

WATER PERMIT NO. 7806-3

Name of Applicant: C & C Hauling and Construction Inc.

Address: 2300 Willowdale Rd, Yankton SD 57078 Phone: 605 668-0939

Amount of Water Claimed: 1.08 cfs Total Acres: 25 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: just south of Yankton

PRIORITY Date Received: 3-11-13 Application/License Fee: \$ 700

Corrected Application Received: 3-21-13 Period of Annual Use: April 1 – Sept 31

Remarks:

Diversion Point: ³
Gov't Lot 3, Sec 16-T9~~8~~N-R55W

Land to be Irrigated: ³
Gov't Lot 3, Sec 16-T9~~8~~N-
R55W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

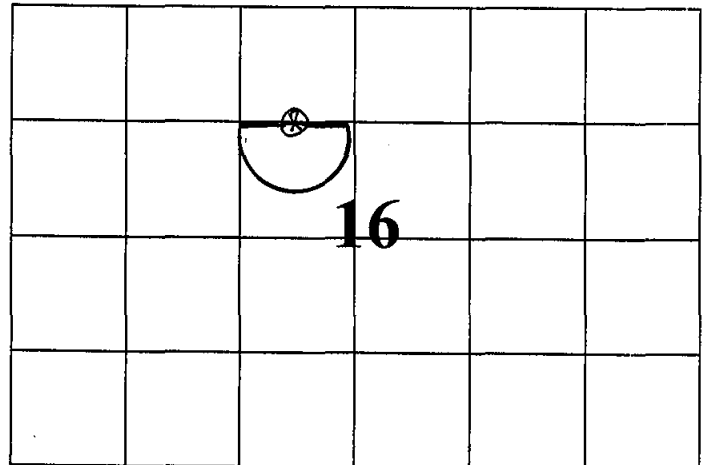
Type of Map: plat

Prepared by:

Reviewed and the Number Assigned on: 3-25-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>7806-3</u>	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 11 2013
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PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant C+C Hawling and construction INC. Phone 605-668-0939
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 2300 Willowdale Rd. Yankton State SD 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.08 *CFS or 450 **GPM ***AF Total Acreage 25
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 ground water well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) see attach
- County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used 6 months april 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>see attach</u>			
<u>Gout lot Sec 16-T93N-R55W</u>	<u>25</u>		

- Give a description of the project. (Attach sheet if more space is needed)
Irrigate cropland using a pivot through the months of
April to September.

STATE OF SOUTH DAKOTA) SS
County of _____

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature X Mark C. Hawling

Subscribed and sworn to before me this 18th day of March 20 13

SOUTH DAKOTA
WATER PERMIT NO. 7806-3

Date of first receipt of application March 11, 2013.

Date of return to applicant for corrections, amendments or changes March 12, 2013.

Date of receipt of corrected application March 21, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7806-3 to C & C Hauling and Construction Inc., 2300 Willowdale Rd, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7806-3 appropriates 1.08 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in Government Lot 3, Section 16 for irrigation of 25 acres located in Government Lot 3, Section 16; all in T93N-R55W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is March 11, 2013.
4. The date of approval of Permit No. 7806-3 is June 3, 2013.
5. One-fifth of the construction is to be completed on or before December 3, 2015.
6. All construction is to be completed on or before June 3, 2018.
7. Water is to be put to beneficial use on or before June 3, 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 this Permit shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7806-3 authorizes a maximum diversion rate of 1.08 cfs for the irrigation of 25 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 24 2013

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth ~~2200~~ 100'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8" to 3/4" pea rock Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 150'
- f) Depth to Water (ground surface to water level) 80'
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others ? / NA

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 _____

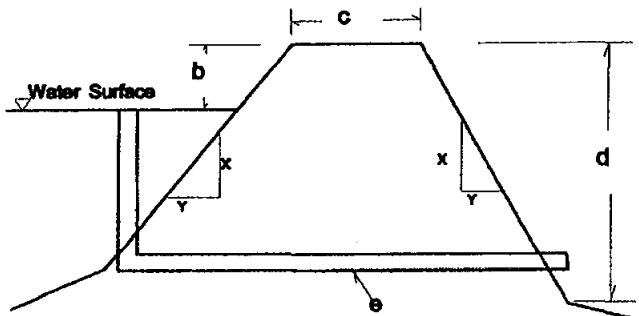
3. Dugout Information

- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Sec 8
T093N
R55W

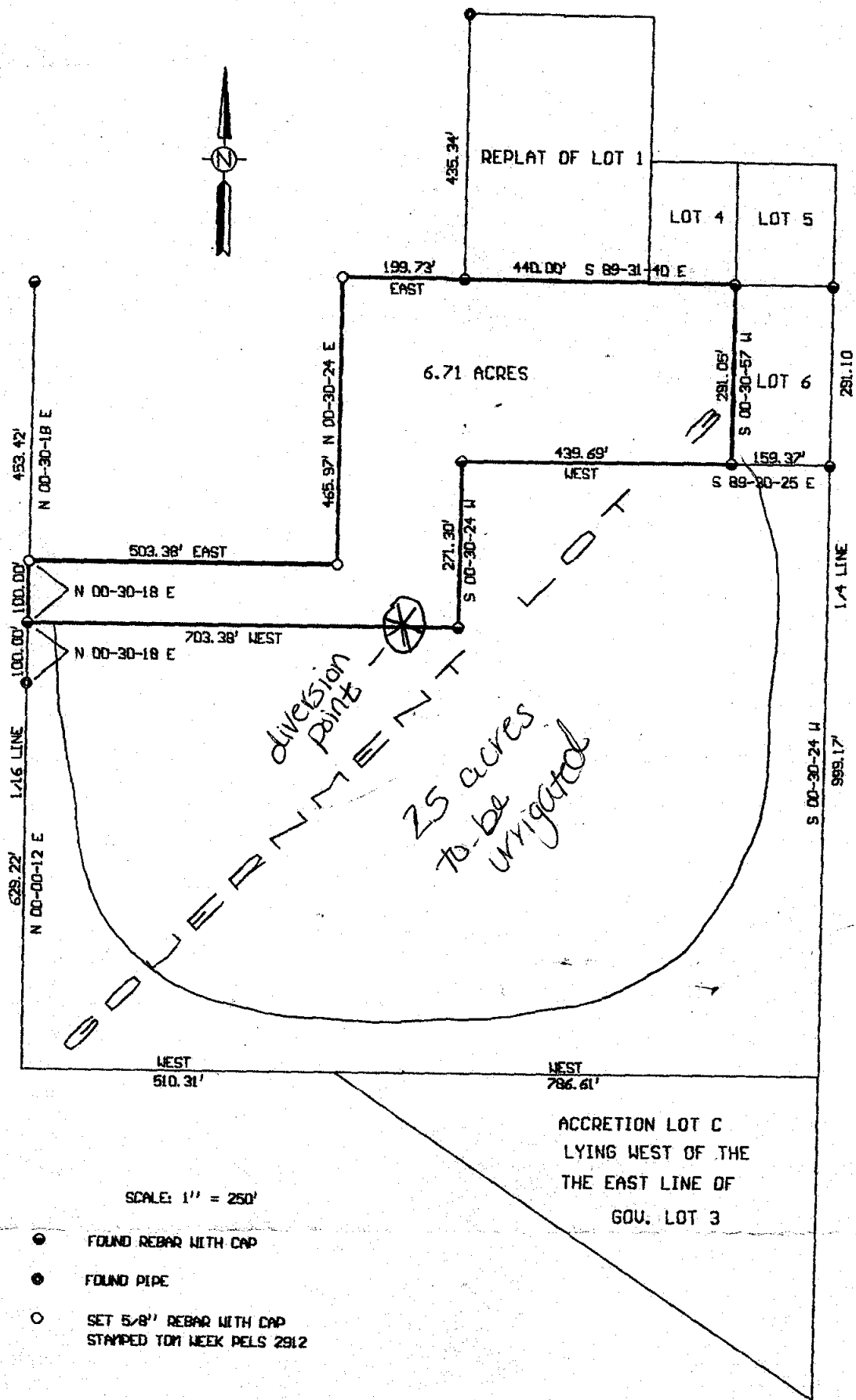
Sec 9
T093N
R55W

Sec 10
T093N
R55W

Sec 17
T093N
R55W

Sec 16
T093N
R55W

Sec 15
T093N
R55W



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SURVEYOR'S CERTIFICATE

I, THOMAS LYNN WEEK, A REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF TERRY SAYLER SURVEYED THE FOLLOWING IN GOVERNMENT LOT 3, SECTION 16, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

THE SOUTH 829.21 FEET, EXCEPT FOR THE SOUTH 729.21 FEET AND FURTHER EXCEPTING THE EAST 799.04 FEET.

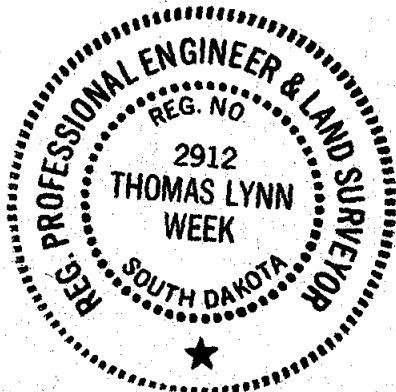
THE EAST 799.04 FEET OF THE SOUTH 1295.17 FEET EXCEPT FOR THE FOLLOWING:
THE REPLAT OF LOT 1, LOT 4, LOT 5 AND LOT 6 IN THE EAST 50 INDUSTRIAL PARK; THE SOUTH 729.21 FEET; THE SOUTH 1000.50 FEET EXCEPT THE SOUTH 729.12 FEET OF THE EAST 599.04 FEET.

ALL LOCATED IN GOVERNMENT LOT 3, SECTION 16, T93N, R55W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

DATED THIS 21ST. DAY OF JANUARY, 2013.


THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

PREPARED BY: THOMAS LYNN WEEK
407 REGAL DRIVE
YANKTON, SD 57078
605-665-8333



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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/11, 20 13

RECEIVED OF C & C hauling & Const. 2300 Willowdale Rd Yankton SD 57078

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

Fee for Application for Permit No. <u>7806-3</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>7806-3</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. 06232

By [Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 12, 2013

C & C Hauling and Construction Inc.
2300 Willowdale Rd
Yankton SD 57078

Dear Sir:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation use in Yankton County. In order to complete the application, the following is required.

- Enclosed is the application. Please sign where indicated at the bottom of the application. The application no longer needs to be notarized.
- Enclosed is the map submitted with the application. Please outline the 25 acres to be irrigated on the map. I have also enclosed an aerial photo map. Please outline the acres to be irrigated and mark the proposed well location with an "X" on the aerial photo map and return both maps.
- State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 0.36 cfs or 162 gpm to irrigate the total 25 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

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

enclosures

South Dakota Department of Environment and Natural Resources

PMB 2020

Joe Foss Building

523 East Capitol

Pierre, SD 57501-3182

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MAR 21 2013

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March 18, 2013

Dear Sir,

I am writing because my application for water permit was returned to me stating I would only be allowed .36 cfs or 162 gpm to irrigate the 25 acres I plan to irrigate. However, the irrigation system I have purchased requires at least 450 gpm or approximately 1.08 cfs to run, therefore I am needing more than the allowed cfs/gpm.

Sincerely

A handwritten signature in black ink that reads "Chad C. Madson" with a stylized flourish at the end.

Chad C. Madson, Vice President

C&C Hauling and Construction, Inc.

2300 Willowdale Rd.

Yankton, SD 57078



**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. 7806-3, C & C Hauling and Construction Inc.**

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. 7806-3, C & C Hauling and Construction Inc., c/o Chad and Kristin Madson, 2300 Willowdale Rd, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7806-3 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 this Permit shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7806-3 authorizes a maximum diversion rate of 1.08 cfs for the irrigation of 25 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 15, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7806-3
C & C HAULING AND CONSTRUCTION INC
APRIL 16, 2013

Water Permit Application No. 7806-3 proposes to appropriate water at a maximum diversion rate of 1.08 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer located in Government Lot 3, Section 16 for irrigation of 25 acres located in the same Government Lot 3, Section 16; all in T93W-R55W, Yankton County. The well is expected to be 100 feet deep. The application seeks a diversion rate greater than the statutory limit of 1.0 cfs per 70 acres.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer can be found below approximately 234,700 acres of Clay, Union, and Yankton Counties, as determined by Hedges and others (1982), and Niehus (1994). The aquifer is a surficial aquifer composed of unconsolidated glacial outwash material ranging from fine sand to coarse gravel (Niehus, 1994). The aquifer generally lies below the flood plain of the Missouri River but can also be found below the flood plain of the Big Sioux River in the southern part of Union County. The aquifer lies directly over and is hydraulically connected to the Dakota aquifer and is hydraulically connected to the Lower James Missouri and the Lower Vermillion Missouri aquifer as well as the Missouri and Vermillion Rivers (Bugliosi, 1986). The aquifer contains an estimated 3,287,100 acre feet of recoverable water, of which an estimated 675,000 acre-feet of recoverable water is in storage in Yankton County (Hedges and others, 1982). In Yankton County, saturated thickness ranges from 50 to 150 feet, and transmissivity ranges from 20,700 to 24,700 square feet per day (ft^2/d) (Bugliosi, 1986). The specific capacity of wells completed into the aquifer in Yankton County ranges from approximately 124 to 173 gallons per minute per foot ($(\text{gal}/\text{min})/\text{ft}$) (Bugliosi, 1986). The aquifer is generally under unconfined (water-table) conditions and is under water-table conditions in the area of this application.

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:

These applications propose to appropriate water from the Missouri: Elk Point aquifer. If these applications are approved, it is likely that the water use will be less than 50 acre-feet per year ($\text{ac-ft}/\text{yr}$). 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." Also, "If the source of the water is older or lower than the Greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue." Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn formation, therefore withdrawal and recharge must be considered.

Recharge versus Discharge:

Recharge:

Recharge to the Missouri: Elk Point aquifer occurs through seepage from streams and by infiltration of precipitation (Bugliosi, 1994). Recharge also occurs from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow, from the Big Sioux and Missouri Rivers. 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 County of 45,000 acres, average annual recharge to the aquifer in Yankton County is estimated to be 14,250 ac-ft/yr. Average annual recharge to the entire management unit of 234,700 acres is estimated to be 74,322 ac-ft/yr.

Discharge:

Discharge from the Missouri: Elk Point aquifer in Yankton County is by evapotranspiration, discharge to the Missouri River 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 as of April 15, 2013, there are 569 water rights/permits appropriating water from the Missouri: Elk Point aquifer of which 104 are in Yankton County (Water Rights, 2013c). There are also five future use permits in Clay County reserving water from the aquifer. The distribution of these appropriations for the entire aquifer and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	7
Domestic	2
Fish and Wildlife Propagation	4
Industrial	5
Irrigation	531
Municipal	10
Recreational	1
Rural Water System	2
Suburban Housing Development	2
Future Use Permits	Number
Lewis and Clark Rural Water System	4
City of Vermillion	1

Table 1. Water Rights from the entire Missouri: Elk Point aquifer (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 is less than 61,300 ac-ft/yr based on current water appropriations. Yankton County accounts for less than 4,905 ac-ft/yr of this based on current water appropriations.

The annual reported water use in from the Missouri: Elk Point aquifer for irrigation purposes in Yankton County is displayed in Table 2. The average irrigation pumpage reported over the 1979 to 2011 period of record for the entire aquifer is 15,922.6 ac-ft/yr.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1979	22	12,010.0	897.0
1980	22	12,010.0	2,735.0
1981	32	14,405.0	1,975.0
1982	28	12,234.8	1,113.0
1983	29	12,417.6	1,441.2
1984	31	13,012.5	999.9
1985	28	12,097.6	1,078.3
1986	29	12,417.6	1,328.0
1987	29	12,417.6	1,870.7
1988	29	12,417.6	2,209.1
1989	29	12,417.6	4,154.7
1990	28	12,097.6	3,452.5
1991	27	11,497.6	3,757.7
1992	28	11,497.6	675.3
1993	28	11,658.8	215.1
1994	27	11,396.4	1,177.7
1995	25	10,964.4	2,402.0
1996	26	11,176.8	2,500.9
1997	27	11,176.8	3,020.0
1998	27	10,794.4	1,928.3
1999	27	11,113.4	1,960.9
2000	27	11,053.4	2,834.7
2001	29	11,993.4	3,364.7
2002	31	12,441.4	4,397.6
2003	31	12,985.4	3,244.0
2004	35	13,681.4	3,462.2
2005	36	13,993.4	3,588.1
2006	41	15,845.4	3,965.0
2007	44	16,297.4	4,580.4
2008	58	21,840.2	5,212.7
2009	62	22,498.2	1,323.2
2010	66	23,674.2	613.6
2011	70	24,858.2	3,015.3
MIN	22	10,794.4	215.1
MAX	70	24,858.2	5,212.7
AVE	33.6	13,708.9	2,439.2

Table 2. Irrigation from the Missouri: Elk Point aquifer in Yankton County (Water Rights, 1980-2012).

There are also new permits and pending applications for water use from the Missouri: Elk Point aquifer that are expected to significantly increase the total volume of water appropriated for irrigation. Since January 1, 2012, 87 new permits were issued authorizing the irrigation of 10,675.1 acres. As of April 15, 2013, an additional 19 permit applications have been submitted for appropriation of water from the Missouri: Elk Point. The pending permits are shown in Table 3 and have a total proposed diversion rate of 32.79 cfs, and 1,700.85 acres of coverage.

Permit No.	Discharge Rate (CFS)	Acres
7693-3	0.67	27.7
7711-3	1.67	115
7712-3	1.78	74.54
7713-3	2.22	114.29
7714-3	1.67	59.32
7749-3	2.28	160
7768-3	1.78	48
7769-3	1.78	48
7770-3	1.78	70
7771-3	1.78	160
7772-3	1.78	120
7773-3	1.78	70
7774-3	1.78	35
7775-3	1.78	41
7776-3	1.78	140
7785-3	0.92	35
7800-3	2.22	110
7801-3	1.56	108
7802-3	1.78	165
TOTAL	32.79	1,700.85

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

Lewis and Clark Rural Water System (LCRWS) currently reserves 13,000 acre feet per year for future use and has permits appropriating 32,165 acre feet per year (Water Rights, 2013b). This accounts for a significant portion of the annual water usage in Clay County and the aquifer as a whole, and most of the water from these wells will be induced from the Missouri River. Hedges and others (1985) determined that with proper aquifer management, the Missouri: Elk Point aquifer could produce “virtually unlimited supplies of water” because of the hydraulic connection to the Missouri River. That is, more recharge can be induced with more pumping, in particular from the Missouri River because it is hydraulically connected to the aquifer. Recognizing that LCRWS withdraws 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 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 DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer. There are two observation wells within about 3.5 miles of the well site proposed by this application (Water Rights, 2013a). A hydrograph for each well is shown on Figures 1 and 2.

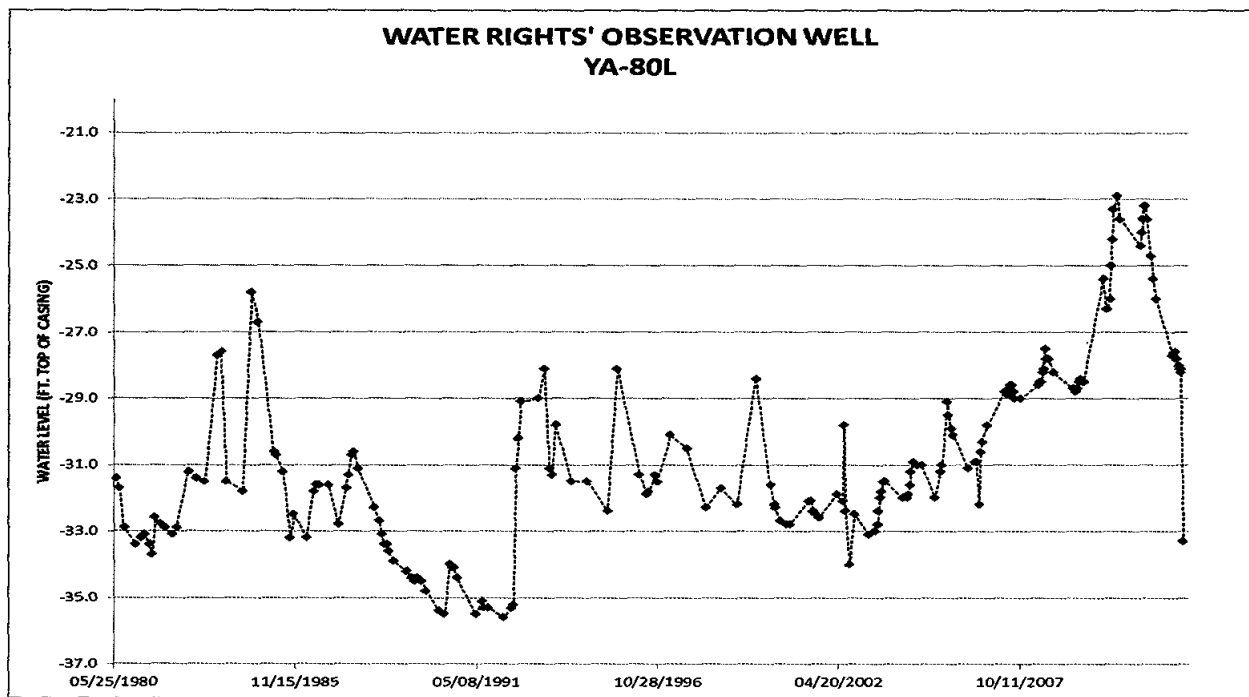


Figure 1. Hydrograph for DENR – Water Rights Observation well YA-80L completed into the Missouri: Elk Point aquifer approximately 3.5 miles west of the well site proposed by Water Permit Application 7806-3 (Water Rights, 2013a).

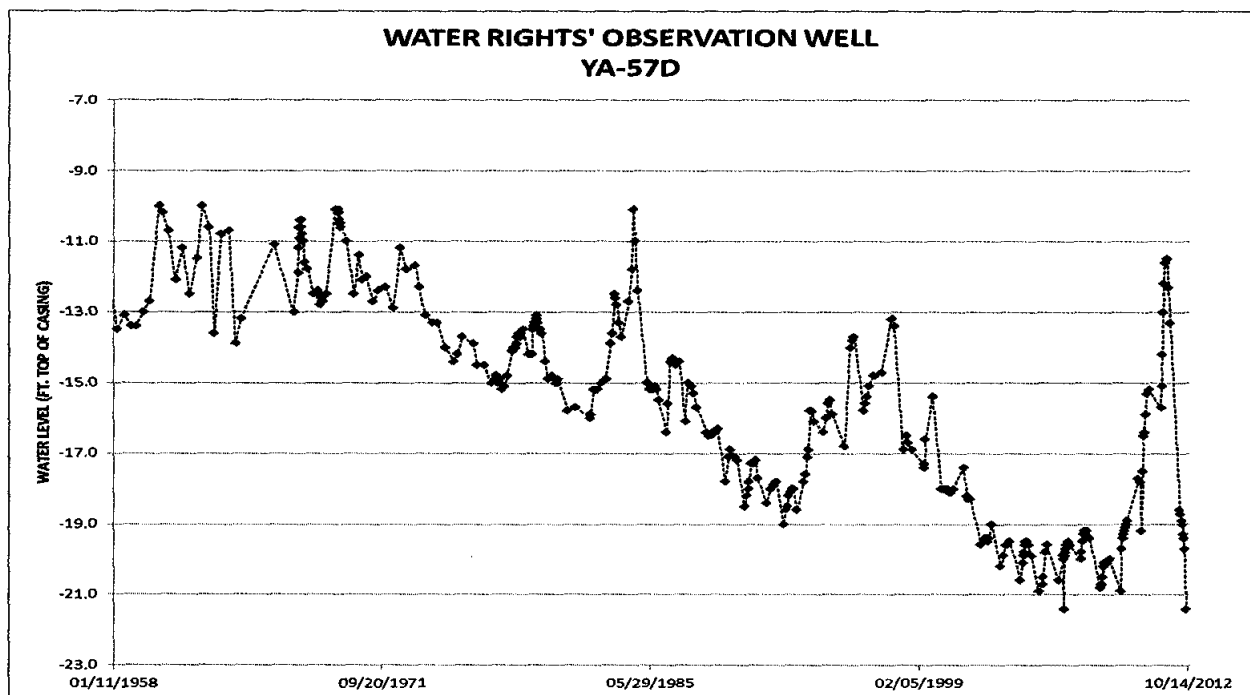


Figure 2. Hydrograph for DENR – Water Rights Observation well YA-57D completed into the Missouri: Elk Point aquifer approximately 3.5 miles east-northeast of the well site proposed by Water Permit Application 7806-3 (Water Rights, 2013a).

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. At the current level of development, climatic conditions mask the temporal effects of well withdrawals. The observation well

data also documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, high groundwater levels associated with flooding in 2011) and that drawdown is not significant. Hydrograph YA-57D shows a general gradual decline; this decline could be attributed to entrenching of the Missouri River (Goodman, 2007). Specifically, observation well YA-57D is located less than four miles downriver from the Gavins Point Dam. The presence of the dam and the resulting change in downstream flow has likely led to river bed degradation and the lowering of river and water table levels (Iles, 1979).

Because of this obvious hydraulic connection between 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 from the Missouri River with additional pumping. 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 the far west extent of the Missouri: Elk Point aquifer, about ¾ miles east of the Lower James-Missouri aquifer and one mile north of the Missouri River. The aquifer extends from the Missouri River to the northeast for eight to ten miles in this area. There are eight water rights/permits withdrawing water from the Missouri: Elk Point aquifer within about 1.5 miles of the proposed well site. It is worth noting that the majority of these wells are low capacity with discharges less than 0.5 cfs each and that irrigation within 1.5 miles is not significant. Current water rights and uses are listed in Table 4 while Figure 3 illustrates where the water rights/permits are located. The locations of the water rights/permits were determined using the best data reasonably available.

Permit No.	Name	Status	Type	CFS	Acres
1961C-3	Yankton Missouri KOA	LC	IRR	0.24	17.0
5021-3	Vishay-Dale Electronics Inc	LC	IND/IRR	0.1	1.5
5592-3	East Winds Court	LC	SHD	0.11	NA
5616-3	Cimpls Inc	LC	COM	0.44	NA
5936-3	Applied Engineering Inc	LC	IRR	0.1	1.8
6793-3	Eagle Venture	PE	IRR	2.89	263.0
7187-3	Prairie Creek Ranch	PE	IRR	1.78	150.0
7225-3	National Field Archery Assoc	PE	IRR	0.44	2.0
LC = Water Right, PE = Water Permit, COM = Commerical,					
IND = Industrial, IRR = Irrigation, SHD = Suburban Housing District					

Table 4. Water Rights/Permits within about 1.5 miles of the well site proposed by Water Permit Application 7806-3.

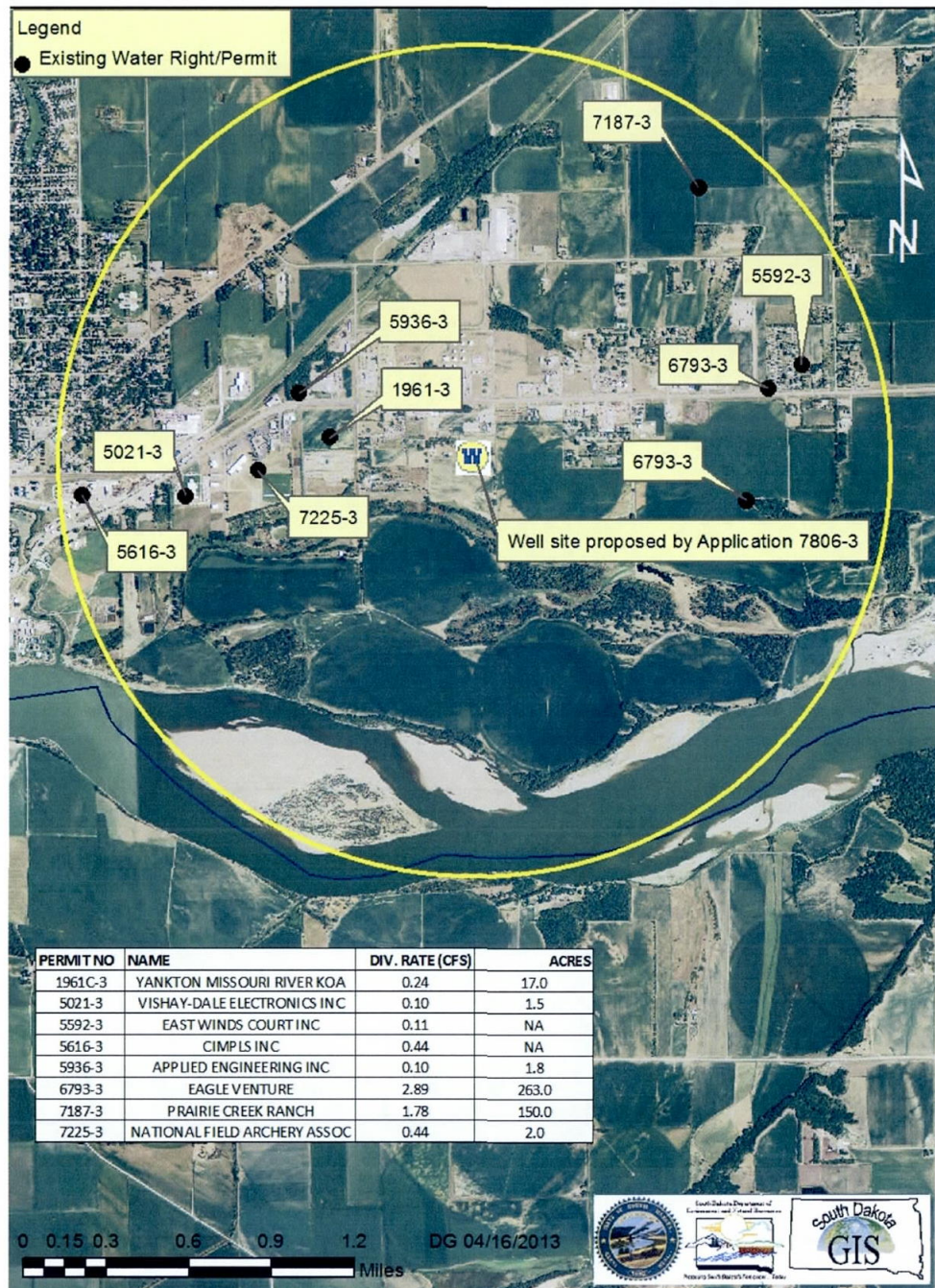


Figure 3. Water Rights / Permits within about 1.5 miles of the well proposed by Water Permit No. 7806-3 (Water Rights, 2013c).

Additional drawdown caused by the proposed well could be measurable in nearby wells. The nearest domestic well on file with the DENR – Water Rights Program is more than 3,000 feet away; however, domestic wells that are closer than this could exist and could have measureable drawdown, as well. The precise drawdown cannot be quantified without aquifer testing. With that in mind, a standard permit qualification to most groundwater permits/rights states that:

“The well approved under this permit will be located near domestic well 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 well or in adequate wells having prior rights”

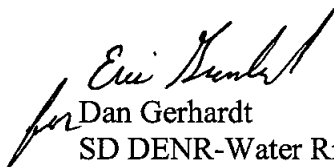
Based on a review of nearby well completion reports, saturated thickness in this area is expected to be greater than 70 feet (Water Rights, 2013b). Given the estimated saturated thickness and estimated values of transmissivity and specific capacity, drawdown is not expected to be significant at distances greater than about 500 feet. However, due to the possibility of unpredictable local variation in the characteristics of the Missouri: Elk Point aquifer at the proposed well site, some existing well owners may need to lower their pumps to accommodate for lower water levels. When considering SDCL 46-6-6.1 and ARSD 74:02:04:20(7) in combination with observation well measurements and the expected aquifer transmissivity, the proposed increase in diversion rate is not likely to lead to significant interference or adversely affect existing wells.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or “the equivalent thereof.” The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires. The applicant has indicated the higher diversion rate is required to operate the irrigation equipment, which does not make a full turn.

CONCLUSIONS:

1. Water Permit Application No. 7806-3 proposes to appropriate water from the Missouri: Elk Point aquifer at a maximum diversion rate of 1.08 cfs for the irrigation of 25 acres.
2. The applicant is seeking a diversion rate that would be in excess of the statutory limit of 1.0 cfs per 70 acres.
3. There is reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply these proposed appropriations.
4. The Missouri: Elk Point is under unconfined (water-table) conditions in the proposed areas, and drawdown is not expected to be significant very far from a production well.
5. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic users.


for Dan Gerhardt
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.
- Iles, D.L., 1979, Ground-Water Study for Southern Union County, S.D. Geological Survey Open File Report No. 28-UR, University of South Dakota, Vermillion, SD, 63p.
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57p.
- Water Rights, 1980-2012, "Irrigation Questionnaire Summaries by County", 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

MAY 28 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

5+22

**NOTICE OF APPLICATION
NO. 7806-3 to Appropriate
Water**

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. 7806-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 22nd DAY OF May 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$27.31** 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: 5/22/2013

FILED ON: 5/22/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF May 2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that C & C Hauling and Construction Inc., c/o Chad C. Madson, 2300 Willowdale Rd, Yankton SD 57078 has filed an application for a water permit to appropriate 1.08 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (100 feet deep) located in Government Lot 3, Section 16 for irrigation of 25 acres located in Government Lot 3, Section 16; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7806-3 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 June 3, 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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$27.31.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 16, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7806-3 to Appropriate Water. Please publish the notice once on May 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 C & C Hauling, c/o Chad C Madson, 2300 Willowdale Rd, Yankton SD 57078 (Ph # 605-668-0939).

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 DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

May 16, 2013

C & C Hauling
Chad C Madson
2300 Willowdale Rd
Yankton SD 57078

Dear Mr. Madson:

Water Permit Application No. 7806-3 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 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. 7806-3 to Appropriate Water

Notice is given that C & C Hauling and Construction Inc., c/o Chad C Madson, 2300 Willowdale Rd, Yankton SD 57078 has filed an application for a water permit to appropriate 1.08 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in Government Lot 3, Section 16 for irrigation of 25 acres located in Government Lot 3, Section 16; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit.

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Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUN 24 2013

C & C Hauling and Construction Inc
Chad C Madson
2300 Willowdale Rd
Yankton SD 57078

Dear Mr. Madson:

Enclosed is Water Permit No. 7806-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 Sec 16 Twp 93N Rg 55W

Government Lot 3

County Yankton North

Please mark well location with an "X"

See Attached map

Well Completion Date
8/13/13

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

PROPOSED USE:

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

METHOD OF DRILLING: Auger

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>12</u>	IN <u>12</u>	FT <u>+27"</u>	FT <u>45</u>	IN <u>20</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Hole plug 13</u>		Lb/gal <u>0</u>	Ft <u>0</u>	Ft <u>15</u>
		Lb/gal _____	Ft _____	Ft _____

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 20 Feet

Material _____

Slot Size _____ Set From 45 Feet to 65 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Bentonite Seal @ ground level

Describe packer(s) and location
Chanel pack 15' to 45'

SINFECTATION: Was well disinfected upon completion?

☐ Yes, How? _____

☒ No, Why Not? _____

Lab to which water quality sample sent for analysis _____

Well Owner: Chad madson

Business Name: _____

Address: 2300 Willowdale Road

City, State, Zip: Yankton, SD 57070

WELL LOG:

FORMATION	DEPTH	
	FROM	TO

STATIC WATER LEVEL 22.5' FEET

If flowing: closed in pressure 17-23 PSI

GPM flow 500/600 through 6x5 orifice 12" Inch pipe

Controlled by ☐ Valve ☐ Reducers ☒ Other orifice 6x5

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: 9/12/13 Step Rate Test from 12:00pm - 6:00pm

☐ Bailed

☐ Other

Pumping Level Below Land Surface

40 Ft. After 7 Hrs. pumped 500-600 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ RECEIVED _____

REMARKS

JAN 15 2014

WATER RIGHTS PROGRAM

This well was drilled under license # 735 and this report is true and accurate.

Drilling firm: Tahoy Pump Service, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:
Chad Madison

Date: 12-15-13

DRILLER'S LOG

RECEIVED

JAN 15 2014

**WATER RIGHTS
PROGRAM**

CLIENT: Madson

WELL: 1

DATE STARTED: 08/06/13

DATE COMPLETED: 08/13/13

DRILLER/LIC.#: Darin Cahoy 735

Location: Yankton, SD

[illegible]



7806-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: C & C HAULING AND CONSTRUCTION INC, 2300 WILLOWDALE RD, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7806-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7806-3 qualification:

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

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

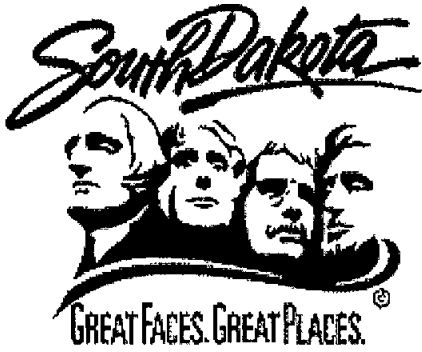
1. Suspend or cancel Permit No(s) 7806-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

7806-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 2019

7806-3

Chad Madson
C & C Hauling & Construction Inc
2300 Willowdale Rd
Yankton SD 57078

Dear Mr. Madson:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit No. 7806-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7806-3

I have this day, April 11, 2022, made a thorough examination of the water use system constructed by C & C Hauling and Construction, Inc., holder of Permit No. 7806-3, bearing the priority of March 11, 2013 authorizing the diversion of 1.08 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 25 acres located in Yankton County.

Inspection contacts: Cliff Madson

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Cahoy Pump Service, Inc.
- 2) No. of Wells: 1
- 3) Depth(s): 65 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 45 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 12 inches
- 2) Length: 20 feet
- 3) Type: Manufactured
- 4) Static water level: 22.5 feet

Pump:

- 1) Make: JW Pump
- 2) Model: 7MCHC
- 3) Capacity: 500 GPM

Motor:

- 1) Make: Unknown
- 2) Model No.: Unknown
- 3) Horsepower rating: 30 hp

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

- | | | |
|--------------------------|--------------------------|------------------------------|
| 1) Type: <u>Aluminum</u> | 2) Size: <u>4</u> inches | 3) Length: <u>20</u> feet |
| 1) Type: <u>PVC</u> | 2) Size: <u>4</u> inches | 3) Length: <u>1,250</u> feet |

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

- 1) Make: Zimmatic
- 2) Overall length: 396 feet
- 3) Number of towers: 3
- 4) End gun: Yes
- 5) Capacity: 500 GPM

Chemigation Equipment:

- 1) Does chemigate: No

East Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 688 feet
- 3) Number of towers: 5
- 4) End gun: Yes
- 5) Capacity: 500 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No.
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: A second pivot was added to the system.

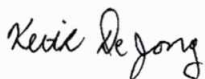
E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,980 feet east and 1,090 feet south of the northwest corner of Section 16-T93N-R55W (Latitude 42.87683, Longitude -97.35018 – NE1/4 of the NW1/4).
2. The works are capable of diverting and conveying to the place of use 1.11 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 16-T93N-R55WNW1/4NW1/4 6.0 acresNE1/4NW1/4 6.5 acresSE1/4NW1/4 12.5 acres

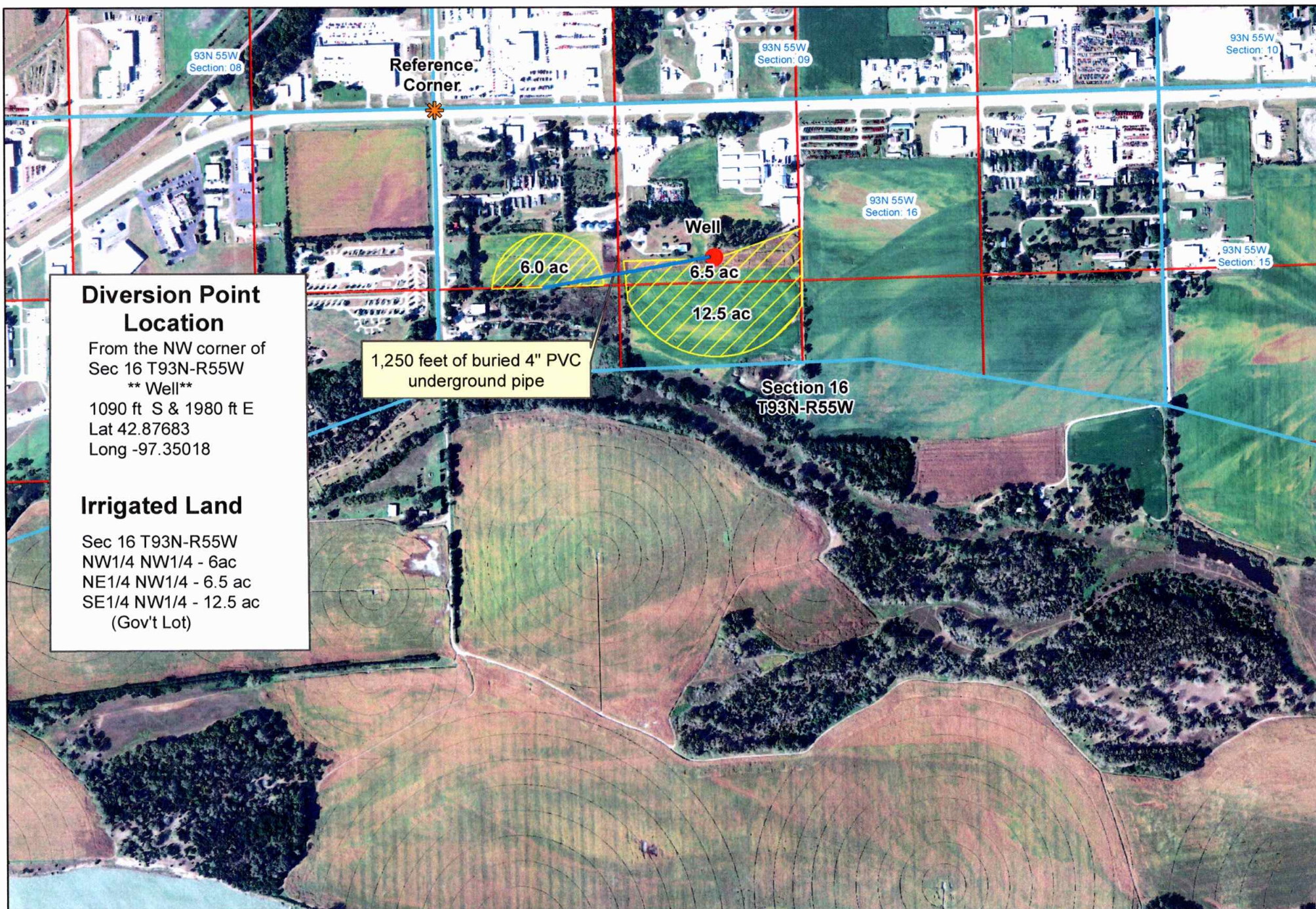
comprising a total of 25 acres of land and the license should be issued for 1.08 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: A second pivot system was installed in the NW1/4 of the NW1/4 that is fed from the well for Water Right No. 7806-3. This land is adjacent to and owned by C & C Hauling and Construction Inc. The pump and motor information was obtained from Grosch Irrigation Co., Inc. in Albion, NE.

Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 20, 2022



0 700 1,400 2,800 4,200 5,600 Feet

Keith DeJong

Keith DeJong, PE Ret.
Staff Engineer
<DATE>

Licensing of Acreage Outside of Permitted Area

NAME: C&C Hauling and Construction

ADDRESS: 2300 Willowdale Rd, Yankton SD 57078

DATE: August 2, 2022 COUNTY: Yankton

AUTHORITY

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

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 25 acres as compared to 25 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The relocated 6.0 acres are in the NW1/4 NW1/4 immediately adjacent to permitted acres in the SE1/4 NW1/4 (Gov't Lot 3) of Section 16 T93N-R55W

- **Owned by Same Property Owner**

All the property involved is listed under C&C Hauling and Construction Inc

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

The construction completion date was to be completed by June 3, 2018. Irrigation of 25 acres was reported being performed in 2014

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 6.0 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

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

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



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 03 2022

7806-3

Cliff Madsen
C & C Hauling & Construction Inc
2300 Willowdale Rd
Yankton SD 57078

Dear Mr. Madsen:

Enclosed is Water License No. 7806-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7806-3

(1) C & C Hauling and Construction Inc., 2300 Willowdale Rd, Yankton SD 57078 made Application No. 7806-3, March 11, 2013, for a water permit to divert 1.08 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7806-3, with a priority date of March 11, 2013, was approved June 3, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 3, 2018, and for the application to beneficial use of water on or before June 3, 2022.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.08 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,980'E and 1,090'S of the NW corner of Section 16, T93N, R55W (Gov't Lot 3) NE ¼ NW ¼
Latitude 42.87683, Longitude -97.35018

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

Section 16, T93N, R55W	NW ¼ NW ¼	6.0 acres
	(Gov't Lot 3) NE ¼ NW ¼	6.5 acres
	(Gov't Lot 3) SE ¼ NW ¼	12.5 acres
	Total	25.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 C & C Hauling and Construction Inc., 2300 Willowdale Rd, Yankton SD 57078 the holder and/or owner of Water Right No. 7806-3 is issued a license to appropriate water, the right to use 1.08 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of March 11, 2013, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7806-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The well authorized by Permit No. 7806-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in August 2013 by Cahoy Pump Service Inc. A copy of the well completion report is on file with the Water Rights Program.*
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 7806-3 authorizes a maximum diversion rate of 1.08 cfs for the irrigation of 25 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

AUG 03 2022

date

