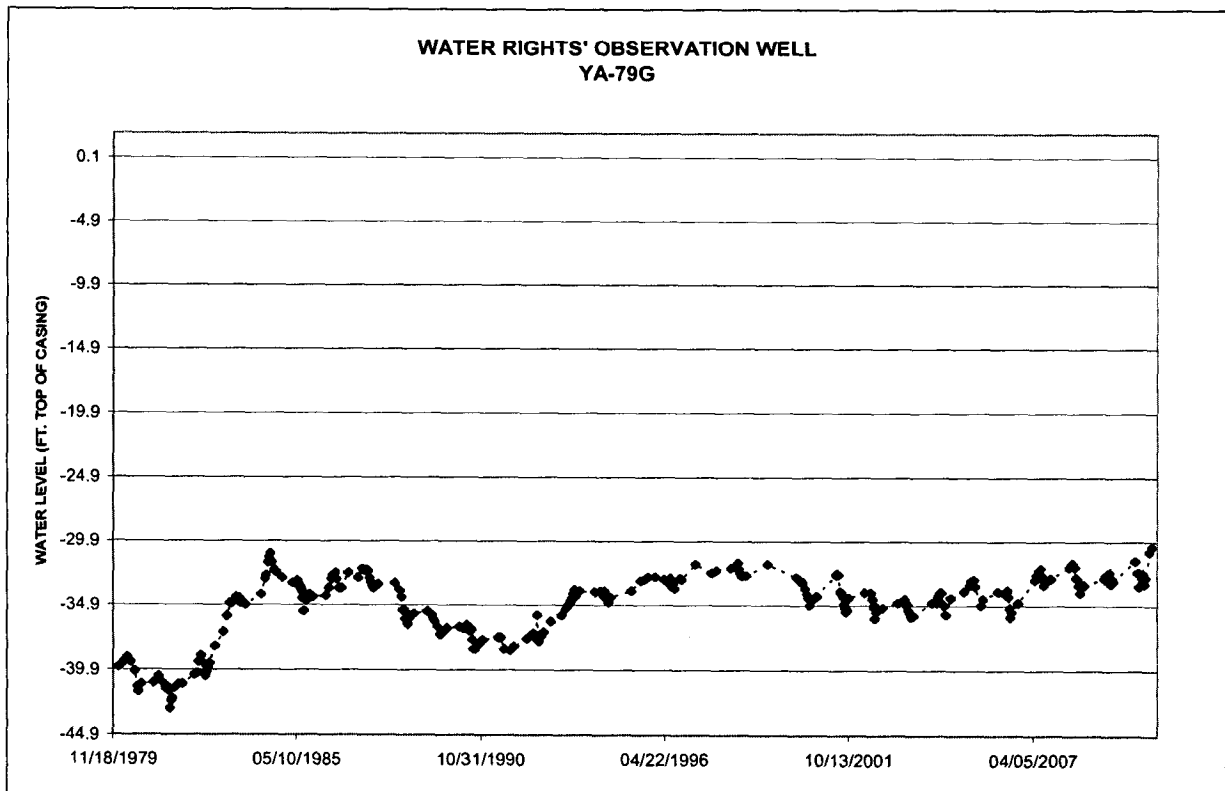


Figure 2. Hydrograph for Water Rights Observation Well YA-79G, completed into the Lower James Missouri:Scotland Aquifer within one mile of 7220-3

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 Lower James Missouri aquifer date back to 1979.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is over 49, with the average annual appropriation being about 17,017 acre-feet and the average annual pumpage reported at less than 2,500 acre-feet.

IRRIGATION USE (ac-ft/yr) M:LJ			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2009	94	29690.1	1574.45
2008	89	28130.7	4852.39
2007	63	20962.7	3638.03
2006	57	17564.1	4161.77
2005	55	16366.1	3250.23
2004	54	16142.1	3063.42
2003	60	18990.1	3327.43
2002	59	18709.1	4484.12
2001	59	18809.1	3324.79
2000	57	18649.1	4197.04
1999	56	17593.1	2373.41
1998	60	18950.1	3036.5
1997	57	19359.1	2565
1996	56	19527.1	2342.64
1995	48	17462.1	1758.35
1994	52	19468.1	2114.36
1993	53	18658.3	256.44
1992	52	19022.3	1279
1991	49	17728.3	2882
1990	42	14903.5	3345.1
1989	38	13139.5	2441.8
1988	38	13999.9	3104.3
1987	37	13843.9	1236
1986	30	11613.5	989.6
1985	33	12179.1	2724
1984	34	13429.2	1546
1983	31	11596.5	1292.06
1982	28	11466.1	1427.2
1981	31	14665	1890.8
1980	26	12611	1372
1979	25	12315	706
AVERAGE	49.13	17017.55	2469.56
MAXIMUM	94	29690.1	4852.39
MINIMUM	25	11466.1	256.44

Table 1. Irrigation usage from the Lower James Missouri aquifer (Water Rights, 2010).

There are three existing water permits/rights for irrigation located within two miles of this application, including Water Permit No. 4179-3. The nearest water permit, other

than 4179-3, is Water Permit No. 3514-3, which is located less than half a mile southwest of this permit application. The third permit, Water Permit No. 2296-3, is approximately two miles east-northeast. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Conclusions:

1. This application reflects the developed diversion rate for Water Right No. 4179-3, which has a diversion capability of 500 gallons per minute. This application will use the existing well developed for Water Right No. 4179-3 to irrigate forty acres in the SE ¼ SE ¼ Section 16-T95N-R56W.
2. Water is available from the Lower James Missouri aquifer.
3. 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.
4. 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.
5. This well appears to 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, 2010, Unpublished Observation Well Records for Yankton County, SD DENR, Water Rights Program, Pierre, SD, 57501

Water Rights, 2010, Irrigation Records, SD DENR, Water Rights Program, Pierre, SD, 57501

RECEIVED

DEC 27 2010

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

NOTICE OF APPLICATION
NO. 7220-3 to
Appropriate Water

Notice is given that Larry Ru-piper, 317 Broadway, Yankton SD 57078 has filed an application for a water permit to appropriate an additional 0.22 cubic feet of water per second (cfs) from an existing well to irrigate 44 additional acres. Water Right No. 4179-3 authorizes 0.91 cfs from one well completed into the Lower James Missouri:Scotland Aquifer (110 feet deep) located in SW 1/4 NW 1/4 Section 22 for irrigation of 64 acres located in the SW 1/4 NW 1/4 Section 22 and NE 1/4 NE 1/4 Section 21; all in T95N-R56W. This application proposes to appropriate an additional 0.22 cfs from the existing well to irrigate an additional 40 acres in the SE 1/4 SE 1/4 Section 16 and to reflect an additional 4 acres by the existing system located in the SW 1/4 NW 1/4 Section 22 and NE 1/4 NE 1/4 Section 21; all in T95N-R56W. This application, if approved, and Water Right No. 4179-3 will authorize a total diversion rate of 1.13 cfs for irrigation of 108 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7220-3 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 January 3, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's rea-

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 Application No. 7220-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 22nd DAY OF December 2010 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$58.98 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: 12/15/2010 & 12/22/2010

FILED ON: 12/22/2010

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF December 2010

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

sons 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 \$58.98.

Estimated publishing cost per published copy: \$0.0068



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 6, 2010

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7220-3 to Appropriate Water to be published twice. Please publish the first notice on December 15, 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 Larry Rupiper, 317 Broadway, Yankton SD 57078 (Ph # 605-665-9736).

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. 7220-3

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

Date _____

We are in receipt of your letter of December 6, 2010 enclosing Notice to Appropriate Water by Application No. 7220-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 6, 2010

Larry Rupiper
317 Broadway
Yankton SD 57078

Dear Mr. Rupiper:

Water Permit Application No. 7220-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 December 15, 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. 7220-3 to Appropriate Water

Notice is given that Larry Rupiper, 317 Broadway, Yankton SD 57078 has filed an application for a water permit to appropriate an additional 0.22 cubic feet of water per second (cfs) from an existing well to irrigate 44 additional acres. Water Right No. 4179-3 authorizes 0.91 cfs from one well completed into the Lower James Missouri:Scotland Aquifer (110 feet deep) located in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 for irrigation of 64 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21; all in T95N-R56W. This application proposes to appropriate an additional 0.22 cfs from the existing well to irrigate an additional 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16 and to reflect an additional 4 acres by the existing system located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21; all in T95N-R56W. This application, if approved, and Water Right No. 4179-3 will authorize a total diversion rate of 1.13 cfs for irrigation of 108 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7220-3 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 January 3, 2011.

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
www.state.sd.us/denr

MAR 03 2011

Larry Rupiper
317 Broadway
Yankton SD 57078

Dear Mr. Rupiper:

Enclosed is Water Permit No. 7220-3 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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

MAY - 4 2011

WATER RIGHTS
PROGRAMDate 5-3-2011

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Harry I. Ruppier
(name)2519 Burleigh St
(address)Yankton, SD 57078
(city, state, zip)665 9736 660 1054
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

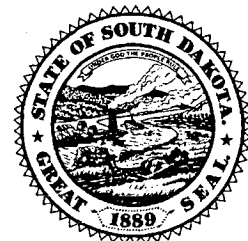
Water Permit No. 7220-3 states that the water use system is to be constructed by July 3, 2013, and water is to be put to beneficial use by Jan 3, 2020.
(date) (date)

The water use system was completed on 5-3-2011.
(date)

Applying the water to beneficial use was completed on 5-3-2011.
(date)

You may schedule an investigation so that the water license may be issued.

[Signature]
(signature)



Rupiper Farm

RECEIVED

MAY - 4 2011

**WATER RIGHTS
PROGRAM**

May 3, 2011

Garland Erbele, Chief Engineer
Water Rights Program

Dear Mr. Erbele,

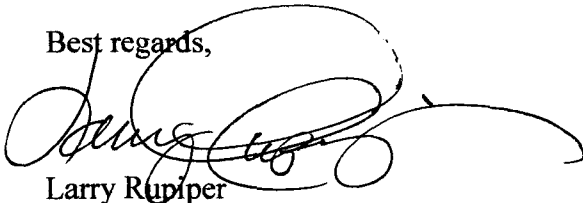
In response to your Notice of Completion of Works and Application of Water to Beneficial Use form, I have included the form and indeed completed all necessary construction and am ready to put to beneficial use the fruits of my permit as soon as supplementary water is needed. I welcome anyone to investigate my construction work and property at your convenience. In the event you are in the area and need my presence, I can be reached by phone at either 605-665-1212 or cell: 660-1024.

Thank you for your consideration.

Please address all communications to the same address you have been mailing them to.

Larry Rupiper
317 Broadway Av
Yankton, SD 57078

Best regards,

A handwritten signature in black ink, appearing to read 'Larry Rupiper', with a large, stylized flourish extending to the right.

Larry Rupiper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 5, 2011

7220-3

Larry Rupiper
317 Broadway Ave
Yankton SD 57078

Dear Mr. Rupiper:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
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denr.sd.gov

Nos. 3514-3, 4179-3 and 7220-3

May 9, 2013

Larry Rupiper
317 Broadway Avenue
Yankton SD 57078

Dear Mr. Rupiper:

DENR received a call concerning past end gun overspray from your center pivots on to gravel roads. I contacted you regarding this matter and you explained that with last year's drought conditions the end guns may have been allowed to spray on to the gravel road from time to time in an effort to maximize irrigation. I requested that you monitor this carefully during the irrigation season as the direct spray on the roadways can pose a safety hazard.

A water right holder is not allowed to operate their irrigation system in violation of state water law, which includes unauthorized overspray. If documented overspray does occur, the Chief Engineer has authority to issue an order to discontinue harmful illegal use of water. Continued violations may lead to suspension of the right to use the water. Only the Water Management Board can formally suspend a water right but only after a formal hearing of the facts.

At this time, DENR is satisfied with your commitment to check the end guns and insure proper operation. If there is a complaint during this upcoming irrigation season, DENR will likely have a staff person conduct an on-site visit. DENR's enforcement in this type of matter applies only to direct irrigation of land not listed on the water right. It does not apply to incidental wind drift that may occur.

Again, at this time DENR is satisfied that you will properly address the issue.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 9, 2013

Marvin Plooster
43706 300th Street
Utica SD 57067

Dear Mr. Plooster:

Please find enclosed the letter sent to Mr. Rupiper in response to your concern with overspray from his center pivot irrigation systems on to the road.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



7220-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 25, 2019

NOTICE

TO: LARRY RUPPER, 317 BROADWAY, YANKTON, SD 57078 4212

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3514-3, 4179-3 & 7220-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 3514-3, 4179-3 & 7220-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 3514-3, 4179-3 & 7220-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** 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
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 11, 2019

3514-3
4179-3
7220-3

Larry Rupiper
317 Broadway
Yankton SD 57078-4212

Dear Mr. Rupiper:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit/Right Nos. 3514-3, 4179-3 & 7220-3. 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".

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. 7220-3**

I have this day, July 14, 2020, made a thorough examination of the water use system constructed by Larry Rupiper, 317 Broadway, Yankton, SD 57078-4212, holder of Permit No. 7220-3, bearing the priority of November 1, 2010, authorizing the diversion of 0.22 additional (1.13 total) cu. ft. per second of the waters of groundwater (Lower James Missouri: Scotland Aquifer) for the irrigation of 44 acres (108 total) located in Yankton County.

Inspection contact: Larry Rupiper

A. Works used to divert the water:

Well Information: (from Licensed Water Right No. 4179-3)

- 1) Well Drilling Firm: Missouri Valley irrigation, Inc.
- 2) No. of Wells: 1
- 3) Depth(s) 110: feet
- 4) Well log is available: No

Casing:

- 1) Diameter: 10 inches
- 2) Length: 70 feet
- 3) Type: PVC

Screen 1:

- 1) Diameter: 10 inches
- 2) Length: 28 feet
- 3) Type: PVC

Screen 2:

- 4) Diameter: 10 inches
- 5) Length: 10 feet
- 6) Type: Stainless Steel
- 7) Static water level: Unknown feet

Pump:

- 1) Make: Crown Submersible
- 2) Model: 7H400
- 3) Capacity: 500 GPM

Motor:

- 1) Make: Franklin (replaced by Christensen Well & Irrig. In 2003)
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- 1) Type: PVC
- 2) Size: 8 inches
- 3) Length: 1,430 feet (from W.R. No. 4179-3 west pivot.)

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 630 feet
- 3) Number of towers: 4
- 4) End gun: Yes
- 5) Capacity: 500 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: None.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 50 feet east and 1,850 feet south of the northwest corner of Section 22-T95N-R56W (latitude 43.034130, Longitude -97.457640 – SW1/4 of the NW1/4).
2. The works are capable of diverting and conveying to the place of use 1.11 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 16-T95N-R56W

SE1/4SE1/4 32 acres

Section 21-T95N-R56W

NE1/4NE1/4 35 acres

SE1/4NE1/4 3 acres

Section 22-T95N-R56W

SW1/4NW1/4 33 acres

comprising a total of 103 acres of land and the license should be issued for 1.11 cfs.

3. All structures, wells and lands on map Yes

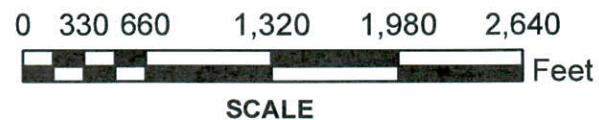
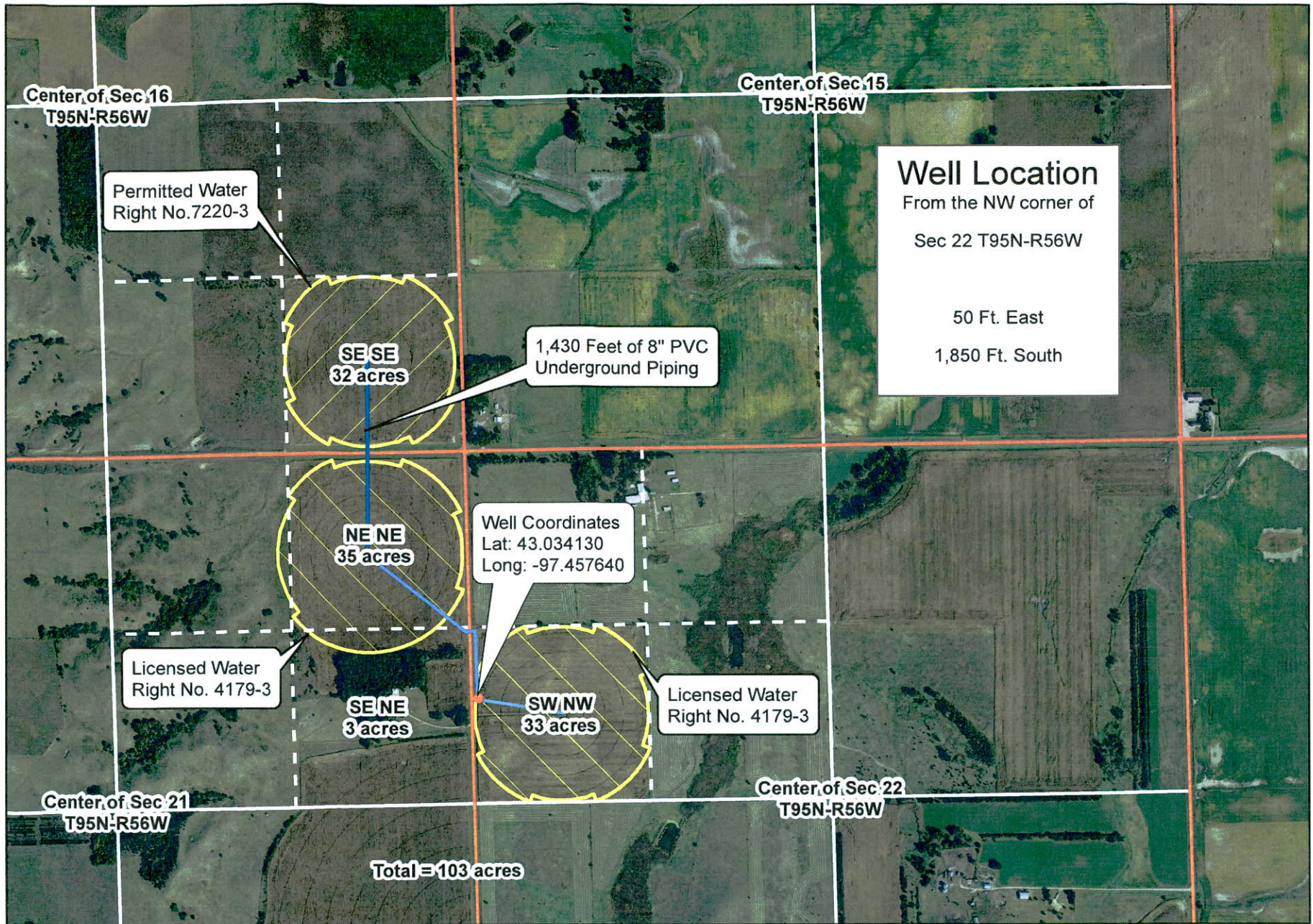
F. Comments or other permit(s) associated with the project: This water right added acres to the pivots installed with licensed Water Right No. 4179-3 and added acres for a new center pivot. The new pivot uses water from the existing well authorized by licensed Water Right No. 4179-3. This water right could be licensed in combination with licensed Water Right No. 4179-3. The pivots for Water Right No. 4179-3 have both been changed out since Water Right No. 4179-3 was licensed. All of the pivots are now Valley pivots. The motor for the well was also changed out in 2003 and is now a Franklin motor.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 14, 2020

Water Right No. 7220-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
July 14, 2020

7220-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 23 2020

4179-3
7220-3

Larry Rupiper
317 Broadway Ave
Yankton SD 57078

Dear Mr. Rupiper:

Enclosed is Water License No. 7220-3. 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

NOTE: Upon licensing, the applicable portions of Water Right No. 4179-3 were incorporated into Water License No. 7220-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7220-3

(1) Larry Rupiper, 317 Broadway Ave., Yankton SD 57078 made Application No. 7220-3, November 1, 2010 for a water permit to divert 0.22 cubic feet of water per second from ground water, one existing well (Lower James Missouri Scotland Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7220-3, with a priority date of November 1, 2010 was approved January 3, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 3, 2016 and for the application to beneficial use of water on or before January 3, 2020.

Water Permit No. 7220-3 authorized additional acres and diversion rate to the system described in Water Right No. 4179-3. Water Right No. 4179-3, with a priority date of May 19, 1977, authorizes diversion of 0.91 cfs to irrigate 64 acres in the SW ¼ NW ¼ Section 22 and NE ¼ NE ¼ Section 21, T95N, R56W.

The applicable portions of Water Right No. 4179-3 are incorporated into this water license. Priority dates of May 19, 1977 and November 1, 2010 will be retained (see below for breakdown of acreage and diversion rates).

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

- 50' E and 1,850' S of the NW corner of Section 22, T95N, R56W (SW ¼ NW ¼)
Latitude 43.034130, Longitude -97.457640

(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:

T95N, R56W Section 16	SE ¼ SE ¼	32 acres	Priority date: November 1, 2010
T95N, R56W Section 21	NE ¼ NE ¼	35 acres	Priority date: November 1, 2010 (3 acres) Priority date: May 19, 1977 (32 acres)
	SE ¼ NE ¼	3 acres	Priority date: November 1, 2010
T95N, R56W Section 22	SW ¼ NW ¼	33 acres	Priority date: November 1, 2010 (1 acre) Priority date: May 19, 1977 (32 acres)
		Total	103 acres

- May 19, 1977 priority date (established under No. 4179-3) is retained for 64 acres and 0.91 cfs
- November 1, 2010 priority date (established under No. 7220-3) is retained for 39 acres and 0.20 cfs

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larry Rupiper, 317 Broadway Ave., Yankton SD 57078 the holder and/or owner of Incorporated Water Right No. 7220-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from ground water, one well (Lower James Missouri Scotland Aquifer) with a priority dates of May 19, 1977 and November 1, 2010 from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 7220-3
Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7220-3 and subject to the following qualifications:

- 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 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.
- 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 Environment and Natural Resources

JUL 23 2020
date

