

WATER PERMIT NO. 7611-3

Name of Applicant: **Dan Hacecky**

Address: **30463 NE Jim River Rd, Mission Hill SD 57046**

Phone: **605 665-5321**

Amount of Water Claimed: **2.22 cfs** Total Acres: **77**

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

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

Type of Waste Disposal System:

Location: **5 miles northwest of Mission Hill**

PRIORITY Date Received: **1-4-13** Application/License Fee: **\$ 950**

Corrected Application Received: Period of Annual Use: **April 1 – Sept 30**

Remarks:

Diversion Point: **SW 1/4 NE 1/4 Sec 16-T94N-R55W**

Land to be Irrigated: **E 1/2 NW 1/4, W 1/2 NE 1/4**
(Gov't Lots 1 & 4) Sec 16-T94N-R55W

Depth of Well: **115 feet deep**

Well Driller:

Remarks:

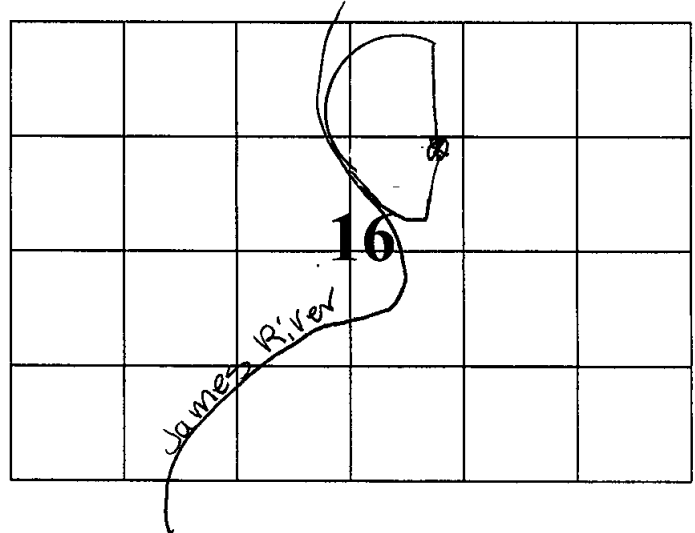
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-8-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Botton

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7611-3</u>	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Press & Telestar - 319 Walnut</u> <u>Yankton 57078 605-665-7811</u>	

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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.)

- Name to Appear on Irrigation Permit Dan Harecky
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
 (name and complete address if different than above name)
 Mailing Address 30463 - NE Sim River Rd Mission Hill SD 57046
 (Address) (City) (State) (Zip Code)
 Home Phone 605-665-5321 Cell 605-661-5321 Email NA
- Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 77
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 well lower Missouri Aquifer or Sim river Aquifer
- Location of point of diversion Planned 1 well in SW 1/4 of the NE 1/4
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Sec 16 T94N - R 55W County Yankton
- County or counties where water will be used Yankton County South Dakota
- Annual period during which water is to be used Spring - Summer April - September 30
- 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)

Parcel 9: Government Lot Six (6), lying south and west of the gravel road, Section Nine (9), Township Ninety-four (94) North of Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota, as per survey recorded in Book S19, page 98.

<u>E 1/2 NW 1/4</u>	Acres
<u>W 1/2 NE 1/4</u>	
<u>60 1/2 lots</u>	<u>144</u>
<u>Sec 16 - T 94N -</u>	
<u>R 55 W</u>	

Parcel 10: Government Lots One (1) and Four (4), Section Sixteen (16), Township Ninety-four (94) North of Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota, less highways and roads.
77 Acres NOT SURE

Center pivot Irrigation to Improve property on described
 Legal description
requesting diversion rate greater than Statutory limit

I, Dan Harecky, 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. 7611-3

Date of first receipt of application January 4, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7611-3 to Dan Hacecky, 30463 NE Jim River Rd, Mission Hill SD 57046 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. 7611-3 appropriates 1.89 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (115 feet deep) located in the Gov't Lots 1 and 4 (SW 1/4 NE 1/4) Section 16 for irrigation of 77 acres located in the Gov't Lots 1 and 4 (E 1/2 NW 1/4, W 1/2 NE 1/4) Section 16; 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 January 4, 2013.
4. The date of approval of Permit No. 7611-3 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. 7611-3 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. 7611-3 authorizes a maximum diversion rate of 1.89 cfs for the irrigation of 77 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 115' Depth to Top of Water Bearing Material 60' Depth to Water from Surface 25'

d) Distance to nearest existing domestic well:

On applicant's property 1/2 mile On property owned by others _____

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)

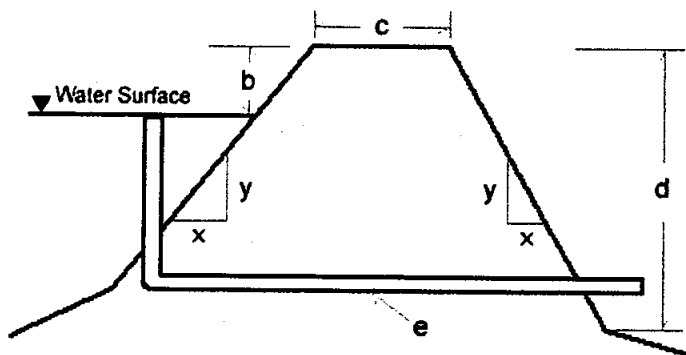
Upstream _____

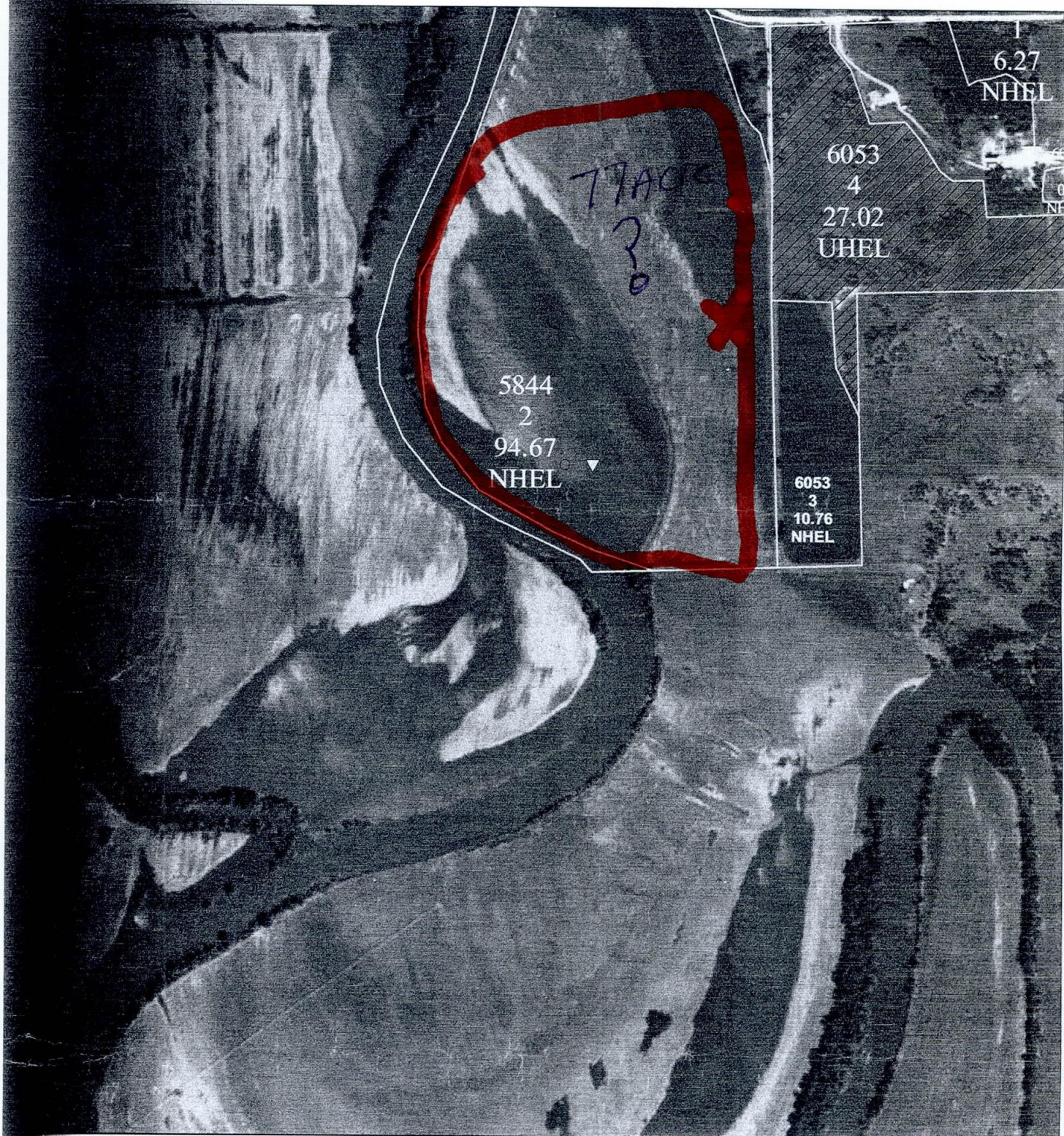
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

February 14, 2011

PLSS: 16_94_55
Farm: 6052

Yankton County, SD

1:7,657



Wetland Determination Identifiers
 ● Restricted Use
 ○ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

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Common Land Units

WATER RIGHTS PROGRAM

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

12G



Sec 31
T095N
R55W

Sec 32
T095N
R55W

Sec 33
T095N
R55W

Sec 34
T095N
R55W

Sec 6
T094N
R55W

Sec 5
T094N
R55W

Sec 4
T094N
R55W

Sec 3
T094N
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Sec 7
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Sec 20
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Sec 21
T094N
R55W

Sec 22
T094N
R55W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/8, 20 13

RECEIVED OF Dan Hacecky 30463 NE Jim River Rd Mission Hill SD 57046

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

Fee for Application for Permit No. <u>7611-3</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>7611-3</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. 05912

By [Signature]

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 7611-3, Dan Hacecky**

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. 7611-3, Dan Hacecky, 30463 NE Jim River Rd, Mission Hill SD 57046..

The Chief Engineer is recommending APPROVAL of Application No. 7611-3 for 1.89 cfs 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. 7611-3 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. 7611-3 authorizes a maximum diversion rate of 1.89 cfs for the irrigation of 77 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.

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
February 20, 2013

NOTE: The application request diversion rate authority of 2.22 cubic feet of water per second (1,000 gpm). This is much greater than the statutory limit for irrigation of 77 acres. Realizing that this is a standard quarter section pivot that will make a windshield wiper rotation, I am recommending the diversion rate be limited to 1.89 cfs (850 gpm).

REPORT ON WATER PERMIT APPLICATION NO.7611-3

**Dan Hacecky
February 15, 2013**

Water Permit Application No. 7611-3 proposes to appropriate 154 acre-feet of water at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri aquifer (115 feet deep) located in the SW 1/4 NE 1/4 Section 16 for irrigation of 77 acres located in the (Gov't Lots 1 & 4) E 1/2 NW 1/4, W 1/2 NE 1/4 Section 16; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit. The project is located approximately five miles north of the town 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, and 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 ground 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 154 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 154 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, 2013b). 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).

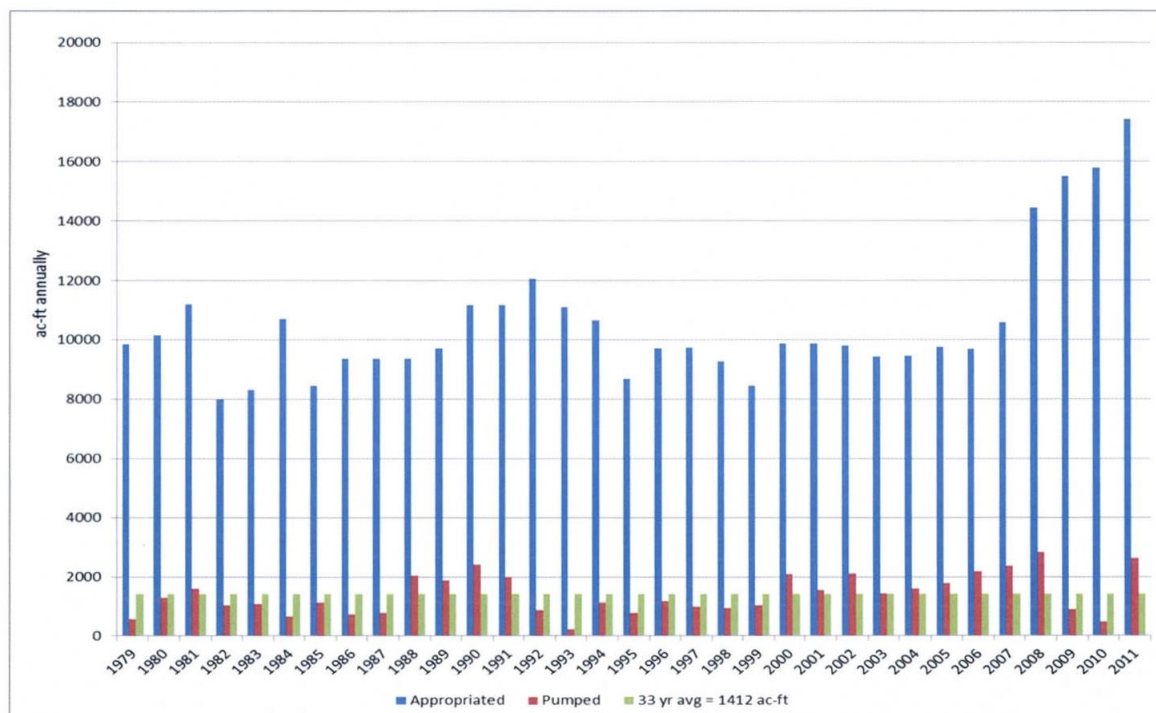


Figure 1- Historic Irrigation Water Use from the Lower James Missouri aquifer from Yankton County. (Water Rights 1979-2012)

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 154 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 well (YA-80HA) to the proposed well location is located approximately 1.5 miles to the northeast. Another well, YA-78E, is located approximately 2.5 miles east shows 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 - 3 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.

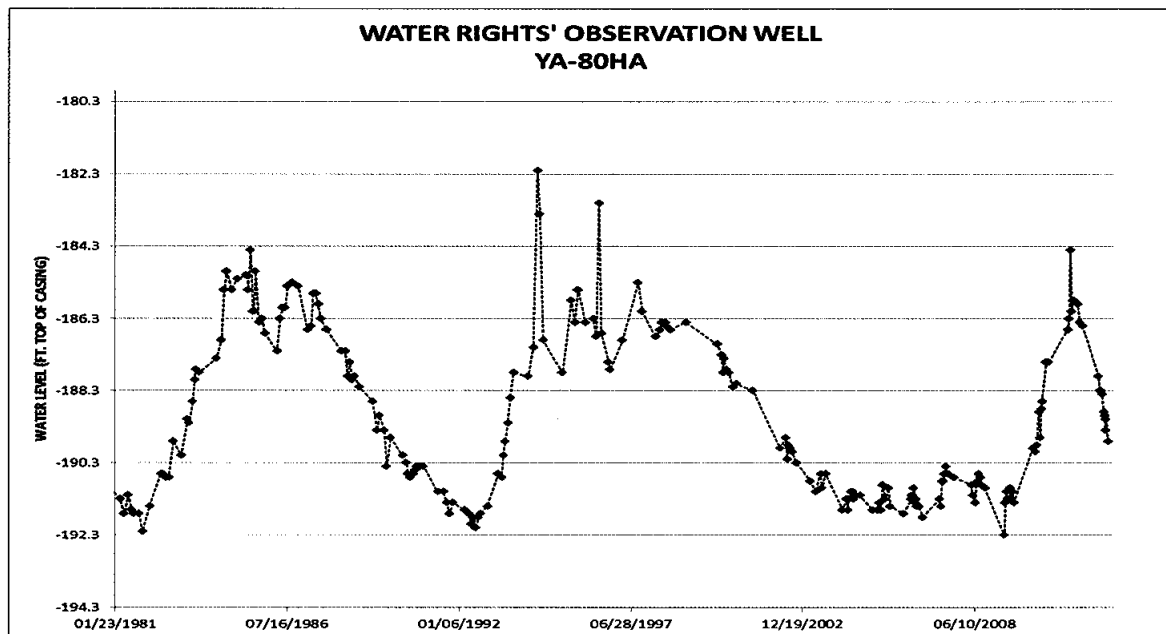


Figure 2 - Hydrograph of DENR-Water Rights' observation well YA-80HA (Water Rights, 2013a).

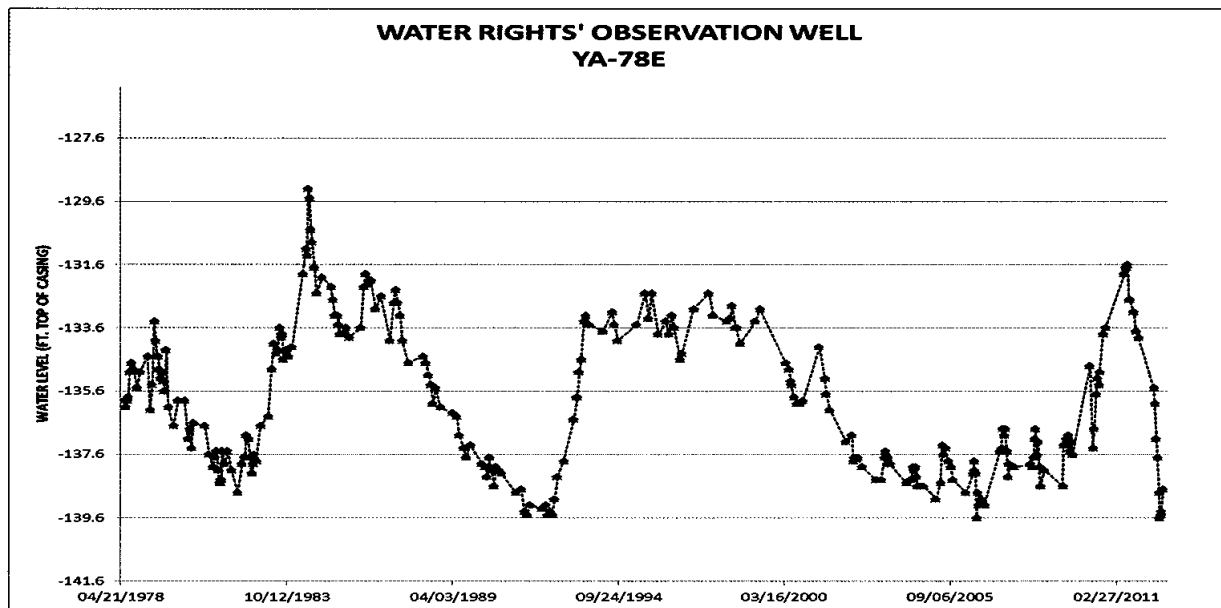


Figure 3 - Hydrograph of DENR-Water Rights' observation well YA-78E (Water Rights, 2013a).

EXISTING WATER RIGHTS:

There are two water rights/permits appropriating water within two miles from the proposed well location and fourteen domestic wells on record with SD DENR (Water Rights, 2013b, 2013c). These existing water rights are listed in table 1.

PERMIT_NO	NAME	STATUS	USE	CFS	ACRES
4506-3	SCHENK	LC	IRR	2.450	203.00
4997-3	HEBDA	LC	IRR	0.280	32.00

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-80 HA and YA-78E. The effects from pumping the irrigation wells located between 0.25 to 1.5 miles from these observation wells have shown no noticeable drawdown effects.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires.

The applicant proposes to utilize a center pivot irrigation system; however the system will only make a partial turn yet still require the larger diversion rate to operate efficiently. If approved the total acreage for this project would be 77 acres at a diversion rate of 2.22 cfs. This diversion rate seems a bit excessive for the number of acres irrigated.

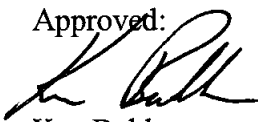
CONCLUSIONS:

1. This application proposes to appropriate up to 154 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.
4. If approved the total acreage for this project would be 77 acres at a diversion rate of 2.22 cfs.



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. 1979-2012. "1979-2011 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.

Water Rights. 2013c. Water Well Completion Report. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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MAR - 6 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

2+28

NOTICE OF APPLICATION
NOS. 7611-3 and 7612-3 to
Appropriate Water

Notice is given that Dan Hacecky, 30463 NE Jim River Rd, Mission Hill SD 57046 has filed the following application for a water permit.

Application No. 7611-3 proposes to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (115 feet deep) located in the Gov't Lots 1 and 4 (SW 1/4 NE 1/4) Section 16 for irrigation of 77 acres located in the Gov't Lots 1 and 4 (E 1/2 NW 1/4, W 1/2 NE 1/4) Section 16; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 7612-3 proposes to appropriate 2.22 cfs from one well to be completed into the Lower James:Missouri Aquifer (115 feet deep) located in the NE 1/4 NW 1/4 Section 9 for irrigation of 153 acres located in the SW 1/4 SW 1/4 Section 4, Gov't Lots 1, 3, 5 (E 1/2 NE 1/4) Section 8, NW 1/4, Gov't Lots 1, 2, 3 (N 1/2 SW 1/4) that part of NW 1/4 lying west of the gravel road Section 9; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7611-3 and 7612-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

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 DEPOSED AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Notice of Application Nos. 7611-3 & 7612-3

ested person or the applicant must be filed by March 11, 2013.

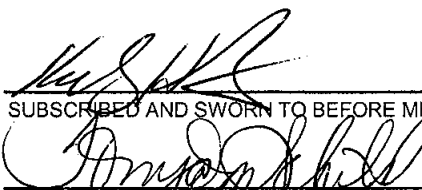
The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.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

Published once at the total approximate cost of \$34.59.

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 \$34.59 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 21, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7611-3 and 7612-3 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 Dan Hacecky, 30463 NE Jim River Rd., Mission Hill SD 57046 (Ph # 605-665-5321).

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 21, 2013

Dan Hacecky
30463 NE Jim River Rd
Mission Hill SD 57046

Dear Mr. Hacecky:

Water Permit Application Nos. 7611-3 and 7612-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on February 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 NOS. 7611-3 and 7612-3 to Appropriate Water

Notice is given that Dan Hacecky, 30463 NE Jim River Rd, Mission Hill SD 57046 has filed the following application for a water permit.

Application No. 7611-3 proposes to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (115 feet deep) located in the Gov't Lots 1 and 4 (SW 1/4 NE 1/4) Section 16 for irrigation of 77 acres located in the Gov't Lots 1 and 4 (E 1/2 NW 1/4, W 1/2 NE 1/4) Section 16; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 7612-3 proposes to appropriate 2.22 cfs from one well to be completed into the Lower James:Missouri Aquifer (115 feet deep) located in the NE 1/4 NW 1/4 Section 9 for irrigation of 153 acres located in the SW 1/4 SW 1/4 Section 4, Gov't Lots 1, 3, 5 (E 1/2 NE 1/4) Section 8, NW 1/4, Gov't Lots 1, 2, 3 (N 1/2 SW 1/4) that part of NW 1/4 lying west of the gravel road Section 9; all in T94N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7611-3 and 7612-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

APR 26 2013

Dan Hacecky
30463 NE Jim River Rd
Mission Hill SD 57046

Dear Mr. Hacecky:

Enclosed are Water Permit Nos. 7611-3 and 7612-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

11-02

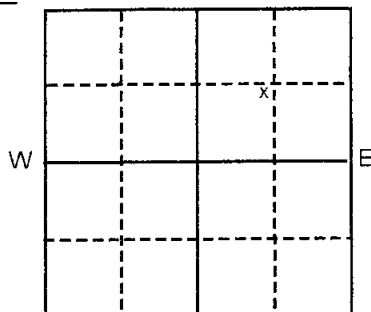
Location SW 1/4 NE 1/4 Sec 16 Twp 94 Rg 55W

Well Owner: Dan Hacecky

County Yankton

North

Please mark well location with an "X"



Well Completion Date

March 12, 2013



Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,500.0 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>95.0</u> FT	<u>20.00</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>22</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>80.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 60.0 Feet

Material PVC

Slot Size .060 Set From 95.0 Feet to 155.0 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 analysis

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Fine Sand w/ some Pebbles	2	25
Brown Clay	25	31
Fine Sand w/ some Pebbles	31	38
Glacial Till	38	47
Clay Med to Light Color	47	72
Pebbly Sand	72	123
Small Gravel	123	137
Small to Med Gravel	137	155

STATIC WATER LEVEL 25.0 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 PROGRAM

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

R.A. Hammond

Signature of Well Owner or Equitable Property Holder:

Date: 4/11/13

RECEIVED

OCT 28 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-23-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Dan Harecky
(name)30463 NE Jim River Rd
(address)Mission Hill SD 570⁴⁶~~88~~
(city, state, zip)605-661-5321
(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.

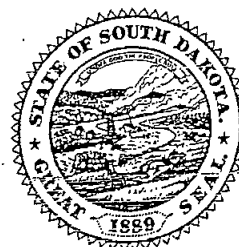
Water Permit No. 7611-3 states that the water use system is to be constructed by
March 11 2018 , and water is to be put to beneficial use by March 11-2022
(date) (date)

The water use system was completed on 7-1-13
(date)

Applying the water to beneficial use was completed on 7-1-13
(date)

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

D. Harecky
(signature)



7611-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2013

7611-3

7612-3

Dan Hacecky
30463 NE Jim River Rd
Mission Hill SD 57046

Dear Mr. Hacecky:

Thank you for the prompt return of your 2013 irrigation questionnaires. I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with your irrigation systems authorized under Water Permit Nos. 7611-3 and 7612-3.

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

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

Sincerely,

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7611-3**

I have this day, September 8, 2021, made a thorough examination of the water use system constructed by Dan Hacecky, 30463 NE Jim River Road, Mission Hill, SD 57046, holder of Permit No. 7611-3, bearing the priority of January 4, 2013 authorizing the diversion of 1.89 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 77 acres located in Yankton County.

Inspection contact: Dan Hacecky and Jake Hacecky

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 155 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 95 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 25 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 800s400-2aa
- 3) Capacity: 820 GPM

Motor:

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

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

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

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 1,480 feet
- 3) Number of towers: 8
- 4) End gun: Yes
- 5) Capacity: 820 GPM

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes
- 5) Discharge is 20' from source: Yes
- 6) Interlock type: Electrical
- 7) Injection pump: Positive Displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,360 feet west and 1,130 feet south of the northeast corner of Section 16-T94N-R55W (Latitude 42.96373, Longitude -97.34314 – NW1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use 1.83 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 16-T94N-R55W</u>	<u>Section 9-T94N-R54W</u>
<u>NE1/4NW1/4 3 acres</u>	<u>SW1/4SE1/4 4 acres</u>
<u>NW1/4NE1/4 33 acres</u>	
<u>SE1/4NW1/4 3 acres</u>	
<u>SW1/4NE1/4 34 acres</u>	

comprising a total of 77 acres of land and the license should be issued for 1.83 cfs.
3. All structures, wells, and lands on map: Yes

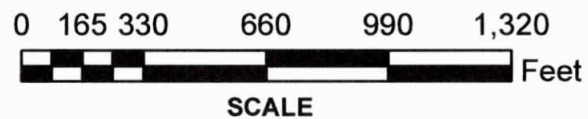
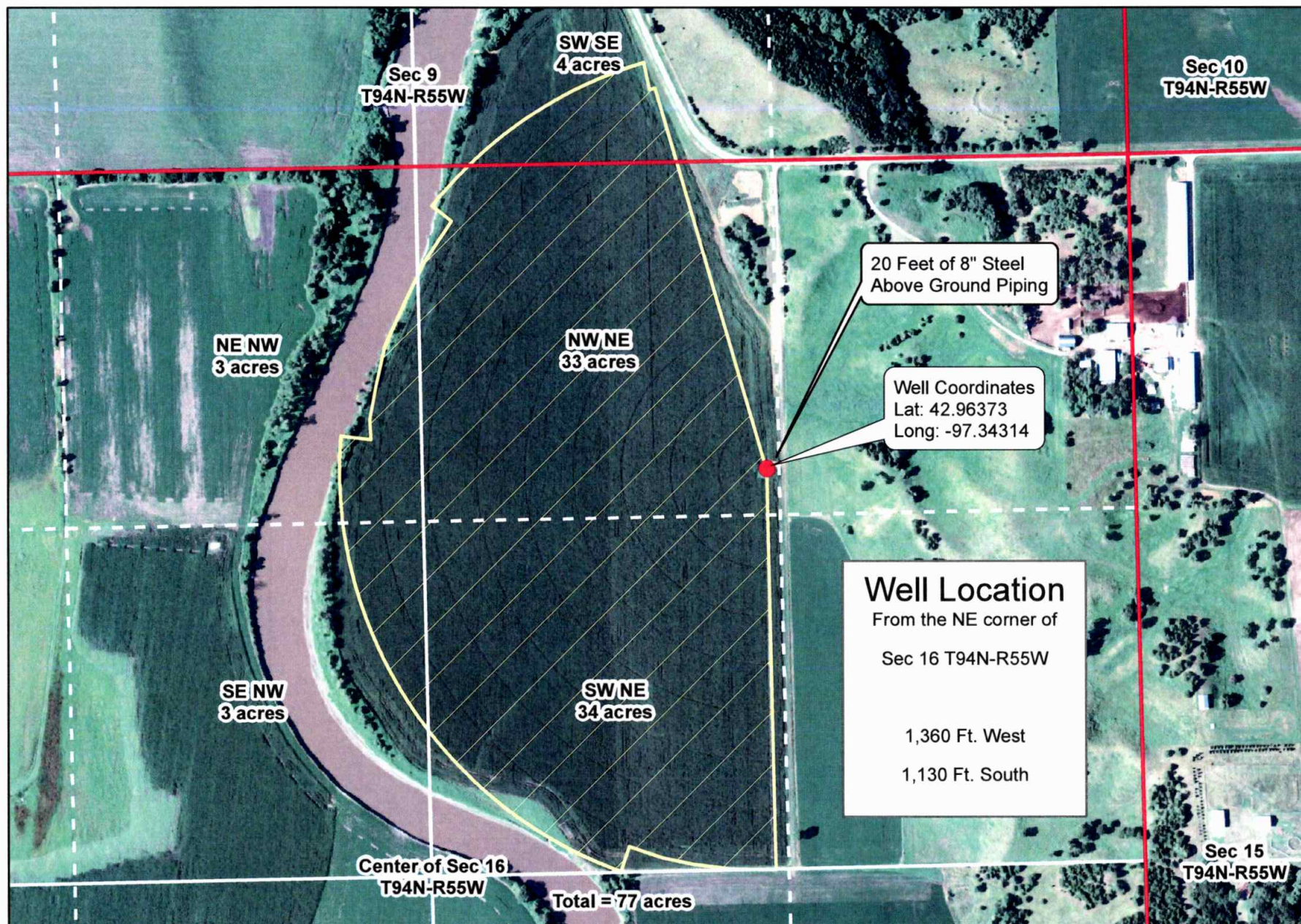
F. Comments or other permit(s) associated with the project: The water permit did not mention the land being irrigated in Section 9, T94N-R55W. This land is in the same field as the other irrigated land, is adjacent to the land described in the permit and is land owned by Mr. Hacecky. Also, the well appears to be in the NW1/4 of the NE1/4 of Section 16-T94N-R55W instead of the SW1/4 of the NE1/4 of Section 16-T94N-R55W.

Keith DeJong

Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 8, 2021

Water Right No. 7611-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
September 8, 2021

Licensing of Acreage Outside of Permitted Area

NAME: Dan Hacecky

ADDRESS: 30463 NE Jim River Road, Mission Hill, SD 57046

DATE: September 9 2021

COUNTY: Yankton AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 77 acres as compared to 77 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

There were 4 acres irrigated located in SW ¼ SE ¼ of Section 9 adjacent to the remainder of the project located in Section 16: all in T94N-R55W.

- **Owned by Same Property Owner**

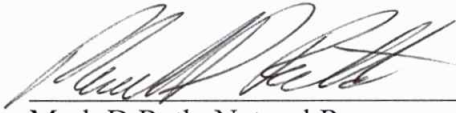
yes

- **Developed Prior to Expiration of Construction Period**

yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 4 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 20 2021

7611-3

Dan Hacecky
30463 NE Jim River Rd
Mission Hill SD 57046

Dear Mr. Hacecky:

Enclosed is Water License No. 7611-3. 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7611-3

(1) Dan Hacecky, 30463 NE Jim River Rd., Mission Hill SD 57046 made Application No. 7611-3, January 4, 2013 for a water permit to divert 1.89 cubic feet of water per second (cfs) from ground water, one well (Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7611-3, with a priority date of January 4, 2013 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.

An investigation conducted for licensing purposes found the diversion point and four of the acres developed for irrigation under Water Permit No. 7611-3 were not in the locations authorized by the permit. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.83 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,360'W and 1,130'S of the NE corner of Section 16, T94N, R55W (NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16)
Latitude 42.96373, Longitude -97.34314

(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 16, T94N, R55W		Section 9, T94N, R54W
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3 acres	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres	Total irrigated acres - 77
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dan Hacecky, 30463 NE Jim River Rd., Mission Hill SD 57046 the holder and/or owner of Water Right No. 7611-3 is issued a license to appropriate water, the right to use 1.83 cubic feet of water per second from ground water, one well (Lower James Missouri Aquifer) with a priority date of January 4, 2013 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. 7611-3 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.

continued

- The well authorized by Permit No. 7611-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***The well was drilled in March 2013 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.***
- 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, Water Right No. 7611-3 authorizes a maximum diversion rate of 1.83 cfs for the irrigation of 77 acres with an annual volume not to exceed 2 acre feet of water per acre per year. ***The diversion rate was reduced from 1.89 cfs to 1.83 cfs based on the system as developed.***
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 20 2021

date



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Dan Hacecky

ADDRESS: 30463 NE Jim River Road, Mission Hill, SD 57046

DATE: September 9 2021

COUNTY: Yankton

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct one well complete into the Lower James:Missouri Aquifer in the SW1/4 NE1/4 of Section 16 to irrigate 77 acres in E1/2 NW1/4, W1/2 NE1/4 Section 16; all in T94N-R55W. The well was completed in NW1/4 NE1/4 of Section 16 T94N-R55W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The relocated well was complete into the Lower James:Missouri Aquifer as permitted.

- **Review of Existing Diversions**

There are several wells complete into the Lower James:Missouri Aquifer in the area the nearest well is located approximately a 1.5 miles away to the southwest of this well.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program