



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 15 2009

2906A-3

Harvey Cunningham
232 42nd St
Brookings SD 57006

Dear Mr. Cunningham:

Enclosed is Reissued Water License No. 2906A-3. The original license authorized irrigation of 99.4 acres in the N ½ SW ¼ Section 13 and E ½ SE ¼ Section 14; all in T111N-R51W. The water right is being divided and reissued to reflect separate ownership.

- **2906A-3: Harvey Cunningham, 232 42nd St, Brookings SD 57006** authorizing irrigation of 60 acres located in the N ½ SW ¼ Section 13 from a well located in the N ½ SW ¼ Section 13; all in T111N-R51W.
- **2906B-3: LeRoy VandeWeerd, 46739 204th St, Bruce SD 57220** authorizing irrigation of 39.4 acres located in the E ½ SE ¼ Section 14 from a well located in the SE ¼ SE ¼ Section 14; all in T111N-R51W. Issuance of No. 2906B-3 will be withheld pending cancellation consideration by the Water Management Board.

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

Sincerely,

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

enclosure

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 2906A-3
DIVISION OF NO. 2906-3 INTO NOS. 2906A-3 AND 2906B-3

(1) Harvey Cunningham was issued Water License No. 2906-3, November 27, 1985 for a water right to divert 1.42 cubic feet of water per second (cfs) from groundwater (two wells), Brookings County, South Dakota for irrigation purposes. Water License No. 2906-3, with a priority date of April 28, 1959 and was issued to the permit holder for diversion of water with construction of the described water supply system completed the application to beneficial use of water completed.

Water Right No. 2906-3 authorizes irrigation of 99.4 acres in the N ½ SW ¼ Section 13 and E ½ SE ¼ Section 14; all in T111N-R51W. Land described under the water right has changed ownership. The water right is being divided and reissued to reflect separate ownership as follows:

- **2906A-3: Harvey Cunningham, 232 42nd St, Brookings SD 57006** authorizing irrigation of 60 acres located in the N ½ SW ¼ Section 13 from a well located in the N ½ SW ¼ Section 13; all in T111N-R51W.
- **2906B-3: LeRoy VandeWeerd, 46739 204th St, Bruce SD 57220** authorizing irrigation of 39.4 acres located in the E ½ SE ¼ Section 14 from a well located in the SE ¼ SE ¼ Section 14; all in T111N-R51W. Issuance of No. 2906B-3 will be withheld pending cancellation consideration by the Water Management Board.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Harvey Cunningham, 232 42nd St, Brookings SD 57006 the holder and/or owner of Water Right No. 2906A-3 is issued a license, bearing a priority date of April 28, 1959 to appropriate 0.85 cubic feet of water per second from groundwater (one well) to irrigate 60 acres.

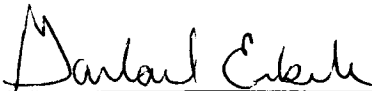
The diversion point is located: 1980°N 44°E of the SW corner of Section 13-T111N-R51W (NW ¼ SW ¼).

The acres authorized for irrigation are as follows:

Section 13-T111N-R51W			
NE ¼ SW ¼	34.2 acres	NW ¼ SW ¼	25.8 acres
Total 60 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2906-3 including the following now applicable qualifications:

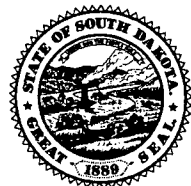
- The well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The well owner under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well approved under this permit shall be located at least 660 feet from the Sioux River.



Garland Erbe, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 15 2009

date





2906A-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

PAID

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

MAY 19 2023

No. 2906A-3

Ck# 1005
Rec't# 5/19/23

Date: 5-16-23

I/We request that Water Right No. 2906A-3

formerly owned by: Harvey Cunningham

be transferred to: (name & address)

Terry Cunningham
20474 465 Ave Bruce SD.
57220 Telephone No.

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

60 acres – N ½ SW ¼ Section 13, T111N, R51W

I/We understand that the validity of Water Right No. 2906A-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
care of
Terry Cunningham, the new owner, certify that the above information is true and correct.

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>2906A-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



**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