

**WATER PERMIT NO. 7566-3**

Name of Applicant: Daniel L Wallbaum Trust

Address: 2911 W 11<sup>th</sup> St, Yankton SD 57078 Phone: 605 665-2795

Amount of Water Claimed: 2.22 cfs Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 3 miles east of Yankton

PRIORITY Date Received: 12-17-2012

Application/License Fee: \$ 1050

Corrected Application Received: 12-26-2012

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 12-T93N-  
R55W

Land to be Irrigated: SE 1/4 SW 1/4, SW 1/4 SE  
1/4 Sec 1 and N 1/2 NW 1/4, NW 1/4 NE 1/4 Sec  
12; all in T93N-R55W

Depth of Well: 115 feet deep

Well Driller:

Remarks:

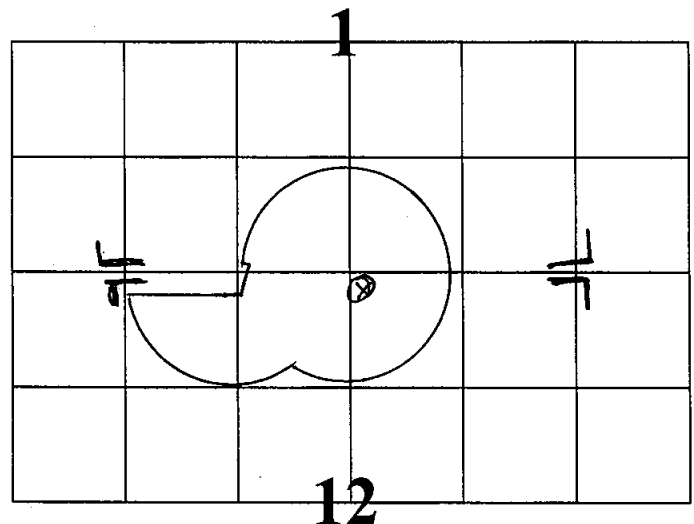
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 12-27-2012

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



## FORM 2: Application for irrigation in South Dakota

(type or print)

|                                                                                                                 |                                            |                                 |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | (office use only)                          |                                 |
|                                                                                                                 | No. <u>7566-3</u>                          | Hydrologic Unit <u>10160011</u> |
|                                                                                                                 | Basin <u>James River</u>                   |                                 |
|                                                                                                                 | Newspaper <u>Daily Press &amp; Dakotan</u> |                                 |
| <u>319 Walnut Yankton 57078</u>                                                                                 |                                            | <u>605-665 7811</u>             |

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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 DANIEL L WALLBANK TRUST  
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent  
 (name and complete address if different than above name)

 Mailing Address 2911 W. 11th St YANKTON SD 57078  
 (Address) (City) (State) (Zip Code)

 Home Phone 605 665 2795 Cell 605 660 0189 Email dwd998@vvn-midea.net

 2. Amount of water claimed 2.22 \*CFS or 1000 \*\*GPM \*\*\*AF Total Acreage 160  
 (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*) Acre Feet - storage capacity of dam/dugout or annual use if applicable

 3. Source of water supply 1 well Missouri: Elk Point Aquifer

 4. Location of point of diversion Planned 1 well in part of in NW 1/4 of the  
 (example - 3 wells in SW 1/4 NE 1/4 Section 12-T104N-R53W)  
NE 1/4 section 12 T93N-R55W County YANKTON

 5. County or counties where water will be used YANKTON COUNTY SOUTH DAKOTA

 6. Annual period during which water is to be used April 1 - September 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 |
|------------------------------------------------------------------------|-------|----------------------|-------|
| Yankton County, State of South Dakota described as follows:            |       | 1- SW4 SE4 & SE4 SW4 |       |
| -- 70 acres, SECT- TWP- RNGE 1- 93- 55                                 |       |                      |       |
| 2- NW4 NE4, 69A N2 NW4 & LT 1 PARC A N2 NW4-- 111 acres, SECT-TWP-RNGE |       |                      |       |
| 12-93-55                                                               |       |                      |       |

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

Center pivot Irr to improve property on described Legal description

 I, Daniel L Wallbank, 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. 7566-3**

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Date of first receipt of application December 17, 2012.

Date of return to applicant for corrections, amendments or changes December 18, 2012.

Date of receipt of corrected application December 26, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7566-3 to Daniel L Wallbaum Trust, 2911 W 11<sup>th</sup> St, 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. 7566-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the NW 1/4 NE 1/4 Section 12 for irrigation of 160 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 1 and N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 12; all in T93N-R55W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is December 17, 2012.
4. The date of approval of Permit No. 7566-3 is March 4, 2013.
5. One-fifth of the construction is to be completed on or before September 4, 2015.
6. All construction is to be completed on or before March 4, 2018.
7. Water is to be put to beneficial use on or before March 4, 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. 7566-3 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 26 2013**

date



**Supplemental Information**

(type or print)

**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 115' Depth to Top of Water Bearing Material 60' Depth to Water from Surface 25'

d) Distance to nearest existing domestic well:

On applicant's property \_\_\_\_\_ On property owned by others 1000'**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 &amp; Y Slope (e.g. 3 to 1 is a typical slope)

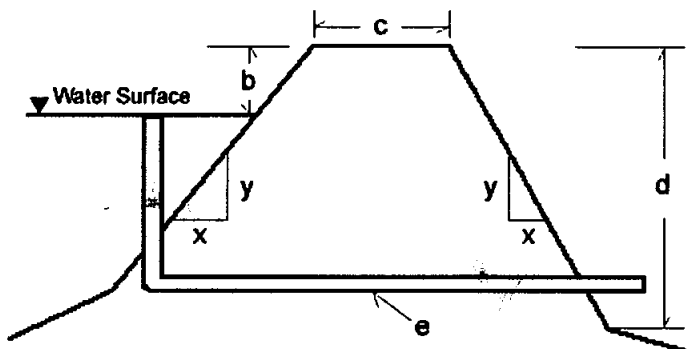
Upstream \_\_\_\_\_

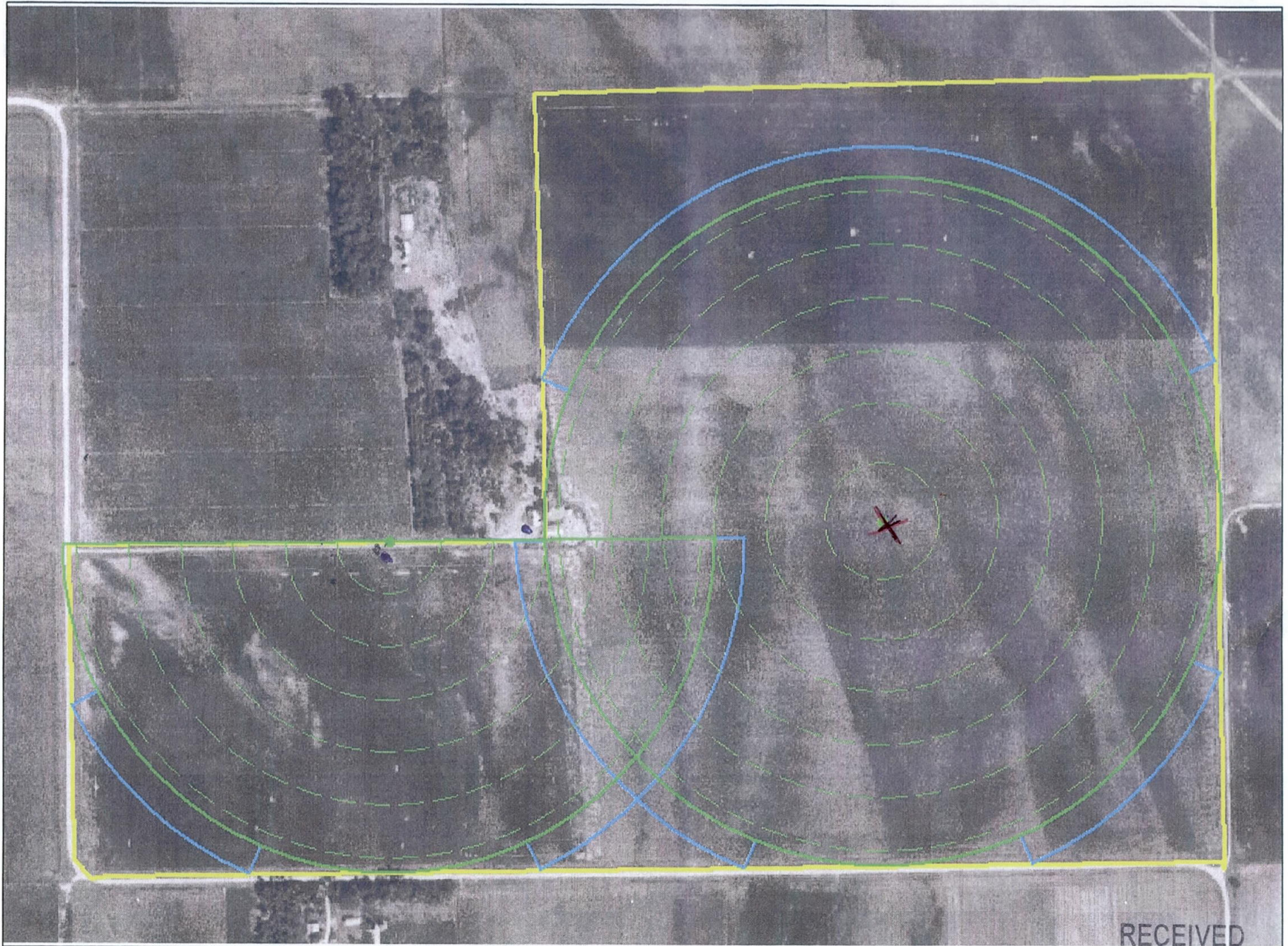
Downstream \_\_\_\_\_

h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres





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Petersen Ag Systems, Inc - Designed by Judd Keiser cell 605-661-6941

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Based on outlined  
area - 160 acres

*BMW*

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/17, 20 12

RECEIVED OF Daniel Wallbaum Yankton SD 57078

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

|                                                                                                                        |       |         |
|------------------------------------------------------------------------------------------------------------------------|-------|---------|
| Fee for Application for Permit No. <u>7566-3</u> to Appropriate Water, to construct and to put water to beneficial use | 850   | 00      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           |       |         |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 |       |         |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7566-3</u>            | 200   | 00      |
| Fee for Filing Transfer Form _____                                                                                     |       |         |
| Fee for _____                                                                                                          |       |         |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                    |       |         |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                     |       |         |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                 |       |         |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                              |       |         |
| (Any Other Work Provided by Law)                                                                                       | TOTAL | 1050 00 |

No. **05777**

By

Garland E. Eide  
Chief Engineer

**12/12/12**

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**PMB 2020  
DENR-Water Rights  
523 E. Capitol Ave.  
Pierre, SD 57501-3182**

**Enclosed is my application and check for a water permit for my property. I hope that it answers all your questions. However, should you have any, please feel free to contact me and I will try to get them answered.**

**Dan Wallbaum  
2911 West 11<sup>th</sup> Street  
Yankton, SD 57078**

**605-665-2795  
605-660-0189**

**dwd998@vyn.midco.net**



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

December 18, 2012

Daniel L Wallbaum Trust  
2911 W 11<sup>th</sup> St  
Yankton SD 57078

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Dear Mr. Wallbaum:

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

- Enclosed is the aerial photo map submitted with the application. The map needs to reference a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. The area outlined on your map has been transferred to this map. Please mark the proposed well location with an "X".
- The area outlined on the map equals 160 acres. Do you agree that the total acres to be irrigated will be 160 acres?

If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosures

*Yes -*

*Thank you for your help.  
Should you have any more questions  
please contact me.*

*Don Wallbaum*



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7566-3, Daniel L Wallbaum Trust**

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. 7566-3, Daniel L Wallbaum Trust, 2911 W 11<sup>th</sup> Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7566-3 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. 7566-3 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 on application for additional information.

Garland Erbele, Chief Engineer

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 7566-3  
DANIEL L WALLBAUM TRUST  
February 5, 2013

Water Permit Application No. 7566-3 proposes to appropriate up to 320 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer. The well will be located in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 12, T93N-R55W and is expected to be approximately 115 feet deep. This application proposes to irrigate 160 acres located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 1 and N  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 12 all in T93N-R55W in Yankton County.

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

**GEOLOGY AND AQUIFER CHARACTERISTICS:**

Bugliosi (1986) refers to the Elk Point management unit of the Missouri aquifer as the southern portion of the Lower James-Missouri aquifer. For water management purposes, the Water Management Board and the SD DENR-Water Rights Program refer to this aquifer as the Missouri: Elk Point. The aquifer is an alluvium mantled glacial outwash composed of fine sand to coarse gravel material (Bugliosi, 1986). The aquifer generally lies below the flood plains of the Missouri River, lies directly over and is hydraulically connected to the Dakota aquifer, and is hydraulically connected to the northern portion of the Lower James Missouri and the Lower Vermillion Missouri aquifers as well as the Missouri and Vermillion Rivers (Bugliosi, 1986). The aquifer can be under either water-table or artesian conditions, but is under water-table conditions in the area of this application. The Elk Point management unit of the Missouri aquifer encompasses regions of Clay, Union, and Yankton Counties. The Missouri: Elk Point aquifer underlies approximately 45,000 acres of Yankton County alone and contains an estimated 675,000 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The saturated thickness of the aquifer in the region ranges from approximately 50-150 feet thick (Bugliosi, 1986). The transmissivity of the aquifer ranges from 20,700 to 24,700 square feet per day (ft<sup>2</sup>/d) (Bugliosi, 1986). The specific capacity of the aquifer ranges from approximately 124 to 173 gallons per minute per foot ((gal/min)/ft) (Bugliosi, 1986).

**SDCL 46-2A-9**

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water 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 review the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

**WATER AVAILABILITY:**

This application proposes to appropriate 320 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual water use will be less than the appropriated amount. The probability of unappropriated water available from the aquifer can be evaluated using 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 Discharge:**

#### **Recharge:**

Recharge to the Missouri: Elk Point aquifer occurs through seepage from streams and by infiltration of precipitation (Bugliosi, 1986). Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow, from the Missouri River. The average annual recharge rate to the Missouri: Elk Point aquifer is estimated at 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Yankton County of 45,000 acres, average annual recharge to the aquifer in Yankton County alone is estimated to be 14,250 ac-ft/yr.

#### **Discharge:**

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers and underlying Dakota aquifer, and withdrawal from wells (Bugliosi, 1986). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b) and there are currently 507 water rights/permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2013c). There are 92 water rights/permits appropriating water from this aquifer in Yankton County alone (Water Rights, 2013c). The distribution of these appropriations and their types are shown in Table 1.

| <b>Water Rights/Permits</b>  | <b>Number</b> |
|------------------------------|---------------|
| Commercial                   | 4             |
| Fish & Wildlife Propagation  | 4             |
| Industrial                   | 3             |
| Irrigation                   | 77            |
| Municipal                    | 2             |
| Suburban Housing Development | 2             |

Table 1. Water Rights from the Missouri: Elk Point aquifer in Yankton County (Water Rights, 2013c).

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.

The expected water use for non-irrigation purposes from the Missouri: Elk Point aquifer in Yankton County is less than 5,000 ac-ft/yr based on current water appropriations.

The annual reported water use from the Missouri: Elk Point aquifer for irrigation purposes in Yankton County is displayed in Table 2.

| YEAR       | NO. OF PERMITS | APPROPRIATION (AC-FT/YR) | PUMPAGE REPORTED (AC-FT/YR) |
|------------|----------------|--------------------------|-----------------------------|
| 1979       | 22             | 12010                    | 897                         |
| 1980       | 22             | 12010                    | 2735                        |
| 1981       | 32             | 14405                    | 1975                        |
| 1982       | 28             | 12234.8                  | 1112.97                     |
| 1983       | 29             | 12417.6                  | 1441.23                     |
| 1984       | 31             | 13012.5                  | 999.9                       |
| 1985       | 28             | 12097.6                  | 1078.8                      |
| 1986       | 29             | 13402.9                  | 1328                        |
| 1987       | 29             | 12417.6                  | 1870.7                      |
| 1988       | 29             | 12417.6                  | 2209.05                     |
| 1989       | 29             | 12417.6                  | 4154.7                      |
| 1990       | 28             | 12097.6                  | 3452.5                      |
| 1991       | 28             | 11497.6                  | 3757.7                      |
| 1992       | 38             | 11497.6                  | 675.25                      |
| 1993       | 28             | 11658.8                  | 215.1                       |
| 1994       | 27             | 11396.4                  | 1177.67                     |
| 1995       | 25             | 10964.4                  | 2401.99                     |
| 1996       | 26             | 10978.8                  | 2500.88                     |
| 1997       | 27             | 11176.8                  | 3022                        |
| 1998       | 27             | 10804.4                  | 1928.26                     |
| 1999       | 27             | 11113.4                  | 1960.91                     |
| 2000       | 27             | 11053.4                  | 2834.73                     |
| 2001       | 29             | 11993.4                  | 3364.73                     |
| 2002       | 31             | 12507.4                  | 4397.56                     |
| 2003       | 31             | 12985.4                  | 3243.99                     |
| 2004       | 35             | 13681.4                  | 3462.22                     |
| 2005       | 36             | 13993.4                  | 3588.05                     |
| 2006       | 41             | 15845.4                  | 3964.97                     |
| 2007       | 44             | 16297.4                  | 4580.36                     |
| 2008       | 58             | 21840.2                  | 5212.69                     |
| 2009       | 62             | 22498.2                  | 1323.24                     |
| 2010       | 66             | 23674.2                  | 613.56                      |
| 2011       | 70             | 24858.2                  | 3015.21                     |
| <b>MIN</b> | <b>22</b>      | <b>10804.4</b>           | <b>215.1</b>                |
| <b>MAX</b> | <b>70</b>      | <b>24858.20</b>          | <b>5212.69</b>              |
| <b>AVE</b> | <b>33.91</b>   | <b>13735.06</b>          | <b>2439.27</b>              |

Table 2. Irrigation from the Missouri: Elk Point aquifer in Yankton County (Water Rights, 1979-2011)

In 2011, the reported pumpage for irrigation was 3,015.21 ac-ft/yr in Yankton County (Water Rights, 1979-2011). Comparison of the estimated average annual withdrawal with the estimated average annual recharge for the aquifer in Yankton County indicated that in general the average annual withdrawals from the aquifer do not exceed the average annual recharge to the aquifer. More recharge can be induced with more pumping in particular from the Missouri River because it is hydraulically connected to the aquifer. Therefore, there is reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for the 320 acre-feet appropriation proposed by this application.

**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 with two of these observation wells located within one and one half miles of the well site proposed by this application (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

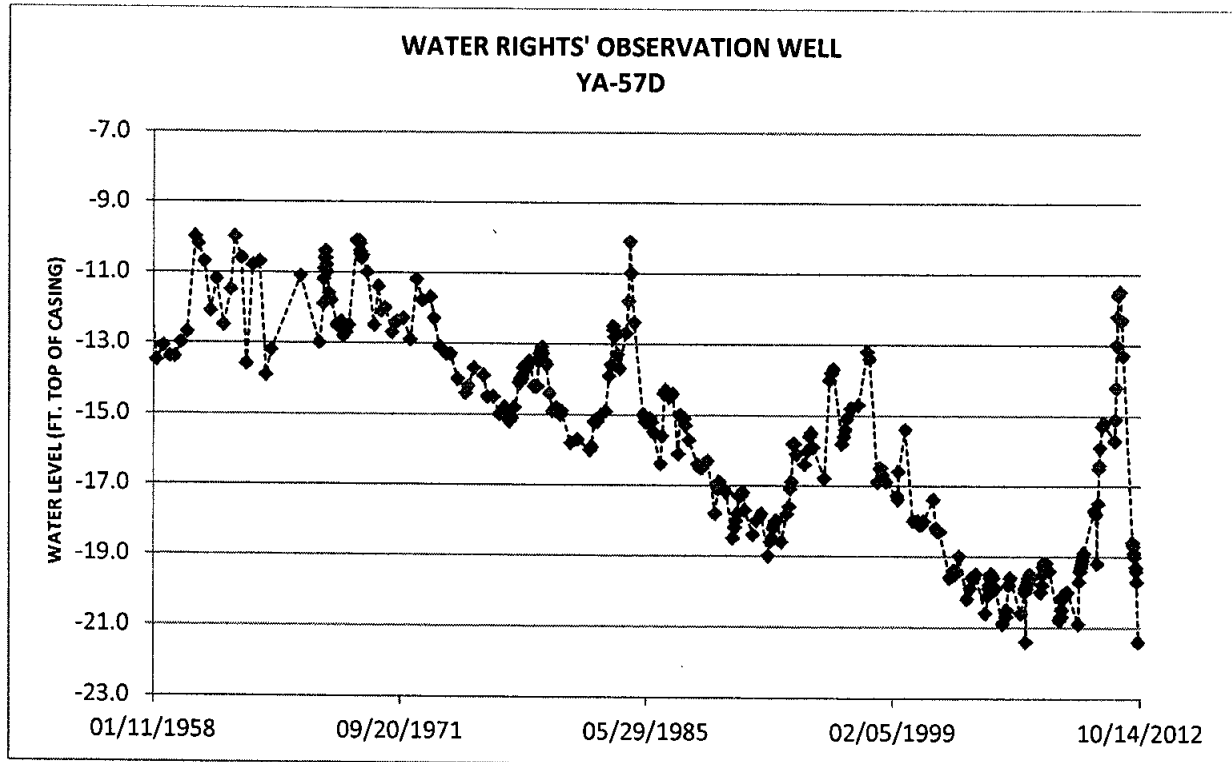


Figure 1. Hydrograph for DENR-Water Rights Observation Well YA-57D completed into the Missouri: Elk Point aquifer approximately 0.36 miles southeast of the well site proposed by Application No. 7566-3 (Water Rights, 2013a).

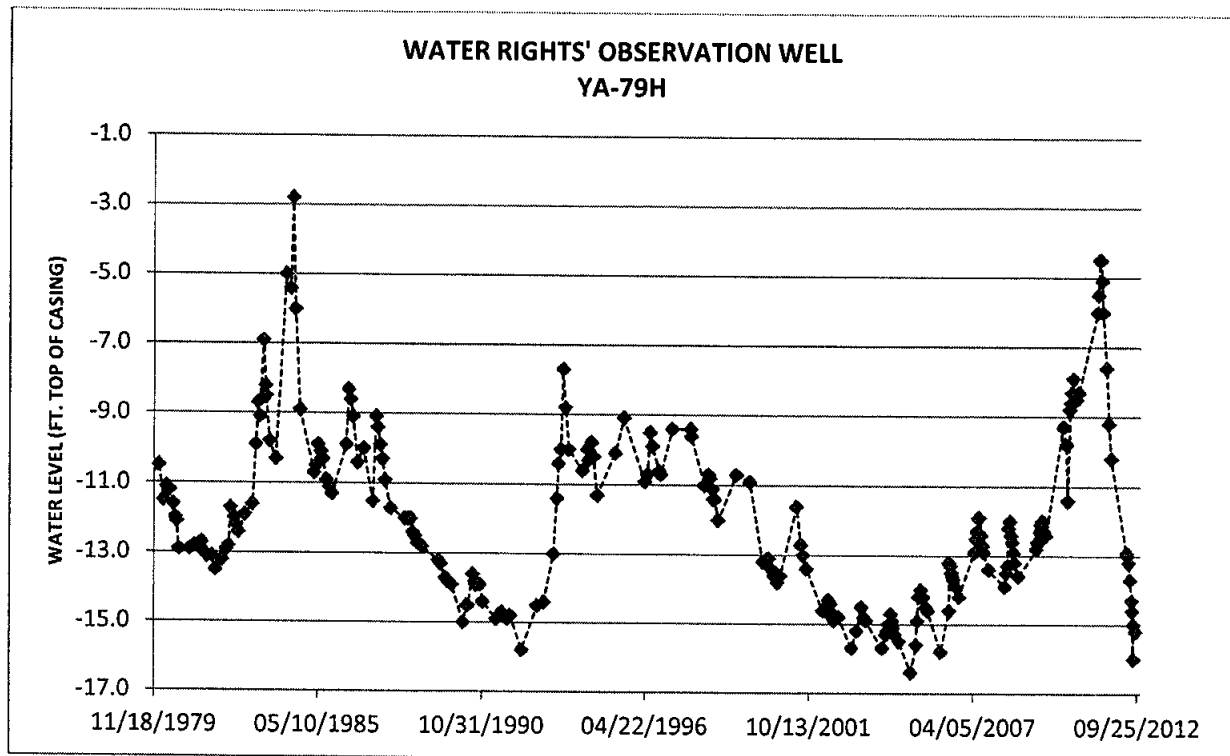


Figure 2. Hydrograph for DENR- Water Rights Observation Well YA-79H completed into the Missouri: Elk Point aquifer approximately 1.38 miles northeast of the well site proposed by Application No. 7566-3 (Water Rights, 2013a).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The observation well data shows that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. The observation well data documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, record high groundwater levels associated with flooding in 2011). Linear trend lines for the hydrographs do show a general gradual decline. This gradual decline may be attributed to either entrenching the Missouri River (Goodman, 2007) or controlling the flow of the Missouri River by the Gavins Point Dam, which no longer allows inundating of the floodplain (Stephens, 1967).

Because of this obvious hydraulic connection between Missouri: Elk Point aquifer and the Missouri River and the availability of water in the Missouri River, there is a reasonable probability that additional recharge to the Missouri: Elk Point will be induced with additional pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. Additional pumping from the Missouri: Elk Point aquifer can also induce recharge from the underlying Dakota aquifer. Therefore, there is reasonable probability that unappropriated water is available from the aquifer to support this appropriation.

#### **EXISTING WATER RIGHTS:**

The well site proposed by this application is located approximately 1.7 miles north of the Missouri River and about 0.34 miles east of the James River in a portion of the Missouri: Elk Point aquifer that extends north of the Missouri River for approximately 3.2 miles to the edge of

the aquifer. There are eight water rights/permits that have diversion points within a one mile radius from the proposed well site. The nearest water right/permit is Water Permit No. 7018-3, for J & J Farming Company LLC, located over 2,100 feet northwest and up-gradient from the proposed well site (Water Rights, 2013c). Based on the observation well data and the relatively high transmissivity expected, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights.

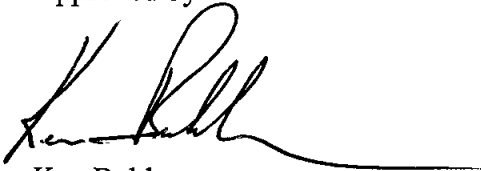
#### CONCLUSIONS:

1. This application proposes to appropriate up to 320 acre-feet annually for irrigation from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. The Missouri: Elk Point aquifer is under unconfined (water-table) conditions in this area, and drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights.



Nicole Van Dyk  
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: 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, Joe Foss Bldg., Pierre, SD.
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- Hedges, L.S., Allen, J., 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; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

FEB 25 2013

WATER RIGHTS  
PROGRAM

**AFFIDAVIT OF PUBLICATION**

**YANKTON DAILY PRESS AND DAKOTAN**

2+22

NOTICE OF APPLICATION  
NO. 7566-3 to Appropriate Water

Notice is given that Daniel L. Wallbaum Trust, 2911 W. 11th St, Yankton SD 57078 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (115 feet deep) located in the NW 1/4 NE 1/4 Section 12 for irrigation of 160 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 1 and N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 12; all in T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7566-3 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 March 4, 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 \$26.15.

Department of Environment and Natural Resources  
PMB 2020  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED **Notice of Application No. 7566-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 22nd DAY OF February 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$26.15 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: 2/22/2013

FILED ON: 2/22/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF February

2013

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

February 14, 2013

Press & Dakotan  
319 Walnut  
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7566-3 to Appropriate Water. Please publish the notice once on February 22, 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 Daniel L Wallbaum Trust, 2911 W 11<sup>th</sup> St., Yankton SD 57078 (Ph # 605-665-2795).

**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.

February 14, 2013

Daniel L Wallbaum Trust  
2911 W 11<sup>th</sup> St  
Yankton SD 57078

Dear Sir:

Water Permit Application No. 7566-3 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 22, 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. 7566-3 to Appropriate Water

Notice is given that Daniel L Wallbaum Trust, 2911 W 11<sup>th</sup> St, Yankton SD 57078 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the NW 1/4 NE 1/4 Section 12 for irrigation of 160 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 1 and N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 12; all in T93N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7566-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of\_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

APR 26 2013

Daniel L Wallbaum Trust  
2911 W 11<sup>th</sup> St  
Yankton SD 57078

Dear Sir:

Enclosed is Water Permit No. 7566-3 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,

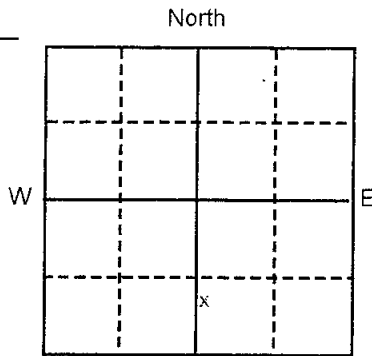
A handwritten signature in cursive script that reads "Jeanne Goodman".

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

enclosures

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 1 Twp 93 Rg 55WCounty YanktonPlease mark well  
location with an "X"

Well Completion Date

March 11, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
3,000.0 ft. from abandoned well (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

direct rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM   | TO      | HOLE DIAMETER |
|------------|----------|--------|---------|---------------|
| LB/FT      | 16.00 IN | 0.0 FT | 50.0 FT | 20.00 IN      |
| LB/FT      | IN       | FT     | FT      | IN            |
| LB/FT      | IN       | FT     | FT      | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To      |
|------------|--------------|--------------|--------|---------|
| Bentonite  | 18           | 9.5 Lb/gal   | 0.0 Ft | 40.0 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 50.0 Feet to 90.0 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: Dan Wallbaum

Business Name:

Address: 2911 W. 11th StCity, State, Zip: Yankton SD 57078

## WELL LOG:

| FORMATION                   | DEPTH |    |
|-----------------------------|-------|----|
|                             | FROM  | TO |
| Top Soil                    | 0     | 1  |
| Tan Sand                    | 1     | 15 |
| Gray Clay w/ Sand           | 15    | 24 |
| Gravel                      | 24    | 44 |
| Sandy Pebbly Gravel         | 44    | 52 |
| Gravel w/ some Clay Pockets | 52    | 82 |
| Pebbly Gravel               | 82    | 90 |
|                             |       |    |
|                             |       |    |

STATIC WATER LEVEL 17.0 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

APR 22 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: 4/11/13

OCT 28 2013

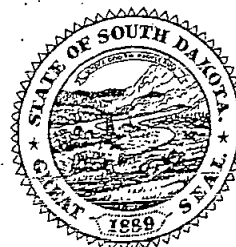
WATER RIGHTS  
PROGRAMNOTICE OF COMPLETION OF WORKS AND  
APPLICATION OF WATER TO BENEFICIAL USEDate 10-23-13TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181FROM: Dan Wallbaum Trust  
(name)  
2911 W 11th St  
(address)  
Pankton SD 57078  
(city, state, zip)

(phone)

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

Water Permit No. 7566-3 states that the water use system is to be constructed byMarch 4 2018, and water is to be put to beneficial use by March 4 2022  
(date) (date)The water use system was completed on 7-1-13  
(date)Applying the water to beneficial use was completed on 7-1-13  
(date)

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

Dan Wallbaum  
by Dan Hareddy Tenenst  
(signature)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 30, 2013

7566-3

Dan Wallbaum Trust  
2911 W 11<sup>th</sup> St  
Yankton SD 57078

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 the irrigation system authorized under Water Permit No. 7566-3.

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,

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

**McMath, Genny**

---

**From:** Dan Wallbaum <dwd998@vyn.midco.net>  
**Sent:** Friday, November 01, 2013 10:37 PM  
**To:** McMath, Genny  
**Subject:** info

Greetings: Pertaining to the letter sent to the Dan Wallbaum Trust on Oct 30<sup>th</sup> involving an inspection on a pivot system , I would suggest you put this information in the system as to who you might contact to save time and effort. Dan Hacecky, 30463 Northeast Jim River Rd., Mission Hill, South Dakota 57046 leases the land from me and handles all those items. His phone number is 605-661-5321. Please feel free to continue to contact me if this is not acceptable. Should there be any changes I would keep you apprised. Thank you. Dan Wallbaum for the Trust.

**Report of Examination of Works and/or Application of Water to Beneficial Use  
For Permit No. 7566-3**

I have this day, September 8, 2021 made a thorough examination of the water use system owned by Daniel L. Wallbaum Trust, in care of Dan Hacecky, 30463 NE Jim River Road, Mission Hill, SD 57046, holder of Permit No. 7566-3, bearing the priority date of December 17, 2012, authorizing the diversion of 2.22 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 160 acres, located in Yankton County.

Inspection contact: Dan Hacecky and Jake Hacecky

**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): 90 feet
- 4) Well log is available: Yes

**Casing:**

- 1) Diameter: 16 inches
- 2) Length: 50 feet
- 3) Type: PVC

**Screen:**

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 17 feet

**Pump:**

- 1) Make: Grundfos
- 2) Model: 625s400-2
- 3) Capacity: 770 gpm

**Motor:**

- 1) Make: Grundfos
- 2) Model No.: Unknown
- 3) Horsepower rating: 40 hp

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

- |                       |                          |                                                       |
|-----------------------|--------------------------|-------------------------------------------------------|
| 1) Type: <u>Steel</u> | 2) Size: <u>8</u> inches | 3) Length: <u>20 feet to the east center pivot</u>    |
| 2) Type: <u>PVC</u>   | 2) Size: <u>8</u> inches | 3) Length: <u>1,730 feet to the west center pivot</u> |

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

**West Center Pivot:**

- 1) Make: Zimmatic
- 2) Overall length: 1,056 feet
- 3) Number of towers: 6
- 4) End gun: Yes

- 5) Capacity: 770 gpm

**East Center Pivot:**

- 1) Make: Zimmatic
- 2) Overall length: 1,132 feet
- 3) Number of towers: 6

**Report of Examination of Works**

Permit No. 7566-3

4) End gun: Yes

5) Capacity: 770 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: Electrical

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 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 2,480 feet west and 160 feet south of the northeast corner of Section 12-T93N-R55W (Latitude 42.89410, Longitude -97.28817 – NW1/4 of the NE1/4).

10) The works are capable of diverting and conveying to the place of use 1.72 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:

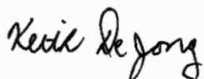
| <u>Section 12-T93N-R55W</u> |                 |
|-----------------------------|-----------------|
| <u>NW1/4NW1/4</u>           | <u>28 acres</u> |
| <u>NE1/4NW1/4</u>           | <u>35 acres</u> |
| <u>NW1/4NE1/4</u>           | <u>36 acres</u> |

| <u>Section 1-T93N-R55W</u> |                 |
|----------------------------|-----------------|
| <u>SE1/4SW1/4</u>          | <u>20 acres</u> |
| <u>SW1/4SE1/4</u>          | <u>29 acres</u> |

comprising a total of 148 acres of land and the license should be issued for 1.72 cfs.

11) All structures, wells and lands on map Yes

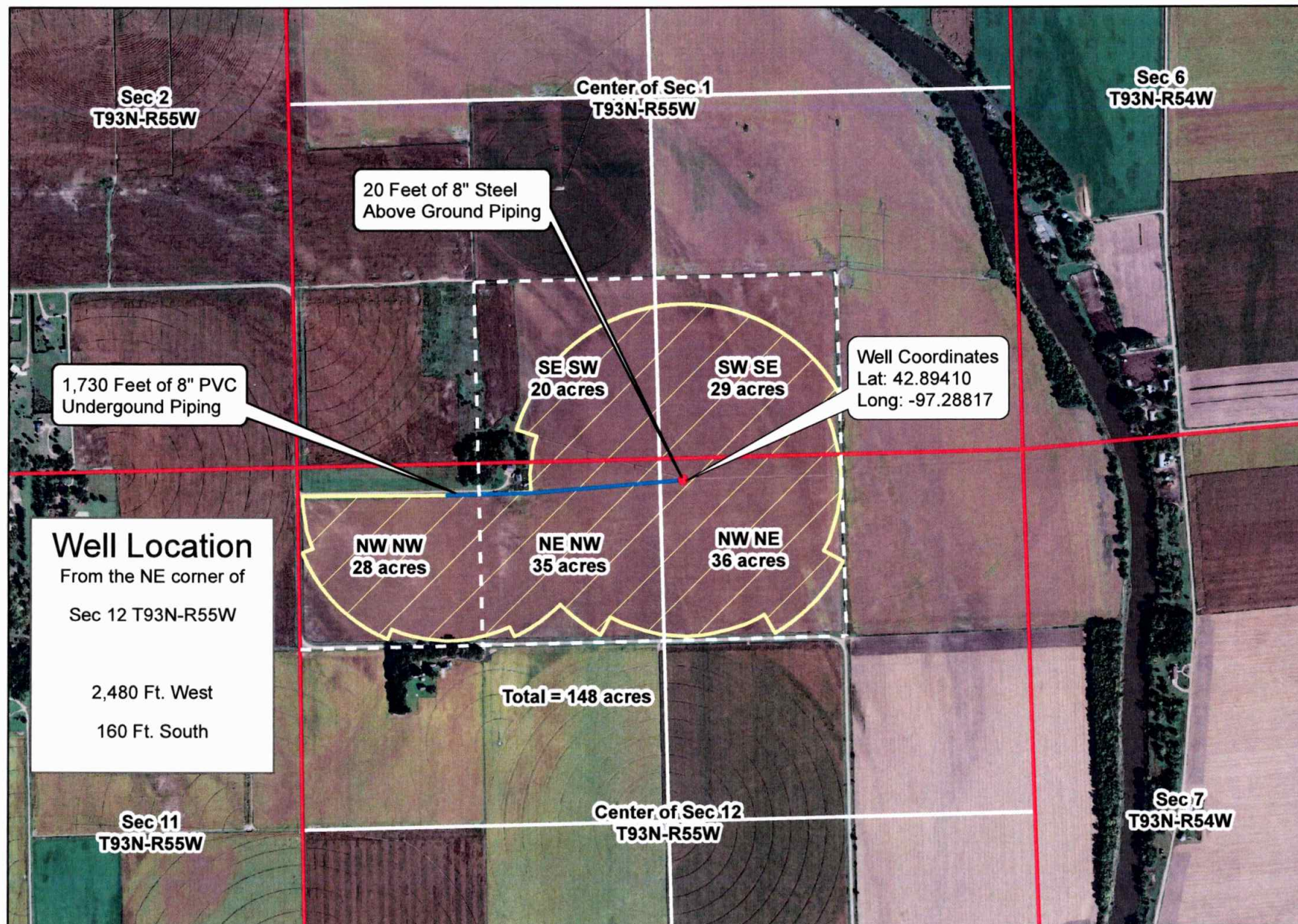
**F. Comments or other permit(s) associated with the project: None.**



Keith DeJong  
Water Rights Inspector  
DANR, Water Rights Program

Date report completed: September 9, 2021

# Water Right No. 7566-3



*Keith DeJong*  
Keith DeJong, PE  
Staff Engineer  
September 9, 2021

## McMath, Genny

---

**From:** DeJong, Keith  
**Sent:** Thursday, September 9, 2021 3:12 PM  
**To:** McMath, Genny  
**Subject:** RE:

Genny

I specifically asked Dan Hacecky about this. The land is owned by Daniel Wallbaum Trust, but the deed holders evidently want all of the land paperwork to go through Dan Hacecky. Dan stated that we should send the water permit information to him and then he will get a copy to the trust manager at First Dakota National Bank. Dan Wallbaum died a few years ago and that is how they want things handled for now.

Keith DeJong

---

**From:** McMath, Genny <Genny.McMath@state.sd.us>  
**Sent:** Thursday, September 9, 2021 2:49 PM  
**To:** DeJong, Keith <Keith.DeJong@state.sd.us>  
**Subject:**

Hey – quick question. The inspection report you sent for 7566-3 (Wallbaum)..I know that Hacecky's lease the land but who owns it now? Or do you know. I might try calling Hacecky's and find out if you don't know for sure.

*Genny McMath*

Genny McMath  
DANR – Water Rights Program  
773-3352 (main phone)  
773-5455 (desk phone)  
Website: [danr.sd.gov](http://danr.sd.gov)





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

7566-3

SEP 13 2021

Dan Hacecky  
30463 NE Jim River Rd  
Mission Hill SD 57046

RE: Daniel L Wallbaum Trust

Dear Mr. Hacecky:

Enclosed is Water License No. 7566-3. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 7566-3**

---

(1) Daniel L Wallbaum Trust, Yankton SD 57078 made Application No. 7566-3, December 17, 2012 for a water permit to divert 2.22 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7566-3, with a priority date of December 17, 2012 was approved March 4, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 4, 2018 and for the application to beneficial use of said water on or before March 4, 2022.

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

- 2,480' W & 160' S of the NE corner of Section 12, T93N, R55W (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ )  
Latitude 42.89410, Longitude -97.28817

(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            |          | Section 1, T93N, R55W             |          |
|-----------------------------------|----------|-----------------------------------|----------|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 28 acres | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 20 acres |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 35 acres | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 29 acres |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 36 acres |                                   |          |

Total 148 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Daniel L Wallbaum Trust, Yankton SD 57078 the holder and/or owner of Water Right No. 7566-3 is issued a license to appropriate water, the right to use 1.72 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of December 17, 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. 7566-3 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.
- The well authorized by Permit No. 7566-3 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, Chief Engineer  
Water Rights Program  
Department of Agriculture and Natural Resources

SEP 13 2021

date

