

WATER PERMIT NO. 7936-3

Name of Applicant: **Don A Johnson, c/o Chris Nelsen**

Address: **30723 444th Ave, Mission Hill SD 57046** Phone: **507 831-1103**

Amount of Water Claimed: **1.39 cfs** Total Acres: **83**

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

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

Type of Waste Disposal System:

Location: **3 miles east of Mission Hill**

PRIORITY Date Received: **12-17-13**

Application/License Fee: **\$ 950**

Corrected Application Received: **12-23-13**

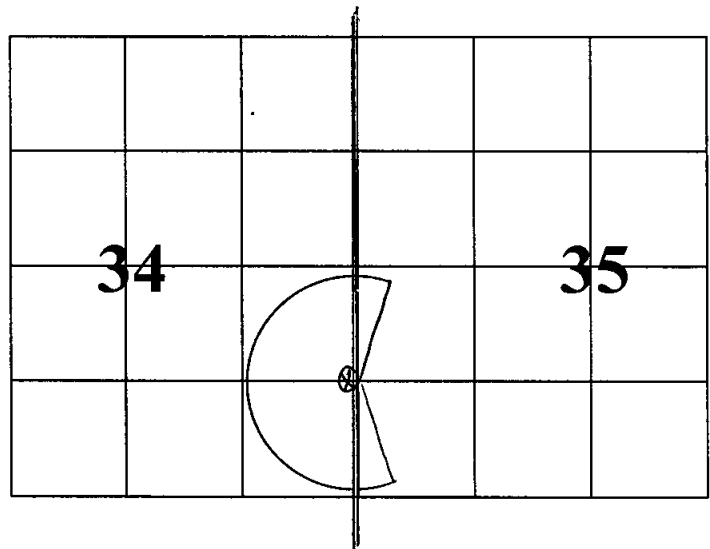
Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **E 1/2 SE 1/4 Sec 34 -T94N-R54W**

Land to be Irrigated: **E 1/2 SE 1/4 Sec 34 and W**

1/2 SW 1/4 Sec 35-T94N-R54W



Depth of Well: **135 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **12-27-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7936-3</u> (office use only)	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Press & Dakotan</u> <u>319 Walnut</u>	
	<u>Yankton 57078 - 605-665-7811</u>	

RECEIVED

DEC 17 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 Don A. Johnson
(check one) ☐ Owner ☒ Tenant/lessee ☐ Owner's Legal Agent Chris Nelsen 30723 444th Ave. Mission Hill, S.D.
(name and complete address if different than above name)

Mailing Address 1150 June Court Windom MN 56101
(Address) (City) (State) (Zip Code)

Home Phone 507-831-1103 Cell _____ Email _____

2. Amount of water claimed 1.39 *CFS or 625 **GPM _____ ***AF Total Acreage 8.3
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River: Elk Point Aquifer

4. Location of point of diversion 1 well located on east edge of E 1/2 of SE 1/4 Sec. 34 R54W T94N
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used April September 30

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

Land Description	Acres	Land Description	Acres
<u>E 1/2 of SE 1/4 Sec 34-T94N-R54W</u>	<u>68</u>		
<u>W 1/2 of SW 1/4 Sec 35-T94N-R54W</u>	<u>15</u>		

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

The purpose of this application is to request an additional diversion point and add additional land to be irrigated adjacent to existing permit landowner already has in 35-94N-54W.
Requesting diversion rate greater than statutory limit

I, Chris B. Nelsen, 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. 7936-3

Date of first receipt of application December 17, 2013.

Date of return to applicant for corrections, amendments or changes December 17, 2013.

Date of receipt of corrected application December 23, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7936-3 to Don A Johnson, c/o Chris Nelsen, 30723 444th Ave, Mission Hill SD 57046 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7936-3 appropriates 1.39 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (135 feet deep) located in the east edge of the E 1/2 SE 1/4 Section 34 for irrigation of 83 acres located in the E 1/2 SE 1/4 Section 34 and W 1/2 SW 1/4 Section 35; all in T94N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is December 17, 2013.
4. The date of approval of Permit No. 7936-3 is March 10, 2014.
5. One-fifth of the construction is to be completed on or before September 10, 2016.
6. All construction is to be completed on or before March 10, 2019.
7. Water is to be put to beneficial use on or before March 10, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7936-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7936-3 authorizes a maximum diversion rate of 1.39 cfs for the irrigation of 83 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

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

APR 11 2014

date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Heine Electric & Irrigation
(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 135' Depth to Top of Water Bearing Material 285' Depth to Water from Surface 17 Feet

d) Distance to nearest existing domestic well:

On applicant's property 1320' EAST

On property owned by others 2640' North
D.A. Olson & Sons

2. Wastewater Disposal System Information

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

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)

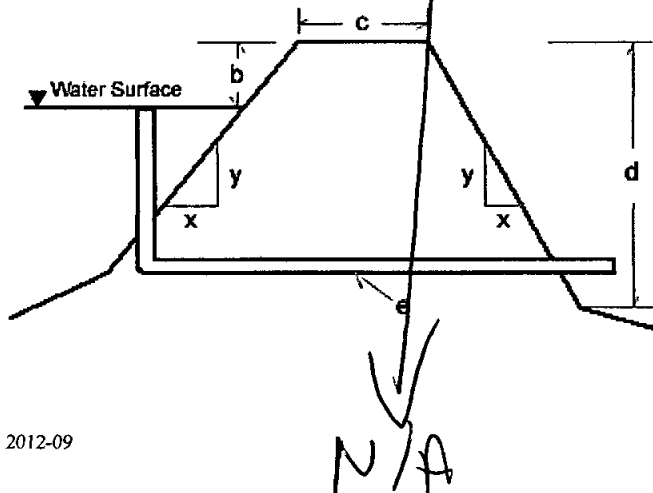
Upstream

Downstream

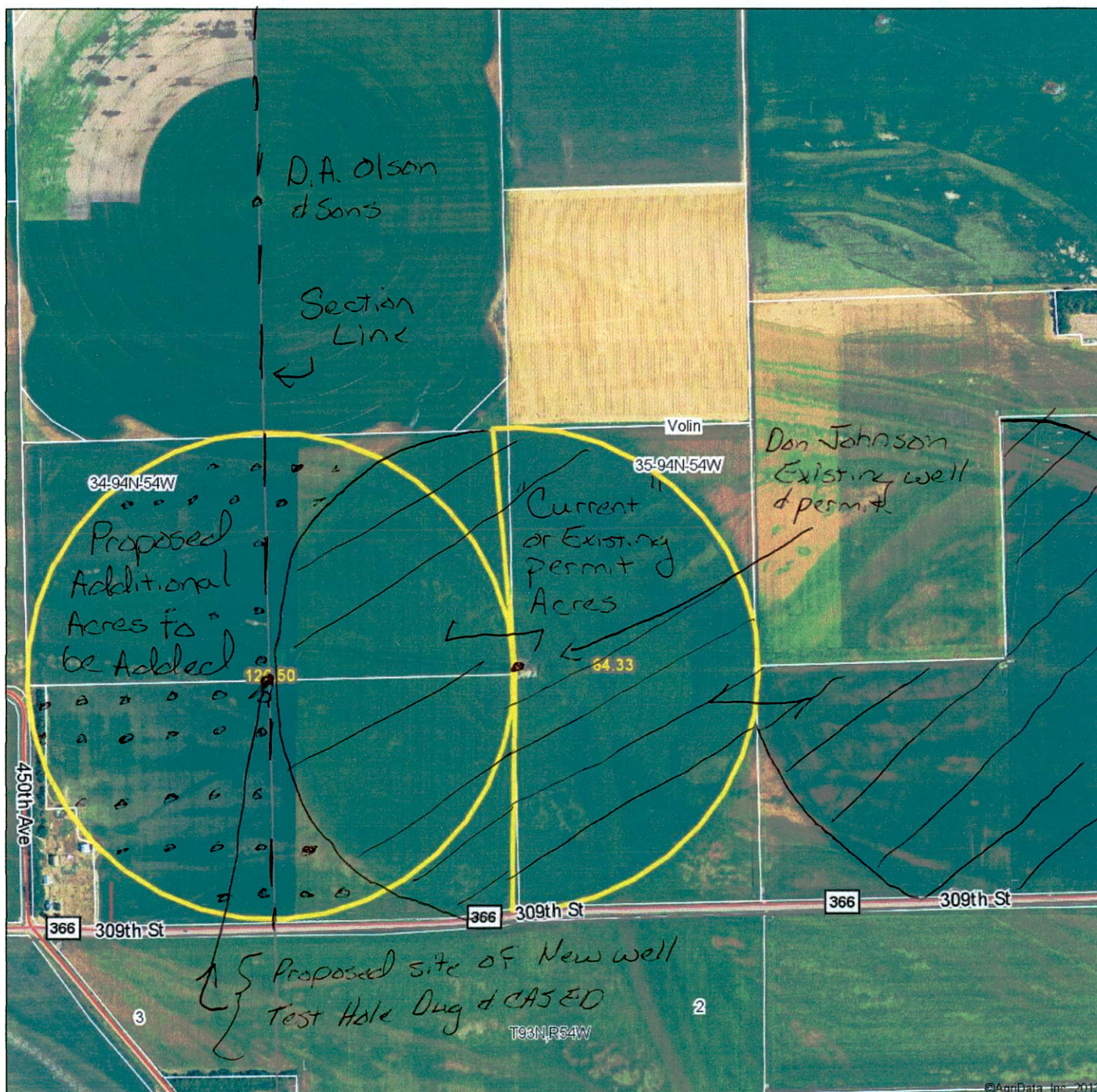
h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Aerial Map



map center: 42° 54' 53.38, 97° 11' 40.39

scale: 9768

Maps Provided By:



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35-94N-54W

Yankton County
South DakotaRECEIVED
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12/15/2013

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/17, 20 13

RECEIVED OF Christopher B Nelsen 30723 444th Ave Mission Hill SD 57046

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

Fee for Application for Permit No. <u>7936-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	750	00

No. **06537**

By Jeannette Goddard
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12-23

, 20 13

RECEIVED OF Christopher B Nelsen, 30722 444th Ave, Mission Hill SD 57046

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	200 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>7936-3</u>		
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	200.00

No. **06549**

By Janne Goodman
Chief Engineer
/KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

December 17, 2013

Chris Nelsen
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelsen:

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

- We have received your check for \$750.00. The application plus license fee for irrigation of 83 acres is \$ 950.00. Please submit an additional \$200.00.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7936-3, Don A Johnson**

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. 7936-3, Don A Johnson, 1150 June Court, Windom MN 56101.

The Chief Engineer is recommending APPROVAL of Application No. 7936-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7936-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7936-3 authorizes a maximum diversion rate of 1.39 cfs for the irrigation of 83 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
February 19, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7936-3
DON A. JOHNSON
C/O CHRIS NELSEN
FEBRUARY 18, 2014

Water Permit Application No. 7936-3 proposes to divert groundwater at a maximum rate of 1.39 cubic feet of water per second (cfs) from one well to be completed into the Elk Point management unit of the Missouri aquifer. The well is expected to be approximately 135 feet deep and located in the east edge of the E ½ SE ¼ Section 34 for the irrigation of 83 acres located in the E ½ SE ¼ Section 34 and W ½ SW ¼ Section 35; all in T94N-R54W in Yankton County. The applicant is requesting a diversion rate greater than the statutory limit.

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 et. al, 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). The Missouri: Elk Point aquifer is predominantly under water table conditions.

A test well log was not submitted with this application. The supplemental information sheet submitted with the application stated that the well is 135 feet deep with the top of the water bearing material approximately 85 feet below grade. The static water level in the well was 17 feet below ground surface. The well site is approximately five miles from the Missouri River.

South Dakota Codified Law (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:

This application proposes to appropriate water from the Missouri: Elk Point aquifer. Actual water use, if this application is approved, will likely be less than 166 acre-feet annually (ac-ft/yr). 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 was available at that stage of development (Stonesifer, in progress).

Since June 10, 2014, six water permits have been approved and one is pending, Application No. 7933-3. All of the water permits and the pending permit are for irrigation use. These are shown in Table 1. Historically, irrigation use water rights/permits withdrawing water from this aquifer pump on average in total 13.7% of the total appropriation (Stonesifer, in progress). Applying this proportion to the new appropriations and the pending appropriation, estimated expected use is 272 ac-ft/yr. Consequently, there is approximately 10,584 ac-ft/yr of recharge in excess of average annual withdrawal. Therefore there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Permit No.	Name	County	Priority Date	Permit CFS	Permit Acres	Permit Appropriation (ac-ft)
7848-3	Missouri Valley Farms Inc.	Union	05/31/2013	3.04	213	426
7856-3	Mike & Steve Allard	Union	07/01/2013	1.78	129.3	258.6
7895-3	Todd Hansen	Union	09/09/2013	1.89	180	360
7898-3	James Orr	Clay	09/12/2013	1.56	132	264
7899-3	Justin Orr	Clay	09/12/2013	1.56	97	194
7904-3	Craig S. McInerney	Union	09/23/2013	1.78	160	320
7933-3	Doug Bye	Clay	Pending	0.89	80	160

Table 1: Approved water permits from the Missouri Elk: Point aquifer since June 10, 2013 (Water Rights, 2014b)

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 Water Rights Program monitors 38 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2014a). The nearest of these wells, YA-78J, is located approximately 2.3 miles southwest of the proposed well site. The hydrograph of this observation well is shown in Figure 1. 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 show a slight decline of water table. This 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). Since the drought in 2012, water levels in many observation wells completed into the Missouri: Elk Point aquifer have not yet returned to previous elevations. Also shown in the hydrograph is Missouri River water levels near the City of Yankton, approximately six miles west of the observation well. The trends in water levels between groundwater and surface water are very similar. This indicates that a strong hydraulic connection exists, where groundwater levels are to some extent dependent on the Missouri River stage. Therefore, water levels in the aquifer are not decreasing due to well withdrawal, and unappropriated water is available.

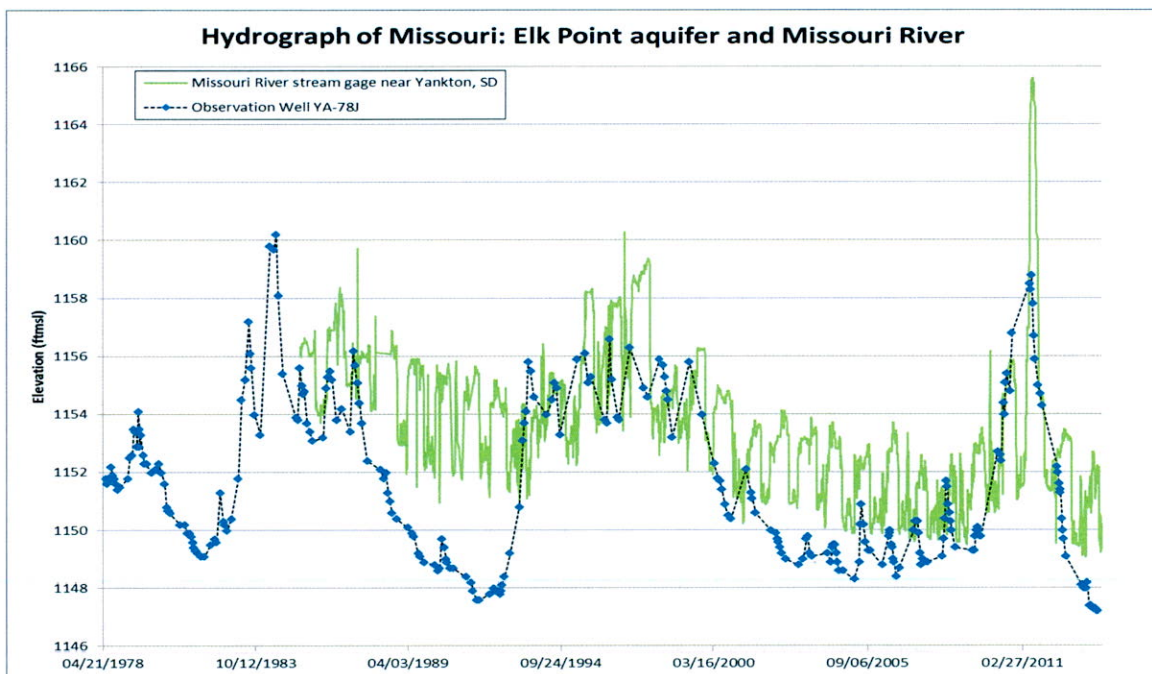


Figure 1- Hydrograph for observation well YA-78J and Missouri River stream gage near the City of Yankton (USGS, 2014; Water Rights, 2014a)

EXISTING WATER RIGHTS:

There are four water rights/permits authorizing wells completed into the Missouri: Elk Point aquifer within approximately 1.5 miles of the proposed well site (Water Rights, 2014b). The nearest well authorized by a water right/permit is approximately one-quarter mile east of the proposed well site. The well is authorized by Water Permit No. 6934-3 for Don A. Johnson, the applicant for Application No. 7936-3. There is one of domestic well on file with the SD DENR-Water Rights Program within approximately 1.5 miles of the proposed well site (Water Rights, 2014c). The nearest domestic well on file with the DENR-Water Rights Program is approximately one mile southwest of the proposed well site (Water Rights, 2014c).

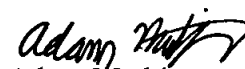
The relatively large saturated thickness, the areal extent, and the water table conditions of the Missouri: Elk Point aquifer indicates that the effects of drawdown due to pumpage would be minimal. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has 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.

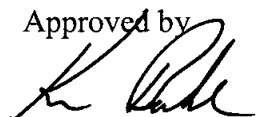
SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 7936-3 proposes to divert 1.39 cfs from the Missouri: Elk Point aquifer for the irrigation of 83 acres, or the equivalent of 1.17 cfs per 70 acres. The applicant did not explicitly state the need for the request in excess of the statutory limit. However, based on the map submitted these proposed acres as well as the acres authorized for irrigation by Water Permit No. 6934-3 will be irrigated by two center pivots. One of the center pivots will make a "windshield wipe" motion. In the past, it has been accepted that to run a "windshield wipe" center pivot a diversion rate greater than the statutory limit is often required.

CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 1.39 cfs from one well to be completed into the Missouri: Elk Point aquifer for the irrigation of 83 acres in Yankton County.
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.
4. The applicant is requesting a diversion rate greater than the statutory limit. The applicant did not explicitly state a reason for the request. However, based on the map submitted the proposed acres as well as the acres authorized for irrigation by Water Permit No. 6934-3 will be irrigated by two center pivots. One of the center pivots will make a "windshield wipe" motion. In the past, it has been accepted by the Water Management Board as a valid reason for the request.


Adam Mathiowetz
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.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Rapid City, South Dakota.
- 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.
- USGS. 2014. Surface Water Data for South Dakota: USGS Surface-Water Annual Statistics: USGS 06467500 Missouri River at Yankton, South Dakota.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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MAR 03 2014

AFFIDAVIT OF PUBLICATION

WATER RIGHTS
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YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
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
Application No. 7936-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 27th DAY OF February 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.14 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 2/27/2014

FILED ON: 2/27/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27th DAY OF February

2014

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

Notice is given that Don A Johnson, c/o Chris Nelsen, 30723 444th Ave, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.39 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (135 feet deep) located in the east edge of the E 1/2 SE 1/4 Section 34 for irrigation of 83 acres located in the E 1/2 SE 1/4 Section 34 and W 1/2 SW 1/4 Section 35; all in T94N-R54W. This 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. 7936-3 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 March 10, 2014.

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 \$27.14.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



February 19, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7936-3 to Appropriate Water. Please publish the notice once on February 27, 2014. 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 Don A Johnson, c/o Chris Nelsen, 30723 444th Ave, Mission Hill SD 57046 (Ph # 507-831-1103).

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

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(S) RIGHT AWAY.**

February 19, 2014

Don A Johnson
C/O Chris B Nelsen
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelsen:

Water Permit Application No. 7936-3 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

cc: Don A Johnson, 1150 June Court, Windom MN 56101

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 February 27, 2014. 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. 7936-3 to Appropriate Water

Notice is given that Don A Johnson, c/o Chris Nelsen, 30723 444th Ave, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.39 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (135 feet deep) located in the east edge of the E 1/2 SE 1/4 Section 34 for irrigation of 83 acres located in the E 1/2 SE 1/4 Section 34 and W 1/2 SW 1/4 Section 35; all in T94N-R54W. This 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. 7936-3 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 March 10, 2014.

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

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denr.sd.gov



APR 11 2014

Don A Johnson
c/o Chris Nelsen
30723 444th Ave
Mission Hill SD 57046

Dear Sir:

Enclosed is Water Permit No. 7936-3 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

labeled on license as well #1

6934-3

SD EForm

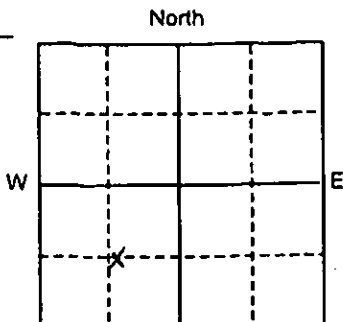
7936-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SE 1/4 SW 1/4 Sec 35 Twp 94N Rg 54W

County Yankton

Please mark well location with an "X"



Well Completion Date

5-17-17

1 Mile

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

2500 ft. from septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>70</u> FT	<u>28</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentogout</u>	<u>53</u>	<u>9.5</u> Lb/gal	<u>0</u> Ft	<u>65</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Free

SCREEN: ☒ Perforated pipe ☒ Manufactured
 Diameter 17 Inches Length 40 Feet
 Material Johnson Stainless Steel
 Slot Size 60 Set From 70 Feet to 110 Feet
 Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH Tablets

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Don Johnson

Business Name:

Address: 1150 June Court

City, State, Zip: Winkon, MN 56101

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>3</u>
<u>clay</u>	<u>3</u>	<u>30</u>
<u>sand fine</u>	<u>30</u>	<u>57</u>
<u>gravel/sand</u>	<u>57</u>	<u>110</u>

STATIC WATER LEVEL 10 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Air developed

☒ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

OK

Missouri: Elk Point AM

This well was drilled under license # 805 and this report is true and accurate.

Drilling firm: Sam Heine Well Co, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date: JAN 24 2018

WATER RIGHTS PROGRAM

labeled on license as Well #2

SD EForm - 1621 V1

7936-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location XXXXXXXXXXXXXXXXXX Twp 94n Rg 54w

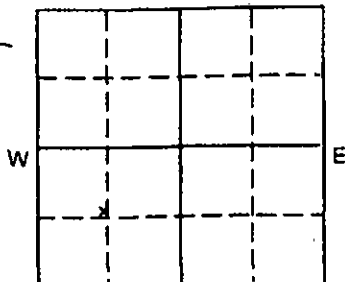
NE 1/4 SE 1/4 Sec 34 Per inspection

County

North

Yankton

Please mark well location with an "X"



Well Completion Date

5/8/2008

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

? 2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	84.0 FT	22.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grout	25	9.4 Lb/gal	0.0 Ft	80.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches Length 40.0 Feet

Material PVC

Slot Size .040 Set From 84.0 Feet to 124.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Don Johnson

Business Name:

Address:

1150 June Court

City, State, Zip:

Windom

Mn

56101

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, clayey,	0	14
sand, fine, silty	14	82
Gravel, med to coarse, sandy	82	130

STATIC WATER LEVEL

13.0 FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped GPM

 Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

 GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS PROGRAM

This well was drilled under license #

666

And this report is true and accurate.

Drilling firm:

Hammond Wetmore Drilling

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date:

12/16/09

2-2-09

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6934-3 & 7936-3

I have this day, October 28, 2016, made a thorough examination of the water use system constructed by Don A Johnson, c/o Chris Nelsen, 30723 444th Ave, Mission Hill, SD 57046 of Permit No. 6934-3, bearing the priority of January 2, 2008 authorizing the diversion of 1.56 cu. ft. per second from one well of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 245 acres, in Yankton County, and of Permit No. 7936-3, bearing the priority of December 17, 2013 authorizing the diversion of 1.39 cu. ft. per second from a second well of the same waters for irrigation purposes, of 83 acres, in Yankton County.

Inspection contact & relationship **Chris Nelsen, tenant**
to permit holder, if applicable:

A. Works used to divert the water:

✓ Well #6934-3 Information (NE ¼ SW ¼ Sec 35-T94N-R54W):

- 1) Well Drilling Firm: Sam Heine Well Co., LLC
- 2) No. of Wells 1
- 3) Depth(s) 110 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 70 feet
- 3) Type PVC

Screen:

- 1) Type PVC Perforated
- 2) Length 40 feet
- 3) Static water level 10 feet

Pump:

- 1) Make Unknown
- 2) Model Submersible
- 3) Capacity 700 GPM

Motor:

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

Well #7936-3 Information (NE ¼ SE ¼ Sec 34-T94N-R54W):

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 135 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 55 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Unknown
- 2) Model Submersible
- 3) Capacity 625 GPM

Motor:

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

C. Works used to apply water to beneficial use:

6934-3 Center pivot #1 (E ½ SW ¼ Sec 35-T94N-R54W):

- 1) Make Valley
- 2) Overall length 1285 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

6934-3 Center pivot #2 (E ½ SE ¼ & SW ¼ SE ¼ Sec 35-T94N-R54W):

- 1) Make Lindsay
- 2) Overall length 1290 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 700 GPM

7936-3 Center pivot #3 (W ½ SW ¼ Sec 35-T94N-R54W & E ½ SE ¼ Sec 34-T94N-R54W):

- 1) Make Lindsay
- 2) Overall length 1290 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 625 GPM

Comments: Water Permit #6934-3 two center pivots are fed by one well so only one center pivot can be operated at a time.

Chemigation Equipment:

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

Comments: Permit holder was not chemigating at time of inspection, but provided the above answers to questions asked. Permit holder indicated he uses chemigation primarily to apply liquid nitrogen to corn crop. A copy of the chemigation rules and Appendix A were reviewed and provided to the permit holder.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating Water Permit #6934-3 in 2008 and Water Permit #7936-3 in 2014.

List any extended period of nonuse: Did not use Water Permit #6934-3 in 2010 & 2011 due to adequate rainfall.

- 3) Exceptions to compliance are: None.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: Well #6934-3-East 1360', North 1400' from SW Corner of Sec 35-T94N-R54W; Lat 42.91314/Long -97.19509; approximate center of SW ¼ Sec 35-T94N-R54W; Well #7936-3-West 10', North 1390' from SE Corner of Sec 34-T94N-R54W; Lat 42.91308/Long -97.20021; NE ¼ SE ¼ Sec 34-T94N-R54W.
2. The works are capable of diverting and conveying to the place of use 2.95 cfs or 1325 gpm of water from two wells which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Water Permit 6934-3 & 7936-3/308 ac
NE ¼ SE ¼ Sec 34-T94N-R54W – 35 ac
NW ¼ SW ¼ Sec 35-T94N-R54W – 40 ac
SE ¼ SW ¼ Sec 35-T94N-R54W – 33 ac
NE ¼ SE ¼ Sec 35-T94N-R54W – 32 ac
SW ¼ SE ¼ Sec 35-T94N-R54W – 33 ac

SE ¼ SE ¼ Sec 34-T94N-R54W – 32 ac
NE ¼ SW ¼ Sec 35-T94N-R54W – 34 ac
SW ¼ SW ¼ Sec 35-T94N-R54W – 37 ac
SE ¼ SE ¼ Sec 35-T94N-R54W – 32 ac

comprising a total of 308 acres of land and the license should be issued for 2.95 cfs or 1325 gpm from two wells.

3. All structures, wells and lands on map Yes

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

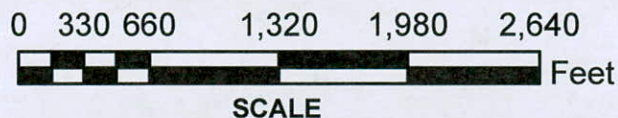
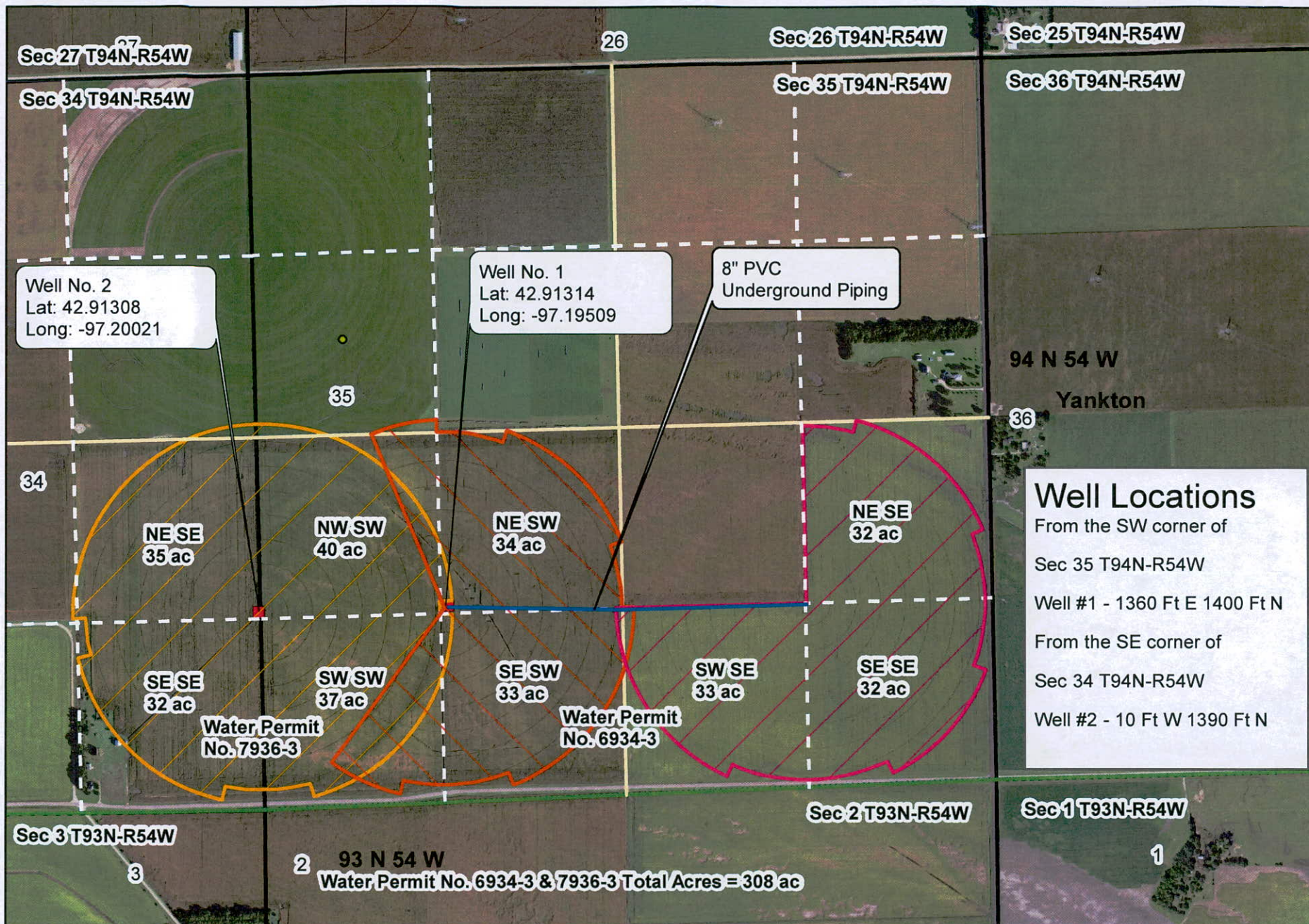
Water Permit 6934-3 and Water Permit 7936-3 appropriated 2.95 cfs or 1325 gpm from two wells for irrigation of 328 acres, however, only 308 acres are actually irrigated. Eleven acres are overlapped between Water Permit 6934-3 center pivot #1 and Water Permit 7936-3 center pivot #3. Initial applications had Water Permit 6934-3 center pivot #1 as a full circle and Water Permit 7936-3 center pivot #3 a partial circle of approximately 220 degrees. However, during inspection they were discovered to be reversed.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: November 21, 2019

6934-3 & 7936-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
November 14, 2019

7936-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 26 2020

6934-3
7936-3

Don A Johnson
1150 June Court
Windom MN 56101

Dear Mr. Johnson:

Enclosed is Water License No. 7936-3. 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.

Upon licensing, the applicable portions of Water Permit No. 6934-3 were incorporated into Water License No. 7936-3.

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

Sincerely,

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

enclosures

c: Chris Nelsen, 30723 444th Ave., Mission Hill SD 57046

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7936-3**

(1) Don A Johnson, 1150 June Court, Windom MN 56101 made Application No. 7936-3, December 17, 2013 for a water permit to divert 1.39 cubic feet of water per second (cfs) from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7936-3, with a priority date of December 17, 2013 was approved March 10, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 10, 2019 and for the application to beneficial use of water on or before March 10, 2023.

Water Permit No. 7936-3 was obtained to add a diversion point, 1.39 cfs diversion authority and 83 additional acres to the irrigation system authorized under Water Permit No. 6934-3. Water Permit No. 6934-3, with a priority date of January 2, 2008 authorized diversion of 1.56 cfs to irrigate 245 acres located in the S ½ Section 35, T94N, R54W. The system as constructed utilizes both wells to irrigate a total of 308 acres.

The applicable portions of Water Permit No. 6934-3 are incorporated into this water license. A priority date of January 2, 2008 (established under No. 6934-3) is retained for 1.56 cfs and a priority date of December 17, 2013 (established under No. 7936-3) is retained for 1.39 cfs for a total of 2.95 cfs.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.95 cubic feet of water per second for beneficial use. The wells are located as follows:

Well No. 1: 1,360'E and 1,400'N of the SW corner of Section 35, T94N, R54W (approximate center of the SW ¼ Sec 35) Latitude 42.91314, Longitude -97.19509

Well No. 2: 10'W and 1,390'N of the SE Corner of Section 34, T94N, R54W (NE ¼ SE ¼ Sec 34) Latitude 42.91308, Longitude -97.20021

(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 34, T94N, R54W		Section 35, T94N, R54W			
NE ¼ SE ¼	35 acres	NW ¼ SW ¼	40 acres	NE ¼ SE ¼	32 acres
SE ¼ SE ¼	32 acres	NE ¼ SW ¼	34 acres	SE ¼ SE ¼	32 acres
		SE ¼ SW ¼	33 acres	SW ¼ SE ¼	33 acres
		SW ¼ SW ¼	37 acres		
Total 308 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Don A Johnson, 1150 June Court, Windom MN 56101, the holder and/or owner of Incorporated Water Right No. 7936-3 is issued a license to appropriate water, the right to use 2.95 cubic feet of water per second from ground water, two wells (Missouri Elk Point Aquifer) with priority dates of January 2, 2008 (1.56 cfs) and December 17, 2013 (1.39 cfs) from the locations specified in (2) of this license for irrigation purposes.

continued

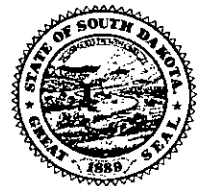
This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7936-3 and subject to the following qualifications:

- The wells 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.
- The wells authorized by Nos. 6934-3 and 7936-3 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 wells were drilled by Sam Heine Well Co., LLC and Hammond-Wetmore Drilling. Copies of the well completion reports are 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, No. 7936-3 authorizes a maximum diversion rate of 1.39 cfs for the irrigation of 83 acres with an annual volume not to exceed 2 acre feet of water per second per year. *The incorporation of Nos. 6934-3 and 7936-3 make this qualification no longer applicable. The combined diversion rate of 2.95 cfs is within the statutory limit for 308 acres.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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

MAY 28 2020

date





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: DON A JOHNSON, 1150 JUNE COURT, WINDOM, MN 56101
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7936-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 7936-3 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) 7936-3 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 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 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: <https://danr.sd.gov/iq> using this password: LSKXBX**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2022

7936-3

Don A Johnson
1150 June Court
Windom MN 56101

Dear Mr. Johnson:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 7936-3. 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



7936-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 27, 2022

7936-3

Don A Johnson
6100 S Hemingstone Trl
Sioux Falls SD 57108-8527

Dear Mr. Johnson:

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

The notice was originally mailed to 1150 June Ct, Windom MN. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures