

WATER PERMIT NO. 7567-3

Name of Applicant: **Terry L Frick**

Address: **30697 SW Jim River Rd, Yankton SD 57078** Phone: **605 665-5996**

Amount of Water Claimed: **1.78 cfs** Total Acres: **83 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Yankton**

Type of Waste Disposal System:

Location: **3 miles north of Yankton**

PRIORITY Date Received: **12-14-2012**

Application/License Fee: **\$ 950**

Corrected Application Received: **12-26-2012**

Period of Annual Use: **April 1 – September 31**

Remarks: **requesting diversion rate greater than statutory limit**

Diversion Point: **NE 1/4 NW 1/4 Sec 20-T94N-R55W**

Land to be Irrigated: **W 1/2 NE 1/4, E 1/2 NW 1/4**
Sec 20-T94N-R55W

Depth of Well: **120 feet deep**

Well Driller:

Remarks:

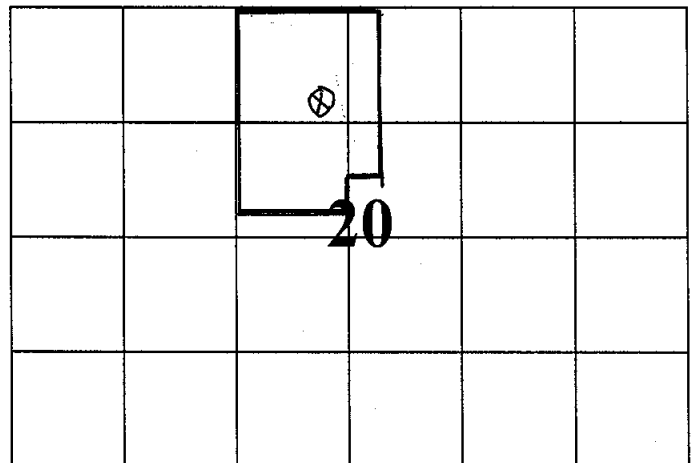
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-26-2012**

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. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

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DEC 14 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit TERRY L. FRICK
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 30697 SW JIM RIVER ROAD YANKTON SD 57078
(Address) (City) (State) (Zip Code)Home Phone 605-665-5999 Cell 605-661-9058 Email mdfrick@hotmail.com2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 83
(*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 Lower Missouri Aquifer.4. Location of point of diversion Planned 1 well in West 1/2, Northeast
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1/4 + East 1/2 of Northwest 1/4 NE 1/4 NW 1/4 Sec 20 T94N-R55W County YANKTON5. 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 307. 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
<u>W2 NE 4 + E2 NW 4</u>	<u>83.</u>	<u>NE 1/4 NW 1/4</u>	<u>40</u>
<u>in Section 20</u>		<u>SE 1/4 NW 1/4</u>	<u>30</u>
<u>Township 94 N</u>		<u>NW 1/4 NE 1/4</u>	<u>10</u>
<u>Range 55 W</u>		<u>SW 1/4 NE 1/4</u>	<u>3</u>

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

Center Pivot irrigation to improve property on described legal description - requesting greater diversion rate than Statutory limit

I, Terry Frick, 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. 7567-3**

Date of first receipt of application December 14, 2012.

Date of return to applicant for corrections, amendments or changes December 17, 2012.

Date of receipt of corrected application December 26, 2012.

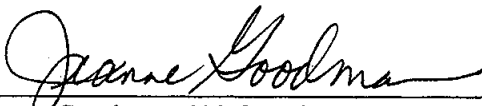
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7567-3 to Terry L Frick, 30697 SW Jim River Rd, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7567-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (120 feet deep) located in the NE 1/4 NW 1/4 Section 20 for irrigation of 83 acres located in the W 1/2 NE 1/4, E 1/2 NW 1/4 Section 20; 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 – September 30.
3. The date from which applicant may claim right is December 14, 2012.
4. The date of approval of Permit No. 7567-3 is March 11, 2013.
5. One-fifth of the construction is to be completed on or before September 11, 2015.
6. All construction is to be completed on or before March 11, 2018.
7. Water is to be put to beneficial use on or before March 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. 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. 7567-3 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. 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 No. 7567-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 83 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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 120' Depth to Top of Water Bearing Material 70' Depth to Water from Surface 30'

d) Distance to nearest existing domestic well:

On applicant's property _____

On property owned by others 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)

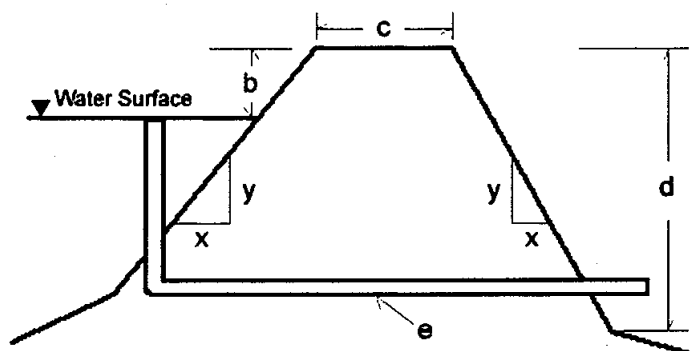
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Sec 18
T094N
R55W

Sec 17
T094N
R55W

Sec 16
T094N
R55W



Sec 19
T094N
R55W

Sec 20
T094N
R55W

Sec 21
T094N
R55W

Sec 30
T094N
R55W

Sec 29
T094N
R55W

Sec 28
T094N
R55W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/17, 20 12

RECEIVED OF Terry Frick 30697 SW Jim River Rd Yankton SD 57078

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

Fee for Application for Permit No. <u>7567-3</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>7567-3</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. **05774**

By

Garland 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

December 17, 2012

Terry L Frick
30697 SW Jim River Road
Yankton SD 57078

Dear Mr. Frick:

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.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed well location with an "X".
- State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.18 cfs or 531 gpm to irrigate the total 83 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

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DEC 26 2012

WATER RIGHTS
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DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES

PMB 2020

Attn: Karen Schlaak

Joe Foss Building

523 East Capitol

Pierre, SD 57501-3182

Dear Ms. Schlaak,

Per our telephone conversation I am responding by letter re: diversion limits. Our application was filled out using numbers based on another piece of property nearby. We are pretty "green" at this application process. We will know more about diversion requirements after Dick Hammond comes in late January or early February 2013 to dig test wells. The well log and test log will be provided as well at that time. Thank you for your help. I can always be reached on my cell phone @ 605-661-9058. I have enclosed the map as requested.

Sincerely,



Terry Frick

30697 SW Jim River Road

Yankton, SD 57078

605-661-9058

7567-3
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FEB 15 2013

WATER RIGHTS
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DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES

PMB 2020

Attn: Karen Schlaak

Joe Foss Building

523 East Capitol

Pierre, SD 57501-3182

Dear Ms. Schlaak,

Enclosed is the well drilling log for our property for which we have applied for an irrigation permit. Quality Well Service, LLC drilled our test well last weekend. As for the diversion number stated i.e. 800 gpm this is the amount recommended for the irrigation system to work effectively. If there are any other questions you can call me at 605-661-9058.

Sincerely,

Terry Frick



30697 SW Jim River Road

Yankton, SD 57078

605-661-9058

MARY D. FRICK

PMB 2020

FEB 15 2013

Terry Trick

N
w

WATER RIGHTS Well ID#
PROGRAM

**Quality
Well Service LLC**

**Farm - Residential
Sales - Service**

605-660-7798



**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. 7567-3, Terry L Frick**

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. 7567-3, Terry L Frick, 30697 SW Jim River Road, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7567-3 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. 7567-3 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. 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 No. 7567-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 83 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
February 14, 2013

REPORT ON WATER PERMIT APPLICATION NO.7567-3

**Terry L. Frick
February 6, 2013**

Water Permit Application No. 7567-3 proposes to appropriate 166 acre-feet of water at a maximum diversion rate of 1.78 cubic feet of water per second from one well to be completed into the Lower James Missouri aquifer (120 feet deep) located in the NE 1/4 NW 1/4 Section 20 for irrigation of 83 acres located in the W 1/2 NE 1/4, E 1/2 NW 1/4 Section 20; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit. The project is located approximately 3 miles north of Yankton in Yankton County.

AQUIFER: Lower James Missouri (LJM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Lower James Missouri is a buried outwash (sand and gravel) that can be generally encountered under confined conditions in Yankton County (Bugliosi, 1986). The Lower James Missouri aquifer blends into the Missouri Elk Point aquifer, which is hydraulically connected to the James River (Bugliosi, 1986). The Lower James Missouri aquifer underlies approximately 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County (Hedges et al., 1982). The depth to aquifer material is generally less than 50 feet below the soil surface (McCormick, 2003). The saturated thickness of the Lower James Missouri aquifer ranges from 50-150 feet thick in Yankton County in the vicinity of the proposed well (Bugliosi, 1986). The specific capacity for wells ranges from 124 to 173 (gal/min)/ft for the Lower James Missouri aquifer (Bugliosi, 1986). Wells can be expected to produce 500 gallons per minute and may yield in excess of 1,000 gallons per minute (Bugliosi, 1986).

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate 166 acre-feet annually from the Lower James Missouri aquifer. Although the actual water use if this application is approved will most likely be less than 166 acre-feet/year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Discharge:

Recharge:

Recharge to the Lower James Missouri Aquifer is through seepage from streams and by infiltration of precipitation (Bugliosi, 1986). The average annual recharge rate calculated for the Lower James Missouri aquifer using a regional flow-net analysis is 1.5 inches per year (Hedges and others, 1985). Given the estimated area of the management unit of 92,500 acres in Yankton County, average annual recharge to the aquifer is estimated to be 11,562 acre-feet per year with the total amount of recoverable water of 2,081,250 acre-feet (Hedges and others, 1982).

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 aquifer in surrounding counties, and well withdrawals. Currently there are 61 water rights/permits appropriating water from the Lower James Missouri aquifer in Yankton County. Of these existing water rights/permits four are non-irrigation appropriations for 1.94 cfs of water. These four water rights/permits are appropriated for commercial use, industrial use, or geothermal heating (Water Rights, 2012b). The estimated withdrawal from the aquifer by non-irrigation appropriations is 843 ac-ft per year. This estimation assumes water is being withdrawn from the aquifer 60 percent of the time at the permitted diversion rate for these non-irrigation appropriations. Water use from the Lower James Missouri aquifer from Yankton County as reported to the DENR-Water Rights Program through annual irrigation questionnaires is shown in Figure 1 (DENR. 2013b).

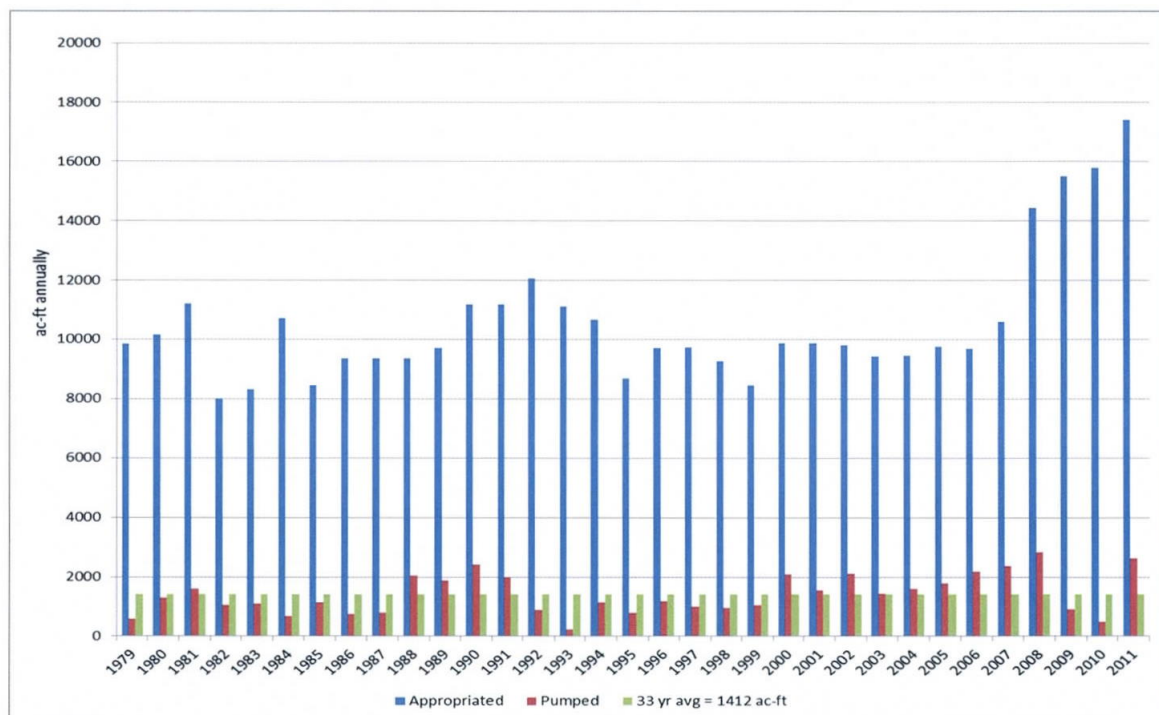


Figure 1- Historic Irrigation Water Use from the Lower James Missouri aquifer from Yankton County. (Water Rights 1979-2013)

Comparing the average annual recharge calculated by Hedges (1985), 11,562.5 ac-ft in Yankton County, to the estimated average annual withdrawal from the aquifer, 2,255 ac-ft in Yankton County, there is a reasonable probability that unappropriated water is available for this proposed appropriation of 166 ac-ft from the Lower James Missouri aquifer.

Observation Well Data:

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

The DENR-Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2012a). The nearest of these wells (YA-78H) to the proposed well location is located approximately 1.5 miles to the west. Two other wells YA- 80O is located approximately 0.5 miles to the northeast and YA-57C is located approximately 1.25 miles to the southeast. All show a good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record shown in figures 2 - 4 indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2013a). Climatic conditions mask temporal effects of pumping or increased appropriations with changes due to recharge and natural discharge exceeding well withdrawals, thus water is available for use by this proposed project.

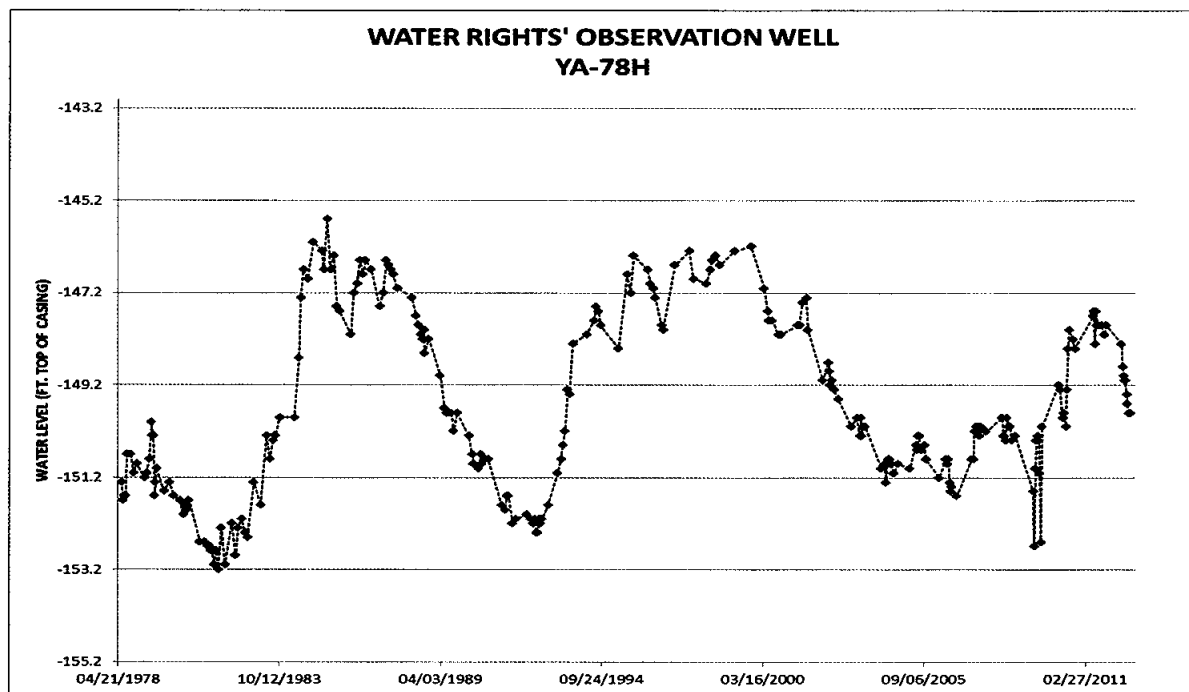


Figure 2 - Hydrograph of DENR-Water Rights' observation well YA-78H (Water Rights, 2013a).

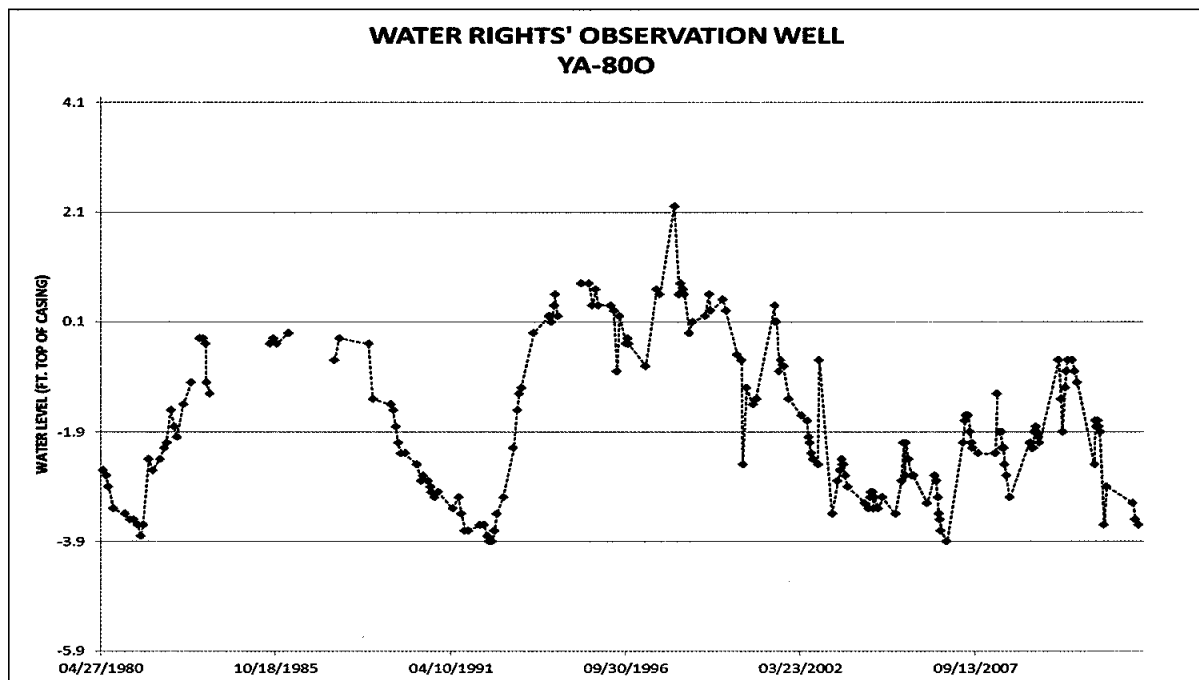


Figure 3 - Hydrograph of DENR-Water Rights' observation well YA-800 (Water Rights, 2013a).

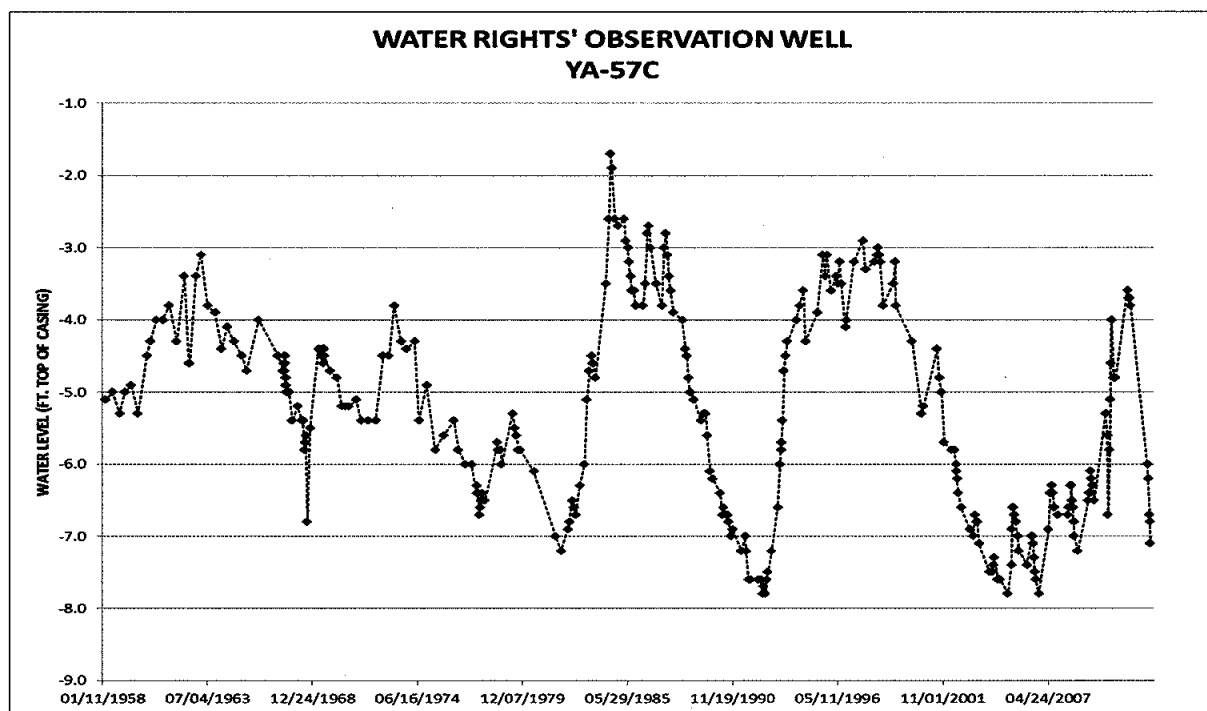


Figure 4- Hydrograph of DENR-Water Rights' observation well YA-57C (Water Rights, 2013a).

EXISTING WATER RIGHTS:

There are eight water rights/permits appropriating water within two miles from the proposed well location and nineteen domestic wells. These existing water rights are listed in table 1.

PERMIT_NO	NAME		STATUS	USE	CFS
3369A-3	DELORES	NELSON	LC	IRR	1.440
3369B-3	MORRIS	NELSON	LC	IRR	1.670
6483-3	WILLARD	SCHMIDT	LC	IRR	1.560
6178-3		NELSON FAMILY PARTNERSHIP	PE	IRR	1.670
7145-3	DELOS	WARRINER	PE	IRR	1.780
7202-3	WILLARD	SCHMIDT	PE	IRR	0.000
7253-3	WILLARD	SCHMIDT	PE	IRR	0.000
6795A-3		YANKTON LAND & CATTLE CO	PE	IRR, COM	1.640

Table 1- Nearby water rights completed into the Lower James Missouri aquifer from Yankton County. (Water Rights, 2013b)

Interference from pumping is not expected to be adverse at the distances from the proposed well as evidenced by observation wells YA-80O, YA-78H and YA-57C. The effects from pumping these irrigation wells located between 0.5 to 1.5 miles from these observation wells have shown no drawdown effect the wells.

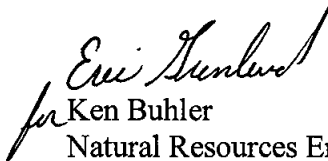
CONCLUSIONS:

1. This application proposes to appropriate up to 166 acre-feet annually from the Lower James Missouri aquifer.
2. There is a reasonable probability that unappropriated water is available from the the Lower James Missouri aquifer to satisfy this proposed appropriation.
3. Withdrawals from the Lower James Missouri by the well proposed by this application will not be expected to adversely impair existing water rights.



Mark D. Rath
Natural Resources Engineer
SD DENR-Water Rights Program

Approved:



Ken Buhler
Natural Resources Engineer
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1983. Major Aquifers in Yankton County, South Dakota. U.S. Geological Survey Information Pamphlet No. 28. p 7.
- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 84-4241, p 41.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- McCormick, K.A. 2003. First Occurrence of Aquifer Materials in Yankton County, South Dakota: South Dakota Geological Survey Aquifer Materials Map 14, scale 1:100,000.
- Water Rights. 1991-2013. "1991-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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WATER RIGHTS
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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7567-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 28th DAY OF February 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.48 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: 2/28/2013

FILED ON: 2/28/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th DAY OF February

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

2+28

NOTICE OF APPLICATION
NO. 7567-3 to Appropriate Water

Notice is given that Terry L Frick, 30697 SW Jim River Road, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower James: Missouri Aquifer (120 feet deep) located in the NE 1/4 NW 1/4 Section 20 for irrigation of 83 acres located in the W 1/2 NE 1/4, E 1/2 NW 1/4 Section 20, all in T94N-R55W. 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. 7567-3 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 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 \$26.48.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 20, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7567-3 to Appropriate Water. Please publish the notice once on February 28, 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 Terry L Frick, 30697 SW Jim River Rd., Yankton SD 57078 (Ph # 605-665-5996).

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 20, 2013

Terry L Frick
30697 SW Jim River Rd
Yankton SD 57078

Dear Mr. Frick:

Water Permit Application No. 7567-3 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 28, 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. 7567-3 to Appropriate Water

Notice is given that Terry L Frick, 30697 SW Jim River Road, Yankton SD 57078 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (120 feet deep) located in the NE 1/4 NW 1/4 Section 20 for irrigation of 83 acres located in the W 1/2 NE 1/4, E 1/2 NW 1/4 Section 20; all in T94N-R55W. 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. 7567-3 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 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

APR 26 2013

Terry L Frick
30697 SW Jim River Rd
Yankton SD 57078

Dear Mr. Frick:

Enclosed is Water Permit No. 7567-3 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.

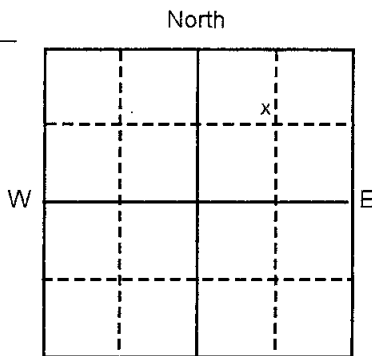
Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 20 Twp 94 Rg 55WCounty YanktonPlease mark well
location with an "X"

Well Completion Date

March 20, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3,500.0 ft. from septic tank (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	<u>16.00</u> IN	<u>0.0</u> FT	<u>160.0</u> FT	<u>22.00</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>30</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>150.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 60.0 FeetMaterial PVCSlot Size .060 Set From 160.0 Feet to 220.0 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 RequiredLab to which water
quality sample sent for analysisWell Owner: Terry Frick

Business Name:

Address: 30697 SW Jim River RdCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Silty Brown Clay	2	22
Glacial Till	22	98
Gravel w/ Some Glacial Till	98	105
Glacial Till	105	127
Pebbly Sandy Gravel	127	137
Sandy Gravel	137	154
Pebbly Small Gravel	154	178
Small to Medium Gravel w/ Sand	178	240

STATIC WATER LEVEL 151.0 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

7567-3
RECEIVED

OCT 24 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-22-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

TERRY L. FRICK

(name)

30697 SW Jim River Road

(address)

YANKTON, SD 57078

(city, state, zip)

605-661-9058

(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. 7567-3 states that the water use system is to be constructed by3-11-2018

(date)

, and water is to be put to beneficial use by

3-11-2022

(date)

The water use system was completed on * 7-1-13

(date)

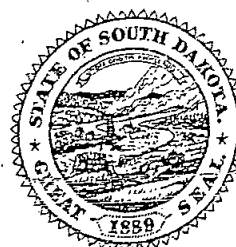
Applying the water to beneficial use was completed on * 8-25-13

(date)

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

Terry Frick

(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 25, 2013

7567-3

Terry Frick
30697 SW Jim River Rd
Yankton SD 57078

Dear Mr. Frick:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form and your 2013 irrigation questionnaire.

With reference to the project completion, 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.

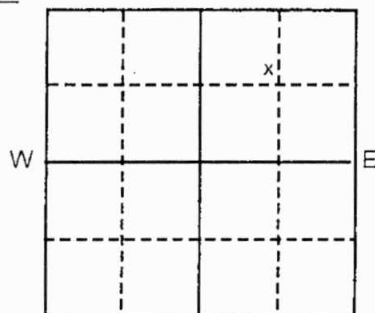
Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 20 Twp 94 Rg 55WCounty Yankton

North

Please mark well
location with an "X"

Well Completion Date

March 20, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3,500.0 ft. from septic tank (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	160.0 FT	22.00 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	30	9.5 Lb/gal	0.0 Ft	150.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 60.0 Feet
Material PVCSlot Size .060 Set From 160.0 Feet to 220.0 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: Terry Frick

Business Name:

Address: 30697 SW Jim River RdCity, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Silty Brown Clay	2	22
Glacial Till	22	98
Gravel w/ Some Glacial Till	98	105
Glacial Till	105	127
Pebbly Sandy Gravel	127	137
Sandy Gravel	137	154
Pebbly Small Gravel	154	178
Small to Medium Gravel w/ Sand	178	240

STATIC WATER LEVEL 151.0 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

7567-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate July 20, 2021MAIL TO: PMB 2020
DANR - Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3182

Ph: (605) 773-3352

FROM: Terry Frick
(name)30697 SW Jim River Rd
(address)Yankton SD 57078 605-661-9058
(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. 7567-3 states that the water use system is to be constructed byMarch 11, 2018, and water is to be put to beneficial use by March 11, 2022.
(date) (date)The water use system was completed on June, 2013.
(date)Applying the water to beneficial use was completed on June, 2013.
(date)

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

Terry Frick
(signature)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 25 2021

Terry L Frick
30697 SW Jim River Rd
Yankton SD 57078

Dear Mr. Frick:

Enclosed are Water Permit and License No. 8534-3. The license is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing 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, the 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

Note: The applicable portions of No. 7567-3 are incorporated into Water License No. 8534-3.

enclosures