

WATER PERMIT NO. 8348-3

Name of Applicant: LCM Partnership

Address: 44023 306th St, Yankton SD 57078 Phone: 605 661-4154

Amount of Water Claimed: 2.43 cfs Total Acres: 170

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 6 miles north of Yankton

PRIORITY Date Received: 4-11-18 Application/License Fee: \$ 1050

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

Remarks:

Diversion Point: center of SW 1/4 Sec 31-T95N-R55W

Land to be Irrigated: SW 1/4 Sec 31-T95N-R55W

Depth of Well: 234 feet deep

Well Driller: Heine Electric & Irrigation

Remarks:

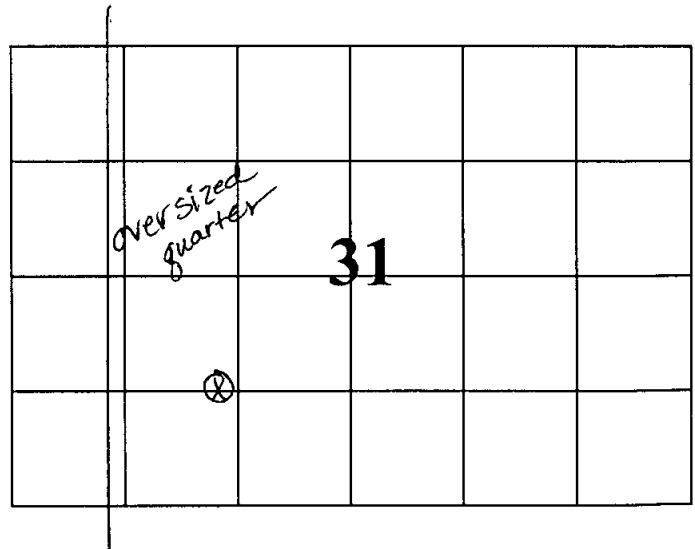
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-11-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8348-3

Date of first receipt of application April 11, 2018.

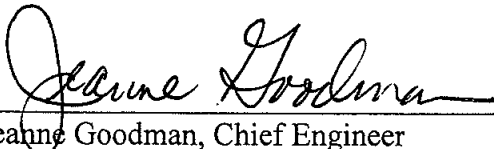
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8348-3 to LCM Partnership, 44023 306th St, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8348-3 appropriates 2.43 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (234 feet deep) located in the approximate center of the SW 1/4 Section 31 for irrigation of 170 acres located in the SW 1/4 Section 31; all in T95N-R55W which is approximately six miles north of Yankton SD.
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 – October 31.
3. The date from which applicant may claim right is April 11, 2018.
4. The date of approval of Permit No. 8348-3 is July 2, 2018.
5. One-fifth of the construction is to be completed on or before January 2, 2021.
6. All construction is to be completed on or before July 2, 2023.
7. Water is to be put to beneficial use on or before July 2, 2027.
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 Permit No. 8348-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

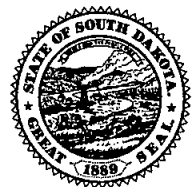
WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 12 2018
date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8348-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Press & Dakotan</u>	

RECEIVED

APR 11 2018

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 LCM Partnership

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 44023 306th St YANKTON SD 57078

(Address)

(City)

(State)

(Zip Code)

Phone _____ Mobile 605-661-4151 Email mnfarms19@gmail.com2. Amount of water claimed 2.43 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 170

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply GROUNDWATER WELL4. Location of point of diversion 1 well SW 1/4 center 31-95N-55W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County YANKTON5. County or counties where water will be used YANKTON6. Annual period during which water is to be used ANNUAL

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>SW 1/4 31-95N-55W</u>	<u>170</u>		

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

I, Dawn N. H.

Name of Person

Partner

Title (if applicable)

, the applicant, certify under

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

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

Supplemental Information

(type or print)

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

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by HEINE ELECTRIC

For either Existing or Proposed Wells:

c) Well Depth (required) 234 Depth to Top of Water Bearing Material 160 Depth to Water from Surface 166.4

d) Distance to nearest domestic well on applicant's property NA Property owned by others 3000

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)

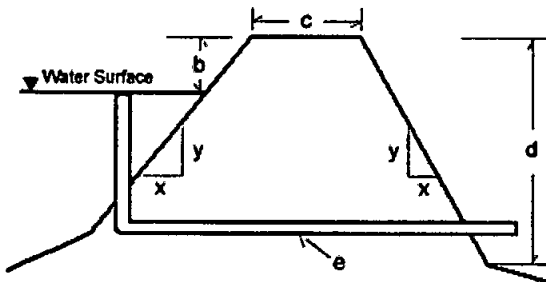
Upstream _____

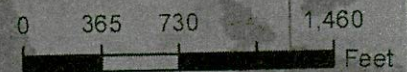
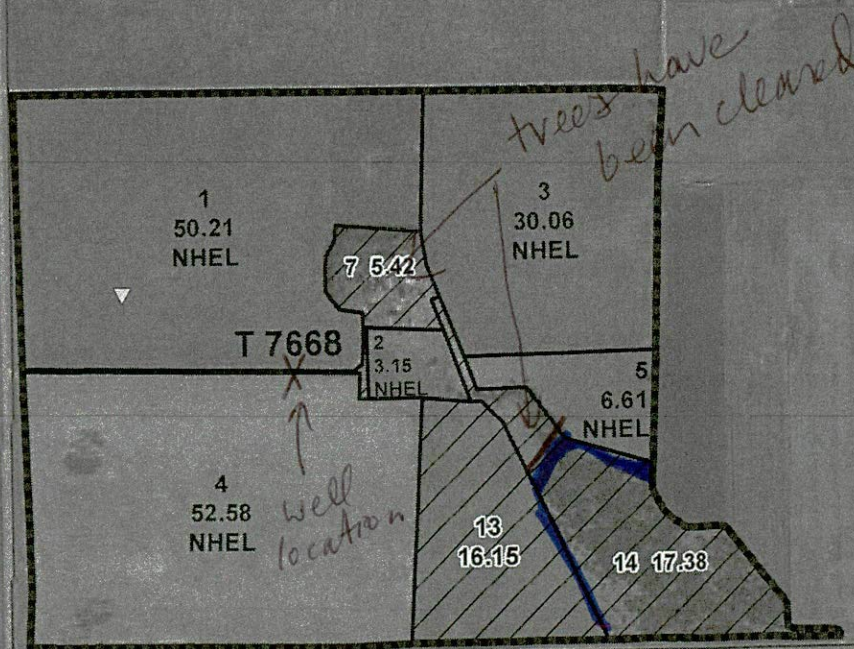
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Common Land Unit

Non-Cropland

Cropland

Tract Boundary

PLSS

Wetland Determination Identifiers

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

2018 Program Year

Map Created January 19, 2018

Farm 7046

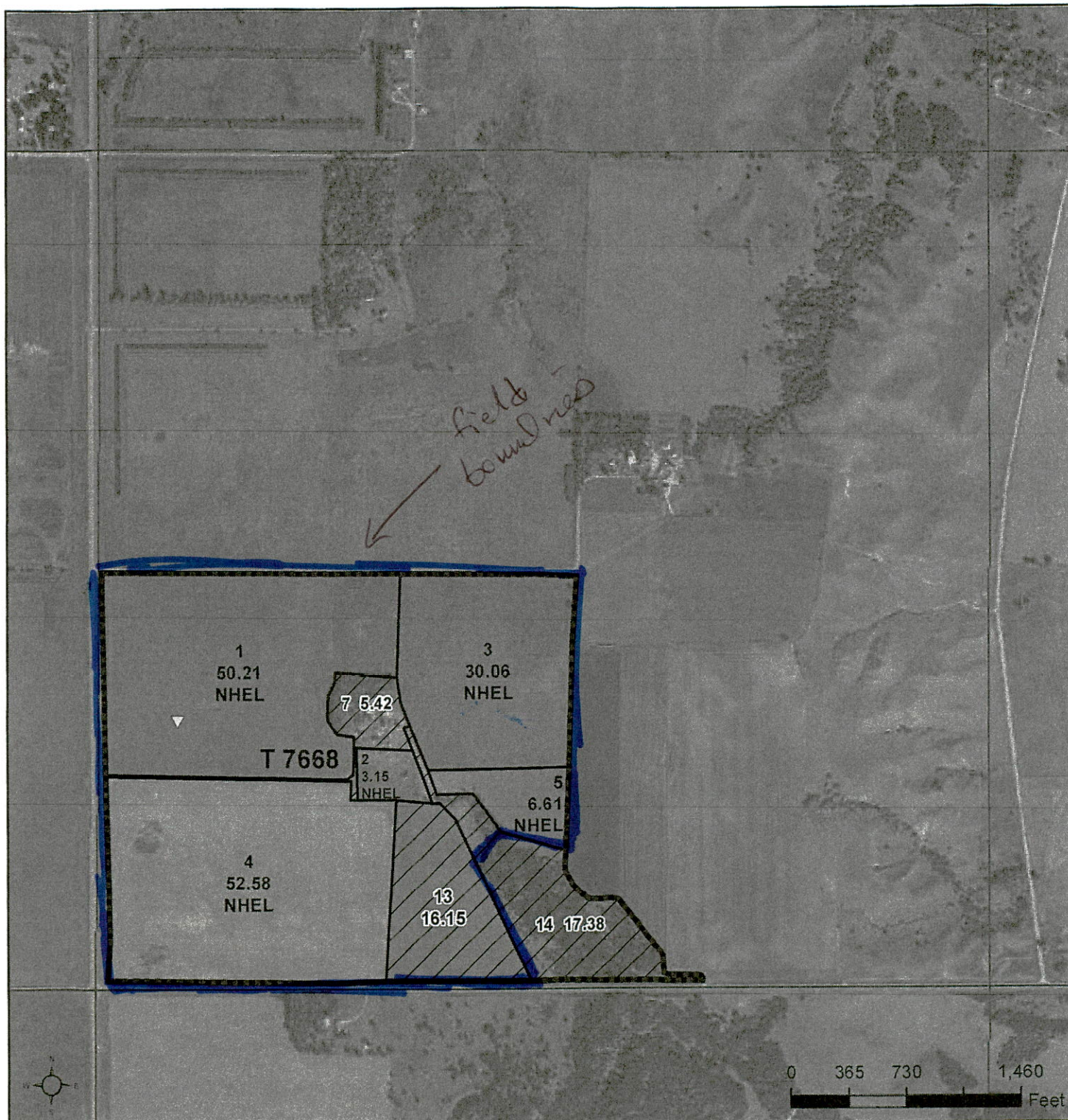
31 -95N -55W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland Identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



United States
Department of
Agriculture

Yankton County, South Dakota



Common Land Unit

	Tract Boundary
	PLSS
	Non-Cropland
	Cropland

Wetland Determination Identifiers

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

2018 Program Year

Map Created January 19, 2018

Farm 7046

31 -95N -55W

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SOUTH DAKOTA WATER WELL COMPLETION REPORT

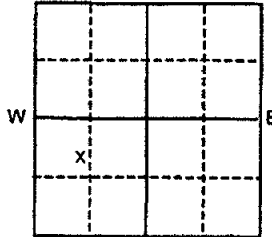
11-02

Location NW ¼ SW ¼ Sec 31 Twp 95N Rg 55W

County Yankton

North

Please mark well location with an "X"



Well Completion Date

29 March 2017

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
580.0 ft. from Septic tank (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	200.0 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
Bentonite	55	9.5 Lb/gal	0.0 Ft	160.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches Length 34.0 Feet

Material PVC

Slot Size 0.050 Set From 200.0 Feet to 234.0 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 to which water quality sample sent for analysis

Well Owner: Darrel Nelson

Business Name:

Address: 44023 306th St

City, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	2
Brown clay	2	23
Gravel, rocks	23	26
Fine to medium sand, fine gravel	26	60
Fine to medium gravel, sand and clay	60	180
fine to medium gravel, sandy	180	234
Coarse gravel, clay layers	234	242
Gray clay, big rocks	242	249
Hit rock at 169', 174', 179'		

STATIC WATER LEVEL 166.4 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

202.3 Ft. After 0.8 Hrs. pumped 575.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Elevation: 1361' asl

42°59'58.65"N

97°23'37.87"W

Lower James Misspouri RR

This well was drilled under license # 810 and this report is true and accurate.

Drilling firm: Heine Electric & Irrigation

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

FEB 02 2018

WATER RIGHTS PROGRAM

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 11, 20 18

RECEIVED OF LCM Partnership 44023 306th St Yankton, SD 57078

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

Fee for Application for Permit No. <u>8348-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8348-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **08652**

By

Jeane Goodman
Chief Engineer

29n



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2018

Darrel Nelson
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

A well completion report filed by Heine Electric & Irrigation shows that they completed a new irrigation well for you last spring. The report indicates the well is located in the NW 1/4 SW 1/4 Section 31-T95N-R55W. I have reviewed our files and cannot find a water permit for this location. It may be possible the well driller put the wrong legal description on the report.

Mr. Nelson, is this the correct location of the well? If not, please contact us with the correct location. At that time we can determine what action, if any, is necessary to ensure a water right is in place that accurately reflects your irrigation system.

Please contact Eric Gronlund or me regarding this well or if you have any questions.

Sincerely,

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

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, April 09, 2018 8:43 AM
To: Schlaak, Karen
Subject: Darrell Nelson

Spoke with Darrell Nelson

- Will be applying for 163 – 170 acres. This is an oversized quarter section.
- Map will show a building site, trees and a gully. The building site and trees have been removed. Intends to fill in the gully.
- Test log shows well test pumped at 575 gpm. Dick Hammond came back out and well is capable of producing about 1,000 gpm. Expect he'll apply for the statutory limit.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 13, 2018 11:13 AM
To: 'mnfarms19@gmail.com'
Subject: Water Permit Application No. 8348-3
Attachments: 8348-3.pdf

Mr. Nelson,

Attached is the report, recommendation and information regarding the public notice for Water Permit Application No. 8348-3. As stated in our letter, please contact the paper to authorize publication and arrange for payment. Paper copy in the mail today.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8348-3, LCM Partnership**

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. 8348-3, LCM Partnership, c/o Darrell Nelson, 44023 306th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No 8348-3 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 Permit No. 8348-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
June 12, 2018

REPORT ON WATER PERMIT APPLICATION NO. 8348-3

For LCM Partnership, % Darrell Nelson

June 11, 2018

LCM Partnership, % Darrell Nelson, has filed an application for a water permit to appropriate water at a peak diversion rate of 2.43 cubic feet of water per second (cfs) from one well completed into the Lower James Missouri aquifer (249 feet deep) located in the approximate center of the SW¼ Section 31 for irrigation of 170 acres of an oversized quarter section located in the SW¼ Section 31; all in T95N-R55W which is approximately six miles north of the town of Yankton in Yankton County, South Dakota.

AQUIFER – Lower James Missouri (LJM)

Aquifer Characteristics:

The Lower James Missouri is a buried glacial outwash (sand and gravel) that underlies approximately 191,700 acres of Clay, Hutchinson and Yankton Counties and contains an estimated 2,785,400 acre-feet of recoverable water in storage (Hedges and others, 1982). In Clay County, the Lower James Missouri aquifer is estimated to underlie 5,400 acres and contains an estimated 81,000 acre-feet of recoverable water in storage (Hedges and others, 1982). The aquifer is hydraulically connected to the Choteau, Lower James Missouri: Scotland, and Niobrara aquifers, and the James and Missouri Rivers.

Bugliosi (1986) separated the Lower James Missouri into Northern and Southern areas on the “basis of different depositional episodes during the time of glacial deposition that resulted in different thickness of deposits in each area.” Bugliosi’s nomenclature for the aquifer (i.e. Northern and Southern areas) has not been adopted by the SD Department of Environment and Natural Resources or the SD Water Management Board. The DENR continues to use the aquifer boundaries and nomenclature presented by Hedges and others (1982).

The well completion report submitted with this application documents top soil and clay from ground surface to 23 feet below grade, sand and gravel from 23 feet to 234 feet below grade and clay from 234 feet to 249 feet below grade. At the time of well completion, the static water level within the well was 166.4 feet below grade indicating that the aquifer is under unconfined conditions at this site (Water Rights, 2018c).

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 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.



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 supply has applied for a permit, the Board need not consider the recharge/withdrawal issue. The Lower James Missouri aquifer is not stratigraphically lower than the Greenhorn Formation, and the use is not for a public water supply. Therefore, the recharge/withdrawal issue must be considered.

Recharge versus Discharge:*Recharge:*

The Lower James Missouri aquifer is recharged from several sources including infiltration of precipitation in areas where the aquifer is at or near land surface in the James River flood plain, upward leakage from the bedrock aquifers, inflow from surface water, and inflow from the surrounding glacial aquifers (Hansen, 1983). Hedges and others (1985) estimated a recharge rate to the Lower James Missouri aquifer to be 1.5 inches per year. Using this recharge rate and the total areal extent of the aquifer, recharge to the Lower James Missouri aquifer is estimated to equal 23,963 acre-feet per year.

Discharge:

Discharge from the Lower James Missouri aquifer occurs due to evapotranspiration in areas where the aquifer is at or near land surface, seepage to the James River, and well withdrawals (Bugliosi, 1986). Currently, there are two applications pending approval and 138 water rights/permits authorizing the withdrawal of water from the Lower James Missouri aquifer. Six of the water rights/permits are authorized for commercial use, one for geothermal use, two for industrial use, and the remaining 129 are for irrigation use (Water Rights, 2018b). There are a number of domestic wells on file that appear to be completed into the Lower James Missouri aquifer, however the annual quantity of water withdrawn for domestic uses is not a significant portion of the hydrologic budget of the aquifer (Water Rights, 2018c).

For non-irrigation water rights/permits, the amount of water that can be expected to be withdrawn can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and future use permits will be fully developed. Given these assumptions, the expected use from non-irrigation water rights/permits is 1,370 acre-feet per year.

Table 1 below shows the historic pumpage from the entire Lower James Missouri aquifer for the period from 1979 to 2017 as reported to the DENR Water Rights Program through the annual

irrigation questionnaires. The average annual irrigation pumpage reported for the entire aquifer equals 2,835 acre-feet per year (Water Rights, 1979-2017).

Table 1. Historic irrigation pumpage from the Lower James Missouri aquifer (Water Rights, 1979-2017).

Year	Permits Reporting	Appropriation (acre-feet/year)	Pumpage Reported (acre-feet/year)
2016	126	37607.24	5747.01
2015	127	37695.24	4822.86
2014	125	36286.10	3347.27
2013	118	33664.10	7855.75
2012	93	28626.70	13058.45
2011	89	27367.10	4147.47
2010	85	25731.10	665.37
2009	84	25451.10	1463.27
2008	79	23891.70	4494.03
2007	56	17477.70	3425.91
2006	50	15627.10	3630.92
2005	48	14749.10	2866.63
2004	47	14525.10	2886.65
2003	53	17373.10	2843.15
2002	53	17108.10	4061.52
2001	53	17208.10	2940.09
2000	51	17048.10	3751.08
1999	50	15992.10	2102.15
1998	53	16915.10	2787.03
1997	50	17072.10	2320.00
1996	49	17240.10	2102.99
1995	41	15088.10	1483.32
1994	45	17094.10	1918.17
1993	45	16241.90	230.44
1992	45	16791.90	1159.00
1991	42	15497.90	2599.00
1990	35	12673.10	2928.10
1989	31	10909.10	2144.80
1988	31	11769.50	2744.90
1987	30	11613.50	1041.60
1986	30	11613.50	989.60
1985	27	10033.10	1483.00
1984	28	12283.10	1360.00
1983	27	9883.10	1306.54
1982	23	9440.10	1301.25
1981	27	13053.00	1835.00
1980	23	11561.00	1299.00
1979	22	11265.00	588.00
Max	127	37695.24	13058.45
Min	22	9440.10	230.44
Avg.	55	18196.50	2835.03

Hydrologic Budget:

The average annual recharge to the Lower James Missouri aquifer is estimated to be 23,963 acre-feet per year. The average annual withdrawals are expected to be approximately 4,205 acre-feet per year. Including an estimated 20 acre-feet per year from applications that are pending approval and an estimated 170 acre-feet per year from this application, the estimated average annual withdrawal from the Missouri: Elk Point aquifer is 4,395 acre-feet per year. The average annual withdrawal is much less than the estimated average annual recharge. Therefore, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer for the proposed appropriation.

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, in addition to other data, to determine that the estimated average annual withdrawals from the aquifer do not exceed the estimated average annual recharge to the aquifer.

The DENR Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2018a). There are five observation wells completed into the Lower James Missouri aquifer located within approximately two miles of this application. Hydrographs for the observation wells are shown in Figures 1-5.

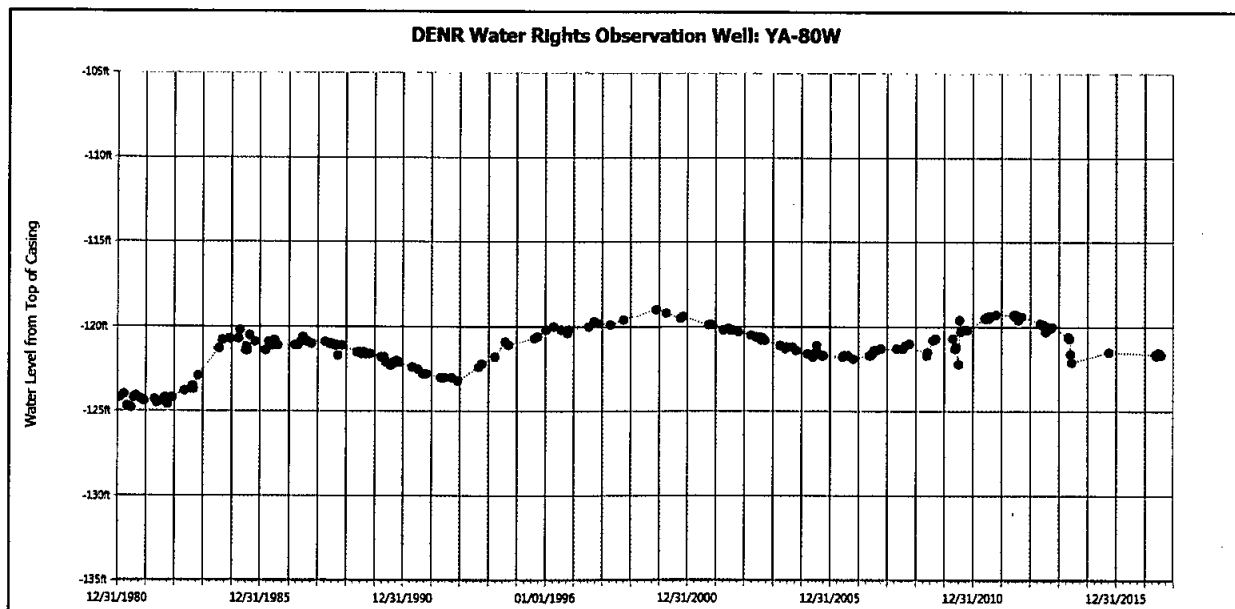


Figure 1. Hydrograph of observation well YA-80W which is completed into the Lower James Missouri aquifer located approximately 1¼ miles west of this application (Water Rights, 2018a).

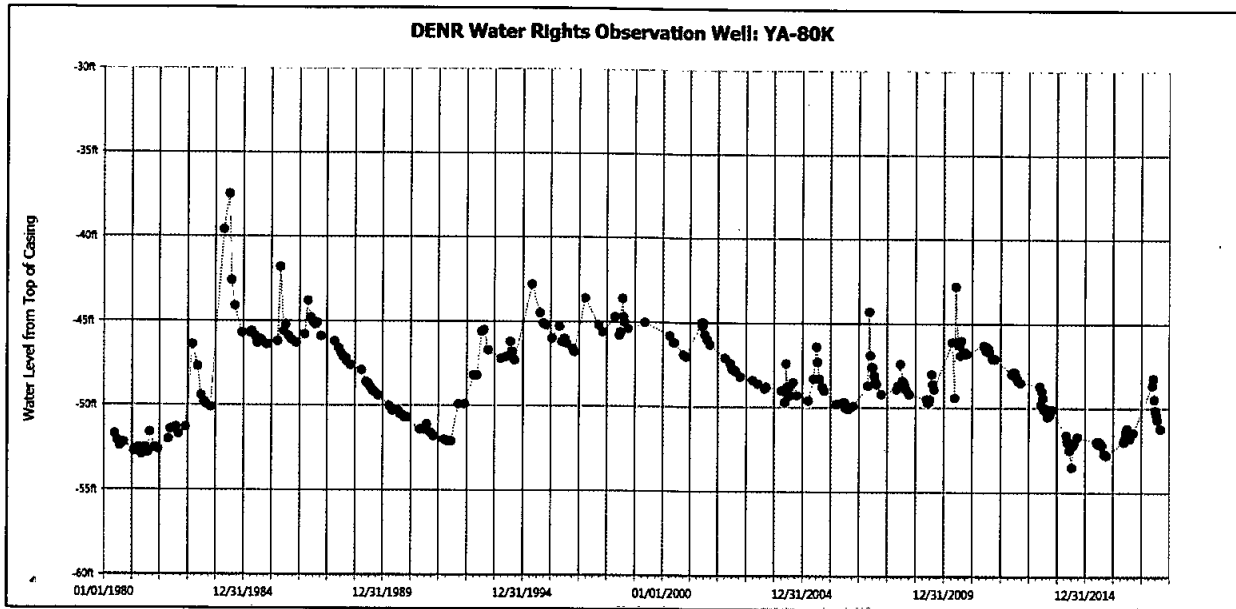


Figure 2. Hydrograph of observation well YA-80K which is completed into the Lower James Missouri aquifer located approximately 1½ miles southwest of this application (Water Rights, 2018a).

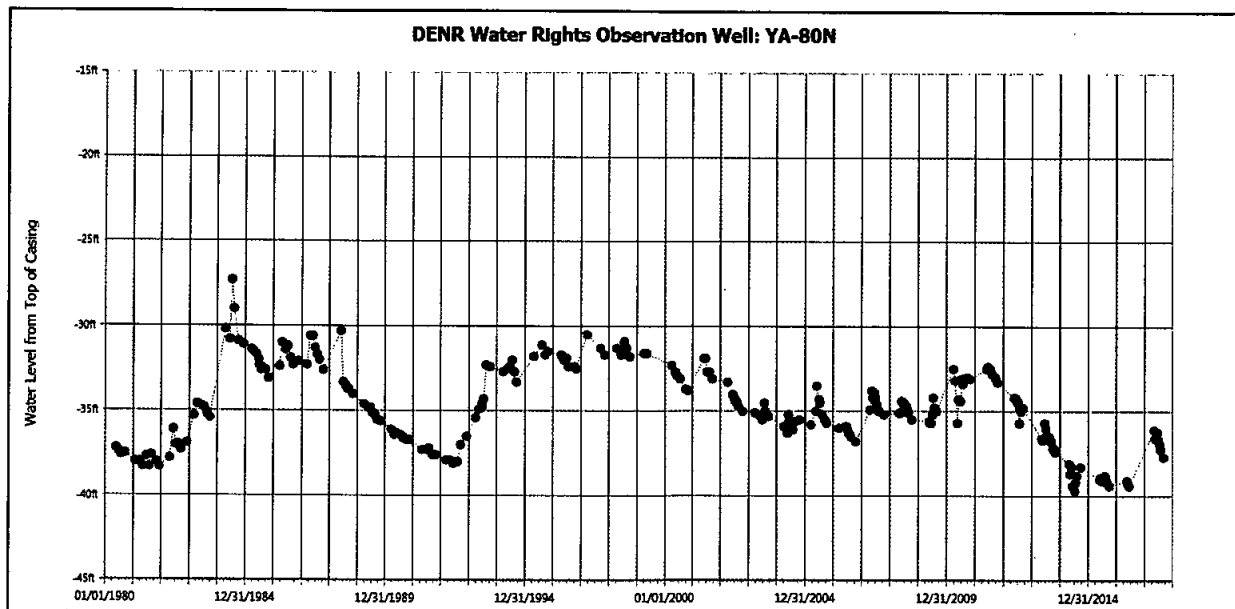


Figure 3. Hydrograph of observation well YA-80N which is completed into the Lower James Missouri aquifer located approximately 2 miles south of this application (Water Rights, 2018a).

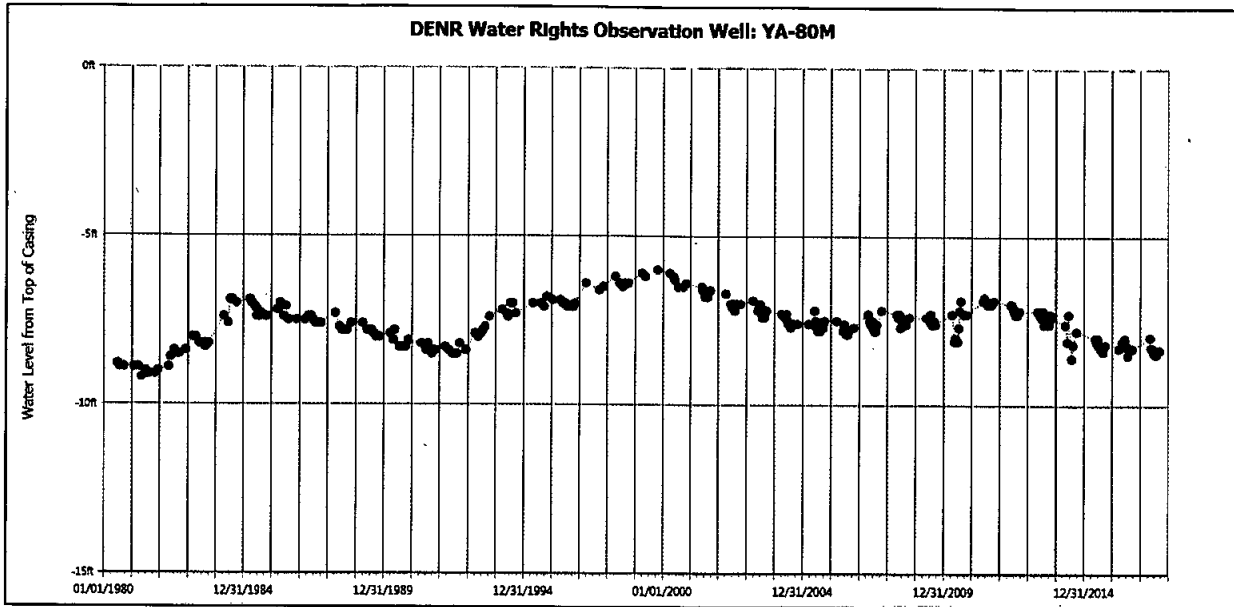


Figure 4. Hydrograph of observation well YA-80M which is completed into the Lower James Missouri aquifer located approximately 1 mile southeast of this application (Water Rights, 2018a).

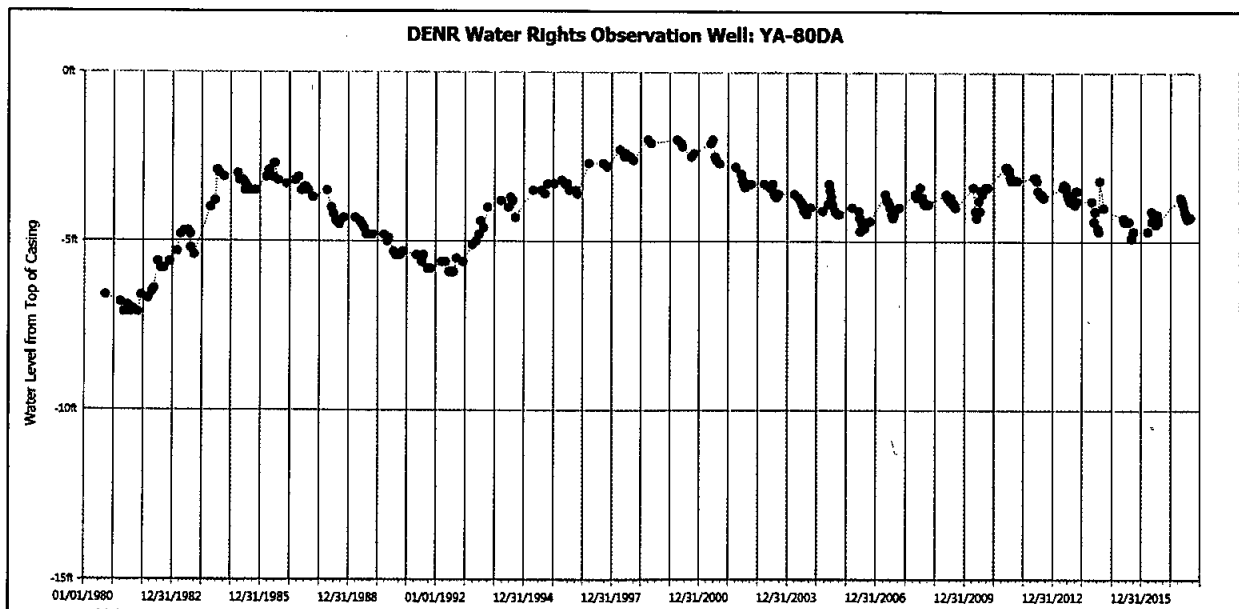


Figure 5. Hydrograph of observation well YA-80DA which is completed into the Lower James Missouri aquifer located approximately 1½ miles southeast of this application (Water Rights, 2018a).

The hydrographs document that water levels in the aquifer are fairly stable and respond well to climatic conditions with rising water levels during wet years and declining water levels during dry years. However, two of the hydrographs also show a declining water level trend line over the period of record. At this location, the Lower James Missouri aquifer has a significant hydraulic connection with the Missouri: Elk Point aquifer and the Missouri River. Therefore, the declining water levels in the observation wells can be attributed to the entrenchment of the Missouri River

and are not due to withdrawals exceeding recharge to the aquifer. Overall, the observation well hydrographs indicate that unappropriated water is available from the Lower James Missouri aquifer to support the proposed appropriation (Water Rights, 2018a).

Existing Water Rights:

The water rights/permits located in the vicinity of this proposed application are listed in Table 2 and illustrated in Figure 6 (Water Rights, 2018b). In addition to wells supplying appropriative rights, there are a number of domestic use wells on file with the DENR-Water Rights Program in the vicinity of this proposed well site that appear to appropriate water from the Lower James Missouri aquifer (Water Rights, 2018c).

Table 2. Water rights/permits appropriating water from the Lower James Missouri aquifer located in the vicinity of Water Permit Application No. 8348-3 (Water Rights, 2018b).

Permit No.	Name	Status	Use	CFS	Acres
3369B-3	NELSON	LC	IRR	1.67	140
6178-3	NELSON FAMILY PARTNERSHIP	PE	IRR	1.67	145
6205-3	FROHREICH	LC	IRR	1.11	196
6264-3	YANKTON LAND & CATTLE CO	LC	COM	0.56	N/A
6483-3	SCHMIDT	LC	IRR	1.56	112
6795A-3	YANKTON LAND & CATTLE COMPANY	PE	IRR	1.64	115
7102-3	CWACH	PE	IRR	2.11	240
7103-3	CWACH	PE	IRR	2.11	96
7202-3	SCHMIDT	PE	IRR	0.00	40
7213-3	MARQUARDT FARMS	PE	IRR	2.44	360
7214-3	MARQUARDT FARMS	PE	IRR	2.00	350
7253-3	SCHMIDT	PE	IRR	0.00	68
7397-3	KRALICEK	PE	IRR	1.56	249
7398-3	KRALICEK	PE	IRR	1.56	114
7459-3	STERNHAGEN	PE	IRR	1.78	113
7544-3	NELSON FAMILY PARTNERSHIP	PE	IRR	2.22	96
7567-3	FRICK	PE	IRR	1.78	83
7611-3	HACECKY	PE	IRR	1.89	77
7612-3	HACECKY	PE	IRR	2.22	153
7618-3	KOKES	PE	IRR	1.78	105
8057-3	SCHOENFELDER FAMILY TRUST	PE	IRR	2.67	360
8081-3	STERNHAGEN	PE	IRR	0.00	58
8251-3	SCHMIDT	PE	IRR	0.00	34.57
8283-3	CONCRETE MATERIALS COMPANY	PE	IND	4.00	N/A

(LC = license, PE = permit, IRR = irrigation, COM = commercial, IND = industrial)



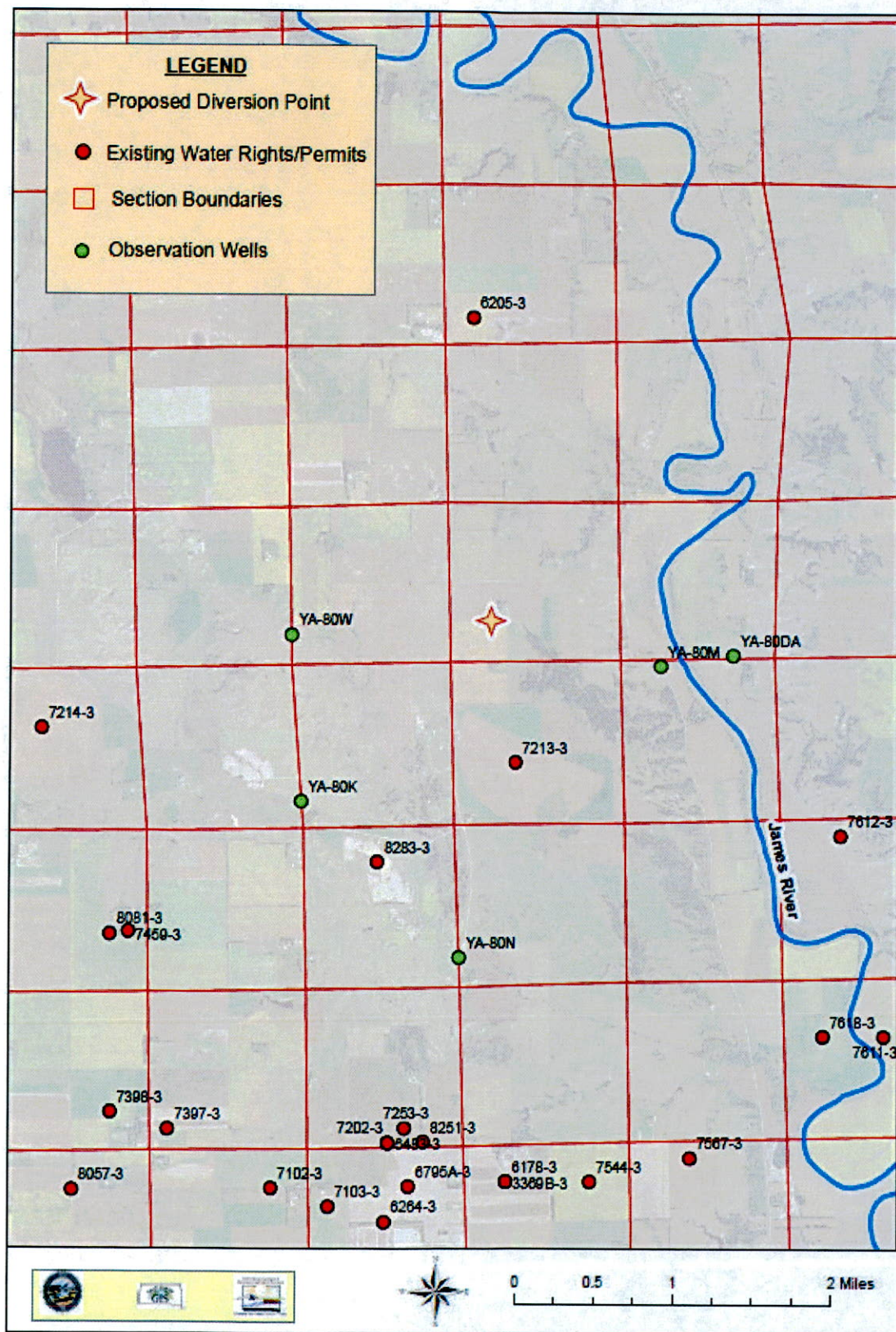


Figure 6. Approximate location of diversion points for water rights/permits appropriating water from the Lower James Missouri aquifer in the vicinity of Water Permit Application No. 8348-3 (Water Rights, 2018a&b).

Drawdown from pumping wells completed into the Lower James Missouri aquifer is typically not significant very far from the pumping well. Examination of the hydrographs of observation wells completed into the Lower James Missouri aquifer show no signs of being significantly impacted by drawdown. If this application is approved, it is not expected to adversely impact nearby adequate wells.

An adequate well is defined by South Dakota Administrative Rules as:

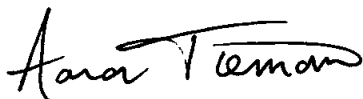
"a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet."

There has not been a history of well interference issues with the Lower James Missouri aquifer. At the distances involved between this well site and wells of existing water rights/permits and domestic users with adequate wells, interference is not expected to be a concern.

Therefore there is a reasonable probability that this appropriation can be made without adversely impacting existing water rights or domestic use.

Conclusions:

1. Water Permit Application No. 8348-3, if approved, proposes to appropriate water at a peak diversion rate of 2.43 cfs from one well completed into the Lower James Missouri aquifer for irrigation of 170 acres.
2. There is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriation.
3. The declining water levels in the observation wells can be attributed to the entrenchment of the Missouri River and are not due to withdrawals exceeding recharge to the aquifer.
4. There is a reasonable probability that any possible interference due to the proposed appropriation will not adversely or unlawfully impair existing users, appropriative or domestic.



Aaron Tieman

SD DENR-Water Rights Program

References:

- Bugliosi, E. F. 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.
- Hansen, D.S. 1983. Major Aquifers in Hansen and Davison Counties, South Dakota. Information Pamphlet No. 26. S.D. Geological Survey, Vermillion, 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.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Water Rights, 1979-2017, Irrigation Questionnaires 1979-2017, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.
- Water Rights, 2018a, Observation Well Data, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.
- Water Rights, 2018b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.
- Water Rights, 2018c, Water Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JUN 25 2018

WATER RIGHTS
PROGRAM

LCM PARTNERSHIP
44023 306TH ST
YANKTON SD 57078

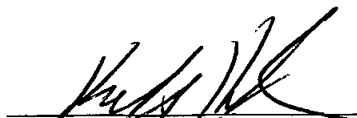
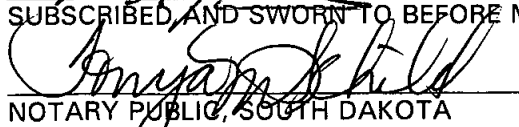
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)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
6+21 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF June, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.34 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: 06/21/2018

FILED ON: 06/21/2018


SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF June, 2018

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

NOTICE OF APPLICATION NO. 8348-3 to Appropriate Water

Notice is given that LCM Partnership, c/o Darrell Nelson, 44023 306th St, Yankton SD 57078 has filed an application for a water permit to appropriate 2.43 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (234 feet deep) located in the approximate center of the SW 1/4 Section 31 for irrigation of 170 acres located in the SW 1/4 Section 31; all in T95N-R55W which is approximately six miles north of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8348-3 with qualifications 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. The Chief Engineers recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 July 1, 2018.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$26.34.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 13, 2018 11:18 AM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 8348-3, LCM Partnership
Attachments: 8348-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 21, 2018.

LCM Partnership, c/o Darrell Nelson, 44023 306th St, Yankton SD 57078 (605 661-4154) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





**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 RIGHT AWAY.**

June 13, 2018

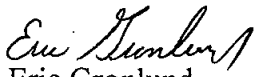
LCM Partnership
c/o Darrell Nelson
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Water Permit Application No. 8348-3 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 and Dakotan printed at Yankton SD (Ph # 605 665-7811). You will need to contact the newspaper 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 to authorize publication of your Notice and to arrange for payment. Early contact with the paper 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 June 21, 2018. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8348-3 to Appropriate Water

Notice is given that LCM Partnership, c/o Darrell Nelson, 44023 306th St, Yankton SD 57078 has filed an application for a water permit to appropriate 2.43 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (234 feet deep) located in the approximate center of the SW 1/4 Section 31 for irrigation of 170 acres located in the SW 1/4 Section 31; all in T95N-R55W which is approximately six miles north of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8348-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 July 1, 2018.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 12 2018

LCM Partnership
c/o Darrell Nelson
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

Enclosed is Water Permit No. 8348-3 authorizing construction of the 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



8348-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 1661-3, 3369B-3, 4251-3 & 4443-3 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: VTCLLD**

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.

8348-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2020

Darrell Nelson
Nelson Family Partnership
44023 306th St
Yankton SD 57078

RE: Water Right/Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for the above listed water rights and permits. 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,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written in a professional style.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: DARRELL & DENNIS NELSON, 44023 306TH ST, YANKTON, SD 57078 6008

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 1661-3, 3369B-3, 4251-3 & 4443-3 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) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: URZTFB**

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 17, 2025

1661-3, 2600A-3, 3369B-3, 4251-3,
4443-3, 4551-3, 5414-3, 6704-3,
6756-3, 7138-3, 7199-3,
7544-3, 7972-3 & 8348-3

Nelson Farms Inc
44023 306th St
Yankton SD 57078

Dear Mr. Nelson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6704-3, 6756-3, 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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