

WATER PERMIT NO. 1693A-3

Name of Applicant: Calvin Anderson

Address: RR 5, Box 460A, Mitchell SD 57301

Phone: 605 996-7514

Amount of Water Claimed: no additional (1.33 cfs)

Total Acres: 93.7 acres

Source of Water Supply: James River, runoff & holding dam

Water to be used for: irrigation County: Davison

Type of Waste Disposal System: NA

Location: SE of Mitchell

PRIORITY Date Received: 4-19-96 Fee: \$50

Corrected Application Received: Period of Annual Use: April 1 - October 31

Remarks: Application is to change acres authorized by Water Right No. 1693-3. Acres currently are watered by the City of Mitchell's lagoons

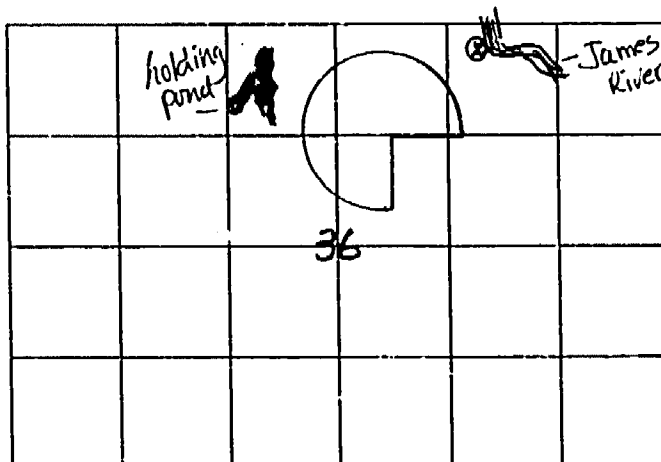
Diversion Point: James River - NE 1/4 NE 1/4

holding dam, NE 1/4 NW 1/4; all in Sec 36-

T103N-R60W

Land to be Irrigated: E 1/4 NW 1/4, W 1/2 NE 1/4

NE 1/4 NE 1/4 Sec 36-T103N-R60W



Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 4-22-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>1693A-3</u> Hydrologic Unit <u>10160001</u>
	Basin <u>James River</u>
	Newspaper <u>The Daily Republic, Mitchell, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 1693-3
(check one) (Use predate: Mar 2, 1955)

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

acreage change

1. Name of Applicant Calvin Andersen ☒ Owner ☐ Tenant/Lessee Phone 605 996-7514
(check one)
- Mailing Address RR 5 Box 460A Mitchell State SD 57301
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed no add'l *CFS or **GPM ***AF Total Acreage 93.7 acres (change)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply James River + field runoff -- holding dam
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) James River div point
NE1/4 NE1/4 Sect. 36, T103N, R60W; Holding dam - NE1/4 NW1/4 Sect 36, T103N, R60W
County Davison
5. County or counties where water will be used Davison
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
all in Section 36, T103N, R60W (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE NW	20.3	NE NE	2
SE NW	20.4		
NW NE	35		
SW NE	16		

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

Application is to change acres authorized by WR No. 1693-3. Acres currently are watered by the City of Mitchell's lagoons.

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

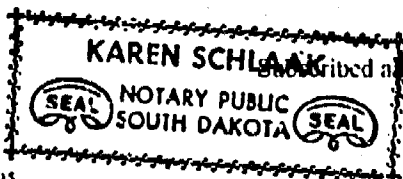
STATE OF SOUTH DAKOTA) ss

County of Hughes

- I, Calvin Andersen, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed

Calvin Andersen



Subscribed and sworn to before me this

19th

day of

April

19 96

Karen Schlaak
Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.



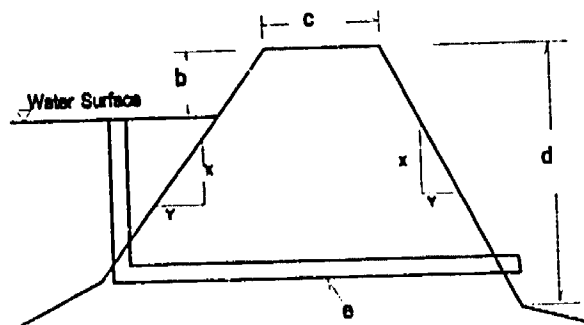
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard 5' 1"
- c) Crest Width 10' 11"
Crest Length 254'
- d) Height 44' 26' 6"
- e) Primary Outlet: Capacity channel 6' 8" base x 5' sidewall
If pipe, diameter _____ (approx.)
- f) Secondary Spillway Capacity _____
Spillway Width 13' base approx 4' sidewall
(approx 18" above primary)
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment 5 acres
- i) Storage 44 (est.) Acre Feet
- j) Drainage Area Above Dam 360 Acres (est.)

Date of first receipt of application April 19, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1693A-3 to Calvin Andersen, RR 5, Box 460A, Mitchell SD 57301 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. 1693A-3 authorizes a change in the location of the irrigated acreage authorized by Water Right No. 1693-3. Water Right 1693-3 authorizes 3.14 cubic feet of water per second (cfs) from the James River and ground water to irrigate 220 acres located in the E 1/2 Section 35-T103N-R60W. The acreage authorized by Water Right No. 1693-3 is watered with effluent from the City of Mitchell's lagoons. This permit authorizes the change of location of 93.7 acres. Water is diverted from the existing James River diversion point located in the NE 1/4 NE 1/4 Section 36 at a rate up to 3.14 cfs into a holding dam (44 acre-foot storage capacity) located in the NE 1/4 NW 1/4 Section 36; all in T103N-R60W. Water from the holding pond may be diverted at a maximum rate of 1.33 cfs for irrigation of 93.7 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 36-T103N-R60W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is August 4, 1969.
4. The date of approval of Permit No. 1693A-3 is June 4, 1996.
5. One-fifth of the construction is to be completed on or before December 4, 1998.
6. All construction is to be completed on or before June 4, 2001.
7. Water is to be put to beneficial use on or before June 4, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit does not authorize diversion of water from the James River after August 10 of each calendar year, nor at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Approval of Water Permit No. 1693A-3 authorizes a diversion rate of 1.33 cfs from the holding dam for irrigation of the transferred 93.7 acres.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

(continued)

Water Permit No. 1693A-3

Calvin Andersen

Page 2

4. Water Permit No. 1693A-3 authorizes a dam with storage capacity of 44 acre-feet of water. The dam may be filled one or more times per year.
5. The applicable portions of Water Right No. 1693-3 are incorporated into No. 1693A-3 and the remaining portions of No. 1693-3 are cancelled.
6. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 12 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 1996

Dr. Calvin Anderson
4216 Perry Way
Sioux City, IA 51104

Dear Dr. Anderson:

Please find a water permit application form enclosed to change acreage authorized by Water Right No. 1693-3. I have also attached a copy of Water Right No. 1693-3

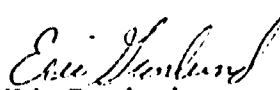
I understand that the acreage currently authorized by Right No. 1693-3 receives effluent from the city of Mitchell's lagoon and that this practice will continue. Disposal of lagoon water is not considered irrigation unless other water is used along with the effluent water. I believe a water permit to use water from Mitchell's lagoons is not required unless other water is mixed with the lagoon water.

I believe the water right from the James River is a standby water source since the acreage is supplied water from the lagoon. I understand diversion of James River water has not been necessary since the disposal of lagoon water provides an ample supply. The fact that the James River source is a standby water supply provides a legal excuse for non-use of water. Non-use of water without legal excuse may subject Water Right No. 1693-3 to cancellation.

The two previous paragraphs set the foundation for my belief that your proposed change of acres is an amendment to your water right. The actual report and recommendation prepared on the application will further address these issues.

Please contact me if you have questions or need assistance completing the application.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Calvin Andersen

ADDRESS: COUNTY: Davison

DATE: 4/19/96 TELEPHONE:

RE: Amendment to Water Right No. 1693-3 and cancellation of Water Right Nos. 1215-3, 1527-3, 1528-3, and 1581-3

COMMENTS:

Mr. Andersen stopped in the office and completed an application form to change acres to Water Right No. 1693-3. The acreage currently authorized by No. 1693-3 is being watered from the city of Mitchell's lagoons which is by Board rule the disposal of contaminated water. The application is to change 93.7 acres which will be then irrigated from the James River. A holding pond is also included in the system. This pond was included in the original inspection of Water Right No. 1693-3. The ground water (wells) component of the water right has been abandoned.

We also went through Water Right Nos. 1215-3, 1527-3, 1528-³~~3~~ and 1581-3 which were originally held by Mitchell Packing Company and is now Mr. Andersen's land. Mr. Andersen indicated that the acres under these water rights is not being irrigated. I explained the cancellation process and he agreed the water right can be cancelled. He asked that we wait until the application to amend No. 1693-3 is public notice before moving forward with cancellation.

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: Eve Marshall

RECEIPT

414916

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 22, 19 96

RECEIVED OF Calvin F. Andersen, RR 5, Box 460A, Mitchell, SD 57301

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

Fee for Application for Permit No. <u>16934-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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 Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 1693A-3

Calvin Andersen

May 2, 1996

Application No. 1693A-3 proposes to change the location of irrigated acreage authorized by Water Right No. 1693-3 and to store 44 acre feet of water from runoff and from the James River in a holding dam. Water Right 1693-3 authorizes 3.14 cubic feet of water per second (cfs) from the James River and groundwater to irrigate 220 acres located in the E $\frac{1}{2}$ Section 35, T103N, R60W. This application proposes to change the location of 93.7 acres. Water is diverted from the existing James River diversion point located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36 at a rate up to 3.14 cfs into a holding dam (44 acre feet storage capacity) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36; all in T103N, R60W. Water from the holding pond may be diverted at a maximum rate of 1.33 cfs for irrigation of 93.7 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T103N, R60W.

DISCUSSION

Effluent from the City of Mitchell's lagoons is being applied to the acreage authorized by Water Right No. 1693-3. Water from the James River, authorized by Water Right No. 1693-3 is used on a standby basis. Ground water authorized by Water Right No. 1693-3 has been abandoned.

Water Right No. 1581-3 authorized 1.14 cfs from ground water to irrigate 80 acres in the N 1/2 NE 1/4 Section 36-T103N-R60W. This is a portion of the acreage that is being proposed for irrigation in Application No. 1693A-3. Use of ground water authorized by Water Right No 1581-3 has been abandoned.

SDCL 46-5-34 states that "...if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed under this section."

Since effluent from the lagoons is sufficient to water the acreage authorized by Water Right No. 1693-3, use of water from the James River has become impracticable.

The existing holding dam described in Application No. 1693A-3 is referenced in the files of Water Right Nos. 1693-3 and 1581-3 but was never public noticed. The licenses for the water rights do not list an authorized storage capacity of the dam. According to Water Permit Application No. 1581-3 the dam had been constructed sometime before April 1968. The dam is classified as a small size Category 3, Low Hazard dam. It is 26 feet high with an estimated normal storage capacity of 44 acre feet of water. The dam was constructed prior to 1986 and is exempt from the requirements of the Safety of Dams Rules, Chapter 74:02:08; however, it has two earthen spillways, one is 7 foot wide and one is 13 foot wide with 5 feet of available freeboard. The spillways have a maximum capacity of approximately 464 cfs. The 25-year frequency event, which is the minimum requirement of the Safety of Dams Rules, for the dam's 360 acre drainage area will produce a peak runoff of approximately 172 cfs. The 100-year frequency event will produce a peak runoff of approximately 280 cfs.

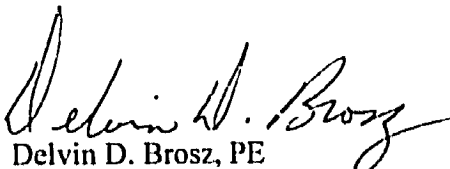
IMPACTS TO EXISTING WATER PERMITS/RIGHTS

Water Right No. 1693-3 authorized the diversion of 3.14 cfs from the James River to irrigate 220 acres. Application No. 1693A-3 proposes to divert 3.14 cfs from the James River to the holding dam. The statutory limit for irrigation of 93.7 acres is 1.33 cfs. The change should not adversely impact downstream water permits/rights.

CONCLUSIONS

1. The application proposes to change acreage. The authorized diversion rate applied to the new acres should be 1.33 cfs. This should not have any adverse effects on existing water permits/rights.
2. The applicant is proposing to store 44 acre feet of water from runoff and from the James River in an existing holding dam.
3. If the application is approved it should contain the following qualifications:
 - a. This permit does not authorize diversion of water from the James River after August 10 of each calendar year, nor at any time when the river is obviously low, unless written orders have been so issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written order issued by the Chief Engineer.
 - b. Approval of Water Permit No. 1693A-3 authorizes a diversion rate of 1.33 cfs from the holding dam for the irrigation of the transferred 93.7 acres..

- c. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- d. That Water Permit No. 1693A-3 authorizes a dam with storage capacity of 44 acre feet of water.
- e. The applicable portions of Water Right No. 1693-3 are incorporated into No. 1693A-3 and the remaining portion of No. 1693-3 should be cancelled
- f. This permit is approved subject to the irrigation water use questionnaire being submitted each year.


Delvin D. Brosz, PE
Natural Resources Engineer

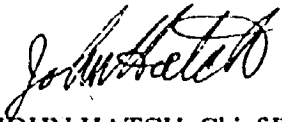
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1593A-3, Calvin Andersen**

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. 1693A-3, Calvin Andersen, RR 5, Box 460A, Mitchell, SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 1693A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. This Permit does not authorize diversion of water from the James River after August 10 of each calendar year, nor at any time when the river is obviously low, unless written orders have been so issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written order issued by the Chief Engineer.
2. Approval of Water Permit No. 1693A-3 authorizes a diversion rate of 1.33 cfs from the holding dam for the irrigation of the transferred 93.7 acres.
3. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
4. Water Permit No. 1693A-3 authorizes a dam with storage capacity of 44 acre feet of water. The dam may be filled one or more times per year.
5. The applicable portions of Water Right No. 1693-3 are incorporated into No. 1693A-3 and the remaining portions of No. 1693-3 are cancelled.
6. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 9, 1996

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 1693A-3 -- Calvin Andersen

ADDRESS: COUNTY:

DATE: 5/7/96 TELEPHONE:

RE: Call from Mr. Andersen

COMMENTS:

Mr. Andersen called regarding the status of his application. I explained that Del Brosz completed the report on the application. The report states that approval of the application should decrease the authorized diversion rate from the James River to 1.33 cfs. I explained that Water Right No. 1693-3 is issued for 3.14 cfs so our proposed recommendation is to approve the change of acres but reduce the diversion rate by 1.81 cfs. This means that this change is a "one time deal" for the change to this 93.7 acre pivot.

I asked if at any time in the future he planned to use the James River water to irrigate the land originally covered by Water Right No. 1693-3 which are now water by City of Mitchell lagoon water. He could not foresee that occurring unless the city water became too contaminated.

Ultimately, Mr. Andersen stated that he was agreeable to the reduction. He sounded like he just wanted to get moving on this change of acreage. He stated that if he needs to he will come in for a new application in the future. I explained that the James River is a limited water source and that any new application would be subject to our review of water availability and would certainly be subject a new priority if we were able to recommend approval. He stated he understood.

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: Eve Hansen



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 10, 1996

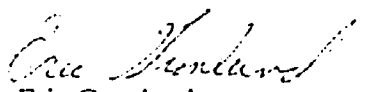
Calvin Andersen
RR 5, Box 460A
Mitchell, SD 57301

Dear Mr. Andersen:

Water Permit Application No. 1693A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Republic printed at Mitchell, SD (Ph # (605) 996-5514). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 10, 1996

The Daily Republic
P.O. Box 1288
Mitchell, SD 57301-1288

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1693A-3 to be published twice. Please publish the first notice on May 17, 1996, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Calvir Andersen, RR 5, Box 460A, Mitchell, SD 57301 (Ph # (605) 996-7514).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 17, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1693A-3
to Amend Water Right No. 1693-3

Notice is given that Calvin Andersen, RR 5, Box 460A, Mitchell, SD 57301 has filed an application for a water permit to change the location of the irrigated acreage authorized by Water Right No. 1693-3. Water Right No. 1693-3 authorizes 3.14 cubic feet of water per second (cfs) from the James River and groundwater to irrigate 220 acres located in the E1/2 Section 35, T103N, R60W. The acreage authorized by Water Right No. 1693-3 is watered with effluent from the City of Mitchell's lagoons. This application proposes to change the location of 93.7 acres. Water is diverted from the existing James River diversion point located in the NE1/4 NE1/4 Section 36 at a rate up to 3.14 cfs in to a holding dam (44 acre feet storage capacity) located in the NE1/4 NW1/4 Section 36; all in T103N, R60W. Water from the holding pond may be diverted at a maximum rate of 1.33 cfs for irrigation of 93.7 acres located in the E1/2 NW1/4, W1/2 NE1/4, NE1/4 NE1/4 Section 36 T103N, R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1693A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 4, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Davison) SS

I, Penny Hohbach

certify that the attached printed Notice was

taken from the Daily Republic

printed and published in Mitchell

County of Davison and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

May 17, 1996

May 24, 1996

Cost of Printing: \$103.64

Penny Hohbach
(Signature)

Legal Advertising
(Title)

5-24-96
(Date Signed)

NOTICE OF APPLICATION NO. 1693A-3 to Amend Water Right No. 1693-3

Notice is given that Colvin Andersen, RRS, Box 440A, Mitchell, SD 57301 has filed an application for a water permit to change the location of the irrigated acreage authorized by Water Right No. 1693-3, Water Right No. 1693-3 authorized 3.14 cubic feet of water per second (CFS) from the James River and groundwater to irrigate 220 acres located in the E1/2 Section 35, T103N, R60W. The acreage authorized by Water Right No. 1693-3 is watered with effluent from the City of Mitchell's lagoons. This application proposes to change the location of 93.7 acres. Water is diverted from the existing James River diversion point located in the NE1/4 NE1/4 Section 36 at a rate up to 3.14 cfs in to a holding dam (44 acre feet storage capacity) located in the NE1/4 NW1/4 Section 36; all in T103N, R60W. Water from the holding pond may be diverted at a maximum rate of 1.33 cfs for irrigation of 93.7 acres located in the E1/2 NW1/4, W1/2 NE1/4, NE1/4 NE1/4 Section 36 T103N, R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1693A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-2, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 4, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1996

Calvin Andersen
RR 5, Box 460A
Mitchell, SD 57301

Dear Mr. Andersen:

Enclosed is Water Permit No. 1693A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



September 6, 1996

Ron Duvall, Natural Resources Engineer
Department of Environment and Natural Resources
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3181

Dear Mr. Duvall:

I am in receipt of your letter dated August 21, 1996. I agree that on April 19, 1996 Eric Gronlund and myself visited and revised Water Right No. 1693-3 to update our current irrigation status. Water Right Nos. 1215-3, 1527-3, 1528-3 and 1581-3 are no longer appropriate. The cancellation of these water rights will not be challenged by myself, and I will voluntarily withdrawal them if it would simplify their cancellation.

Thank you,

Calvin F. Andersen
25518-411th Ave
Mitchell, SD 57301

RE: Please note the change of address, the former address was RR5 Box 460.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 41ST AVE, MITCHELL, SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1693A-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1693A-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 1693A-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 February 28, 2000, 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.

1693A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

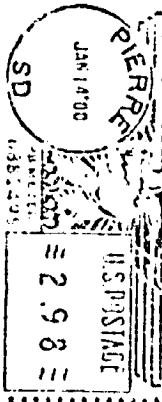
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

RETURN SERVICE REQUESTED

CERTIFIED

Z 227 670 427

MAIL



Handwritten: To: CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301
Postage: 2.98
No such office in state.
Do not recall in this area.

Handwritten: 188
1/15/00
and notice 1-21
return 1-30

1693A-3

Staple under and to the right of the return address.
Hold at the top of envelope.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CALVIN FRANK ANDERSEN
2518 411TH AVE
MITCHELL SD 57301

COMPLETE THIS SECTION ON DELIVERY

A. Received By (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

Z 227 670 427

PS Form 3811, July 1999

Domestic Return Receipt

502595-99-M-1789



1693 A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 411TH AVE, MITCHELL, SD 57301

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1693A-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1693A-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 3, 1999 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) 1693A-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, 1999, 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.

1693A-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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 will show to whom the article was delivered and the date delivered.

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:

CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

4a. Article Number
2119141638

4b. Service Type

☐ Registered	☒ Certified
☐ Express Mail	☐ Insured
☐ Return Receipt for Merchandise	☐ COD

7. Date of Delivery
12/23

5. Received By: (Print Name)

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

6. Signature (Addressee or Agent)

X *Calvin Andersen*

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 3, 2000

NOTICE

TO: Calvin Frank Anderson, 25518 411th Ave, Mitchell, SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Division

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 1693A-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 15th and 21st to pick up and sign for the certified mail.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 4, 1999

1693A-3

Calvin Frank Andersen
25518 411th Ave
Mitchell, SD 57301

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 1693A-3.

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

I noticed on your irrigation questionnaire that you are reporting acreage irrigated from a lagoon. The lagoon was described in Cancelled Water Right No. 1693-3. Water Permit No. 1693A-3 specifies the James River and holding pond as the source of water to be used.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 6, 2000

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Calvin Frank Andersen, 25518 411th Ave, Mitchell, SD 57301

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 1693A-3

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has ordered:

That Water Right No. 1693A-3 be suspended until December 31, 2000, for failure to submit the 1999 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2000 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1999 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2000 in Pierre, SD. The letter should include your reasons for not completing the 1999 irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2000, regarding One Year Suspension of the following Water Rights/Permits, addressed as stated below:

W.R. #1770-2: Germain Leber, RR 1, Box 8AA, Colome, SD 57528-9701.

W.R. #1113-3: Duane Mercer, Mercer Brothers, 31309 199th St., Blunt, SD 57522.

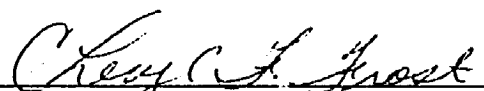
W.R. #1693A-3: Calvin Frank Andersen, 25518 411th Ave., Mitchell, SD 57301.

W.R. #2411-3: Dave Tuttle, 41804 Tuttle Rd., Alexandria, SD 57311.

W.R. #4364-3: Warren Thompson, 47600 207th St., Aurora, SD 57002.

W.P. #4503-3: Kathleen Chicoine, 32873 479th Ave., Elk Point, SD 57025.

W.P. #4585-3: John F. Roost, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

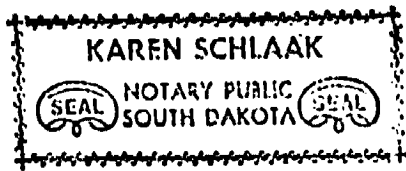

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000


Notary Public

KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001



NW 1/4 Sec. 36-T103N-R60W

Height = 26.5 ft

Primary Spillway - Earthcut 6.67 ft wide 5' head

$$Q = C L H^{3/2} \\ = (2.6)(6.67)(5)^{1.5} \\ = \underline{194 \text{ cfs}}$$

Secondary Spillway - Earthcut 13 ft wide 4' head

$$Q = C L H^{3/2} \\ = (2.6)(13)(4)^{1.5} \\ = \underline{270 \text{ cfs}}$$

$$\text{Total } Q = \underline{\underline{464 \text{ cfs}}}$$

Small Size Cat. 3 Low Hazard Dam

$$\text{Eff. Ht} \times \text{Int. Storage} = 22.5 \times \approx 50 = 1125 < 3000 \\ \therefore \underline{\underline{25 \text{ year Frequency Minimum Design}}}$$

From USGS WRI 80-80 "Tech. for Est. Flood Peaks ... in SD"

$$DA = 360 A_c = 0.56$$

$$SI = 3.33$$

$$\text{slope} = 80 \text{ ft/mile}$$

$$Q_{25} = 83.4 A^{.60} S^{.44} \dots^{.72} \\ = 83.4 (1.56)^{.6} (80)^{.42} (3.33)^{.72} \\ = 83.4 (0.71)(6.88)(0.42) \\ = \underline{\underline{172 \text{ cfs}}}$$

$$Q_{100} = 132 A^{.65} S^{.46} \dots^{.67} \\ = 132 (1.56)^{.65} (80)^{.42} (3.33)^{.67} \\ = 132 (0.69)(6.88)(0.45) \\ = \underline{\underline{280 \text{ cfs}}}$$

DAKOTA ACRES

25518 411TH AVE
MITCHELL SD 57301
605-996-7514



To: Department of Environment and natural Resources, Water Management Board

From: Dakota Acres, Calvin Andersen Gen. Ptr.

Re: Water Right No. 1693A-3

We are requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2000 in order to request the board rescind the suspension of Water Right No. 1693A-3 due to our failure to complete the 1999 irrigation questionnaire.

On April 24, 2000, the questionnaire was completed via phone with Genny McMath. Our apologies for remitting the data late as a miscommunication between partners left everyone with the impression the questionnaire was complete. Again, we are sorry for the mistake and ask that the board reinstate Water Right 1693A-3 under confidence steps are being taken to minimize this type of confusion in the future.

Thank you for your understanding,

Brett Andersen

**IRRIGATION QUESTIONNAIRE VIOLATION
WATER PERMIT NO. 1693A-3, CALVIN FRANK ANDERSEN**

BRIEF DESCRIPTION

Water Permit No. 1693A-3, Calvin Frank Andersen, Mitchell, SD authorizes diversion of 1.33 cubic feet of water per second from the James River (to holding pond) to irrigate 93.7 acres in portions of Section 36, T103N, R60W, Davison County.

The water permit was approved on June 4, 1996 and carries the irrigation questionnaire qualification.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 1996	December 20, 1996	November 25, 1996	none
October 1997	December 1, 1997	October 24, 1997	none
October 1998	December 1, 1998	February 4, 1999	none
October 1999	December 1, 1999	April 24, 2000	March 1, 2000

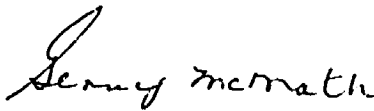
January 14, 2000: A certified letter was sent to Calvin Andersen requesting the 1999 irrigation questionnaire be returned prior to the March 1, 2000 hearing date. The notice outlined what action the Board could take concerning the past due questionnaire.

February 3, 2000: The January 14th certified letter was returned by the post office marked "unclaimed". The notice was re-mailed to Mr. Andersen via first class mail.

March 1, 2000: The Board suspended Water Permit No. 1693A-3 for one year for failure to submit the 1999 irrigation questionnaire.

March 6, 2000: A notice was sent by first class mail to Mr. Andersen informing him of the Board's action to suspend Water Permit No. 1693A-3 for one year.

April 26, 2000: A letter was received from Brett Andersen requesting the Board reconsider their action to suspend Water Permit No. 1693A-3 (copy attached). Information for the 1999 irrigation questionnaire was received by phone on April 24th.


Genny McMath
Water Rights Program
April 26, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 26, 2000

NOTICE

TO: Brett & Calvin F Andersen, Dakota Acres, 25518 411th Ave, Mitchell, SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Permit No. 1693A-3

On April 26, 2000, a letter was received from you explaining the reason your 1999 irrigation questionnaire was not returned in a timely manner. A questionnaire was completed for you based on an April 24th telephone conversation between Brett Andersen and Genny McMath. with our program.

Your request to have the suspension of Water Permit No. 1693A-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 3, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

Note: Prior to April 28, 2000, please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

CERTIFICATION

I hereby certify that on April 26, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 26, 2000, regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Permit No. 1693A-3, addressed as stated below:

Brett & Calvin F. Andersen, Dakota Acres, 25518 411th Ave., Mitchell, SD 57301.

A copy of the above described Notice and a copy of the letter from Brett Andersen requesting the board to rescind the suspension of Water Right No. 1693A-3, was sent Inter-office to:

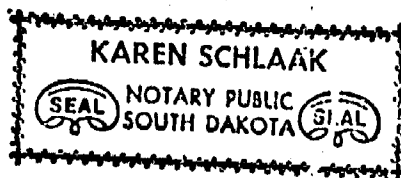
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of April, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 4, 2000

NOTICE

TO: Brett & Calvin Andersen, Dakota Acres, 25518 411th Ave, Mitchell, SD 57301

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Reinstatement of Water Permit No. 1693A-3

On May 3, 2000, the Water Management Board passed a motion to reinstate Water Permit No. 1693A-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water permit or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 4, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2000, regarding Reinstatement of the following Water Rights/Permits, addressed as stated below:

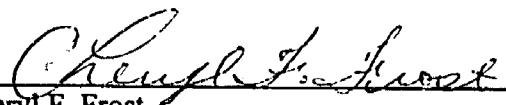
W.P. #1693A-3: Brett & Calvin Andersen, Dakota Acres, 25518 411th Ave., Mitchell, SD 57301.

W.R. #4364-3: Warren D. Thompson, 47600 207th St., Aurora, SD 57002.

W.R. #4585-3: John Roost, JFV-INV-LTD, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

A copy of all of the above described Notices was sent Inter-office to:

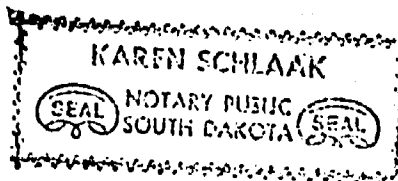
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of May, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
June 1, 2001

16 93 A-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

FRANK ANDERSEN 1/20

C. Signature

X *[Signature]* ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2720

PS Form 3811, July 1999

Domestic Return Receipt

102595-00 M-0952



1693A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 411TH AVE, MITCHELL, SD 57301
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1693A-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1693A-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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) 1693A-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 2, 2001, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2001

1693A-3

Calvin Frank Andersen
25518 411th Ave
Mitchell, SD 57301

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Permit No. 1693A-3.

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

If you have any questions, please contact me.

Sincerely,

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



1693 A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 411TH AVE, MITCHELL, SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1693A-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1693A-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1693A-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 February 27, 2004, 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.



1693A-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7551

Your item was delivered at 12:18 pm on January 15, 2004 in MITCHELL, SD 57301. The item was signed for by C ANDERSNN.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7551

CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2004

1693A-3

Calvin Frank Andersen
25518 411th Ave
Mitchell SD 57301

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit No. 1693A-3.

I completed a questionnaire for you based on my January 22nd telephone conversation with Brian Andersen. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1693A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 411TH AVE, MITCHELL, SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1693A-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 1693A-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation*, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

- 1 Suspend or cancel Permit No. 1693A-3 in accordance with applicable provisions of SDCL 46-1-12;
***Due to a past violation, Water Rights Staff will be recommending to the Board that your water permit be suspended for three years.**
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 is received in this office on/or before February 25, 2005, 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, 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.



1693A-3

Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4968

Your item was delivered at 12:26 pm on January 21, 2005 in MITCHELL, SD 57301. The item was signed for by C ANDERSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4968

CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

Postmark
Here

nailing.

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

☐

Priority Mail

☐

Package Services

(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2005

1693A-3

Calvin Frank Andersen
25518 411th Ave
Mitchell SD 57301

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1693A-3.

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

If you have any questions, please contact me.

Sincerely,

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

712 277 8465

Sect 36
103-60

HOME SECTION

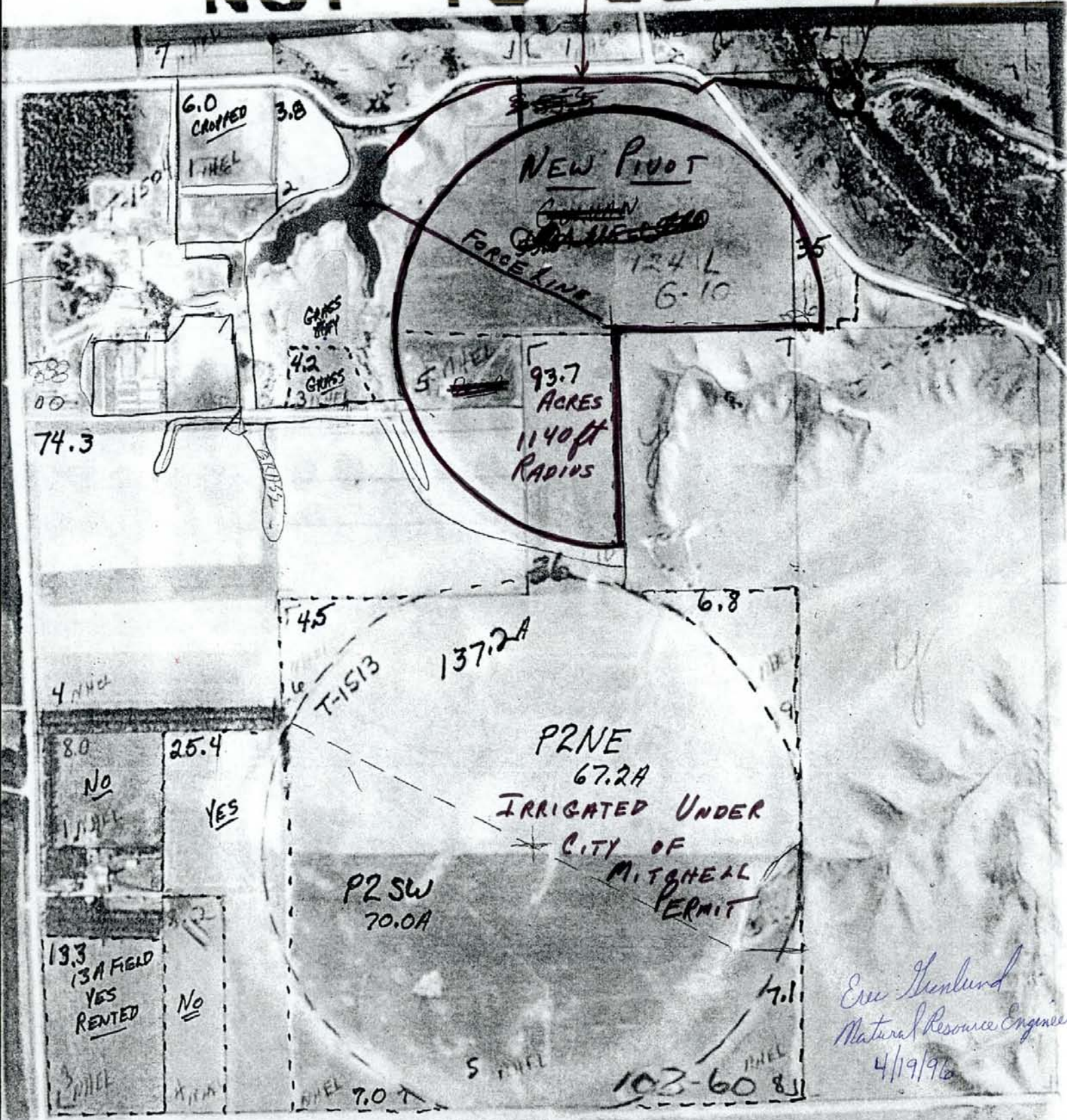
Hill line from River
to lagoon.

2107

1994

Pumping Station
to fill lagoon

NOT TO SCALE



Eric Hurland
Natural Resource Engineer
4/19/96

1693A-3

47.6

T-1508

I90
FIELD
WEST
SIDE

103-60

2 NHCL

26.6

I90
EAST
SIDE
IN
HANSON

I90
FIELD
(NHCL)

RIVER BOTTOM
2 of 3 HANSON
COUNTY

RIVER BOTTOM
1 of 3

35

110

T-1512
11A FIELD

23.8

3 NHCL

58.3

58.3

31

COOK
FIELD

14.3

PASTURE

29.9

1693A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 411TH AVE, MITCHELL, SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1693A-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1693A-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1693A-3 in accordance with applicable provisions of SDCL 46-1-12;
Due to a past violation, Water Rights Staff will be recommending to the Board that you water right be suspended for three years.
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 **February 24, 2006**, 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.



1693A-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4626

Your item was delivered at 12:27 pm on January 25, 2006 in MITCHELL, SD 57301. The item was signed for by A ANDEPSQN.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4626

CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

alling.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 2006

1693A-3

Calvin Frank Andersen
25518 411th Ave
Mitchell SD 57301

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit No. 1693A-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1693A-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 411TH AVE, MITCHELL, SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1693A-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1693A-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1693A-3 in accordance with applicable provisions of SDCL 46-1-12;
Due to a past violation, Water Rights Staff will be recommending to the Board that the water right be suspended for three years.
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, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V5-IQ.pdf>

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.

1693A-3

[Home](#) | [Help](#)

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: **2301 3460 0000 8516 2302**
Status: **Delivered**

Your item was delivered at 1:58 PM on January 27, 2007 in MITCHELL, SD 57301. The item was signed for by C ANDER.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. Terms of Use Privacy Policy

Postal Service Signature Confirmation

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2302

Pos

At

(Place)

CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (FOR AD USE ONLY)

☐ Priority Mail®☐ Package Services

PS Form 150, July 2001

(SEE REVERSE)



March 9, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Calvin Frank Anderson, 25518 411th Ave, Mitchell SD 57301

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Three Year Suspension of Water Right No. 1693A-3

On March 7, 2007, the Water Management Board ordered:

That effective April 6, 2007, Water Right No. 1693A-3 be suspended for the 2007, 2008 and 2009 irrigation seasons for failure to submit the 2006 irrigation questionnaire.

If the 2006 irrigation questionnaire is received prior to April 6, 2007, the suspension will not take effect.

Suspension means water may not be pumped during the 2007, 2008 or 2009 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2006 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 9, 2007, in Pierre, SD. The letter should include your reasons for not completing the 2006 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 2007

1693A-3

Calvin Frank Anderson
25518 411th Ave
Mitchell SD 57301

Dear Mr. Andersen:

On March 7th, the Water Management Board ordered Water Permit No. 1693A-3 be suspended for three years if the 2006 irrigation questionnaire was not received prior to April 6, 2007.

Brian Andersen submitted the irrigation questionnaire for Dakota Acres on April 3rd through our website. Since the irrigation questionnaire is now on file, no violation has occurred and no suspension will take place. You are hereby authorized to irrigate during the 2007 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



1693A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: CALVIN FRANK ANDERSEN, 25518 411TH AVE, MITCHELL, SD 57301
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1693A-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1693A-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1693A-3 in accordance with applicable provisions of SDCL 46-1-12;
Due to a past violation, the Water Rights Program will be recommending to the Board that your water permit be suspended for three years.
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 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2012

1693A-3

Calvin Frank Andersen
25518 411th Ave
Mitchell SD 57301

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 1693A-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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIVED

JUL 16 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1693A-3

Date: July-12-12

I/We request that Water Permit No. 1693A-3

formerly owned by: Calvin Frank Andersen

Calvin Frank Andersen

be transferred to: (name & address)

Jim River Ridge Farms

1215 W Ralph Rogers Rd Sioux Falls SD 57108

Telephone No. 605 367-3150

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

93.7 acres - E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 36, T103N, R60W

I/We understand that the validity of Water Permit No. 1693A-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 Jim River Ridge Farms, the new owner, certify that the above information is true and correct.

[Signature]
(Signed by new owner)

Jim River Ridge Farms

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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/16, 20 12

RECEIVED OF Jim River Ridge Farms 1215 W Ralph Rogers Rd Sioux Falls SD 57108

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	50	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 <u>1693A-3</u>		
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	50 00

No. **05488**

By Larry Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 2012

1693A-3

Trent Johnson
Jim River Ridge Farms
1215 W Ralph Rogers Rd
Sioux Falls SD 57108

Dear Mr. Johnson:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Permit No. 1693A-3.

The ownership change has been completed. Water Permit No. 1693A-3 formerly held by Calvin Frank Andersen is now listed in the name of "Jim River Ridge Farms". Enclosed for your records is Receipt No. 05488 in the amount of \$50.00.

For informational purposes, Water Permit No. 1693A-3 was approved with a qualification requiring submission of an irrigation water use questionnaire on an annual basis. I am including a sample questionnaire to give you an idea of what type of information to keep track of during the irrigation season. The actual form to be completed and returned to us will be sent to you in October.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1693A-3**

To: CALVIN FRANK ANDERSEN
25518 411TH AVE
MITCHELL SD 57301

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: James River Qualification Reminder for Permit No(s). 1693A-3

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.

Permit No. 1693A-3
James River - Water District

Contact Person & Address: **Eric Zell, 21815 406th Ave, Cavour SD 57324**

Report of Examination of Works

On, **August 13, 2013**, I made a thorough examination of the water use system constructed by **Jim River Ridge Farms**, holder of Permit No. **1693A-3**, bearing the priority of **August 4, 1969** authorizing the diversion of **3.14** cu. ft. per second of the waters of **James River into a holding dam** and **divert from the dam at a rate of 1.33** cu. ft. per second of the waters of **local runoff stored in a dam** for **irrigation** purposes, in **Davison** County.

The system is in the following condition **good**. The permit holder **does not utilize the James River as a water source** but **does store local runoff water in the dam and diverts from storage** and utilizes that for **irrigation**. The point of diversion is located **from the NW corner of Sec 36 T103N-R60W; 1940 ft E and 325 ft S** with latitude of **43.68701** and a longitude of **-97.979150** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.33** cu. ft. per second of water which is to be used for **irrigation**. **Note: the permit holder also irrigates utilizing effluent from the City of Mitchell's lagoons by pumping directly to the same acres.**

Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 36 T103N-R60W**:

NE ¼ NW ¼ - 20 ac SE ¼ NW ¼ - 20 ac NW ¼ NE ¼ - 35 ac NE ¼ NE ¼ - 3 ac
SW ¼ NE ¼ - 16 ac

comprising a total of **94** acres of land and the license should be issued for **1.33** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes, with the exception of the qualification specific to the James River which is no longer applicable**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Pump:

- 1) Make **unknown** 2) **pump set on a floating platform on dam** 3) Size **#** 4) Capacity **600** GPM

Motor:

- 1) Make **unknown** 2) electric **pump set on a floating platform on dam** 3) Horsepower rating **unknown** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 6 inches 3) Length 1200 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Lockwood 2) Overall length 1100 feet
3) Number of towers 8 4) End gun yes
5) High or low pressure low 6) Capacity 600 GPM

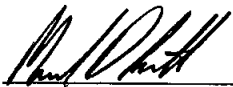
DAM INFORMATION:

- 1) Height to crest 26 feet 2) Height to primary spillway 20 feet
3) Height to secondary spillway 24 ft 4) Crest width 8 feet
5) Crest length 225 feet 6) Spillway length 50 feet
7) Spillway width 7 feet 8) Approx. storage 44 ac-ft
9) Approx. storage to crest 60 ac-ft 10) Date constructed: ?
12) Category of Dam 3 13) Inspection Sheet Completed no

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

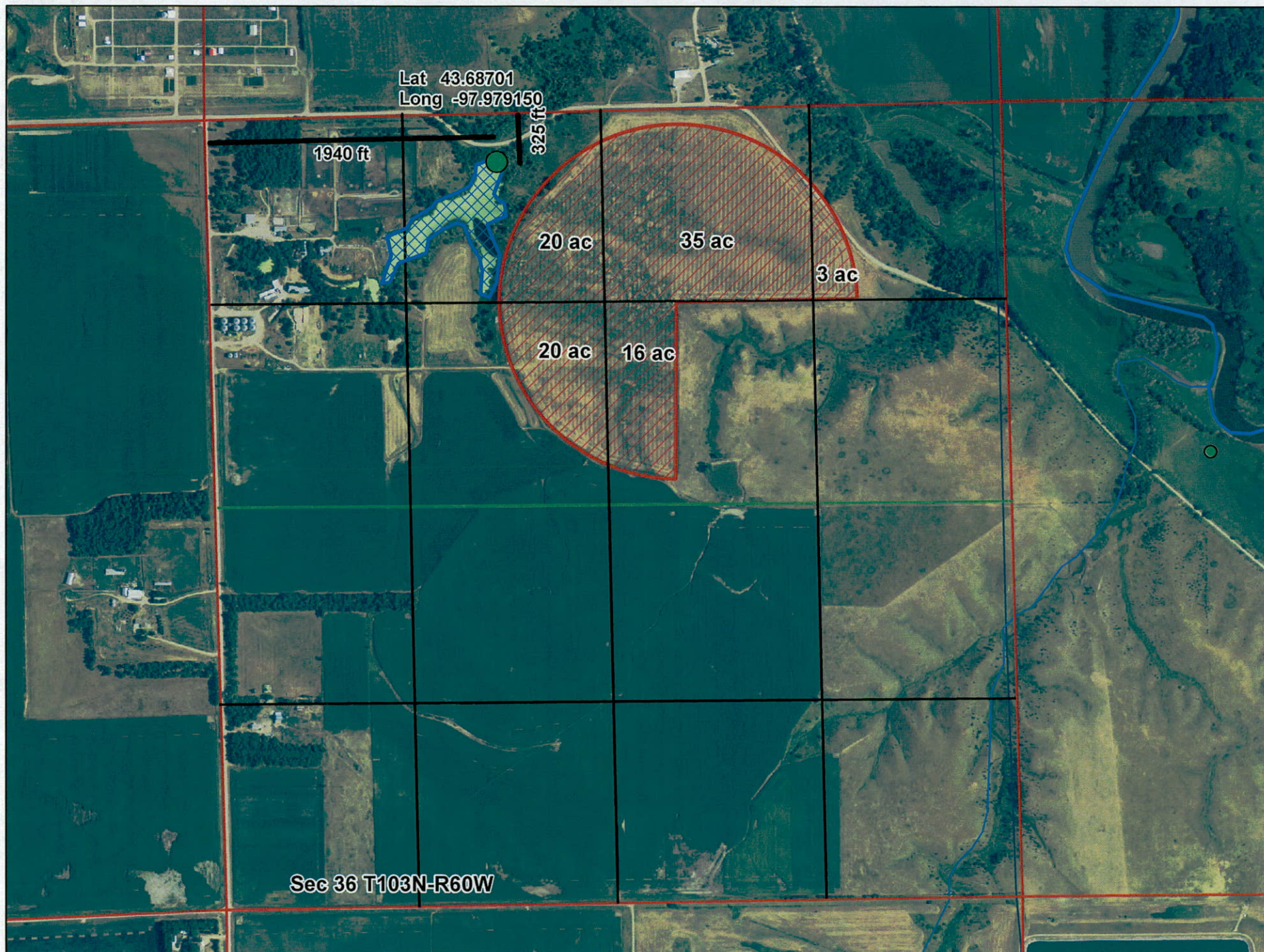
Comments : Permit holder did not develop the James River component of this permit.



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

9-25-13

Date



NO. 1693A-3



1,300

650

0

1,300 Feet

Mark D Rath
Mark D Rath, Natural Resources Engineer
9-23-2015



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

SEP 27 2013

1693A-3

Trent Johnson
Jim River Ridge Farms
1215 W Ralph Rogers Rd
Sioux Falls SD 57108

Dear Mr. Johnson:

Enclosed is Water License No. 1693A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1693A-3**

(1) Calvin Andersen, Mitchell SD made Application No. 1693A-3, April 19, 1996 for a water permit to change the location of irrigated acreage authorized under Water Right No. 1693-3 and allow for diversion of water from the James River and runoff into a storage dam. The entire project is located in Davison County South Dakota. Water was to be diverted into the storage dam at a rate of 3.14 cubic feet of water per second (cfs) with water diverted to the acreage from the dam at a rate of 1.33 cfs. Permit No. 1693A-3, with a priority date of August 4, 1969 (established under Water Right No. 1693-3) was approved June 4, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 4, 2001 and for the application to beneficial use of said water on or before June 4, 2005.

On July 16, 2012, Water Right No. 1693A-3 was transferred from Calvin Frank Andersen to Jim River Ridge Farms.

An inspection of the water use system found the permit holder had abandoned use of water from the James River and no longer pumps from the river into storage. The acreage is irrigated from runoff impounded in the 44 acre feet storage dam.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point (spillway of storage dam) is:

- 1940 feet east and 325 feet south of the NW corner of Section 36, T103N, R60W (NE ¼ NW ¼) with water impounded in the NE ¼ NW ¼ and NW ¼ NW ¼ Section 36, T103N, R60W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 36, T103N, R60W			
NE ¼ NW ¼	20 acres	NW ¼ NE ¼	35 acres
SE ¼ NW ¼	20 acres	NE ¼ NE ¼	3 acres
		SW ¼ NE ¼	16 acres

Total 94 acres

Note: Acreage is also irrigated using effluent from the City of Mitchell's sewage lagoons

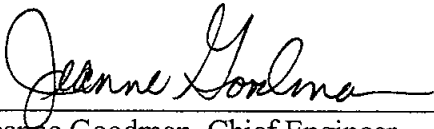
(4) Pursuant to South Dakota Water Law 46-5-30.1 Jim River Ridge Farms, 1215 W Ralph Rogers Rd., Sioux Falls SD 57108 the holder and/or owner of Water Right No. 1693A-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from runoff into a storage dam with a priority date of August 4, 1969 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1693A-3 and subject to the following applicable qualifications:

- Approval of Water Permit No. 1693A-3 authorized a diversion rate of 1.33 cfs from the holding dam for irrigation of the transferred 93.7 (94 acres).

continued

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Water Permit No. 1693A-3 authorizes a dam with a storage capacity of 44 acre feet of water. The dam may be filled one or more times per year.
- The applicable portions of Water Right No. 1693-3 are incorporated into No. 1693A-3 and the remaining portions of 1693-3 are cancelled.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 27 2013

date





1693A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: ERIC ZELL, 21815 406TH AVE, CAVOUR, SD 57324
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1796-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1693A-3, 2595-3 & 4379-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

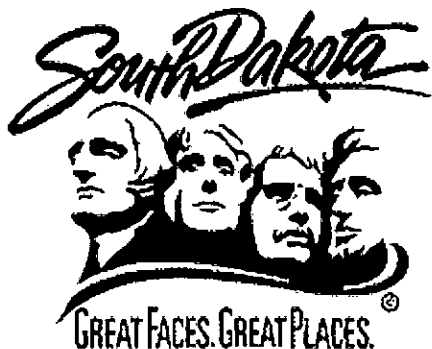
1. Suspend or cancel Permit No(s) 1693A-3, 2595-3 & 4379-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1796-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: TBJAGX**

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.

1693A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

Eric Zell
21815 406th Ave.
Cavour SD 57324

RE: Water Right Nos. 1693A-3, 1796-3, 2595-3 & 4379-3

Dear Mr. Zell:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1693A-3, 1796-3, 2595-3 & 4379-3. 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 black ink, appearing to read 'Genny McMath', is written over a horizontal line.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Trent Johnson, Jim River Ridge Farms, 1215 W Ralph Rogers Rd, Sioux Falls SD 57108

DATE: March 23, 2023

TELEPHONE: 605 310-5083

RE: Status of irrigation on Water Right No. 1693A-3

COMMENTS:

Water Right No. 1693A-3 authorizes irrigation of 94 acres in the N ½ Section 36, T103N, R60W from runoff into a storage dam. At the time of licensing, the water right made mention of the acreage also being irrigated from effluent from the City of Mitchell's sewage lagoons.

Eric Zell, Cavour SD submitted the 2022 irrigation questionnaire for No. 1693A-3 indicating the use had been abandoned. In follow-up, I contacted the owner of the land to confirm the information submitted on the questionnaire.

On March 23rd, I spoke with Trent Johnson w/Jim River Ridge Farms. He confirmed they no longer pump water from the storage dam as described in the water right. They only use effluent from the City of Mitchell lagoons.

Mr. Johnson indicated the storage dam is still present, but they do not divert from it. I explained the irrigation portion of the water right could be scheduled for cancellation. Since the storage dam is of a size requiring a permit, the existing water license would then be reissued for domestic use of water from the dam. This would eliminate the need for the annual irrigation questionnaire but still authorize impoundment of water. He was agreeable to that.



Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 28, 2023

NOTICE OF CANCELLATION

TO: Trent Johnson, Jim River Ridge Farms, 1215 W Ralph Rogers Rd,
Sioux Falls SD 57108

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

SUBJECT: Cancellation of the irrigation component of Water Right No. 1693A-3

Water Right No. 1693A-3 authorizes diversion of runoff into a storage dam to irrigate 94 acres in the N ½ Section 36, T103N, R60W. The water right acknowledged the land was also irrigated from effluent from the City of Mitchell's sewage lagoons. The renter of the land indicated on the 2022 irrigation questionnaire that the use as described under No. 1693A-3 was abandoned. On March 23, 2023, Genny McMath in our program spoke with you about the water right. You confirmed the land is only irrigated by effluent and no water is pumped from the storage dam under No. 1693A-3. The Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Right No. 1693A-3 due to abandonment.

The Water Management Board will consider cancellation of the irrigation component of Water Right No. 1693A-3 at **9:30 am, Wednesday, May 3, 2023 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later).*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1693A-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 10, 2023. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 10, 2023.

Prior to April 10, 2023, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 10, 2023.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 1693A-3, JIM RIVER RIDGE FARMS**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 1693A-3.

The Chief Engineer is recommending cancellation of the irrigation component of the above water right due to abandonment.

The 2022 irrigation questionnaire submitted by Eric Zell, Cavour SD indicated the use of water as described in Water Right No. 1693A-3 was abandoned. On March 23, 2023, Genny McMath in our program spoke with Trent Johnson w/Jim River Ridge Farms. Mr. Johnson confirmed the land is only irrigated by effluent from the City of Mitchell. No water will be pumped from the storage dam as authorized under No. 1693A-3.

Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
March 28, 2023

Note:

If Board action cancels the irrigation component of the water right, the water license may be reissued to authorize continued impoundment of water in the dam for stock watering pursuant to SDCL 46-5-31.1.

CERTIFICATION

I hereby certify that on March 28, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, first-class postage prepaid envelopes containing a "Notice of Cancellation" dated Tuesday, March 28, 2023, to the following water permit holders:

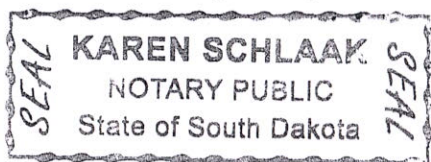
- No. 1961-1 David Statham, Statham Real Estate LLC, 14218 NE River Bend Dr.
Battle Ground WA 98605-6655
- No. 812-2: Patricia & Gary Jones, 1910 Iowa SE, Huron SD 57350
- No. 1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528
- 1693A-3 Trent Johnson, Jim River Ridge Farms, 1215 W Ralph Rogers Rd, Sioux Falls SD
57108
- No. 3728-3: Colin Nachtigal, Nachtigal Farms, 22144 Nachtigal Rd., Harrold SD 57536
- No. 6621-3: Jay Cutts, 44681 309th St, Mission Hill SD 57046
- No. 7832-3 & 8036-3: Chase O'Farrell & Josh Wohlleber Enterprises LLC, 14959 461st Ave,
South Shore SD 57263
- Nos. 7965-3 & 7967-3: Dwight & Mark Noethlich, 41117 US Hwy 212, Doland SD 57436

Vickie Maberry
Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of March, 20 23.

Karen Schlaak
Karen Schlaak Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

1693A-3

MAY 15 2023

Trent Johnson
Jim River Ridge Farms
1215 W Ralph Rodgers Rd
Sioux Falls SD 57108

Dear Mr. Johnson:

Enclosed is your Reissued Water License No. 1693A-3.

On May 3, 2023, the Water Management Board cancelled the irrigation component of the water right. This action was taken under the conditions outlined in our notice to you dated March 28, 2023.

The water license was reissued to remove the cancelled portion of the water right and allow continued storage of water for domestic use for livestock watering.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1693A-3

(1) Jim River Ridge Farms, 1215 W Ralph Roger Rd, Sioux Falls SD 57108 was issued Water License No. 1693A-3, September 27, 2013, for a water right to divert 1.33 cubic feet of water per second from runoff into a storage dam, Davison County, South Dakota for irrigation purposes. Water License No. 1693A-3, with a priority date of August 4, 1969, was issued to the permit holder for diversion of water with construction of the described water supply system and application to beneficial use of water completed.

On May 3, 2023, the Water Management Board cancelled the irrigation component of the water right. The storage dam is still in place and used for domestic livestock watering.

Effluent from the City of Mitchell's wastewater pond is land applied to the 93.7 acres once authorized by Water Right No. 1693A-3. Under ARSD 74:02:01:01(5) "Disposal of contaminated water is not considered to be irrigation unless other water is used along with the contaminated water."

Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights.

(2) Pursuant to South Dakota Water Law 46-5-30.1 Jim River Ridge Farms, 1215 W Ralph Roger Rd, Sioux Falls SD 57108 the holder and/or owner of Water Right No. 1693A-3 is issued a license to appropriate water, the right to impound 44 acre feet of water from runoff into a storage dam for domestic use with a priority date of August 4, 1969. The impoundment is located as follows:

- 1,940 ft east and 325 ft south of the NW corner of Section 36, T103N, R60W (NE ¼ NW ¼) with water impounded in the N ½ NW ¼ Section 36, T103N, R60W.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1693A-3 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Water Permit No. 1693A-3 authorizes a dam with a storage capacity of 44 acre feet of water. The dam may be filled one or more times per year.



Eric Gronlund, Chief Engineer

Water Rights Program

Department of Agriculture and Natural Resources

MAY 16 2023

date

