

WATER PERMIT NO. 7417-3

Name of Applicant: John G Yaggie

Address: 30848 444th Ave, Mission Hill SD 57046

Phone: 605 661-2668

Amount of Water Claimed: no add'l

Total Acres: 13 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 1 mile south of Mission Hill

PRIORITY

Date Received: 9-4-12

Application/License Fee: \$ 700

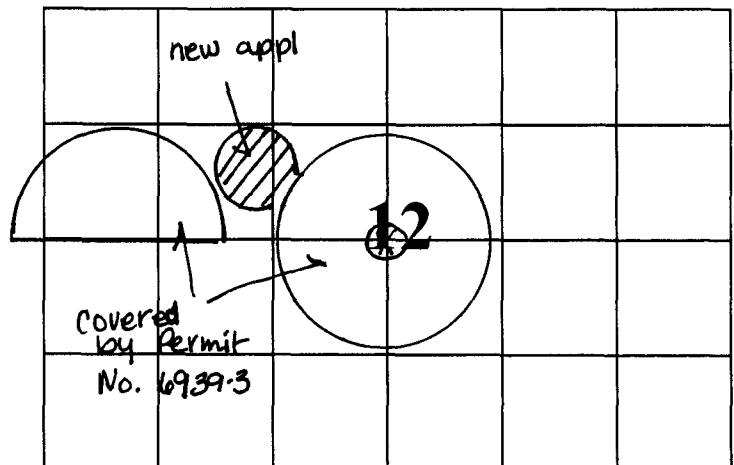
Corrected Application Received:

Period of Annual Use: April 1 – Sept 30

Remarks:

Diversion Point: center of Sec 12-T93N-R55W

Land to be Irrigated: S 1/2 NW 1/4 Sec 12-T93N-R55W



Depth of Well: 110 feet

Well Driller: Christensen Well & Irrigation

Remarks:

Type of Map: aerial

Prepared by: Douglas Henderson, NRCS

Reviewed and the Number Assigned on: 9-6-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>9417-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Press & Dakotan</u>

RECEIVED
SEP - 8 2012
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.)

- Name of Applicant JOHN G. YAGGIE Phone 605-661-2668
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 30848 444TH AVE MISSION HILL SD 57046
(Address) (City) (State) (Zip Code)
- Amount of water claimed ***CFS or NO Additional**GPM ***AF Total Acreage 13
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Existing Well permit # 6939-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
1 WELL T-93-N R-55-W SEC 12 Center of Section 12 T-93-N
R-55-W Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used April 1 thru 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
SW 1/4 of NW 1/4 Sect 12 T-93-N	8		
SE 1/4 of NW 1/4 Sect 12 R-55-W	5		
<u>Yankton</u>			

8. Give a description of the project. (Attach sheet if more space is needed) Apply for additional diversion rate authority, using the existing full circle pivot in section 12 permit # 6939-3. Project to supply 1/2 circle pivot (13 Acres) supplied by existing well. Center pivot to be erected. Both pivots to be used independent of each other

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, John Yaggie, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature John Yaggie

Subscribed and sworn to before me this 31 day of August 20 12

2010-01

my Commission

expires: 6/26/2016

Cheryl A. Oster
Notary Public signature
CHERYLA.OSTER

**SOUTH DAKOTA
WATER PERMIT NO. 7417-3**

Date of first receipt of application September 4, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7417-3 to John G Yaggie, 30848 444th Ave, Mission Hill SD 57046 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7417-3 authorizes irrigation of 13 additional acres. Water Permit No. 6939-3 authorizes 2.22 cfs from one well completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the center of Section 12 to irrigate 198 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 12 and S 1/2 NE 1/4 Section 11; all in T93N-R55W. This permit authorizes irrigation of 13 additional acres located in the S 1/2 NW 1/4 Section 12-T93N-R55W from the existing well. This permit does not authorize any increase in the diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is September 4, 2012.
4. The date of approval of Permit No. 7417-3 is November 12, 2012.
5. One-fifth of the construction is to be completed on or before May 12, 2015.
6. All construction is to be completed on or before November 12, 2017.
7. Water is to be put to beneficial use on or before November 12, 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 Nos. 6939-3 and 7417-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 07 2013
date



CONSERVATION PLAN MAP

Customer(s): JOHN YAGGIE

District: YANKTON COUNTY CONSERVATION DISTRICT

Field Office: YANKTON SERVICE CENTER

Agency: USDA NRCS

Assisted By: DOUGLAS HENDERSON

Legal Description: T5285 in 12-93N-55W

Douglas Henderson



RECEIVED

SEP - 3 2012

WATER RIGHTS
PROGRAM

Legend

-  John's Pivot
-  CLU



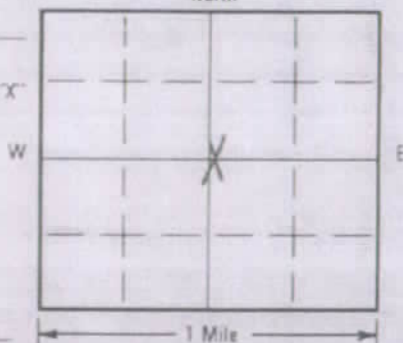
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6939-3

07-92

Location SW 1/4 NE 1/4 Sec 12 Twp 93N Rg 55W
County Sananton

Please mark well location with an "X"



Well Completion Date

5-5-08

Well Owner: John Yaggle

Business Name:

Address: 30848 444th
1 Mission Hill, SD 57046

WELL LOG:

DEPTH

FORMATION

FROM

TO

Brown clay	0	9
Coarse sand	9	30
med sand + gravel	30	108
ROCKS	108	110

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 2000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
160 LB/FT 16 IN 0 FT 70 FT 28 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Cement No. of Sacks 12 Grout Weight _____ lb./gal. From 0 ft. To 20 ft.

Describe grouting procedure

Pressure grouted cement grout down hole w/ 1" pipeSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 40 FEETMaterial PVC
Slot Size 0.05 Set From 70 Feet to 110 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES. How: chlorine

Laboratory sent to for water quality analysis _____

NO, Why Not? _____

STATIC WATER LEVEL

20

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Tested w/ turbine☐ Bailed☐ Otherpump + engine

Pumping Level Below Land Surface

53 ft. After 2 Hrs. pumped 850 GPM60 ft. After 2 Hrs. pumped 1000 GPMIf pump installed, pump rate 1000 GPM GPM

REMARKS

RECEIVED

AUG - 7 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Chelmer Well & PumpingSignature of License Representative: Chelmer

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Yaggie Farms LLC 38848 444th Ave Date 9/6, 20 12
Mission Hill SD 57046

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

Fee for Application for Permit No. <u>7417-3</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>7417-3</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. **05566**

By *Louise Erskine*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7417-3, John G Yaggie**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7417-3, John G Yaggie, 30848 444th Avenue, Mission Hill SD 57046..

The Chief Engineer is recommending APPROVAL of Application No. 7417-3 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 Nos. 6939-3 and 7417-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 26, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7416-3 and 7417-3
JOHN G. YAGGIE
OCTOBER 22, 2012

Water Permit Application No. 7416-3 proposes to appropriate 72 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 1.11 cubic feet of water per second (cfs) from one well completed into the Elk Point Management Unit of the Missouri aquifer. The well is to be located in the NE¼ SW¼ of Section 1, T93N-R55W and is expected to be approximately 100 feet deep. Water is to be used to irrigate 36 acres located in the NE¼ SW¼ Section 1, T93N-R55W. This application is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

Water Permit Application No. 7417-3 proposes to appropriate 26 ac-ft/yr from the existing well authorized by Water Permit No. 6939-3. Water Permit No. 6939-3 authorizes a maximum diversion rate of 2.22 cfs from a well completed into the Elk Point Management Unit of the Missouri aquifer located near the center of the Section 12, T93N-R55W. This application does not authorize an increase of the diversion rate permitted from the existing well.

AQUIFER: Elk Point management unit of the Missouri aquifer (M:EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point Management Unit of the Missouri aquifer is an alluvium mantled glacial outwash (i.e. sand and gravel, with lenses of silt and clay) deposited by meltwater as "an extensive mantle suggestive of an outwash plain or apron at the ice margin" (Simpson, 1960). The Missouri: Elk Point aquifer extends from southeastern Yankton County along the Missouri River through Clay and Union Counties to the extreme southeast corner of the state. The Missouri aquifer underlies 45,000 acres of Yankton County and contains an estimated 675,000 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). Although this aquifer is considered the Missouri: Elk Point aquifer by the DENR-Water Rights Program, it has also been identified as the southern area of the Lower James-Missouri aquifer (Bugliosi, 1986). The transmissivity of the aquifer ranges from 20,700 to 24,700 ft²/d, the specific yield is estimated to be 0.2, and specific capacity of wells range from 124 to 173 (gal/min)/ft (Bugliosi, 1986). The aquifer is under unconfined conditions in this area. The aquifer is hydraulically connected to the Missouri River and groundwater levels are maintained by surface water.

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 water availability and existing rights issues only.

WATER AVAILABILITY:

Water Permit Application Nos. 7416-3 and 7417-3 propose to appropriate an additional 98 acre-feet annually from the Missouri: Elk Point aquifer. Although, the actual water use if this

application is approved will be less than 98 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 Elk Point management unit in Yankton County occurs through direct penetration of precipitation, streamflow losses, upward leakage from the Dakota aquifer and subsurface inflow from adjacent areas. The average annual recharge for the Missouri: Elk Point aquifer, based on observation well analysis, is estimated to be 3.8 inches per year (Hedges and others, 1985). This recharge rate equates to 14,250 acre-feet annually to Yankton County. However, since there is a hydrologic connection between the Missouri: Elk Point aquifer and the Missouri River, increased ground-water discharge by wells could actually induce additional recharge from the river.

Withdrawals:

The Missouri: Elk Point aquifer is heavily appropriated with 35 Water Permits and 53 Water Rights appropriating water from the aquifer in Yankton County alone. Non-irrigation appropriations include four commercial use permits/rights, three industrial use rights, two municipal use rights, two suburban housing development rights, and four water rights for fish and wildlife propagation. There are two deferred applications from the Missouri: Elk Point aquifer in Yankton County. Water Permit Application Nos. 5749-3 and 5750-3, both for Stockmen's Livestock Market, Inc. were deferred in 1993 until the wastewater disposal system is approved by the Department of Environment and Natural Resources and a National Pollutant Discharge Elimination System (NPDES) permit is issued for the facility, if determined to be necessary.

In 2011 there were 68 water rights/permits appropriating a total of 23,898.2 acre-feet annually for irrigation from Yankton County (Water Rights, 2012c). The total amount of water pumped for irrigation from Yankton County in 2011 was reported to be 2,922.41 acre-feet, or 12.23% of the appropriation (Water Rights, 2012c). During a "dry year" such as 1989, irrigation use was considerably higher than the 2011 total. In 1989, there were 29 permits/rights appropriating 12,417.60 ac-ft/yr from the Missouri: Elk Point aquifer and the total amount of water pumped for irrigation from Yankton County was reported to be 4,154.7 acre-feet (33.46% of the total appropriation) (Water Rights, 1990).

Considering the current irrigation appropriation from the Missouri: Elk Point aquifer (23,898.2 acre-feet annually) and applying the 1989 use to appropriation ratio, irrigation withdrawals under current appropriations should be under 8,000 acre-feet annually. The maximum total water use from all appropriative users of the Missouri: Elk Point aquifer from Yankton County is expected to be less than 12,000 acre-feet annually.

Comparison of the estimated average annual recharge to the Missouri: Elk Point aquifer with the expected maximum total withdrawals from the aquifer indicates that there is a reasonable probability that unappropriated water is available for this appropriation.

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 to the aquifer”.

The DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer, including seven in Yankton County (Water Rights, 2012a). There are two observation wells near the diversion points proposed by Water Permit Application Nos. 7416-3 and 7417-3. Observation well YA-57D is located approximately one-third of a mile northeast of the well site proposed by Water Permit Application No. 7416-3 and three-fourths of a mile southeast of the well that Application No. 7417-3 proposes to use. Observation well YA-79H is located approximately one mile northeast of the well site proposed by Water Permit Application No. 7416-3 and one and three-fourths miles northeast of the well that Application No. 7417-3 proposes to use. Hydrographs for the observation wells are shown in Figures 1 and 2.

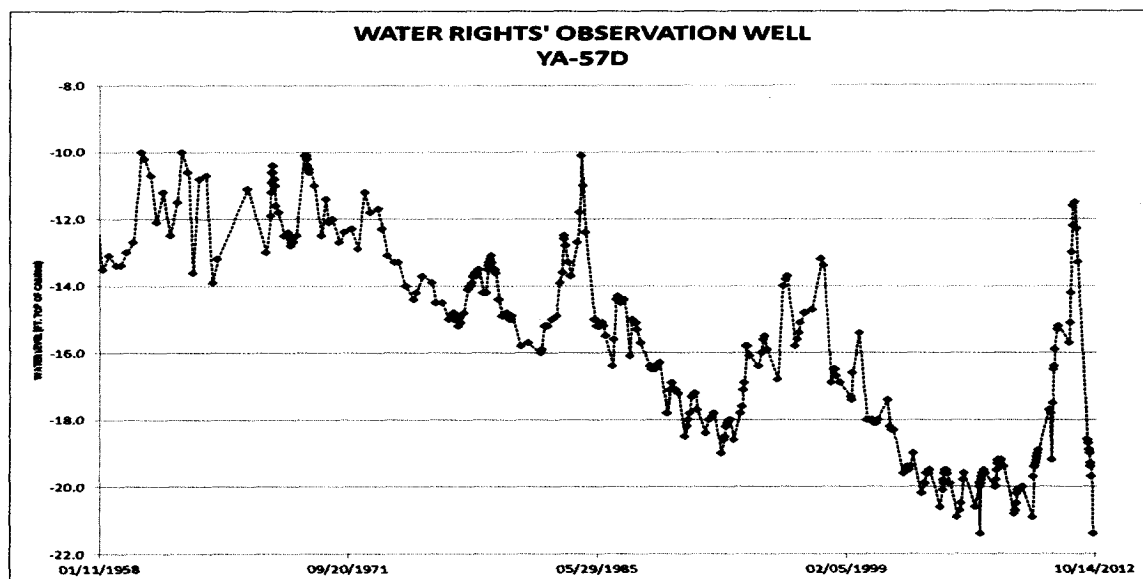


Figure 1. Hydrograph of DENR-Water Rights' Observation Well YA-57D

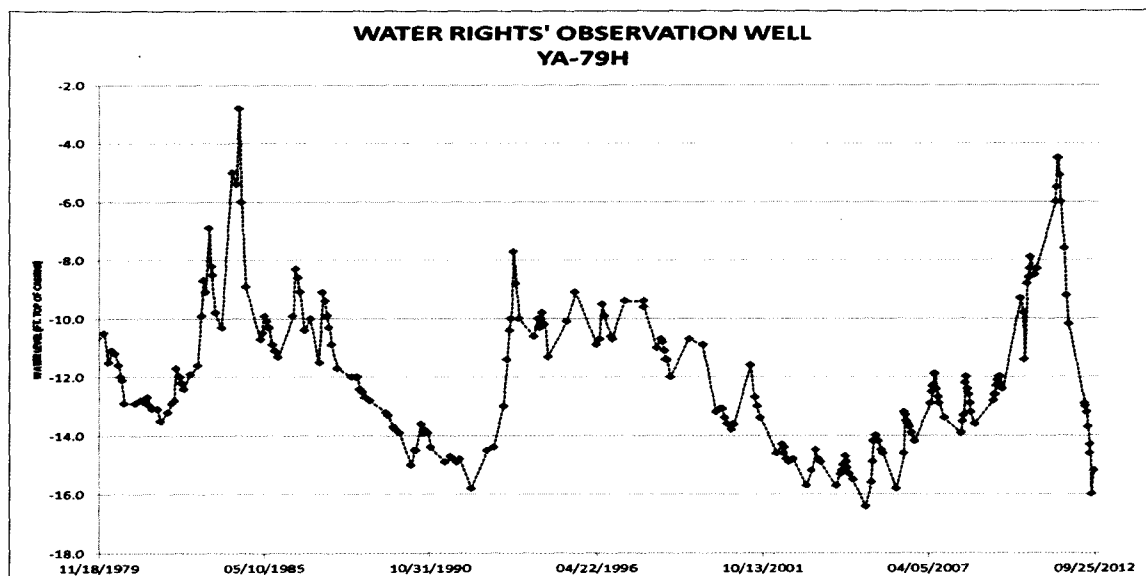


Figure 2. Hydrograph of DENR-Water Rights' Observation Well YA-79H

A general downward trend of the water table of the Elk Point Management Unit of the Missouri aquifer is apparent upon examination of the data for observation wells. The lower water level documented by the observation wells represent less water in storage in the aquifer. The gradual lowering of the water table has been attributed to: (a) the entrenching of the Missouri River (Goodman, 2007) or (b) controlled flows of the Missouri River eliminating flooding which used to inundate the entire floodplain and raise the water table to or above land surface (Stephens, 1967). The lower water levels that have occurred since the construction of Gavins Point Dam are probably caused by a combination of both factors cited above. Regardless of the cause, the declining water levels demonstrate the hydraulic connection between the aquifer and the Missouri River. The high flows in the Missouri River during the summer of 2011 are also very evident from the hydrographs. As stated earlier, groundwater levels are maintained by surface water and since increased ground-water discharge by wells would induce additional recharge from the river unappropriated water can be considered available for this appropriation.

EXISTING WATER RIGHTS:

Water rights/permits appropriating water from the Missouri: Elk Point aquifer in the vicinity of the diversion points proposed by Water Permit Application Nos. 7416-3 and 7417-3 are shown in Figure 3 and Table 1.



Figure 3. Diversion points for water rights/permits appropriating water from the Missouri: Elk Point aquifer and observation wells in the vicinity of the diversion points proposed by Application Nos. 7416-3 and 7417-3

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
127-3	ARTHUR P GIGGEE	03/20/1956	LC	IRR	2.28	160
2116-3	HEINE FARMS	01/22/1975	LC	IRR	1.9	132
2184-3	P J LYONS	01/02/1975	LC	IRR	2	224
4473-3	REUBEN NICOLAI	06/10/1949	LC	IRR	2.68	247.1
4501-3	EDDIE WOHL	03/27/1980	LC	COM	0.05	0
6233-3	KARL M SCHENK	10/17/2000	LC	IRR	1.45	76
6297-3	SCHEMPP FAMILY LIMITED PARTNERSHIP	02/05/2002	LC	IRR	2	204
6867-3	JAY CUTTS	06/18/2007	LC	IRR	2	207
7018-3	J & J FARMING COMPANY LLC	04/10/2008	PE	IRR	2.57	180
7120-3	JAY CUTTS	03/16/2009	PE	IRR	1.42	100
7194-3	JOHN GYAGGIE	04/08/2010	PE	IRR	2.22	38
7325-3	COULSON LAND CO	02/08/2012	PE	IRR	1.33	24.1

Table 1. Water Rights/Permits identified in Figure 3.

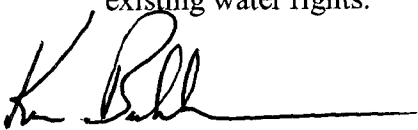
Although the Missouri: Elk Point aquifer is extensively developed, there are no well interference or water availability complaints from this area on file with the DENR-Water Rights Program. The minimal drawdown and well inference that results from pumping a high capacity well is clearly shown in Figures 2 and 3, hydrographs for observation wells located near irrigation wells. Based on data from other irrigation wells completed into the Missouri: Elk Point aquifer in the area (Water Rights, 2012c), the specific capacity of a properly designed and completed well should be 25-82 gallons per minute per foot of drawdown (gal/min)/ft. Therefore, at the diversion rate requested by Application No. 7416-3 (1.1 cfs), drawdown at the production well can be expected in the 6-20 foot neighborhood. Although Water Permit Application No. 7417-3 does not request any additional diversion rate, the appropriation of an additional 26 ac-ft/yr from a well would be equivalent to an increased diversion rate of 0.0857 cfs (38.44 gallons per minute) over the 153 day irrigation season (May1-Oct 1). The completion report for the well that this application proposes to use identifies a specific capacity of 25.75 (gal/min)/ft at 850 gallons per minute and 25 (gal/min)/ft at 1,000 gallons per minute, therefore an increased water use from this well can be expected to produce an additional one and one-half feet of drawdown at the production well. Drawdown should not be significant very far from the production well, and should not be considered significant considering the thickness and extent of the aquifer. Therefore, there is a reasonable probability that the diversions proposed by this application can be made without unlawfully impairing existing users.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rater for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every 70 acres, or “the equivalent thereof”. The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application No. 7416-3 proposes to divert at a rate equivalent to 2.158 cfs per 70 acres to a center pivot irrigation system. The small center pivot system that will only complete part of a rotation that is to be used to irrigate the 13 acres proposed by Application No. 7417-3 is to be used independent of the other pivot or pivots supplied by the well. It is likely that the diversion rate will exceed the statutory limit. The applicant does not include a justification for the proposed rate.

CONCLUSIONS:

1. Water Permit Application No. 7416-3 proposes to appropriate 72 acre-feet of water annually from the Missouri: Elk Point aquifer at a maximum diversion rate of 1.11 cfs to irrigate 36 acres.
2. Water Permit Application No. 7417-3 proposes to authorize the irrigation of 13 additional acres using the existing well authorized by Water Permit No. 6939-3.
3. Approval of Water Permit Application No. 7417-3 will result in the appropriation of an additional 26 ac-ft annually from the Missouri: Elk Point aquifer although the actual amount of water that will be used will be much less than appropriated.
4. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for these proposed appropriations.
5. The additional diversion represented by these appropriations should not adversely impact existing water rights.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241, 41 p.
- Goodman, J.A., 2007, Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 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., Allen, J., and Holly, D.E., 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
- Simpson, H.E., 1960, Geology of the Yankton Area, South Dakota and Nebraska: U.S. Geological Survey Professional Paper 328, 124 p.
- Stephens, J.C., 1967, Geology and Hydrology of Clay County South Dakota, South Dakota, Part II: Water Resources, SD Geological Survey Bulletin 19, 62 p.
- Water Rights, 1990, "1989 Irrigation Summary 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.

Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012d, "2011 Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Notice is given that John G Yag-
gie, 30848 444th Ave, Mission
Hill SD 57046 has filed the fol-
lowing applications for a water
permit.

Application No. 7416-3 proposes
to appropriate 1.11 cubic feet of
water per second (cfs) from one
well to be completed into the Mis-
souri:Elk Point Aquifer (100 feet
deep) located in NE 1/4 SW 1/4
Section 1 for irrigation of 36 acres
located in the NE 1/4 SW 1/4 Sec-
tion 1; all in T93N-R55W. The
applicant is requesting a diversion
rate greater than the statutory limit
of 1 cfs per 70 acres.

Application No. 7417-3 proposes
to irrigate 13 additional acres.
Water Permit No. 6939-3 author-
izes 2.22 cfs from one well com-
pleted into the Missouri:Elk Point
Aquifer (110 feet deep) located in
the center of Section 12 to irrigate
198 acres located in the SE 1/4
NW 1/4, SW 1/4 NE 1/4, NW 1/4
SE 1/4, NE 1/4 SW 1/4, SW 1/4
NW 1/4 Section 12 and S 1/2 NE
1/4 Section 11; all in
T93N-R55W. This application is
to irrigate 13 additional acres lo-
cated in the S 1/2 NW 1/4 Section
12-T93N-R55W from the existing
well. This application, if ap-
proved, does not authorize any in-
crease in the diversion rate.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application Nos.
7416-3 and 7417-3 because 1) un-
appropriated water is available, 2)
existing rights will not be unlaw-
fully 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 these applica-
tions, as recommended, unless a
petition is filed opposing the ap-
plications or the applicant files a
petition contesting the Chief En-
gineer's recommendations. If a pe-
tition opposing the applications or
contesting the recommendations is
filed, then a hearing will be sched-
uled and the Water Management
Board will consider these applica-
tions. Notice of the hearing will
be given to the applicant and any
person filing a petition.

Any person interested in opposing
or supporting these applications or
recommendations must file a writ-
ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-
ommendations. The Chief Engi-
neer'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 inter-
ested person or the applicant must
be filed by November 12, 2012.

RECEIVED

NOV - 7 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 DEF
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YAI
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
Application Nos. 7416-3 & 7417-3

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
applications, the petitioner's rea-
sons for opposing or supporting
the applications, and the signature
and mailing address of the peti-
tioner or the petitioner's legal coun-
sel, if legal counsel is obtained.
Contact Eric Gronlund at the
above Water Rights Program ad-
dress to request copies of informa-
tion pertaining to these applica-
tions. Steven M. Pirner, Secre-
tary, Department of Environment
and Natural Resources.

Published once at the total approximate cost
of \$34.26.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 2nd DAY OF November 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$34.26 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: 11/1/2012

FILED ON: 11/2/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF November 2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2012

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7416-3 and 7417-3 to Appropriate Water. Please publish the notice once on November 2, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is John G Yaggie, 30848 444th Ave., Mission Hill SD 57046 (Ph # 605-661-2668).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

October 26, 2012

John G Yaggie
30848 444th Ave
Mission Hill SD 57046

Dear Mr. Yaggie:

Water Permit Application Nos. 7416-3 and 7417-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) 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 applications.

Instruction to Newspaper - Publish the Notice on November 2, 2012. 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 NOS. 7416-3 and 7417-3 to Appropriate Water

Notice is given that John G Yaggie, 30848 444th Ave, Mission Hill SD 57046 has filed the following applications for a water permit.

Application No. 7416-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in NE 1/4 SW 1/4 Section 1 for irrigation of 36 acres located in the NE 1/4 SW 1/4 Section 1; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 7417-3 proposes to irrigate 13 additional acres. Water Permit No. 6939-3 authorizes 2.22 cfs from one well completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the center of Section 12 to irrigate 198 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 12 and S 1/2 NE 1/4 Section 11; all in T93N-R55W. This application is to irrigate 13 additional acres located in the S 1/2 NW 1/4 Section 12-T93N-R55W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7416-3 and 7417-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 November 12, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once 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

JAN 07 2013

John G Yaggie
30848 444th Ave
Mission Hill SD 57046

Dear Mr. Yaggie:

Enclosed are Water Permit Nos. 7416-3 and 7417-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

7417-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2013

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

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

Dear Mr. Yaggie:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



7417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

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

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7417-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2015

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

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

Dear Mr. Yaggie:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit Nos. 6939-3, 7194-3, 7416-3 & 7417-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

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

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 17, 2016

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

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

Dear Mr. Yaggie:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 6939-3, 7194-3, 7416-3 and 7417-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

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

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6939-3, 7194-3, 7416-3 & 7417-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



7417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 10, 2017

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

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

Dear Mr. Yaggie:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6939-3, 7194-3, 7416-3 & 7417-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7417-3 and the East Half of Permit No. 6939-3 Combined

I have this day, June 9, 2020, made a thorough examination of the water use systems constructed by John G. Yaggie, 901 E. 17th St., Yankton, SD 57078, holder of Permit Nos. 7417-3 and 6939-3, bearing the priority dates of September 9, 2012, and January 14, 2008, respectively, authorizing the diversion of 2.22 cu. ft. per second for Permit No. 6939-3 of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 13 and 198 acres respectively, located in Yankton County.

Inspection contact: John G. Yaggie

A. Works used to divert the water:

Well Information:

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

Casing:

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

Screen:

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

Pump:

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

Motor:

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

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

- 1) Type: Flexible Pipe 2) Size: 8 inches 3) Length: 10 feet
(from the well associated with Permit No. 6939-3 to the east pivot)
- 2) Type: PVC 2) Size: 8 inches 3) Length: 1,330 feet
(from the well associated with Permit No. 6939-3 to the pivot for Permit No. 7417-3).

C. Works used to apply water to beneficial use:

Permit No. 7194-3 Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 602 feet
- 3) Number of towers: 3
- 4) End gun: Yes
- 5) Capacity: 1,000 GPM

Permit No. 6939-3 East Center Pivot:

- 1) Make: Lockwood
- 2) Overall length: 1,320 feet
- 3) Number of towers: 10
- 4) End gun: Yes
- 5) Capacity: 1,000 GPM

Chemigation Equipment:

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

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 2,630 feet east and 2,650 feet south of the northwest corner of Section 12-T93N-R55W (Latitude 42.88722, Longitude -97.28888 – near the center of Section 12).
2. The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 12-T93N-R55W</u>	
<u>SW1/4NW1/4</u>	<u>10 acres</u>
<u>SE1/4NW1/4</u>	<u>38 acres</u>
<u>SW1/4NE1/4</u>	<u>33 acres</u>
<u>NE1/4SW1/4</u>	<u>37 acres</u>
<u>NW1/4SE1/4</u>	<u>35 acres</u>

comprising a total of 153 acres of land and the license should be issued for 2.22 cfs.

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

F. Comments or other permit(s) associated with the project: Please see the attached map titled “Water Permit No. 7417-3 and the East Half of Water Permit No. 6939-3 Combined” to better understand the following. Permit No. 6939-3 authorized one well near the center of Section 12 and two pivots, the east pivot in Section 12 and the west pivot in Section 11. Later, Permit No. 7417-3 authorized an additional 13 acres to be irrigated from this well. The acreages listed above represent the area irrigated by the east pivot of Permit No. 6939-3 and the pivot associated with Permit No. 7417-3. Twelve of these acres are authorized by Permit No. 7417-3 and 141 of the acres are authorized by Permit No. 6939-3.

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

Permit No. 7194-3 also authorized additional acreage and a new well to Permit 6939-3. Currently, the well authorized by this permit provides water to the additional acres that were authorized and to the west pivot authorized by Permit No. 6939-3. The west pivot authorized by Permit No. 6939-3 is not connected to the well authorized by Permit No. 6939-3.

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

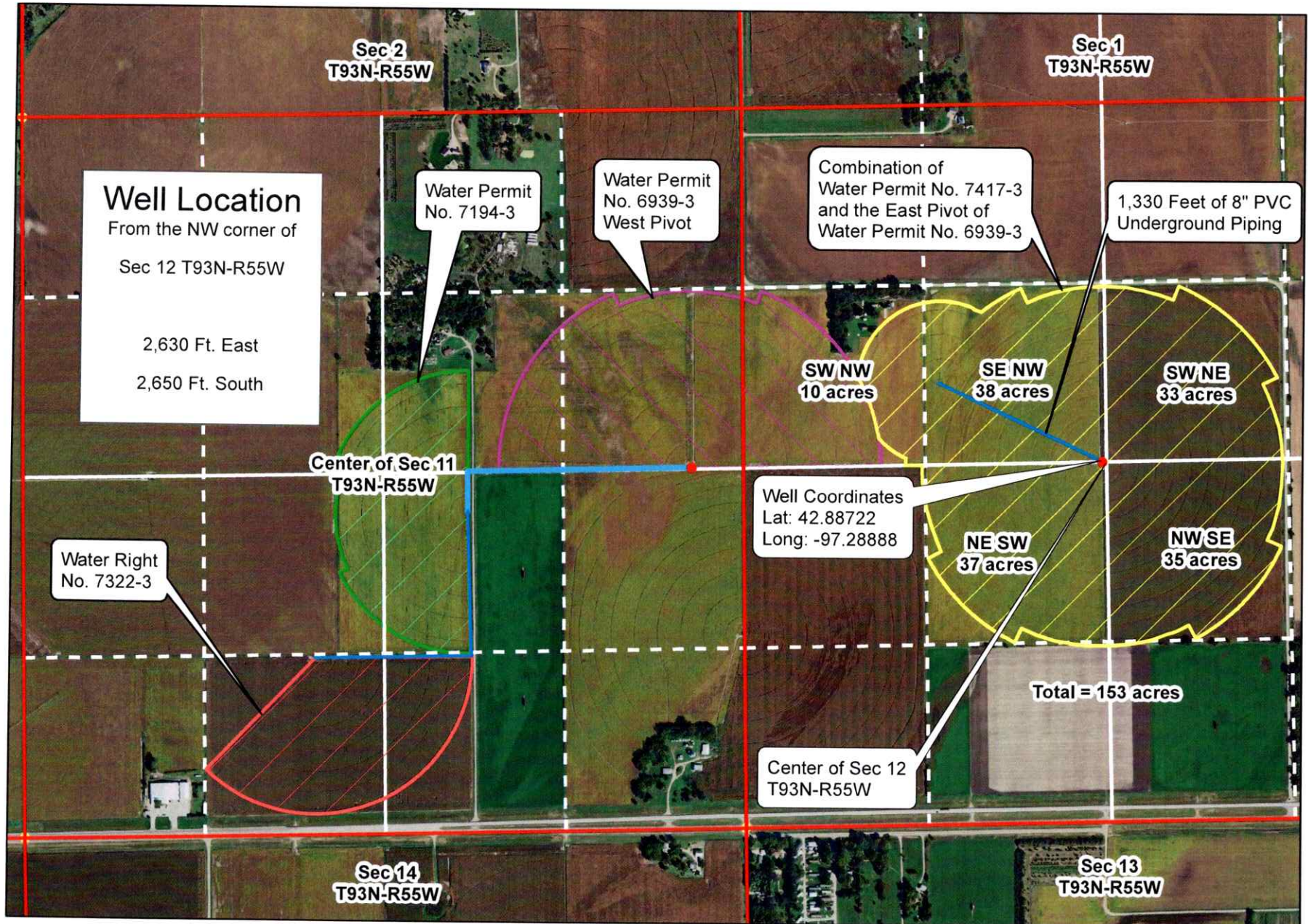
Permit No. 7322-3 gets water from the west well authorized by Water Right No. 7194-3. However, this pivot and the land it is on are owned by someone else and Mr. Yaggie prefers to not supply water for the pivot. Also, the pivot associated with this permit was blown over several years ago and has not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



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

Date report completed: August 4, 2022

Water Permit No. 7417-3 and the East Half of Water Permit No. 6939-3 Combined



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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7417-3**

(1) John G Yaggie, 901 E 17th St, Yankton SD 57078 made Application No. 7417-3, September 4, 2012, for a water permit to add 13 additional acres to a pivot system authorized under Water Permit No. 6939-3. No. 7417-3 did not authorize any increase in the diversion rate of 2.22 cubic feet of water per second authorized under No. 6939-3 from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7417-3, with a priority date of September 4, 2012 was approved November 12, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2017 and for the application to beneficial use of water on or before November 12, 2021.

Water Permit No. 7417-3 was obtained to add a small windshield wiper pivot in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 to be irrigated from the well located in the center of Section 12, all in T93N, R55W. The well used to irrigate those acres is authorized under Water Permit No. 6939-3. An investigation found the larger pivot authorized under No. 6939-3 was developed to cover 140 acres instead of the 133 acres permitted. Water Permit No. 8652-3 was obtained to cover the remaining 7 acres.

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

- January 14, 2008 (established under No. 6939-3) 133 acres, 2.22 cfs, well in the center of Section 12
- September 4, 2012 (established under No. 7417-3) 13 acres
- August 11, 2022 (established under No. 8652-3) 7 acres

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,630'E and 2,650'S of the NW corner of Section 12, T93N, R55W (near the center of Section 12)
Latitude 42.88722, Longitude -97.28888

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

Section 12, T93N, R55W	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	38 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	37 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35 acres

Total 153 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 John G Yaggie, 901 E 17th St, Yankton SD 57078 the holder and/or owner of Incorporated Water Right No. 7417-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with priority dates of January 14, 2008 (133 acres & 2.22 cfs) September 4, 2012 (13 acres) and August 11, 2022 (7 acres) from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 7417-3
Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7417-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

MAY 24 2023

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 24 2023

John G Yaggie
901 E 17th St
Yankton SD 57078

Dear Mr. Yaggie:

Enclosed are Water Permit No. 8652-3 and Water License Nos. 7194-3 and 7417-3. These are the final water right documents completing the process of obtaining Water Rights. Included with the licenses are maps prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

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