

Considered: _____

WATER PERMIT NO. 5053-3

MAP No. Same

Name of Applicant Thomas Anderson

Post Office Address RT. 1 Box 40 Vebleu, S.D.

Amount of Water Claimed 65 acre feet Total Acres 54

Source of Water Supply Dry Draw

Water to be used for IRR County Marshall

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received 10/4-11-85

Not Received _____

APPLICATION: Approved 5-15-85 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received 2-14-85 Fee \$150.00 Remarks _____

2-14-85

Corrected Application Received _____ Period of Annual Use June 1 to Aug. 31

WATER QUALITY APPROVAL RECEIVED 3-15-85 APPROVED CONDITIONAL (Circle one)

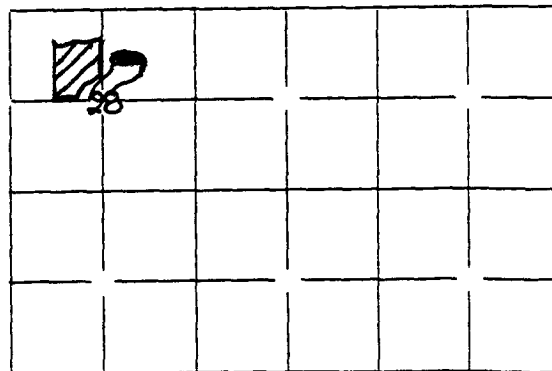
WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point NW⁴ SW⁴ NE⁴ sec. 28

T128N-R53W

Land to be Irrigated SE⁴ NW⁴ & NE⁴ NW⁴

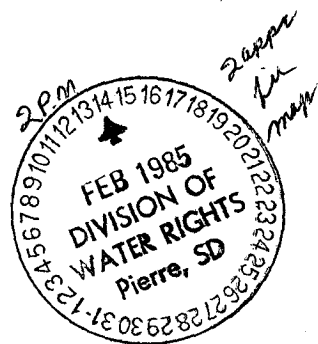
sec. 28 T128N-R53W



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Aerial PREPARED BY Thomas Anderson / Kevin C. Larson reviewed and the Number assigned on 3-15-85 By Kevin C. Larson



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

- Name of Applicant Thomas Ordean Anderson
Postoffice address Route 1, Box 40, State Veblen, South Dakota, 57270
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) contract and self construction
- Name of diversion work East Dam
- Amount of water claimed (cubic feet per second) 65 acre/ Feet
- Source of water supply Run off
- Location of point of diversion NW 1/4 of the SW 1/4 of the NE 1/4 of Sect 28
County Marshall
- Annual period or periods during which water is to be used June, July, August
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation & Livestock water
- For irrigation use, Total number of acres to be irrigated 54

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW 1/4 of the NE 1/4 of the NW 1/4 of Sect 28	10	NE 1/4 of the SE 1/4 of the NW 1/4 of S 28	10
SE 1/4 of the NE 1/4 of the NW 1/4 of S 28	10	SE 1/2 of the SE 1/4 of the NW 1/4 of S 28	5
NW 1/4 of the SE 1/4 of the NW 1/4 of S 28	10		
SW 1/4 of the SE 1/4 of the NW 1/4 of S 28	9	T.B. 128 - Rng 53	

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Britten Journal
- Principal Features of the Proposed Water Supply System.
 - Works proposed to divert water from its natural source. Dam
 - Works proposed to transport water to place of use. Pipeline
 - Works proposed to apply water to beneficial use. Gun or Tow line

Estimated Total Cost \$ 12,500

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 Marshall ss.

I, Thomas O Anderson 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 Thomas O Anderson
Subscribed and sworn to before me this 31st day of Jan. 1985

Darryl J. Lyle
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 5053-3Thomas D. Anderson

(Applicant)

RT. 1 Box 40 Neblen

(Post Office Address)

South Dakota

(State)

With the following modifications:

Approval of Permit No. 5053-3 authorizes storage of 65 acre-feet annually.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application February 14, 19 85Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved May 15, 19 85, Recorded in Book — Page —WATER RIGHT PERMIT NO. 5053-3The Water Rights Commission hereby grants and issues this Water Right Permit No. 5053-3 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 February 14, 19 85
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 15, 19 87
3. The whole of said work is to be completed on or before May 15, 19 90
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 15, 19 94
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 65 ac. Feet ~~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 isactually and beneficially applied for irrigation on or before May 15, 19 94; said water to be used during the following described annual period: JUNE 1 to August 31

JUN 24 1985

Witness my hand this — day of —, 19 —

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCHCertificate of Construction Issued —, 19 —Water License Issued —, 19 —

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) 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. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

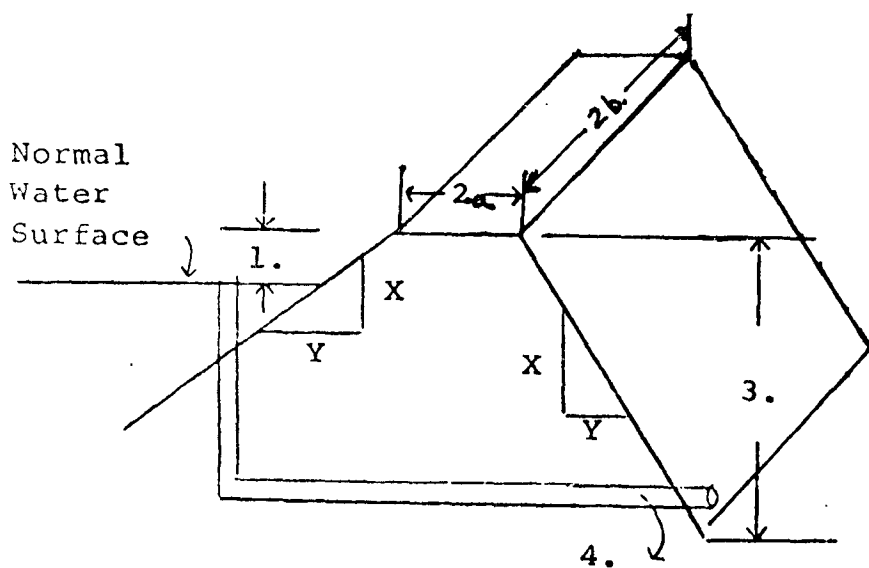
- (2) Distance to nearest existing household or livestock watering well.

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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard 4 Feet
- 2a Crest width 12' b. length 559'
3. Height of Dam 23'
4. Outlet dimensions:
- Pipe diameter _____
- Spillway width 60 Feet
- X & Y slope:
- Upstream 3:1
- Downstream 2:1
- Surface area of impoundment 8.6 acres
- Drainage area above dam 480 acres

Thomas Arden Puckett
Signature of Applicant

RECEIPT

Division of Water Rights

No 4 9949

South Dakota Department of Water and Natural Resources

Pierre, February 14, 1955

RECEIVED OF Thomas G. Andersen, Route #1, Box 40, Veblen, SD 57270

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 _____	XXXXXX	150 00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00 XXXXXX

By

Chief Engineer

W. SATON (1955)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
Division of Conservation

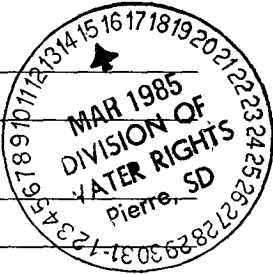
Office Use Only

WR#

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

TENANT'S NAME AND ADDRESS: _____



LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION _____
Depth _____
2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____
Diversion Location _____

Legal Description	Acres	Legal Description	Acres	Acres
SW 1/4 of the NE 1/4 of the NW 1/4 of Sect 28	10	NE 1/4 of the SE 1/4 of the NW 1/4 of S 28	10	10
SE 1/4 of the NE 1/4 of the NW 1/4 of Sect 28	10	SE 1/4 of the SE 1/4 of the NW 1/4 of S 28	5	5
NW 1/4 of the SE 1/4 of the NW 1/4 of Sect 28	10			
SW 1/4 of the SE 1/4 of the NW 1/4 of S 28	9			

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)
5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: ☒ CENTER PIVOT: _____ GUN: ☒ OTHER: _____ (Specify) _____
6. CROPS TO BE IRRIGATED: Alfalfa

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: _____	10. ADJUSTED (SAR): _____
8. SALINITY (EC X 10 ⁶): _____	11. PERCENT SODIUM _____
9. SODIUM (SAR): _____	

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____ by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 19____.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date _____

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Thomas O Anderson

OWNERS ADDRESS: Route 1 Box 40
Valley, South Dakota 57270

COUNTY LAND LOCATED IN: Marshall

PHONE: 673 8-2562

TENANT'S NAME AND ADDRESS:

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION

Depth

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Runoff water

Diversion Location: NW 1/4 of the SW 1/4 of the NE 1/4 of Section 28

Legal Description	Acres	Legal Description	Acres	Acres
<u>SW 1/4 of the NE 1/4 of the NW 1/4 of Sec 28</u>	<u>10</u>	<u>NE 1/4 of the SE 1/4 of the NW 1/4 of S 28</u>	<u>10</u>	
<u>SE 1/4 of the NE 1/4 of the NW 1/4 of Sec 28</u>	<u>10</u>	<u>SE 1/4 of the SE 1/4 of the NW 1/4 of S 28</u>	<u>5</u>	
<u>NW 1/4 of the SE 1/4 of the NW 1/4 of Sec 28</u>	<u>10</u>			
<u>SW 1/4 of the SE 1/4 of the NW 1/4 of S 28</u>	<u>9</u>	<u>All in T.D. 128 - Rng 53</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED

LEGAL DESCRIPTION: NONE

IN WHAT NAME:

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: ☒ CENTER PIVOT: GUN: ☒ OTHER: (Specify)

6. CROPS TO BE IRRIGATED: Alfalfa

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 10. ADJUSTED (SAR):
8. SALINITY (EC X 10⁶): 11. PERCENT SODIUM
9. SODIUM (SAR):

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____ by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

21st DAY OF April, 19 85

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED
DISAPPROVED
☒ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



REPORT ON WATER PERMIT NO. 5053-3

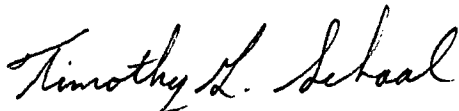
THOMAS D ANDERSON

March 27, 1985

Water Permit Application No. 5053-3 for Thomas D Anderson proposes to construct a dry draw dam location in the SW 1/4 NE 1/4 of Section 28, T128N, R53W. The proposed dam is to be 23 feet high with a crest length of 559 feet, a surface area of 8.6 acres and a storage capacity of 65 acre feet. The drainage area above the dam is 480 acres. The proposed dam will provide water for livestock purposes and irrigation of 54 acres located in the SE 1/4 NW 1/4 and the NE 1/4 NW 1/4 of Section 28, T128N, R53W.

Conclusions

1. There is unappropriated water available from spring runoff for Water Permit Application No. 5053-3.
2. The storage of 65 acre feet annually will not have an adverse effect on existing water rights or downstream dry draw dams.



TIMOTHY G SCHAAL
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

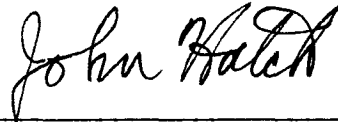
APPLICATION NO. 5053-3, Thomas O. Anderson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5053-3, Thomas O Anderson, Rt 1, Box 40, Veblen SD.

The Chief Engineer is recommending APPROVAL of Application No. 5053-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Approval of Permit No. 5053-3 authorizes storage of 65 acre-feet annually.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 28, 1985

Instruction to Newspaper - Publish first publication of the following Notice on or before April 3, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5053-3 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Thomas O. Anderson whose mailing address is
Route 1, Box 40, Veblen, South Dakota has made an application for a permit

to appropriate 65 acre feet annually to be stored in a dam to irrigate 54 acres.
The dam will be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 and the land to be irrigated is
in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28. All in T128N-R53W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5053-2 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense
Room in basement of Capitol Building, Pierre, SD May 15 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground) 46-6-3; 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 3, 1985.

No. 5053-3

PROOF OF PUBLICATION

2T(Apr. 3-10)

STATE OF SOUTH DAKOTA)
County Marshall) ss.

NOTICE OF HEARING
on Application No. 5053-3
to Appropriate Water

I, C. L. Card hereby

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

Water was taken from the Britton Journal

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

City of Britton

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

April 3, 1985

April 10, 1985

C. L. Card
(Signature)

Publisher
(Title)

4-10-85
(Date Signed)



Cost of Printing: 35⁹³

Notice is hereby given that Thomas O. Anderson whose mailing address is Route 1, Box 40, Veblen, South Dakota has made an application for a permit to appropriate 65 acre feet annually to be stored in a dam to irrigate 54 acres. The dam will be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 and the land to be irrigated is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28. All in T128N-R53W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5053-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room in basement of Capitol Building, Pierre, SD May 15, 1985 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985.

The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file

a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 3, 1985.



Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5053-3

JUN 24 1985

Thomas O. Anderson
Route #1, Box 40
Veblen, South Dakota 57270

Dear Mr. Anderson:

Enclosed herewith is your Water Permit No. 5053-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5053-3.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

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

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

March 23, 1987

THOMAS O ANDERSON
RR #1 BOX 40
VEBLEN, SD 57270

NOTICE

Re: Violation of Water Permit No(s). 5052-3, 5053-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 5052-3, 5053-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 5052-3, 5053-3 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 5052-3, 5053-3 until either the 1986 Questionnaire 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.


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

NOTE: If the questionnaire(s) is received in this office before the 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.

SOUTH Dakota Department of
Water & Natural Resources

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

April 15, 1987

5052-3

5053-

Tom Anderson
RR #1 Box 40
Veblen, SD 57270

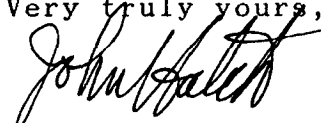
Dear Mr. Anderson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 5052-3 and 5053-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,



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

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

THOMAS O ANDERSON
RR #1 BOX 40
VEBLEN SD 57270

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 5052-3, 5053-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 5052-3, 5053-3. 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 permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 5052-3, 5053-3 qualification:

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

The hearing 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, the Water Management Board can:

1. Suspend Permit No(s) 5052-3, 5053-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 before the February 27th hearing date, you will no longer be in violation of your permit and 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

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 14, 1990

OCTOBER 1990 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

5053-3
THOMAS D ANDERSON
RR #1 BOX 40
VEBLEN
SD 57270

ML/MW

1. SURFACE WATER X GROUNDWATER _____
2. Did you irrigate during 1990? Yes _____ No X
3. Number of acres irrigated in 1990 _____
4. Has your system been constructed? Yes _____ No _____
5. Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes _____ No _____
6. If no, do you apply above chemicals by other methods? Yes _____ No _____
7. If yes, please describe under comments.

Telephone No. _____

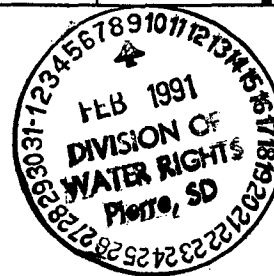
Type of Power	No. of acres Irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____
Type of System	
1. Hand moved sprinklers	_____
2. Portable booms	_____
3. Center pivots (# of)	_____
4. Gated pipes	_____
5. Sidewheels	_____
6. Towlines	_____
7. Big gun	_____
8. Siphons	_____
9. Flood	_____
10. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimated Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July									
August									
Sept.									
Oct.									
Other Months									

I have no
intension of
irrigating

Owner or address change, if any:

COMMENTS:



Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 11, 1991

5052-3
5053-3

Thomas O Anderson
RR #1 Box 40
Veblen, SD 57270

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 5052-3 and 5053-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. 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 WATER & NATURAL RESOURCES

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

March 13, 1991

NOTICE OF CANCELLATION

TO: Thomas O Anderson, RR #1 Box 40, Veblen, SD 57270

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

SUBJECT: Cancellation of Water Permit Nos. 5052-3 and 5053-3

The Water Management Board will consider cancellation of Water Permit Nos. 5052-3 and 5053-3 at 10:00 am, May 1, 1991 at Chef Louie's, 601 E Havens, Mitchell, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Permit Nos. 5052-3 and 5053-3 because the projects have not been constructed. The time limit for completion of the works, as specified on the permits, lapsed May 15, 1990.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit Nos. 5052-3 and 5053-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Permit Nos. 5052-3 and 5053-3. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 19, 1991. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting held July 24-25, 1991, in Pierre, SD. Any request for extension must be filed with the Chief Engineer by April 19, 1991.

Please note: Cancellation of these permits does not prohibit you from making a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER

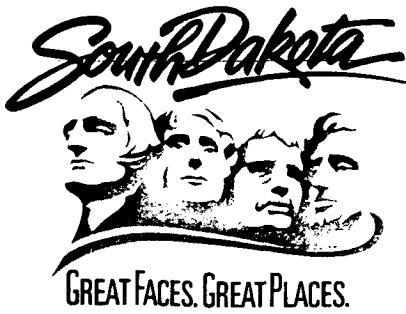
FOR WATER PERMIT NOS. 5052-3 AND 5053-3, THOMAS O ANDERSON

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Nos. 5052-3 and 5053-3.

The Chief Engineer is recommending cancellation of the above Water Permits because the projects have not been constructed.

A handwritten signature in black ink, appearing to read "Ron Duvall", is positioned above the typed name.

RON DUVAL, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
March 13, 1991



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

5052-3
5053-3

May 7, 1991

NOTICE

Thomas O Anderson
RR #1, Box 40
Veblen, SD 57270

Dear Mr. Anderson:

This will notify you that the Water Management Board cancelled your Water Permit Nos. 5052-3 and 5053-3.

This action was taken under the conditions outlined in our notice to you dated March 13, 1991.

Very truly yours,

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

Conversation or File Documentation

NAME OF PERSON OR FILE: Thomas O. AndersonADDRESS: Rt. 1 Box 40 Veblen, SD 57270 COUNTY MarshallDATE: March 31, 1992 TELEPHONE 738-2562RE: Dam constructed under Water Permit No. 5053-3

COMMENTS:

I talked to Mr. Anderson today about the dams authorized under Water Permits No. 5052-3 & 5053-3. He said the East Dam (#5053-3) was constructed in 1986, but he does not intend to irrigate from it. These Permits were cancelled in May 1991 because of non-construction. I told him I thought that since the Permits stated both Irrigation & Domestic use, Water Permit No. 5053-3 should be reissued for Domestic use only. Mr. Anderson did not seem to be concerned about this. He mentioned that he thought that since he was not irrigating from the dam that he did not need a permit. Explained to him that dams storing more than 25 Ac.-Ft. of water need permits. The East Dam is designed to be 23 ft. high and store 65 Ac.-Ft. of water.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tim Sheal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 1992

Thomas O. Anderson
Rt 1, Box 40
Veblen, SD 57270

Dear Mr. Anderson:

I am writing in reference to the phone conversation we had on March 31, 1992, concerning cancelled Water Permit No. 5053-3, and the dam you have constructed.

SDCL 46-5-8 states that no person may construct a dam across any dry-draw for any purpose, including domestic use, if the dam will impound more than 25 acre-feet of water, without first obtaining a permit from the Water Management Board.

We plan to rescind the cancellation of Water Permit No. 5053-3; however, we will need to readvertise the published Notice of Hearing. The original Notice did not include livestock water use, and since your application did, the cost of the readvertisement will be payed by us.

During our conversation, you indicated that the dam is probably storing more water then the 65 acre-feet originally applied for. If this is the case, another application will be required for the additional storage. After Water Permit No. 5053-3 is reinstated and any additional permits issued, an inspection of your project will be required for licensing purposes. A \$50.00 fee is charged for this final inspection.

I will probably be in your area within the next few weeks and would like to stop and discuss this with you. I could then also make the final inspection of your project. I will give you a call and let you know when I plan on stopping.

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
(605) 773-3352

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Thomas O. Anderson

ADDRESS: Rt. 1, Box 40 Veblin, SD 57270

COUNTY: Marshall

DATE: July 27, 1993

TELEPHONE: 738-2562

RE: Dam Inspection

COMMENTS:

On July 20, 1993, I investigated the Thomas Anderson Dam, located in the SW 1/4 NE 1/4 of Section 28-T128N-R53W, to check out the damage from the rainfall they had on the 17th. The City of Veblin requested we look at the dam. Darell Englund, the Marshall County Sheriff, accompanied me in the inspection.

Mr. Anderson added approximately 2 feet of fill to the embankment crest. The crest settled some and was also overtopped several years ago. The dam was not overtopped on the 17th. The earthcut spillway appeared in good condition; however, it was only 20 feet wide.

Talked to Mr. Anderson about Water Permit No. 5053-3 being cancelled and should be reinstated. Also talked to him about increasing his spillway.

The SCS had just looked at this dam also. Talked to Tom Martins (Britton Office) and Roy Boschee (Brooking Office), they thought the dam looked OK and also talked to Mr. Anderson about increasing the spillway.

I also talked to Chuck Baus, Veblin City Council, about the dam and told him I thought it should be classified as a Category 3, low hazard dam. The SCS agreed with this.

File in permit of other file as necessary. Use to document conversations and what the other party was told, why action or decision was made.

NAME: Timothy G. Schaal

Permit No. 5053-3
Minnesota - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Thomas O. Anderson of Rt. 1, Box 40 Veblin, SD 57270 holder of Permit No. 5053-3, bearing the priority of February 14, 1985 authorizing the storage of 65 acre-feet of the waters of Dry Draw Dam for Livestock purposes, in Marshall County.

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

A. Works used to divert the water:

Earthen Dam--24 feet high, 65 acre-feet Normal storage capacity

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

C. Works used to apply water to beneficial use:

Earthen Dam--24 feet high, 65 acre-feet Normal storage capacity

The system is in the following condition Good. The point of diversion is located 2180 ft. West & 1320 ft. South of the NE corner Section 28-T128N-R53W (SW 1/4 NE 1/4). The works are capable of storing 65 acre-feet of water which is to be used for Livestock. Water has been put to beneficial use to the maximum extent as follows:

Construction of an Earthen Dam--24 feet high, 65 acre-feet Normal storage capacity

The license should be issued for 65 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are:

Date: October 20, 1993



Timothy G. Schaal, P.E.

Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5053-3

DATE: October 20, 1993

Other permit(s) associated with the project:

**DIVERSION POINT LEGAL LOCATION: 2180 ft. West & 1320 ft. South of the
NE corner of Section 28-T128N-R53W (SW 1/4 NE 1/4)**

DAM INFORMATION:

- 1) Height to crest 24 feet
- 2) Height to primary spillway 19 feet
- 3) Height to secondary spillway 20 ft
- 4) Crest width 12 feet
- 5) Crest length 500 feet
- 6) Spillway length 250 feet
- 7) Spillway width 20 feet
- 8) Approx. storage 65 ac-ft
- 9) Approx. storage to crest 100 ac-ft
- 10) Date constructed: 1986

CHECK LIST FOR FIELD INSPECTION

Permit Number 5053-3 Date 10/20/93

Other permit(s) associated with the project _____

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.

1. Diversion point legal location: 2180 ft. West & 1320 ft. South of
NE corner Section 28-T/28N-R53W (SW1/4 NE1/4)

2. Well Information: Well Drilling Firm _____

No. of Wells _____ Depth(s) _____

- | | |
|------------------------------------|---------------------------------------|
| a) Casing 1) diameter _____ inches | b) Screen 1) type _____ |
| 2) length _____ feet | 2) length _____ feet |
| 3) type _____ | c) Pump 1) make _____ |
| d) Static Water Level _____ feet | 2) model _____ |
| e) Motor: | 3) size _____ inches |
| 1) make _____ | 4) capacity _____ GPM |
| 2) model No. _____ | 5) turbine pump - No. of stages _____ |
| 3) horsepower rating _____ | 6) operating pressure _____ PSI |

3. Distribution lines or canals:

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

4. System Type:

a) Sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____ inches
- 3) sprinkler spacing _____ feet

b) Towline:

- 1) length _____ feet
- 2) sprinkler spacing _____ feet

4. System Type (continued):

c) Siphons:

- 1) size _____ inches
- 2) number _____

e) Center pivot:

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

d) Gated pipe:

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

f) Gun:

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

5. Dam Information:

- a) height to crest 24 feet
- b) height to primary spillway 19 feet
- c) height to secondary spillway 20 feet
- d) crest width 12 feet
- e) crest length 500 feet
- f) spillway length ± 250 feet
- g) spillway width 20 feet
- h) approx. storage 65 ac-ft
- i) approx. storage to crest 100 ac-ft
- j) date constructed 1986

k) outlet tubes:

- 1) diameter N/A inches
- 2) type _____
- 3) valved _____ (Y/N)
- 4) valve type _____
- 5) location on structure _____

l) category of dam 3 (I,II,III)

m) inspection sheet completed N (Y/N)

n) name of contractor Rein Construction (Veb/In)

6. Chemigation Equipment:

- b) main line check valve _____ (Y/N)
- d) low pressure drain _____ (Y/N)
- f) interlock type _____
- g) injection pump type _____
- i) injection line check valve or positive displacement pump _____ (Y/N)
- j) all chemigation equipment appears to be installed in proper position and comply with chemigation laws and rules _____ (Y/N)
- k) comments :
- a) does chemigate _____ (Y/N)
- c) inspection port/air relief _____ (Y/N)
- e) discharge is 20' from source _____ (Y/N)
- h) injection check valve _____ (Y/N)

File No.

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: THOMAS O. ANDERSON

ADDRESS: Rt. 1, Box 40 Veblin, SD 57270 COUNTY: Marshall

DATE: October 25, 1993 TELEPHONE: 738-2562

RE: Dam Inspection

COMMENTS:

On October 20, 1993, I met with Tom Anderson and inspected his dam located in the SW 1/4 NE 1/4 of Section 28-T128N-R53W. This is the dam that had some concerns earlier this summer.

The dam looked in good condition. He had not completed any more work on it since the repairs he made this summer (adding fill to embankment crest).

We looked at a site on the east side of the reservoir that would function as a secondary spillway. Mr. Anderson has removed some dirt from this area and said he would make a more functional spillway in this area 1 foot higher than the existing spillway.

With the additional fill added this summer, the embankment height should be 24 feet, 19 feet to the primary spillway, and 20 feet to the secondary spillway.

Anderson Dam Area Capacity Data

Normal--19 feet x 8.6 acres x 0.4= 65 acre-feet

Maximum--24 feet x 10 acres x 0.4= 100 acre-feet

File in permit of other file as necessary. Use to document conversations and what the other party was told, why action or decision was made.

NAME: Timothy G. Schaal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1993

Thomas O. Anderson
Rt. 1, Box 40
Veblen, SD 57270

Dear Mr. Anderson:

Enclosed is some information on culverts and accessories. The information may be somewhat outdated (1982); however, it should give you some idea of costs.

I reworked my calculations for the storage capacity of your dam and came up with 65 acre-feet as originally described on Water Permit No. 5053-3. I originally thought if you needed another permit for additional storage, you could correct that with the installation of a culvert. This would also increase your spillway capacity. However, if we reinstate Water Permit No. 5053-3 for 65 acre-feet of storage you probably won't need the culvert. I think the spillway on the east side of the reservoir, as we discussed the other day, will be your best bet.

We will be sending you the information on reinstating Water Permit No. 5053-3 soon.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Division

Enc.



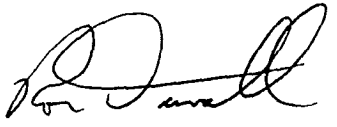
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1994

NOTICE OF CANCELLATION

TO: Thomas O Anderson, RR #1 Box 40, Veblen, SD 57270

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

SUBJECT: Request for Water Management Board to Rescind
Cancellation of Water Permit No. 5053-3

The Water Management Board will consider rescinding action to cancel Water Permit No. 5053-3 at 10:00 am, on April 6, 1994, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

Water Permit No. 5053-3 was canceled by the Water Management Board May 1, 1991, based upon an irrigation questionnaire which stated the system had not been constructed.

The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9, 46-2-11 and 46-2-17. After all the evidence is taken at the hearing, the Board may issue a decision to **1) rescind the cancellation, 2) defer action or 3) take no action.** The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

Prior to March 25, 1994, contact the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed action; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

cc: Diane Best, Assistant Attorney General



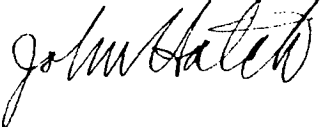
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 11, 1994

NOTICE

TO: Thomas O Anderson, RR #1 Box 40, Veblen, SD 57270

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

SUBJECT: Water Permit No. 5053-3

On April 6, 1994, the Water Management Board adopted a motion to RESCIND the May 1, 1991 cancellation of Water Permit No. 5053-3. This action reinstates the permit.

On October 20, 1993, a field inspection was made of the storage dam for licensing purposes. The inspection found the dam capable of storing 65 acre feet of water being used for livestock watering purposes. Prior to licensing the permit, it will need to be readvertised to specify the use of the dam is for livestock watering purposes.

The original application specified "irrigation and livestock watering use", but the original notice only stated irrigation. In order for the permit and subsequent license to be free from legal entanglements, it will need to be readvertised. The cost of the advertising will be paid for by the Division of Water Rights.

If you have any questions concerning the action taken by Water Management Board or with the pending readvertisement and licensing, please contact us.

CERTIFICATION

I hereby certify that on April 12, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 11, 1994, regarding Rescission of the May 1, 1991, cancellation of Water Permit No. 5053-3, addressed as stated below:

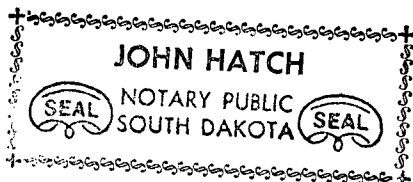
Thomas O. Anderson, RR 1, Box 40, Veblen, SD 57270.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of April, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

REPORT ON WATER PERMIT NO. 5053-3
THOMAS O. ANDERSON
October 5, 1995

Water Permit No. 5053-3 authorizes a 65 acre-feet storage dam located in the SW 1/4 NE 1/4 Section 28 to irrigate 54 acres located in the E 1/2 NW 1/4 Section 28; all in T128N-R53W. Readvertisement of Water Permit No. 5053-3 is necessary to correct the water use prior to issuance of the water license. The original application specified irrigation and livestock watering use and was incorrectly advertised April 3 and 10, 1985 in the Britton Journal for irrigation only. An inspection of the permit found the 65 acre-feet storage dam constructed with no development of the irrigation portion of the permit. The storage dam is for livestock watering use only. This readvertisement does not authorize any increase in the developed water appropriation.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 5053-3.
2. This readvertisement is necessary to correct the water use prior to issuance of the water license. The correct water use was identified on the permit application.
3. Permit No. 5053-3 is for livestock watering use.


Eric Gronlund
Natural Resources Engineer


Ron Duvall
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 5053-3, Thomas O. Anderson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 5053-3, Thomas O. Anderson, RR 1, Box 40, Veblen, SD 57270

The Chief Engineer is recommending APPROVAL of readvertised Application No. 5053-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Water Permit No. 5053-3 authorizes storage of 65 acre feet of water annually.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 5, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 12, 1995

Thomas O Anderson
RR 1, Box 40
Veblen SD 57270

Dear Mr. Anderson:

The original notice of hearing for Water Permit No. 5053-3 was published for an incorrect water use. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Britton Journal printed at Britton SD (Ph # 605 448-2281). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



October 12, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

The Britton Journal
Box 69
Britton, SD 57430-0069

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 5053-3 to be published twice. Please publish the first notice on October 25, 1995, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

READVERTISEMENT OF NOTICE OF HEARING ON APPLICATION NO. 5053-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 5053-3 held by Thomas O. Anderson, RR 1, Box 40, Veblen, SD 57270. The water permit was originally applied for on February 14, 1985. Water Permit No. 5053-3 authorizes a 65 acre-feet storage dam located in the SW 1/4 NE 1/4 Section 28 to irrigate 54 acres located in the E 1/2 NW 1/4 Section 28; all in T128N-R53W. Readvertisement of Water Permit No. 5053-3 is necessary to correct the water use. The original application specified irrigation and livestock watering use and was incorrectly advertised April 3 and 10, 1985, in the Britton Journal for irrigation only. An inspection of the permit found the 65 acre-feet storage dam constructed with no development of the irrigation portion of the permit. The storage dam is for livestock watering use only. This readvertisement does not authorize any increase in the developed water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 5053-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 13, 1995.

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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Marshall) SS

I, C. L. Card

certify that the attached printed Notice was

taken from the Britton
Journal

printed and published in City of Britton

County of Marshall and State of

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

Oct. 25, 1995

Nov. 1, 1995

Cost of Printing: \$ 37.58

C. L. Card
(Signature)

published
(Title)

11/1/95

(Date Signed)

2T(Oct. 25-Nov. 1)

**READVERTISEMENT OF NOTICE
OF HEARING ON APPLICATION
NO. 5053-3 to Appropriate Water**

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1995

5053-3

Thomas O. Anderson
Rt 1, Box 40
Veblen, SD 57270

Dear Mr. Anderson:

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. 5053-3, 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.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

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,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1996

SECOND NOTICE
Permit No. 5053-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Thomas O. Anderson
Rt 1, Box 40
Veblen, SD 57270

Dear Mr. Anderson:

On November 21, 1995, you were notified the final inspection fee of \$50.00 is due before Water License No. 5053-3 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.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

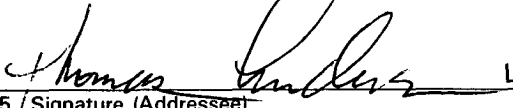
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 5053-3

Thomas O. Anderson
Rt 1, Box 40
Veblen, SD 57270

 L
5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

Z 161 984 013

4b. Service Type

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

7. Date of Delivery

2-17-96

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

RECEIPT

414826

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 1, 19 96

RECEIVED OF Thomas O. Anderson, Rt 1, Box 40, Veblen, SD 57270

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. <u>5053-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

5053-3

Thomas O. Anderson
Rt 1, Box 40
Veblen, SD 57270

Dear Mr. Anderson:

Enclosed is Water License No. 5053-3 and Receipt No. 414826 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5053-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5053-3

(1) Thomas O. Anderson, RR 1, Box 40, Veblen SD 57270 made Application No. 5053-3, February 14, 1985 for a water permit to store 65 acre feet of water annually from surface water runoff, Marshall County, South Dakota for irrigation purposes. Permit No. 5053-3, with a priority date of February 14, 1985 was approved May 15, 1985 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 15, 1990 and for the application to beneficial use of said water on or before May 15, 1994.

The permit was readvertised October 25 and November 1, 1995 to correct an error in the water use. The original application specified irrigation and livestock watering use and was incorrectly advertised as irrigation use only. The irrigation portion of the permit was not developed. The readvertisement of the original notice of hearing did not authorize any increase in the developed water appropriation.

(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 store 65 acre feet of water annually for beneficial use. The location of the diversion point is 2180 feet west and 1320 feet south of the northeast corner of Section 28-T128N-R53W (SW 1/4 NE 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thomas O. Anderson, Rt 1, Box 40 Veblen SD 57270 the holder and/or owner of Water Permit No. 5053-3 is issued a license to store 65 acre-feet of water annually from runoff with a priority date of February 14, 1985 from the location specified in (2) of this license. The water is used for the purpose of year round livestock watering. This license is subject to any limitations or qualifications listed in Water Permit No. 5053-3 and subject to South Dakota State Law.



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

APR 4 1996

date



SD-CONS-31A
5/75

SOIL MAP

Owner Tom Anderson Operator Tom Anderson

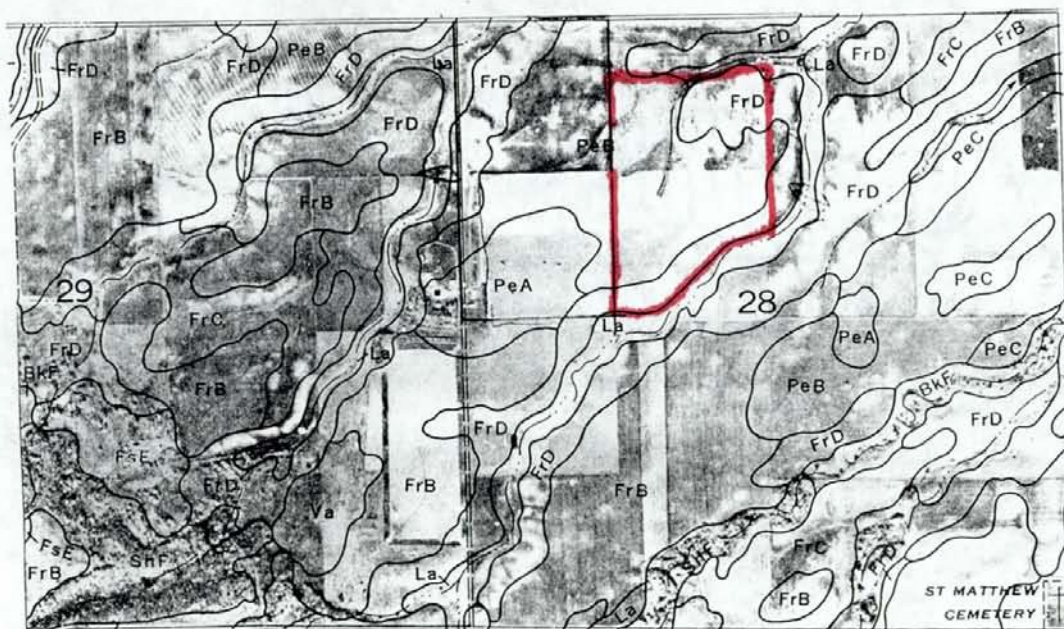
County Marshall State South Dakota

Soil survey sheet(s) or code No.(s) 24 Approximate scale 1" = 3.2 mi.

N

Prepared by U.S. Department of Agriculture, Soil Conservation

Service cooperating with Marshall County Conservation District



T. 128N - R. 53W

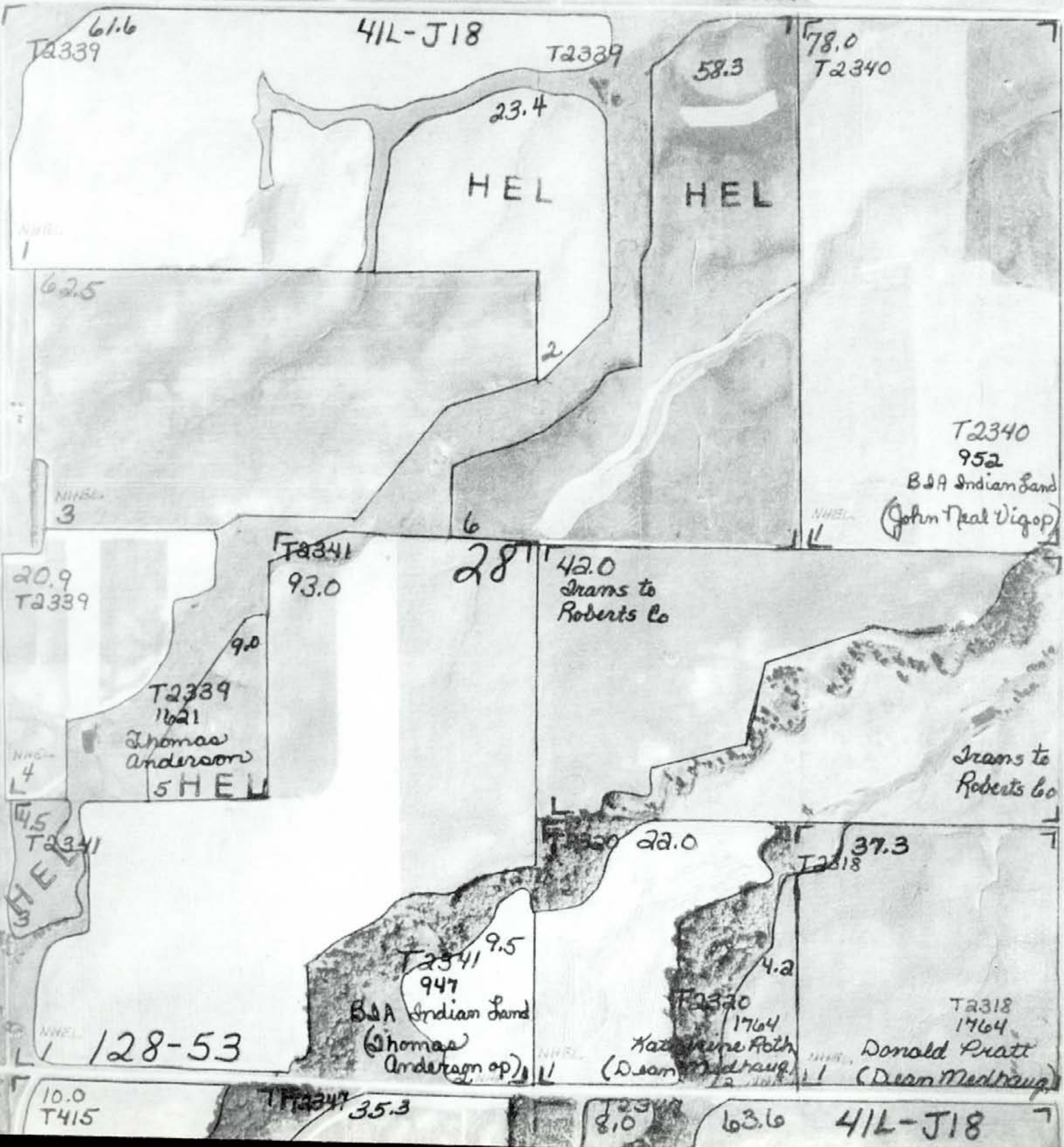
SOIL MAP LEGEND

- PeA** - Capability unit IIIs-1: This soil is nearly level, well-drained, loamy that formed in clay loam glacial till. The surface layer is dark-gray clay loam about 8" thick, and the subsoil is clay loam about 16" thick. Fertility is medium or high. It takes in water slowly. Available water capacity is moderate or high, but the subsoil releases moisture slowly to plants. The soil is suited to all crops commonly grown in Marshall County.
- PeB** - Capability unit IIIe-3: This soil is gently sloping, well-drained, loamy that formed in clay loam glacial till. This peever soil takes water slowly, and the subsoil releases moisture slowly to plants. Runoff is medium, and the hazard or erosion is moderate. This soil is suited to all crops commonly grown in Marshall County.
- FrD** - IVe-1: The Forman series consists of well-drained soils that formed in glacial till of calcareous clay loam. The surface layer is dark-gray loam about 8" thick, and the subsoil is about 12" thick. Fertility is medium or high. Available water capacity is high. Permeability is moderate in the surface layer and subsoil and moderately slow in the underlying material.

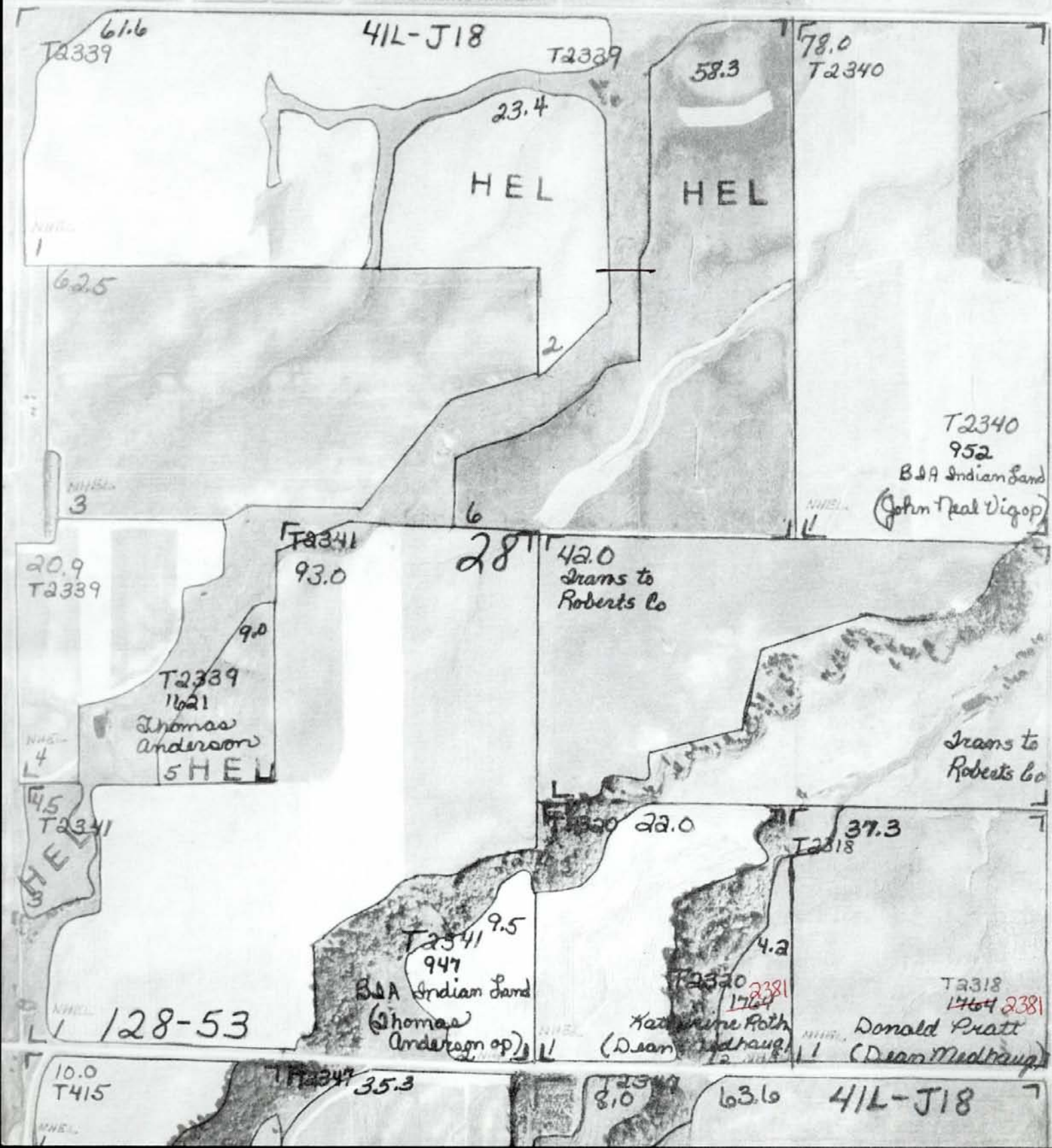
5053-3



NOT TO SCALE



NOT TO SCALE





2A

2180'

Anderson
Dam

SW 1/4 NE 1/4

Sec. 28
T128N-R53W

Timothy H. Schaal
Oct 20, 1993

5053-3

NOT TO SCALE

84

