

WATER PERMIT NO. 7663-3

Name of Applicant: Paul Young

Address: 815 James Place, Yankton SD 57078 Phone: 605 661-2111

Amount of Water Claimed: 1.44 cfs Total Acres: 132

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 8 miles southeast of Yankton

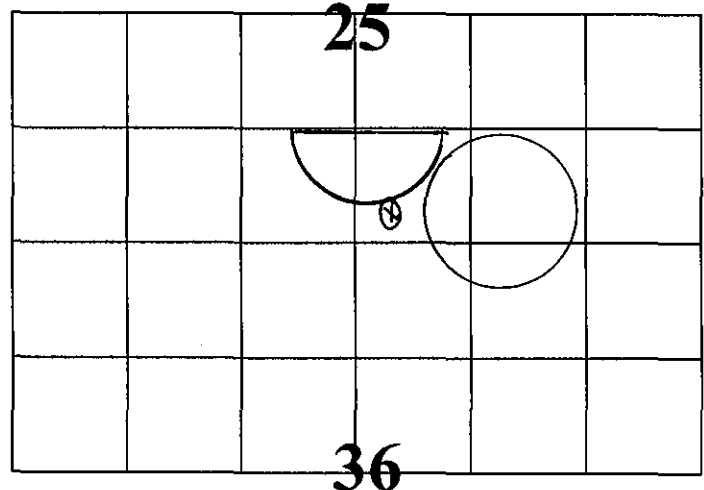
PRIORITY Date Received: 1-25-13 Application/License Fee: \$1050

Corrected Application Received: Period of Annual Use: June 1 – Sept 1

Remarks:

Diversion Point: SW 1/4 SE 1/4 Sec 25-T93N-
R54W

Land to be Irrigated: SE 1/4 SW 1/4, S 1/2 SE 1/4
Section 25 and N 1/2 NE 1/4 Section 36; all in
T93N-R54W



Depth of Well: 90 feet

Well Driller: Christensen Well Drilling

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-28-13

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7663-3</u>	Hydrologic Unit <u>10120101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Press & Dakotan</u>	
<u>319 Walnut Yankton 57078</u>		<u>605-665-7811</u>

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JAN 25 2013
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 Paul Young
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
 (name and complete address if different than above name)

Mailing Address 815 James Place Yankton S.D. 57078
 (Address) (City) (State) (Zip Code)

Home Phone 605-661-2111 Cell 605-661-2111 Email _____

2. Amount of water claimed 1.45 *CFS or 650 **GPM ***AF Total Acreage 132
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well

4. Location of point of diversion Section 93N54W25 (SW 1/4 SE 1/4)
 (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 June - July - Aug - Sep.

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
93N54W25	36	See map	
93N54W25	40		
93N54W25	40		
93N54W36	13		

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

I, Paul Young, 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. 7663-3

Date of first receipt of application January 25, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7663-3 to Paul Young, 815 James Place, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7663-3 appropriates 1.45 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (90 feet deep) located in the SW 1/4 SE 1/4 Section 25 for irrigation of 132 acres located in the SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 25 and N 1/2 NE 1/4 Section 36; all in T93N-R54W.
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: June 1 – September 30.
3. The date from which applicant may claim right is January 25, 2013.
4. The date of approval of Permit No. 7663-3 is April 1, 2013.
5. One-fifth of the construction is to be completed on or before October 1, 2015.
6. All construction is to be completed on or before April 1, 2018.
7. Water is to be put to beneficial use on or before April 1, 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. 7663-3 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

MAY 20 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 will be drilled by Christensen well Hartington NE
(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 90 ft Depth to Top of Water Bearing Material Depth to Water from Surface 18

d) Distance to nearest existing domestic well:

On applicant's property none On property owned by others 1/2 mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field)

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

b) Depth to water (ground surface to water level)

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

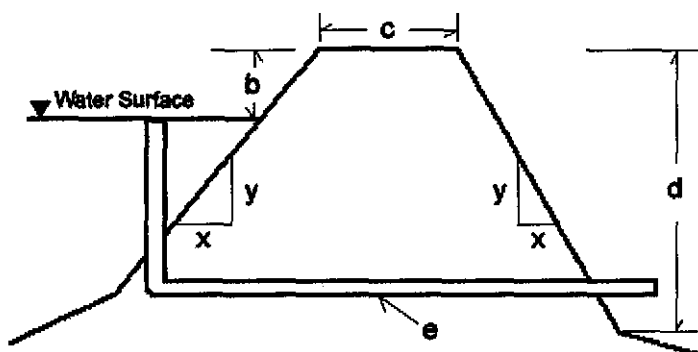
Upstream

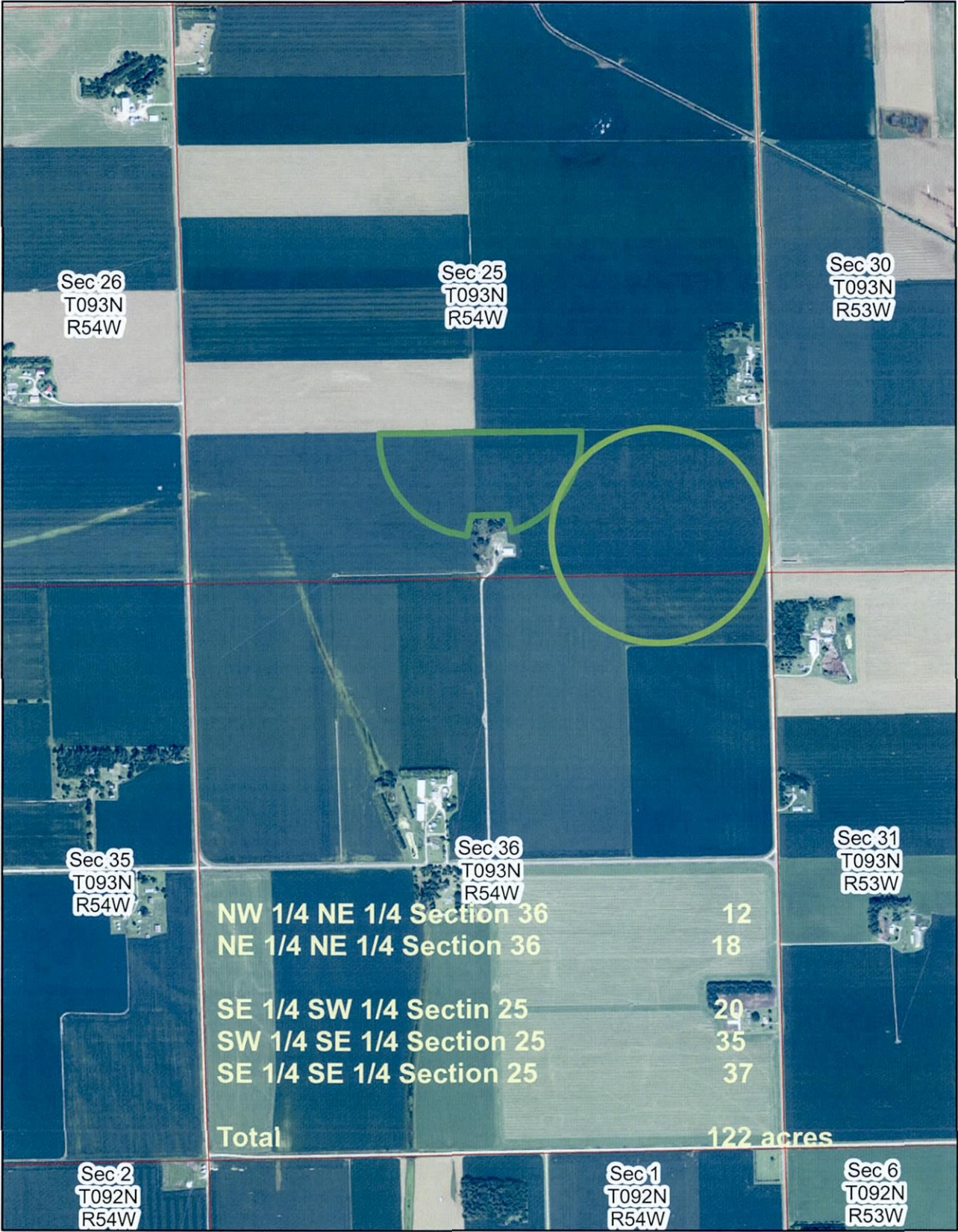
Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





Acreage breakdown - Did not arrive at the total number of acres being requested.
Attempted to be generous to the number of acres and came up with a total of 122 acres
based on the outline of the acres irrigated on the submitted map.



Eric Gronlund

Automatic Irrigation Inc.



1111 Railway ST
Centerville, SD 57014
605-563-2649 office

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JAN 25 2013

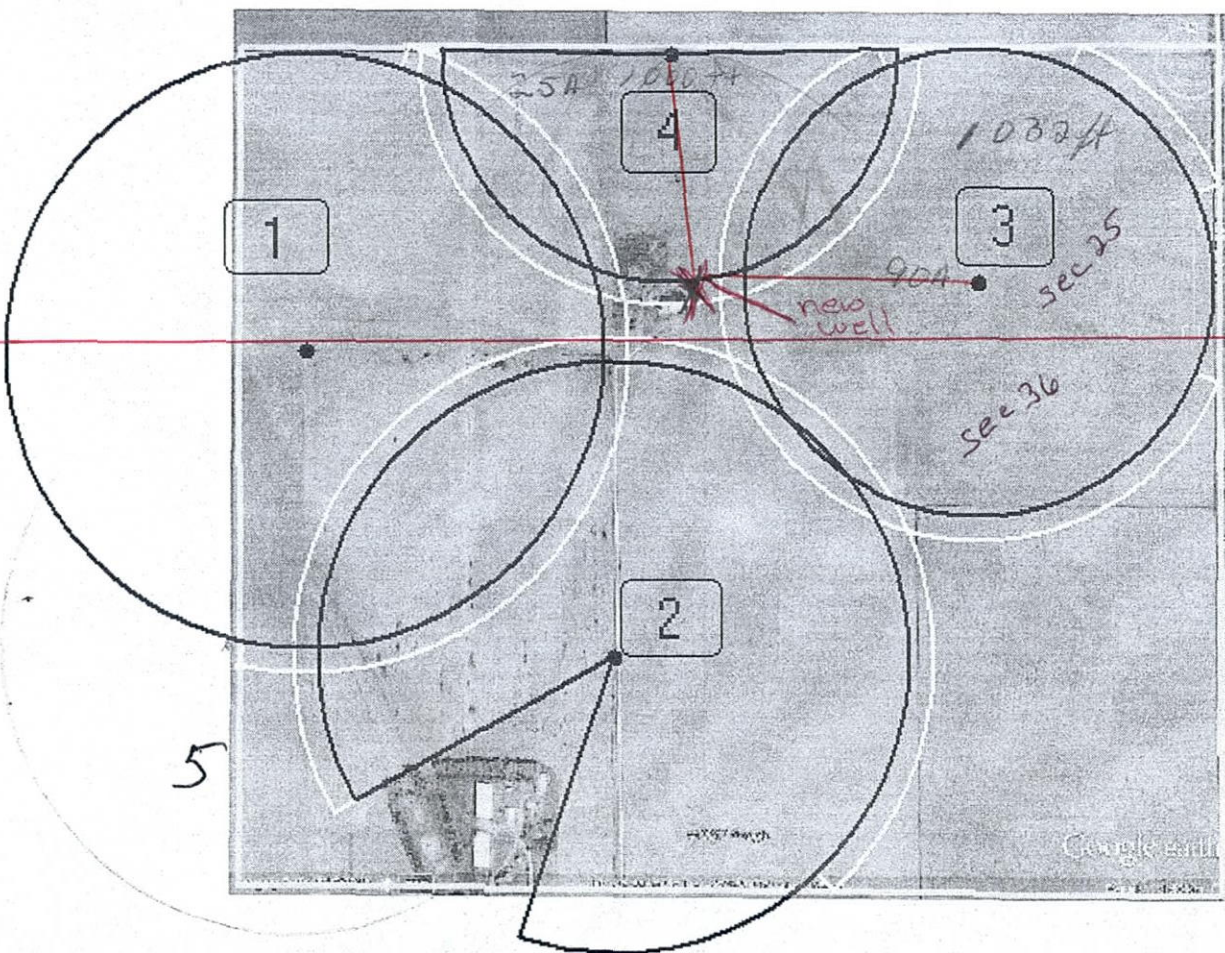
WATER RIGHTS
PROGRAM

Farm: Field1

Grower: Paul Young

7/17/2012

Systems:	Length	Spans	Total area including endgun
● Pivot 1	1310.00 ft	(No spans) 7	133.25 acres
● Pivot 2	1301.00 ft	(No spans) 7	121.64 acres
● Pivot 3 <i>new</i>	1032.00 ft	(No spans) 6	88.46 acres ✓
● Pivot 4 <i>new</i>	1000.00 ft	(No spans) 5	44.25 acres ✓



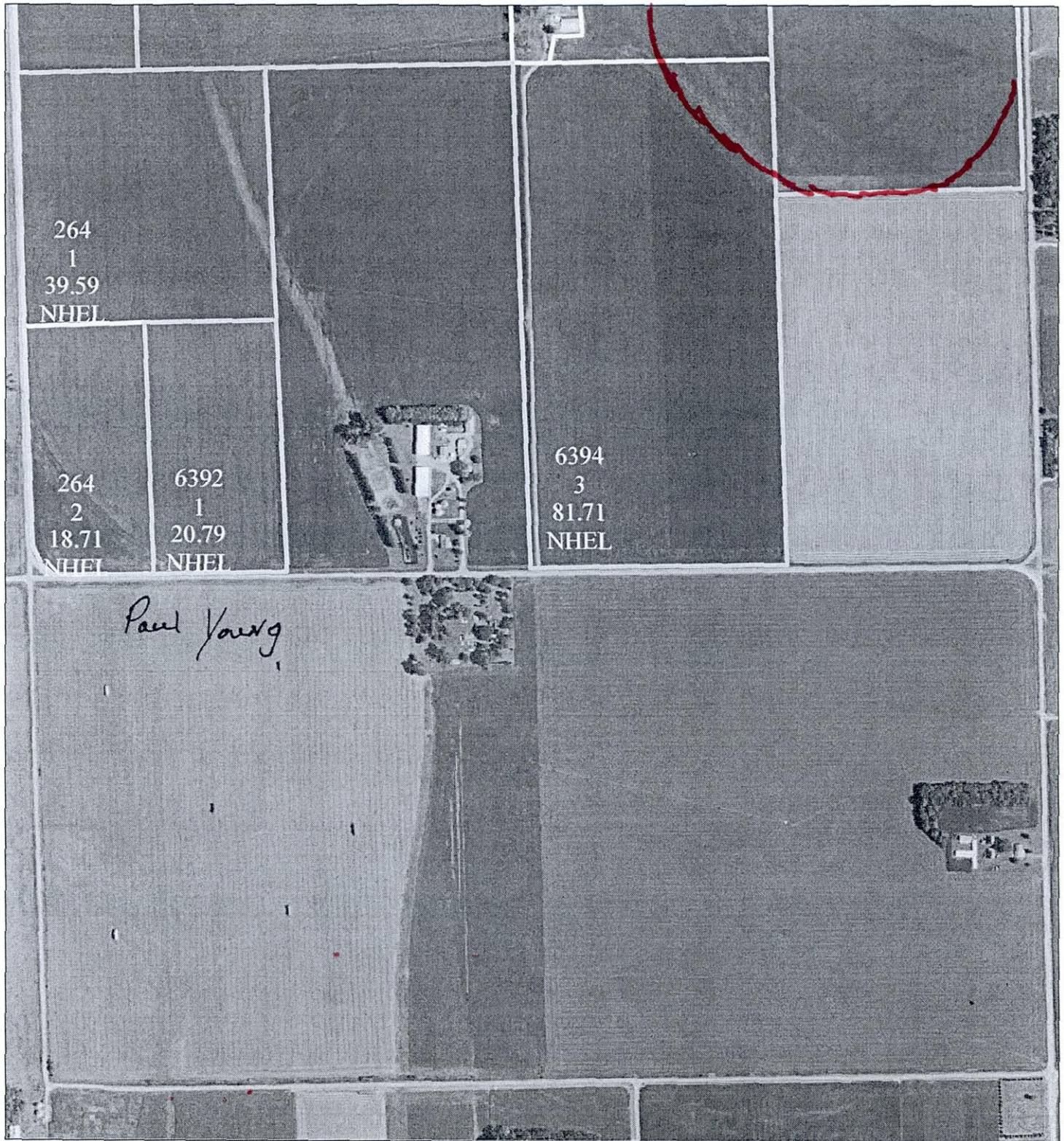
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United States Department of Agriculture Farm Service Agency



South Dakota
Yankton County

2013

Farm Number
5318

Township-Range-Section
93N54W36

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JAN 25 2013

WATER RIGHTS

Legend

- Restricted Use
- ✓ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- CLU Field Boundary
- Tract Boundary



1:8,289

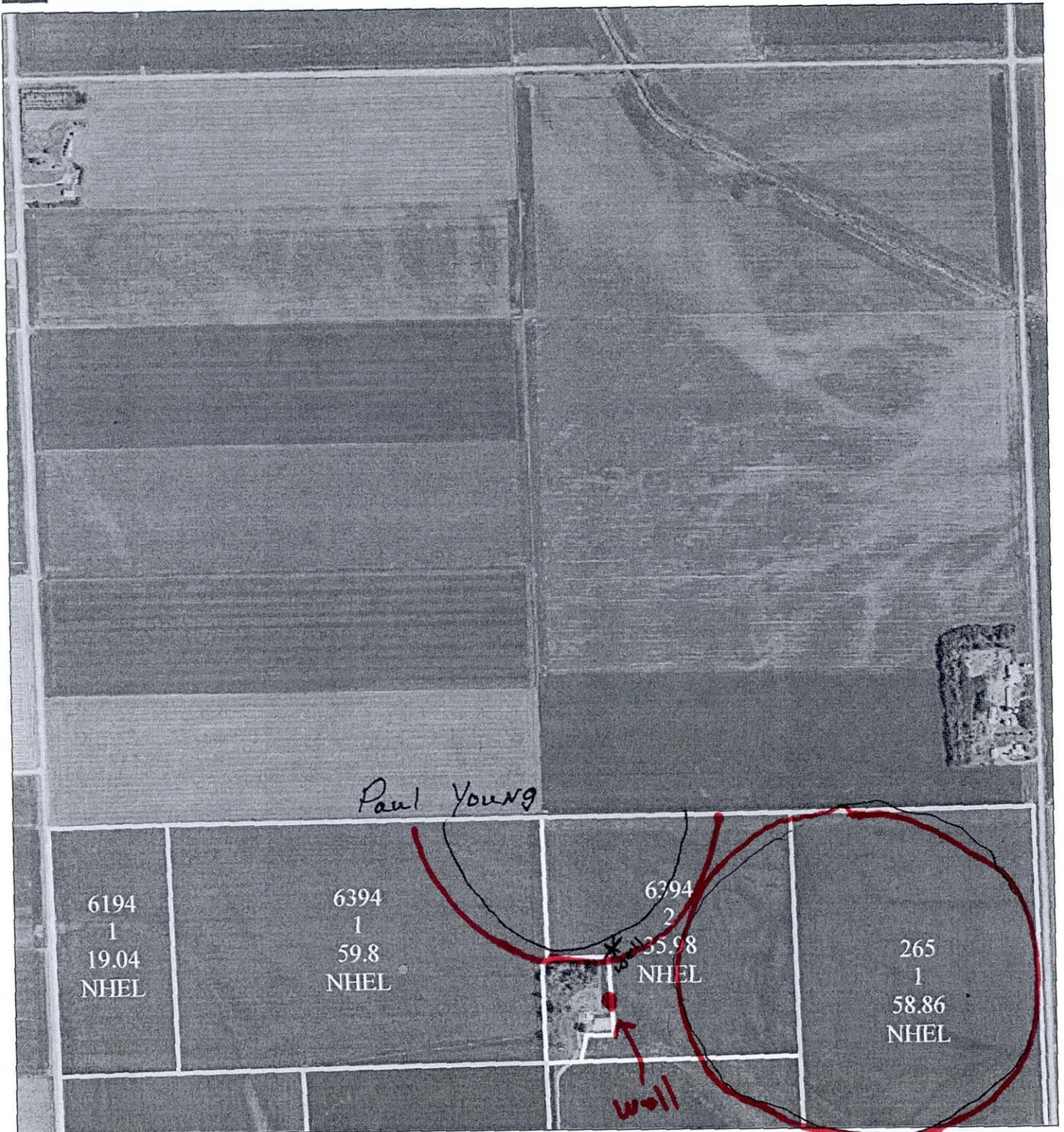
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Apr 22, 2009

Patricia Thompson *Yankton Co FSA* *1/23/15*



United States Department of Agriculture Farm Service Agency



South Dakota
Yankton County

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JAN 25 2013

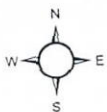
Farm Number
5318

WATER RIGHTS
PROGRAM

Township-Range-Section
93N54W25

Legend

- Restricted Use
- ∨ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- CLU Field Boundary
- Tract Boundary



1:8,342

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or the 2008 ortho rectified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

Verbal identifications 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.

2013

Apr 22, 2009

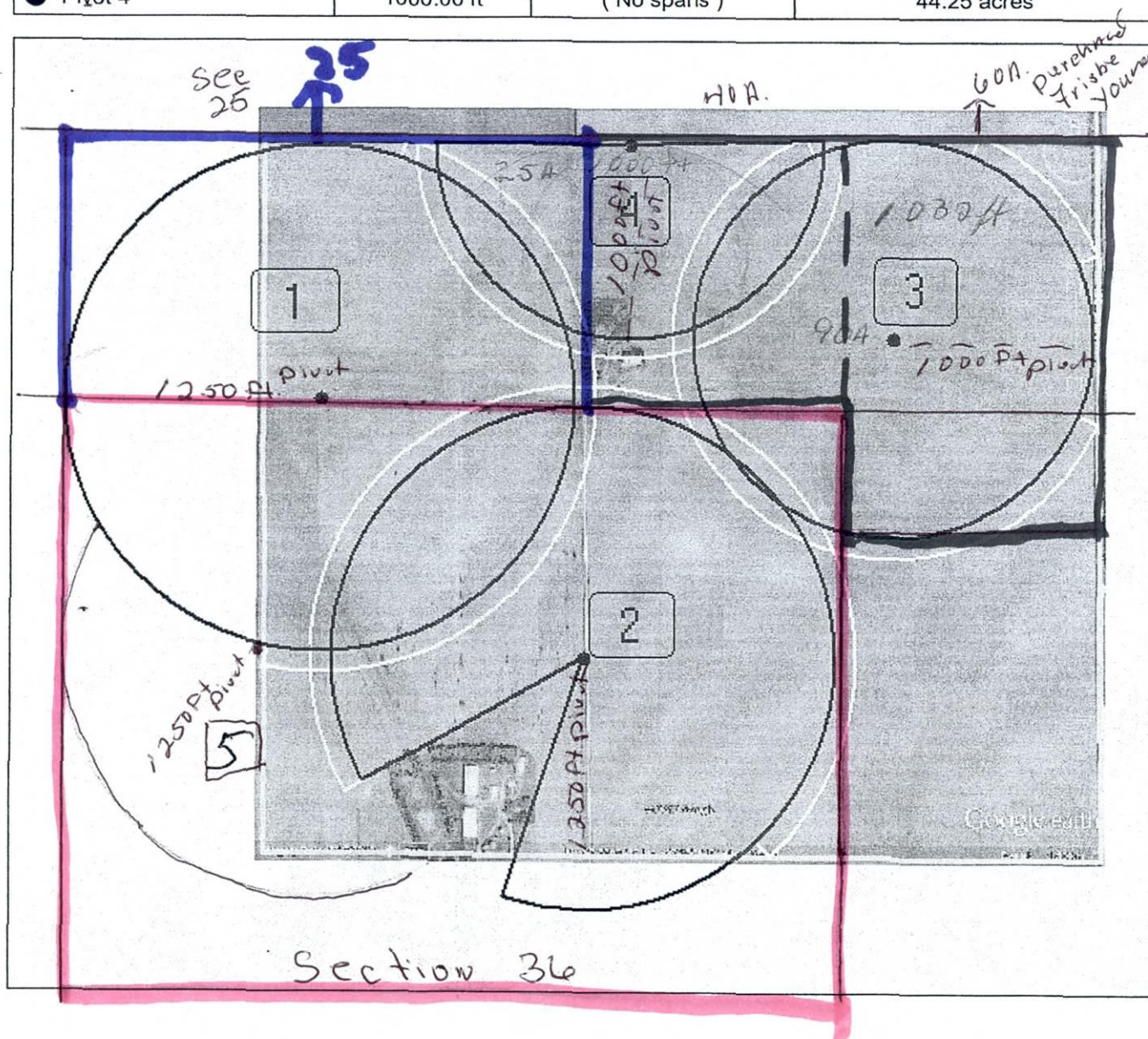
Richard Thomas Yankton FSA 4/22/09

years.

**WATER RIGHTS
PROGRAM**

7/17/2012

	Length	Spans	Total area including endgun
● Pivot 1	1310.00 ft	(No spans)	133.25 acres
● Pivot 2	1301.00 ft	(No spans)	121.64 acres
● Pivot 3	1032.00 ft	(No spans)	88.46 acres
● Pivot 4	1000.00 ft	(No spans)	44.25 acres



To Be Irrigated
By Vane P. Miller
County Extension Agent
Yorkton Co

To Be Irrigated
By Vane P. Miller
County Extension Agent
Yorkton Co

No. 3 Well
120 A

No. 1 Well

↑
Frisbie L.
Young

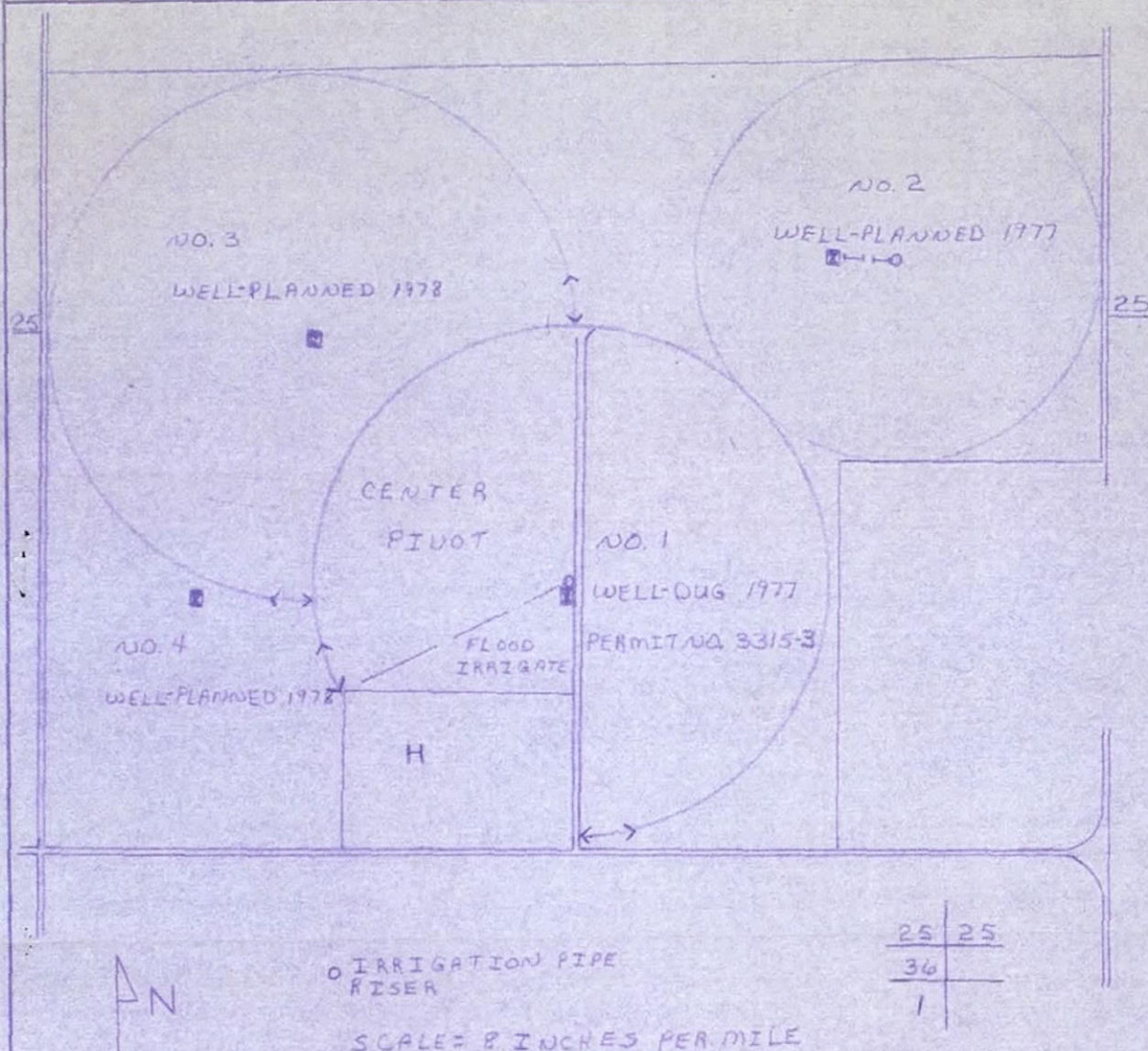
To Be Irrigated
By Vane P. Miller
County Extension Agent
Yorkton Co
Tow line 40A

No. 4 Well

24.4 ↑
Vera
Barker

↑
Albert
Young

93-54



WELL LOCATION:

- NO. 1 3915 FT. NORTH AND 2650 FT.
WEST OF THE SOUTHEAST CORNER
OF SECTION 36-93-54
- NO. 2 5625 FT. NORTH AND 1350 FT.
WEST OF THE SOUTHEAST CORNER
OF SECTION 36-93-54
- NO. 3 5225 FT. NORTH AND 3950 FT.
WEST OF THE SOUTHEAST CORNER
OF SECTION 36-93-54
- NO. 4 3925 FT. NORTH AND 4550 FT.
WEST OF SOUTHEAST CORNER
OF SECTION 36-93-54

CLAY COUNTY

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
ASSISTING

SOIL CONSERVATION DISTRICT

REFERENCE PLANNING ASSISTANCE BY LLOYD GEM
DISTRICT CONSERVATIONIST
SOIL CONSERVATION SERVICE

DRAWING NUMBER

SHEET 2 OF 8
DATE 2-22-77

MAP NO. 3107-3 (APPL. NO. 3846-3)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/28, 20 13

RECEIVED OF Paul A Young 815 James Place Yankton SD 57078

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

Fee for Application for Permit No. <u>7663-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7663-3</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. 06021

By

David E. Hulse
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. 7663-3, Paul Young**

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. 7663-3, Paul Young, 815 James Place, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7663-3 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. 7663-3 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.

A handwritten signature in black ink, appearing to read 'Garland Erbele'.

Garland Erbele, Chief Engineer
March 13, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7663-3
PAUL YOUNG
February 21, 2013

Water Permit Application No. 7663-3 proposes to appropriate up to 264 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 1.44 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer. The well will be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T93N-R54W and is expected to be approximately 90 feet deep. This application proposes to irrigate 132 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 25 and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, all in T93N-R54W in Yankton County.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

Bugliosi (1986) refers to the Elk Point management unit of the Missouri aquifer as the southern portion of the Lower James-Missouri aquifer. For water management purposes, the Water Management Board and the SD DENR-Water Rights Program refer to this aquifer as the Missouri: Elk Point. The aquifer is an alluvium mantled glacial outwash composed of fine sand to coarse gravel material (Bugliosi, 1986). The aquifer generally lies below the flood plain of the Missouri River, generally lies directly over and is hydraulically connected to the Dakota aquifer, and is hydraulically connected, at its northern boundary, to the Lower James-Missouri and the Lower Vermillion-Missouri aquifers as well as the Missouri and Vermillion Rivers (Bugliosi, 1986). The aquifer is predominantly unconfined in the area of this application. The Elk Point management unit of the Missouri aquifer encompasses regions of Clay, Union, and Yankton Counties. The proposed well site is located in southeastern Yankton County approximately one half mile from the Yankton and Clay county line and approximately two and one quarter miles north of the Missouri River. The Missouri: Elk Point aquifer underlies approximately 119,500 acres of Clay and Yankton Counties combined and contains an estimated 1,792,500 acre-feet of recoverable water in storage between the two counties (Hedges and others, 1982). The saturated thickness of the aquifer in the region ranges from approximately 50-150 feet thick (Bugliosi, 1986). The transmissivity of the aquifer ranges from 20,700 to 24,700 square feet per day (ft^2/d) (Bugliosi, 1986). The specific capacity of the aquifer ranges from approximately 124 to 173 gallons per minute per foot ($(\text{gal}/\text{min})/\text{ft}$) (Bugliosi, 1986).

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate up to 264 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual water use will be less than the

appropriated amount. The probability of unappropriated water available from the aquifer can be evaluated using SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Recharge versus Discharge:

Recharge:

Recharge to the Missouri: Elk Point aquifer occurs through seepage from streams and by infiltration of precipitation (Bugliosi, 1986). Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow, from the Missouri River. The average annual recharge rate to the Missouri: Elk Point aquifer is estimated to be 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit, in Yankton and Clay Counties, of 119,500 acres, average annual recharge to the aquifer in Yankton and Clay Counties is estimated to be 37,842 ac-ft/yr.

Discharge:

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers and underlying Dakota aquifer, and withdrawal from wells (Bugliosi, 1986). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b) and there are currently 507 water rights/permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2013c). In addition, there are five future use permits reserving water from the aquifer. There are 212 water rights/permits appropriating water from this aquifer in Yankton and Clay Counties (Water Rights, 2013c). All five of the future use permits reserving water from the aquifer are from Clay County. The distribution of these appropriations and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	4
Domestic	1
Fish & Wildlife Propagation	4
Industrial	3
Irrigation	190
Municipal	6
Rural Water System	2
Suburban Housing Development	2
Future Use Permits	Number
Lewis & Clark Rural Water System	4
City of Vermillion	1

Table 1. Water rights/permits from the Missouri: Elk Point aquifer in Yankton and Clay Counties (Water Rights, 2013c).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Missouri: Elk Point aquifer in Yankton and Clay Counties is less than 55,500 ac-ft/yr based on current water appropriations.

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

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	159	59580.2	4817.85
2010	152	56802.8	1205.86
2009	146	56330.8	2906.15
2008	135	53899.8	10120.26
2007	109	43852	11665.06
2006	97	41239	9825.11
2005	84	35725	6642.1
2004	78	34383.8	7311.97
2003	74	33687.8	7081.67
2002	74	33209.8	8193.25
2001	71	32471.8	6787.26
2000	69	31531.8	6271.02
1999	68	31351.8	4006.87
1998	69	31660.8	3867.62
1997	68	31875.2	5778
1996	67	31725.2	4291.2
1995	66	31080.8	4521.29
1994	69	32259.6	2499.98
1993	68	31794	330
1992	67	31218.8	871.35
1991	70	31302.8	7197
1990	67	32596.8	6694.5
1989	66	32506.8	6993.7
1988	64	31537.8	5989.25
1987	65	32021.8	4081.7
1986	71	34581.1	3060.8
1985	67	32217.8	3631.2
1984	70	33132.7	3448
1983	62	30963.8	4313.13
1982	60	30456	3392.5
1981	70	34049	4674
1980	52	29670	4523
1979	53	29670	2793
MIN	52	29670.00	330.00
MAX	159	59580.20	11665.06
AVE	79.61	35769.31	5145.02

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

Lewis and Clark Rural Water System currently reserves 13,000 ac-ft/yr for future use and has permits appropriating 32,165 ac-ft/yr (Water Rights, 2013b). These account for a significant portion of the annual water usage in Clay County, and most of the water from these wells will be induced from the Missouri River. More recharge can be induced with more pumping in particular from the Missouri River because it is hydraulically connected to the aquifer. In 2011, the reported pumping for irrigation was 4,818 ac-ft/yr in Yankton and Clay Counties (Water Rights, 1979-2011).

There are a number of new permits and pending applications from the Missouri: Elk Point aquifer. Once they are developed, the average pumping for irrigation purposes is expected to increase significantly. Since January 1, 2012, there have been 45 permits issued from the Missouri: Elk Point aquifer authorizing irrigation for a total of 5,546.1 acres. The average annual withdrawal is still expected to be significantly less than the average annual recharge. The pending permits for appropriation of water from the Missouri: Elk Point aquifer are shown in Table 3.

Permit No.	Diversion Rate (cfs)	Acres
7447-3	1.78	160
7460-3	3.11	264
7454-3	1.78	171
7527-3	1.11	117.5
7552-3	0.61	49
7553-3	1.55	136
7563-3	2.22	95
7565-3	1.89	160
7566-3	2.22	160
7554-3	1.89	136
7576-3	3.33	400
7577-3	2.0	70
7578-3	2.0	80
7579-3	2.0	152
7580-3	2.0	60
7593-3	1.5	105
7621-3	1.89	160
7622-3	1.89	142
7608-3	N/A	105
7606-3	N/A	78.8
7627-3	1.78	67
7630-3	3.34	160
7624-3	2.0	120
TOTAL	41.89	3148.3

Table 3. List of pending permits and their appropriations from the Missouri: Elk Point aquifer (Water Rights, 2013a).

Recognizing that Lewis and Clark RWS withdraw water from the Missouri: Elk Point aquifer that is induced from the Missouri River and considering the remaining hydrologic budget, there is reasonable probability that unappropriated water is available for the 264 ac-ft/yr appropriation proposed by this application.

Observation Well Data:

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

The SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer with two of these observation wells located within four and three quarter miles of the well site proposed by this application (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

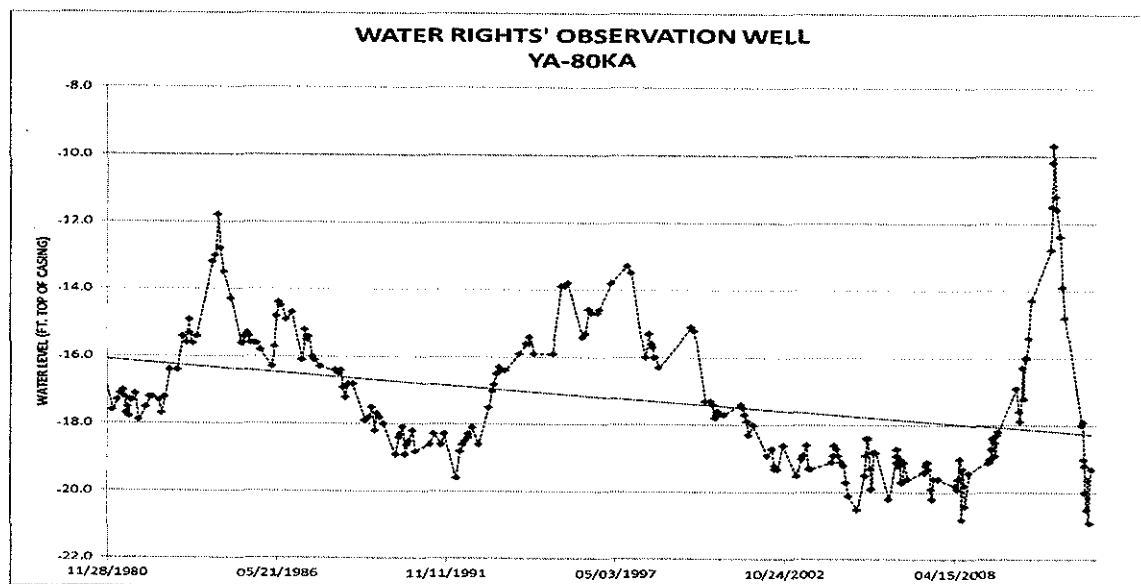


Figure 1. Hydrograph with linear trend line for SD DENR-Water Rights Observation Well YA-80KA completed into the Missouri: Elk Point aquifer less than one mile southwest of the well site proposed by Application No. 7663-3 (Water Rights, 2013a).

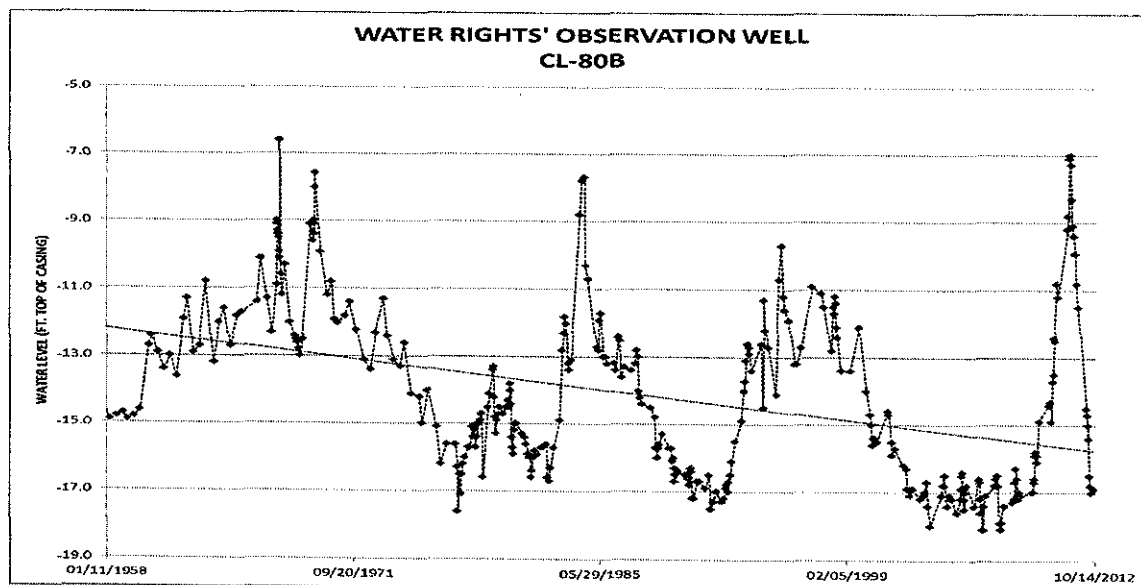


Figure 2. Hydrograph with linear trend line for SD DENR-Water Rights Observation Well CL-80B completed into the Missouri: Elk Point aquifer less than four and three quarter miles southeast of the well site proposed by Application No. 7663-3 (Water Rights, 2013a).

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

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

EXISTING WATER RIGHTS:

The well site proposed by this application is located in southeastern Yankton County approximately 2,300 feet from the Yankton and Clay county line and approximately two and one quarter miles north of the Missouri River. There are four water rights/permits that have diversion points within a one mile radius from the proposed well site. The nearest water right/permit is Water Right No. 6458-3 for the same applicant, Paul Young, located over 1,600 feet southwest and most likely down-gradient from the proposed well site (Water Rights, 2013c). Based on the observation well data and the relatively high transmissivity expected, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights.

CONCLUSIONS:

1. This application proposes to appropriate up to 264 acre-feet annually for irrigation from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. The Missouri: Elk Point aquifer is under unconfined (water-table) conditions in this area, and drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241, 41 p.
- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 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., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

MAR 25 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

3+22

NOTICE OF APPLICATION
NO. 7663-3 to Appropriate Water

Notice is given that Paul Young, 815 James Place, Yankton SD 57078 has filed an application for a water permit to appropriate 1.45 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (90 feet deep) located in the SW 1/4 SE 1/4 Section 25 for irrigation of 132 acres located in the SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 25 and N 1/2 NE 1/4 Section 36; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7663-3 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 April 1, 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 \$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. 7663-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 22nd DAY OF March 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: 3/22/2013

FILED ON: 3/22/2013

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

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

March 14, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7663-3 to Appropriate Water. Please publish the notice once on March 22, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Paul Young, 815 James Place, Yankton SD 57078 (Ph # 605-661-2111).

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.**

March 14, 2013

Paul Young
815 James Place
Yankton SD 57078

Dear Mr. Young:

Water Permit Application No. 7663-3 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 March 22, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7663-3 to Appropriate Water

Notice is given that Paul Young, 815 James Place, Yankton SD 57078 has filed an application for a water permit to appropriate 1.45 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (90 feet deep) located in the SW 1/4 SE 1/4 Section 25 for irrigation of 132 acres located in the SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 25 and N 1/2 NE 1/4 Section 36; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7663-3 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 April 1, 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

MAY 20 2013

Paul Young
815 James Place
Yankton SD 57078

Dear Mr. Young:

Enclosed is Water Permit No. 7663-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

7663-3

Location SW 1/4 SE 1/4 Sec 25 Twp 73N Rg 54W

County Yankton

Please mark well location with an "X"

Well completion Date 2-13-13

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
3000 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: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1100</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>40</u> FT	<u>28</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>Cement</u>	<u>30</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>40</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
pumped down w/ grout

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 Inches Length 100 Feet

Material PVC

Slot Size .085 Set From 40 Feet to 100 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

☐ No, Why Not? _____

Lab sample sent to for water quality analysis _____

Well Owner: Paul Young

Business Name: _____

Address1: 815 James Place

Address2: _____

City, State, Zip: Yankton, SD, 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil brown</u>	<u>0</u>	<u>5</u>
<u>med brown soil</u>	<u>5</u>	<u>45</u>
<u>gravel + small ROCKS</u>	<u>45</u>	<u>80</u>
<u>gravel + ROCKS</u>	<u>80</u>	<u>100</u>

STATIC WATER LEVEL 19 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: pumped w/ turbine pump

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

<u>28</u> Ft. After <u>2</u> Hrs. pumped	<u>800</u> GPM
<u>30</u> Ft. After <u>4</u> Hrs. pumped	<u>1000</u> GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

OCT 10 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm: Crestman Well & Supply

Signature of License Representative: Crestman

Signature of Well Owner or Equitable Property Holder: _____

Date: 10-4-13

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

7663-3

SD EForm - 1311LD V1

Form 10

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

MAIL TO: PMB 2020

DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

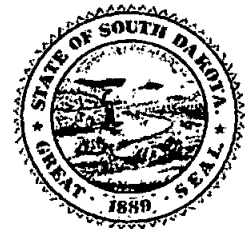
ph. (605) 773-3352

Date 10-28-16FROM: Terry Bye (tenant)
(name)31349 450th Ave
(address)Gayville SD 57031
(city) (state) (zip)(605) 660-4473
(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. 7663-3 states that the water use system is to be constructed byApril 1, 2018, and water is to be put to beneficial use by April 1, 2022
(date) (date)The water use system was completed on 5-2013
(date)Applying the water to beneficial use was completed on 7-2013
(date)

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



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7663-3

I have this day, October 28, 2016, made a thorough examination of the water use system constructed by Paul Young, 815 James Place, Yankton, SD 57078 of Permit No. 7663-3, bearing the priority of January 25, 2013 authorizing the diversion of 1.45 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 132 acres, in Yankton County.

Inspection contact & relationship **Terry Bye, tenant**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type PVC Perforated
- 2) Length 60 feet
- 3) Static water level 19 feet

Pump:

- 1) Make Turbine
- 2) Model In-Line Shaft
- 3) Capacity 650 GPM

Motor:

- 1) Make US Electrical Motors
- 2) Model No. Unknown
- 3) Horsepower rating 40 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 2310 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot #1(SE ¼ SW ¼ & SW ¼ SE ¼ Sec 25-T93N-R54W):

- 1) Make Valley
2) Overall length 955 feet
3) Number of towers 5
4) End gun Yes
5) Capacity 650 GPM

Center pivot #2(S ½ SE ¼ Sec 25-T93N-R54W & N ½ NE ¼ Sec 36-T93N-R54W):

- 1) Make Lindsay
2) Overall length 1030 feet
3) Number of towers 6
4) End gun Yes
5) Capacity 650 GPM

Comments: System is set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate No

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, began irrigating in 2013.

List any extended period of nonuse: Did not use in 2014 due to adequate rainfall.

- 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: West 2300', North 260' from SE Corner of Sec 25-T93N-R54W; Lat 42.83788/Long -97.16906; SW ¼ SE ¼ Sec 25-T93N-R54W.
2. The works are capable of diverting and conveying to the place of use 1.45 cfs or 650 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 25-T93N-R54W.

SW ¼ SE ¼ - 37 ac

SE ¼ SE ¼ - 37 ac

SE ¼ SW ¼ - 14 ac

Sec 36-T93N-R54W.

NW ¼ NE ¼ - 10 ac

NE ¼ NE ¼ - 16 ac

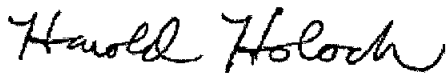
comprising a total of 114 acres of land and the license should be issued for 1.45 cfs or 650 gpm.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Eight acres in SE ¼ SW ¼ Sec 25-T93N-R54W and four acres in NW ¼ NE ¼ Sec 36-T93N-R54W overlap pivots authorized under Water Right No. 6458-3.

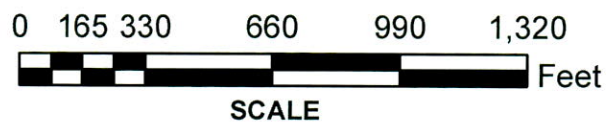
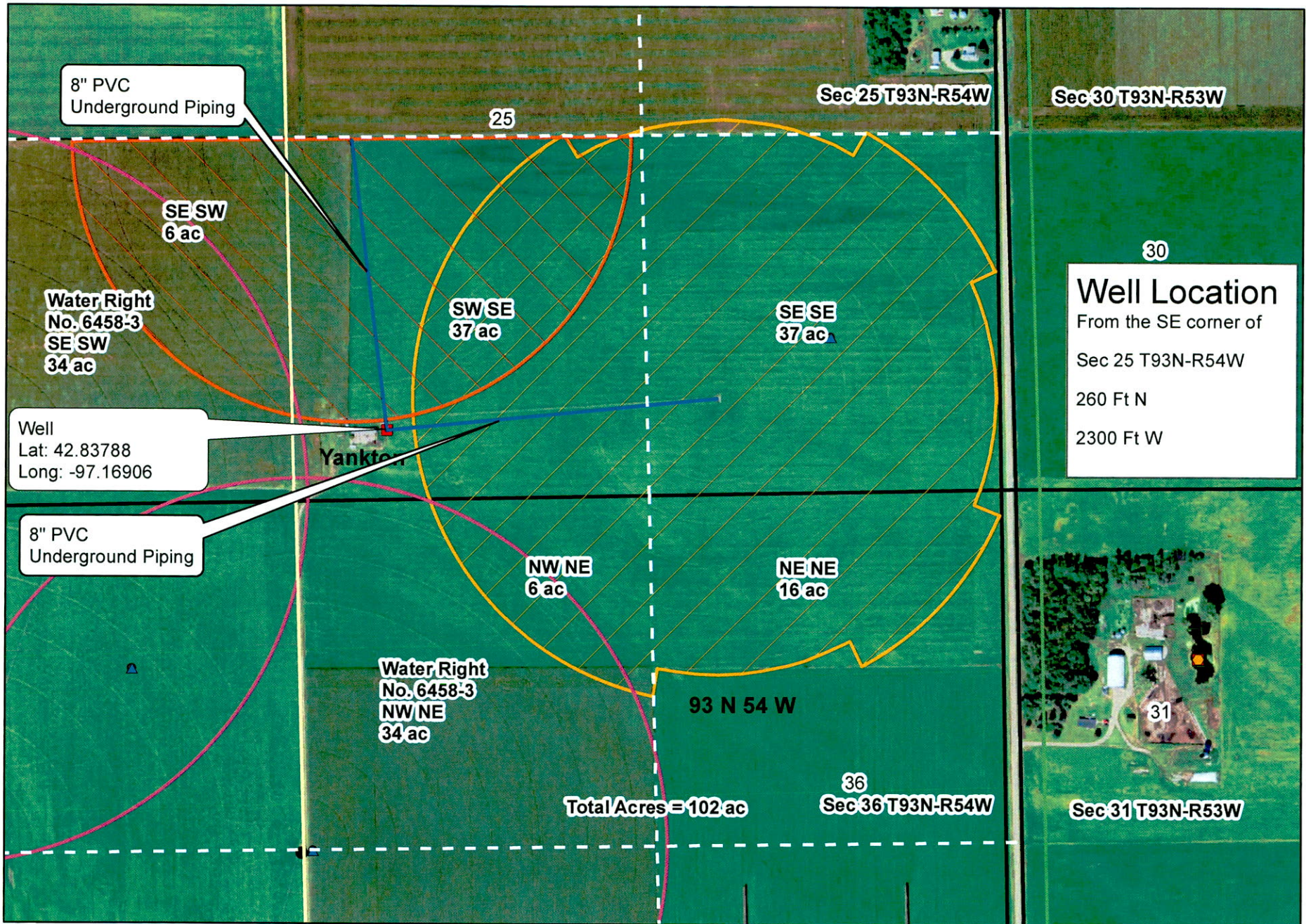
Eleven acres in SW ¼ SE ¼ Sec 25-T93N-R54W are overlapped by Center Pivot's #1 & #2.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: May 1, 2017

7663-3



Harold Holoch
 Harold Holoch, PE
 Staff Engineer
 May 1, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 19 2017

7663-3

Paul Young
327 Broadway
Suite 9
Yankton SD 57078

Dear Mr. Young:

Enclosed is Water License No. 7663-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7663-3, 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

c: Terry Bye, Tenant

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7663-3

(1) Paul Young, 327 Broadway, Ste 9, Yankton SD 57078 made Application No. 7663-3, January 25, 2013 for a water permit to divert 1.45 cubic feet of water per second from one well – Missouri:Elk Point Aquifer, Yankton County, South Dakota for irrigation purposes. Permit No. 7663-3, with a priority date of January 25, 2013 was approved April 1, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 1, 2018 and for the application to beneficial use of water on or before April 1, 2022.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 28, 2016. The *Notice* stated the diversion system was completed in May, 2013 and the water placed to beneficial use in July, 2013.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7663-3 is issued a license, bearing a priority date of January 25, 2013 to appropriate 1.45 cubic feet of water per second from one well – Missouri:Elk Point Aquifer to irrigate 102 acres.

The diversion point is located: 2,300 feet west and 260 feet north from the SE corner of Section 25-T93N-R54W (SW 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 25-T93N-R54W		Section 36-T93N-R54W	
SW 1/4 SE 1/4	37 acres	NW 1/4 NE 1/4	10 acres
SE 1/4 SE 1/4	37 acres	NE 1/4 NE 1/4	16 acres
SE 1/4 SW 1/4	14 acres		
Total 114 acres			

- * 11 acres in SW 1/4 SE 1/4 Section 25 are overlapped by the two center pivots
- * 8 acres in SE 1/4 SW 1/4 Section 25 and 4 acres in NW 1/4 NE 1/4 Section 36 overlap pivots covered under Water Right No. 6458-3

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7663-3 including the following qualifications:

- 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.
- The well authorized by Permit No. 7663-3 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. *The well was drilled by Christensen Well & Irrigation in February, 2013. A copy of the log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 19 2017

date





7663-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 21, 2023

6458B-3
7663-3

Dr. Adam & Dr. Maria Stys
209 W Hazeltine Ln
Sioux Falls SD 57108

Dear Drs. Adan & Maria Stys:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are receipts of payment and copies of each Water Right for your records.

Water Right Nos. 6458B-3 & 7663-3 previously owned by Paul Young are now listed under Dr. Adam & Dr. Maria Stys. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 7663-3
Date: 11/9/2023 | 6:51 PM CST

I/We request that Water Right/Permit No. 7663-3 formerly owned by:
Paul Young be transferred to:

New Owner Name: Dr. Adam and Dr. Maria Stys
Address: 209 W Hazeltine Ln mobile: 605-759-3223
City, State, Zip Sioux Falls, SD 57108 email: adamstys1@gmail.com

Title to the following described land(s)/property has been transferred as described above:

Section 36 - Township 93 North - Range 54 West, NW1/4 NE1/4 - 10 acres
Section 36 - Township 93 North - Range 54 West, NE1/4 NE1/4 - 16 acres
Section 25 - Township 93 North - Range 54 West, SW1/4 SE1/4 - 37 acres
Section 25 - Township 93 North - Range 54 West, SE1/4 SE1/4 - 37 acres
Section 25 - Township 93 North - Range 54 West, SE1/4 SW1/4 - 14 acres

☒ I understand that the validity of Water Right/Permit No. 7663-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Adam Stys Maria Stys, the new owner, certify that the above information is true and correct.

DocuSigned by:
Adam Thomas Stys
8780C1413B994C8

DocuSigned by:
Maria Anna Stys
8780C1413B994C8

(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 17, 2023

RECEIVED OF Antelope Creek Wildlife & Ponds LLC. for Dr. Adam & Dr. Maria Stys 209 W. Hazeltine Ln., Sioux Falls SD 57108

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>7663-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By

Eric Gronlund
Chief Engineer
Em