

WATER PERMIT NO. 7586-3

Name of Applicant: Three Sisters Farms

Address: 44768 300th St, Volin SD 57072 Phone: 605 660-7602

Amount of Water Claimed: 1.78 cfs Total Acres: 150 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 7 miles northeast of Yankton

PRIORITY Date Received: 12-20-2012

Application/License Fee: \$ 1050.00

Corrected Application Received: 12-26-2012

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: SE 1/4 NW 1/4 Sec 12-T94N-R55W

Land to be Irrigated: W 1/2 NE 1/4, SE 1/4 NW 1/4, N 1/2 SE 1/4 Sec 12-T94N-R55W

Depth of Well: 160 feet deep

Well Driller:

Remarks:

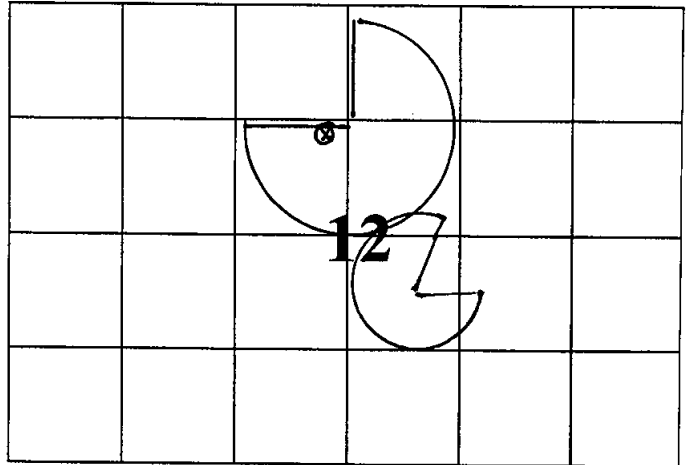
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 12-31-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7586-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Press & Dakotan</u> <u>319 Walnut</u>
	<u>Yankton</u> <u>57078</u> <u>605-665-7811</u>

RECEIVED
DEC 20 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 Three Sisters Farms

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____

(name and complete address if different than above name)

Mailing Address 44768 300th Street Volin SD 57072
(Address) (City) (State) (Zip Code)

Home Phone 605-660-7602 Cell 605-660-2546 Email emperorofhay@live.com

2. Amount of water claimed 1.28 *CFS or 800 **GPM ***AF Total Acreage 150
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water

4. Location of point of diversion NE corner of SE 1/4 of NW 1/4 Sect 12 - 94N - 55W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used May- 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
NW 1/4 of NE 1/4 Sec 12 T94N R55W	37.5		
SE 1/4 of NW 1/4 Sec 12 T94N R55W	37.5		
SW 1/4 of NE 1/4 Sec 12 T94N R55W	37.5		
N 1/2 of SE 1/4 Sec 12 T94N R55W	37.5		

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

I, Mary Anne Boyd, 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. 7586-3**

Date of first receipt of application December 20, 2012.

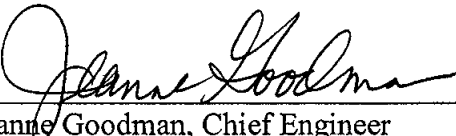
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7586-3 to Three Sisters Farms, 44768 300th St, Volin SD 57072 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7586-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (160 feet deep) located in the SE 1/4 NW 1/4 Section 12 for irrigation of 150 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4, N 1/2 SE 1/4 Section 12; 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: May 1 – September 30.
3. The date from which applicant may claim right is December 20, 2012.
4. The date of approval of Permit No. 7586-3 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. 7586-3 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 160' Depth to Top of Water Bearing Material 50' Depth to Water from Surface 60'
- d) Distance to nearest existing domestic well:
- On applicant's property _____ On property owned by others one half mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

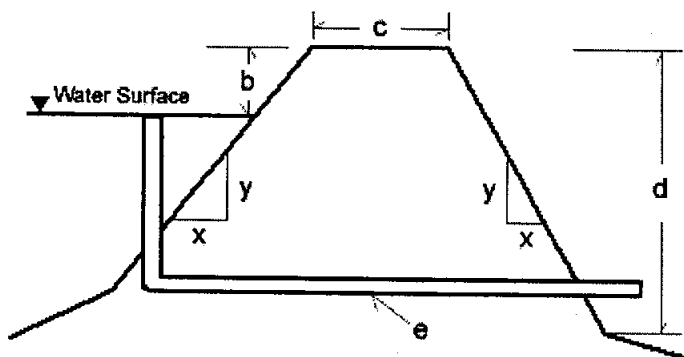
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

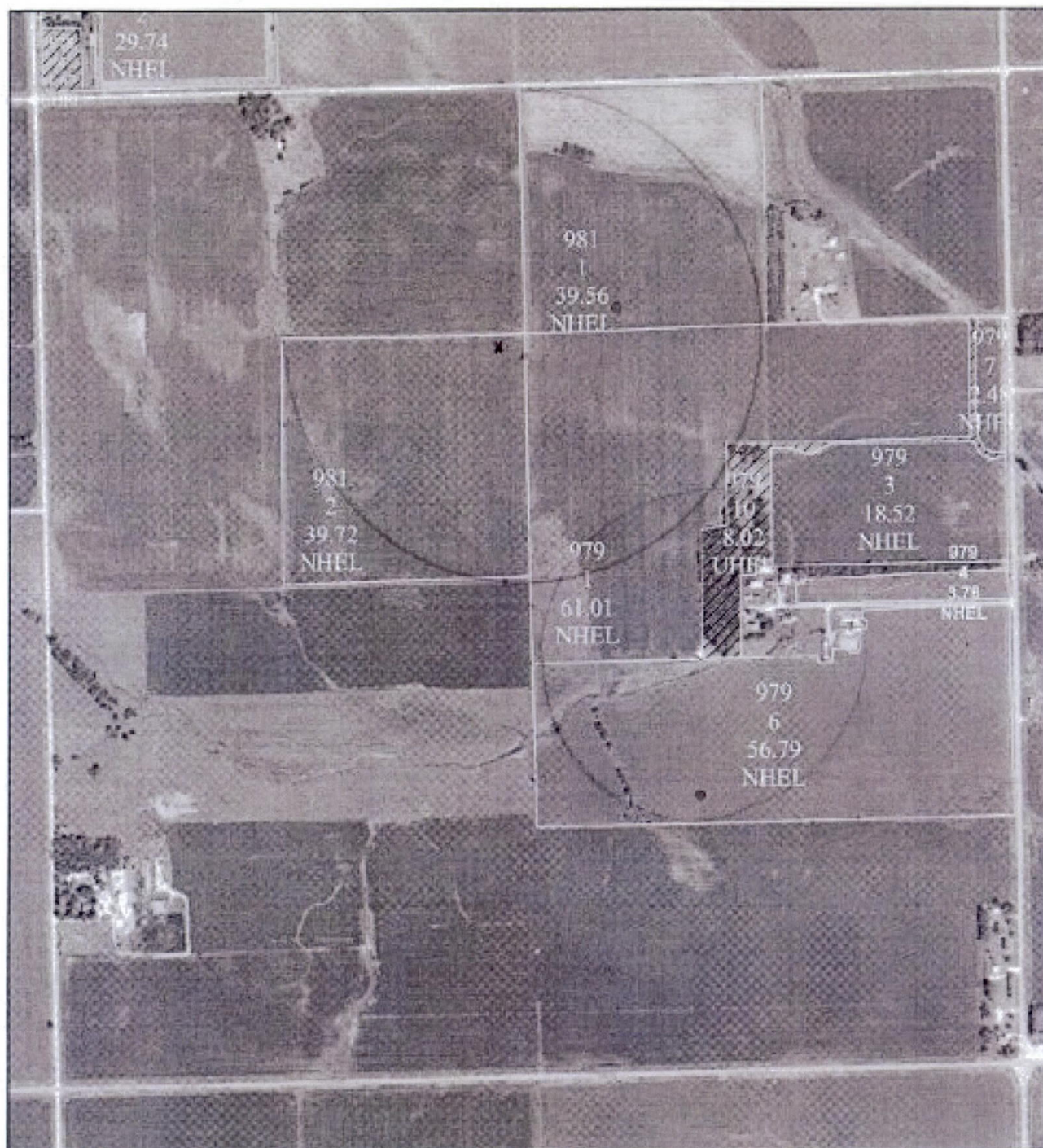
4. Water Storage Dams

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

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

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 12_94N_55W
Farm: 1351

Yankton County, SD

1:8,743



June 07, 2011

Wetland Determination Identifiers

- Excluded Use
- ▽ Limited Restrictions
- Except from Conservation Compliance Provisions

□ Common Land Units

▨ Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

Delinda Schaeffer
Yankton County, SD

12/13/12

2013

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12-31, 2012

RECEIVED OF Three Sisters Farms, 447768 300th St, Volin SD 57072

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

Fee for Application for Permit No. <u>7586-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050 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>7586-3</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. **05815**

By Harland Erbe
Chief Engineer

KS



**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. 7586-3, Three Sisters Farms**

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. 7586-3, Three Sisters Farms, c/o Mary Anne Boyd, 44768 300th Street, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 7586-3 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. 7586-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 14, 2013

REPORT ON WATER PERMIT APPLICATION NO.7586-3

Three Sisters Farms

February 7, 2013

Water Permit Application No. 7586-3 proposes to appropriate 300 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 (160 feet deep) located in the SE 1/4 NW 1/4 Section 12 for irrigation of 150 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4, N 1/2 SE 1/4 Section 12; all in T94N-R55W. The project is located approximately 3.5 miles north of Mission Hill in eastern 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 300 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 300 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).

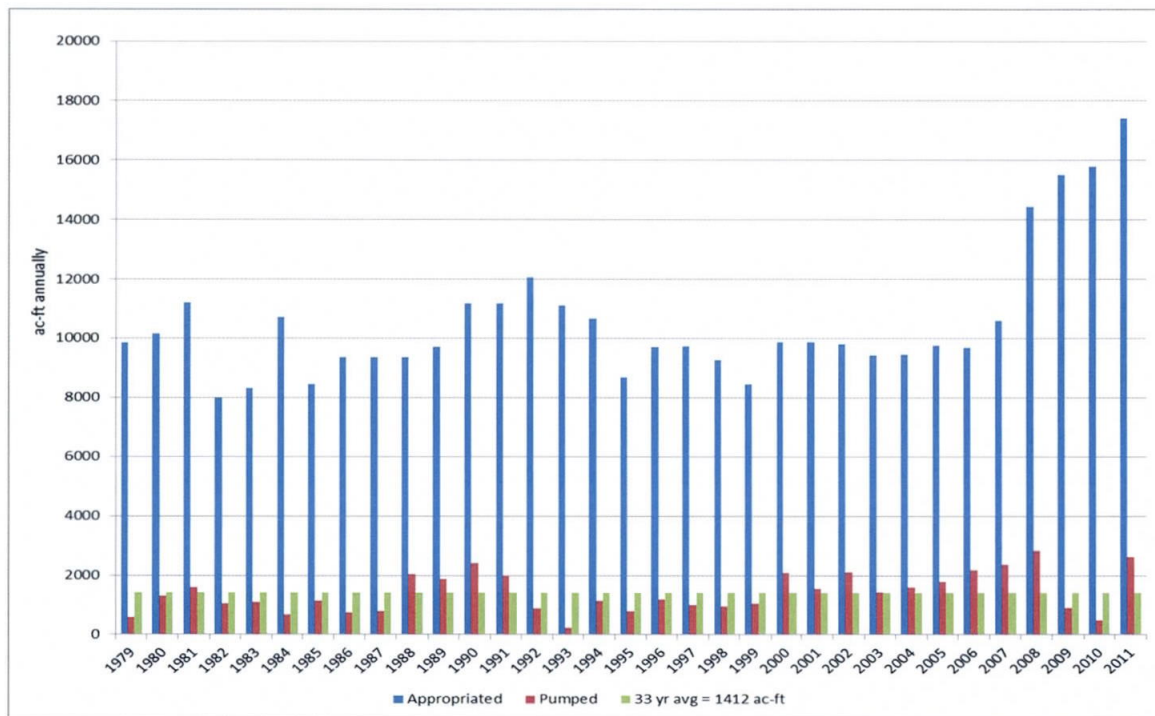


Figure 1- Historic Irrigation Water Use from the Lower James Missouri aquifer from Yankton County. (Water Rights 1979-2013)

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 300 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-80FA) to the proposed well location is located approximately 1.5 miles to the northwest. Two other wells YA- 78E is located approximately 0.75 miles to the southwest and YA-80IA is located approximately 1.75 miles to the south; 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.

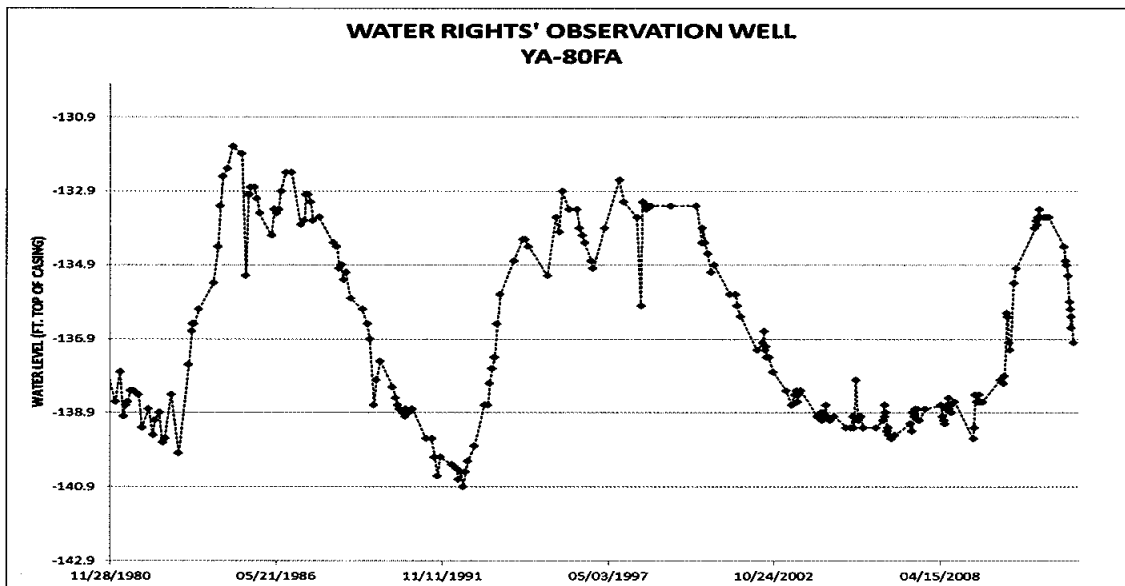


Figure 2 - Hydrograph of DENR-Water Rights' observation well YA-80FA (Water Rights, 2013a).

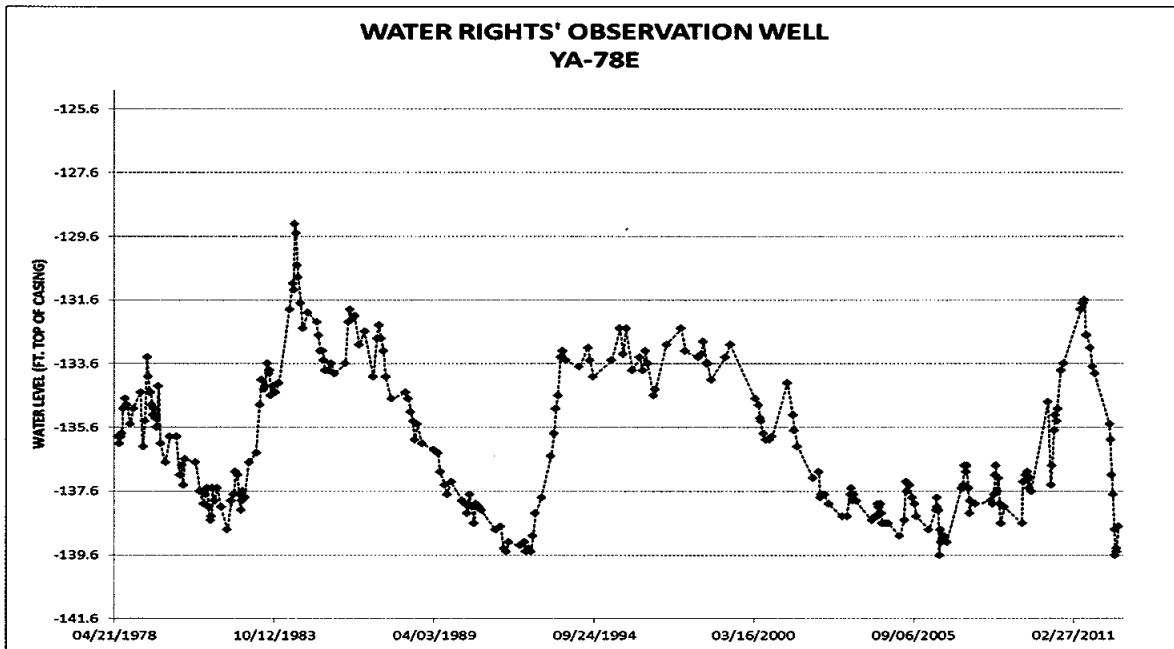


Figure 3 - Hydrograph of DENR-Water Rights' observation well YA-80E (Water Rights, 2013a).

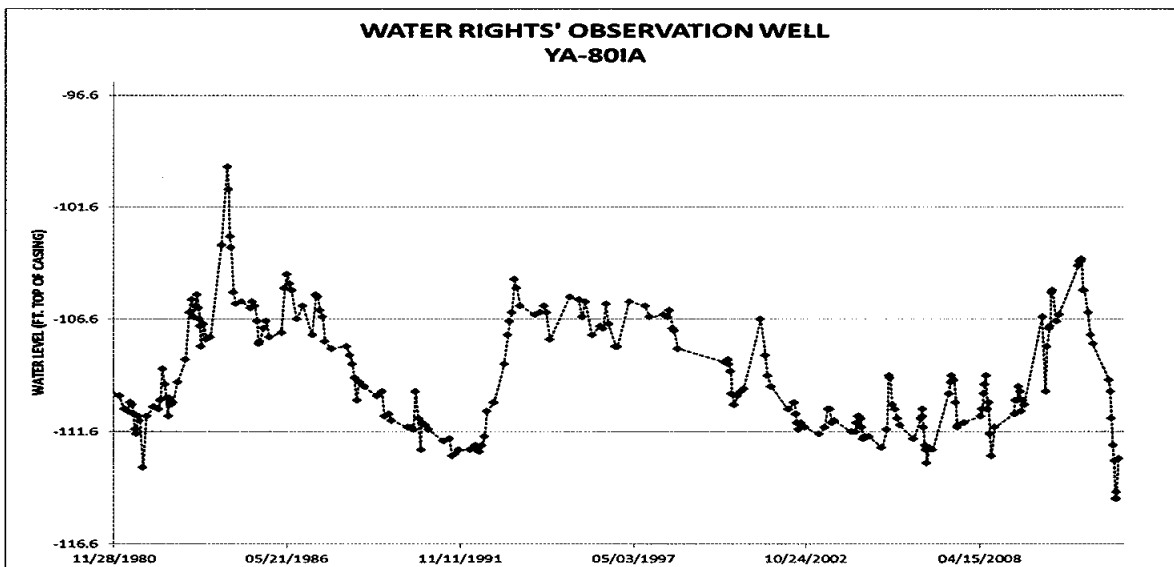


Figure 4 - Hydrograph of DENR-Water Rights' observation well YA-80IA (Water Rights, 2013a).

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.

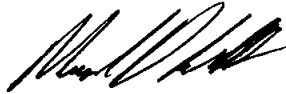
PERMIT_NO	NAME		STATUS	USE	CFS
3369A-3	DELORES	NELSON	LC	IRR	1.440
3369B-3	MORRIS	NELSON	LC	IRR	1.670
6483-3	WILLARD	SCHMIDT	LC	IRR	1.560
6178-3	NELSON	FAMILY PARTNERSHIP	PE	IRR	1.670
7145-3	DELOS	WARRINER	PE	IRR	1.780
7202-3	WILLARD	SCHMIDT	PE	IRR	0.000
7253-3	WILLARD	SCHMIDT	PE	IRR	0.000
6795A-3	YANKTON	LAND & CATTLE COMPANY	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-80FA, YA-80E and YA-80IA. The effects from pumping these irrigation wells located between 0.5 to 1.5 miles from these observation wells have shown no drawdown effect on the wells.

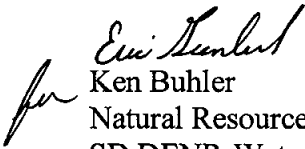
CONCLUSIONS:

1. This application proposes to appropriate up to 300 acre-feet annually from the Lower James Missouri aquifer.
2. There is a reasonable probability that unappropriated water is available from 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.

RECEIVED

MAR - 6 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

2+28

NOTICE OF APPLICATION
NO. 7586-3, to Appropriate Water

Notice is given that Three Sisters Farms, c/o Mary Anne Boyd, 44768 300th St, Volin SD 57072 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 (160 feet deep) located in the SE 1/4 NW 1/4 Section 12 for irrigation of 150 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4, N 1/2 SE 1/4 Section 12; all in T94N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7586-3 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 Grönlund 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 \$25.82.

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. 7586-3

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 \$25.82 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 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 20, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7586-3 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 Three Sisters Farms, c/o Mary Anne Boyd, 44768 300th St., Volin SD 57072 (Ph # 605-660-7602).

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

Three Sisters Farms
Mary Anne Boyd
44768 300th St
Volin SD 57072

Dear Ms. Boyd:

Water Permit Application No. 7586-3 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. 7586-3 to Appropriate Water

Notice is given that Three Sisters Farms, c/o Mary Anne Boyd, 44768 300th St, Volin SD 57072 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 (160 feet deep) located in the SE 1/4 NW 1/4 Section 12 for irrigation of 150 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4, N 1/2 SE 1/4 Section 12; all in T94N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7586-3 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

Three Sisters Farms
44768 300th St
Volin SD 57072

Dear Ms. Boyd:

Enclosed is Water Permit No. 7586-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2013

7586-3

Mary Anne Boyd
PO Box 588
Yankton SD 57078 0588

Dear Ms. Boyd:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire for Three Sisters Farms.

The notice was originally mailed to 44768 300th St, Volin SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

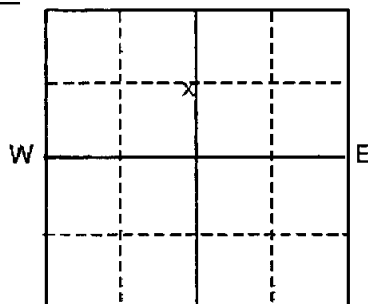
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 12 Twp 94N Rg 55WCounty YANKTON

North

Please mark well
location with an "X"

Well Completion Date

June 21, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,600.0 ft. from SEPTIC (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160.0 LB/FT	16.00 IN	0.0 FT	100.0 FT	28.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	50	Lb/gal	0.0 Ft	80.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMI METHOD

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16.00 Inches Length 20.0 Feet
Material PVCSlot Size .085 Set From 100.0 Feet to 200.0 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? CHLORINE TABLETS
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: THREE SISTERS FARMS

Business Name:

Address: 30443 446TH AVECity, State, Zip: VOLIN SD 57072

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
SILTY BROWN CLAY	2	40
BLUE CLAY	40	71
MED SAND/COURSE GRAVEL	71	190
BLUE CLAY	190	200

STATIC WATER LEVEL

71.0 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: TURBINE PUMP AND ENGINE☐ Bailed☐ Other

Pumping Level Below Land Surface

74.0 Ft. After 2.0 Hrs. pumped 850.0 GPM75.0 Ft. After 2.0 Hrs. pumped 1,500.0 GPMIf pump installed, pump rate: 900.0 GPM

REMARKS

This well was drilled under license # 773 and this report is true and accurate.Drilling firm: QUALITY WELL SERVICE, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

2-27-14



7586-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: THREE SISTERS FARMS, MARY ANNE BOYD, 1004 MULBERRY ST, YANKTON, SD
57078 3033

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7586-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7586-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7586-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7586-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 2019

7586-3

Mary Anne Boyd
Three Sisters Farms
1004 Mulberry St
Yankton SD 57078

Dear Ms. Boyd:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit No. 7586-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, reading "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7586-3

I have this day, July 13, 2021 made a thorough examination of the water use system owned by Three Sisters Farms, 1004 Mulberry St., Yankton, SD 57078, holder of Permit No. 7586-3, bearing the priority date of December 20, 2012, authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 150 acres, located in Yankton County.

Inspection contact: Mary Anne Boyd and Josh Johnson

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Quality Well Service, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 200 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 100 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 100 feet
- 3) Type: PVC
- 4) Static water level: 71 feet

Pump:

- 1) Make: Unknown
- 2) Model: Unknown
- 3) Capacity: 900 gpm

Motor:

- 1) Make: Unknown
- 2) Model No.: Unknown
- 3) Horsepower rating: 60 hp

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

- | | | |
|----------------------------|--------------------------|--|
| 1) Type: <u>Galvanized</u> | 2) Size: <u>8</u> inches | 3) Length: <u>20 feet to the north pivot</u> |
| 2) Type: <u>PVC</u> | 2) Size: <u>8</u> inches | 3) Length: <u>1,980 feet to south pivot</u> |

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

- 1) Make: Zimmatic
- 2) Overall length: 1,298 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 900 gpm

South Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 922 feet
- 3) Number of towers: 5
- 4) End gun: Yes
- 5) Capacity: 900 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: The pump flow rate is more than what was authorized by the permit.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 2,640 feet east and 1,340 feet south of the northwest corner of Section 12-T94N-R55W (Latitude 42.97781, Longitude -97.28885 – SE1/4 of the NW1/4).
- 2) The works are capable of diverting and conveying to the place of use 2.01 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 12-T94N-R55W

<u>NW1/4NE1/4</u>	<u>32 acres</u>
<u>SE1/4NW1/4</u>	<u>34 acres</u>
<u>SW1/4NE1/4</u>	<u>35 acres</u>
<u>NW1/4SE1/4</u>	<u>34 acres</u>
<u>NE1/4SE1/4</u>	<u>8 acres</u>

comprising a total of 143 acres of land and the license should be issued for 1.78 cfs.

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

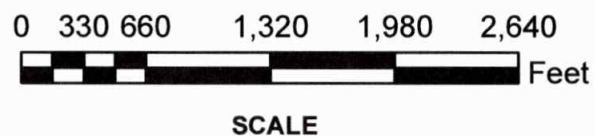
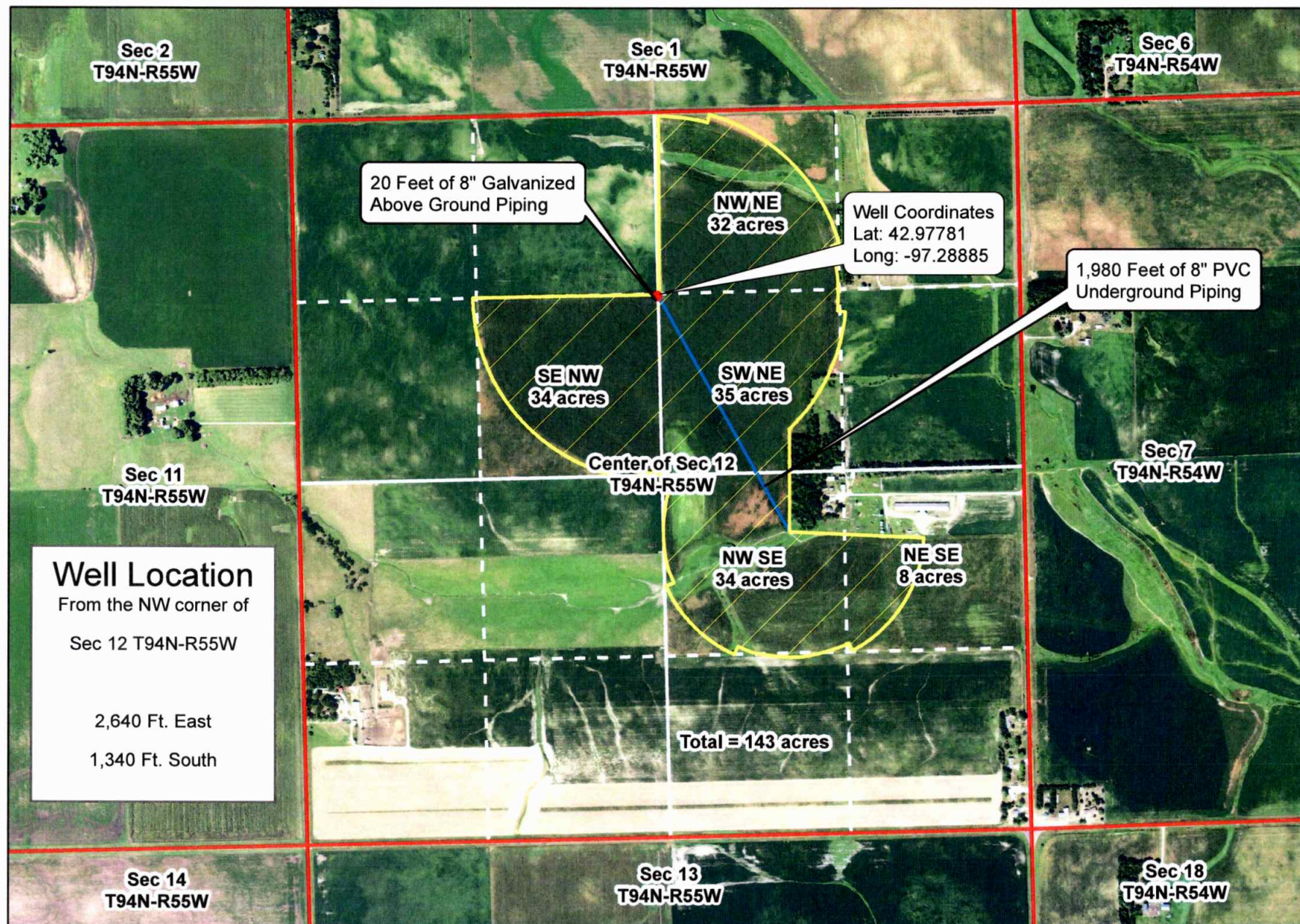
F. Comments or other permit(s) associated with the project: The pump flow rate and the motor horsepower were obtained from an invoice from Quality Well Service. Neither the owner or the pump installer had the make and model information for the pump or motor.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: August 30, 2021

Water Right No. 7586-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
July 13, 2021

7586-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date July 13, 2021

MAIL TO: PMB 2020
DANR - Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3182

Ph: (605) 773-3352

FROM: Three Sisters Farms (Mary Anne Boyd)
(name)

1004 Mulberry Street
(address)

Yankton SD 57078 605-660-7602
(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. 7586-3 states that the water use system is to be constructed by

March 11, 2018, and water is to be put to beneficial use by March 11, 2022.
(date) (date)

The water use system was completed on July 2013.
(date)

Applying the water to beneficial use was completed on July 2013.
(date)

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

Mary Anne Boyd
(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7586-3

AUG 31 2021

Mary Anne Boyd
Three Sisters Farms
1004 Mulberry St
Yankton SD 57078

Dear Ms. Boyd:

Enclosed is Water License No. 7586-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

NOTE: The investigation found your irrigation system capable of diverting 2.00 cubic feet of water per second (cfs) which is equivalent to approximately 900 gallons per minute. The water permit authorized 1.78 cfs (800 gpm). The water license cannot be issued for a greater amount than originally permitted. Diversion of water under this water license is limited to 1.78 cfs.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7586-3**

(1) Three Sisters Farms, 1004 Mulberry St., Yankton SD 57078 made Application No. 7586-3, December 20, 2012 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7586-3, with a priority date of December 20, 2012 was approved March 11, 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 11, 2018 and for the application to beneficial use of said water on or before March 11, 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,640'E and 1,340'S of the NW corner of Section 12, T94N, R55W (SE ¼ NW ¼)
Latitude 42.97781, Longitude -97.28885

(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, T94N, R55W	NW ¼ NE ¼	32 acres
	SE ¼ NW ¼	34 acres
	SW ¼ NE ¼	35 acres
	NW ¼ SE ¼	34 acres
	NE ¼ SE ¼	8 acres
Total		143 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Three Sisters Farms, 1004 Mulberry St., Yankton SD 57078 the holder and/or owner of Water Right No. 7586-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of December 20, 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. 7586-3 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. 7586-3 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 June 2013 by Quality Well Service LLC. A copy of the well completion report is on file with the Water Rights Program.*

Continued

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

AUG 31 2021

date

