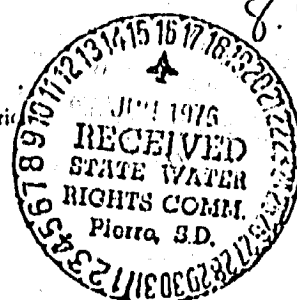


1. Considered 7-21, 1976 2782-3
2. Name of Applicant ADOLPH E. V. LLETTA ANDERSEN
3. Post Office Address ASTORIA
4. Amount of water claimed 1.14 (20 ACFT STORAGE)
5. Source of water supply SPRING, SLUGH & STORAGE DAM
6. Water to be used for IRRIGATION
- Acres to be irrigated 80
7. Water to be diverted and used in DEUEL county
about WEDGE miles of ASTORIA
8. Proof of Publication Received 7-16-76
Not Received _____
9. Application Approved _____
PROTEST LETTER Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2782-3Map No. 7138-3 Water Division No. 3 MINNESOTA RIVER District
(Blanks to be Filled by the Engineer for the W. R. 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 Adolph H. Anderson and Willetta M. Anderson
 Postoffice address Astoria, State S. Dak.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others and by direct labor
3. Name of diversion work Andersen's Irrigation
4. Amount of water claimed (cubic feet per second) 2.2 maximum allowable
5. Source of water supply Flowing springs, sloughs, and dam (see map)
6. Location of point of diversion From slough in NE $\frac{1}{4}$ NW $\frac{1}{4}$; from canal SE $\frac{1}{4}$ NW $\frac{1}{4}$; from dam SW $\frac{1}{4}$ NW $\frac{1}{4}$; from spring fed canal and beaver dam reservoir NE $\frac{1}{4}$ SW $\frac{1}{4}$ or E $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, all Sec. 35, T113N, R48W County Deuel
7. Annual period or periods during which water is to be used June -- September
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation, recreational, stock watering, fish culture, and fire protection
9. For irrigation use, Total number of acres to be irrigated 60-80

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.
SE $\frac{1}{4}$, NW $\frac{1}{4}$, of Sec. 35, T113N, R48W	30		
E $\frac{1}{2}$, N $\frac{1}{2}$, SW $\frac{1}{4}$, of Sec. 35, T113N, R48W	30		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Clear Lake Courier
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

I plan to build dam or improve them at point C and D on map.

B. Works proposed to transport water to place of use.

I plan to build ditch from which I can divert into smaller canals for flood type of irrigation. This system is to be primarily gravity flow.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$4,000.00Attachments: 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 DeuelI, ADOLPH ANDERSEN 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 Adolph AndersenSubscribed and sworn to before me this 16 day of June 1976Charles M. White
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2782-3

ADOLPH & WILLETTA ANDERSEN
(Applicant)

ASTORIA
(Post Office Address)

SOUTH DAKOTA 57213
(State)

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING MUST BE BY-PASSED.

Date of first receipt of application JUNE 16, 19 76

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

Date of receipt of corrected application , 19

Approved SEPTEMBER 30, 19 76, Recorded in Book 16, Page 1

WATER RIGHT PERMIT NO. 2782-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2782-3 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 JUNE 16, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 30, 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 30, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 19 79
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 1.14 ~~222~~ 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 SEPTEMBER 30, 19 79; said water to be used during the following described annual period: JUNE - SEPTEMBER

Witness my hand this 22ND day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John Walsh
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 _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

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 _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

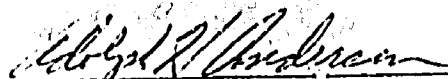
(2) Distance to nearest existing household or livestock watering wells.

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

I plan to build a dam (at point C on the map) that will contain and hold approximately 15 to 20 acre feet of water average depth to be 4 feet. This dam is to be equipped with one 6 inch and one 4 inch valve which can control water flow into irrigation ditch. I plan to improve on a natural dam built by beaver and impounding approximately 10 acre feet of water by installing a valve, building improved embankment and spillway at point D on the map. This dam will have good recovery because of the springs in the water shed.


Signature of Applicant

Form 1. - Notice

NOTICE OF INTENT TO GRANT WATER RIGHTS

Notice is hereby given that Adolph H. Andersen
whose post office address is Adoria, S. D., has filed an application in accordance with the provisions of the water laws of South Dakota for
a permit to appropriate for beneficial use water from the
second of time from the spring, springs & runoff
Andersen's Irrigation
be located in the _____

NE 1/4 NW 1/4, NW 1/4 SW 1/4 & NE 1/4 SW 1/4

of Section 35, Twp. 113N, Range 68W. Said water to be used
for the purpose of providing irrigation on the following described land:

SE 1/4 NW 1/4, NE 1/4 SW 1/4, Section 35, T113N, R68W

This application No. 2783-3 will be considered by the Water Rights
Commission at the Court House at Winner, South Dakota
upon the 21st day of July, 1970 at 10:00 A.
Interested persons may appear and be heard.

WATER RIGHTS COMMISSION

by:

Barton F. Jones, Water Rights Specialist

BFG/bw

cc: Adolph H. Andersen, Adoria, S. D. 57212

Form 6. - Notice of Intent to Appropriate Water

No. 2782-3

Publish first publication, on or before
July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 24, 1976

Notice is hereby given that Adolph H. & Willetta M. Anderson
whose post office address is Astoria, 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 1.14 cubic feet of water per
second of time from ~~thru~~ a slough, springs & runoff through the
Andersen's Irrigation, the point ^s of diversion of which ^{are} ~~is~~ to
be located in the _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 35, Twp. 113N, Range 48W. Said water to be used
for the purpose of providing irrigation on ~~the following~~ ^{portions of} described land:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T113N, R48W

This application No. 2782-3 will be considered by the Water Rights
Commission at the Court House at Winner, South Dakota
upon the 21st day of July, 1976 at 10:00 A. M. All
interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Adolph H. Andersen, Astoria, S.D. 57213

2782-3

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

The undersigned Gary DeJong being first duly sworn, on oath deposes and says That he is the publisher of the Clear Lake Courier; which newspaper is published by Gary DeJong; that the Clear Lake Courier is a weekly newspaper printed and published in Clear Lake, Deuel County, South Dakota and the undersigned has full and personal knowledge of all facts hereinafter stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication that the

NOTICE OF INTENT TO
WATER

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of the Affidavit, was published in said newspaper at least once in each week

for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

- On Thursday July 3, 1976
- On Thursday July 15, 1976
- On Thursday 19
- On Thursday 19
- On Thursday 19
- On Thursday 19
- On Thursday 19
- On Thursday 19
- On Thursday 19

that the full amount of the fees for the publication of the annexed notice is \$ 12.15

Gary DeJong

Subscribed and sworn to before me this 15 day of July, 1976

Karna Lindner
Notary Public
County of Deuel, South Dakota

KARNA LINDNER
Notary Public, South Dakota
My Commission Expires December 3, 1981

NOTICE OF INTENT
TO APPROPRIATE WATER

Pierre, South Dakota 57501
June 21, 1976
Notice is hereby given that Adolph H. and Willetta M. Anderson whose post office address is Astoria, 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 17.4 cubic feet of water per second of time from a slough, springs and runoff through the Anderson's irrigation, the points of diversion of which are to be located in the NE 1/4 NW 1/4 SW 1/4 and NE 1/4 SW 1/4 of Section 35, Twp. 113 N., Range 48 W. Said water to be used for the purpose of providing irrigation of portions of the following described land: SE 1/4 NW 1/4 NE 1/4 SW 1/4 Section 35, T113N, R48W, S20E, SD. This application No. 2782-3 will be considered by the Water Rights Commission at the Court House at Winner, South Dakota upon the 21st day of July, 1976 at 10:00 a.m. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
BY: BURTON F. JONES
Water Rights Specialist
July 8, 1976



2782-3

July 28, 1976

Adolph & Willetta Andersen
Astoria, SD 57213

Dear Mr. & Mrs. Andersen:

The Water Rights Commission deferred action on your application No. 2782-3 at the July 21-22, 1976 Commission meeting, pending investigation by the Commission Staff.

If you have any questions, feel free to contact this office.

Very truly yours,

John Hatch, Chief Engineer
WATER RIGHTS COMMISSION

JH:nlm

AD, we have
PVC pipe thru fill. Suggest
this if possible
H² 1000 ft
off 100 200 ft
a 60 ft 300 ft

Chad 51. Campbell Lane
100 ft by 100 ft
300 ft 100 ft 100 ft
100 ft 100 ft 100 ft

2732-3 *Adiantum* H. + 1877-1878

706-2138

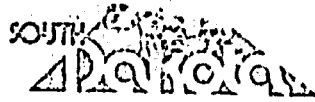
228010. *Ulla* *notula* *notula* *notula*
Ulla notula *notula* *notula* *notula*
 Spring, 1900. H. E. Hildreth.

Director:

Edward J. Sullivan, Jr. 1861

Donald F. Mark Brady

Location where field for 1980 on June 14, 1986



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

September 22, 1976

Re: 2782-3

Mr. & Mrs. Adolph Andersen
Astoria, South Dakota 57213

Dear Mr. & Mrs. Andersen:

Your deferred Application No. 2782-3 will be reconsidered by the Water Rights Commission during their September 29-30, 1976 meeting, at 9:00 a.m., September 30, 1976. Any comments concerning this application can be presented at this hearing.

The Water Rights Commission will be meeting in Room 464, State Capitol Building, Pierre. Please advise if you have any questions concerning the hearing.

Very truly yours,

John Hatch, Chief Engineer
WATER RIGHTS COMMISSION

JH/cmb

cc: Mr. & Mrs. Elmer Lokkeberg
Mr. & Mrs. Donald Crooks

MCCANN, MARTIN & MICKELSON, P.C.

WILLIAM R. MCCANN
THOMAS F. MARTIN
GEORGE S. MICKELSON
MICHAEL E. MCCANN

LAWYERS
317 SIXTH AVENUE
BROOKINGS, SOUTH DAKOTA
57006

P. O. DRAWER 243
DIAL 692-6163
AREA CODE 605

July 16, 1976

Mr. Burton F. Jones
Water Rights Specialist
Department of Natural Resources
Pierre, South Dakota 57501



Dear Mr. Jones:

Enclosed herewith on behalf of Elmer and Sadie Lokkeberg of Brookings County, South Dakota and Donald and Ruth Crooks of Deuel County, South Dakota, a written objection to the Application Number 2782-3 of Adolph H. and Willetta M. Andersen to appropriate water at the point set out in the copy of the notice, in Section 35, Township 113, Range 48, in Deuel County, South Dakota.

In conjunction with this application the Andersens have started construction of a dam blocking a natural waterway and which constitutes the only available source of water for domestic use and for the cattle. They wish to request a deferral of action of the application until such time as a field study can be made by the State Water Rights Commission.

Very truly yours,

MCCANN, MARTIN & MICKELSON, P.C.

W. R. McCann
W. R. MCCANN

WRM:bjr

Enclosure

Astoria, South Dakota

July 16, 1976

Mr. Burton F. Jones
Water Rights Specialist
Department of Natural Resources
Pierre, South Dakota 57501

Dear Mr. Jones:

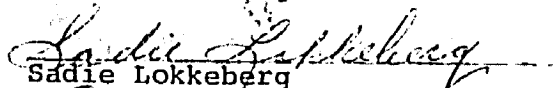
The undersigned, Elmer and Sadie Lokkeberg of Brookings County, South Dakota, and Donald and Ruth Crooks of Deuel County, South Dakota, do hereby object to the approval of Application Number 2782-3 of Adolph H. and Willetta M. Andersen to appropriate water in Section 35, Township 113, Range 48 in Deuel County, South Dakota.

Attached hereto is a copy of the Notice of Intent to Appropriate Water. Mr. Andersen is in the process of constructing a dam, which we believe is to be used in conjunction with the right to appropriate water and this proposed dam will deprive the undersigned of water for domestic use and for their cattle, and we request that no action be taken on the application until such time as the State Water Rights Commission makes a field study. We ask that our rights to use the water of the natural waterway and the Astoria spring be protected.

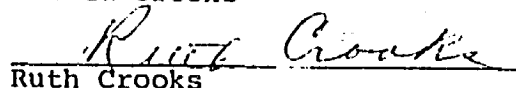
We further ask that when a field study is made that the representative of the Commission designated to make said study confer with the undersigned as to the nature and reasons for this complaint.

Very truly yours,

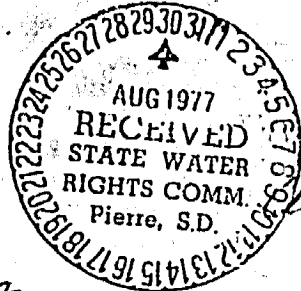

Elmer Lokkeberg


Sadie Lokkeberg


Donald Crooks


Ruth Crooks

2762-3 Adolph Anderson



Stonewall S.D.

Aug 27-1977

Dear Mr Mernagh,
Water Resource Engineer

We are writing
you in regards to the letting of
water pass down stream from
a dam erected by Adolph Anderson
last year & it comes from the
spring which has a natural
runway through our land so we
get water for cattle & the household
now this again is getting low and
no water has come through
for at least two months. Now
Anderson has the plastic pipes
which were to by pass so
much of water for us when
we needed it was to run out
so much through these pipes
at ~~the~~ all times now we don't
believe they are open so are letting

the water come our way.

Now we cannot go on his
hand to check as it is pasted.
But we were told last fall
by the engineer that was
checking it that he was to
have it open all the times
I hope you can look into it
and help us out.

Mr & Mrs Elmer Labeberg
Astoria So. Dak

57213

We are writing to you because
you are the one we received
a letter from last fall.

REPORT ON
ADOLPH AND WILLETTA ANDERSEN WATER RIGHT APPLICATION NO. 2782-3
SEPTEMBER 7, 1976

The Water Rights Commission deferred action at the July 21-22, 1976 Commission Meeting on the Adolph and Willetta Andersen Water Right Application No. 2782-3 pending investigation by the Commission Staff. An investigation was conducted in the Deuel County area August 24, 1976.

Proposed Project

The application proposes to divert 1.14 cfs of water from:
a. A slough in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, b. A canal in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, c. A dam in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, d. A spring fed dam in the NE $\frac{1}{4}$ SW $\frac{1}{4}$. All diversion points in Section 35-T113N-R48W (see attachment). The dam objected to is the spring fed dam located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ -35, and has a storage capacity of 10 acre feet. The dam in question is located in Deuel County $\frac{1}{2}$ mile west and $\frac{3}{4}$ miles south of Astoria. The dam is located on an unnamed creek and drains 245 acres. The run-off factor for this watershed on a two year frequency basis has been determined to be 0.67 inches per acre of runoff. The watershed should yield 13.7 acre feet of run off at least once in every two year period. There are springs located within the watershed that will be used to supply water for the storage dam.

Objections

The Commission deferred action of the Andersen application when objections were received from Elmer and Sadie Lokkenberg and Donald and Ruth Crooks all of who signed a letter of protest objecting to the Andersen application. The objectors are concerned that the dam will deprive them of water for domestic use and their cattle.

Persons Contacted

The applicant Adolph Andersen, Donald Crooks and Elmer Lokkenberg were contacted.

Discussion

Mr. Andersen has constructed a dam on the unnamed creek in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 35 to be used for livestock. It has a 4 inch diameter PVC plastic pipe near the bottom of the fill to be used as a low flow by-pass. This by-pass had no control installed at the time of the investigation. Mr. Andersen filed a location notice with the Water Rights Commission on June 14, 1976. There are two small beaver dams in the pond area which will hold an estimated one acre foot of water when full.

At the time of the investigation water was flowing from springs at two locations with an estimated flow of 40 gpm each. The water disappeared into the ground before reaching the dam. The dam was completely dry at the toe of the fill.

Donald Crooks leases land from his brother and it is located immediately downstream from the Andersen property. There is no dugout on the Crooks property. Lokkenberg has a small shallow dugout below Crooks and this was nearly dry and the water stagnate. Crooks and Lokkenberg want the flowing spring water as their source of supply for livestock.

There are 240 acres of watershed below the four Andersen diversion points and above Crooks property. This would yield 13.4 acre feet of water on the two year frequency basis that would be available to Crooks and Lokkenberg.

The low flow by-pass qualification was explained to Messrs. Andersen, Crooks and Lokkenberg. When water is needed below the dams for domestic use including livestock watering, during dry periods, then enough of the incoming flows must be by-passed to provide for downstream domestic use including livestock use. Stored water would not need to be by-passed even though downstream users were without water.

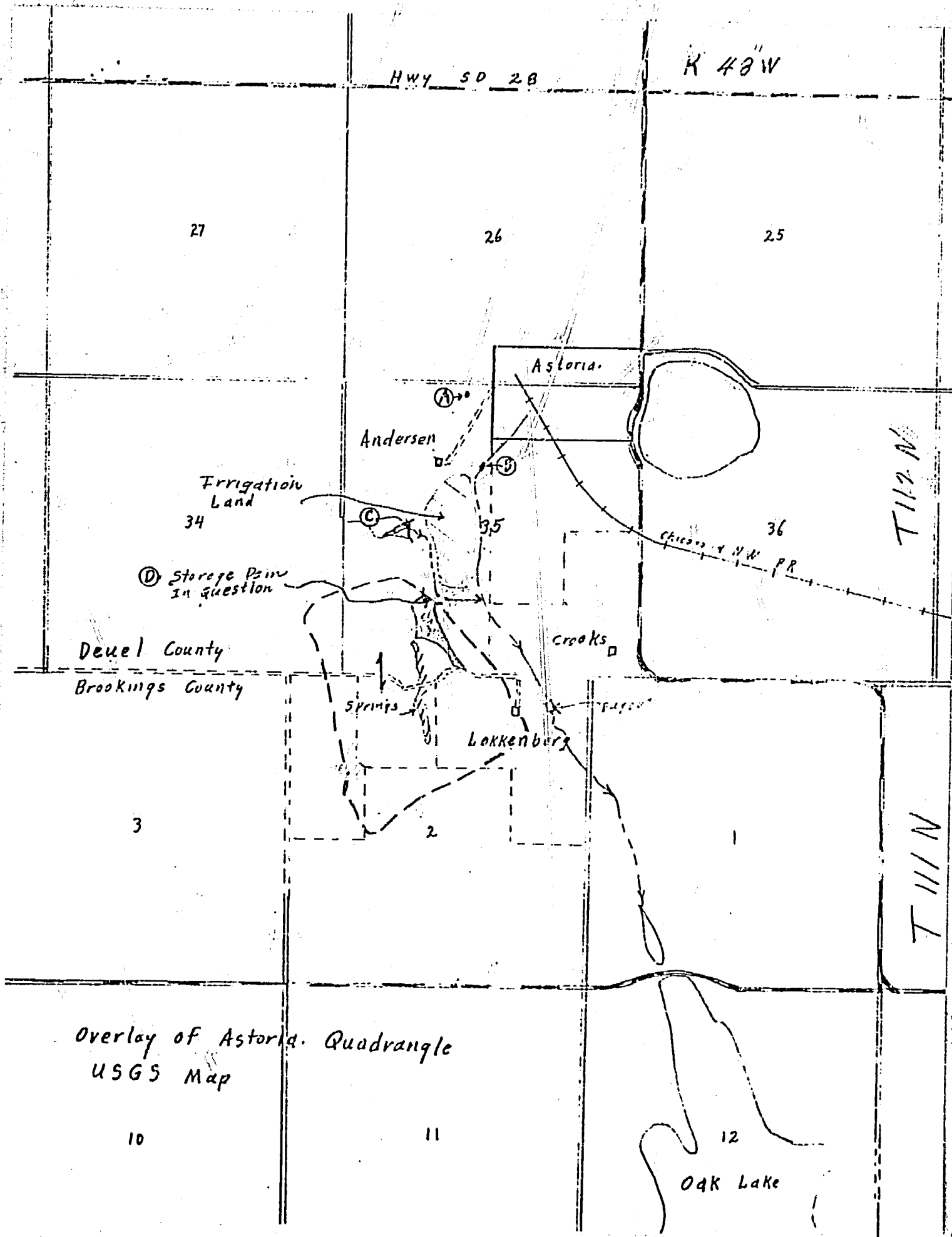
Conclusions and Recommendations

Based upon the investigation, unappropriated water is available for storage provided that any flow into the dam during dry periods even when the dams do not overflow is by-passed. Mr. Andersen indicated he understands this and will by-pass water when necessary.

The Commission staff recommends that Adolph Andersen's water right application No. 2782-3 be approved with a storage capacity of 20 acre feet with the following qualifications:

"Low flows as needed for down stream domestic use including livestock watering must be by-passed".

LeRoy Mernaugh
Water Resources Engineer



Overlay of Astoria. Quadrangle
USGS Map

278

Amorpha fruticosa

Amorpha fruticosa

Amorpha fruticosa

Amorpha fruticosa

Amorpha fruticosa

Amorpha fruticosa

Amorpha fruticosa

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Amorpha fruticosa

Below and to the right of the main
area got down to the bottom surface.

From here I think the bottom surface is
very satisfactory and the bottom is
resembling a very rough surface. The
crack.

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

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

January 29, 1988

ADOLPH ANDERSON
RR #1 BCY, IA
ASTORIA, SD 57213

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

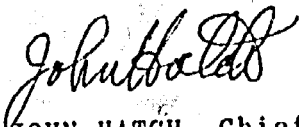
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2782-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of 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 9:00 am, March 2, 1988 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, 46-2-3, 46-2-11 and 46-2-17. These 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). 2782-3 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 March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181 988

2782-3

Adolph Anderson
RR 1, Box 1A
Astoria SD 57213

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2782-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

May 26, 1988

Adolph Anderson
RR 1, Box 1A
Astoria, SD 57213

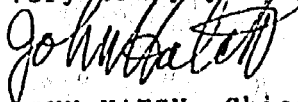
Dear Mr. Anderson:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 2782-3.

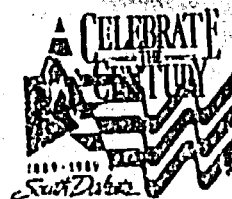
South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

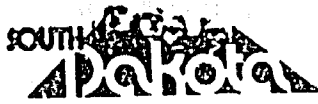
Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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





Department of Water & Natural Resources

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

May 21, 1990

2782-3

Adolph & Willetta Andersen
RR #1 Box 1A
Astoria, SD 57213

Dear Mr. & Mrs. Andersen:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2782-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

 **Department of
Water & Natural Resources**

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

September 19, 1990

SECOND NOTICE

Permit No. 2782-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Adolph & Willetta Andersen
RR #1 Box 1A
Astoria, SD 57213

Dear Mr. & Mrs. Andersen:

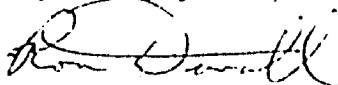
May 21, 1990 you were notified the final inspection fee of \$50.00 is due before Water License No. 2782-3 can be issued. As of this date, the fee has not been received.

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.

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

Very truly yours,



Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

September 27, 1990

Adolph & Willetta Andersen
RR #1 Box 1A
Astoria, SD 57213

Dear Mr. & Mrs. Andersen:

During our recent telephone conversation, you inquired as to whether you would be able to place your land in the CRP Program and retain your water permit. I told you that you could, however during our conversation, I was unable to find the law which dealt with this type of situation. The following is an excerpt of the SD Water Law which pertains to acreage reserve programs:

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

If you have any questions concerning the above Statute, please contact me.

Sincerely,

Genny McMath
Natural Resource Analyst
(605) 773-3352

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use
TO: Chief Engineer, Division of Water Rights

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

I have this day made a thorough examination of the water use system constructed by ACOLPH AND
WILLETTA ANDERSEN of ASTORIA, SOUTH DAKOTA holder of

Permit No. 2782-3, bearing the priority of JUNE 16 19 76 authorizing

the diversion of 1.14 cu. ft per second of the waters of SURFACE WATER
for RECREATION - STOCK WATERING
IRRIGATION purposes, in DEUEL County,
FISH CULTURE, FIRE PROTECTION

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

A. Works used to divert the water: Point C on North Dam, one 4 inch diameter PUC pipe
Point D on South Dam, two 4 inch diameter PUC pipe.

B. Works used to transport water to place of use: 2000 FOOT OF DITCH FORMED EACH YEAR.

C. Works used to apply water to beneficial use: **FREE Flood**

The system is in the following condition FAIR

The point of diversion is located BOTH POINTS LOCATED FROM THE NW CORNER OF SECTION
35-T113N-R48W. POINT C, 2630 FEET SOUTH AND 1221 FEET EAST. POINT D,
3894 FEET SOUTH AND 1518 FEET EAST.
The works are capable of diverting water from the river to the canal.

The works are capable of diverting and conveying to the place of use 0.43
cu. ft. per second of water which is to be used for IRRIGATION, RECREATION, FISH CULTURE, FIRE PROTECTION

Water has been put to beneficial use to the maximum extent as follows: ALL LANDS LOCATED IN
SECTION 35-T113N-R48W SE 1/4 NW 1/4 - 19 ac
 NE 1/4 SW 1/4 - 11 ac

comprising a total of 30 acres of land and the license should be issued for 0.43 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 4/17/90

Mark D. Roth

LICENSE FOR PERMIT NUMBER 2782-3

1. Legal location of wells: For DAM #1 (South Dam) From NW Corner of
SECTION 35-T113N-R48W, 3894 FEET SOUTH AND 1518 FEET EAST. DAM #2 (North Dam)
dams & structures: FROM NW CORNER OF SECTION 35-T113N-R48W, 2630 FEET
SOUTH AND 1221 FEET EAST

2. Well Information: Well Drilling Firm _____

Completion Report Yes _____ No _____ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model No. _____
c) size _____ c) horsepower rating _____
d) capacity _____ gpm
e) turbine pump - no. of stages _____
f) operating PSI _____

3. Distribution lines or canals

a) size _____
b) type _____
c) length _____

4. Dam Information: SOUTH DAM

a) height to crest 10' m) Outlet tubes:
b) height to primary spillway 7' 1) diameter 2 - 4"
c) height to secondary spillway _____ 2) type PVC
d) crest width 15' 3) valved (Y/N) Y
e) crest length 250' 4) valve type LENGTH OF PVC
f) spillway length 30' 5) location on structure
g) spillway width 12" 120 FEET FROM WEST FACE
h) approx. storage 4.4 ac.-ft n) Category of Dam 3
i) approx. storage to crest 10.0 ac.-ft
j) date constructed 1978
k) inspection sheet completed (Y/N) N
l) Name of Contractor RON HULSABUS

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>NA</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
<u>X</u>	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u>	5. Is chemigation used?
___	<u>NA</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS: FLOOD IRRIGATION IS USED

LICENSE FOR PERMIT NUMBER 2782-3 CONTINUED

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report	Yes	No	No. of Wells	Depth
Casing	a) diameter	_____	Screen	a) type
	b) length	_____		b) length
	c) type	_____	Static Water Level	_____
Pump	a) make	_____	Motor	a) make
	b) model	_____		b) model No.
	c) size	_____		c) horsepower rating
	d) capacity	_____ gpm		
	e) turbine pump - no. of stages	_____		
	f) operating PSI	_____		

3. Distribution lines or canals

a) size _____
b) type _____
c) length _____

4. Dam Information:

NORTH DAM

a) height to crest	<u>9'</u>	m) Outlet tubes:	
b) height to primary spillway	<u>7'</u>	1) diameter	<u>6"</u>
c) height to secondary spillway	_____	2) type	<u>PVC</u>
d) crest width	<u>15'</u>	3) valved (Y/N)	<u>Y</u>
e) crest length	<u>500'</u>	4) valve type	<u>LEAKY & PVC</u>
f) spillway length	<u>20'</u>	5) location on structure	_____
g) spillway width	<u>14" DIAMETER</u>	n) Category of Dam	<u>3</u>
h) approx. storage	<u>8 ac. Ft</u>		
i) approx. storage to crest	<u>15 ac. Ft</u>		
j) date constructed	<u>1975</u>		
k) inspection sheet completed (Y/N)	<u>N</u>		
l) Name of Contractor	<u>ELMER HULSBENS</u>		

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

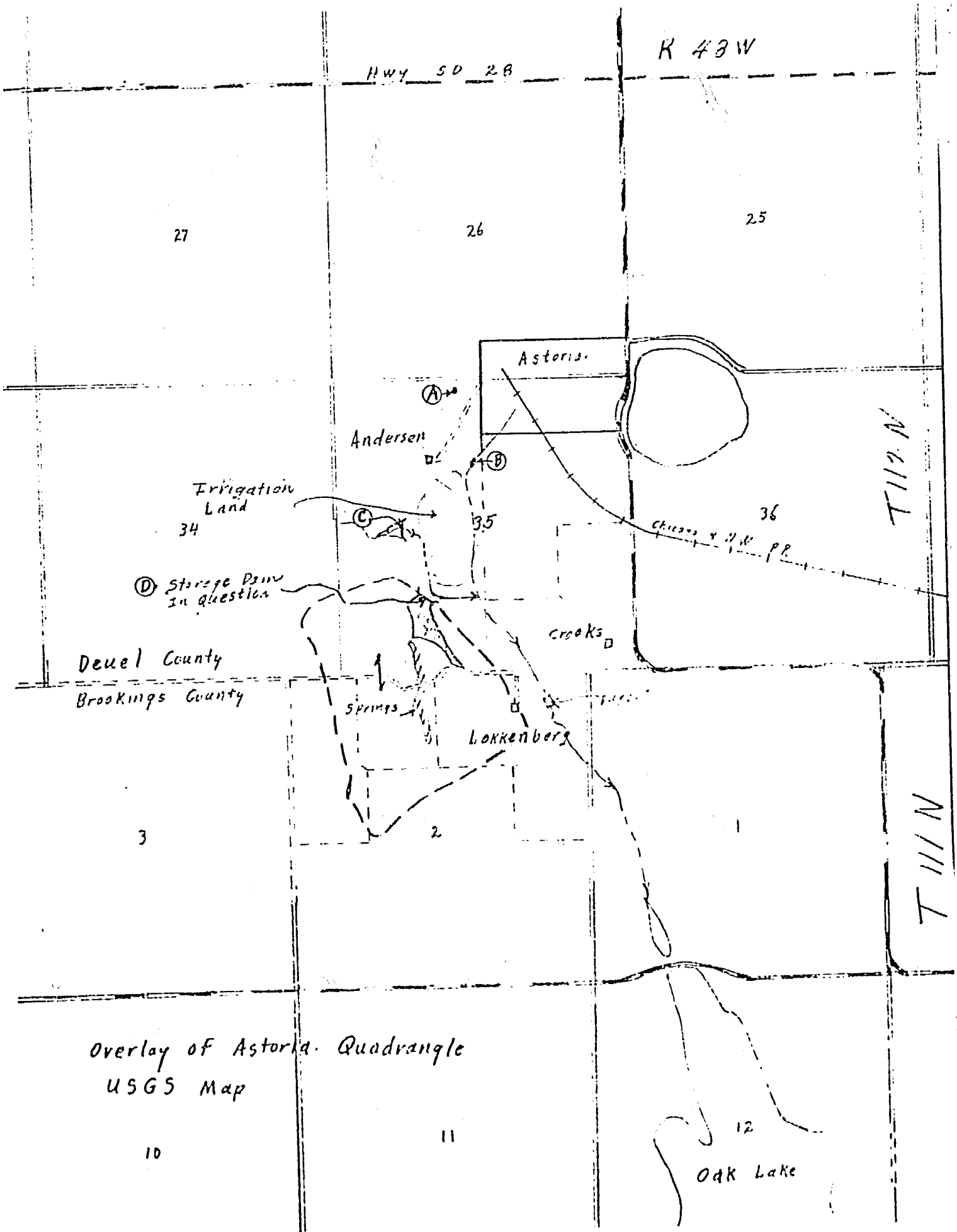
- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>NA</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
<u>X</u>	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u>	5. Is chemigation used?
___	<u>NA</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS:



Overlay of Astoria. Quadrangle
USGS Map

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2782-3

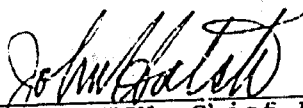
(1) Adolph and Willetta Andersen of RR #1 Box 1A, Astoria SD 57213 made Application No. 2782-3, June 16, 1976 for a water permit to appropriate 1.14 cubic feet of water per second from a slough, springs and runoff, Deuel County, South Dakota for irrigation, recreation, stock watering, fish culture and fire protection purposes. Permit No. 2782-3 with a priority date of June 16, 1976 was approved September 30, 1976 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 30, 1978 and for the application to beneficial use of said water on or before September 30, 1979.

(2) It is certified that the applicant 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 0.43 cubic feet of water per second for beneficial use. The location of the diversion points are: South Dam - 3894'S and 1518'E of the NW corner Section 35 (approximate storage capacity - 4.4 acre feet); North Dam - 2630'S and 1221'E of the NW corner Section 35 (approximate storage capacity - 8 acre feet) all in T113N, R48W.

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

T113N, R48W Section 35 SE1/4 NW1/4 19 acres
NE1/4 SW1/4 11 "
Total 30 acres

(4) Pursuant to Section 46-5-30.1 Adolph and Willetta Andersen of RR #1 Box 1A, Astoria SD 57213 the holder(s) and/or owner(s) of Water Permit No. 2782-3 is issued a license to appropriate water, the right to use 0.43 cubic feet of water per second from two storage dams with a priority date of June 16, 1976 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation, recreation, fish culture and fire protection. This license is subject to any limitations or qualifications listed in Water Permit No. 2782-3 and subject to South Dakota State Law.

 DEC 19 1990
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources



Department of Water & Natural Resources

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

DEC 19 1990

2782-3

Adolph and Willetta Andersen
RR #1 Box 1A
Astoria SD 57213

Dear Mr. & Mrs. Andersen:

Enclosed is Water License No. 2782-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412388 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19 90

RECEIVED OF A.H. or Wilhelmina Anderson, Rt. #1 Box 1, Astoria, SD 57213

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. 2772-1 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)

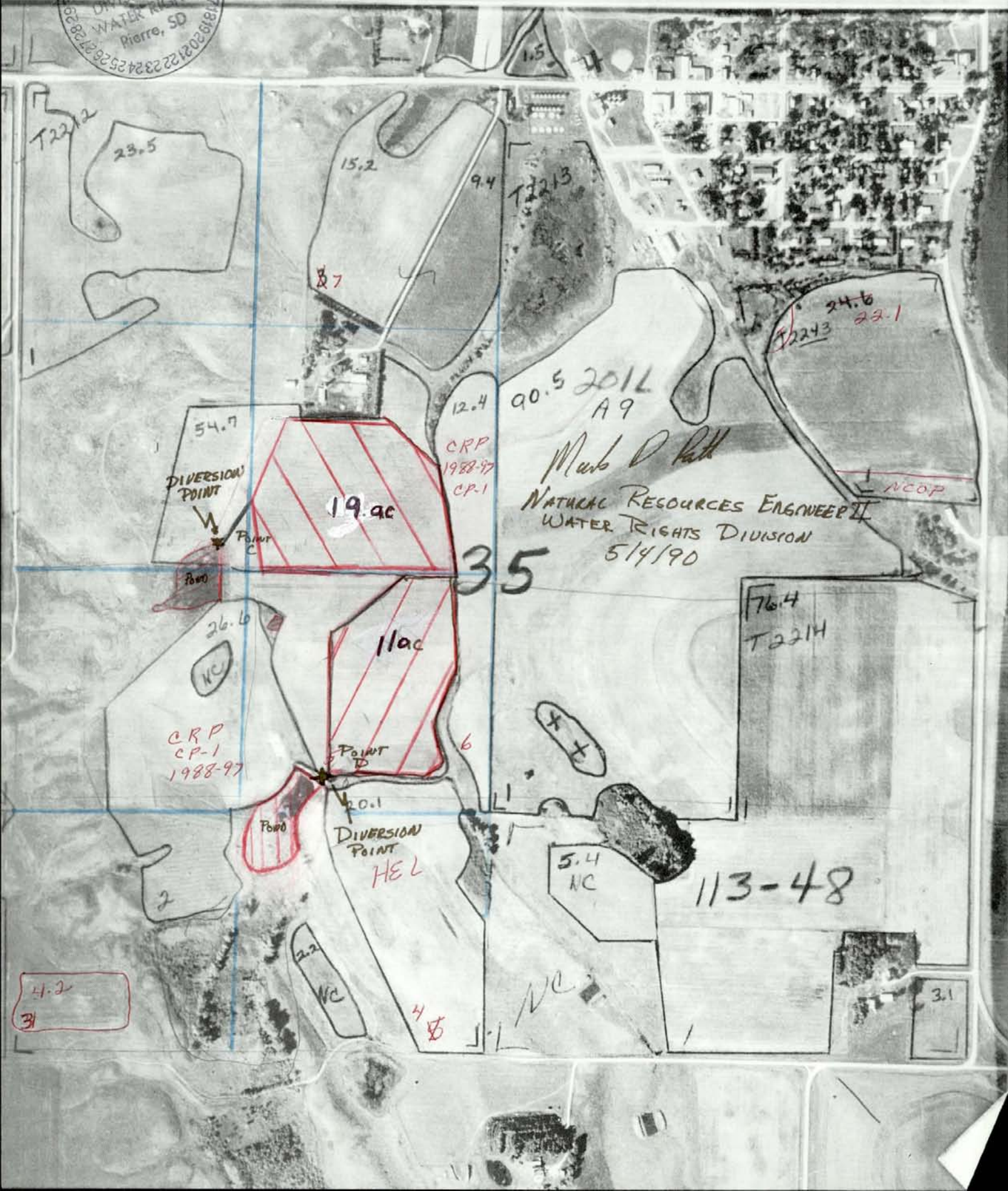
Total

50 00

By

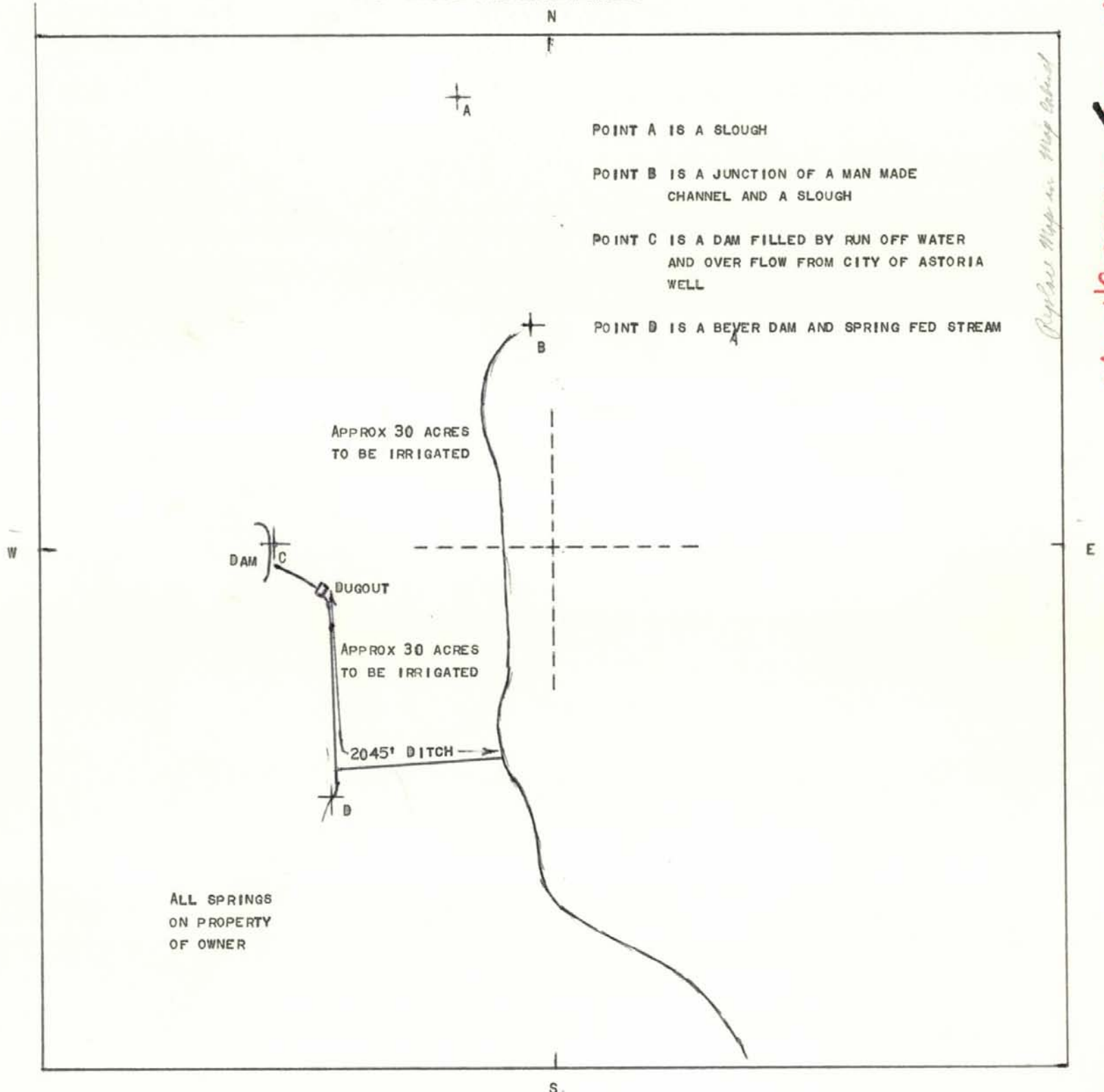
John H. Anderson
Chief Engineer

NOT TO SCALE



ENTIRE OUTLINE BELOW REPRESENTS SECTION 35
SCANDINAVIA TWP., DEUEL COUNTY, S. DAKOTA

DIVERSION POINTS FOR IRRIGATION WATER
FOR ANDERSEN IRRIGATION PROJECT



POINT A 297' FROM NORTH BOUNDARY, 2178' FROM WEST BOUNDARY
POINT B 1485' FROM NORTH BOUNDARY, 2541' FROM WEST BOUNDARY
POINT C 2630' FROM NORTH BOUNDARY, 1221' FROM WEST BOUNDARY
POINT D 3894' FROM NORTH BOUNDARY, 1518 FROM WEST BOUNDARY

ADOLPH & WILLETTA ANDERSEN FARM
WEST 1/2 SEC 35 - T113N - R 48
SCALE 1 CM = 264 FEET

Harley F. Huber
Cons. Tech.

MAP NO 2138-3 (APPL NO 2782-3)