

WATER PERMIT NO. 7332-3

Name of Applicant: Jason Harmelink

Address: 214 Capital St, Ste 4, Yankton SD 57078 Phone: 605 661-0245

Amount of Water Claimed: 2.0 cfs Total Acres: 157.8

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 1 mile northwest of Yankton

PRIORITY Date Received: 3-5-12

Application/License Fee: \$ 1050.00

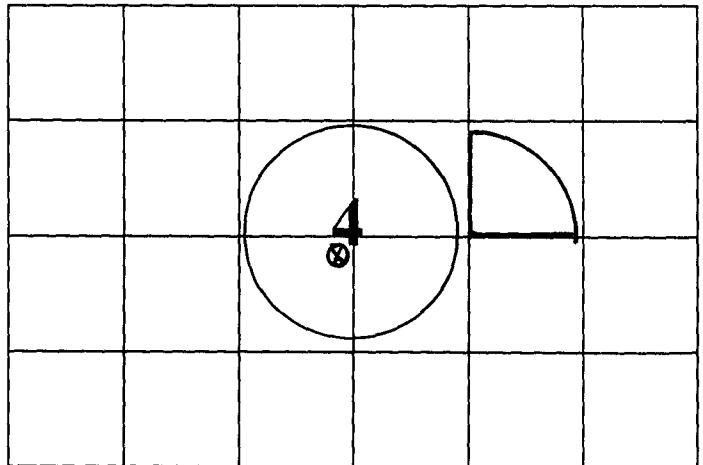
Corrected Application Received: 3-12-12

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 4-T93N-R55W

Land to be Irrigated: S ½ NE ¼, SE ¼ NW ¼, NE ¼ SW ¼, NW ¼ SE ¼ Sec 4-T93N-R55W



Depth of Well: 100 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: D Henderson, NRCS

Reviewed and the Number Assigned on: 3-12-12

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>7332-3</u> (office use only)	<u>10170101</u>	RECEIVED MAR - 5 2012 WATER RIGHTS PROGRAM
	Basin <u>Missouri River</u>	Newspaper <u>Daily Press & Dakotan</u>	
	<u>605-665-7811</u>	<u>Yankton 57078</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Jason Harmelink Phone 605-661-0245
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 214 Capital St Ste 4 Yankton, State South Dakota 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 157.8
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 Well NE 1/4 of SW 1/4 in 4-93-55
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
1 well - NE 1/4 of SW 1/4 in 4-93-55 County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used May 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 NE 1/4 of Sec 4-93-55	32.4	NW 1/4 SE 4-93-55	31.35
SW 1/4 NE 1/4 of Sec 4-93-55	31.35		
SE 1/4 NW 1/4 of Sec 4-93-55	31.35		
NE 1/4 SW 1/4 of Sec 4-93-55	31.35		

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

Source of water is from New well at marked location in NE 1/2 of SW 1/2 in 4-93-55. This well will supply two point irrigation systems to irrigate a total of 157.8 acres.

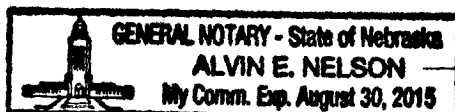
STATE OF SOUTH DAKOTA) Nebraska
County of Cedar SS

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

I, Alvin E. Nelson, 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 29 day of February 20 12



Alvin E. Nelson
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7332-3**

Date of first receipt of application March 5, 2012.

Date of return to applicant for corrections, amendments or changes March 6, 2012.

Date of receipt of corrected application March 12, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7332-3 to Jason Harmelink, 214 Capital St, Ste 4, 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. 7332-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (100 feet deep) located in NE ¼ SW ¼ Section 4 for irrigation of 157.8 acres located in the S ½ NE ¼, SE ¼ NW ¼, NE ¼ SW ¼, NW ¼ SE ¼ Section 4; all in T93N-R55W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is March 5, 2012.
4. The date of approval of Permit No. 7332-3 is July 2, 2012.
5. One-fifth of the construction is to be completed on or before January 2, 2015.
6. All construction is to be completed on or before July 2, 2017.
7. Water is to be put to beneficial use on or before July 2, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7332-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 16 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack 100' Well Gravel Length of Gravel Pack 100'
- 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 -0- wells on property On property owned by others 1900'

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 _____

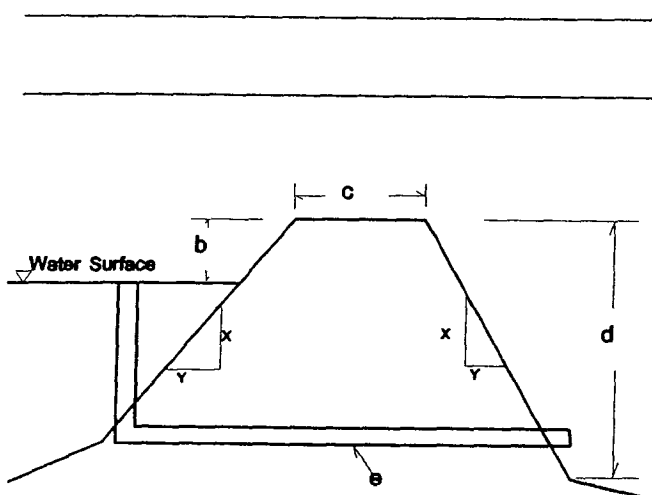
3. Dugout Information

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

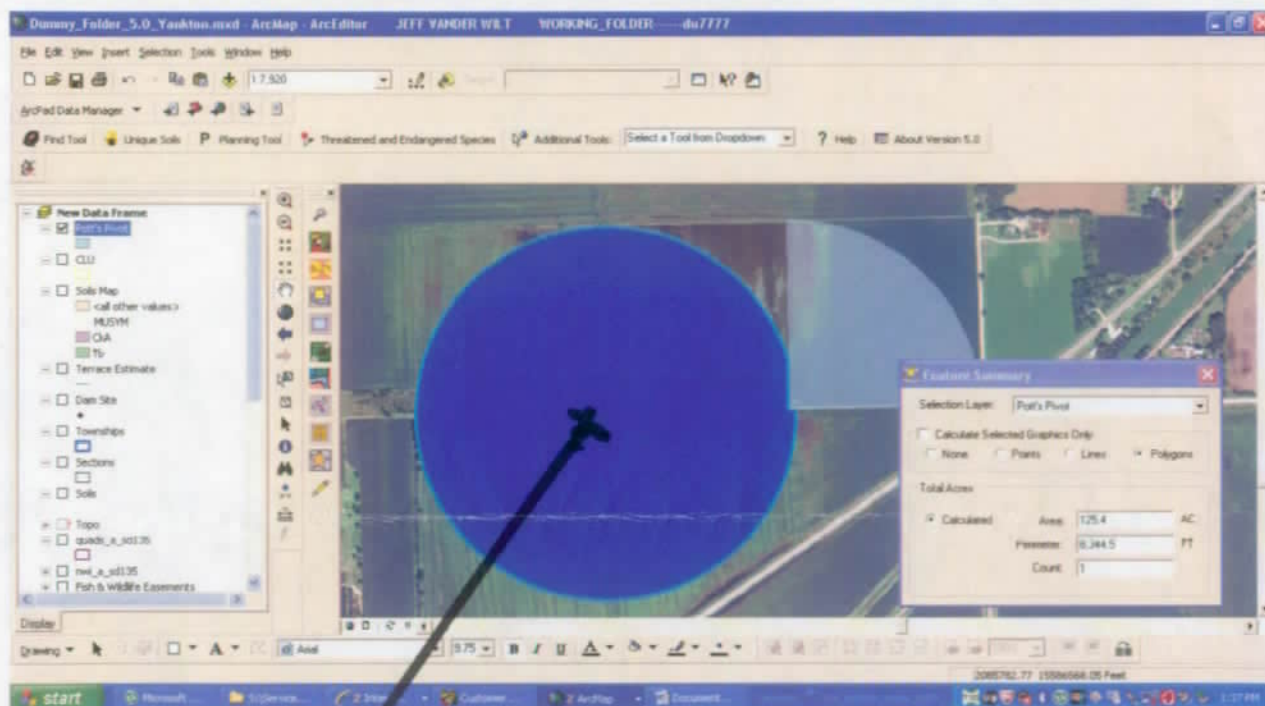
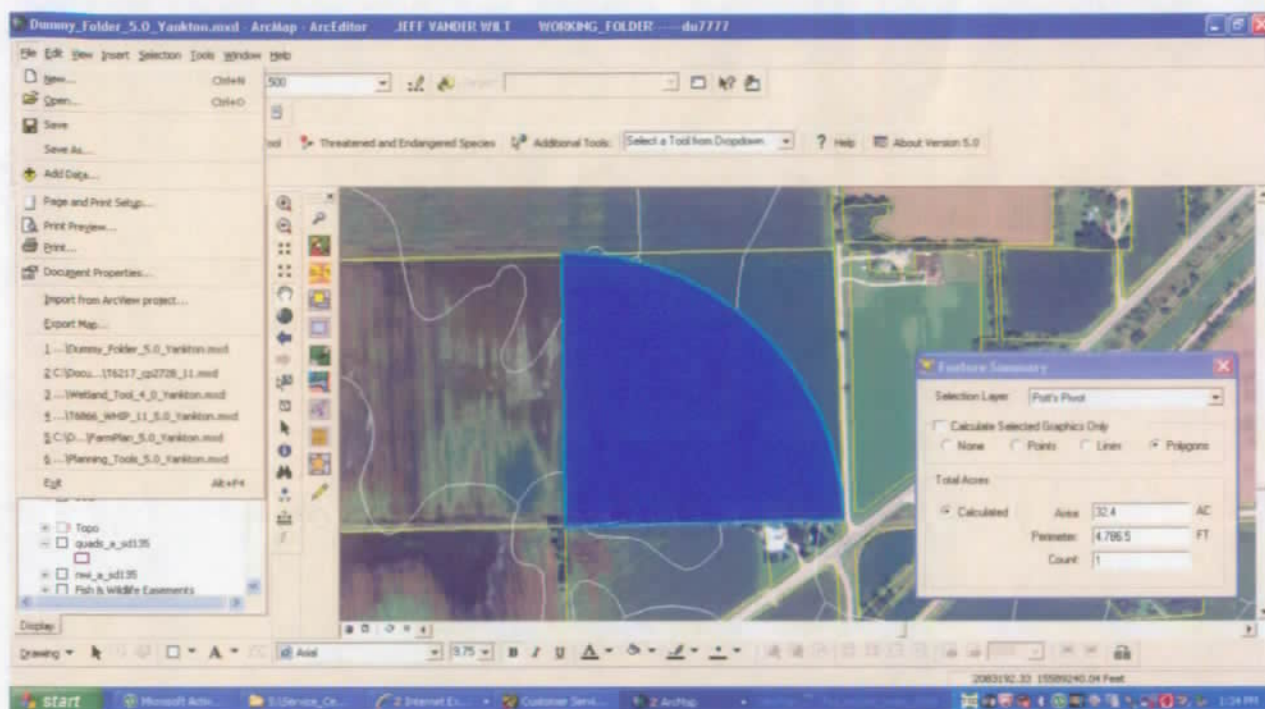
4. Water Storage Dams

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



Well
Location

D. Henderson NRCS

2/23/2012

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MAR - 5 2012
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Customer(s): Jason Harmelink

PLAN MAP

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MAR 12 2012

Date: 3/6/2012

Legal Description: Sec. 4, T. 93 N., R. 55 W.

WATER RIGHTS
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State and County: SD, YANKTON



Legend

☐ Sections



Well location marked above

390 0 390 780 1,170 1,560
Feet

N





United States Department of Agriculture
Farm Service Agency

PLSS: 4_93_55
Farm: 5938

Yankton County, SD
1:10,285



February 11, 2011

Disclaimer: Wetland identifiers 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.

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Common Land Units

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MAR 12 2012

**WATER RIGHTS
PROGRAM**

2010 Ortho-Photography - Not to Scale



United States Department of Agriculture
Farm Service Agency

PLSS: 4_93_55
Farm: 6051

Yankton County, SD

1:7,577



February 14, 2011

Disclaimer: Wetland identifiers 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.

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

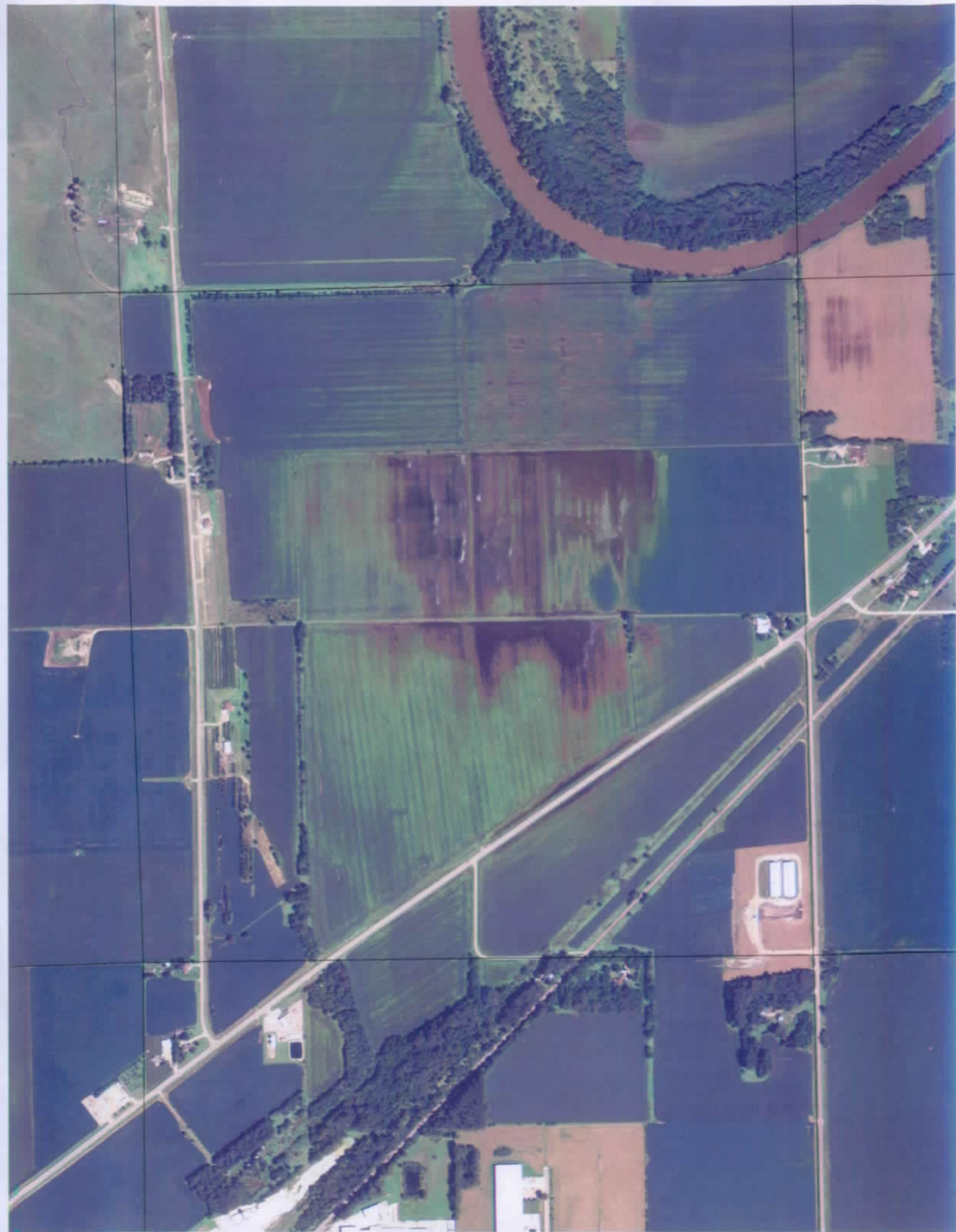
Common Land Units

RECEIVED

MAR 12 2012

**WATER RIGHTS
PROGRAM**

2010 Ortho-Photography - Not to Scale



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/6, 20 12

RECEIVED OF Jason Harmelink

55365 897 Rd

Crofton NE 68730

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

Fee for Application for Permit No. <u>7332-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7332-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	1050	00

No. 05368

By Gale Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 6, 2012

Jason Harmelink
214 Capital St, Ste 4
Yankton SD 57078

Dear Mr. Harmelink:

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

- Enclosed is the map submitted with the application. The map needs to reference a government section corner or quarter corner. Our suggestion is to obtain an aerial photo map of the entire section (8 ½ x 11). Outline the acres to be irrigated and mark the proposed well location.
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

well Log Not
available at
this time

enclosure



**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. 7332-3, Jason Harmelink**

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. 7332-3, Jason Harmelink, 214 Capital Street, Suite 4, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7332-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7332-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 16, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7332-3
JASON HARMELINK
APRIL 24, 2012

Water Permit Application No. 7332-3 proposes to appropriate 2.00 cubic feet of water per second (cfs) from one well to be completed in to the Lower James Missouri aquifer. The well is expected to be approximately 100 feet deep and is to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T93N-R55W. This permit application proposes to irrigate 157.8 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4 T93N-R55W in Yankton County.

AQUIFER: Lower James Missouri (LJM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower James Missouri is a buried outwash (sand and gravel) that can be generally encountered under confined conditions in Yankton County (Bugliosi, 1986). Along the James River valley, the proposed location of the well for this application, the aquifer is under artesian conditions (Bugliosi, 1983). The Lower James Missouri aquifer blends into the Missouri Elk Point aquifer, which is hydraulically connected to the James River (Bugliosi, 1986). The Lower James Missouri aquifer underlies approximately 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County (Hedges et al., 1982). The top of the aquifer is generally less than 50 feet below the soil surface (McCormick, 2003). The saturated thickness of the aquifer was estimated to be 50-150 feet thick by Bugliosi (1986), in the vicinity of the proposed well. From Bugliosi (1986), the specific capacity for wells ranges from 124 to 173 (gal/min)/ft for the Lower James Missouri aquifer. Based on specific capacity, transmissivity can range from 186,000 to 259,500 gal/day/ft ("Transmissivity from Specific Capacity", 2012). Wells can be expected to yield at least 500 gallons per minute and may produce in excess of 1,000 gallons per minute (Bugliosi, 1986).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate 315.6 acre-feet annually from the Lower James Missouri aquifer. Although the actual water use if this application is approved will most likely be less than 315.6 acre-feet/year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:

Recharge:

Recharge to the Lower James Missouri Aquifer is through seepage from streams and by infiltration of precipitation (Bugliosi, 1986). The average annual recharge rate calculated for the Lower James Missouri aquifer using a regional flow-net analysis is 1.5 inches per year (Hedges et al., 1985). Using the rate calculated by Hedges (1985) the average annual recharge to the aquifer is 11,562.5 ac-ft in Yankton County.

Withdrawals:

There are 60 water rights/permits appropriating water from the Lower James Missouri aquifer in Yankton County for irrigation for 2012. There are five non-irrigation appropriations with permits or rights for diversions 2,381 cfs of water. The estimated withdrawal from the aquifer by non-irrigation appropriations is 1,034 ac-ft per year. This estimation assumes water is being withdrawn from the aquifer 60 percent of the time for these non-irrigation appropriations. Water use from the Lower James Missouri aquifer from Yankton County as reported to the DENR-Water Rights Program through annual irrigation questionnaires is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2010	50	15790.1	494.2
2009	49	15510.1	905.6
2008	46	14446.7	2836.7
2007	33	10586.7	2376.2
2006	30	9696.1	2175.0
2005	30	9762.1	1800.6
2004	29	9442.1	1596.6
2003	29	9432.1	1450.9
2002	30	9807.1	2124.4
2001	29	9877.1	1553.8
2000	29	9877.1	2085.6
1999	25	8459.1	1048.5
1998	28	9258.1	955.6
1997	28	9735.1	1010.0
1996	27	9701.1	1177.0
1995	24	8694.1	796.1
1994	28	10670.1	1128.3
1993	30	11110.1	219.8
1992	31	12070.1	873.0
1991	28	11168.1	1996.0
1990	28	11168.1	2419.1
AVERAGE	31.5	10774.3	1477.3

Table 1- Irrigation Water Use from the Lower James Missouri aquifer from Yankton County.
(Water Rights 1991-2011)

Comparing the average annual recharge calculated by Hedges (1985), 11,562.5 ac-ft in Yankton County, to the estimated average annual withdrawal from the aquifer, 2,511.3 ac-ft in Yankton County, the difference is 9,051.2 ac-ft. There is a reasonable probability that unappropriated

water is available for this proposed appropriation of 315.6 ac-ft from the Lower James Missouri aquifer.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2012a). The nearest of these wells (YA-57C) to the proposed well location is located approximately 2.6 miles north. Water levels for YA-57C show a good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record shown in figure 1 indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2012a). There are three wells, two domestic and one for irrigation, within one half mile of YA-57C. Drawdown created by pumping at this distance does not appear significant, as shown by figure 1. Interference is not expected to be a concern.

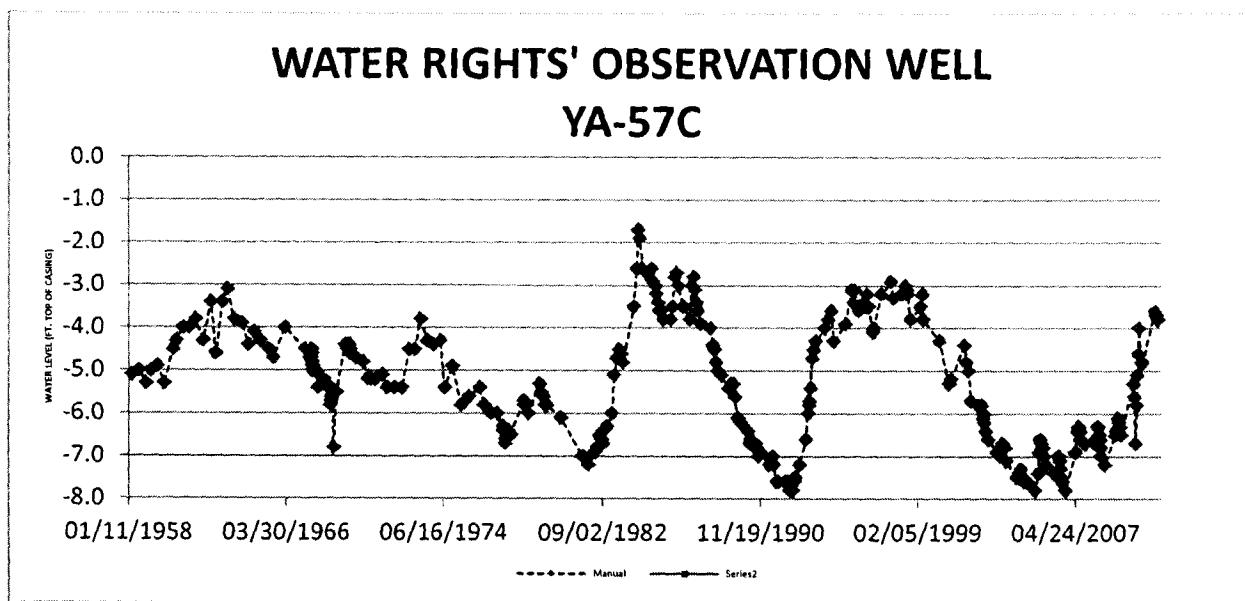


Figure 1- Hydrograph of DENR-Water Rights' observation well YA-57C, located approximately two and one-half miles north of the well that Application No. 7332-3 proposes to use

EXISTING WATER RIGHTS:

There are three water rights/permits appropriating water within one mile from the proposed well location and two domestic wells. One appropriation is from the Lower James Missouri aquifer, Water Right No. 1661-3 as well as a domestic well. The three other wells appropriate water from the Missouri Elk Point aquifer, a domestic well and Water Right Nos. 6170-3 and 7187-3. The water rights are listed in table 2.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
6170-3	CONCRETE MATERIALS	LC	IND	0.222	
7187-3	PRAIRIE CREEK RANCH	PE	IRR	1.78	150
1661-3	GURNEY SEED & NURSERY	LC	IRR	2.85	200
LC= Water Right, PE= Water Permit, IRR= Irrigation, IND= Industrial Use					

Table 2- Irrigation Water Use from the Lower James Missouri aquifer from Yankton County. (Water Rights, 2012b)

The nearest well in the Lower James Missouri aquifer to the proposed well location is approximately 0.5 miles northwest and supplies water to Water Right No. 1661-3. The well supplying Water Right No. 6170-3 is approximately 0.36 miles south-southwest, but is in the Missouri Elk Point aquifer. The well supplying Water Right No. 7187-3 is approximately 0.63 miles east-southeast of the proposed well location. Interference from pumping is not expected to be adverse at these distances from the proposed well as evidenced by observation well YA-57C. The three wells within one half mile of YA-57C have shown no drawdown effect on the observation well.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or "the equivalent thereof". The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application No. 7332-3 proposes to divert at a rate of 2.00 cfs to irrigate 157.8 acres, or the equivalent to 0.89 cfs per 70 acres. The applicant proposes to drill a new well that will be pumped at 900 gallons per minute to supply two pivot irrigation systems.

CONCLUSIONS:

1. This application proposes to appropriate up to 315.6 acre-feet annually for irrigation but the amount of water that actually will be used is expected to be considerably less.
2. There is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1983. Major Aquifers in Yankton County, South Dakota. U.S. Geological Survey Information Pamphlet No. 28. p 7.
- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 84-4241, p 41.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- McCormick, K.A. 2003. First Occurrence of Aquifer Materials in Yankton County, South Dakota: South Dakota Geological Survey Aquifer Materials Map 14, scale 1:100,000.
- "Transmissivity from Specific Capacity." Aquifer Test Forum sponsored by HydroSOLVE, Inc. Accessed: 24 Apr. 2012 < <http://www.aqtesolv.com/forum/transcap.asp>
- Water Rights. 1991-2011. "1991-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2012a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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JUN - 6 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

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 YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PUBLISHED AND CIRCULATED 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 7332-3 Jason Harmelink

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 1st DAY OF June 2012 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$46.77 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: 5/25/2012 & 6/1/2012

FILED ON: 6/4/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF June

2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015NOTICE OF APPLICATION
NO. 7332-3 to Appropriate Water

Notice is given that Jason Harmelink, 214 Capital St, Ste. 4, Yankton SD 57078 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (100 feet deep) located in NE SW Section 4 for irrigation of 157.8 acres located in the S NE, SE NW, NE SW, NW SE Section 4; all in T23N-R45W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7332-3 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 June 11, 2012

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 \$46.77

Estimated publishing cost per published copy: \$0.0027



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 2012

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7332-3 to Appropriate Water to be published twice. Please publish the first notice on May 25, 2012 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 Jason Harmelink, 214 Capital St. # 4, Yankton SD 57078 (Ph # 605-661-0245).

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. 7332-3

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

Date _____

We are in receipt of your letter of May 17, 2012 enclosing Notice to Appropriate Water by Application No. 7332-3 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.

May 17, 2012

Jason Harmelink
214 Capital St #4
Yankton SD 57078

Dear Mr. Harmelink:

Water Permit Application No. 7332-3 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 # 605-624-7811). 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on May 25, 2012 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. 7332-3 to Appropriate Water

Notice is given that Jason Harmelink, 214 Capital St, Ste. 4, Yankton SD 57078 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (100 feet deep) located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 for irrigation of 157.8 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; all in T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7332-3 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.

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Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 12, 2012

Jason Harmelink
214 Capital St #4
Yankton SD 57078

Dear Mr. Harmelink:

Water Permit Application No. 7332-3 was published on May 25th and June 1st in the Yankton Daily Press & Dakotan. Enclosed is a copy of the Affidavit of Publication sent to us from the paper. As you can see, near the end of the first paragraph the legal descriptions are incorrect.

Therefore, the notice of hearing needs to be readvertised to correct the errors. The paper will run the notice again on June 14th and 21st. The date for filing petitions will now be July 2, 2012.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF APPLICATION NO. 7332-3 to Appropriate Water

Notice is given that Jason Harmelink, 214 Capital St, Ste. 4, Yankton SD 57078 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (100 feet deep) located in NE 1/4 SW 1/4 Section 4 for irrigation of 157.8 acres located in the S 1/2 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T93N-R55W.

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Published twice at the total approximate cost of _____.

RECEIVED

JUN 25 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

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, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED 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 7332-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF June 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$46.77 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 6/14/2012 & 6/21/2012

FILED ON: 6/21/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF June 2012

Minnie R. Pratt
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 6/11/2013

6+14+21

NOTICE OF APPLICATION
NO. 7332-3 to Appropriate Water

Notice is given that Jason Harmelink, 214 Capital St, Ste. 4, Yankton SD 57078 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James: Missouri Aquifer (100 feet deep) located in NE 1/4 SW 1/4 Section 4 for irrigation of 157.8 acres located in the S 1/2 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T93N-R55W.

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Published twice at the total approximate cost of \$46.77

Estimated publishing cost per published copy: \$23.38



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 16 2012

Jason Harmelink
214 Capital St # 4
Yankton SD 57078

Dear Mr. Harmelink:

Enclosed is Water Permit No. 7332-3 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

7332-3
RECEIVED

OCT 11 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-3-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Jason Harmelink
(name)
214 Capitol, Ste. 4
(address)
Hankton SD 57078 605-661-0245
(city, state, zip) (phone)

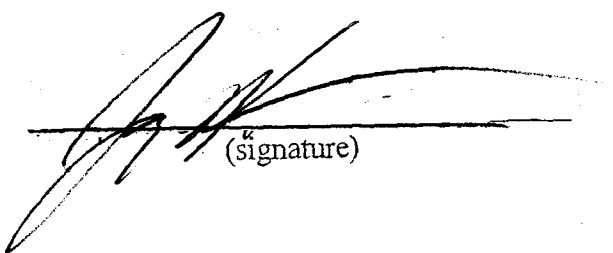
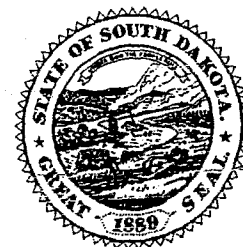
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7332-3 states that the water use system is to be constructed by 7-2-17, and water is to be put to beneficial use by 7-2-21.
(date) (date)

The water use system was completed on 8-1-12.
(date)

Applying the water to beneficial use was completed on 8-1-12.
(date)

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


(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 2012

7332-3

Jason Harmelink
214 Capital St Ste 4
Yankton SD 57078

Dear Mr. Harmelink:

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 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

RECEIVED

FEB - 1 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 7332-3

Date: 1-28-13

I/We request that Water Permit No. 7332-3

formerly owned by: Jason Harmelink

be transferred to: (name & address) Rudolph Hill Farm LLLP

810 West third St

Yankton, S. Dakota, 57078 Telephone No. 605-660-3155

Title to the following described land(s)/property has been transferred as described above:

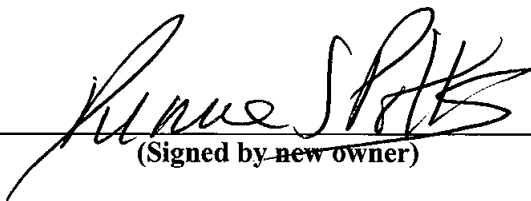
157.8 acres - S 1/2 NE 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4 all in Section 4, T93N, R55W

I/We understand that the validity of Water Permit No. 7332-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Rudolph Hill Farm, LLLP the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/1, 20 13

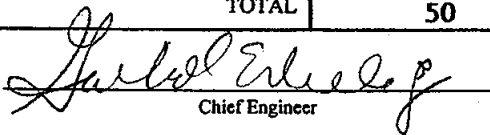
RECEIVED OF Duane Potts 55597 Hwy 121 Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>7332-3</u>		
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	50 00

No. 06074

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2013

7332-3

Duane Potts
Redhawk LLC
909 Chester Ln
Yankton SD 57078

Dear Mr. Potts:

Thank you for contacting us regarding the need for an ownership change on Water Permit No. 7332-3. I have included a copy of the permit for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

You indicated during our phone conversation you wished to add to the existing water permit. Enclosed is a set of water permit application forms and an instruction sheet to be used for this purpose. If you have any questions, please give us a call.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2013

7332-3

Duane Potts
Rudolph Hill Farm LLLP
810 W Third St
Yankton SD 57078

Dear Mr. Potts:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Permit No. 7332-3.

The ownership change has been completed. Water Permit No. 7332-3 formerly held by Jason Harmelink is now listed in the name of "Rudolph Hill Farm LLLP".

Enclosed for your records is Receipt No. 06074 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure

7332-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2022

7332-3
7792-3

Duane Potts
Rudolph Hill Farm LLLP
1105 W 10th St, Apt 3
Yankton SD 57078-3302

Dear Mr. Potts:

Enclosed is a "Notice" dated October 21, 2022, concerning the 2022 irrigation questionnaires.

The notice was originally mailed to 810 W Third St, Yankton 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,

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

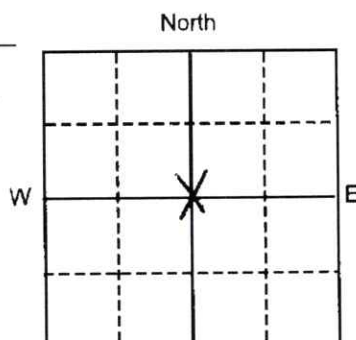
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 4 Twp 93-N Rg 55WCounty Hyndman

Please mark well location with an "X"



Well Completion Date

6-27-17

1 Mile

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

3000 ft. from JIM RIVER (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>60</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>135</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>60</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

pumped down w/ pressure grouter

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 60 FeetMaterial PVCSlot Size .085 Set From 60 Feet to 120 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?

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Chlorine

Well Owner:

Business Name:

Address:

City, State, Zip:

Rudolph Hill LLCDuane Potts55597 Hwy 121Saint Helena, NE 68724

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Black top soil</u>	<u>0</u>	<u>8</u>
<u>brown clay</u>	<u>8</u>	<u>72</u>
<u>fine green gravel</u>	<u>72</u>	<u>81</u>
<u>fine gravel</u>	<u>81</u>	<u>95</u>
<u>med gravel</u>	<u>95</u>	<u>110</u>
<u>ROCKS</u>	<u>110</u>	<u>112</u>
<u>coarse gravel</u>	<u>112</u>	<u>117</u>
<u>shale</u>	<u>117</u>	<u>120</u>

STATIC WATER LEVEL

15'

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other
Test pumped w/ surface pump

Pumping Level Below Land Surface

55 Ft. After2 Hrs. pumped800 GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

800 GPM

REMARKS

This well was drilled under license #

444

and this

report is true and accurate.

Drilling firm:

Chetensen Well & Hydrant

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

6-17-20

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7332-3 & 7792-3

I have this day, June 22, 2020, made a thorough examination of the water use systems constructed by Rudolph Hill Farm LLLP, 810 W. 3rd St., Yankton, SD, holder of Permit No. 7332-3, bearing the priority of March 5, 2012 authorizing the diversion of 2 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 157.8 acres located in Yankton County & Permit No. 7792-3, bearing the priority of March 13, 2013 authorizing the diversion of 0.0 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 21.8 acres located in Yankton County.

Inspection contact: Duane Potts

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells: 1
- 3) Depth(s): 120 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 15 feet

Pump:

- 1) Make: JW Pump
- 2) Model: 12JMCLO
- 3) Capacity: 1,000 GPM

Motor:

- 1) Make: General Electric
- 2) Model No.: 5KE364DTT6017A
- 3) Horsepower rating: 50 hp

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

- 1) Type: Galvanized
- 2) Size: 8 inches
- 3) Length: 30 feet

(Well to the west pivot for Water Right No. 7332-3.)

- 1) Type: PVC
- 2) Size: 8 inches
- 3) Length: 1,320 feet

(Well to the east pivot for Water Right No. 7332-3.)

- 1) Type: Removable
- 2) Size: 8 inches
- 3) Length: 1,470 feet

(Well to the pivot for Water Right No. 7792-3.)

C. Works used to apply water to beneficial use:

West Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,312 feet
- 3) Number of towers: 8
- 4) End gun: No
- 5) Capacity: 1,000 GPM

East Center Pivot:

- 1) Make: Lockwood
- 2) Overall length: 1,300 feet
- 3) Number of towers: 10
- 4) End gun: No
- 5) Capacity: 1,000 GPM

Center Pivot: 7792-3

- 6) Make: Zimmatic
- 7) Overall length: 600 feet
- 8) Number of towers: 3
- 9) End gun: No
- 10) Capacity: 1,000 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements: 7332-3

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of the construction period: Yes
- 3) Exceptions to compliance are: The pump flow rate is 2.23 cfs instead of 2.0 cfs.

Compliance with Permit Requirements: 7792-3

- 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: The questionnaires indicate that the system has not been used.
- 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 2,610 feet east and 2,650 feet north of the southwest corner of Section 4-T93N-R55W (Latitude 42.90156, Longitude -97.34774 – near the center of the section).
- 2. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 4-T93N-R55W

<u>SE1/4NW1/4</u>	<u>30 acres</u>
<u>SW1/4NE1/4</u>	<u>38 acres</u>
<u>NE1/4SW1/4</u>	<u>37 acres</u>
<u>NW1/4SE1/4</u>	<u>31 acres</u>
<u>SE1/4NE1/4</u>	<u>28 acres</u>
<u>SE1/4SW1/4</u>	<u>13 acres</u>

comprising a total of 177 acres of land and the licenses should be issued for 2.0 cfs.

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

F. Comments or other permit(s) associated with the project: This water permit also supplies water to Water Permit No. 7792-3. These two water permits could be licensed together. I have attached the well log from

Christensen Well and Irrigation for the well at this site. The original well was drilled by Quality Well Service LLC and did not produce enough water. This well was plugged and the new well was installed near it, reusing the same pump and motor. Also, Water Permit No. 7792-3 showed all of the irrigated property to be in the SE1/4 of the SW1/4 of Section 4, T93N-R55W. This pivot system irrigates land in the SE1/4 of the SW1/4 and in the NE1/4 of the SW1/4. This land has the same owner and is adjacent to the land noted in the permit.

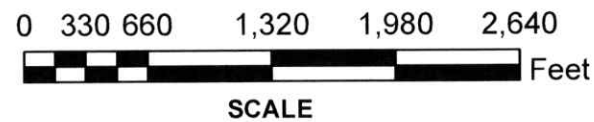
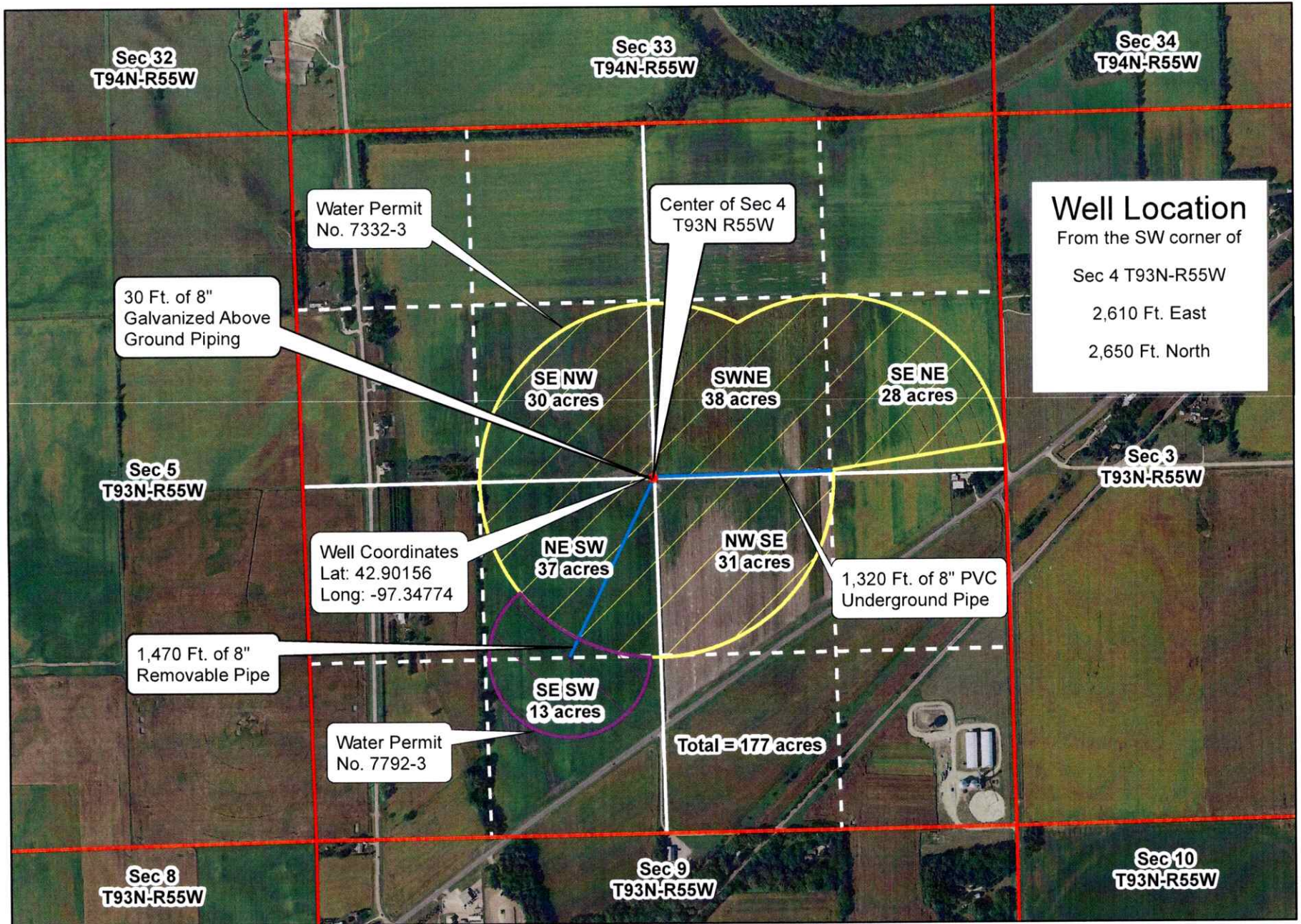
The pipe that goes from the well to the center pivot is removable pipe and was in storage at the time of my inspection. Mr. Potts lays out the pipe when he wants to use the system and then removes it for harvest. He indicated that he has used the system in the past but very little due to wet conditions.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 1, 2020

Water Permit Nos. 7332-3 & 7792-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
July 1, 2020

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7792-3**

(1) Jason Harmelink, Yankton SD, made Application No. 7332-3, March 5, 2012, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Lower James: Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7332-3, with a priority date of March 5, 2012, was approved July 2, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 2, 2017, and for the application to beneficial use of water on or before July 2, 2021.

On January 28, 2013, ownership of Permit No. 7332-3 was transferred to Rudolph Hill Farm LLLP, 1105 W 10th St, Apt #3, Yankton SD 57078.

Rudolph Hill Farm LLLP, Yankton SD, made Application No. 7792-3, March 13, 2013, for a water permit to irrigate an additional 21.8 acres, with no increase to the diversion rate, to what was already authorized under Permit No. 7332-3. Permit No. 7792-3, with a priority date of March 13, 2013, was approved May 28, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 28, 2018, and for the application to beneficial use of water on or before May 28, 2022.

The applicable portions of Permit No. 7332-3 have been incorporated into Water Right No. 7792-3.

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

- 2,610 ft E & 2,650 ft N of the SW corner of Section 4, T93N, R55W (approx. center Section 4)
(Latitude 42.90156 & Longitude -97.34774)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

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

Section 4, T93N, R55W			
SW ¼ NE ¼	38 acres	NE ¼ SW ¼	37 acres
SE ¼ NE ¼	28 acres	SE ¼ SW ¼	13 acres
SE ¼ NW ¼	30 acres	NW ¼ SE ¼	31 acres
TOTAL: 177 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Rudolph Hill Farm LLLP, the holder and/or owner of Water Right No. 7792-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from groundwater, one well (Lower James: Missouri Aquifer), with priority dates of March 5, 2012, for 2.0 cfs & 157.8 acres & March 13, 2013, for 19.2 acres, from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7792-3 and subject to the following qualifications:

1. 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 their 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 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

JUN 03 2024

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 03 2024

7332-3
7792-3

Rudolph Hill Farm LLLP
c/o Duane Potts
1105 W 10th St, Apt 3
Yankton SD 57078

Dear Mr. Potts:

Enclosed is Water License No. 7792-3. 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.

So 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

NOTES: The investigation found your irrigation system capable of diverting 2.23 cubic feet of water per second (cfs) which is equivalent to approximately 1,000 gallons per minute. Permit No. 7332-3 authorized the diversion of 2.0 cfs (approximately 900 gpm). Diversion of water under this water license is limited to 2.0 cfs.

The applicable portions of Permit No. 7332-3 have been incorporated into Water Right No. 7792-3.

enclosures