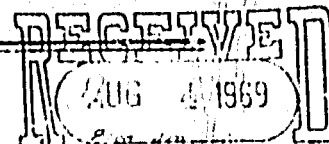


Water Right Number 1693-3

1. Considered March 15, 19 72
2. Name of Applicant Mitchell Packing Company
3. Post Office Address Mitchell, S.D.
4. Amount of water claimed 4.57
5. Source of water supply James River and wells
6. Water to be used for irrigation
- Acres to be irrigated 320.00
7. Water to be diverted and used in Davison County
about 1 mile South and 2 Miles East of Mitchell
8. Proof of Publication Received 3-14-72
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 1693-3Water Division No. 3 JAMES RIVER District
(Blank to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM. I.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

Trans 7-27-76

(NOTE--Draw a line through items not applicable.)

1. Name of applicant

Postoffice address

County

State

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

Evelyn J. Anderson, Vice Pres.; David L. Anderson, Sec. - Treas. and of 113-3, S.D.

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed 4.57 cubic feet per second

4. Source of water supply

5. Location of point of diversion

on

bank

DANIEL

County.

6. Annual period or periods during which water is to be used

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 300 acres.

(b) Legal subdivisions to be irrigated

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal earth, \$..... Rock, \$.....
(e) Other structures \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face: slope at back face
material used in construction
(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET ACRE- FEET CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
Material
(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made)

10. Time required for completion of workyears.
11. Time required for complete application of water to the proposed beneficial use years.
12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

County of } ss.

I, Walter Anderson, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Walter Anderson
Subscribed and sworn to before me this 1st day of August 1889
John F. Bentler
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

The irrigation well approved under this permit ^{ARE} located near domestic wells which may obtain water from the same aquifer.

The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

County of HUGHES

Pierre, South Dakota, AUGUST 4, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 4TH day of AUGUST, 1969.

State Water Resources Commission

By:

Durston Jones
for Chief Engineer, Executive Officer

Number of permit 1693-3

Date of first receipt of application AUGUST 4, 1969

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right AUGUST 4, 1969

Approved MARCH 15, 1972, Recorded in Book 12 Page 69

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

SEPTEMBER 15, 1973

2nd. The whole of said work is to be completed on or before MARCH 15, 1975

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MARCH 15, 1977

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 4.57 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MARCH 15, 1977; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 17TH day of MARCH, 1972.

State Water Resources Commission

By:

Durston Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 17, 1973

Water License Issued JULY 17, 1973

WATER LICENSE NO. 1693-3

(1) WHEREAS, On the 4th day of August A. D. 19 69
Mitchell Packing Co., Inc.

made Water Right Application No. 1693-3 for a permit to use 4.57 cubic feet per second of the waters of the James River and ground water

County of Davison State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 17th day of March A. D. 19 71
Permit No. 1693-3, with a date of priority of August 4, 1969
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 15th day of March A. D. 19 75 and for the application to beneficial use of said water on or before the 15th day of March A. D. 19 77

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.14 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 35, T103N, R60W	
SE 1/4	160 acres
NE 1/4	60 acres
Total	220 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to _____

Mitchell Packing Co., Inc.

_____ of _____

Mitchell, S.D.

the holder _____ and owner _____ of said permit No. 1693-3 a water right, dating from August 4, 1969

_____ to use of 3.14 cubic feet per second of the waters

of the James River and ground water

in the County of Davison and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at River - 1400 ft. South and 250 ft. East;

Well "A", 170 ft. North and 280 ft. West; and Well "B", 450 ft. East, and 50 ft.

South; all from the NW Corner, Section 31, T103N, R59W

and conduct to and upon _____ portions of the ½ Section 35, T103N, R60W, more fully described
on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1693-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 17th day of July A. D.

Nineteen Hundred and Seventy-three

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer DONALD BRISCOLL

Permit No. 1693-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mitchell Packing Company Inc.

_____ the holder _____ of
Permit No. 1693-3, issued upon Application No. 1693-3, bearing date of priority of August 4,
1969 authorizing the diversion of 4.57 cu. ft. per second of the waters of _____
James River & ground water County of Davidson, State of South Dakota at _____
River - 1400 ft. South and 250 ft. East; Well "A" - 1170 ft. North and 280 ft.
West; and Well "B", 450 ft. East, and 50 ft. South; all from the NW Corner,
Sec. 31, T103N, R59W, for irrigation

_____ purposes, has B complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 4.15 cu. ft. per second of water.

Date July 17, 1973

By:

~~WATER RIGHTS COMMISSION~~
WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

No. 1512

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Lawson)

I, Gerald A. Pae, Mayor hereby
 certify that the annexed printed copy of Notice of Intent to Appropriate
 Water was taken from the The Daily Republic

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City of Mitchell
County of Davison and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

February 17, 1972

February 24, 1972

March 2, 1972

March 9, 1972

(Signature)

(Title)

March 9, 1972
(Date Signed)

**NOTICE INTENT TO APPRO-
PRIATE WATER.**

Pierre, South Dakota 57501
February 14, 1972:

Notice is hereby given that Mitchell P a c k i n g C o., Inc., whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.57 cubic feet of water per second of time from the James River & ground water through the Anderson Project No. 4, the point of diversion of which is to be located on the river between points in the E½, SE¼, section 25, T103N, R60W, and in the SW¼, SW¼, Section 30, T103N, R59W and from two wells in the SE¼ SE¼, of Section 25, Twp. 103N, Range 60W. Said water to be used for the purpose of providing irrigation on the following described land: E½, Section 35, T103N, R60W.

This application No. 1693-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 1972, at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION
By: BURTON F. JONES.
Water Rights Specialist

RECEIVED
MAR 14 1972

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

1695-3

Publish first publication, on or before February 19, 19 72NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 16, 19 72Notice is hereby given that Mitchell Pecking Co., Inc.whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use4.57 cubic feet of water per second of time from the Jacks River & ground water through theAnderson Project #4, the point of diversion of which is to be located in the SE 1/4on the river between points in the SE 1/4, Section 25, T103N, R60W, and inthe SW 1/4, Section 30, T103N, R59W and from two wells in the SE 1/4,of Section 25, Twp. 103N, Range 60W. Said water to be used for the purpose of providing irrigation on the following described land:E 1/2, Section 35, T103N, R60W

This application No. 1695-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 19 72, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

cc: Dale V. Anderson, Mitchell Pecking Co., Inc., Box 147, Mitchell, S.D. 57301

FEDERAL BUREAU OF SURVEY
UNITED STATES DEPARTMENT OF THE INTERIOR

DAVISON COUNTY

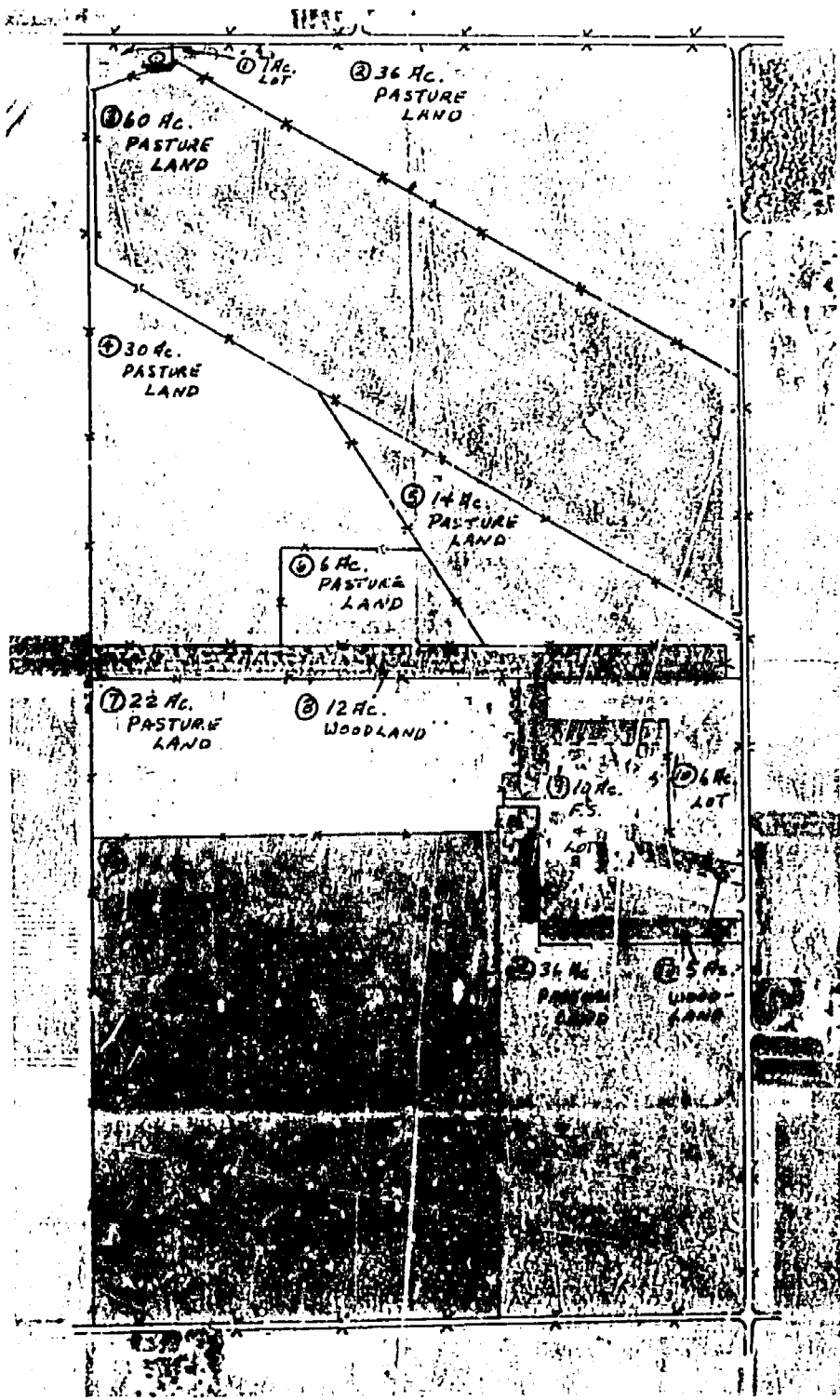
DAVISON

D. E. COOK.

10/14/25

PLAN NO. 115 AC. 320 ACR. 8 000 000

E. 35.35, T. 6.5, R. 6.0W



January 24, 1972

Mr. Dale V. Anderson
Mitchell Packing Co., Inc.
Box 147
Mitchell, South Dakota 57301

Dear Mr. Anderson:

For approximately the past three years applications to divert water from the James River, in that stretch of the river from the North Dakota-South Dakota boundary to the north boundary of Yankton County, have been placed in a deferred status pending a further evaluation of flows and water use from the James River.

The Water Resources Commission has determined that unappropriated water exists from this source for a specified amount of water and has directed the Staff to determine if the applicants having the deferred applications wish to have them processed at this time.

It should be pointed out that the Permit will contain the following qualification:

"This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this Permit shall be in accordance with any written orders issued by the Commission or its representative."

You have pending with the Water Resources Commission Application No. 1693-3 to divert 4.57 c.f.s. from the James River for irrigating 320 acres in Davison County.

Question: Should we proceed with the advertising of your application?

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

Permit No. 1693-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USETO: Water ~~Division~~ Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by MITCHELL
PACKING Co., Inc. of MITCHELL holder
of Permit No. 1693-3, hearing date of priority of AUGUST 4, 1969
authorizing the diversion of 4.57 cu. ft. per second of the waters of JAMES RIVER & GROUND WATER
for IRRIGATION purposes, in DAVISON County.

I have to report on the condition of the same as follows:

The Water Use System consists of, *

A. Works used to divert the water:

JAMES RIVER - CORNELL 8" PUMP (MODEL 4462B4-3). POWERED BY
CHRYSLER INDUSTRIAL #413 PROPANE MOTOR (2.5 C.F.S.)
WELL "A" - LAYNE-BOWLER 8" PUMP, POWERED BY CHRYSLER INDUSTRIAL #318
PROPANE MOTOR (1.1 C.F.S.)
WELL "B" SAME TYPE PUMP & MOTOR AS WELL "A" (.55 C.F.S.)

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

1 MILE - 8" MAINLINE
1/2 MILE - 6" MAINLINE

C. Works used to apply water to beneficial use.

3 - 1/4 MILE - 4" TOWLINES
2 - 1100' 4" TOWLINES
WITH RAINGIRD #30 & #14600 SPRINKLER HEADS WITH
13/64 & 7/32 NOZZLES

The system is in the following condition: VERY GOOD

The point of diversion is located RIVER - 1400'S & 250'E; WELL "A" - 1170'N & 250'W;
AND WELL "B" - 450'E & 450'S, ALL FROM NW CORNER, SECTION 31, T103N, R59W

The works are capable of diverting and conveying to the place of use 4.15cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 35, T103N, R60W

SE⁴ 160 ACRES
NE⁴ 60 "

comprising a total of 220 acres of land.

* UNDER THIS PERMIT #1693-3 AND PERMITS #1215-3, #1527-3 &
#1581-3, A COMBINATION OF TWO WELLS & RIVER DIVERSION IS
USED TO PROVIDE WATER. THE WATER IS PUMPED INTO A HOLDING
DAM TO PROVIDE FOR POLLUTION CONTROL, AND WATER IS
RE-PUMPED FROM DAM TO FIELDS.

Date JULY 10, 1973

Dustin S. Jones
(Signature)

WATER RIGHT SPECIALIST
WATER RIGHTS COMMISSION

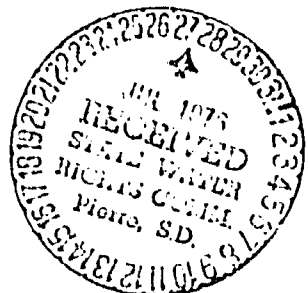
NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RIGHTS COMMISSION~~State Office Building No. 2
Pierre, South Dakota 57501

Date

July 23, 1976This is to notify you that title to the lands described as follows:
SE $\frac{1}{4}$ & NE $\frac{1}{4}$, Section 35, T103N, R60Wformerly owned by Mitchell Packing Co., Inc., Mitchell, SDhas been transferred to Anderson Farms, Inc., Mitchell, S.D.
% Dale V. Andersontogether with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
1693-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the ~~Office of Water Resources Commission~~ as evidence of the change of ownership.~~WATER RIGHTS COMMISSION~~

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Harrison) ss.I, Dale V. Anderson being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.Dale V. Anderson
(Signed)Subscribed and sworn to before me this 23rd day of July, 1976Lillian Munn
(Notary Public)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 31, 1985

Anderson Farms Inc.
Box 147
Mitchell, SD 57301

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s) 1693-3, 1215-3, 1527-3, 1581-3, and 1528-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 p.m., May 14, 1985 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1693-3, 1215-3, 1527-3, 1581-3, and 1528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Anderson Farms
Box 147
Mitchell SD 57301

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment to Water Permit No(s). 1693-3, 1581-3,
1528-3, 1572-3 & 1215-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 1693-3, 1581-3, 1528-3, 1572-3 & 1215-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Attachment to Water Permit No. 1693-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 1693-3 to add the following qualification:

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

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

ANDERSON FARMS INC, Dave Anderson
BOX 147
MITCHELL, SD 57301

NOTICE

Re: Violation of Water Permit No(s). 1527-3, 1581-3, 1528-3, 1693-3, 1215-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1527-3, 1581-3, 1528-3, 1693-3, 1215-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1527-3, 1581-3, 1528-3, 1693-3, 1215-3 qualification:

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

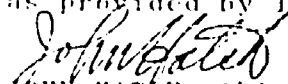
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1527-3, 1581-3, 1528-3, 1693-3, 1215-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 5, 1987

1215-3
1527-3
1528-3
1581-3
1693-3

Calvin Anderson
Anderson Farms
1403 North Main St
Aberdeen, SD 57401

Dear Mr. Anderson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1215-3, 1527-3, 1528-3, 1581-3, and 1693-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 20, 1987

Calvin Anderson
Dakota Acres
1403 N Main Street
Aberdeen, SD 57401

Dear Mr. Anderson:

I am writing in regard to the transfer of Water Right Nos. 1215-3, 1527-3, 1528-3, 1581-3, and 1693-3. Sometime ago, you had called our office and requested copies of these water rights and also transfer notices for each one. Enclosed are copies of the water rights. They are currently listed under the name of Anderson Farms.

Also enclosed are partially completed transfer forms. They will need to be completed, signed and notarized before returning them to our office. A \$2.50 filing fee for each transfer is required (total of \$12.50). Upon receipt of the completed transfer forms and \$12.50 in filing fees, Water Right Nos. 1215-3, 1527-3, 1528-3, 1581-3 and 1693-3 will be transferred to you.

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.

I apologize for the delay in getting the copies and transfer forms mailed to you. I hope this has not caused you any inconvenience. The copies of the water rights you may keep for your files. If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

1693-3

January 29, 1988

ANDERSON FARMS INC -Dale V Anderson
BOX 147
MITCHELL, SD 57301

NOTICE

Re: Violation of Water Permit No(s). 1215-3, 1693-3, 1528-3, 1527-3, 1581-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1215-3, 1693-3, 1528-3, 1527-3, 1581-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1215-3, 1693-3, 1528-3, 1527-3, 1581-3 qualification:

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

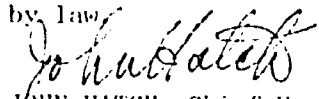
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1215-3, 1693-3, 1528-3, 1527-3, 1581-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-5181

March 1, 1988

1527-3
1528-3
1581-3
1693-3
1215-3

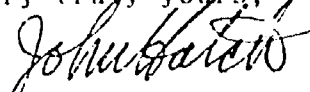
Calvin Anderson
1403 N Main
Aberdeen SD 57401

Dear Mr. Anderson:

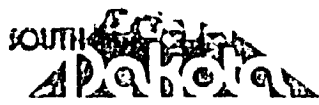
I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1215-3, 1527-3, 1528-3, 1581-3, 1693-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3552



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 18, 1988

1693-3

1215-1

1527-3

Dale Anderson
Anderson Farms, Inc.
Box 147
Mitchell, SD 57301

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Anderson:

We have been monitoring James River flows. I am sure that you realize that unless water supply conditions change, there will not be much water for irrigation during 1988. Shutoff of irrigation above Huron is required when the flow drops to 20 cfs at the Huron Third Street Dam. Therefore, we expect to issue orders within the next two to four weeks to shut off James River Irrigation from the Third Street Dam to the ND-SD border. Below Huron to the I-90 bridge near Mitchell, irrigators can also expect a shutoff order within the next few weeks when the flows of the river drop below 20 cfs at the Forestburg Gaging Station. Below the I-90 bridge near Mitchell to the Yankton County line we may need to issue a shutoff order sometime during early summer if the flows at Scotland drop below 20 cfs.

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoure	Ludden	Columbia**	Ashton	Huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/14/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.9	112

* Flow in cfs (cubic feet of water per second)

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North Dakota because the water level elevation is below the flood control storage elevation.

Sand Lake Refuge is at or near full capacity and releases are being made. The quantity released will depend on inflows which are measured near the ND-SD State Line.

We are providing the above information to allow you to have the latest information for the entire James River and to provide you with an indication of what to expect. Unless water supply conditions change, we expect that the James River pumping will be shutoff for much of the irrigation season.

If we may answer any questions, please contact James Winterton, 773-3552.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 28, 1988

NOTICE OF SHUTOFF ORDER

1527-3

1215-3

1693-3

TO: Dale Anderson
Anderson Farms, Inc.
Box 147
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352 *By James H. Anderson*

SUBJECT: Shut Off Order To James River Water Right Holders
Located Between Huron and the Yankton County Line,
Effective 12:00 Noon on July 4, 1988.

I am certain that you are aware that James River Flows are not enough to supply all water rights. Therefore, to protect the domestic uses (livestock watering) on the James River, effective 12:00 noon on July 4, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

Let us know if you have any questions.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 8, 1988

NOTICE OF RESCISSION OF SHUTOFF ORDER

TO: Dale Anderson
Anderson Farms, Inc.
Box 147
Mitchell, SD 57301

1527-3
1215-3
1693-3

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Rescission of James River Shutoff Order effective 12:00
Noon July 11, 1988 for water right holders below I-90
with priority dates before 1976.

The flows at the Scotland Gauging Station are sufficient to allow continued diversions by senior priority water right holders on the James River below I-90. Therefore, the shutoff order to be effective at 12:00 noon, July 11, 1988 is rescinded until further notice to you.

We will continue to monitor the flows to determine whether or not a shutoff will be necessary. If a shutoff is necessary, we will try to give you five days notice.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 7, 1988

Second Notice
Water Right Nos:
1215-3 1527-3
1528-3 1581-3
1693-3

Calvin Anderson
1403 N Main Street
Aberdeen, SD 57401

Dear Mr. Anderson::

On July 20, 1987, notice was sent to you concerning the transfer of Water Right Nos. 1215-3, 1527-3, 1528-2, 1581-3 and 1693-3 in the name of Anderson Farms. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each (total of \$12.50). The water rights can then be transferred to your name. If you are not the present owner of the land covered under these water rights, please notify this office. It is very important that ownership records be kept current. 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.

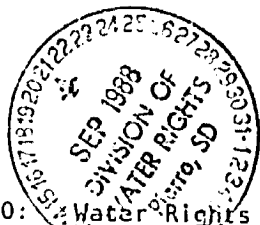
If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

enclosures





NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 9/18/88

This is to notify you that the title to the lands described as follows:

220 acres - E $\frac{1}{2}$ Section 35, T103N, R60W

formerly owned by Anderson Farms, Inc.

1403 N. MAIN

has been transferred to CHARLES FRANK ANDERSEN

HAERDEEN S.D.

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1693-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of BROWN) ss.

I, CHARLES FRANK ANDERSEN being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Charles Frank Andersen
(Signed)

Subscribed and sworn to before me this 20 Day of September, 1988.

Alice Rents
(Notary Public)

My Commission expires 5-29-91

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, September 21, 1910

RECEIVED OF Calvin F. Andersen, 1403 N. Main, Aberdeen, SD 57401

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 Permit No. 1693-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (MS)

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

September 23, 1988

Calvin F. Anderson
1403 N. Main
Aberdeen, South Dakota 57401

Dear Mr. Anderson:

Enclosed are receipt Nos. 411418, 411419, 411420, 411421 and 411422 in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1693-3, 1581-3, 1528-3, 1527-3 and 1215-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.5



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 8, 1989

CALVIN FRANK ANDERSEN
1403 N MAIN
ABERDEEN, SD 57401

NOTICE

RE: Violation of Water Permit No(s). 1215-3, 1527-3, 1528-3, 1581-3, 1693-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1215-3, 1527-3, 1528-3, 1581-3, 1693-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1215-3, 1527-3, 1528-3, 1581-3, 1693-3 qualification:

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

The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

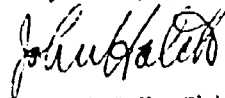
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1215-3, 1527-3, 1528-3, 1581-3, 1693-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 24, 1989

1215-3
1527-3
1528-3
1581-3
1693-3

Calvin Frank Anderson
Box 147
Aberdeen, SD 57401

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1215-3, 1527-3, 1528-3, 1581-3, and 1693-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 6, 1990

NOTICE OF SHUTOFF ORDER

1693-3, 1527-3, 1215-3

TO: Andersen, Calvin F.
Box 147
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Del Brosz

SUBJECT: Shut Off Order to All James River Irrigation Water Right Holders-Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at most of the gaging stations. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) on the river below Huron, effective immediately, no pumping of water from the James River is authorized until January 1, 1991 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the 1990 irrigation season from the James River. If conditions do improve, notices will be issued, based on senior priority dates, to allow pumping by irrigators.

Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are down with no expected releases.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland	Yankton
3/23/90	----	----	----	----	----	----	30.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 30, 1990

RESCISSION OF SHUTOFF ORDER

TO: Calvin F. Andersen
Box 147
Mitchell, SD 57301

1527-3

1215-3

1693-3

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin W. Bros

SUBJECT: Rescission of April 6, 1990 Shutoff Order to James River Water Right Holders

The flows in the Lower James River have improved considerably. Therefore I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the I-90 bridge near Mitchell. A list of water rights below I-90 to Yankton County line is enclosed for your information.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
5/22/90	----	0.7	11.5	17.65	41.8	61.8
5/25/90	1.3	0.2	13.0	58.2	65.7	77.2
5/29/90	3.5	----	9.4	23.9	50.7	377.9

If the flows of the river should decrease to a level that will again require a shutoff in 1990, water rights with junior priority dates will receive shutoff orders first.

If you have any questions, please contact Del Bros: Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 8, 1990

NOTICE

1693-3, 1527-3,
1215-3

TO: Calvin F. Andersen
Box 147
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501.
Phone (605) 773-3352

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 2, 1990

RESCISSION OF SHUTOFF ORDER

1733-3, 1734-3
1735-3, 1450-3,
1943-3

TO: Jerry Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of April 6, 1990 Shutoff Order to James
River Water Right Holders

The present flow conditions on a portion of the James River below Ashton appear to be of sufficient quantities to allow for irrigation. The Shutoff Order of April 6, 1990 is rescinded, this notice is effective immediately, for the section of the James River downstream from Ashton to the James River Diversion Dam. The mandatory August 10 shutoff date is still in effect, but exceptions to this will be handled on a case by case basis by contacting the Water Rights Division.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 2, 1991

1215-3

1527-3

1693-3

Calvin F. Andersen
Box 147
Mitchell, SD 57301

Dear Mr. Andersen:

I am contacting irrigators and water users on the James River to advise of the low flow conditions in the James River and potential of shut off orders being issued. Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is supplying the river with below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
3/28/91	79.1	0.0	6.6	2.3	19.2	23.7
3/29/91	79.1	0.0	6.3	13.0	17.9	22.8
4/01/91	79.1	0.0	6.1	11.1	18.5	10.0

Note: The flow at Ludden is from in stream ice melt with little or no runoff occurring.

We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

If you have any questions, feel free to contact Mark Rath or Del Brosz. Phone (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 5, 1991

NOTICE

1215-3
1527-3
1693-3

TO: Calvin F. Andersen
Box 147
Mitchell, SD 57301

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

DATE	LUDDEN	COLUMBIA	ASHTON	HURON	FORESTBURG	SCOTLAND
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent

1693-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

CALVIN FRANK ANDERSEN
BOX 147
MITCHELL SD 57301

NOTICE

RE: Violation of Water Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 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) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1693-3

CALVIN FRANK ANDERSEN
BOX 147
MITCHELL, SD 57301

4a. Article Number

P 906 557 733

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

NOV 28 1990

5. Signature (Addressee)

Calvin Frank Andersen

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1992

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Calvin Frank Anderson, Box 147, Mitchell, SD 57301

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 

SUBJECT: One Year Suspension of Water Right Nos. 1215-3, 1527-3,
1528-3, 1581-3, and 1693-3

Pursuant to the provisions of the Notice dated January 27, 1992,
and following the hearing March 4, 1992, the Water Management
Board has ordered:

That Water Right Nos. 1215-3, 1527-3, 1528-3, 1581-3 and
1693-3 be SUSPENDED until December 31, 1992. Suspension of
the water rights does not excuse the permit owner from the
requirement to submit the 1991 irrigation questionnaires.

Suspension of your water rights means water may not be pumped
during the 1992 irrigation season. Decisions of the Board may
be appealed to the Circuit Court and State Supreme Court as
provided by law.

The questionnaires were received March 4th; however, they did not
include enough information to be complete. If you want to
petition the Water Management Board to rescind the suspensions,
you will need to submit a letter to our office requesting time on
the agenda for the Water Management Board Meeting scheduled for
May 6-7, 1992 in Pierre. The letter should include your reasons
for not completing the irrigation questionnaires prior to the
March Board meeting.

Enclosed are your 1991 irrigation questionnaires and some blank
chemigation application reporting forms. Please complete the
forms and return them to our office as soon as possible. If you
have any questions on completion of the forms, contact Genny
McMath, (605) 773-3352.

enclosures

Water Rights Division - DWR
Conversation or File Documentation

File No. 12-15-3
1587-3
1588-3
1589-3
1590-3

NAME OF PERSON OR FILE: Calvin Frank Anderson

ADDRESS: _____ COUNTY DM & HS

DATE: 5-9-92 TELEPHONE _____

RE: Inspection of Suspended Water Rights

COMMENTS:

Drove thru area described on back
water license in Mr. Anderson's name.
I saw no irrigation taking place at
this time.

I have no current phone # or address
for Mr. Anderson, so no contact has
been made.

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

NAME: J. L. [Signature]

Water Rights Division - DVNR

File No.

Conversation or File Documentation

NAME OF PERSON OR FILE:

Calvin Frank Anderson

1525-3

1527-3

1581-3

1693-3

ADDRESS:

COUNTY DWINS

DATE:

7-22-92

TELEPHONE

RE:

Inspection of Suspended Water Rights

COMMENTS:

Drove by the areas described on Mr. Anderson's Water Right. There was no irrigation equipment in the fields on the area. It looked to me that no irrigation was taking place. There has been high amounts of rain in this area, that irrigation probably isn't necessary at this time.

I looked at past irrigation questionnaires to see if irrigation has been done recently.

1988 No1989 310 Acres1990 246 Acres1991 Suspended

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

James C. [Signature]



16933

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

CALVIN FRANK ANDERSEN
BOX 147
MITCHELL, SD 57301

NOTICE

RE: Violation of Water Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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) 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer, IV
Water Rights Division
605 773-3352

1693-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 7, 1995

Calvin Frank Andersen
4216 Perry Way
Sioux City, IA 51104

RE: Irrigation Questionnaires for Water Permit Nos. 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaires. I completed the questionnaires for you following a telephone conversation with David Andersen on March 3rd. You may disregard the February 7, 1995, Notice of Violation of Water Permit Nos. 1215-3, 1527-3, 1528-3, 1581-3 and 1693-3.

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3181

January 30, 1996

NOTICE

TO: CALVIN FRANK ANDERSEN, 4216 PERRY WAY, SIOUX CITY, IA 51104

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 1527-3, 1215-3, 1528-3, 1581-3 & 1693-3.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1527-3, 1215-3, 1528-3, 1581-3 & 1693-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1527-3, 1215-3, 1528-3, 1581-3 & 1693-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1527-3, 1215-3, 1528-3, 1581-3 & 1693-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



1693-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 13, 1996

Calvin Frank Andersen
4216 Perry Way
Sioux City IA 51104

RE: Water Permit Nos. 1215-3, 1527-3, 1528-3, 1581-3 & 1693-3

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, "Notice of Violation of Water Permit Nos. 1215-3, 1527-3, 1528-3, 1581-3 and 1693-3."

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 1, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Dale Anderson
Anderson Farms, Inc.
Box 147
Mitchell, SD 57301

1693-3
1215-3
1527-3

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *By James Hentzen*
605 773-3352

SUBJECT: Extension of James River Shutoff Order to 12:00 Noon,
July 11, 1988 for water right holders below I-90 with
priority dates before 1976.

The flows at the Scotland Gauging Station have been adjusted based on a recent survey of the gauging station by the USGS. With this adjustment, the Scotland flows are now in excess of 20 cfs. Therefore, the **shutoff order** to be effective at 12:00 noon, July 4, 1988 is **extended to 12:00 noon, July 11, 1988.**

We will continue to monitor the flows to determine whether or not an additional extension may be granted.

