

WATER PERMIT NO. 7792-3

Name of Applicant: Rudolph Hill Farm LLLP

Address: 810 W 3rd St, Yankton SD 57078 Phone: 605 665-6617

Amount of Water Claimed: no add'l Total Acres: 21.8 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 1 mile northeast of Yankton

PRIORITY Date Received: 3-13-13 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks: Using existing well authorized by Water Permit No. 7332-3

Diversion Point: NE 1/4 SW 1/4 Sec 4-T93N-
R55W

Land to be Irrigated: SE 1/4 SW 1/4 Sec 4-T93N-
R55W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

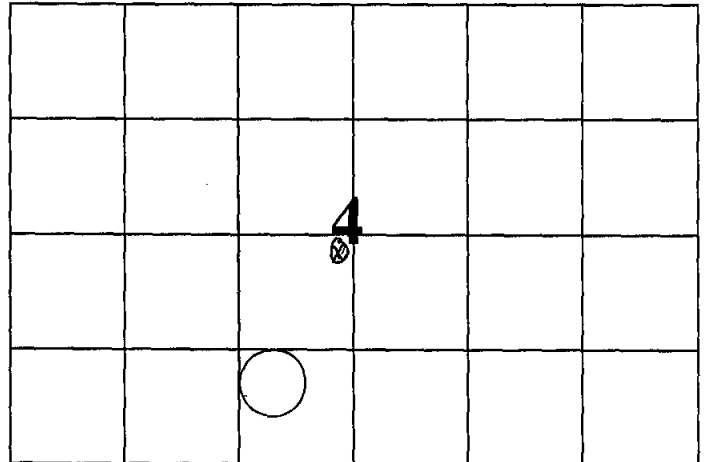
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-15-13

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	No. <u>7792-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Press & Dakotan</u>	<u>319 Walnut</u>
	<u>Yankton 57078</u>	<u>605-665-7811</u>

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MAR 13 2013
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Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Rudolph Hill Farm, LLLP
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 810 West 3rd St Yankton SD 57078
(Address) (City) (State) (Zip Code)

Home Phone 605-665-6617 Cell _____ Email _____

2. Amount of water claimed _____ *CFS or NO add'l **GPM _____ ***AF Total Acreage 21.8
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1 well, Water Permit No-7332-3

4. Location of point of diversion 1 well, NE 1/4 of SW 1/4 in 4-93-55
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used May 1 - Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>S.E. 1/4, S.W. 1/4, 4-93-55</u>	<u>21.8</u>		

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

Source of water is from one well, Water Permit No-7332-3 on file. This water supply will be used for the new irrigation project to water 21.8 ac.

I, Duane Potts, 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. 7792-3

Date of first receipt of application March 13, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7792-3 to Rudolph Hill Farm, LLLP, 810 West 3rd St, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7792-3 authorizes irrigation of 21.8 new acres. Water Permit No. 7332-3 authorizes 2.0 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (100 feet deep) located in the NE 1/4 SW 1/4 Section 4 for irrigation of 157.8 acres located in the S 1/2 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T93N-R55W. This permit authorizes irrigation of 21.8 new acres located in the SE 1/4 SW 1/4 Section 4-T93N-R55W and does not authorize any increase in the authorized diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is March 13, 2013.
4. The date of approval of Permit No. 7792-3 is May 28, 2013.
5. One-fifth of the construction is to be completed on or before November 28, 2015.
6. All construction is to be completed on or before May 28, 2018.
7. Water is to be put to beneficial use on or before May 28, 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 24 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 ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Water Permit No-7332-3
- c) Well Depth 100 ft Depth to Top of Water Bearing Material Est-20' Depth to Water from Surface 20'
- d) Distance to nearest existing domestic well:

On applicant's property -0- wells on property On property owned by others 1900'

2. Wastewater Disposal System Information

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

3. Dugout Information

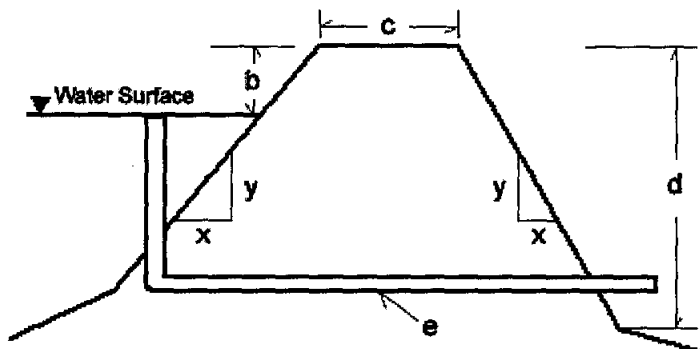
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

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





United States Department of Agriculture
Farm Service Agency

PLSS: 4_93_55
Farm: 5938

Yankton County, SD
1:10,285



February 11, 2011

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

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MAR 13 2012

Common Land Units

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

2010 Ortho-Photography - Not to Scale



$$\text{Area} = 550 \times 550 \times 3.14 = 949850$$

$$\frac{949850}{43560} = 21.8 \text{ ac}$$

D. Anderson
NRCS

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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/13, 20 13

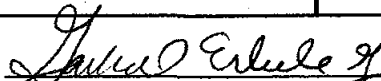
RECEIVED OF Redhawk LLC dba Rudolph Hills Farm 909 Chester Ln Yankton SD 57078

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

Fee for Application for Permit No. <u>7792-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7792-3</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	700 00

No. 06231

By


Chief Engineer

Water Rights Program - File Documentation

NAME: Duane Potts, Rudolph Hill Farm, LLLP

ADDRESS: 810 W 3rd St, Yankton SD 57078

DATE: 3-15-13 **COUNTY:** YA **TELEPHONE:** 605 665-6617

RE: pending application

COMMENTS:

Duane Potts returned my call and indicated that his application to irrigate 21.8 acres was for no additional water. He is using the well authorized by Water Permit No. 7332-3 (which has been transferred to him) and is permitted for 900 gpm.

Karen Schlaak

Karen Schlaak
Water Rights Program



**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. 7792-3, Rudolph Hill Farm LLP**

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. 7792-3, Rudolph Hill Farm LLLP, c/o Duane Potts, 810 W 3rd Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7792-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 9, 2013

REPORT ON WATER PERMIT APPLICATION NO.7792-3

Rudolph Hill Farm, LLLP

March 29, 2013

Water Permit Application No. 7792-3 proposes to irrigate 21.8 additional acres. Water Permit No. 7332-3 authorizes 2.0 cubic feet of water per second from one well completed into the Lower James Missouri Aquifer (100 feet deep) located in the NE 1/4 SW 1/4 Section 4 for irrigation of 157.8 acres located in the S 1/2 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T93N-R55W. This application proposes to irrigate 21.8 additional acres located in the SE 1/4 SW 1/4 Section 4-T93N-R55W. This application, if approved, does not authorize any increase in the authorized diversion rate. The project is located approximately one mile east 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 underlying portions of Clay, Hutchinson and Yankton counties (Bugliosi, 1986). The Lower James Missouri aquifer blends into the Missouri Elk Point aquifer, and is hydraulically connected to the James River (Bugliosi, 1986). The Lower James Missouri aquifer underlies approximately 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County alone (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 the vicinity of the 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 water from the Lower James Missouri aquifer. The actual water use if this application is approved will most likely be less than 43.6 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 70 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/cooling (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 (Water Rights, 1979-2012).

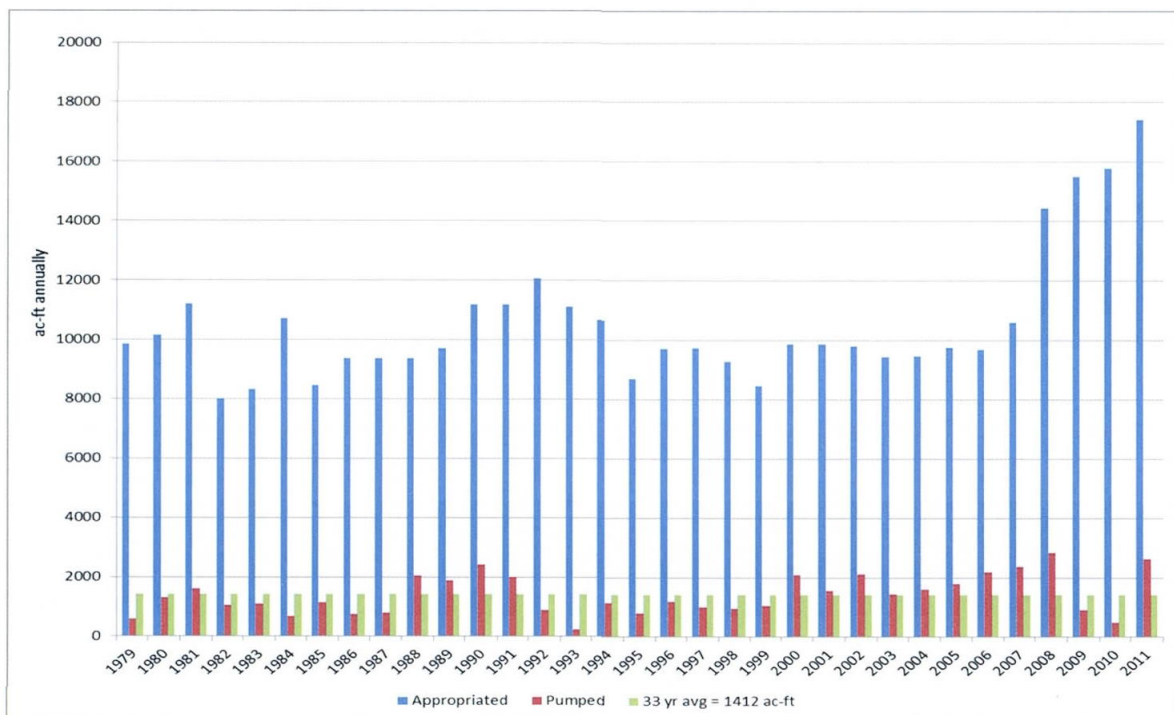


Figure 1- Historic Irrigation Water Use from the Lower James Missouri aquifer from Yankton County. (Water Rights, 1979-2012)

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 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, 2013a). The nearest of these wells (YA-57C) to the well location is located approximately 2.5 miles north. Water levels for YA-57C show a good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record shown in Figure 1 indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2013a). There are three wells, two domestic and one for irrigation, within one half mile of YA-57C. Drawdown created by pumping at this distance does not appear significant, as shown by Figure 1. Interference is not expected to be a concern.

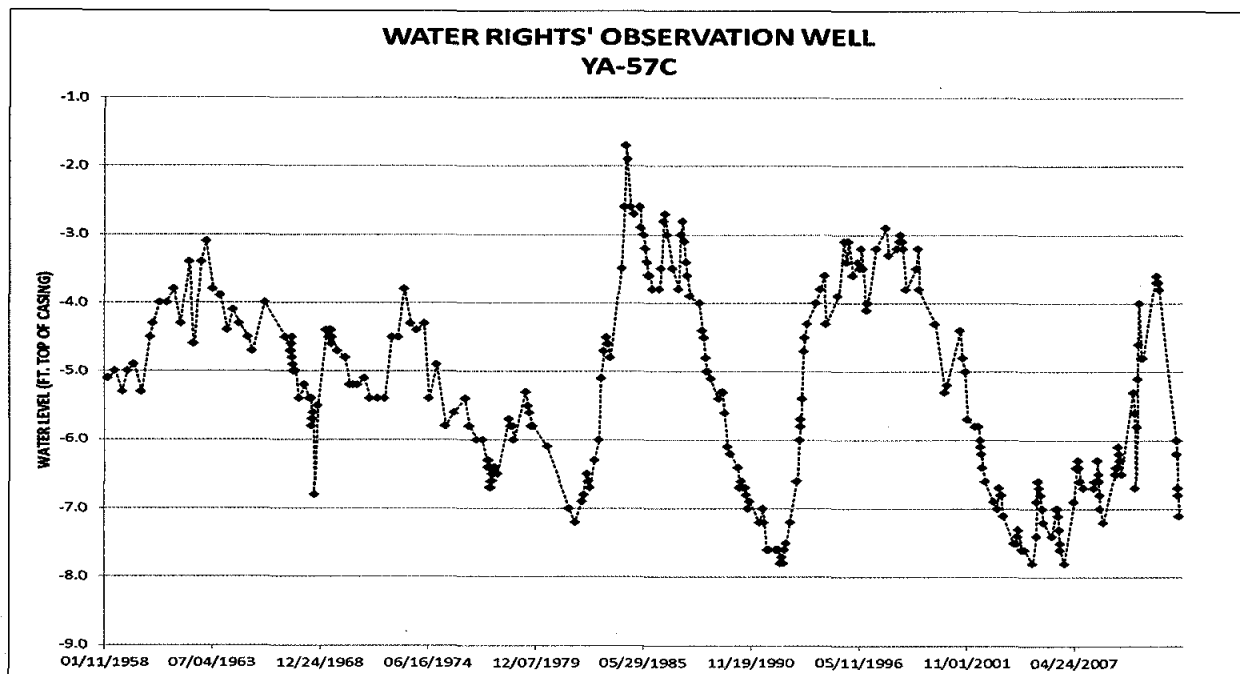


Figure 2- Hydrograph of DENR-Water Rights' observation well YA-57C, located approximately 2.5 miles north of the well site (Water Rights, 2013a).

The hydrograph of the observation well YA-57C shows a slight decline of the Lower James Missouri aquifer's water table over the period of record. This gradual decline has been attributed

to entrenching the Missouri River (Goodman, 2007). The declining water table levels demonstrate the hydraulic connection between the aquifer and the Missouri River.

EXISTING WATER RIGHTS:

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

PERMIT NO	LAST NAME	STATUS	USE	CFS	ACRES
374-3	ANDERSON	LC	IRR	2.250	158.00
4556-3	CONCRETE MATERIALS	LC	COM	0.440	0.00
1687-3	FRICK	LC	IRR	1.200	83.00
7027-3	FRICK	PE	IRR	1.890	160.00
1661-3	GURNEY SEED & NURSERY	LC	IRR	2.850	200.00
5315-3	HILLCREST GOLF/COUNTRY CL	LC	IRR	1.420	100.00
6319-3	HILLCREST GOLF/COUNTRY CL	PE	IRR	0.360	0.00
1919-3	MARQUARDT	LC	IRR	2.230	156.70
277-3	MARQUARDT	LC	IRR	0.570	40.00
6756-3	NELSON FAMILY PARTNERSHIP	LC	IRR	2.220	164.00
6918-3	SCHENK	PE	IRR	1.330	55.00

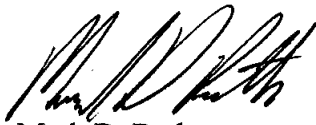
LC= Water Right, PE= Water Permit, IRR= Irrigation, COM= Commercial Use

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

While an increased diversion rate was not requested as part of the application the additional acres that were requested could result in an increase in the average pumpage. Interference from pumping is not expected to be adverse at the distances from the proposed well as evidenced by the observation well YA-57C. The results from pumping the irrigation wells located between 0.5 to 1.5 miles from this observation well have shown no noticeable drawdown effects.

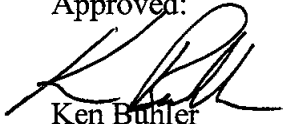
CONCLUSIONS:

1. This application proposes to appropriate water from the Lower James Missouri aquifer to irrigate 21.8 additional acres authorized by Water Permit No. 7332-3. There is to be no increase in the authorized diversion rate of 2.00 cfs for the additional acres.
2. There is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to satisfy this proposed appropriation.
3. Withdrawals from the Lower James Missouri by the well proposed by this application will not be expected to adversely impair existing water rights.



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

Approved:



Ken Buhler
Natural Resources Engineer
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1983. Major Aquifers in Yankton County, South Dakota. U.S. Geological Survey Information Pamphlet No. 28. p 7.
- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 84-4241, p 41.
- 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., 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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MAY 22 2013

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7792-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 17th DAY OF May 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.46 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: 5/17/2013

FILED ON: 5/17/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF May 2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

5+17
NOTICE OF APPLICATION
NO. 7792-3 to Appropriate Water

Notice is given that Rudolph Hill Farm LLLP, c/o Duane Potts, 810 W 3rd St, Yankton SD 57078 has filed an application to irrigate 21.8 new acres. Water Permit No. 7332-3 authorizes 2.0 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (100 feet deep) located in the NE 1/4 SW 1/4 Section 4 for irrigation of 157.8 acres located in the S 1/2 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T93N-R55W. This application is to irrigate 21.8 new acres located in the SE 1/4 SW 1/4 Section 4-T93N-R55W. This application, if approved, does not authorize any increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7792-3 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 May 28, 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.

tion. Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.
Published once at the total approximate cost of \$28.46.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 9, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7792-3 to Appropriate Water. Please publish the notice once on May 17, 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 Rudolph Hill Farm LLLP, c/o Duane Potts, 810 W 3rd St, Yankton SD 57078 (Ph # 605-665-6617).

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,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

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.**

May 9, 2013

Rudolph Hill Farm LLLP
Duane Potts
810 W 3rd St
Yankton SD 57078

Dear Mr. Potts:

Water Permit Application No. 7792-3 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 May 17, 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. 7792-3 to Appropriate Water

Notice is given that Rudolph Hill Farm LLLP, c/o Duane Potts, 810 W 3rd St, Yankton SD 57078 has filed an application to irrigate 21.8 new acres. Water Permit No. 7332-3 authorizes 2.0 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (100 feet deep) located in the NE 1/4 SW 1/4 Section 4 for irrigation of 157.8 acres located in the S 1/2 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T93N-R55W. This application is to irrigate 21.8 new acres located in the SE 1/4 SW 1/4 Section 4-T93N-R55W. This application, if approved, does not authorize any increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7792-3 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 May 28, 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

JUN 24 2013

Rudolph Hill Farm LLLP
Duane J Potts
810 W 3rd St
Yankton SD 57078

Dear Mr. Potts:

Enclosed is Water Permit No. 7792-3 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



7792-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2022

7332-3

7792-3

Duane Potts
Rudolph Hill Farm LLLP
1105 W 10th St, Apt 3
Yankton SD 57078-3302

Dear Mr. Potts:

Enclosed is a "Notice" dated October 21, 2022, concerning the 2022 irrigation questionnaires.

The notice was originally mailed to 810 W Third St, Yankton SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

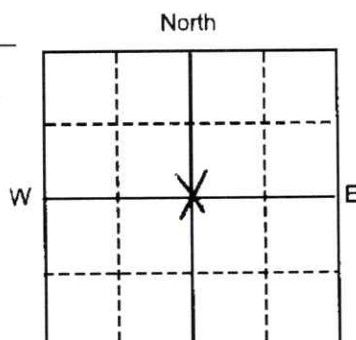
Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 4 Twp 93-N Rg 55WCounty HyndmanPlease mark well
location with an "X"

Well Completion Date

6-27-17

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

3000 ft. from JIM RIVER (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>160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>60</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>135</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>60</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

pumped down w/ pressure grouter

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 60 FeetMaterial PVCSlot Size .085 Set From 60 Feet to 120 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?
Lab to which water
quality sample sent for analysisChlorine

Well Owner:

Business Name:

Address:

City, State, Zip:

Rudolph Hill LLCDuane Potts55597 Hwy 121Saint Helena, NE 68724

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Black top soil</u>	<u>0</u>	<u>8</u>
<u>brown clay</u>	<u>8</u>	<u>72</u>
<u>fine green gravel</u>	<u>72</u>	<u>81</u>
<u>fine gravel</u>	<u>81</u>	<u>95</u>
<u>med gravel</u>	<u>95</u>	<u>110</u>
<u>ROCKS</u>	<u>110</u>	<u>112</u>
<u>coarse gravel</u>	<u>112</u>	<u>117</u>
<u>shale</u>	<u>117</u>	<u>120</u>

STATIC WATER LEVEL

15'

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:
Test pumped w/ surface pump
☐ Bailed

☐ Other

Pumping Level Below Land Surface

55 Ft. After 2 Hrs. pumped 800 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate:

800 GPM

REMARKS

This well was drilled under license #

444

and this

report is true and accurate.

Drilling firm:

Chetensen Well & Hydrant

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

6-17-20

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7332-3 & 7792-3

I have this day, June 22, 2020, made a thorough examination of the water use systems constructed by Rudolph Hill Farm LLLP, 810 W. 3rd St., Yankton, SD, holder of Permit No. 7332-3, bearing the priority of March 5, 2012 authorizing the diversion of 2 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 157.8 acres located in Yankton County & Permit No. 7792-3, bearing the priority of March 13, 2013 authorizing the diversion of 0.0 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for the irrigation of 21.8 acres located in Yankton County.

Inspection contact: Duane Potts

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells: 1
- 3) Depth(s): 120 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 60 feet
- 3) Type: PVC
- 4) Static water level: 15 feet

Pump:

- 1) Make: JW Pump
- 2) Model: 12JMCLO
- 3) Capacity: 1,000 GPM

Motor:

- 1) Make: General Electric
- 2) Model No.: 5KE364DTT6017A
- 3) Horsepower rating: 50 hp

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

- 1) Type: Galvanized
- 2) Size: 8 inches
- 3) Length: 30 feet

(Well to the west pivot for Water Right No. 7332-3.)

- 1) Type: PVC
- 2) Size: 8 inches
- 3) Length: 1,320 feet

(Well to the east pivot for Water Right No. 7332-3.)

- 1) Type: Removable
- 2) Size: 8 inches
- 3) Length: 1,470 feet

(Well to the pivot for Water Right No. 7792-3.)

C. Works used to apply water to beneficial use:

West Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,312 feet
- 3) Number of towers: 8
- 4) End gun: No
- 5) Capacity: 1,000 GPM

East Center Pivot:

- 1) Make: Lockwood
- 2) Overall length: 1,300 feet
- 3) Number of towers: 10
- 4) End gun: No
- 5) Capacity: 1,000 GPM

Center Pivot: 7792-3

- 6) Make: Zimmatic
- 7) Overall length: 600 feet
- 8) Number of towers: 3
- 9) End gun: No
- 10) Capacity: 1,000 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements: 7332-3

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of the construction period: Yes
- 3) Exceptions to compliance are: The pump flow rate is 2.23 cfs instead of 2.0 cfs.

Compliance with Permit Requirements: 7792-3

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of the construction period: The questionnaires indicate that the system has not been used.
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 2,610 feet east and 2,650 feet north of the southwest corner of Section 4-T93N-R55W (Latitude 42.90156, Longitude -97.34774 – near the center of the section).
2. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 4-T93N-R55W

<u>SE1/4NW1/4</u>	<u>30 acres</u>
<u>SW1/4NE1/4</u>	<u>38 acres</u>
<u>NE1/4SW1/4</u>	<u>37 acres</u>
<u>NW1/4SE1/4</u>	<u>31 acres</u>
<u>SE1/4NE1/4</u>	<u>28 acres</u>
<u>SE1/4SW1/4</u>	<u>13 acres</u>

comprising a total of 177 acres of land and the licenses should be issued for 2.0 cfs.

3. All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: This water permit also supplies water to Water Permit No. 7792-3. These two water permits could be licensed together. I have attached the well log from

Christensen Well and Irrigation for the well at this site. The original well was drilled by Quality Well Service LLC and did not produce enough water. This well was plugged and the new well was installed near it, reusing the same pump and motor. Also, Water Permit No. 7792-3 showed all of the irrigated property to be in the SE1/4 of the SW1/4 of Section 4, T93N-R55W. This pivot system irrigates land in the SE1/4 of the SW1/4 and in the NE1/4 of the SW1/4. This land has the same owner and is adjacent to the land noted in the permit.

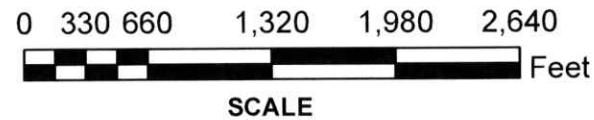
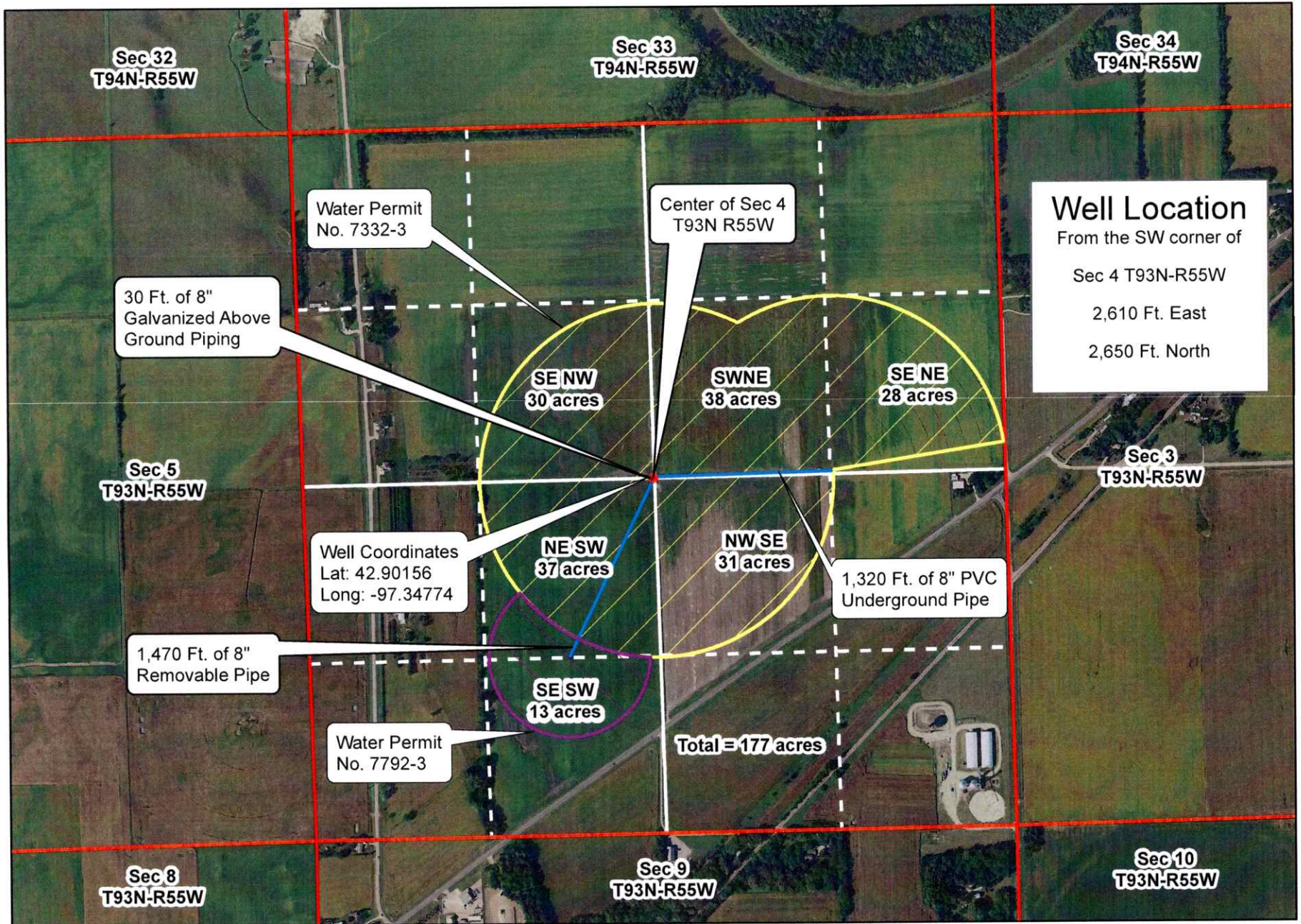
The pipe that goes from the well to the center pivot is removable pipe and was in storage at the time of my inspection. Mr. Potts lays out the pipe when he wants to use the system and then removes it for harvest. He indicated that he has used the system in the past but very little due to wet conditions.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 1, 2020

Water Permit Nos. 7332-3 & 7792-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
July 1, 2020

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7792-3**

(1) Jason Harmelink, Yankton SD, made Application No. 7332-3, March 5, 2012, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Lower James: Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7332-3, with a priority date of March 5, 2012, was approved July 2, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 2, 2017, and for the application to beneficial use of water on or before July 2, 2021.

On January 28, 2013, ownership of Permit No. 7332-3 was transferred to Rudolph Hill Farm LLLP, 1105 W 10th St, Apt #3, Yankton SD 57078.

Rudolph Hill Farm LLLP, Yankton SD, made Application No. 7792-3, March 13, 2013, for a water permit to irrigate an additional 21.8 acres, with no increase to the diversion rate, to what was already authorized under Permit No. 7332-3. Permit No. 7792-3, with a priority date of March 13, 2013, was approved May 28, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 28, 2018, and for the application to beneficial use of water on or before May 28, 2022.

The applicable portions of Permit No. 7332-3 have been incorporated into Water Right No. 7792-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,610 ft E & 2,650 ft N of the SW corner of Section 4, T93N, R55W (approx. center Section 4)
(Latitude 42.90156 & Longitude -97.34774)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 4, T93N, R55W			
SW ¼ NE ¼	38 acres	NE ¼ SW ¼	37 acres
SE ¼ NE ¼	28 acres	SE ¼ SW ¼	13 acres
SE ¼ NW ¼	30 acres	NW ¼ SE ¼	31 acres
TOTAL: 177 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Rudolph Hill Farm LLLP, the holder and/or owner of Water Right No. 7792-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from groundwater, one well (Lower James: Missouri Aquifer), with priority dates of March 5, 2012, for 2.0 cfs & 157.8 acres & March 13, 2013, for 19.2 acres, from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7792-3 and subject to the following qualifications:

1. 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 their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

JUN 03 2024

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 03 2024

7332-3
7792-3

Rudolph Hill Farm LLLP
c/o Duane Potts
1105 W 10th St, Apt 3
Yankton SD 57078

Dear Mr. Potts:

Enclosed is Water License No. 7792-3. 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.

So 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

NOTES: The investigation found your irrigation system capable of diverting 2.23 cubic feet of water per second (cfs) which is equivalent to approximately 1,000 gallons per minute. Permit No. 7332-3 authorized the diversion of 2.0 cfs (approximately 900 gpm). Diversion of water under this water license is limited to 2.0 cfs.

The applicable portions of Permit No. 7332-3 have been incorporated into Water Right No. 7792-3.

enclosures