

WATER PERMIT NO. 7848-3

Name of Applicant: Missouri Valley Farms Inc & Dakota Valley Farms Inc.

Address: PO Box 689, Elk Point SD 57025 Phone: 605 761-0248

Amount of Water Claimed: 3.03 cfs Total Acres: 213

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 6 miles west of Elk Point

PRIORITY Date Received: 5-31-13 Application/License Fee: \$ 1,150

Corrected Application Received: Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: NE 1/4 NE 1/4 Sec 19 and E 1/2
SE 1/4 Sec 18; all in T91N-R50W

Land to be Irrigated: NE 1/4 NE 1/4 (Lot B and
Lot C Sec 19 and SE 1/4 Sec 18; all in T91N-
R50W

Depth of Well: 100 feet deep

Well Driller:

Remarks:

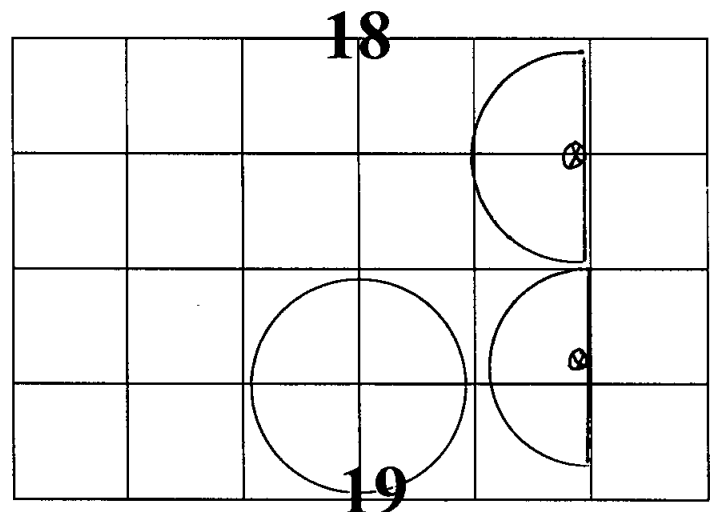
Type of Map: aerial

Prepared by: Mark Turner

Reviewed and the Number Assigned on: 6-3-13

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. 2848-3 (office use only) Hydrologic Unit 10170101
Basin Missouri River 605-356-3632
Newspaper Leader-Courier Box 310 Elk Point 57025
605-665-7811
Press & Dakotan 319 Walnut Yankton 57028

RECEIVED
MAY 31 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Missouri Valley Farms, Inc. & Dakota Valley Farms, Inc.
(check one) ☐ Owner ☐ Tenant/lessee ☒ Owner's Legal Agent Mark A. Turner - President (MVF, Inc.) & Registered Agent (DVF, Inc.)
(name and complete address if different than above name)

Mailing Address P.O. Box 689 Elk Point SD 57025
(Address) (City) (State) (Zip Code)

Home Phone 605-761-0248 Cell 760-250-9220 Email mtturner@cve.net

2. Amount of water claimed 3.04 *CFS or 1,365 **GPM ***AF Total Acreage 213
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water

4. Location of point of diversion New Well in the NE1/4NE1/4 Sec. 19, T91N, R50W of the 5th P.M. (MVF, Inc.)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

New Well E1/2SE1/4 Sec. 18, T91N, R50W of the 5th P.M. (DVF, Inc.) County Union

5. County or counties where water will be used Union County

6. Annual period during which water is to be used March 1 - - - November 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
Lot "B" (Port. of NE1/4NE1/4, Gov't. Lts. 1 & 2		Port. SE1/4 Sec. 18, T91N, R50W - DVF, Inc.	72 Ac.
& Accretion, Sec. 19, T91N, R50W) - MVF, Inc.	47 Ac.		
Lot "C" (Port. of Gov't. Lts. 2 & 3 & Accretion,			
Sec. 19, T91N, R50W) - MVF, Inc.	94 Ac.		

8. Give a description of the project. (Attach sheet if more space is needed)
Develop New Irrigation Well(s) and Center Pivot Irrigation System.

I, Mark A. Turner Mark A. Turner, 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. 7848-3**

Date of first receipt of application May 31, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7848-3 to Missouri Valley Farms, Inc & Dakota Valley Farms, Inc., c/o Mark A Turner, PO Box 689, Elk Point SD 57025 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. 7848-3 appropriates 3.04 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NE 1/4 Section 19 and E 1/2 SE 1/4 Section 18 for irrigation of 213 acres located in the Lot B (NE 1/4 NE 1/4, Gov't Lts 1 & 2 & Accretion) Section 19; Lot C (Gov't Lts 2, 3 & 4 & Accretion) Section 19; SE 1/4 Section 18; all in T91N-R50W.
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: March 1 – November 30.
3. The date from which applicant may claim right is May 31, 2013.
4. The date of approval of Permit No. 7848-3 is August 5, 2013.
5. One-fifth of the construction is to be completed on or before February 5, 2016.
6. All construction is to be completed on or before August 5, 2018.
7. Water is to be put to beneficial use on or before August 5, 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 wells 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 wells authorized by Permit No. 7848-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

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

AUG 30 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 2 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 100 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property None On property owned by others Unknown

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)

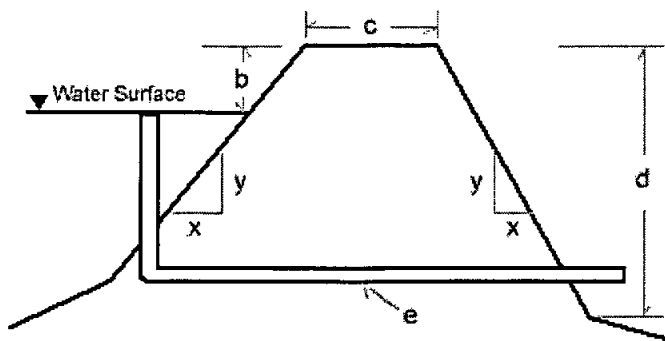
Upstream _____

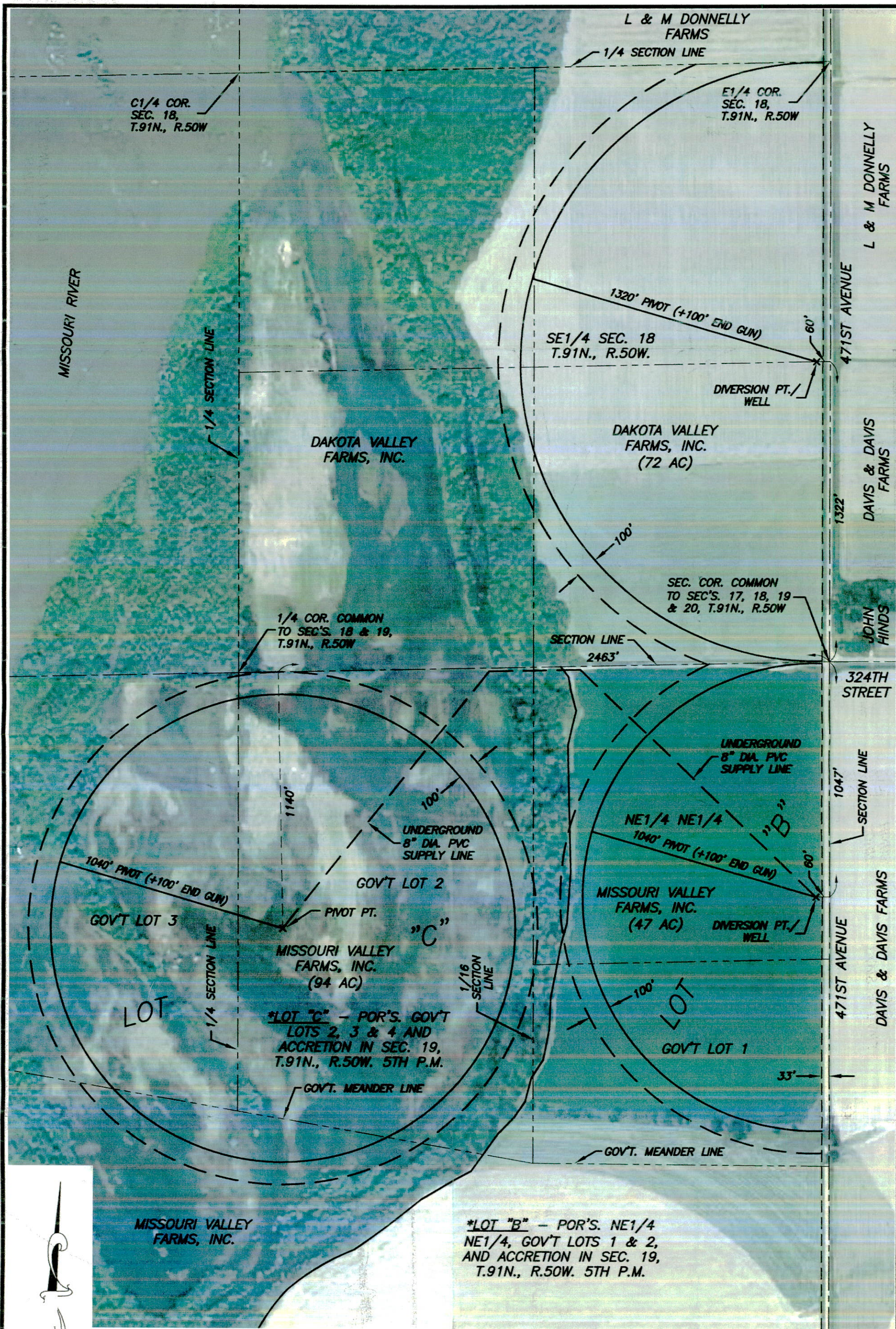
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

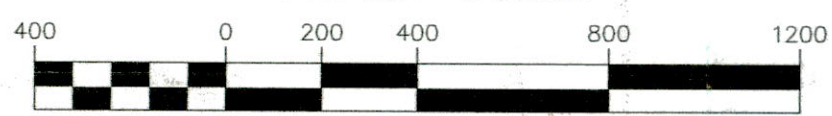




MISSOURI VALLEY FARMS, INC.

*LOT "B" - POR'S. NE1/4 NE1/4, GOV'T LOTS 1 & 2, AND ACCRETION IN SEC. 19, T.91N., R.50W. 5TH P.M.

GRAPHIC SCALE



FOR:
MISSOURI VALLEY FARMS, INC.
MERTON TURNER
P.O. BOX 689
WATER RIGHTS ELK POINT, SD 57025
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/31, 2013

RECEIVED OF Missouri Valley Farms Inc PO Box 164 Elk Point SD 57025

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

Fee for Application for Permit No. <u>7848-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>7848-3</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	1150 00

No. **06355**

By Jean Goodman
Chief Engineer

Water Rights Program - File Documentation

NAME: Mark Turner

ADDRESS: Missouri Valley Farms, Elk Point SD 57025

DATE: 5-31-13 **COUNTY:** Union **TELEPHONE:** 720 250-9220

RE: Pending Application

COMMENTS:

Mark Turner stated the proposed well depths would be approximately 100 feet deep.



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. 7848-3, Missouri Valley Farms Inc and Dakota Valley Farms**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7848-3, Missouri Valley Farms Inc and Dakota Valley Farms, c/o Mark A Turner, PO Box 689, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7848-3 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 wells 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 wells authorized by Permit No. 7848-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
July 18, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7848-3

Missouri Valley Farms Inc & Dakota Valley Farms Inc, c/o Mark A Turner

June 11, 2013

Water Permit Application No. 7848-3 proposes to divert groundwater at a maximum rate of 3.04 cubic feet of water per second (cfs) from two wells to be completed into the Elk Point management unit of the Missouri aquifer. The wells are expected to be approximately 100 feet deep and located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19 and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, T91N-R50W. Water will be used to irrigate 213 acres located in Lot B (NE $\frac{1}{4}$ NE $\frac{1}{4}$, Gov't Lts 1 & 2 & Accretion), Lot C (Gov't Lts 2, 3, & 4 & Accretion) of Section 19 and SE $\frac{1}{4}$ of Section 18, all in T91N-R50W in Union County.

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

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash consisting of fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer is located in southeastern South Dakota, underlying large portions of Yankton, Clay, and Union Counties. In total, the Missouri: Elk Point aquifer is estimated to underlie 210,100 acres and contain 3,287,100 acre feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer connects to the Lower Vermillion Missouri and Lower James Missouri aquifers to the north, often overlies the Dakota aquifer, and is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967).

A test hole log was not submitted with this application as required by ARSD 74:02:01:08.01. The proposed wells are located approximately one half mile east of the Missouri River. The Missouri: Elk Point aquifer could be confined locally but is predominately under water table conditions. Water levels in the aquifer at these locations are directly related to surface water levels. Due to the proximity of the proposed well sites to the river, much of the water pumped will likely be induced (Stonesifer, in progress).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

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 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.” 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/recharge issue must be considered.

Hydrologic Budget:

The hydrologic budget of the Missouri: Elk Point aquifer was evaluated for groundwater appropriations as of June 10, 2013. Water rights/permits/future use permits are expected to use 81,108 ac-ft/yr, which includes expected use of new irrigation water permits. Recharge to the aquifer is estimated to be at least 91,964 ac-ft/yr, which considers induced recharge. Therefore, approximately 10,856 ac-ft/yr of unappropriated water is currently available (Stonesifer, in progress).

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 SD DENR-Water Rights Program monitors 38 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013a). The nearest of these wells, UN-77L, is located approximately two miles east of the proposed well sites. The hydrograph of this observation well is shown in Figure 1.

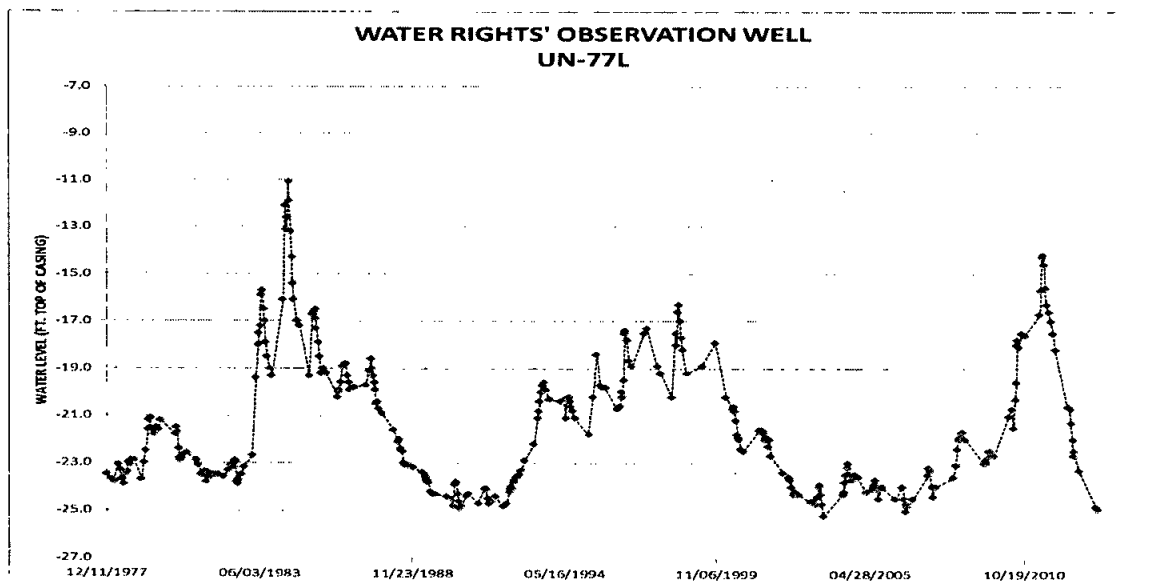


Figure 1: Hydrograph for observation well UN-77L (Water Rights, 2013a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrograph also shows the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal

well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal.

In general, hydrographs of observation wells completed into the Missouri: Elk Point aquifer shows a slight decline of water table. This gradual decline has been attributed to entrenching the Missouri River or controlling the flow of the Missouri River by the Gavins Point Dam, which no longer allows inundation of the floodplain (Goodman, 2007; Stephens, 1967). Regardless of cause, the declining water table levels demonstrate the hydraulic connection between the aquifer and the Missouri River, which leads to the possibility of induced recharge (Stephens, 1967). Therefore, unappropriated water is available from the Missouri: Elk Point aquifer.

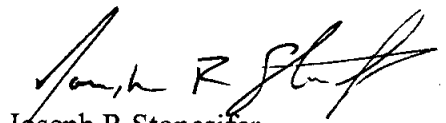
EXISTING WATER RIGHTS:

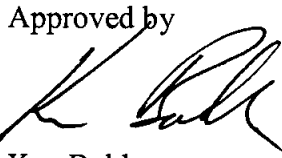
The proposed wells will be located near other wells that obtain water from the same aquifer. Water Right No. 4045-3 Floyd Davis and Water Permit No. 7221-3 Mark Chicoine authorize the only wells located within one mile of the proposed well sites (Water Rights, 2013b; Water Rights, 2013c).

The close proximity of the wells to the Missouri River indicates that drawdown due to pumpage would be reduced due to the induced recharge. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely or unlawfully impaired due to the proposed wells.

CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 3.04 cfs from two wells to be completed into the Missouri: Elk Point aquifer for the irrigation of 213 acres.
2. Unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
3. This proposed diversion will not adversely or unlawfully impair existing nearby wells.


Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by

Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- 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, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and 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.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p. Vermillion, South Dakota.
- Stonesifer, J.R. in progress. Water Availability of the Missouri: Elk Point Aquifer. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 7848-4

To Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 25 day of July, 2013

and that the succeeding publications were

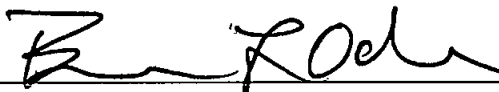
on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 24.98, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or 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 other person whomsoever.



Subscribed and sworn to before me

this 25 day of July, 2013

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF APPLICATION NO. 7848-4 TO APPROPRIATE WATER

Notice is given that Missouri Valley Farms Inc & Dakota Valley Farms Inc, c/o Mark A Turner, PO Box 689, Elk Point SD 57025 has filed an application for a water permit to appropriate 3.04 cubic feet of water per second from two wells to be completed into the Missouri Elk Point Aquifer (100 feet deep) located in the NE 1/4 NE 1/4 Section 19 and E 1/2 SE 1/4 Section 18 for irrigation of 213 acres located in the Lot B (NE 1/4 NE 1/4, Gov't Lts 1 & 2 & Accretion) Section 19; Lot C (Gov't Lts 2,3 & 4 & Accretion) Section 19; SE 1/4 Section 18; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7848-3 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 August 5, 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.
Publish July 25, 2013
Published once at the total approximate cost of \$24.98
30-8-83

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WATER RIGHTS
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JUL 29 2013

WATER RIGHTS
PROGRAM

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

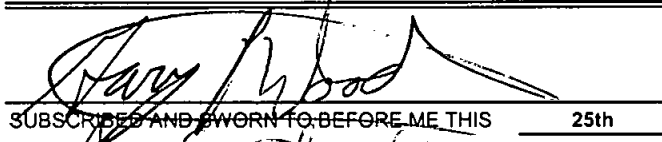
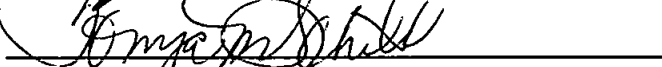
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

GARY WOOD BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE PUBLISHER 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. 7848-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 25th DAY OF July 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.47 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: 7/25/2013

FILED ON: 7/25/2013


SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF July

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

7+25
NOTICE OF APPLICATION
NO. 7848-3 to Appropriate Water

Notice is given that Missouri Valley Farms Inc & Dakota Valley Farms Inc, c/o Mark A Turner, PO Box 689, Elk Point SD 57025 has filed an application for a water permit to appropriate 3.04 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NE 1/4 Section 19 and E 1/2 SE 1/4 Section 18 for irrigation of 213 acres located in the Lot B (NE 1/4 NE 1/4, Gov't Lts 1 & 2 & Accretion) Section 19; Lot C (Gov't Lts 2,3 & 4 & Accretion) Section 19; SE 1/4 Section 18; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7848-3 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 August 5, 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 \$27.47.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 18, 2013

Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7848-3 to Appropriate Water. Please publish the notice once on July 25, 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 Missouri Valley and Dakota Valley Farms Inc, c/o Mark A Turner, PO Box 689, Elk Point SD 57025 (Ph # 605-761-0248).

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

July 18, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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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.

July 18, 2013

Missouri Valley and Dakota Valley Farms Inc
Mark A Turner
PO Box 689
Elk Point SD 57025

Dear Mr. Turner:

Water Permit Application No. 7848-3 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 Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) and 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 July 25, 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. 7848-4 to Appropriate Water

Notice is given that Missouri Valley Farms Inc & Dakota Valley Farms Inc, c/o Mark A Turner, PO Box 689, Elk Point SD 57025 has filed an application for a water permit to appropriate 3.04 cubic feet of water per second from two wells to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NE 1/4 Section 19 and E 1/2 SE 1/4 Section 18 for irrigation of 213 acres located in the Lot B (NE 1/4 NE 1/4, Gov't Lts 1 & 2 & Accretion) Section 19; Lot C (Gov't Lts 2,3 & 4 & Accretion) Section 19; SE 1/4 Section 18; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7848-3 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 August 5, 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

AUG 30 2013

Missouri Valley & Dakota Valley Farms Inc
Mark A Turner
PO Box 689
Elk Point SD 57025

Dear Mr. Turner:

Enclosed is Water Permit No. 7848-3 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

7848-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: MISSOURI VALLEY FARMS, MARK TURNER, PO BOX 689, ELK POINT, SD 57025 0689

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4421-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 7848-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 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) 7848-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4421-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://danr.sd.gov/iq> using this password: HEXURT**

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.

7848-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

4421-3
7848-3

Mark Turner
Missouri Valley Farms
PO Box 689
Elk Point SD 57025 0689

Dear Mr. Turner:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 4421-3 and 7848-3. 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
Genny.mcmath@state.sd.us