

WATER PERMIT NO. 8415-3

Name of Applicant: **RC Investments LLC**

Address: **110 Primrose Lane, Yankton SD 57078**

Phone: **605 660-7111**

Amount of Water Claimed: **0.10 cfs (25 AF)**

Total Acres: **NA**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **commercial**

County: **Yankton**

Type of Waste Disposal System:

Location: **1 mile west of Yankton**

PRIORITY

Date Received: **11-14-19**

Application/License Fee: **\$ 100**

Corrected Application Received:

Period of Annual Use: **Jan 1 – Dec 31**

Remarks: **Well originally authorized by Permit No, 7200-3 (cancelled Dec 3, 2019)**

Diversion Point: **SE 1/4 NE 1/4 Sec 15-T93N-
R56W**

Land to be Irrigated:

Depth of Well: **79 feet deep**

Well Driller: **Thein Well Co**

Remarks:

Type of Map: **aerial**

Prepared by: **Keith DeJong**

Reviewed and the Number Assigned on: **11-14-19**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

				⊗	
			15		

**SOUTH DAKOTA
WATER PERMIT NO. 8415-3**

Date of first receipt of application November 14, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8415-3 to RC Investments LLC, c/o Randy Golden, 110 Primrose Lane, 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. 8415-3 appropriates 25 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (79 feet deep) located in the SE 1/4 NE 1/4 Section 15-T93N-R56W. This site is located approximately one mile west of Yankton SD.
2. The water appropriated shall be used for the purpose of commercial use in a greenhouse facility and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8415-3 is February 3, 2020.
5. The date from which applicant may claim right is November 14, 2019.
6. One-fifth of the construction is to be completed on or before August 3, 2022.
7. All construction is to be completed on or before February 3, 2025.
8. Water is to be put to beneficial use on or before February 3, 2029.
9. 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 permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri:Elk Point aquifer.
3. Water Permit No. 8415-3 authorizes a total annual diversion of 25.0 acre foot of water.

WATER MANAGEMENT BOARD

By: _____

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

FEB 20 2020

date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8415-3</u>	(office use only) Hydrologic Unit <u>10/70/07</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Daily Press Democrat</u>	

PAID

NOV 14 2019

Ck# 1073

RECEIVED

NOV 14 2019

WATER RIGHTS

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application:
(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name to Appear on Water Permit RC Investments LLC
Mailing Address 110 PRIM ROSE LANE YANKTON SD 57078
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-660 7111 Email R.GOLDEN @ MIDCO.NET
- Amount of water claimed 0.70 *CFS or 4000 **GPM and 25 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply well
- Location of point of diversion ① SEC 15-93N-56W (SE 1/4 NE 1/4) County YANKTON
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No
If "Yes," where will water be used? YANKTON SEC 15-93N-56W
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used SEC 15 YANKTON
- Annual period during which water is to be used JAN 1 - DEC 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Green house - water will not exceed 25 Acre
Ft of water

I, RANDY GOLDEN, president, the applicant, certify under
Name of Person Title (if applicable)

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.

Water Right No. 7200-3

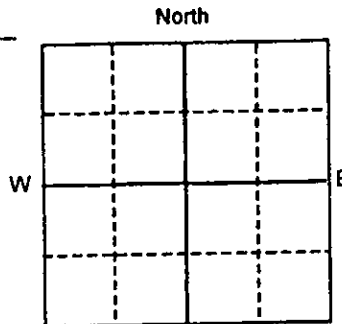


Keith DeJong

Keith DeJong, PE
Staff Engineer
July 26, 2019

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ NE ¼ Sec 15 Twp 93N Rg 56WCounty YanktonPlease mark well
location with an "X"

Well Completion Date

November 18, 2009

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>8.00</u> IN	<u>0.0</u> FT	<u>58.0</u> FT	<u>12.00</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>Volclay</u>	<u>9</u>	<u>Lb/gal</u>	<u>0.0</u> Ft	<u>54.0</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure
Tremmie Piped

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 8.00 Inches Length 20.0 FeetMaterial PVCSlot Size .035 Set From 58.0 Feet to 78.0 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? Chlorinated☐ No, Why Not?Lab to which water
quality sample sent for analysis
owner to obtainWell Owner: Randy Golden

Business Name:

Address: 144 Scenic Dr.City, State, Zip: Yankton SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Fine sandy yellow clay mix	0	49
Blue clay w/wood & coal	49	50
Wood, coal, coarse sand	50	58
Med to coarse sand	58	79
Hard blue shale	79	82

STATIC WATER LEVEL 12.0 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

34.0 Ft. After 2.0 Hrs. pumped 300.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS: N 42 52.445
W 097 26.367This well was drilled under license # 475 and this
report is true and accurate.Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-30-09

RECEIVED

APR 29 2010

WATER RIGHTS
PROGRAM



530704321

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2019
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL010803
BUSINESS ID

RC INVESTMENTS CO., LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**110 PRIMROSE LANE
YANKTON, SD 57078-6821**

Mailing Address

**110 PRIMROSE LANE
YANKTON, SD 57078-6821**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **RANDALL S. GOLDEN**

Actual Street Address in this State

**144 SCENIC DRIVE
YANKTON, SD 57078-6821**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name	Address
RANDY SCOTT GOLDEN	110 primrose lane Yankton, SD 57078

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

12/31/2018

Dated

Email (Optional)

Randy s Golden

Signature of an Authorized Person

Randy s Golden

Printed Name



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 1, 2019

Randy Golden
RC Investments LLC
144 Scenic Drive
Yankton SD 57078

Dear Mr. Golden:

I am writing in follow-up to our phone conversation regarding Water Permit No. 7200-3. Enclosed is the water permit issued in 2010. The permit was given dates to complete construction and place to beneficial set forth in water rights law. The date to complete construction was July 5, 2015 with a date to place water to beneficial use of July 5, 2019. The well is constructed but a pump has not been placed in the well and water has not been placed to use.

By administrative rule, when works are not constructed or water put to beneficial use within the time limits provided, the permit is subject to cancellation. Attached are applicable administrative rules regarding invalid permits. Therefore, the Water Rights Program will proceed with cancellation of Water Permit No. 7200-3. You will be provided notice in the future scheduling the permit for cancellation.

Cancellation of Water Permit No. 7200-3 does not preclude you from applying for a new permit. You indicated plans are in place for the well to supply a proposed cottage / RV park. I have included application forms and instruction sheet as well as the previous application you filed. Also enclosed is the well completion report for the well and a map showing its location.

That application filing fee will be \$100 if the peak diversion (pump) rate is not greater than 45 gallon per minute (gpm). If the diversion rate is greater than 45 gpm, please use the guide provided on the application instruction sheet. Please disregard paying the \$200 licensing fee. The licensing fee from your prior permit will be able to carry over to this new application.

Please feel free to contact me if you need any assistance completing the application.

Sincerely,

A handwritten signature in black ink that reads 'Eric Gronlund'.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

Statutes:

46-5-36. Abandonment of use of water appurtenant to land - Public water subject to general appropriation. If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation.

46-5-37. Failure to use beneficially appropriated water - Forfeiture for nonuse - Reversion to public. When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

46-5-37.1. Abandonment or forfeiture of permits or rights - Recommendation of chief engineer for cancellation. Upon the initiative of the chief engineer or upon petition by any interested person and after reasonable notice to the holder of the right or permit, if he can be located, the chief engineer may investigate whether or not a water permit or right has been abandoned or forfeited. After the investigation, the chief engineer may recommend cancellation of the permit or right for reason of abandonment or forfeiture. The recommendation, notice and hearing shall be conducted pursuant to the procedure contained in chapter 46-2A.

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of SDCL 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if the water source is not fully appropriated, if the withdrawal from use does not prevent approval of new permits from the same source, and if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

Rules:

74:02:01:36. Board authorized to cancel invalid water permits, rights, or vested rights. The board may cancel a water permit, right, or vested right which has become invalid and file a record of the cancellation in the water permit, right, or vested right record.

74:02:01:37. Invalid water permit, right, or vested right defined. A water permit, right, or vested right is invalid if it meets one or more of the following conditions:

- (1) The necessary works were not constructed or the water put to beneficial use within the time limits as provided by statute;
- (2) Use of water has been abandoned as specified in SDCL 46-5-36;
- (3) Use of water has been forfeited for nonuse as specified in SDCL 46-5-37.

74:02:01:37.01. Legal excuse for nonuse of water. Legal excuse for nonuse of water suspends the period of nonuse specified in SDCL 46-5-37. Legal excuses for nonuse of water include but are not limited to the following:

- (1) Unavailability of water to satisfy a permit, right, or vested right;
- (2) Legal proceedings which prevent the use of water;
- (3) Water use under existing climatic conditions would result in a waste of water.



**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. 8415-3, RC Investments LLC**

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. 8415-3, RC Investments LLC, c/o Randy Golden, 110 Primrose Lane, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 8415-3 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 permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri:Elk Point aquifer.
3. Water Permit No. 8415-3 authorizes a total annual diversion of 25.0 acre foot of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
January 15, 2020

REPORT ON PERMIT APPLICATION NO. 8415-3

RC Investments LLC

January 14, 2020

RC Investments LLC has filed Water Permit Application No. 8415-3 for commercial use of 25 acre-feet annually at a maximum instantaneous rate of 0.10 cubic feet per second (cfs) for use in a greenhouse facility. The point of diversion will be an existing well (82 feet deep) completed into the Elk Point management unit of the Missouri aquifer located in the SE ¼ NE ¼ of Section 15; T93N-R56W. The site is located approximately one mile west of Yankton, SD.

Aquifer: Missouri: Elk Point (M: EP)

Hydrogeology

The Missouri: Elk Point aquifer in South Dakota is located below the floodplains of the Big Sioux and Missouri rivers in Clay, Union, and Yankton Counties. The Elk Point management unit of the Missouri aquifer is composed of unconsolidated glacial outwash deposits that range from fine sand to very coarse gravel (Niehus, 1994). The areal extent of the aquifer was estimated by Hedges, Burch, Iles, Barari, & Schoon (1982) to be 219,100 acres, with 3,287,100 acre-feet of recoverable water in storage. The direction of water movement in the aquifer is generally from the northwest to southeast (Niehus, 1994).

The Elk Point management unit of the Missouri aquifer is confined in the northwestern part of the aquifer due to deposits of laterally extensive clay overlying the aquifer (Niehus, 1994). However, in the area of this application, the glacial outwash deposits are variable, so in one area the aquifer may be technically confined by being overlain by a layer of clay. However the clay deposit may not be laterally extensive, or the percentage of permeable versus impermeable materials may change. As a result, the aquifer generally behaves as unconfined. The well completion report submitted with this application shows that the well site is comprised of a fine sandy yellow clay mix from ground surface to 49 feet, blue clay with wood and coal from 49 to 50 feet, wood, coal, and coarse sand from 50 to 58 feet, medium to coarse sand from 58 to 79 feet and hard blue shale from 79 to 82 feet. The static water level at the time of construction (November 18, 2009) was 12 feet (Water Rights, 2020b).

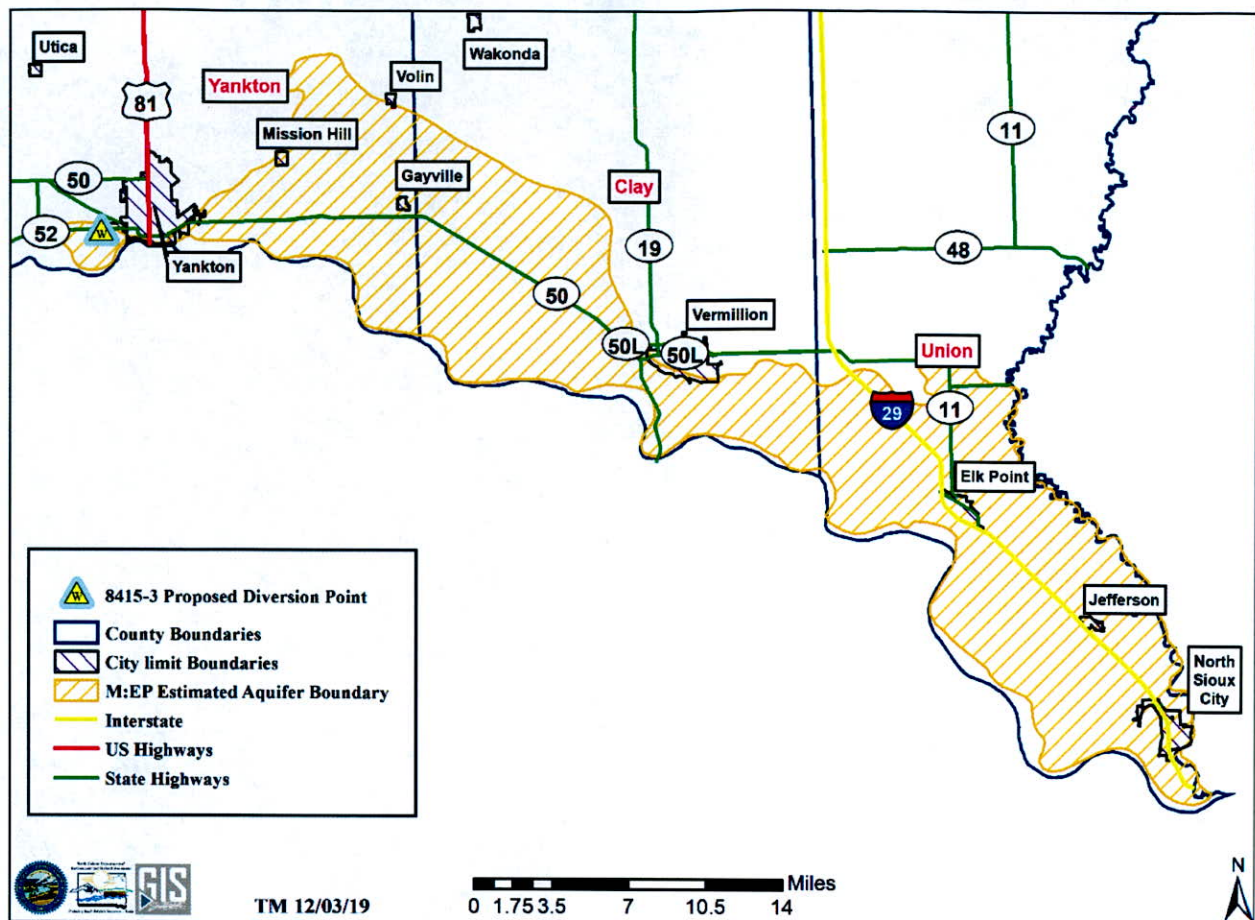


Figure 1: Map showing the Missouri: Elk Point aquifer from Hedges, Burch, Iles, Barari, & Schoon (1982), the diversion point, and city limits.

South Dakota Codified Law 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 and the potential for unlawful impairment of existing rights within the Missouri: Elk Point aquifer.

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower

than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Missouri: Elk Point aquifer is not older or lower than the Greenhorn Formation, and there is no water distribution system involved. Therefore, the recharge and withdrawal rates must be considered.

Hydrologic Budget

Recharge

Recharge to the Missouri: Elk Point aquifer occurs by infiltration of precipitation, inflow from the Lower Vermillion-Missouri aquifer, leakage from the underlying Dakota aquifer, and seepage from the Missouri, Vermillion, James, and Big Sioux Rivers (Bugliosi, 1983; Niehus, 1994; Stonesifer, 2013). Recharge to the aquifer was estimated by Hedges, Allen, & Holly (1985) to be approximately 3.83 inches per year. The areal extent was also estimated to be 219,100 acres. Using this information, the average annual natural recharge can be estimated to be 69,382 ac-ft/yr. Stonesifer (2013) estimated the induced recharge to the aquifer from the Missouri River due to the operation of the Lewis and Clark Rural Water System to be 22,582 ac-ft/yr.

Combining the estimated natural recharge from Hedges (69,382 ac-ft/yr) and the estimated induced recharge from Stonesifer (2013) (22,582 ac-ft/yr) the Missouri: Elk Point aquifer has an estimated average annual recharge of approximately 92,000 ac-ft/yr.

Discharge

Discharge from the Missouri: Elk Point aquifer occurs through evapotranspiration in areas where the aquifer is near land surface, well withdrawals, and outflow to the Missouri and Big Sioux Rivers (Bugliosi, 1983; Niehus, 1994). Currently, there are a total of 618 water rights/permits, including 3 future use permits appropriating water from the Missouri: Elk point aquifer (Water Rights, 2020a). The 3 future use permits assuming max permitted use total 14,900 ac-ft/yr. All current non-irrigation water rights/permits appropriating water from the Missouri: Elk Point aquifer, are described in Table 1. The amount of water that can be expected to be withdrawn by the non-irrigation water rights/permits can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually. Non-irrigation water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

The Town of Gayville holds Municipal Water Rights 1965-3 and 5118-3, however, the town is connected to the Clay Rural Water System and the wells for the Water Rights are maintained for standby use only. As such, the water use for these rights have been set to zero in Table 1 as the usage for them is reflected in the Clay Rural Water System permits/rights.

Table 1: Summary of expected water use of non-irrigation water rights/permits (Water Rights, 2020a).

Use Type	No. of Water Rights/Permits	Permitted Diversion Rate (cfs)	Permitted Volume (ac-ft)	Expected Annual Use (ac-ft)
REC	1	3.110	N/A	1,351
MUN	11	10.962	7,211	11,973
IND	5	0.878	N/A	381
DOM	2	2.780	N/A	1,208
RWS	2	0.000	32,165	32,165
COM	11	1.319	678	1,251
FWP	4	7.650	N/A	3,323
SHD	2	0.199	N/A	86
Total	38	26.898	40,054	51,738
REC = Recreation, MUN = Municipal, IND = Industrial, DOM = Domestic, RWS = Rural Water System, COM = Commercial, FWP = Fish and Wildlife Propagation, SHD = Suburban Housing Development				

Lewis and Clark Rural Water System and Clay Rural Water System are required to report water use to the Chief Engineer for their rural water system use permits, and the City of Vermillion is required to report water use for their municipal use rights/permits. These systems have rights/permits in the Missouri: Elk Point aquifer, and their corresponding usages are reported in Table 2 with the relevant permits listed.

Table 2: Reported annual water use in acre-feet from non-irrigation water rights/permits from the years 2006 to 2017 (Water Rights, 2020a)

	City of Vermillion	Lewis and Clark Rural Water	Clay Rural Water System
	147-3, 6236-3	6736-3, 7207-3	5998A-3, 7388-3
2006	1,252		170
2007	1,344		217
2008	1,199		213
2009	1,140		215
2010	1,071		183
2011	1,127	92	137
2012	1,317	3,836	525
2013	1,183	9,368	301
2014	1,121	11,532	307
2015	1,161	15,591	278
2016	1,175	17,091	231
2017	1,215	18,051	276
2018	1,168	18,143	305
Max	1,344	18,143	525
Min	1,071	92	137
Average	1,190	11,713	258

The reported water use for these non-irrigation water rights/permits shows that the Clay Rural Water System and the City of Vermillion have both remained steady from 2006 to 2017, whereas the Lewis and Clark Rural Water System started pumping in 2011 and is still undergoing development.

Clay Rural Water System has two permits in the Missouri: Elk Point aquifer 5998A-3 (2.22 cfs) and 7388-3 (2.0 cfs). These permits withdraw an estimated total of 1,833 ac-ft/yr, assuming a 60 percent pumping rate. However, the reported average pumping is 258 ac-ft/yr. This average pumping rate has increased due to the addition of permit 7388-3 in 2012. Due to this increase, an average of the reported pumping from 2012 to 2018 would be more reflective of the infrastructure currently in place and results in an average reported pumping of 318 ac-ft/yr. The City of Vermillion holds two permits 147-3 (2.66 cfs) and 6236-3 (2.67 cfs, 1,161 ac-ft/yr). These permits are estimated to use a combined 2,316 ac-ft/yr assuming a 60 percent pumping rate with an average reported pumping rate of 1,190 ac-ft/yr. Lewis and Clark Rural Water System holds permits 6736-3 (27.85 cfs, 20,165 ac-ft/yr) and 7207-3 (12,000 ac-ft/yr); combined these permits appropriate 32,165 ac-ft/yr and the average reported pumping rate is 11,713 ac-ft/yr. Lewis and Clark Rural Water System is still undergoing development, and as a result, their full appropriation is the estimated withdrawal.

The City of Vermillion has steady pumping rates and is not undergoing development, therefore the reported average pumping rate should be considered. Clay Rural Water System added another permit in 2012, and the more recent usage has increased; therefore an average from 2012 to 2018 of the reported average pumping rate would be more reflective of the infrastructure currently in place. Combined, the estimated pumping rate is 4,149 ac-ft/yr based on the permits issued; however, using the reported pumping rates stated above results in 1,508 ac-ft/yr. Using the reported average pumping rate rather than the permitted values reduces the expected use from non-irrigation water rights/permits by 2,641 ac-ft/yr totaling 49,097 ac-ft/yr.

Irrigation data from 1979 to 2016 was analyzed by Farmer (2018a), and it was determined that from 1979 to 2005, the number of acres permitted for irrigation in the Missouri: Elk Point aquifer remained steady. In 2006 there was an increase in permits that adjusted the long-term ratio of constructed to unbuilt irrigation systems. For this reason, Farmer (2018a) calculated the average application rate on all acres permitted for irrigation using data from 1979 to 2005 and determined the average application rate to be 0.35 ft (a little less than 4.2 inches).

Currently, there are 580 water rights/permits for irrigation (Water Rights, 2020a). Combined, these permits total 80,837 acres of irrigated land. Of these permitted acres, there are 13 water rights/permits shown in Table 3 that are irrigating a total of 754.1 acres of turf. Due to the water requirements of turf, the estimated usage should be determined separately from crop irrigation and is calculated using their full appropriation resulting in an estimated average annual use of 1,925.2 ac-ft per year (Farmer, 2018b). Using Farmer's (2018a) average application rate of 0.35 ft on the

remaining permitted crop irrigation acres results in an estimated average annual use for irrigation purposes of 28,293 ac-ft/yr.

Table 3: Water rights/permits for irrigation of turf modified from Farmer (2018b) (Water Rights, 2020a)

Permit No.	Name	Acres	Appropriation (ac-ft)
1294-3	Recreation Dev Assn Inc	102	306
1961C-3	Yankton Missouri River Koa	17	51
2011-3	Two Rivers Golf Club	95	285
5786-3	Dakota Dunes Golf Course	173	519
5935-3	Ted Waitt	1	2
5936-3	Applied Engineering Inc	1.8	3.6
5998-3	Clay Rural Water System Inc	300	600
7225-3	National Field Archery Assoc	2	4
8010-3	Ryan Rusher	2.5	5
8029-3	Dakota Dunes Comm Improvement District	17.8	35.6
8040-3	Heine Electric & Irrigation Inc	1	2
8175-3	Gayville-Volin School District 63-1	4	8
8354-3	Two Rivers Inc	30	90
8380-3	National Field Archery Assoc	7	14
Total		754.1	1,925.2

Hydrologic Budget Summary

The estimated withdrawals from the Missouri: Elk Point aquifer are 49,097 ac-ft/yr from non-irrigation users, 14,900 ac-ft/yr from future use permits, 28,293 ac-ft/yr from crop irrigation and 1,925.2 ac-ft/yr from turf irrigation. If approved, Permit Application No. 8415-3 will use 25 ac-ft/yr assuming full appropriation. Therefore the total estimated average annual withdrawal from the Missouri: Elk Point aquifer is 94,240.2 ac-ft/yr.

The estimated annual recharge to the Missouri: Elk Point aquifer is approximately 92,000 ac-ft/yr. This estimated annual recharge does not include the recharge induced by well withdrawals aside from Lewis and Clark Rural Water System; the actual recharge is likely to be more than 92,000 ac-ft/yr. Due to the relatively small development of this significant resource and the ability to induce recharge to the aquifer from nearby bodies of surface water, there is a reasonable probability there is unappropriated water available from the Missouri: Elk Point aquifer for the proposed appropriation.

Observation Well Data

In determining the availability of unappropriated water for a permit application, Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity

of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.

The DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk point aquifer (Water Rights, 2020c). The location of this proposed application is within a reasonable distance of several observation wells. These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. Three nearby observation wells that can be used for analysis of Permit Application No. 8415-3 are YA-57D (7.97 miles northeast), YA-79H (8.54 miles northeast), and YA-78J (10.22 miles northeast) as seen in Figure 2.

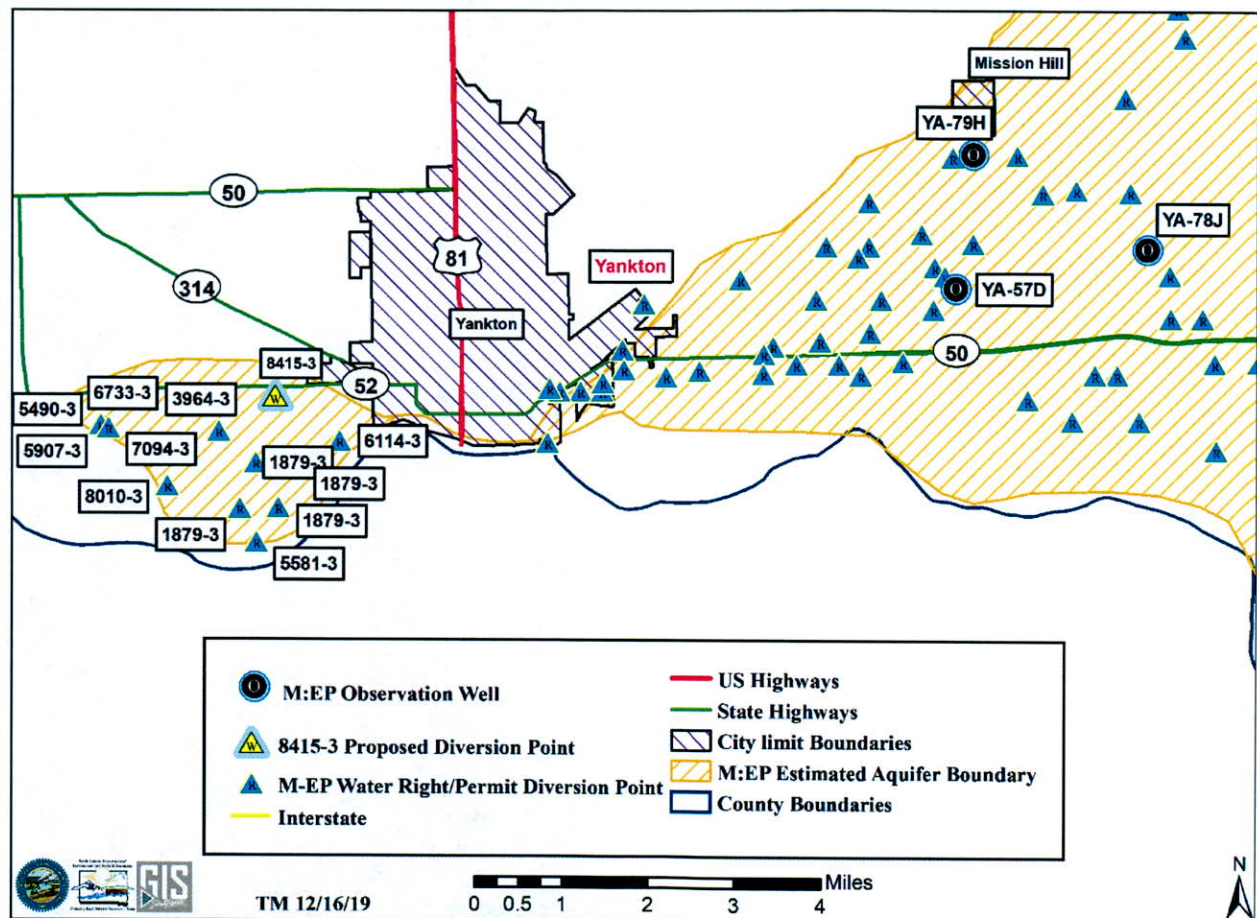


Figure 2: Map showing the location of Water Permit Application No. 8415-3, water rights/permits, and nearby observation wells in the Missouri: Elk Point aquifer (M:EP) (Water Rights, 2020a; Water Rights, 2020c).

The hydrographs for YA-57D, YA-78J, and YA-79H are shown in Figure 3. The hydrograph for observation well YA-57D had a dip on June 6, 2018, due to routine maintenance and overall is slower to respond to changes in aquifer water levels. It is useful for long term aquifer trends but will need more maintenance in the near future to ensure it continues to remain representative of the aquifer. These observation well hydrographs are representative of the Missouri: Elk Point aquifer and show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods. The hydrograph of the Missouri River in Figure 4

generally shows the same peaks, rising periods, and declining periods as the hydrographs of the Missouri: Elk Point aquifer, indicating that the aquifer is hydraulically connected to the Missouri River.

The water levels in the observation wells show that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. The graph also shows a gradual downward trend due to the construction of the Gavins Point Dam in Yankton, SD; the Missouri River is entrenching below the dam, lowering the water surface elevation of the river (Goodman, 2007). This downward trend is not due to an over-appropriation of the Missouri: Elk Point aquifer but rather a reflection of the entrenchment. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer can be captured for pumping, and the hydrographs document that unappropriated water is available for this proposed appropriation.

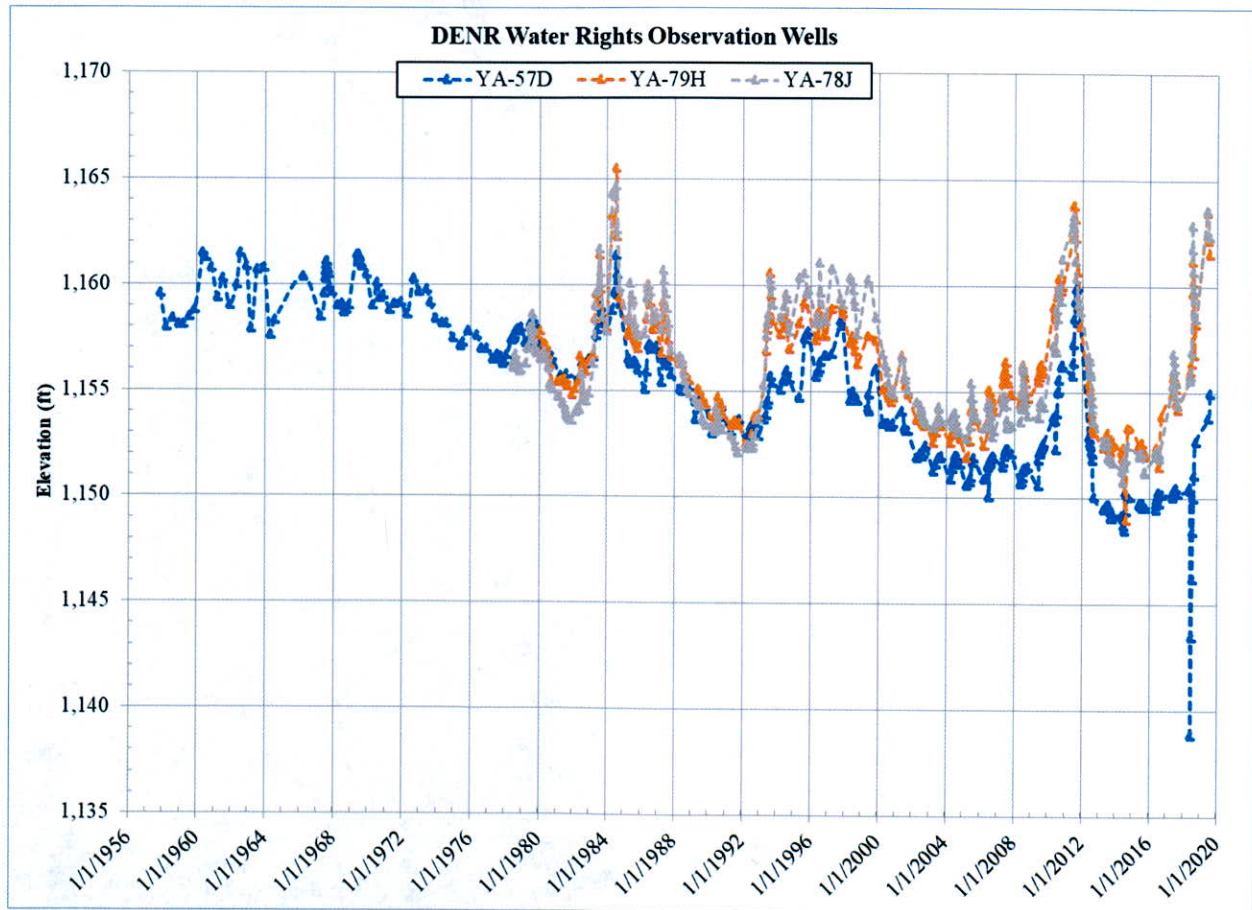


Figure 3: Hydrographs for Observation Wells YA-57D, YA-78J, and YA-79H (Water Rights, 2020c).

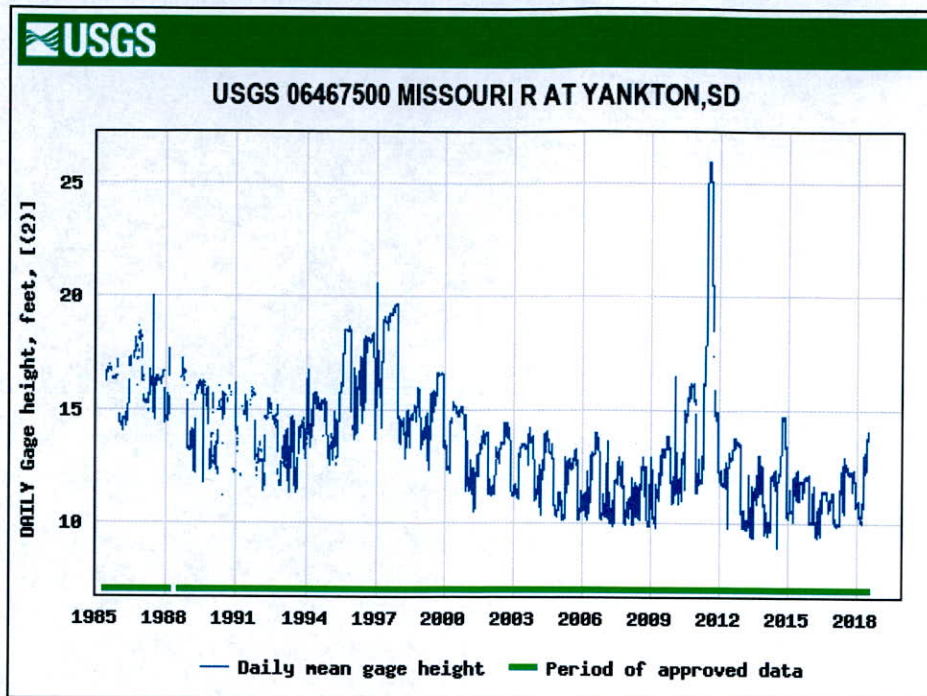


Figure 4: Hydrograph for USGS Stream Gage 06467500 Missouri River at Yankton, SD (USGS, 2019)

Existing Water Rights

Currently, there are 618 water rights/permits appropriating water from the Missouri: Elk point aquifer (Water Rights, 2020a). There are 9 water right/permit diversion points currently authorized to withdraw water located within an approximate 2-mile radius of the proposed application, listed in Table 4 and illustrated in Figure 2. The nearest water right/permit completed into the Missouri: Elk Point aquifer is located approximately three-quarters of a mile to the west. There are several domestic wells on file with the SD DENR-Water Rights Program within approximately 2-miles of the diversion point that appear to be completed into the Missouri: Elk Point aquifer (Water Rights, 2020b).

Table 4: Water rights/permits appropriating water from the Missouri: Elk Point aquifer in the vicinity of the well site proposed by Permit Application No. 8415-3 (Water Rights, 2020a).

Permit No.	Name	Status	Use	Rate (cfs)	Acres
1879-3	Gary/Steve/Gene Heine	LC	IRR	8.63	604
3964-3	Heine Farms	LC	IRR	2.11	158
5490-3	US Geological Survey	LC	FWP	0.09	N/A
5581-3	Larson's Landing	LC	SHD	0.089	N/A
5907-3	US Fish/Wildlife Service	LC	FWP	3.78	N/A
6114-3	Heine Farms	LC	IRR	1.31	92
6733-3	US Fish/Wildlife Service	PE	FWP	2.89	N/A
7094-3	US Fish/Wildlife Service	PE	FWP	2.67	N/A
8010-3	Ryan Rusher	PE	IRR	0.1	2.5
LC = Water Right, IRR = Irrigation, FWP = Fish and Wildlife Propagation, SHD = Suburban Housing Development, PE = Water Permit, COM = Commercial					

The Missouri: Elk Point aquifer is expected to be unconfined in this area, so drawdown from pumping is not expected to extend a significant distance from the proposed well site. Observation well data can provide insight into how the aquifer reacts to local pumping. The hydrograph for observation well YA-57D had a dip June 6, 2018, due to routine maintenance. Over the period of record, the water levels shown in the hydrographs for observation wells YA-57D and YA-79H (Figure 3) show water levels varying between 3 and 23 feet below grade. Saturated thickness of the Missouri: Elk Point aquifer in this area is expected to be approximately 80 to 100 feet (Water Rights, 2020a; Water Rights, 2020c). This would allow sufficient saturated thickness for a pump to be placed 20 feet below the top of the aquifer. An adequate well should not be adversely impacted by pumping at this proposed diversion rate.

An adequate well has been defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) 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 to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

Considering the lack of well interference complaints and the saturated thickness of the Missouri: Elk Point aquifer in the area, drawdown from pumping this proposed diversion is not expected to cause an adverse impact. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not cause unlawful impairment to adequate wells for existing water rights and domestic use.

Conclusions

1. Water Permit Application No. 8415-3 requests the commercial use of 25 acre-feet annually at a maximum instantaneous rate of 0.10 cubic feet per second (cfs) for use in a greenhouse facility from one well (82 feet deep) completed into the Missouri: Elk Point aquifer.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer.
3. There is a reasonable probability that the diversion proposed by this application will not cause unlawful impairment to adequate wells for existing water rights and domestic use.


Timothy Magstadt
SD DENR – Water Rights Program

References

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- Goodman, J. A. (2007). *Report on Water Permit Application No. 6869-3: Lewis and Clark RWS*. SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
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- Water Rights. (2020a). *Water Right/Permit Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020b). *Well Completion Report Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020c). *Observation Well Database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JAN 24 2020

WATER RIGHTS
PROGRAM

RC INVESTMENTS LLC
C/O RANDY GOLDEN
110 PRIMROSE LANE
YANKTON SD 57078

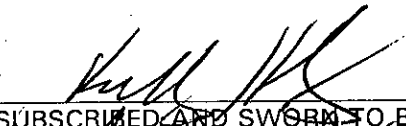
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

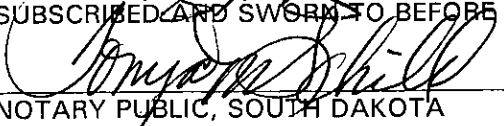
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
1 + 22 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 22nd DAY OF January, 2020
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$25.76 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: 01/22/2020

FILED ON: 01/22/2020


SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF January, 2020


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

Ad text : 1 + 22

NOTICE OF APPLICATION

NO. 8415-3 to Appropriate Water

Notice is given that RC Investments LLC, c/o Randy Golden, 110 Primrose Lane, Yankton SD 57078 has filed an application for a water permit to appropriate 25 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (79 feet deep) located in the SE 1/4 NE 1/4 Section 15-T93N-R56W for commercial use in a greenhouse facility. This site is located approximately one mile west of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8415-3 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 February 3, 2020.

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.

Published once at the total approximate cost of \$25.76

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 15, 2020 9:22 AM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 8415-3, RC Investments LLC
Attachments: 8415-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 22, 2020.

RC Investments LLC, c/o Randy Golden, 110 Primrose Lane, Yankton SD 57078 (605 660-7111) 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.**

January 15, 2020

RC Investments LLC
c/o Randy Golden
110 Primrose Lane
Yankton SD 57078

Dear Mr. Golden:

Water Permit Application No. 8415-3 for commercial 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/ks
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.

NOTICE OF APPLICATION NO. 8415-3 to Appropriate Water

Notice is given that RC Investments LLC, c/o Randy Golden, 110 Primrose Lane, Yankton SD 57078 has filed an application for a water permit to appropriate 25 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (79 feet deep) located in the SE 1/4 NE 1/4 Section 15-T93N-R56W for commercial use in a greenhouse facility. This site is located approximately one mile west of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8415-3 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.

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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.

Published once at the total approximate cost of _____.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 14, 20 19

RECEIVED OF R Star Manufacturing Inc. 110 Primrose Lane Yankton SD 57078

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

Fee for Application for Permit No. <u>8415-3</u> 7200-3 to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	500	00

No. **09249**

By

Jeannie Goodman
Chief Engineer
vm

Water Rights Program - File Documentation

NAME: RC Investments LLC

ADDRESS: Yankton SD

DATE: 2-20-20

RE: Application/License Fee

COMMENTS:

Application No. 8415-3 was submitted with a check for \$500.00. Based on the amount of water claimed (45 gpm) the application/license fee is \$300.00.

Permit No. 7200-3 was cancelled December 3, 2019 based on an investigation of the water use system which found the well had been drilled but no pump installed.

Since No. 8415-3 is for the same project, the prior \$200.00 license submitted for No. 7200-3 will be applied towards No. 8415-3. Therefore, \$400.00 needs to be refunded to the permit holder.



Karen Schlaak
Water Rights Program

February 20, 2020

PAYMENT REQUEST FORM

PAYEE: RC Investments LLC
c/o Randy Golden
110 Primrose Lane
Yankton SD 57078

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund-Over Payment of Application/License Fee

AMOUNT: \$400.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 20 2020

RC Investments LLC
c/o Randy Golden
110 Primrose Lane
Yankton SD 57078

Dear Mr. Golden:

Enclosed is Water Permit No. 8415-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$500.00 was submitted with the application. The fee for this permit should be \$100.00. \$400.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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,

A handwritten signature in black ink, appearing to read 'Jeanne Goodman'. The signature is fluid and cursive, with the first name 'Jeanne' being more prominent than the last name 'Goodman'.

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2022

No. 8415-3

3 Sons Properties LLC
c/o Neal Anthony, President
21078 Lake Ave
Le Mars IA 51031

Dear Mr. Anthony:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 8415-3. The water permit is currently listed in the name of RC Investments LLC. Randy Golden indicated this property was recently sold to you.

The transfer form should be completed, checked over for accuracy, and **signed by the new owner.** Upon completion, return the form to our office with a required filing fee of \$50.00.

Enclosed is a copy of Water Permit No. 8415-3. Please note that qualification No. 2 states "The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri:Elk Point Aquifer". Please maintain a record of water use from the well. We will request this amount at the beginning of each year.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure



8415-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 6, 2022

8415-3

Neal Anthony
3 Sons Properties LLC
21078 Lake Ave
Le Mars IA 51031

Dear Mr. Anthony:

In January 2022, Randy Golden with RC Investments indicated the property described under Water Permit No. 8415-3 was sold to you. A transfer form was directed to your attention to get the water right changed over to 3 Sons Properties LLC. To date, we have not received anything back from you.

In the event you do not have the original form, enclosed is another partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

8415-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate June 14, 2022RECEIVED OF 3 Sons Properties LL 31835 C 38 Lemars IA 51031

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	\$ _____
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 <u>8415-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

JUN 14 2022

Ck# 1048

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUN 14 2022

OFFICE OF
WATER

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

No. 8415-3

Date: 6-7-22

I/We request that Water Permit No. 8415-3

formerly owned by: R C Investments LLC % Randy Golden

be transferred to: (name & address) 3 Sons' Properties LLC

705 South Timberland Dr.

Yankton SD 57078 Telephone No. 605-653-0965

Title to the following described land(s)/property has been transferred as described above:

Well location: SE ¼ NE ¼ Section 15, T93N, R56W

I/We understand that the validity of Water Permit No. 8415-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Neal Anthony, the new owner, certify that the above information is true and correct.
3 Sons Properties


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 23, 2022

8415-3

Neal Anthony
3 Sons Properties LLC
705 South Timberland Dr
Yankton SD 57078

Dear Mr. Anthony:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring Water Permit No. 8415-3.

The ownership change has been completed. The water permit formerly held by R C Investments LLC is now listed under 3 Sons Properties LLC.

Enclosed for your records is a receipt for the filing fee that was paid. One additional item for you to be aware of, if you have not done so already, is to register with the Secretary of State's Office as an LLC doing business in SD.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure