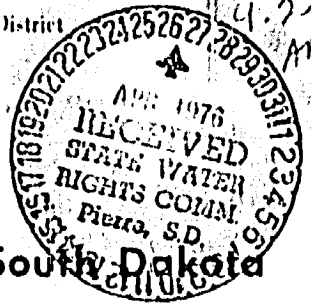


1. Considered MAY 20, 1976 2724-3
2. Name of Applicant HARVEY C. NNINGHAM
3. Post Office Address BRUCE
4. Amount of water claimed 1.0
5. Source of water supply 40' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 67
7. Water to be diverted and used in BROOKINGS county
about 1/2 S miles of BRUCE
8. Proof of Publication Received 5-19-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 2724-3Map No. 2083-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Harvey Cunningham - tenant son Chester Cook owner
Postoffice address Brookings, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Chester Cook Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 1.0 cfs
5. Source of water supply well
6. Location of point of diversion 1475' N 63° E of SW corner Sec 13-11-51

County Brookings

7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 67

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW 1/4 of SW 1/4 Sec 13-11-51	2.9		
SE 1/4 of SW 1/4 Sec 13-11-51	3.8		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. wellB. Works proposed to transport water to place of use. closed conduitC. Works proposed to apply water to beneficial use. flow linesEstimated Total Cost \$ 20,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BrookingsI, Harvey Cunningham, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Harvey CunninghamSubscribed and sworn to before me this 20 day of April, 1976John L. W. Wasson
Notary Public (or other qualified officer)

P. E. H. 1976

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2724-3

HARVEY CUNNINGHAM
(Applicant)

BRUCE
(Post Office Address)

SOUTH DAKOTA 57220 With the following modifications:
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application APRIL 26 19 76

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application APRIL 30 19 76

Approved MAY 20 19 76, Recorded in Book 15 Page 166

WATER RIGHT PERMIT NO. 2724-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2724-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 26 19 76

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 78

3. The whole of said work is to be completed on or before MAY 20 19 81

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 19 84

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

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

7. The amount of the appropriation herein granted shall not exceed 1.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 20 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 9TH day of JUNE 19 76

WATER RESOURCES COMMISSION

By: John R. Tott
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 40'
- (2) Casing, Type Steel Diameter 14" Thickness 3/16"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Cont Silt, Diameter 14", Length 10'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 20'

E. Dugout Information or Estimates

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 0' to 7' top material
7' to 40' water bearing sand, over 40' is
clay

Depth to top of water bearing material 7'

Depth to bottom of water bearing material 40'

Thickness of water bearing material 33'

Depth to water (ground surface to water level) 7'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 80 rds. On property owned by others 80 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Harvey Cunningham
Signature of Applicant

2724-3

April 29, 1976

Mr. Harvey Cunningham
R.R. #2
Bruce, SD 57220

Dear Mr. Cunningham:

The WI-1 form pertaining to your application for a water use permit in section 13-111-51 has been received and the water analysis of the sample submitted by you about a week ago has been completed. It has been given our laboratory #76-411 and the original copy of the report of this analysis is enclosed for your use and keeping.

I am also enclosing a copy of AES publication #13 with the quality of this water plotted approximately for irrigation use by means of a red cross in the chart on the outside back cover. You will see that it is in the medium salinity, or on the line between medium and high salinity, but it is low in sodium. As such, it has no hazard for sodium dispersion of soil aggregates, but it has a very mild possibility of increasing the salinity of the root zone or upper part of the soil profile, if it is used in small quantities and frequently. Thus, I recommend that you irrigate thoroughly to completely rewet the rooting zone of the soil for whatever crop you are growing each time you irrigate and do not use it in light, frequent applications.

A copy of this letter, and the water analysis, and your WI-1 form are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Don Boone, County Extension Agent



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Harvey Cunningham
ADDRESS Bruce S.D. R.R.#
COUNTY Brookings

LEGAL DESCRIPTION

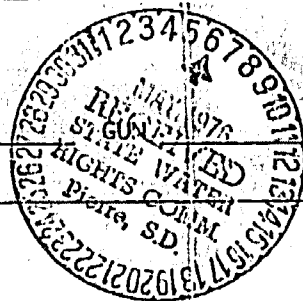
1. WELL LOCATION center of S² of SW⁴ Sec 13 - 111-5-1
2. LOCATION OF AREA TO BE IRRIGATED S² of SW⁴ Sec 13 - 111-5-1

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE ☒ _____ CENTER PIVOT _____
4. CROPS TO BE IRRIGATED corn & alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-411
6. SALINITY (EC X 10⁶) 7.51 (medium - hi)
7. SODIUM (SAR) 0.39 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

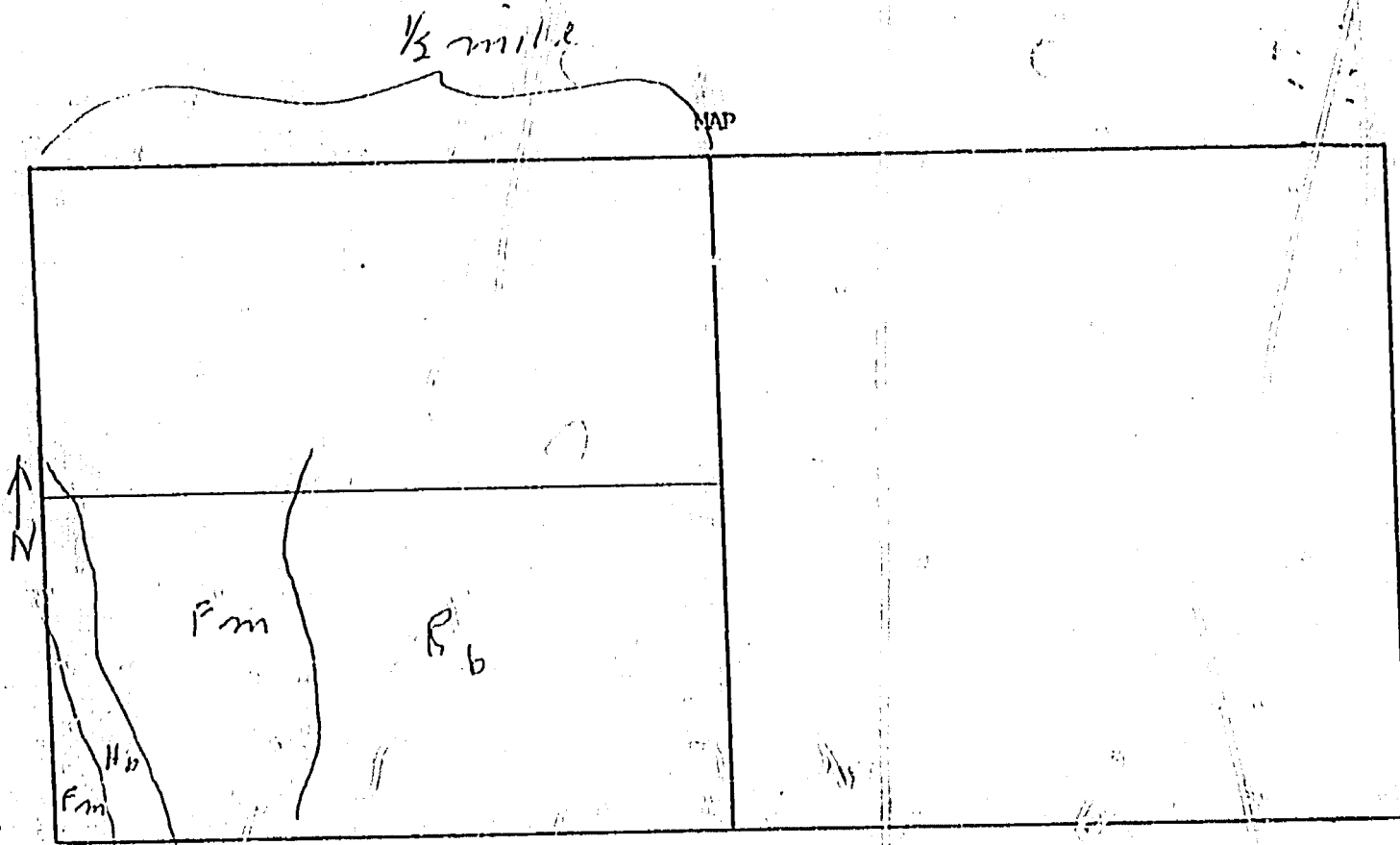
✓ Harvey Cunningham
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
20 DAY OF April 19 76.

John Sedgewick
(TITLE OR SEAL)

APPROVED
APPROVED/DISAPPROVED

(SEE INFORMATION ON REVERSE SIDE)



NARRATIVE

Fm - Fordville Loam nearly level

Hb - Hecla Sandy Loam nearly level

Rb - Ranshaw Sandy loam nearly level

REPORT OF ANALYSIS Water Quality Laboratory Water Resources Research Institute South Dakota State University Brookings, South Dakota 57006

Submitted by: Harvey Cunningham
 Address: Rt. 2
Brookings, SD 57220

Date Rec'd: April 20, 1976
 Sample No. 76-411
 Identification: Well-40
SWA, Sec. 13, T 111N, R 51W

WATER ANALYSIS

Calcium (Ca)	100	ppm*	3.00	me/l**
Magnesium (Mg)	33	ppm	2.71	me/l
Sodium (Na)	17	ppm	0.76	me/l
Potassium (K)	4	ppm	0.12	me/l
Sulfate (SO ₄)	62	ppm	1.29	me/l
Nitrate (as N)	51	ppm		me/l
Chloride (Cl)	20	ppm	0.56	me/l
Bicarbonate (HCO ₃)	366	ppm	6.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	300	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	751	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.39			
Sodium	3.784	% of cations		
Residual sodium carbonate	0.90	me/l		
pH	7.99			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 8.59 me/l
 Total anions 7.85 me/l



By: Shirley Hittan

Service Performed

Amount Due

Irrigation analysis

\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-411

Amount Enclosed \$

Signed

Publish first publication, on or before May 10, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

20 May 3, 1976

Notice is hereby given that Harvey Cunningham
whose post office address is Bruce, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.0 cubic feet of water per second of time from ~~the~~ ground water through the
Chester Cook Project #1, the point of diversion of which is to be located in the

Center of the S $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 13, Twp. 111N, Range 51W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T111N, R51W

This application No. 2724-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/LW
cc:

Harvey Cunningham, Bruce, S.D. 57220

No. 2724-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, Dennis D. Koenders hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Brookings Daily Register

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

City _____ of Brookings

County of Brookings and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 10, 1976

May 17, 1976

Dennis D. Koenders
(Signature)

Advertising Manager
(Title)

5-17-76

(Date Signed)

Legal No. 134 — May 10 & 17
NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
May 3, 1976

Notice is hereby given that Harvey
Cunningham whose post office address is
Bruce, South Dakota, has made an
application in accordance with the
provisions of the water laws of South
Dakota for a permit to appropriate for
beneficial use 1.0 cubic feet of water per
second of time from ground water
through the Chester Cook Project No. 1,
the point of diversion of which is to be
located in the Center of the $8\frac{1}{4}$ SW $\frac{1}{4}$ of
Section 13, Twp. 111N, Range 51W. Said
water to be used for the purpose of
providing irrigation on portions of the
following described land:

$8\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T111N, R51W.
This application No. 2724-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 20th day of May, 1976, at 1:00
P.M. All interested persons may appear
and be heard.

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



Priorities for
Harvey Cunningham Irrigation Water Right
October 31, 1978

Permit No. 600-3 was issued to Mrs. Addie Butts for 1.42 cfs to irrigate 100 acres from the Big Sioux River in portions of Sections 13 and 14, T111N, R51W, Brookings County, with a priority of April 28, 1959. The system was constructed and licensed. The Water Right was transferred to Harvey Cunningham on February 8, 1973.

Because of very low flows, on July 27, 1976, the Commission Staff issued a stop order on irrigation withdrawals from the Sioux River to protect downstream domestic supplies. Irrigation from groundwater in the area was not restricted. In this area there is an interchange between ground and surface water and it is hard to distinguish between sources. Mr. Cunningham raised the question as to why he should be shut off, and ground water irrigators with later priorities were not, and whether or not there would have been a shortage of water in the Sioux River if the groundwater diversions had been stopped.

Mr. Cunningham subsequently made Application No. 2906-3 for a permit to pump from groundwater to cover the same lands approved under Permit No. 600-3, and it was approved with a priority of August 10, 1976.

During the inspection of the system constructed under Permit No. 2906-3, Mr. Cunningham indicated that he was going to use the well for irrigation, and did not intend to pump from the river.

Question: Can Mr. Cunningham transfer the priority established under Permit No. 600-3 to Permit No. 2906-3?

We do not think there is a precedent for this particular circumstance; however, we have had applications where the proposal was to change source of water and/or lands to be irrigated, and the priority has been maintained.

Recommendation: We would recommend that Water License No. 2906-3 be issued reflecting the April 28, 1959 priority for 1.42 cfs as established under Permit No. 600-3, and cancel Permit No. 600-3. We are basing this recommendation on the premise that if the application had been submitted as a change in point of diversion originally, the permit would have been allowed and the priority would have transferred to the new permit.

Burton F. Jones
Water Rights Specialist III

Permit No. 2960-3Water Division 3 BIG SIOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by HARVEY

CUNNINGHAM of BRIEF holder 1959 *

of Permit No. 2960-3, bearing date of priority of 1.42 CFS APRIL 28 1959

authorizing the diversion of 2.90 cu. ft. per second of the waters of GROUNDWATER

for IRRIGATION purposes, in BROOKINGS County.

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

The Water Use System consists of,

A. Works used to divert the water:

2 - 28' DEEP WELLS - BOTH WITH 14" STEEL CASING & 10' SCREEN

BOTH WITH NATIONAL PUMP CO 6" PUMPS - MODEL N 260 X 6

BOTH WITH 40HP U.S. ELECTRIC MOTORS @ 1765 RPM.

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

80' 8" ALUMINUM PIPE FROM N WELL TO PILOT

800' 6" ALUMINUM PIPE FROM S WELL TO N WELL

2700' 6" ALUMINUM MAINLINE

C. Works used to apply water to beneficial use.

ELECTROGATOR MODEL 26ES 8 TOWER CENTER PILOT

The system is in the following condition: GOOD

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used in _____

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

comprising a total of _____ acres of land.

Date _____

(Signature) _____

2784-3

1 for 5' hole

2786-3

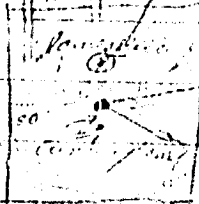
Heavy Canister

5-10

Dist. notes

Water level

Gun



CP 1st N.W. 30 ft from CP

One

Well 1st - 28 ft deep

SW 1

pump - 200 gpm

65

from well. Wells could produce 100 gpm each

One

N.W. 31.5' Elev. 404 P. 17.65

One

JD R-8987-02-621, R2090123

12

Pump station Ser # 377-004

Model N 26 x 6

Electro CP Model 2-6 E 3

Ser # 377CH306

Both well identical pumps & elevations

as 3 well

Model BB Jan 1 504

Base for timing gun. 1000 ft

Model 700 Jan 1 504

1.7" dia. Rapp. - 100 ft

100 ft. Rapp. - 100 ft

6" dia. Rapp. for 100 ft. 2000 ft

609-3 Harvey Cunningham
600-3 wants the wells that are located
in line of SW 1/4 12 and in
6-14-78 SE 1/4 SE 1/4 of sec. 14 to be replaced
for the two pump wells in 600-3
Wants to retain the priority date
of 11-26-59. Would like either
to effect. When new well put
down this well will continue
to pump. Leaving it now and get
by a later priority. 7905-3
has a priority date of 11-26-59.
Does not want to pump from
wells he is up for 600-3. At present
like to wells in 600-3. If he can
get it.
Says he has NW 1/4 of Sec. 14 and
wants to pump from that well.

2609-3 Harry Cunningham

600-3 Wants the wells that are located

in Camp of SW $\frac{1}{4}$ 13 and in

6-14-78 SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec 14 to explain

for the two pump wells in 600-3

Wants the title with priority date

of 4-28-59. Would like a letter

to this effect. When we can get

down the title with explanation

to pump level of the water and get

the level at a later point. 2905-3

has a priority date of Aug. 18, 1960.

Does not want to pump from

the level up to 600-3. 411-3

Has the well to explain the title

priority.

Pump action. 1944-3 to be pump and

or if they are would have put the well

Two but get into paper 150 ft
from river which elevates location

2724-3

2906-3

April 12, 1994

Harvey Cunningham
RR#2
Bruce, South Dakota 57220

Dear Mr. Cunningham:

The inspection of your water use systems and inspection of the extent of the applications of water to beneficial use, as developed under your Water Right Nos. 2724-3 and 2906-3 has been completed. Your final water right documents, the Water Licenses can now be issued.

Statutes require that we charge a \$50.00 fee for each (total of \$100.00) for the inspection and issuing of the Water Licenses. Upon receipt of the \$50.00 fee for each license (\$100.00 total) from you, your Water Licenses will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

Equal Opportunity Employer

Permits Nos. 600-3, 2724-3 and 2906-3

Permit No. 600-3, Harvey Cunningham, was issued to irrigate 100 acres in Section 13-14-1111N R51W with 1.42 cfs from the Big Sioux River. In 1976, the Water Rights Staff stopped irrigation from the Big Sioux River because of low flows.

Mr. Cunningham then made Application No. 2906-3 to cover the same lands as approved under No. 600-3. No. 2906-3 was approved August 10, 1976.

The Water Rights Commission authorized the April 28, 1959 priority for 1.42 cfs for No. 2906-3 from the No. 600-3 permit and No. 600-3 was cancelled at the November 15, 1978 meeting.

Permit No. 2724-3 for Chester Cook is utilized by Mr. Cunningham and No. 2724-3 and No. 2906-3 are operated as one permit. Since there were two owners, two separate water licenses were written for the permits.

Hopefully this explains the priority dates and how the permits are operated.

Gale N. Selken

March 26, 1984

May 3, 1984

Harvey Cunningham
Rural Route #2
Bruce, South Dakota 57220

Dear Mr. Cunningham:

Enclosed please find your water permit application dated April 26, 1984. After reviewing the action taken by the former Water Rights Commission on November 15, 1978 another application is not necessary.

The following is an explanation of what has been done and our interpretation of what your rights are:

1. Water Permit No. 600-3 was approved August 17, 1959 for 1.42 cfs of water from the Big Sioux River to irrigate 100 acres in Section 13 (NWSW=25 & NESW=40) and Section 14 (NESE=20 & SESE=15), T111N, R51W.
2. Irrigation from the Big Sioux River was ordered stopped during 1976 because of low flows.
3. Application No. 2906-3 was approved January 26, 1977 for 1.9 cfs of groundwater to irrigate 136 acres in (NESW=40 and NWSW=30) Section 13 and (NESE=32 and SESE=34) Section 14, T111N, R51W.
4. At the November 15, 1978 meeting, the Commission authorized the priority for No. 600-3 to be transferred to No. 2906-3 (a groundwater permit). This action allowed the withdrawal point from the Sioux River to be transferred to a well in SE Section 15, T111N, R51W and transferred the April 28, 1959 priority date for 1.42 cfs of water to permit No. 2906-3.
5. The following is our interpretation of your water rights.
 - a. No. 600-3 was placed in cancelled status with lands and the April 28, 1959 priority transferred to No. 2906-3.
 - b. No. 2906-3 now authorizes 1-28 ft well located 1980 ft N 44°E SW Corner, 13 T111N, R51W and 1-25 ft well located 430 ft N 14°W SW Corner, 13 T111N, T51W. This diversion point was transferred from No. 600-3 to irrigate:

34.2 Acres	NESW	13 T111N	R51W
25.8 Acres	NWSW	13 T111N	R51W
23.8 Acres	SESE	14 T111N	R51W
15.6 Acres	NESE	14 T111N	R51W
99.4 ACRES			

Equal Opportunity Employer

Page 2

May 3, 1984

Harvey Cunningham

- c. No. 2724-3 authorizes 1-28 ft well located 1485 ft N 62°E SW
13 T111N R51W to irrigate: 33.6 Acres SESW 13 T111N R51W
26.5 Acres SWSW 13 T111N R51W

Water Permits No. 2906-3 and 2724-3 will be licensed as soon as the required fees of \$100.00 are received. Please let us know if you have questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GS:ms
Enc.

STANDARD FORM NO. 64

September 7, 1966

Licenses No. 2906-3 and 2724-3

DEPARTMENT OF WATER RESOURCES DEVELOPMENT AND RECONSTRUCTION

Harvey Cunningham
1232
Druce, South Dakota 57220

Dear Mr. Cunningham:

April 12, 1966 you were notified the final inspection fee of \$50.00 in the Before Water Licenses No. 2906-3 and 2724-3 can be issued. As of this date, the fee has not been received. (\$50 each-total of \$100.00)

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John W. Wadsworth, Chief Engineer
Water Rights Division
Phone: (605) 777-3352

1308.12

Water Rights Division
605 773-3352

April 19, 1985

Harvey Cunningham
RR 2
Bruce SD 57220

Dear Mr. Cunningham:

In regard to your telephone call to our office April 13, 1985, enclosed are additional irrigation questionnaires for your Water Permit Nos. 983-3, 2724-3 and 2906-3.

During the conversation you inquired as to the correct fees you owed for inspection and issuance of your water licenses. A fee of \$50 each (total of \$100) is required for issuance of Water License Nos. 2724-3 and 2906-3.

If you have any further questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

Permit No. 2724-3St. Mary River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Chester Cook
(Harvey Cunningham tenant) of Bruce holder of
 Permit No. 2724-3, bearing the priority of April 26 1976 authorizing
 the diversion of 1.0 cu. ft. per second of the waters of groundwater
 for irrigation purposes, in Brookings County.

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

A. Works used to divert the water:

1- 28' well; 14" steel casing 10 ft screen with National Pump
Co. 6" Pump Model N260X6 with U.S. Electric Motor 40 HP
@ 1765 RPM

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

800 ft 6" Aluminum pipe from south well to north well (2906-3)

C. Works used to apply water to beneficial use:

Center pivot under permit 2906-3

The system is in the following condition GoodThe point of diversion is located 1485 ft N ~~51~~ 62° E of SW Cor 13 T111N
R51WThe works are capable of diverting and conveying to the place of use 1.0
 cu. ft. per second of water which is to be used for irrigation

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

33.6 Acres SE SW 13 T111N R51W
26.5 Acres SW SW 13 T111N R51W

comprising a total of 60.1 acres of land and the license should be issued for 1.0 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are This permit used in conjunction with Date 26 March 1984
2906-3Log does not existJohn M. Selkin

C-1000000

Harvey Cunningham

4 Aug 83

LICENSE FOR PERMIT NUMBER 2724-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm Lacey

No. of wells 2 Depth 28'

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length 10'

c) type _____ Static Water Level _____

2906-3 Pump a) make National

b) model N260X6

c) size _____

d) capacity _____ GPM

e) turbine pump

no. of stages _____

Serial 577-004

Motor #1 a) make US Electric High Thrust

b) model no. R-8887-02-621R090123

c) horsepower rating 40

d) motor efficiency rating _____

FIT
MIC-045

3. Distribution lines:

a) size of lines 6"

b) type Alum

c) length _____

SF 1.15
230V 102AMP 60 HZ 3p hase
#2724-3 #2 US Electric High Thrust 1765 RPM
motor 40 HP 230V 102AMP 60 HZ 3 phase
FD R-6229-02 130 R2109435 SF 1.15
Pump Serial 577-006
Model N260X6 FIT MIC-045

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

Model
2-6ES
Serial
37724306

- 1) make AcinKe Irrigator
- 2) number of towers 8
- 3) distance between towers _____
- 4) overall length 1289
- 5) End gun (Y/N) Y
- 6) high or low pressure H
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 75
- 9) GPH 800

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPH) _____
- 5) PSI _____

g) Gun

- 1) make Boss
- 2) serial number 504
- 3) nozzle size Nelson
- 4) capacity (GPH) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____
model BB

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Soil and water permit lands agree with land being irrigated and lands listed on permit. |
| _____ | _____ | 2. Special Qualifications to permit being abided by. |
| _____ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

14-111-51 2906-3

16" steel
Berkley Pump H1892
Lincoln Motor
40 HP serial 1309248
1765 RPM
230 V 102 Amp 3 phase

State of South Dakota
Water License No. 2724-3

(1) Harvey Cunningham
of RR#2, Bruce, South Dakota 57220
made Application No. 2724-3, April 26, 1976 for a water permit to appropriate
1.0 cubic feet per second of water from groundwater (one well)
Brookings County, South Dakota for irrigation purposes.
Permit No. 2724-3, with a priority date of April 26, 1976
was approved May 20, 1976 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 20, 1981 and for the application to beneficial use of said
water on or before May 20, 1984.

and

(2) It is certified that the application 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 0.86 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 148⁰ ft R 62⁰ E of the SW Corner of
Section 13, T111N, R51W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T111N, R51W

Section 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$	33.6 Acres	(CD)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.5 Acres	(CC)
TOTAL	60.1 ACRES	

(4) Pursuant to §16-5-30.1 Harvey Cunningham
of RR#2, Bruce, South Dakota 57220
the holder(s) and/or owner(s) of Water Permit No. 2724-3 is issued a license to appropriate water, the right to use
0.86 cubic feet per second of water from groundwater (one well) with a priority date
of April 26, 1976 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 2724-3 and subject
to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
NOV 27 1985

RECEIPT

Division of Water Rights

Nº 4 10019 -

South Dakota Department of Water & Natural Resources

Pierre, April 27, 1981

RECEIVED OF Harvey Cunningham, RR#2, Bruce, SD 57220

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2724-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH (S)



No. 2724-3

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

Department of Water & Natural Resources

NOV 27 1985

Harvey Cunningham
RR#2,
Bruce, South Dakota 57220

Dear Mr. Cunningham:

Enclosed herewith is, Water License No. 2724-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License

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

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

March 23, 1987

HARVEY CUNNINGHAM
RR #2 BOX 123
BRUCE, SD 57220

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

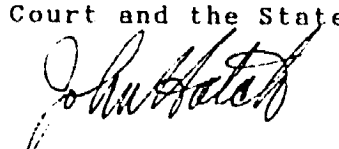
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 983-3, 2906-3, 2724-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, 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. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 983-3, 2906-3, 2724-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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



Department of Water & Natural Resources

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

April 3, 1987

983-3

~~2724-3~~

2906-3

Harvey Cunningham
RR #2 Box 123
Bruce, SD 57220

Dear Mr. Cunningham:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 983-3, 2724-3, and 2906-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,

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

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



February 7, 1995

2724-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: HARVEY CUNNINGHAM - RENTER
RR2 BOX 372
BRUCE, SD 57220

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 2724-3

The first notice to file chemigation report(s) for Permit No(s) 4894-3; 983-3; 2906-3 was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 2724-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the 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). 2724-3 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. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.

id on the reverse side?

SENDER:

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

2724-3

4a. Article Number

P 757 566 436

Harvey Cunningham - Renter
RR 2, Box 372
Bruce, SD 57220

4b. Service Type

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

7. Date of Delivery

2-13-95

5. Signature (Addressee)

Harvey Cunningham

6. Signature (Agent)

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

Is your RETURN A?

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



2724-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1995

Permit No. 2724-3

Harvey Cunningham
RR2 Box 372
Bruce, SD 57220

Dear Mr. Cunningham:

I am writing to acknowledge receipt of your phone call concerning the 1994 chemigation questionnaire. You may disregard the February 7, 1995 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire for permit No. 2724-3 with the information you provided over the phone and your name has been deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Environmental Scientist
Water Rights Division

850010 100101

September 7, 1964

Permits No. 2906-3 and 2724-3

DEPARTMENT OF WATER RIGHTS ENGINEERING AND RESEARCH

Harvey Cunningham
RMS2
Bruce, South Dakota 57220

Dear Mr. Cunningham:

April 12, 1964 you were notified the final inspection fee of \$50.00 is due before Water Licenses No. 2906-3 and 2724-3 can be issued. As of this date, the fee has not been received. (\$50 each-total of \$100.00)

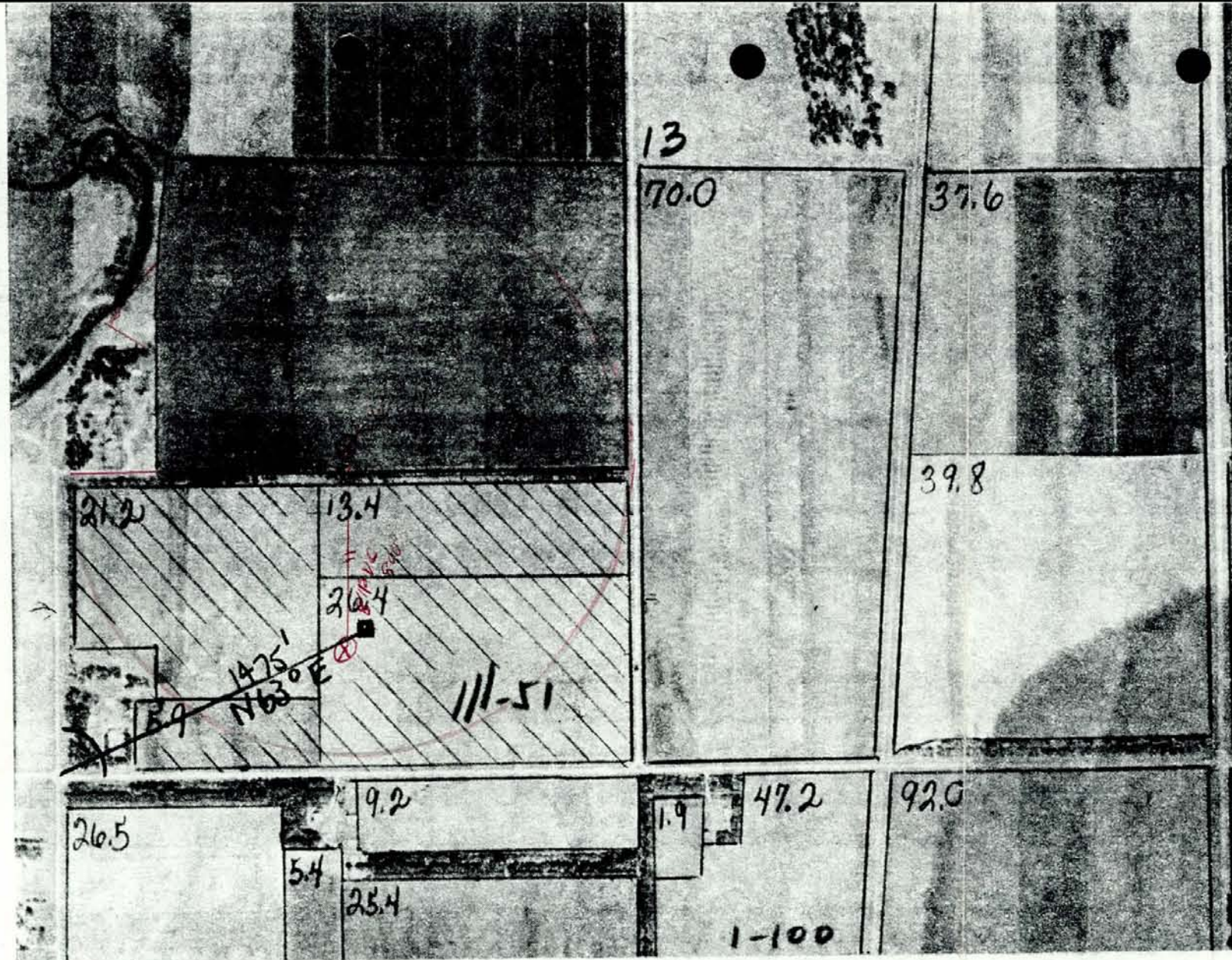
The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

85006.121



Acres Irrigated 67 Water Claimed - 1.0 cfs
 Point of Diversion 1475' N63°E at SW corner sec 13-111-51
 Area to be irrigated - S² & SW⁴ sec 13-111-51
 Scale - 8" = 1 Mile

James Rice
CHESTER COOK ^{Deceased}

Irrigation Project #1
 Bruce S. Dakota
 Brookings County

Application made by:
 Harvey Cunningham
 Tenant
 Bruce S. D.

was cp
 with Neighbor
 appl. 2906-3

Surveyor's Certificate
 I, John L. Wiersma, do hereby certify
 That this map identifies a reasonably
 accurate record of the land of
Chester Cook

Bruce South Dakota
 4-20-76 Brookings County
 Drawn by SLW P. E. # 1916
 John L. Wiersma Brookings
 S. Dakota
 MAP NO. 2003-3 APPL. NO. 2124-3

NOT TO SCALE

2724-3
2906-3





2724-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 27, 2023

983-3
2724-3
2906A-3

Terry Cunningham
20474 465th Ave
Bruce SD 57220

Dear Mr. Cunningham:

Thank you for visiting with me about the water rights listed under Harvey's name.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed are last year's three irrigation questionnaires. If you could complete and send them back to us, that would be very helpful. Thank you in advance!

If you have any questions, please give me a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

MAY 19 2023
Ck# 1055
Rec't# 019/23

No. 2724-3

Date: 5-16-23

I/We request that Water Right No. 2724-3

formerly owned by: Harvey Cunningham

be transferred to: (name & address)

Terry Cunningham
20474 465 Ave Bruce S.D.
57220

Telephone No.

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

60.10 acres – S ½ SW ¼ Section 13, T111N, R51W

I/We understand that the validity of Water Right No. 2724-3 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 Liane Cunningham in , the new owner, certify that the above information is true and
Care of correct.
Terry Cunningham

Liane Cunningham in care of Terry Cunningham
(Signed by new owner)

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

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

RECEIVED

MAY 19 2023

**OFFICE OF
WATER**

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 19, 2023

RECEIVED OF Terry/Tracy Cunningham 20474 465 Ave., Bruce SD 57220

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>2724-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer

VM



2724-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 24, 2023

983-3
2724-3
2906A-3

Terry Cunningham
20474 465th Ave
Bruce SD 57220

Dear Mr. Cunningham:

I am writing to acknowledge receipt of the transfer forms, filing fees, and irrigation questionnaires.

The ownership changes have been completed. The water rights under Harvey's name are now listed in your name.

Enclosed are the receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: TERRY CUNNINGHAM, 20474 465TH AVE, BRUCE SD 57220

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 2724-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2724-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VAUSJC**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 28, 2025

2724-3

Terry Cunningham
20474 465th Ave
Bruce SD 57220

Dear Mr. Cunningham:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 2724-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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