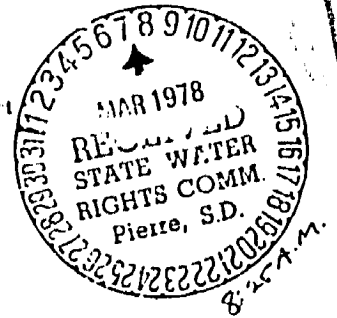


4252-3

1. Considered MARCH 2, 1978
2. Name of Applicant VANDE WEERD FARMS INC.
3. Post Office Address BRUCE, S.D.
4. Amount of Water claimed 9.00
5. Source of Water supply 5 WELLS 80' TO 150' DEEP
6. Water to be used for IRRIGATION
- Acres to be irrigated 640.00
7. Water to be diverted and used in BROOKINGS County
about 2 EAST & 1 mile SOUTH of BRUCE
8. Proof of Publication Received 3-27-78
Not Received _____
9. Application Approved 3-28-79
Subject to W.E.
Not Approved _____
Action Deferred _____

10. Remarks:

Map No. 3473-3 Water Division No. 3 No. 4252-3 BIG SIOUX 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 Vande Weerd Farms
Postoffice Address Brace 57220 State S. 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 Vande Weerd Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 9.0
5. Source of water supply 5 wells
6. Location of point of diversion Well #1 - 1720' N 135° E of NW corner Sec 17; Well #2 - 1900' N 135° W of NE corner Sec 17; Well #3 - 3300' N 140° W of NE corner Sec 17; Well #4 - 1650' N 130° W of NE corner Sec 19; Well #5 - 925' N 178° W of NE corner Sec 19 County Brackney
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 640

List below each forty acre sub-division, 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.
E ² of SW ⁴ Sec 8 - 111-50	80		
N ² of Sec 17 - 111-50	320		
W ² of SE ² Sec 18 - 111-50	80		
NE ² of Sec 19 - 111-50	160		

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 Appropriately Water publication Brackney Register
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source. 5 wells with deepwell turbines
- B. Works proposed to transport water to place of use. closed can beir
- C. Works proposed to apply water to beneficial use. center pivot irrigation machine

Estimated Total Cost \$ 150,000

Attachments: 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 Brackney

I, John Vande Weerd 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 John Vande WeerdSubscribed and sworn to before me this 3 day of March 19 78

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4252-3
VANDE WEERD FARMS BRUCE
 (Applicant) (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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application MARCH 7, 19 78
 Date of return to applicant for correction, amendments or changes required _____, 19 _____
 Date of receipt of corrected application _____, 19 _____
 Approved MARCH 28, 19 79, Recorded in Book 20 Page 276

WATER RIGHT PERMIT NO. 4252-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4252-3 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 MARCH 7, 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 28, 19 81
3. The whole of said work is to be completed on or before MARCH 28, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 19 87
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 9.0 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 use 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 MARCH 28, 19 87; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 9th day of APRIL, 19 79

WATER RIGHTS COMMISSION

By:

John K. Kates
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

CLARK IRRIGATION CO.
West Hwy. 7
APPLETON, MINNESOTA 56208

(512) 289-2000

TO John Vande Weerd
Bruce
South Dakota

No 1682

INVOICE DATE 2-17-78	SALESMAN
SHIP TO	

Page 1

YOUR ORDER NO.	DATE SHIPPED	SHIPPED VIA	FOB POINT	TERMS		
QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL			
	#2 Test on Nick's Home					
0-5	Dark clay topsoil changing to yellow					
5-25	Hard yellow clay					
25-70	Blue clay (b)					
70-88	Very coarse sea rock*					
88-89	Hard dark clay					
	*Sample in Brookings					
	89' @ 2.00	178 00				
	S.D. Sales Tax	7 12				
			185 12			
	#2 NE 1/4, Section 19					
0-5	Dark clay topsoil (W)					
5-20	Yellow clay "moist"					
20-50	Hard blue clay					
50-100	Mix of loam and water bearing gravel.					
	Water bearing from 60' to 80' approximately.					
100-120	Hard blue clay					
	120' @ 2.00	240 00				
	S.D. Sales Tax	2 60				
			249 60			

ORIGINAL

Thank You

CLARK IRRIGATION CO.
West Hwy. 7
APPLETON, MINNESOTA 56208

No 1683

(612) 289-2000

INVOICE DATE 2-17-78	SALESMAN
SHIP TO	

TO John Vande Weerd
Bruce
South Dakota

Page 3

YOUR ORDER NO.	DATE SHIPPED	SHIPPED VIA	FOB POINT	TERMS		
QUANTITY	DESCRIPTION		UNIT PRICE	TOTAL		
	#2 Schoolhouse quarter					
	0-10	Med. sandy topsoil				
	10-27	Moist yellow clay				
	27-57	Hard blue clay				
	57-66	Light color loam				
	66-140	Various layers of clay with embedded gravel				
	#3 Near South line					
	0-5	Dark clay topsoil turning to sand				
	5-15	Yellow clay				
	15-77	Hard blue clay				
1	77-103	Med. sand to med. pea rock*				
	103-105	Blue clay				
	*Sample in Brookings from 80' level					
		245' @ 2.00	490	00		
		S.D. Sales Tax	19	60		
					509	60
	Invoice Total				1,474	72

ORIGINAL

Thank You

CLARK IRRIGATION CO.
West Hwy. 7
APPLETON, MINNESOTA 56208

(612) 289-2000

No 1684

TO John Vande Weerd
Bruce
South Dakota

INVOICE DATE 2-17-78	SALESMAN
SHIP TO	

Page 2

YOUR ORDER NO.	DATE SHIPPED	SHIPPED VIA	FOB. POINT	TERMS		
QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL			
	Schoolhouse Quarter					
0-15	Yellow clay with light topsoil					
15-25	Med. gravel, light					
25-85	Hard blue clay					
85-100	Med. water bearing sand, some small pea rock.					
	Also carries some clay.*					
100-105	Yellow clay					
	*Sample in Brookings					
	105' @ 2.00	210 00				
	S.D. Sales Tax	8 40				
			218 40			
	Quarter West of School Quarter					
0-5	Dark clay topsoil going to sand					
5-10	Light sand					
10-45	Yellow clay					
45-67	Yellow loam "sandy"					
67-87	Hard blue clay					
87-100	Clays					
100-150	Contains a layer of med. well washed pea rock.					
	Wasn't able to establish exact footages.					
	150' @ 2.00	300 00				
	S.D. Sales Tax	12 00				
			312 00			

ORIGINAL

Thank You

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 28", Depth See bottom chart
(2) Casing, Type Steel Diameter 16" Thickness 3/16"
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type Solenoid split, Diameter 16", Length 20'
(4) Gravel Pack, Thickness 4", Length of gravel pack entire length

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 See enclosed logs

Depth to top of water bearing material See bottom chart

Depth to bottom of water bearing material See bottom chart

Thickness of water bearing material See bottom chart

Depth to water (ground surface to water level) about 30' on all

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

☒ On same owner's property See chart rds. On property owned by others See chart 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.

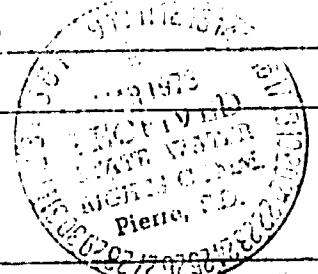
	Depth	Depth to top of material	Depth to bottom of material	Thickness of material	Distance to water in owner's	Distance to property owned by others
Well #1	150'	100'	150'	50'	80' rds	120' rds
2	120'	85'	120'	15'	90'	120'
3	103'	77'	103'	26'	120'	120'
4	80'	50'	80'	30'	110'	120'
5	88'	70'	88'	18'	80'	80'

John Vandewend
Signature of Applicant

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 Vandell W Reed Farns - John Underwood
ADDRESS Bruce South Dakota 57220
COUNTY Brookings



LEGAL DESCRIPTION

1. WELL LOCATION See map
2. LOCATION OF AREA TO BE IRRIGATED See map N²-17-11-50 E of SW⁴ of Sec 8
W² of SE⁴ Sec 18-11-50; N² of SW⁴ of Sec 19-11-50

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn & alfalfa & small grains

WATER QUALITY

5. SAMPLE NUMBER	<u>78-089</u>	<u>78-088</u>	<u>78-087</u>	<u>78-086</u>	<u>78-085</u>
6. SALINITY (EC X 10 ⁶)	<u>6.17</u>	<u>9.05</u>	<u>48.6</u>	<u>48.1</u>	<u>9.25</u>
7. SODIUM (SAR)	<u>0.33</u>	<u>0.71</u>	<u>0.25</u>	<u>0.36</u>	<u>0.11</u>
8. RESIDUAL SODIUM CARBONATE (meq/l.)	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
	<u>Adj. SAR = 0.81</u>	<u>1.87</u>	<u>0.55</u>	<u>0.67</u>	<u>0.26</u>

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.

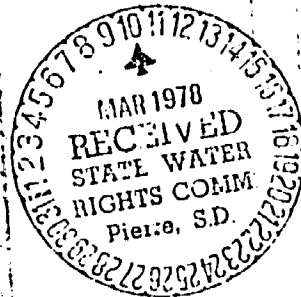
John A Underwood
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
5 DAY OF April 1978.

John A Underwood
(TITLE OR SEAL)

Alfred A. Underwood
APPROVED

(SOILS INFORMATION ON REVERSE SIDE)



- Ec - Egeland sandy loam - nearly level
- Ed - Egeland sandy loam gently sloping
- ka - Kranzberg loam nearly level
- Er - Elandrou loam steep nearly level
- Rb - Renshaw sandy loam
- va - Vienne loam nearly level
- Bb - Breckenridge silty clay loam
- Me - Hooty silt loam gently sloping
- Ma - Hooty silt loam nearly level
- vb - Vienne loam gently sloping

qj - E + S + E - cont

qj - N + W - cont

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

Submitted by: John Vando Weerd Date Rec'd February 16, 1978
 Address: Rt. 2 Sample No. 78-089
Bruce, SD 57220 Identification Well-
 Center Sec. 20, T 111N, R 50W

WATER ANALYSIS

Calcium (Ca)	87	ppm*	4.35	mc/l**
Magnesium (Mg)	31	ppm	2.54	mc/l
Sodium (Na)	14	ppm	0.61	mc/l
Potassium (K)	2	ppm	0.05	mc/l
Sulfate (SO ₄)	46	ppm	0.97	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	7	ppm	0.20	mc/l
Bicarbonate (HCO ₃)	381	ppm	6.24	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	312	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	617	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.33	Adjusted 0. 81		
Sodium	8.08	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	7.71			
Others:				

*ppm=parts per million
 **mc/l=millicequivalents per liter
 ***g.p.g.=grains per gallon



COMMENTS: Total cations 7.55 mc/l
 Total anions 7.41 mc/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 78-089

Amount Enclosed \$

Signed

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

Submitted by: John Van der Weerd
Address: Rt. 2
Pruce, SD 57220

Date Rec'd February 16, 1978
Sample No. 78-088
Identification Well-
Center Sec. 19, T 111N, R 50W

WATER ANALYSIS

Calcium (Ca)	82	ppm*	4.10	me/l**
Magnesium (Mg)	51	ppm	4.18	me/l
Sodium (Na)	33	ppm	1.44	me/l
Potassium (K)	7	ppm	0.18	me/l
Sulfate (SO ₄)	57	ppm	1.19	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	56	ppm	1.41	me/l
Bicarbonate (HCO ₃)	478	ppm	7.84	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)	392	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	905	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.71	Adjusted	1.87	
Sodium	14.55	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.43			

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 9.90 me/l
Total anions 10.44 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 78-088

Amount Enclosed \$

Signed

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57003

Submitted by: John Vando Wood Date Rec'd February 16, 1978
 Address: Rt. 2 Sample No. 78-087
Brice, SD 57220 Identification 33 Holl-
South Edge NE, Sec. 17, T. 111N, R. 50W

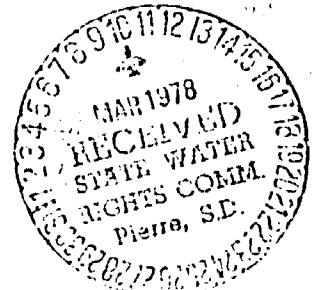
WATER ANALYSIS

Calcium (Ca)	80	ppm*	4.36	me/l**
Magnesium (Mg)	10	ppm	0.79	me/l
Sodium (Na)	9	ppm	0.39	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	43	ppm	0.89	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.18	me/l
Bicarbonate (HCO ₃)	271	ppm	4.44	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)	222	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	9	ppm (as CaCO ₃)		
Electrical Conductivity	486	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.25	Adjusted 0.55		
Sodium	7.39	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.95			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 5.28 me/l
 Total anions 5.51 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 78-087

Amount Enclosed \$

Signed

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

Submitted by: John Verde Weard
 Address: Box 2
Brookings, SD 57220

Date Rec'd: February 16, 1978
 Sample No.: 73-036
 Identification: 1 Well-
Center H&A, Sec. 17, T 111N, R 50E

WATER ANALYSIS

Calcium (Ca)	65	ppm*	3.25	me/l**
Magnesium (Mg)	23	ppm	1.89	me/l
Sodium (Na)	13	ppm	0.57	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	55	ppm	1.14	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	303	ppm	4.96	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	248	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	481	micromhos per cm at 25° C.		
Electrical Conductivity	0.36	adjusted	0.67	
Sodium Adsorption Ratio	9.81	% of cations		
Sodium	0.00	me/l		
Residual sodium carbonate	8.01			
pH				
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter

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



COMMENTS: Total cations 5.81 me/l
 Total anions 6.18 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-036

Amount Enclosed \$

Signed

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

Submitted by: John Vander Weerd
 Address: Brookings, SD 57220

Date Rec'd: February 2, 1978
 Sample No. 70-062
 Identification 1011-80
NE1, Sec. 19, T 111N, R 50W

WATER ANALYSIS

Calcium (Ca)	144	ppm*	7.20	mc/l**
Magnesium (Mg)	53	ppm	4.23	mc/l
Sodium (Na)	6	ppm	0.26	mc/l
Potassium (K)	4	ppm	0.10	mc/l
Sulfate (SO ₄)	51	ppm	1.07	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	26	ppm	0.73	mc/l
Bicarbonate (HCO ₃)	200	ppm	3.28	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	164	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	905	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.11			
Sodium	2.19	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	7.57			

*ppm=parts per million

**mc/l=milliequivalents per liter

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

COMMENTS: Total cations 11.89 mc/l
 Total anions 10.86 mc/l

By: Shirley Litten

Service performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 70-062

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water
GROUND WATER

No. 6252-3

Publish first publication, on or before March 17, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 13, 1978

Notice is hereby given that Vande Weerde Farms whose post office

address is Bruce, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 9.0 cubic feet of water per second of time from groundwater (five wells)

through the Vande Weerde Irr. Project #1, the points of diversion of which ^{are} to be located in the N $\frac{1}{2}$ Section 17; and NE $\frac{1}{4}$

of Section 19, Twp. 111N Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 3; N $\frac{1}{2}$, Section 17, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 19 all in

111N-50W

This Application No. 6252-3 will be considered by the Water Rights Commission at

The Guest House, Watertown SD upon the 20th day of March, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing, or orally at the hearing.

NOTE: The final proof of publication must be received before the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

Betty Westlund
Water Rights Specialist

cc: Vande Weerde Farms
Bruce SD 57220

Affidavit of Publication

State of South Dakota

County of Brookings

55

Dennis D. Koenders of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal No. 140

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for Two

successive week...S, to-wit:

March 17	78	19....	19....
March 24	78	19....	19....
.....		19....	19....
.....		19....	19....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Sixteen dollars and fifty-one cents

Dollars

Subscribed and sworn to before me this 24th day of

March 78 19....

Dennis D. Koenders

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires September 1, 1978

Exhibit "A"

Legal No. 140 March 17, 24
NOTICE OF HEARING
ON APPLICATION
TO APPROPRIATE WATER
Pierre, South Dakota 57501
March 13, 1978

Notice is hereby given that Vande Weede Farms whose post office address is Bruce, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-3-1 thru 46-3-8, 46-3-10 thru 46-3-22, 46-3-41, 46-3-3, 46-3-5, 46-3-6.1, 46-3-10, 46-3-14 and Commission Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 9.7 cubic feet of water per second of time from groundwater (five wells) through the Vande Weerd Irr. Project No. 1, the points of diversion of which are to be located in the NW 1/4, Section 17; and NE 1/4 of Section 19, Twp. 111N Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land: E 1/4 SW 1/4, Section 8; NW 1/4, Section 17; W 1/4 SE 1/4, Section 18, NE 1/4, Section 19 all in T111N-R50W.

This Application No. 4252-3 will be considered by the Water Rights Commission at the West House, Watertown SD upon the 18th day of March, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision, who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at a hearing.

WATER RIGHTS COMMISSION

Betty Westlund
Water Rights Specialist I



4252-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 14, 1979

TO: Holders of Deferred Applications in Brookings, Hamlin and Deuel Counties
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications in Brookings, Hamlin and Deuel Counties at 1:45 p.m. on March 28, 1979, at the Community Room of the Pierre City Hall, 222 East Dakota Ave, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were deferred by the Water Rights Commission in 1977 and 1978, pending Staff investigation. Data from the computer model are not complete at this time, the Commission Staff may recommend deferral on some of the applications until this data is obtained.

After reconsideration of the deferred applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

 **Department of
Water & Natural Resources**

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

#4252-3

March 17, 1989

John VandeWeerd
RR 2, Box 90
Bruce, SD 57220

Dear Mr. VandeWeerd:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



March 17, 1989
Van Weerd
page 2

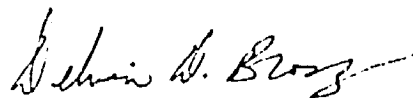
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified.

If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



Delvin D. Brosz, P.E.
Hydrologist

for JOHN HATCH, Chief Engineer
Water Rights Division



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4252-3

August 16, 1988

Vande Weerd Farms
RR 2, Box 90
Bruce, South Dakota 57220

Dear Mr. Vande Weerd:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4252-3 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 issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License 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
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

LWNR-814 8/83

 **Department of
Water & Natural Resources**

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



February 17, 1989

SECOND NOTICE

Permit No. 4252-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

John Vande Weerd
Vande Weerd Farms
RR #2 Box 90
Bruce, SD 57220

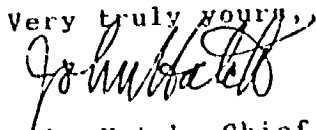
Dear Mr. Vande Weerd:

On August 16, 1988, you were notified the final inspection fee of \$50.00 is due before Water license No. 4252-3 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 \$ 0.00 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) 773-2222

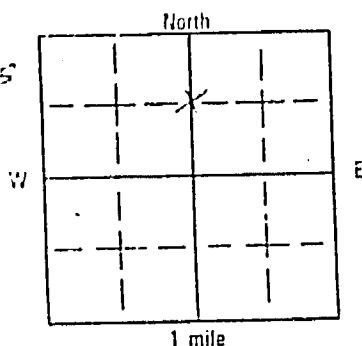


SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/4 - W 1/4 Sec. 17 Twp. 111N Rg. 50-WCounty Brookings

Please mark well location with an "X"

Well Completion Date 4-24-79

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Direct Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>55</u> LB/FT	<u>14</u> IN	<u>0'</u> FT	<u>84</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 30 FEETMaterial Johnson Hi-Q STAINLESS STEELSlot Size 100 Set From 84 Feet To 114 Feet

Slo. Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain HT-1 TabsBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

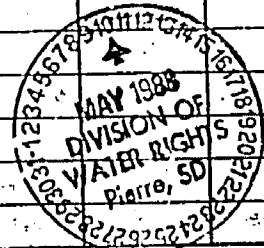
Well Owner:

Name Van der Weerd FarmsAddress Bruce, S.D.

Well Log:

Depth

Formation	From	To
Top soil	0'	2'
Yellow clay	2'	26'
Blue clay	26'	55'
grayish clay	55'	68'
gravel	68'	71'
Yellow clay	71'	78'
Sand 114' down	78'	114'
Blue clay	114'	120'

STATIC WATER LEVEL 52 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedTurbine pump☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

84 ft. After 72 Hrs. pumped 1,800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 337

And this report is true and accurate.

Drilling firm Kaiser Well Drilling

Signature of License Representative

Paul J. Kaiser

Signature of Well Owner:

Date

5-4-78

Permit No. 4252-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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 VANDE WEERD
FARMS of BRUCE, SOUTH DAKOTA holder ofPermit No. 4252-3, bearing the priority of MARCH 7, 1978 authorizingthe diversion of 9.0 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: (CHEMICALS ADDED)A 120' DEEP WELL WITH 14" STEEL CASING + 30' OF SS SCREEN
A WELLLINE PUMP; MODEL-AXN1329; 3 STAGES, 11 BH BOWL; 1400 GPM
POWERED BY A 125 HP U.S. ELECTRIC MOTOR, HOLLOW SHAFT GEAR DRIVE, TYPE-GP CAPACITY

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

1120' OF 8" UNDERGROUND PLASTIC PIPE TO NW 1/4 CP (SEE BACK)1520' OF 8" UNDERGROUND PLASTIC PIPE TO NE 1/4 CP

C. Works used to apply water to beneficial use:

BOTH LINES HAVE 5 HP CENTRIFUGAL BOOSTER PUMPS IN THEM
NW 1/4) A LINDE ZIMMATIC 7 TOWER CENTER PIVOT WITH
NELSON 100 END GUN; 1296' LONG; MODEL-S07; SERIAL # L10624
LOW PRESSURE (40-45 PSI); 750 GPM CAPACITY. (SEE BACK)The system is in the following condition GOODThe point of diversion is located 2510' E + 1285' S OF THE NW CORNER
OF SECTION 17, T11N, R50W.The works are capable of diverting and conveying to the place of use 3.12 (1400 GPM)cu. ft. per second of water, which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 17, T11N, R50W,NW 1/4 NW 1/4 - 33 ACRES NW 1/4 NE 1/4 - 33 ACRESNE 1/4 NW 1/4 - 32 ACRES NE 1/4 NE 1/4 - 33 ACRESSE 1/4 NW 1/4 - 34 ACRES SE 1/4 NE 1/4 - 34 ACRESSW 1/4 NW 1/4 - 34 ACRES SW 1/4 NE 1/4 - 34 ACREScomprising a total of 262 acres of land and the license should be issued for 12 monthsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: WE DO NOT HAVE A LOG FOR Date 7-15-88THE PRODUCTION WELL.
Well log was sent to us in May
of 1988.Thomas M. Brander
(signature)

A. WORKS USED TO DIVERT THE WATER

(CONT.) MOTOR - 1936 DRIVE RPM, 1760 PUMP RPM; I.D.#-9483-00-H-226
K090R072

THE ELECTRIC MOTOR IS NOW POWERED BY A DIESEL ENGINE
ATTACHED THROUGH A PTO.

DEUTZ DIESEL; MODEL NO. - SP III HP3; 135 HP; SPEC.#35075

C. WORKS USED TO APPLY WATER TO BENEFICIAL USE

(CONT.)

NEW PIVOT

A 7 TOWER LINDSAY ZIMMATIC CENTER PIVOT WITH NELSON 100 END64
1296' LONG; MODEL-507; SERIAL # L10782.

LOW PRESSURE (40-45 PSI); 750 GPM CAPACITY

One well for both pivots

LICENSE FOR PERMIT NUMB. R 4252-3 (NE $\frac{1}{4}$)

1. Legal location of wells: SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T11N,
R50W

dams & structures: Center Pivot: Near center of NE $\frac{1}{4}$, Sec. 17, T11N, R50W,

2. Well Information: Well Drilling Firm Kaiser

No. of wells 1 Depth 120'

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level $\approx 52'$

Pump a) make _____ Motor a) make _____
b) model _____ o) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8"
b) type Plastic (underground)
c) length 1520'

(Other information on
Report of Examination Sheet)

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:

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

1) size _____
2) type _____
3) length _____

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

- 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) PSI reading while system is running _____
- 9) GPM _____

g) Gun

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

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 (GPM) _____
- 5) PSI _____

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 lands being irrigated and lands listed on permit.

☒

2. Special Qualifications to permit being abided by.

☒

3. All Structures, wells and lands on map.

REMARKS:

The one well is used to run both center pivots. The pivots can be operated at the same time.

One well for both pivots

LICENSE FOR PERMIT NUMBER 4252-3 (NW $\frac{1}{4}$)

1. Legal location or wells: SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T11N,
R50W

dams & structures: Center Pivot: Near center of NW $\frac{1}{4}$, Section 17, T11N, R50W

2. Well Information: Well Drilling Firm Kaiser

No. of wells 1 Depth 120'

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level $\approx 52'$

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages: _____

3. Distribution lines:

a) size of lines 8"
b) type Plastic (underground)
c) length 1120'

(Other information on)
(Report of Examination Sheet)

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:

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

- 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) PSI reading while system is running _____
- 9) GPM _____

g) Gun

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

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 (GPM) _____
- 5) PSI _____

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 lands being irrigated and lands listed on permit.

✓

2. Special Qualifications to permit being abided by.

✓

3. All Structures, wells and lands on map.

REMARKS:

The one well is used to run both center pivots. The pivots can be operated at the same time.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4252-3

(1) Vande Weerd Farms of RR #2, Box 90, Bruce, South Dakota, 57220 made Application No. 4252-3, March 7, 1978 for a water permit to appropriate 9.00 cubic feet of water per second from groundwater (five wells), Brookings County, South Dakota for irrigation purposes. (Permit No. 4252-3 with a priority date of March 7, 1978 was approved March 28, 1979 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 28, 1984 and for the application to beneficial use of said water on or before March 28, 1984).

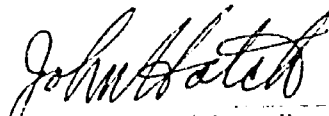
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.12 cubic feet of water per second for beneficial use. The location of the diversion point is: 2510 feet east and 1285 feet south of the NW corner of Section 17, T111N, R50W (NE1/4 NW1/4).

(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:

Section 17, T111N, R50W	NW1/4 NW1/4	33 acres
	NE1/4 NW1/4	32 acres
	SE1/4 NW1/4	34 acres
	SW1/4 NW1/4	34 acres
	NW1/4 NE1/4	33 acres
	NE1/4 NE1/4	33 acres
	SE1/4 NE1/4	34 acres
	SW1/4 NE1/4	34 acres

Total 267 acres

(4) Pursuant to Section 46-5-30.1 Vande Weerd Farms of RR #2, Box 90, Bruce, SD 57220 the holder(s) and/or owner(s) of Water Permit No. 4252-3 is issued a license to appropriate water, the right to use 2.12 cubic feet of water per second from groundwater (one well) with a priority date of March 7, 1978 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. This license is subject to any limitations or qualifications listed in Water Permit No. 4252-3 and subject to South Dakota State Law.



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

SEP 14 1989

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 16, 1950

RECEIVED OF John Vande Weerd, RR #2, Box 60, Bruno, 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. 4252-3

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 [Signature]
Chief Engineer

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

SEP 14 1989

John Vande Weerd
Vande Weerd Farms
RR #2, Box 90
Bruce, SD 57220

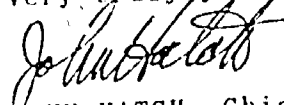
Dear Mr. Vande Weerd:

Enclosed is Water License No. 4252-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411685 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4252-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,



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

enclosures



**Department of
Water & Natural Resources**

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

February 9, 1990

VANDEWEERD FARMS
RR 2 BOX 90
BRUCE, SD 57220

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4252-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

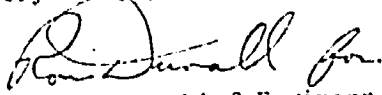
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4252-3 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

 **Department of
Water & Natural Resources**

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

February 16, 1990

4252-3

VandeWeerd Farms
% Rich Vandeweerd
RR 2, Box 322
Bruce SD 57220

Dear Mr. Vandeweerd:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 4252-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /rs

RON DUVALL
Natural Resources Engineer
Water Rights Division



February 1, 1991

JOHN VANDEWEERD
Rt. 2, BOX 332
BRUCE, SD 57220

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

4252-3

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 4252-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 4252-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) 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 procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4252-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

VANDEWEERD FARMS
RR 2 BOX 322
BRUCE SD 57220

4. Article Number
P694 057 359

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X *A. H. Van de Weerd*

6. Signature — Agent
X

7. Date of Delivery
2/2/91

B. Addressee's Address (ONLY if requested and fee paid)
RR 2, BOX 322
Bruce

PS Form 3811, Apr. 1989

U.S.G.P.O. 1589-238-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES
 Joe Foss Building
 523 East Capitol
 Pierre, South Dakota 57501-3181

February 1, 1991

VANDEWEERD FARMS
 RR 2 BOX 322
 BRUCE SD 57220

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4252-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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) 4252-3 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 6, 1991

4252-3
5303-3

John VandeWeerd
VandeWeerd Farms
RR #2 Box 332
Bruce, SD 57220

Dear Mr. VandeWeerd:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application use for Water Permit Nos. 4252-3 and 5303-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: VANDEWEERD FARMS, RICH VANDEWEERD, 46659 205TH ST, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 4252-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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 at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 4252-3 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 on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

4252-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 5/501-3182

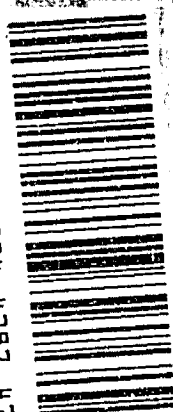
TEMP RETURN SERVICE REQUESTED

First Notice 1-17-02
Second Notice 1-22 ✓
Returned 2-1-02

RECEIVED
UNCLAIMED

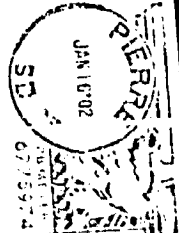
RECEIVED
UNCLAIMED

VANDEWEERD FARMS
RICH VANDEWEERD
46659 205TH ST
BRUCE SD 57220



7001 2510 0004 4797 4708

CERTIFIED MAIL



U.S. POSTAGE
\$ 3.94

RECEIVED

FEB - 4 2002

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 2002

NOTICE

TO: Rich Vandeweerd, Vandeweerd Farms, 46659 205th St., Bruce, SD 57220

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 4252-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 17th and January 22nd to pick up and sign for the certified mail.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 2002

4252-3

Rich Vandeweerd
Vandeweerd Farms
46659 205th St
Bruce, SD 57220

Dear Mr. Vandeweerd:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 4252-3.

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

If you have any questions, please contact me.

Sincerely,

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



4252-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: VANDEWEERD FARMS, RICH VANDEWEERD, 46659 205TH ST, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 4252-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 4252-3 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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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



4252-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1947

Your item was delivered at 1:56 pm on January 21, 2005 in BRUCE, SD 57220. The item was signed for by P VAMDDVEPD1.

[Shipment Details >](#)

Notification Options

- Track & Confirm by email [What is this?](#) [Go >](#)
- Request Proof of Delivery [What is this?](#) [Go >](#)



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Enter label number:

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1947

VANDEWEERD FARMS
RICH VANDEWEERD
46659 205TH ST
BRUCE SD 57220

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

halling.

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Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
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(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2005

4252-3

Rich Vandeweerd
Vandeweerd Farms
46659 205th St
Bruce SD 57220

Dear Mr. Vandeweerd:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4252-3.

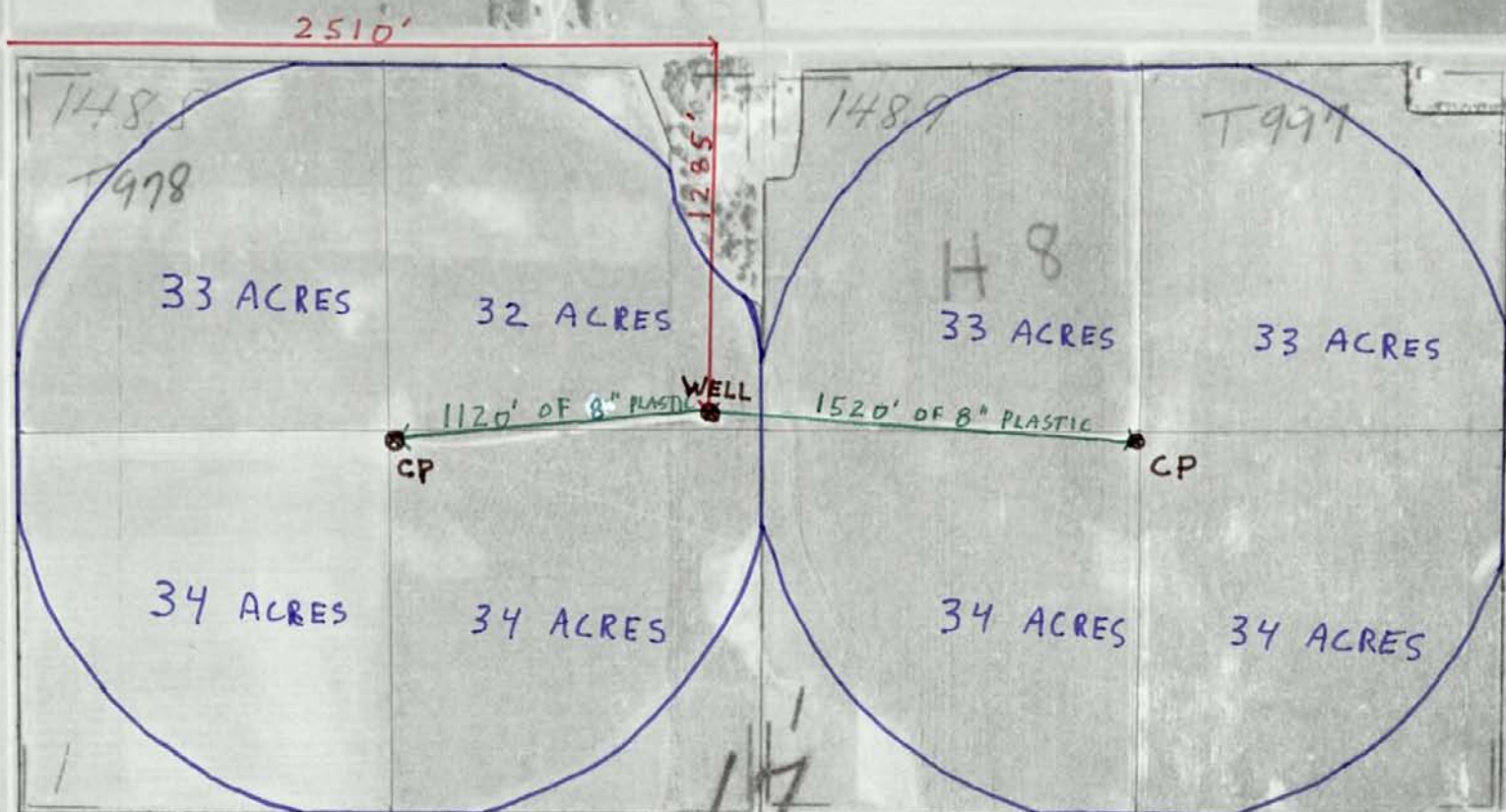
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

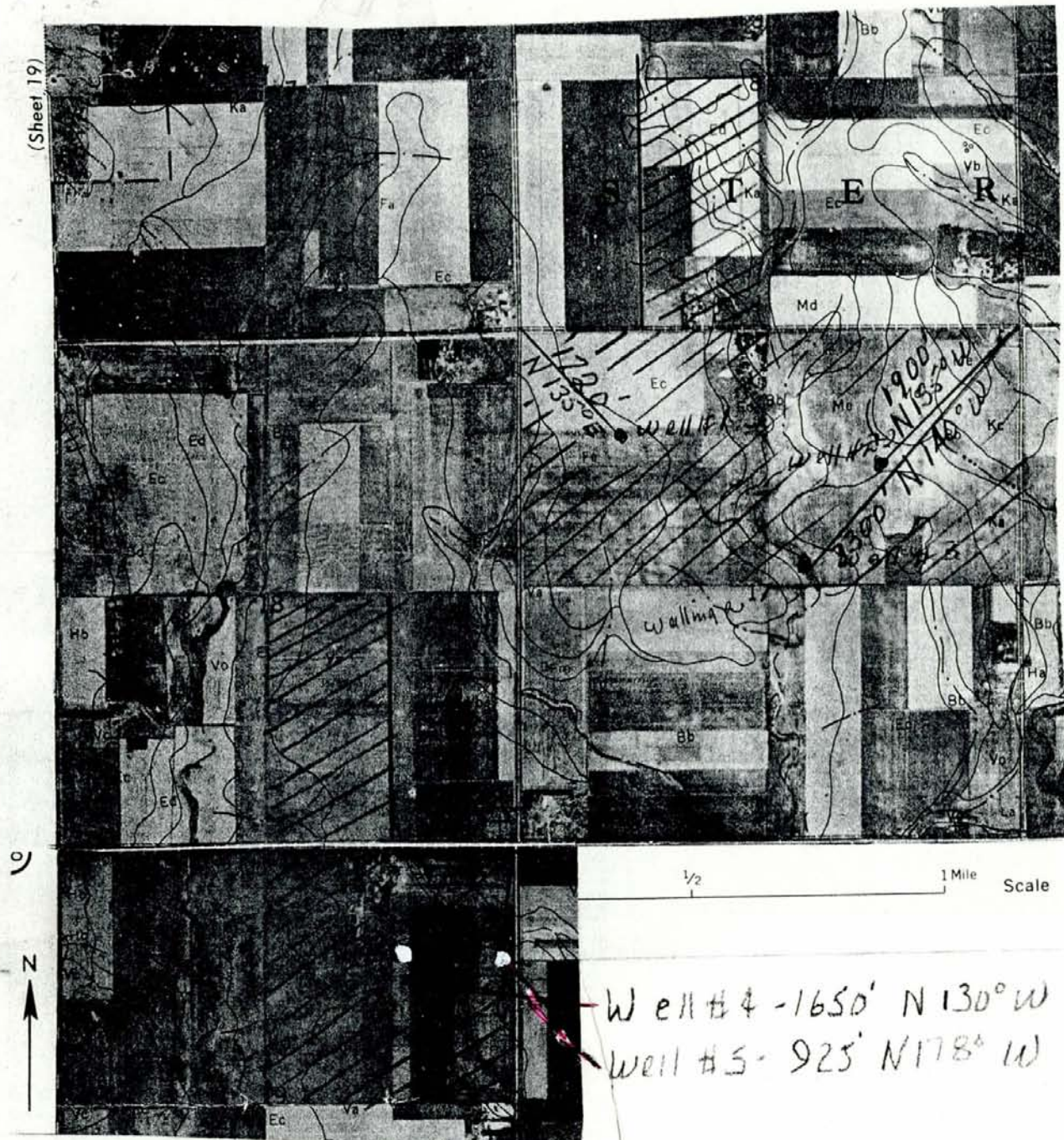
NOT TO SCALE



Thomas M. Brandon
7-15-6888

2.4252-3

(Sheet 19)



Well #1
1720' N135°E

Well #2
1900' N135°W

Well #3
3300' N140°W

Well #4 - 1650' N130°W
Well #5 - 925' N178°W

Area Irrigated -

E² of SW² Sec 8 - 111-50

N² of Sec 17 - 111-50

W² of SE² Sec 18 - 111-50

NE⁴ of Sec 19 - 111-50

Acres Irrigated - 640

Water claimed - 9.0 cfs

Vande Weerd Farms

Irrigation Project #1

Brucé S.D. 57220

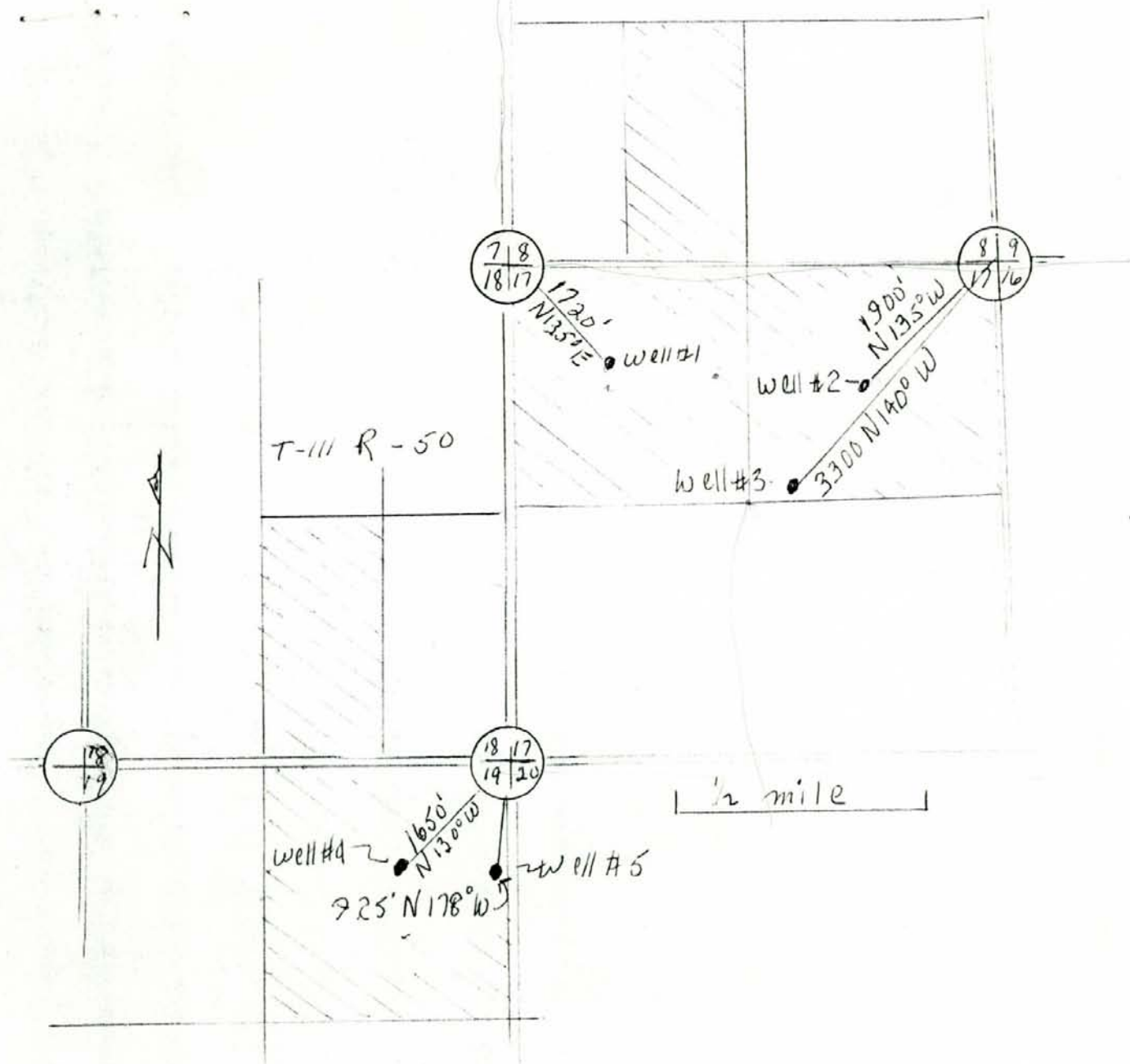
2-28-78

Central Agency

John L. Williams

~~AAAP 11-2475-3~~

Appl 4252-3



Area Irrigated

E² of Sw² Sec 8-III-50
 N² of Sec 17-III-50
 W² of SE⁴ Sec 18-III-50
 NE⁴ of Sec 19-III-50

Vandeweerd Farms

Irrigation Project # 1

Bruce S.D. 57220

Acres Irrigated - 640

Water Claimed - 9.0 cfs

2-28-78

Certified Correct

John L. Lumsden

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Rich Vande Weerd, 46659 205th St, Bruce SD 57220

DATE: November 15, 2006

TELEPHONE:

RE: ownership of Water Right No. 4252-3

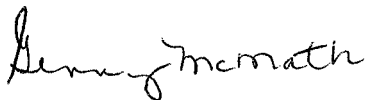
COMMENTS:

Mr. Vande Weerd called while he was reviewing the irrigation questionnaires he received. He wondered why the questionnaire for No. 4252-3 had the whole N ½ of Section 17 listed when he only owned one quarter.

A review of the water right found the license was issued for the north half and not just the quarter. He indicated he had been reporting irrigation each year for only the quarter he owned. He said the other quarter is irrigated but he assumed his brother was getting the questionnaire for that quarter.

After discussion about having his brother file an ownership change for the portion he owns and then having the water right divided to reflect separate ownership, Mr. Vande Weerd indicated he would think about it and may or may not have the water right split up. He said he could go ahead and report for both quarters since the land was irrigated using the same well.

I told Mr. Vande Weerd that I would send him a copy of the water right and map and include a "Notice of Transfer of Ownership" form and that he and his brother could decide whether or not to make the change.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 2006

4252-3

Rich Vande Weerd
46659 205th St
Bruce SD 57220

Dear Mr. Vande Weerd:

Enclosed as we discussed is a copy of Water Right No. 4252-3. I noticed that the water right is actually listed in the name of Vande Weerd Farms but we have been sending any correspondence directly to you. If you and your brother operate as "Vande Weerd Farms", perhaps it would make sense to leave the water right as it is. If you operate separately, it may be a good idea to have the water right divided and reissued to reflect separate ownership. Either way is fine.

I have included a partially completed "Notice of Transfer of Ownership" form in the event you want to have your brother transfer his portion to his name. He will need to complete the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Thank you for calling and if I can help answer questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2007

4252-3
4894-3
6682-3

Rich Vande Weerd
46720 203rd St
Bruce SD 57220-5808

Dear Mr. Vande Weerd:

Enclosed is a "Notice" dated October 19, 2007 concerning the 2007 irrigation questionnaire. The notice was originally mailed to 46659 205th St, Bruce, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



14752-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: RICH VANDE WEERD, 46720 203RD ST, BRUCE, SD 57220 5808

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4252-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4894-3 & 6682-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4894-3 & 6682-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4252-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

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

4252-13

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6357
Status: **Delivered**

Your item was delivered at 2:18 PM on January 24, 2009 in BRUCE, SD 57220. The item was signed for by R VANDEWEERD.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6357

RICH VANDE WEERD
46720 203RD ST
BRUCE SD 57220 5808

Waiver of Signature ☐ YES ☐ NOPostmark
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(See Reverse)

PS Form 153, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2009

4252-3
4894-3
6682-3

Rich Vande Weerd
46720 203rd St
Bruce SD 57220-5808

Dear Sir:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 4252-3, 4894-3, and 6682-3.

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

If you have any questions, please contact me.

Sincerely,

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

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



4252-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2015

NOTICE

TO: RICH VANDE WEERD, 46720 203RD ST, BRUCE, SD 57220 5808

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4252-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4894-3 & 6682-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4894-3 & 6682-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4252-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** 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 Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



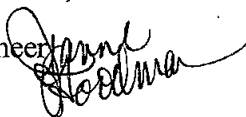
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2015

**NOTICE OF ENTRY OF ORDER OF
AMENDMENT OF WATER RIGHT AND ONE YEAR SUSPENSION OF WATER RIGHT**

TO: Rich Vande Weerd, 46720 203rd St, Bruce SD 57220 5808

FROM: Jeanne Goodman, Chief Engineer 
Water Rights Program

SUBJECT: Amendment of Water Right No. 4252-3 and One Year Suspension of Water Right No. 6682-3

On March 4, 2015, the Water Management Board took the following actions:

- Water Right No. 4252-3 was amended to add the following qualification:
"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

- **Effective April 4, 2015, Water Permit No. 7685-3 be suspended for the 2015 irrigation season for failure to submit the 2014 irrigation questionnaire.**

If the 2014 irrigation questionnaire is received prior to April 4, 2015 the suspension will not take effect.

Suspension of Water Right No. 7685-3 means water may not be pumped during the 2015 irrigation season. Consistent with the Board's order, you are not permitted to irrigate the land authorized under Water Right No. 7685-3 in 2015 unless the irrigation questionnaire is submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2014 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2015 in Pierre, SD. The letter should include your reasons for not completing the 2014 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

4252-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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March 11, 2015

6682-3
4252-3

Rich Vande Weerd
46720 203rd St
Bruce SD 57220 6808

Dear Mr. Vande Weerd:

The irrigation questionnaires for all of your water rights have been received.

On March 4th, the Water Management Board ordered Water Right No. 6682-3 be suspended if the 2014 irrigation questionnaire was not received prior to April 4, 2015. Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. **You may irrigate during the 2015 irrigation season.**

Other action taken by the Board was to amend Water Right No. 4252-3 to include the irrigation questionnaire qualification. This action was effective the day of the hearing. No action was taken on Water Permit No. 4894-3 because it had recently been licensed and incorporated into Water Right No. 6682-3.

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

Sincerely,


for Jeanne Goodman, Chief Engineer
Water Rights Program