

WATER PERMIT NO. 7522-3

Name of Applicant: John & Jacki Smith

Address: 2507 Valley Rd, Yankton SD 57078 Phone: 605 660-0848

Amount of Water Claimed: 1.33 cfs Total Acres: 94 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 3 north of Yankton

PRIORITY Date Received: 11-16-12 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: April 1- October 31

Remarks:

Diversion Point: NE 1/4 SE 1/4 Sec 28-T94N-
R55W

Land to be Irrigated: NW 1/4 SW 1/4 Sec 27 and
NE 1/4 SE 1/4, SE 1/4 NE 1/4 Sec 28; all in T94N-
R55W

Depth of Well: 90 feet deep

Well Driller: Hammond-Wetmore Drilling

Remarks:

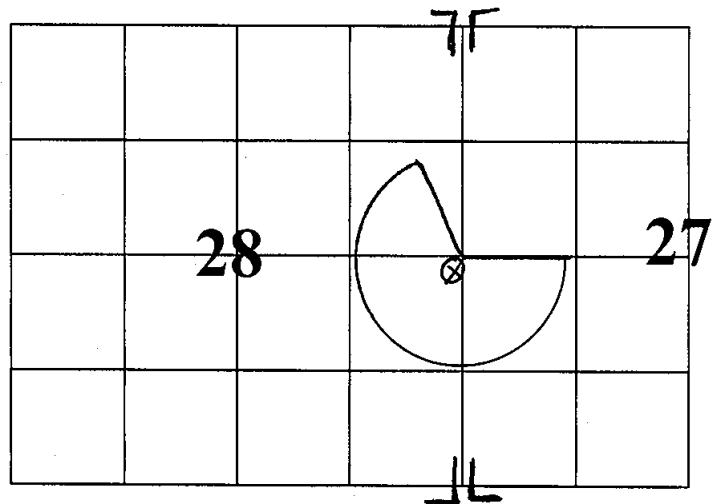
Type of Map: aerial

Prepared by: Mike Rafeneath, Yankton Co. FSA

Reviewed and the Number Assigned on: 11-19-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7522-3</u>	Hydrologic Unit <u>10160011</u>
	Basin <u>James R.</u>	
	Newspaper <u>Daily Press & Dakotan, Yankton</u>	

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NOV 16 2012
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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit John & Jacti Smith
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
 (name and complete address if different than above name)

Mailing Address 2507 Valley Rd. Yankton SD 57078
 (Address) (City) (State) (Zip Code)

Home Phone 605-665-4439 Cell 605-660-0040 Email jcsfarms@iw.net

2. Amount of water claimed 1.33 *CFS or 600 **GPM 94 ***AF Total Acreage 94
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water

4. Location of point of diversion one well in NE 1/4 of SE 1/4 Section 28
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
T-94N R55W County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used April thru October

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SW 1/4 Sec. 27 94-55	35	NW 1/4 NW 1/4 Sec. 28 94-55	4
NE 1/4 SE 1/4 Sec. 28 94-55	35	NE 1/4 NE 1/4 Sec. 28 94-55	3
SE 1/4 NE 1/4 Sec. 28 94-55	7		
SW 1/4 NW 1/4 Sec. 28 94-55	10	<u>See attached sheet</u>	

8. Give a description of the project. (Attach sheet if more space is needed)
Drill a new well in NE 1/4 SE 1/4 Section 28 94-55 to supply water to a center pivot covering about 94 acres of crop ground.
I would like to drill the well in December 2012 or January 2013.

I, John C. Smith, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 7522-3

Date of first receipt of application November 16, 2012.

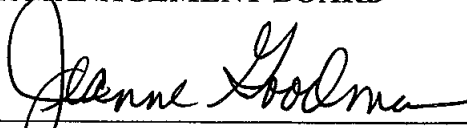
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7522-3 to John & Jacki Smith, 2507 Valley Rd, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7522-3 appropriates 1.33 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (90-120 feet deep) located in the NE 1/4 SE 1/4 Section 28 for irrigation of 94 acres located in the NW 1/4 SW 1/4 Section 27 and NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 28; all in T94N-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: April 1 – October 31.
3. The date from which applicant may claim right is November 16, 2012.
4. The date of approval of Permit No. 7522-3 is February 19, 2013.
5. One-fifth of the construction is to be completed on or before August 19, 2015.
6. All construction is to be completed on or before February 19, 2018.
7. Water is to be put to beneficial use on or before February 19, 2022.
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. 7522-3 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: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 12 2013

date



Acreage Breakdown for Application No. 7522-3

Section 28, T94N, R55W

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 26 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres

Section 27, T94N, R55W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32 acres

Total 94 acres

Jacki & I own this ground
with my brothers and Sisters
There addresses are as follows

- Mitre Smith

18027 W. 78th Drive

Arvada, CO 80007

- Patrick Withen

10230 Fairground Rd.

Wise, VA 24293

- Jim Smith

815 Monte Vista Ave.

Ventura, CA 93003-1430

- Marge Smith

1237 South Flower Circle Unit F

Lakewood, CO 80232

- Susan Miller

13151 Shasta Way

Santa Ana, CA 92705

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Supplemental Information

(type or print)

Dick Hammond
will be drilling
the well.

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 90-120 ^{ft.} Depth to Top of Water Bearing Material 60 ^{ft.} Depth to Water from Surface 20 ^{ft.}

d) Distance to nearest existing domestic well:

On applicant's property None On property owned by others at least 1/2 mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

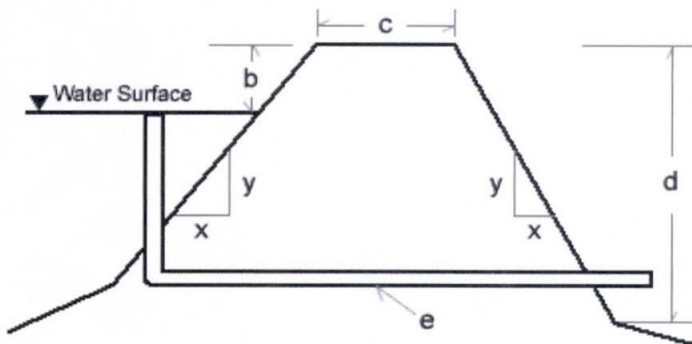
Upstream _____

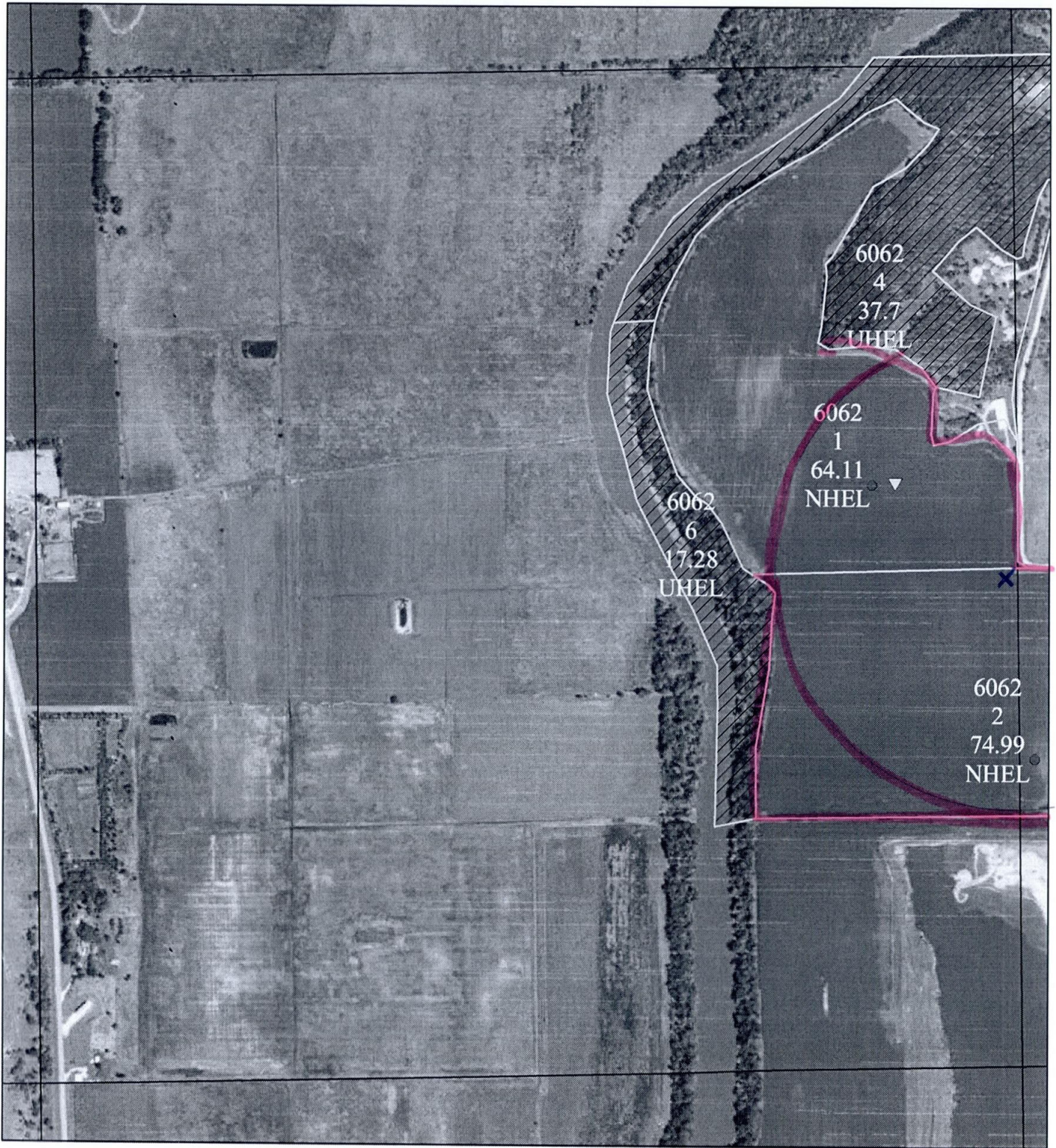
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 28_94N_55W
Farm: 4773

Yankton County, SD

1:8,609

October 26, 2012

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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.

Mike Reifmuth - PT
Yankton County FSA Office



United States Department of Agriculture
Farm Service Agency

PLSS: 27_94N_55W
Farm: 4773

Yankton County, SD

1:8,688

October 26, 2012



Corner of 44th
& 308th St.

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.

WATER RIGHTS
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Mike Reifert - PT
Yankton County FSA-office

Water Rights Program - File Documentation

NAME: John Smith

ADDRESS: Yankton SD

DATE: 11-19-12 **COUNTY:** YA **TELEPHONE:** 605 660-0848

RE: Pending Applications

COMMENTS:

I called John Smith to clarify his applications are follows:

Application for well located in Section 21-T94N-R55W

Mr. Smith stated he outlined all the area he owned, but was proposing to irrigate the 101 acres within the circled area, which includes portion of the N 1/2 SE 1/4, S 1/2 NE 1/4 Section 21-T94N-R55W. I explained the statutory limit of 1 cfs per 70 acres. He was agreeable with reducing the application to 650 gpm.

Application for well located in Section 28-T94N-R55W

Mr. Smith stated he was proposing to irrigate the 94 acres with the circled area, which includes portions of the NW 1/4 SW 1/4 Section 27 and NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 28-T94N-R55W. I explained the statutory limit of 1 cfs per 70 acres. He was agreeable with reducing the application to 600 gpm.

Karen Schlaak

Karen Schlaak
Environmental Scientist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/18, 20 12

RECEIVED OF John C Smith 2507 Valley Rd Yankton SD 57078

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

Fee for Application for Permit No. <u>7522-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7522-3</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	950 00

No. 05700

By

Charles 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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7522-3, John and Jacki Smith**

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. 7522-3, John and Jacki Smith, 2507 Valley Rd, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7522-3 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. 7522-3 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
January 25, 2013

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7522-3
John and Jacki Smith
January 15, 2013**

Water Permit Application No. 7522-3 proposes to appropriate 188 acre-feet of water per year (ac-ft/yr) at a maximum diversion rate of 1.33 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri aquifer. The well is expected to be 90 to 120 feet deep and is to be located in the NE¼ SE¼ of Section 28, T94N-R55W. This permit application proposes to irrigate 94 acres located in the NW¼ SW¼ Section 27 and the NE¼ SE¼, SE¼ NE¼ of Section 28; all in T94N-R55W in Yankton County.

AQUIFER: Lower James Missouri aquifer (LJM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower James Missouri aquifer is a glacial outwash consisting of sand and gravel that can be under water table or artesian conditions depending on location (Bugliosi, 1986). The well site is located 0.3 miles east of the James River within the flood plain of the James River where the aquifer is most likely under water table conditions. In total, the Lower James Missouri aquifer is estimated to underlie 191,700 acres and contain 2,785,400 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer underlies approximately 50 percent of the area of Yankton County. The aquifer extends from Yankton County east into a small portion of Clay County and northwest into central Hutchinson County. In Yankton County alone, the Lower James Missouri aquifer is estimated to underlie 92,500 acres and contain 2,081,250 ac-ft of recoverable water in storage (Hedges and others, 1982). The aquifer is hydraulically connected to the Lower James Missouri: Scotland aquifer in Yankton County which extends into northeastern Bon Homme County, the Lower Vermillion Missouri aquifer in Clay County, the James River to the east, and Missouri River to the south (Bugliosi, 1986).

The Lower James Missouri has an average thickness of 150 feet, but can range from 60 to 410 feet thick (Bugliosi, 1986). The average saturated thickness of the aquifer is 100 feet (Bugliosi, 1986). In the area of the proposed well site, aquifer materials generally first occur at 50 to 100 feet below ground surface (McCormick, 2003).

A well completion report was not submitted with this application; however, sufficient information is available from area water rights/permits and well completion reports to evaluate the aquifer at the proposed well site. Well completion reports submitted for wells within the James River flood plain that are also within two miles of the proposed well site document the top of aquifer materials ranging from near the ground surface to 45 feet below ground surface, a static water level ranging from 5 to 35 feet below ground surface, and an aquifer thickness of approximately 70 feet (Water Rights, 2012c).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 188 ac-ft/yr from the Lower James Missouri aquifer. If this application is approved, the actual water use will likely be less than the appropriation. 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 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.”

HYDROLOGIC BUDGET:

Recharge:

Recharge to the Lower James Missouri aquifer occurs due to infiltration of precipitation and seepage from streams, and inflow from aquifers in surrounding counties (Bugliosi, 1986). Hedges and others (1985) estimated the recharge rate, based on a regional flow-net analysis, of the aquifer to be 1.5 inches per year. Using this recharge rate and the area of the aquifer, recharge for the Lower James Missouri aquifer in Yankton County is estimated to equal 11,563 ac-ft/yr.

Discharge:

Discharge from the Lower James Missouri aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface, seepage to the James River, outflow to the aquifers in surrounding counties, and well withdrawals. Currently there are 63 water rights/permits appropriating water from the Lower James Missouri aquifer in Yankton County. All but five of these water rights/permits are for irrigation use. The distribution of appropriation types are shown in table 1 (Water Rights, 2012b).

Water Rights/Permits	Number
Commercial	3
Industrial	1
Geothermal	1
Irrigation	58

Table 1 – Water Rights from the Lower James Missouri aquifer in Yankton County
(Water Rights, 2012b).

From the Lower James Missouri aquifer in Yankton County, the total maximum diversion rate for non-irrigation use is 2.381 cfs (Water Rights, 2012b).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
3. Future use permits can be fully developed.

At the current appropriation amount, the total annual withdrawal from the Lower James Missouri aquifer in Yankton County by non-irrigation use is expected to total less than 1,035 ac-ft/yr (Water Rights, 2012b).

Figure 1 shows the Lower James Missouri aquifer’s historic irrigation data. The development of this aquifer has been steadily increasing for the last five years, and could continue to increase at this rate for at least the next

few years. Notably in 2007, the number of permits increased from 30 to 46. The annual withdrawal due to irrigation use fluctuates greatly, which is probably due mostly to yearly climatic conditions. The average pumpage reported equals 1,478 ac-ft/yr. The maximum pumpage reported was in 1990 and 2008 for 2,837 ac-ft/yr (Water Rights, 1979-2012).

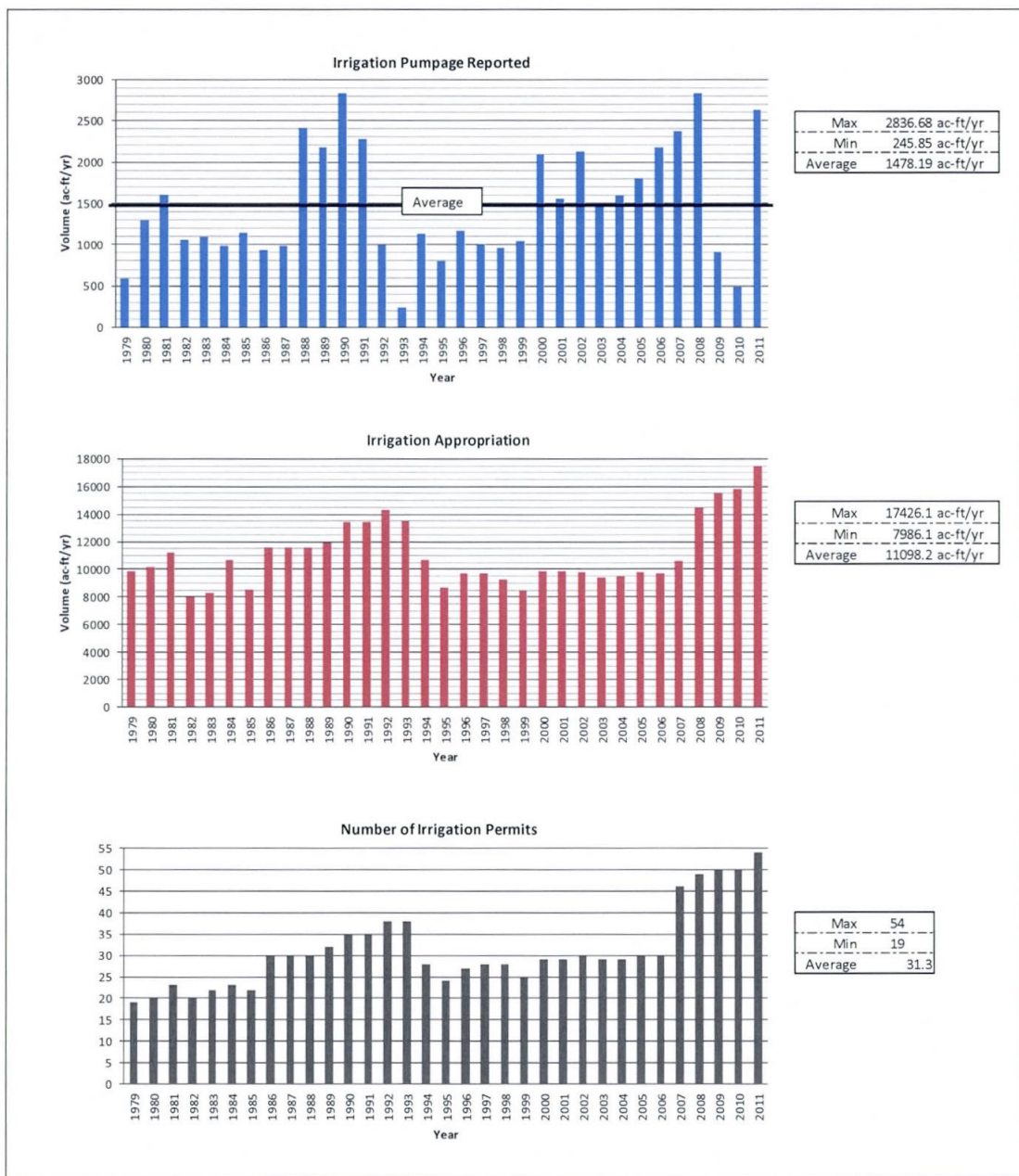


Figure 1: Historic irrigation water use from the Lower James Missouri aquifer (Water Rights, 1979-2012)

As indicated by Figure 1, historically actual water use has not exceeded the average annual recharge. Since the reporting of the 2011 irrigation questionnaires, five new irrigation permits have been issued for withdrawals from the Lower James Missouri aquifer in Yankton County. Combined, these permits appropriate 1,498 acre-feet/year at a maximum diversion rate of 8.54 cubic feet per second of water. With the addition of the permits issued in the past year and this application it is still expected that average annual withdrawals will not exceed average annual recharge to the Lower James Missouri aquifer in Yankton County.

In addition, there are many completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Lower James Missouri aquifer (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer. Even assuming the maximum irrigation pumpage reported results in an annual withdrawal less than the average annual recharge to the aquifer.

Hydrologic Budget:

Assuming the non-irrigation water rights/permits divert at the maximum expected rate and irrigation water rights/permits withdraw the maximum pumpage reported, the annual withdrawal from the Lower James Missouri aquifer would still be much less than the estimated annual recharge. Therefore, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer for the proposed appropriation of 188 ac-ft/yr.

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 32 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2012a). The nearest of these wells, YA-57C and YA-80O, are located approximately 1 mile northwest and 2.3 miles northwest of the proposed well site, respectively. Observation well YA-57C is under water table conditions and YA-80O is under artesian conditions. Both observation wells encounter static water levels within 5 to 10 feet of the ground surface, however YA-57C top of the aquifer is found 9 feet below the ground surface where YA-80O top of aquifer is found 42 feet below ground surface. Hydrographs of these observation wells are shown in Figures 2 and 3.

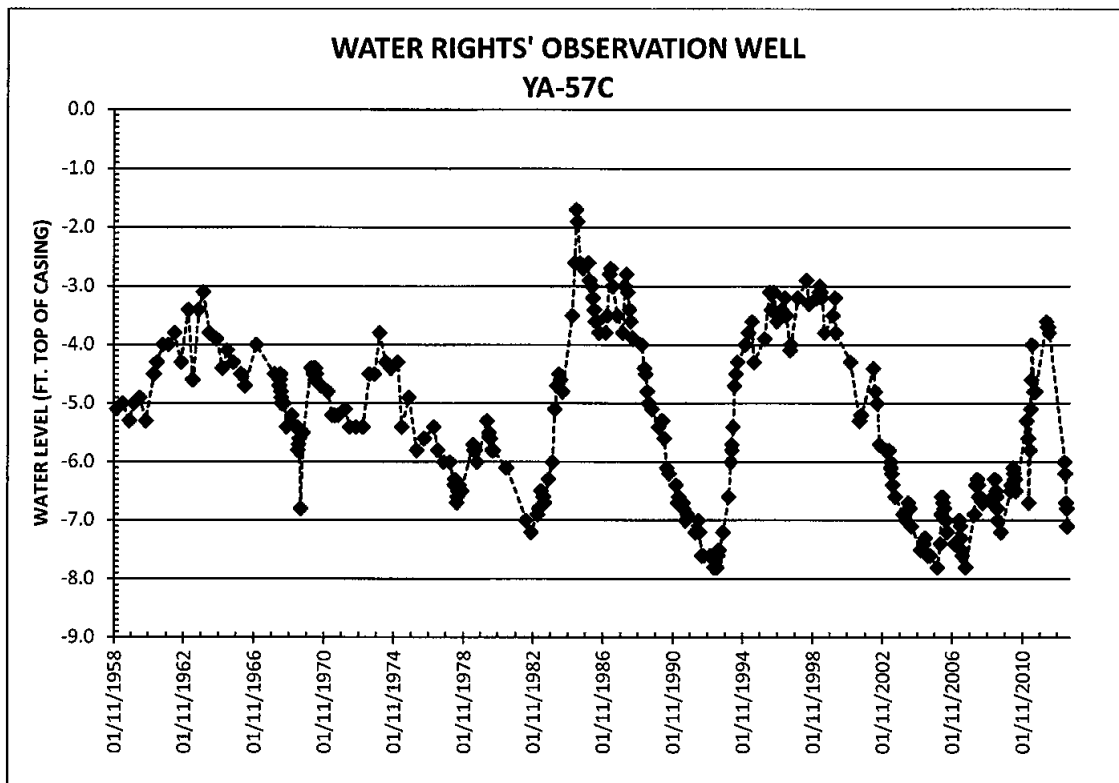


Figure 2: Hydrograph for DENR-Water Rights' observation well YA-57C (Water Rights, 2012a)

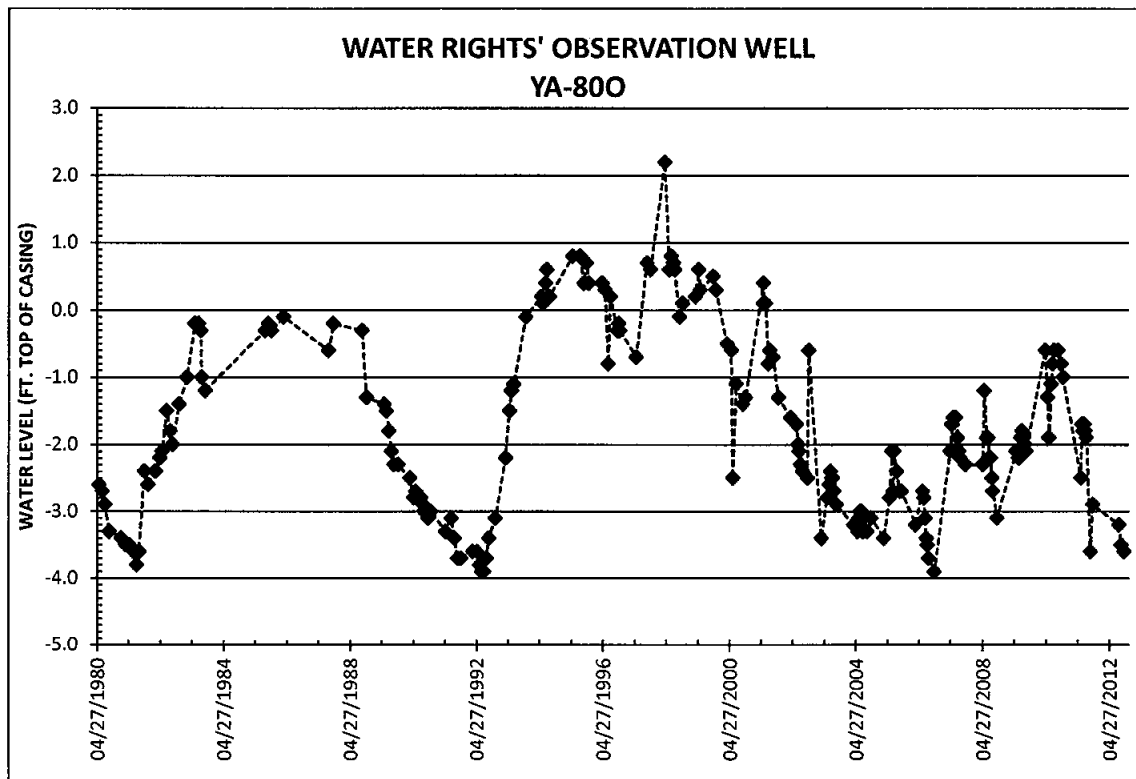


Figure 3: Hydrograph for DENR-Water Rights' observation well YA-800 (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrographs also show the effects of nearby pumping on the aquifer. However, at the current level of development, temporal well withdrawal is masked by climatic conditions. Recharge to and natural discharge from the Lower James Missouri aquifer greatly exceeds well withdrawal. Therefore, these hydrographs indicate that unappropriated water is available from the Lower James Missouri aquifer to support the proposed appropriation of 188 ac-ft/yr at the proposed well site.

EXISTING WATER RIGHTS:

There are 63 water rights/permits appropriating water from the Lower James Missouri aquifer in Yankton County. Within two miles of the proposed well site, there are eleven water rights/permits and eight well completion reports on record with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Lower James Missouri aquifer. These water right/permits and domestic wells are shown in Table 2. The nearest well is located 0.35 miles and the rest of the wells are located more than a half mile from the proposed well site (Water Rights, 2012b; Water Rights, 2012c).

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
4556-3	Concrete Materials	LC	COM	0.44	
7027-3	Jack Frick	PE	IRR	1.89	160
1687-3	John Frick	LC	IRR	1.2	83
4997-3	Dale & Rena Hebda	LC	IRR	0.28	32
4443-3	Dennis & Darrell Nelson	LC	IRR	1.78	148
6756-3	Nelson Family Partnership	LC	IRR	2.22	164
6838-3	Karl M. Schenk	PE	IRR	2.22	120
6917-3	Karl M. Schenk	PE	IRR	1.78	140
6918-3	Karl M. Schenk	PE	IRR	1.33	55
6919-3	John & Jacqueline Smith	LC	IRR	2.0	327
7145-3	Delos Warriner	PE	IRR	1.78	140
	Bob Bartling		DOM		
	Albert Frick		DOM		
	Harry Lane		DOM		
	Don Lorenz		DOM		
	Chris Nelson		DOM		
	Karl M. Shrenk		DOM		
	T-Bone Partnership		DOM		
	Tom & Karen Thorson		DOM		
LC = Water Right, PE = Water Permit, COM = Commercial, DOM = Domestic, IRR = Irrigation					

Table 2: Water rights/permits and domestic wells completed into the Lower James Missouri aquifer within two miles of the proposed well site (Water Rights, 2012b; Water Rights, 2012c)

Specific capacity in high capacity irrigation wells in the area, as indicated on the well completion reports, ranges from 50 - 100 gallons per minute per foot. Assuming a transmissivity of 75,000 gallons per day per foot and a storage coefficient of 0.075 results in 12 feet of drawdown at the proposed well site and reduces to 0.3 feet 660 feet from the proposed well site (icalcul8.com, 2013). Well interference has not been a problem with the Lower James Missouri aquifer. At an aquifer thickness of approximately 70 feet and the distances involved between the proposed well site and wells of existing water rights/permits and domestic users, interference is not expected to be a concern.

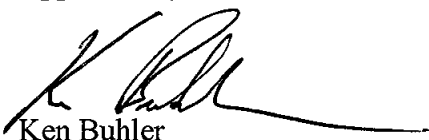
CONCLUSIONS:

1. The application proposes to appropriate 202 ac-ft/yr for irrigation; however, the actual water used will likely be much less.
2. From observation well data and the estimated hydrologic budget, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not adversely impact existing nearby wells.



Lynn Beck
Natural Resources Engineer III
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. Water Resources Investigations Report 84-4241. U.S. Geological Survey, Huron, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and 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.
- McCormick, K.A. 2003. First Occurrence of Aquifer Materials in Yankton County, South Dakota, SD-DENR Geological Survey, Vermillion, SD.
- Water Rights. 1979-2012. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., 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. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Icalcul8.com, This page was developed with information from the *Civil Engineering Handbook: Second Edition* edited by *W.F. Chen & J.Y. Richard Liew*. Accessed January, 2013.

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

**NOTICE OF APPLICATION
NOS. 7521-3 and 7522-3 to
Appropriate Water**

Notice is given that John & Jacki Smith, 2507 Valley Rd, Yankton SD 57078 have filed the following applications for a water permit:

Application No. 7521-3 proposes to appropriate 1.44 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (90-120 feet deep) located in N 1/2 SE 1/4 Section 21 for irrigation of 101 acres located in the N 1/2 SE 1/4, S 1/2 NE 1/4 Section 21, all in T94N-R55W.

Application No. 7522-3 proposes to appropriate 1.33 cfs from one well to be completed into the Lower James:Missouri Aquifer (90-120 feet deep) located in the NE 1/4 SE 1/4 Section 28 for irrigation of 94 acres located in the NW 1/4 SW 1/4 Section 27 and NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 28, all in T94N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7521-3 and 7522-3 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 February 19, 2013.

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

Department of Environment and Natural Resources

PMB 2020

Joe Foss Building

523 East Capitol

Pierre, SD 57078

57501

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 Nos. 7521-3 & 7522-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 6th DAY OF February 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID **NOTICE** TO WIT **\$30.95** 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: 2/6/2013

FILED ON: 2/6/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF February 2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

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 \$30.95.

2/4/13



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7521-3 & 7522-3 to Appropriate Water. Please publish the notice once on February 6, 2013. 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 and Jacki Smith, 2507 Valley Rd., Yankton SD 57078 (Ph # 605-665-4439).

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.

January 29, 2013

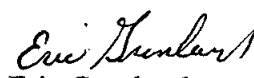
John and Jacki Smith
2507 Valley Rd
Yankton SD 57078

Dear Sir:

Water Permit Application Nos. 7521-3 and 7522-3 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 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 February 6, 2013. 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. 7521-3 and 7522-3 to Appropriate Water

Notice is given that John & Jacki Smith, 2507 Valley Rd, Yankton SD 57078 have filed the following applications for a water permit.

Application No. 7521-3 proposes to appropriate 1.44 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (90-120 feet deep) located in N 1/2 SE 1/4 Section 21 for irrigation of 101 acres located in the N 1/2 SE 1/4, S 1/2 NE 1/4 Section 21; all in T94N-R55W.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7521-3 and 7522-3 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.

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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
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denr.sd.gov

APR 12 2013

John & Jacki Smith
2507 Valley Rd
Yankton SD 57078

Dear Sir:

Enclosed are Water Permit Nos. 7521-3 and 7522-3 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-20-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: John & Jacqui Smith

(name)

2507 Valley Rd.

(address)

Yankton, SD 57078

(city, state, zip)

605-665-4439 ^{cell} 605-660-0848
(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. 7522-3 states that the water use system is to be constructed by2-19-2018

(date)

, and water is to be put to beneficial use by 2-19-2022

(date)

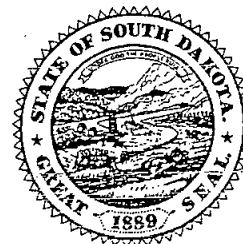
The water use system was completed on 7-12-13

(date)

Applying the water to beneficial use was completed on 7-14-13

(date)

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

John C. Smith
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

August 27, 2013

7521-3
7522-3

John & Jacki Smith
2507 Valley Rd
Yankton SD 57078

Dear Mr. & Mrs. Smith:

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

The systems are 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 the projects and the staff inspection has no bearing on your water permits.

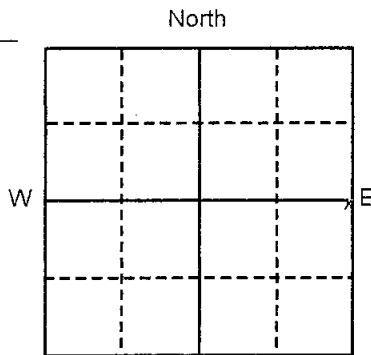
Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 28 Twp 94N Rg 55WCounty YanktonPlease mark well
location with an "X"

Well Completion Date

March 26, 2013

1 Mile

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

890.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>38.0</u> FT	<u>24.00</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>Bentonite</u>	<u>14</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>30.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial PVCSlot Size .060 Set From 38.0 Feet to 78.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☒ No, Why Not? Not Required
Lab to which water
quality sample sent for analysisWell Owner: John SmithBusiness Name: JCS Farms, IncAddress: 2507 Valley RoadCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Sand	2	13
Clay Gravel Mix	13	20
Clay Sandy Gravel	20	26
Gravel	26	78

STATIC WATER LEVEL

22.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUN 12 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

5/2/13

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7522-3**

I have this day, **May 13, 2021**, made a thorough examination of the water use system owned by **John & Jacki Smith, 2507 Valley Rd, Yankton, SD 57078**, holder of Permit No. **7522-3**, bearing the priority of **November 16, 2012** authorizing the diversion of **1.33** cu. ft. per second of the waters of **groundwater (Lower James Missouri: Aquifer)** for the **irrigation of 94 acres** located in **Yankton** County.

Inspection contact: **John Smith**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond Wetmore Drilling, LLC**
- 2) No. of Wells: **1**
- 3) Depth(s): **78** feet
- 4) Well log is available: **Yes**

Casing:

- 1) Diameter: **16** inches
- 2) Length: **38** feet
- 3) Type: **Plastic**

Screen:

- 1) Diameter: **16** inches
- 2) Length: **40** feet
- 3) Type: **PVC**
- 4) Static water level: **22** feet

Pump:

- 1) Make: **Grundfos**
- 2) Model: **625S300-2AA**
- 3) Capacity: **600** gpm

Motor:

- 1) Make: **Grundfos**
- 2) Model No.: **Unknown**
- 3) Horsepower rating: **30** hp

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

- 1) Type: **Galvanized**
- 2) Size: **8** inches
- 3) Length: **40** feet

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

- 1) Make: Valley
- 2) Overall length: 1,278 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 600 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

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

E. Condition and Location:

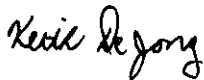
1. The system is in good condition with the point(s) of diversion located as follows:
The well is 30 feet west and 2,630 feet north of the southeast corner of Section 28-T94N-R55W (Latitude 42.930580, Longitude -97.338110 – NE1/4 of the SE1/4).
- 2) The works are capable of diverting and conveying to the place of use 1.33 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 28-T94N-R55W</u>	
<u>SE1/4NE1/4</u>	<u>21 acres</u>
<u>NE1/4SE1/4</u>	<u>34 acres</u>

<u>Section 27-T94N-R55W</u>	
<u>NW1/4SW1/4</u>	<u>32 acres</u>

comprising a total of 87 acres of land and the license should be issued for 1.24 cfs. (statutory limit for acreage developed for irrigation)

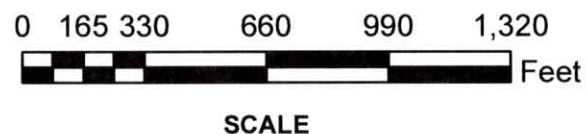
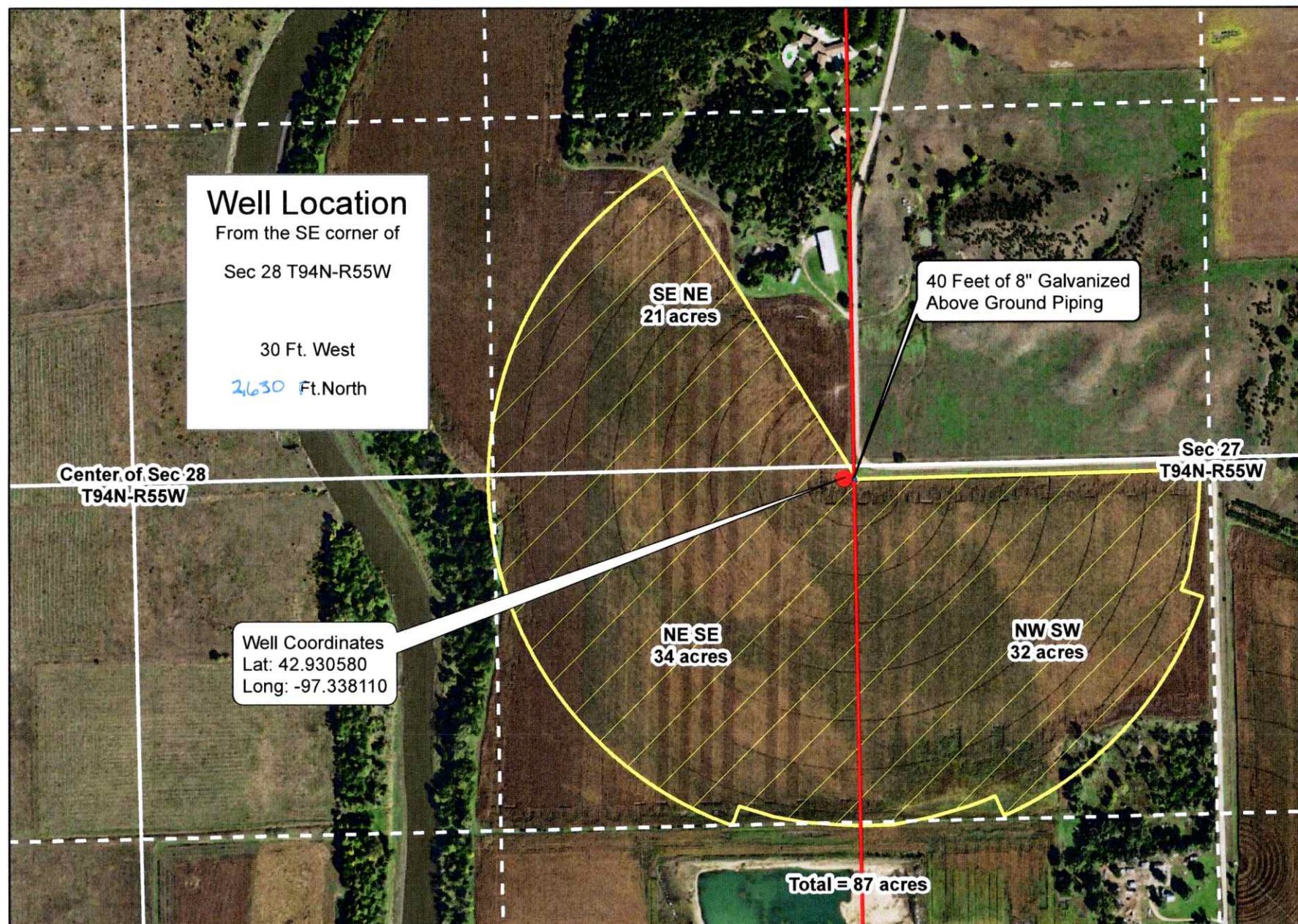
- 3) All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: The pump and motor information was obtained from Heine Electric and Irrigation, Inc.

Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 19, 2021

Water Right No. 7522-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
May 19, 2021



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 12 2021

7522-3

John & Jacki Smith
2507 Valley Rd
Yankton SD 57078

Dear Mr. & Mrs. Smith:

Enclosed is Water License No. 7522-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7522-3**

(1) John & Jacki Smith, 2507 Valley Rd., Yankton SD 57078 made Application No. 7522-3, November 16, 2012 for a water permit to divert 1.33 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7522-3, with a priority date of November 16, 2012 was approved February 19, 2013 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before February 19, 2018 and for the application to beneficial use of water on or before February 19, 2022.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.24 cubic feet of water per second for beneficial use. The well is located as follows:

- 30' W and 2,630' N of the SE corner of Section 28, T94N, R55W (NE ¼ SE ¼)
Latitude 42.930580, Longitude -97.338110

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

Section 28, T94N, R55W		Section 27, T94N, R55W	
SE ¼ NE ¼	21 acres	NW ¼ SW ¼	32 acres
NE ¼ SE ¼	34 acres		
Total 87 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 John & Jacki Smith, 2507 Valley Rd., Yankton SD 57078 the holders and/or owners of Water Right No. 7522-3 are issued a license to appropriate water, the right to use 1.24 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of November 16, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7522-3 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 owners under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7522-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in March, 2013 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.***

continued

- 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

JUL 12 2021

date

