

WATER PERMIT NO. 7549-3

Name of Applicant: Eagle Venture LLC

Address: PO Box 711, Yankton SD 57078

Phone: 605 665-7523

Amount of Water Claimed: 1.93 cfs

Total Acres: 60

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 1 mile east of Yankton

PRIORITY

Date Received: 12-7-12

Application/License Fee: \$ 500

Corrected Application Received:

Period of Annual Use: April 1 – Sept 30

Remarks: Additional acres and diversion rate authority to Water Permit No. 6792-3. Applicant is also requesting diversion rate greater than statutory limit.

Diversion Point: SE 1/4 Sec 15-T93N-R55W

Land to be Irrigated: Accretion to Gov Lot 1, 2, 3
& 4, SD Survey SE 1/4 Sec 15-T93N-R55W

			15		

Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 12-10-12

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	No. <u>7549-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Press & Dakotan</u>
	<u>319 Walnut Yankton 57078 605-665-7811</u>

RECEIVED
DEC - 7 2012
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6792-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
additional acres and diversion Rate authority

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

Mailing Address Eagle Venture LLC Yankton SD 57078
(Address) (City) (State) (Zip Code)

Home Phone 605665-7527 Cell 661 7527 Email PO Box 711

2. Amount of water claimed 1.93 *CFS or 8.70 add **GPM ***AF Total Acreage 60 add
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri

4. Location of point of diversion SD Survey - SE 1/4 Section 15 T93N R55W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

Accretion to Gout hats 1, 2, 3 and 4 County Yankton

5. County or counties where water will be used Yankton

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

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

Land Description	Acres	Land Description	Acres
Acres <u>Accretion to Gout</u>			
<u>Lot 1, 2, 3, 4</u>			
<u>SD Survey SE 1/4 Section 15</u>	<u>60</u>		
<u>T93N R55W</u>			

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

IRRIGATION - cropland
Increase of Irrigation Pumps and
60 more Ac to handle ~~System~~ Partial Gun System

I, Dennis Mitchell, 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. 7549-3

Date of first receipt of application December 7, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7549-3 to Eagle Venture LLC, c/o Dennis Mitchell, PO Box 711, 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. 7549-3 appropriates an additional 1.93 cubic feet of water per second (cfs) and irrigates an additional 60 acres to what is currently authorized by Water Permit No. 6792-3. Water Permit No. 6792-3 appropriates 0.29 cfs from the Missouri River located in (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4) to irrigate 20 acres located in portions of the (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4). This permit authorizes an additional 1.93 cfs from the existing Missouri River diversion point to irrigate an additional 60 acres located in the same area described above. This permit, along with Water Permit No. 6792-3 will authorize a total of 2.22 cfs to irrigate 80 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is December 7, 2012.
4. The date of approval of Permit No. 7549-3 is February 11, 2013.
5. One-fifth of the construction is to be completed on or before August 11, 2015.
6. All construction is to be completed on or before February 11, 2018.
7. Water is to be put to beneficial use on or before February 11, 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6792-3 and 7549-3, combined, authorize a maximum diversion rate of 2.22 cfs for the irrigation of 80 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 26 2013
date





Steve Meyer
NRCS 1/8/07
water intake

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/10, 20 12

RECEIVED OF Eagle Venture Properties LLC PO Box 711 Yankton SD 57078

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

Fee for Application for Permit No. <u>7549-3</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>7549-3</u>		
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	500 00

No. 05753

By

David E. Eide
Chief Engineer

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, November 30, 2012 10:46 AM
To: Schlaak, Karen
Subject: Eagle Venture - Mr. Mitchell

Will be applying for an additional 60 acres to WP 6792-3.

He will be requesting diversion rate authority greater than limit. Told him to provide the basis for the request.

Fee will be \$500. Told him we'd apply the license fee paid under 6792-3 as these will be incorporated together at some point.



**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. 7549-3, Eagle Venture LLC**

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. 7549-3, Eagle Venture LLC, c/o Dennis Mitchell, PO box 711, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7549-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6792-3 and 7549-3, combined, authorize a maximum diversion rate of 2.22 cfs for the irrigation of 80 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
January 25, 2013

REPORT ON WATER PERMIT APPLICATION NO. 7549-3

Eagle Venture

January 15, 2013

Application No. 7549-3 proposes to appropriate an additional 1.93 cubic feet of water per second (cfs) and irrigate an additional 60 acres to what is currently authorized by Water Permit No. 6792-3. Water Permit No. 6792-3 appropriates 0.29 cfs from the Missouri River located in (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4) to irrigate 20 acres located in portions of the (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4). This application proposes to appropriate an additional 1.93 cfs from the existing Missouri River diversion point to irrigate an additional 60 acres located in the same area described above. This application, if approved along with Water Permit No. 6792-3 will authorize a total of 2.22 cfs to irrigate 80 acres. The applicant is requesting a diversion rate greater than the statutory limit. The water will be used for irrigation purposes. The proposed project is located approximately 3 miles east of the City of Yankton in Yankton County.

Review of the Water Source

The water source for these two applications is the Missouri River near Yankton SD approximately 10 miles downstream from Gavins Point Dam. The U.S. Army Corps of Engineers (USACE) constructed Gavins Point Dam in the 1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. The USACE operate Gavins Point Dam to set the release rate to the Missouri River for the lower river reach from Yankton down to the mouth near St. Louis Missouri. Water flow below Gavins Point is regulated to maintain at a minimum 9000 cfs. Releases during the spring and summer month are generally in the 20,000 to 35,000 cfs range. Water availability is not a problem.

If this water permit is approved, it does not preclude the applicant from the requirement to obtain any applicable permits from the U.S. Army Corps of Engineers needed to place an intake in the Missouri River.

Review of Existing Water Rights

There are 261 existing water rights/permits appropriating water from the Missouri River in South Dakota. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

This application, if approved along with Water Permit No. 6792-3 will authorize a total of 2.22 cfs to irrigate 80 acres. The proposed diversion rate would exceed the statutory limit of 1 cfs per 70 irrigated acres.

SDCL 46-5-6

Pursuant to SDCL 46-2A-9, the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres. The Water Management Board may allow a

greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires.

The applicant proposes to utilize a big gun irrigation system which requires the larger diversion rate to operate efficiently. The request for a greater diversion rate should be allowed.

Conclusions

1. This Application proposes to appropriate an additional 1.93 cubic feet of water per second (cfs) and irrigate an additional 60 acres to what is currently authorized by Water Permit No. 6792-3. Water Permit No. 6792-3 appropriates 0.29 cfs from the Missouri River.
2. The diversion point is located approximately 10 miles downstream of Gavins Point Dam.
3. Water availability is not a problem.
4. The method of irrigation warrants a deviation from the 1 cfs per 70 irrigated acres requirement and the request for a larger diversion rate should be allowed.
5. Approval of this permit does not preclude the applicant from any requirements in obtaining additional permits from the U.S. Army Corps of Engineers to place an intake in the Missouri River.



Mark D. Rath
Natural Resources Engineering III

RECEIVED

FEB - 7 2013

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

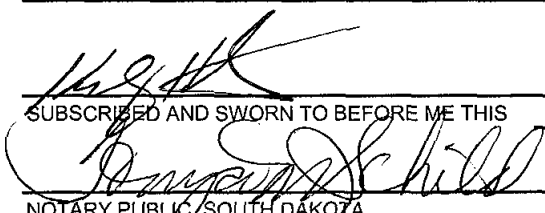
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7549-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF February 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$31.78 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: 2/1/2013

FILED ON: 2/4/2013


SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF February 2013
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

the application, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion. Steven M. Pinner, Secretary,
Department of Environment and
Natural Resources.
Published once at the total ap-
proximate cost of \$31.78.

2+1
NOTICE OF APPLICATION
NO. 7549-3 to Appropriate Water

Notice is given that Eagle Venture
LLC, c/o Dennis Mitchell, PO
Box 711, Yankton SD 57078 has
filed an application for a water
permit to appropriate an addi-
tional 1.93 cubic feet of water per
second (cfs) and irrigate an addi-
tional 60 acres to what is currently
authorized by Water Permit No.
6792-3. Water Permit No. 6792-3
appropriates 0.29 cfs from the
Missouri River located in (SD
Survey) SE 1/4 Section
15-T93N-R55W (Accretion to
Gov't Lots 1, 2, 3 & 4) to irrigate
20 acres located in portions of the
(SD Survey) SE 1/4 Section
15-T93N-R55W (Accretion to
Gov't Lots 1, 2, 3 & 4). This ap-
plication proposes to appropriate
an additional 1.93 cfs from the ex-
isting Missouri River diversion
point to irrigate an additional 60
acres located in the same area de-
scribed above. This application, if
approved along with Water Permit
No. 6792-3 will authorize a total
of 2.22 cfs to irrigate 80 acres.
The applicant is requesting a di-
version rate greater than the statu-
tory limit.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No.
7549-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water, and 4) it is in the public in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on this application, as recom-
mended, unless a petition is filed
opposing the application or the
applicant files a petition contest-
ing the Chief Engineer's recom-
mendation. If a petition opposing
the application or contesting the
recommendation is filed, then a
hearing will be scheduled and the
Water Management Board will
consider this application. Notice
of the hearing will be given to the
applicant and any person filing a
petition.

Any person interested in opposing
or supporting this application or
recommendation must file a 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 recom-
mendation. 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 February 11, 2013.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
application, the petitioner's rea-
sons for opposing or supporting



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7549-3 to Appropriate Water. Please publish the notice once on February 1, 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 Eagle Ventures LLC, c/o Dennis Mitchell, PO Box 711, Yankton SD 57078 (Ph # 605-665-7523).

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
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 25, 2013

EAGLE VENTURES LLC
DENNIS MITCHELL
PO BOX 711
YANKTON SD 57078

Dear Mr. Mitchell:

Water Permit Application No. 7549-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the 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 recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(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 has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on February 1, 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 NO. 7549-3 to Appropriate Water

Notice is given that Eagle Venture LLC, c/o Dennis Mitchell, PO Box 711, Yankton SD 57078 has filed an application for a water permit to appropriate an additional 1.93 cubic feet of water per second (cfs) and irrigate an additional 60 acres to what is currently authorized by Water Permit No. 6792-3. Water Permit No. 6792-3 appropriates 0.29 cfs from the Missouri River located in (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4) to irrigate 20 acres located in portions of the (SD Survey) SE 1/4 Section 15-T93N-R55W (Accretion to Gov't Lots 1, 2, 3 & 4). This application proposes to appropriate an additional 1.93 cfs from the existing Missouri River diversion point to irrigate an additional 60 acres located in the same area described above. This application, if approved along with Water Permit No. 6792-3 will authorize a total of 2.22 cfs to irrigate 80 acres. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7549-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 11, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published 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

MAR 26 2013

Eagle Venture LLC
Dennis Mitchell
PO Box 711
Yankton SD 57078

Dear Mr. Mitchell:

Enclosed is Water Permit No. 7549-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

RECEIVED

APR 15 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

4/12/13

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

FROM:

Eagle Ventures LLC

(name)

PO Box 711

(address)

Kendler SD 57078

(city, state, zip)

605-665 7523

(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. 7549-3 states that the water use system is to be constructed by

April 22
March (date)

, and water is to be put to beneficial use by

End of April
(date)

The water use system was completed on

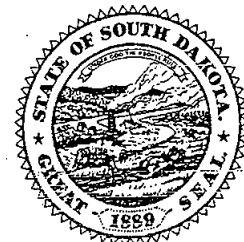
March 22
(date)

Applying the water to beneficial use was completed on

4/12/13
(date)

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

[Signature]
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 2013

7549-3

Eagle Venture LLC
PO Box 711
Yankton SD 57078 0711

Dear Sir:

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

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

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

Sincerely,

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

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit Nos. 6792-3 and 7549-3**

I have this day, February 7, 2020, made a thorough examination of the water use system constructed by Eagle Venture, Box 711, Yankton, SD 57078, holder of Permit Nos. 6792-3 and 7549-3, bearing the priority of January 10, 2007 for Permit No. 6792-3 and December 7, 2012 for Permit No. 7549-3 authorizing the diversion of 0.29 cfs for Permit No. 6792-3 and 1.93 cfs for Permit No. 7549-3 of the waters of surface water (Missouri: River) for the irrigation of 20 acres for Permit No. 6792-3 and 60 acres for Permit No. 7549-3 located in Yankton County.

Inspection contact: Frank Kralicek, Jr. and Mary Mitchell

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sam Heine Well Co., LLC
- 2) No. of Wells 1
- 3) Depth(s) 115 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 50 feet
- 3) Type PVC
- 4) Static water level 18 feet

Pump:

- 1) Make Wilo
- 2) Model SPI10.1200-2CC
- 3) Capacity 600 GPM

Motor:

- 1) Make Wilo
- 2) Model No. Unknown
- 3) Horsepower rating 25 hp

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

- 1) Type Galvanized
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make Valley
- 2) Overall length 604 feet
- 3) Number of towers 4
- 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 No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: The system uses a well, not a river intake.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,230 feet west and 3,400 feet south of the northeast corner of Section 15-T93N-R55W (Latitude 42.840630, Longitude -97.322900 – NE1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 15-T93N-R55W:

<u>NW1/4SE1/4</u>	<u>10 acres</u>
<u>NE1/4SE1/4</u>	<u>10 acres</u>

comprising a total of 20 acres of land and the license should be issued for 1.34 cfs.

3. All structures, wells and lands on map Yes

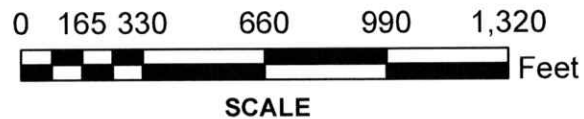
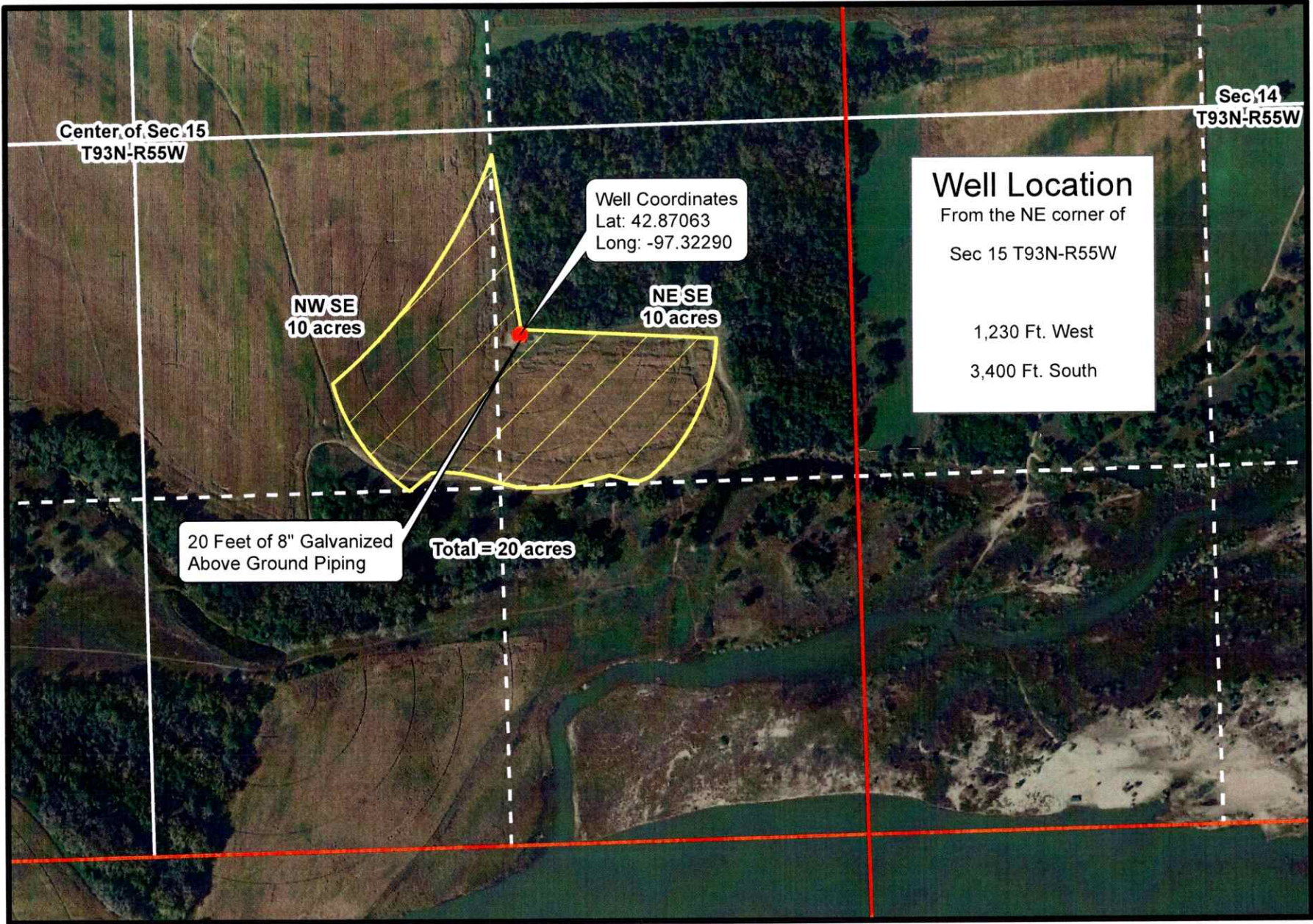
F. Comments or other permit(s) associated with the project: The property referred to in Water Permit No. 7549-3 was not developed for irrigation since it was often flooded by the Missouri River. The southern portion of this area is probably in Nebraska. The original pivot for Water Permit No. 6792-3 was fed from the Missouri River. However, a well was installed in 2017 and the original pivot was replaced in 2017. The water permits could be combined to serve the 20 acres with one well or a new permit could be applied for since there was not a well approved by either existing permit. Also, this water permit is next to Water Right No. 6793-3. The pivots for each system overlap and the overlap area is included in the acres for Water Right No. 6793-3.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: March 11, 2020

Water Right Nos. 6792-3 and 7549-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
March 11, 2020

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, May 30, 2024 2:45 PM
To: FrankKralicek Jr@gmail.com; plowboy1974@hotmail.com
Subject: Eagle Venture Water Permits
Attachments: 6792-3 & 7549-3 Map.pdf; Permit 6792-3.pdf; Permit 7549-3.pdf; 6793-3_map & license.pdf

Gary & Frank,

My name is Amanda, and I am the Permitting Administrator for the South Dakota Water Rights Program. I am emailing you today in hopes of clearing up some confusion surrounding Permit Nos. 6792-3 & 7549-3, held by Eagle Venture LLC.

Permit No. 6792-3 authorizes the diversion of 0.29 cfs from the Missouri River for irrigation of 20 acres located within the SE ¼ Section 15-T93N-R55W, Yankton County. All construction to be completed by 3/26/2012.

Permit No. 7549-3 was obtained to appropriate an additional 1.93 cfs (2.22 cfs total) for the irrigation of 60 additional acres located within the SE ¼ Section 15 (80 acres total). All construction to be completed by 2/11/2018.

In 2020, one of our seasonal staff conducted an inspection for the purpose of licensing the irrigation system. The inspection found that diversions from the Missouri River had been abandoned and the pivot was now diverting water from a well located in the NE ¼ SE ¼ Section 15. The inspection also found that only 20 acres had been developed for irrigation. (see attached map created in March 2020)

I checked to see if Eagle Venture LLC had another permit/right authorizing diversion from the well. The only other water right I found was for 6793-3, authorizing diversion of 2.89 cfs from 2 wells (NE ¼ NW ¼ & SE ¼ NW ¼ Sec 15) for the irrigation of 247 acres.

Has a new permit been submit for diversion from the well being used w/ the 6792-3/7549-3 system? If so, what name would it have been applied for under? If not, a new permit application will need to be submit for the well and irrigation system, then cancelling Permit Nos. 6792-3 & 7549-3. [Irrigation Permit Application Link](#)

I've attached copies of the permits issued for 6792-3 & 7549-3, as well as the license and map for 6793-3 for you to reference.

Please let me know how you would like to proceed and feel free to email or call w/ any questions. My direct line is 605.910.5187

Amanda Dewell

DANR - Water Rights Program
 Permitting Administrator
 Main Phone: 605 773-3352
 Website: danr.sd.gov

