

Considered: _____

WATER PERMIT NO. 5078-3

MAP No. Same

Name of Applicant Blaine Beavers

Post Office Address RR #1, Box 158 Jefferson

Amount of Water Claimed 0.90 cfs Total Acres 46.0

Source of Water Supply Groundwater - 1 well

Water to be used for IRR County Union

About 5 miles S of Jefferson

PROOF OF PUBLICATION: Received 1st 2-3-86 Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 9-11-85 Fee \$150.00 Remarks _____

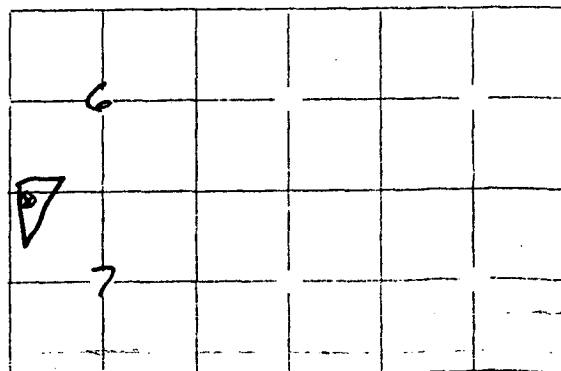
Corrected Application Received _____ Period of Annual Use May 1 to Oct. 31

WATER QUALITY APPROVAL RECEIVED 1-14-86 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS WI-1 received 11-18-85 was incorrect. Will be reconsidered 1-9-86. Preliminary sheet enclosed

Diversion Point NW4 NW4 sec. 7 T89N-R48W

Land to be Irrigated S2 SW4 sec 6 & W2 NW4, NE NW4 sec. 7 T89N-R48W



Well Log: Driller S.P.S. Inc. Licensed YES X NO _____

Depth of Well 91 feet REMARKS _____

Type of Map Aerial Photo PREPARED BY L.E. DeSmet Reviewed and the Number

assigned on 11-19-85 By K.C. Larson

No. 5078-3 Hydrologic Unit 10170101
 Map No. Same Basin Missouri
 Newspaper Elk Point Leader Courier Box 310 (Thurs)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following;

New ☒ Vested Right ☐ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Blaine Beavers Phone No. 605-232-4539Post Office Address RR #1, Box 158 Jefferson SD 57038
(Street, RR or Box) State Zip Code2. Amount of water claimed (c.f.s.) 0.9 Total acres irrigated 46
Groundwater - 1 well

3. Source of Water supply _____

4. Location of point of diversion NW 1/4 NW 1/4 Section 7, T89N, R48W_____ County Union5. Counties where water will be used same6. Annual period during which water is to be used May 1 thru October 31

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

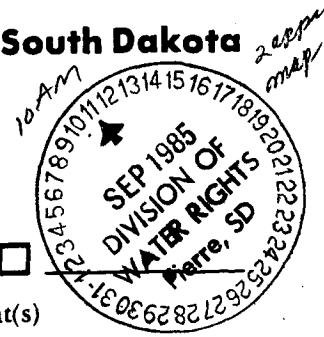
Land Description	No. Acres Irr.
SW 1/4 SW 1/4 Sec 6, T89N, R48W	3
SE 1/4 SW 1/4 Sec 6 "	3
NW 1/4 NW 1/4 Sec 7 "	25
NE 1/4 NW 1/4 Sec 7 "	5

Land Description	No. Acres Irr.
SW 1/4 NW 1/4 Sec 7, T89N, R48W	10
TOTAL 46 acres	

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Union ssI, Blaine Beavers the applicant, certify that I have read the foregoing application, 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 Blaine BeaversSubscribed and sworn to before me this 10 day of September 19 85Gary L. Leaman
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5078-3
Blaine Beavers RR 1, Box 158, Jefferson
(Applicant) (Post Office Address)
SD 57038 With the following qualifications.
(State) (Zip Code)

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

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

That approval of this permit reduces the cubic feet per second from the 0.9 cfs requested to 0.65 cfs, the maximum allowed by SDCL 46-5-6 to irrigate 46 acres.

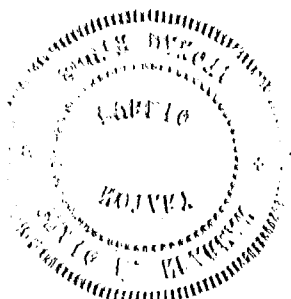
Date of first receipt of application August 15, 1985.
 Date of return to applicant for correction, amendments or changes required September 4, 1985.
 Date of receipt of corrected application Sept. 11, 1985. Approved March 5, 1986.

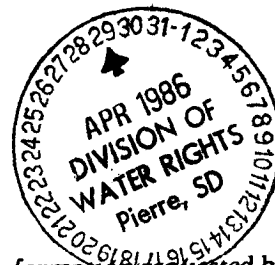
The Water Management Board hereby approves this Water Permit No. 5078-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

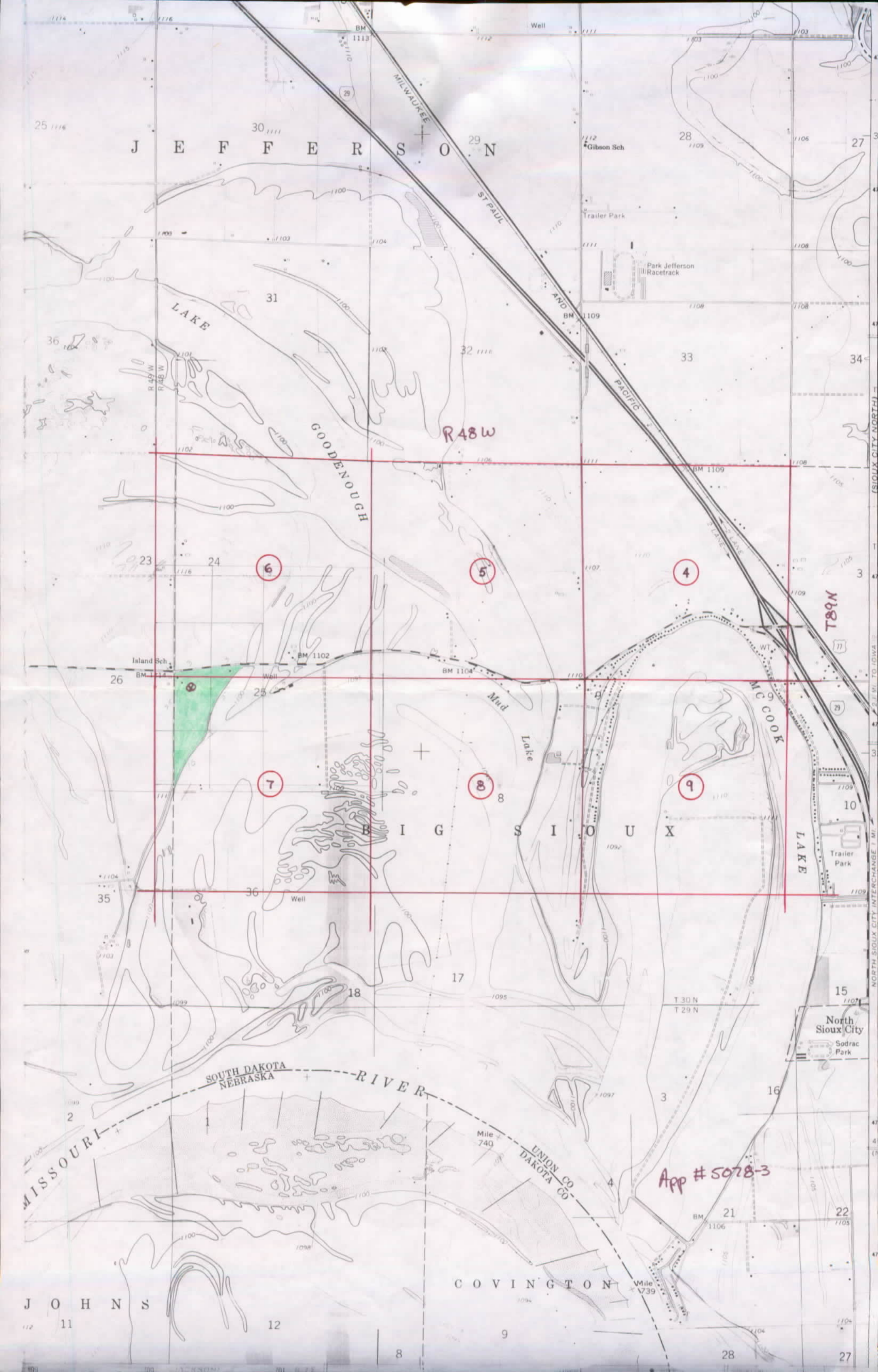
1. The date from which applicant may claim right is August 15, 1985.
2. One-fifth of the work is to be completed on or before August 5, 1988.
3. The whole of said work is to be completed on or before March 5, 1991.
4. The time limit for proof of beneficial use of water is March 5, 1995.
5. The water 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .65 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. For irrigation purposes said appropriation must be limited to not more than 2 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 5, 1995; said water to be used during the following described annual period: May 1 - Oct 31.

WATER MANAGEMENT BOARD

By: John Hall
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
APR 22 1986, 1986







S.P.S., INC.
DRILLER'S LOG OF WELL

Location of Well: $\frac{1}{4}$, $\frac{1}{4}$, Sec. ,
Twp., , Range .

Owner BLAINE BEAVERS

Date JULY 5, 1985

Purpose IRRIGATION

LOG

0' - 18' Top Soil	53' - 60' Sand & Gravel
18' - 23' Gravel	60' - 80' Gravel
23' - 35' Blue Clay	80' - 84' Blue Clay mixed
35' - 39' Blue Clay	84' - 91' ^{w/Gravel & Coal} Gravel
^{w/gravel}	
39' - 42' Gravel	91' - Rock
42' - 50' Sand	
50' - 53' Coal, Blue Clay	*****
& Gravel	
39 ft. 16 in.	Transite screen
52 ft. 16 in.	Transite plain

Gravel Pack West Point & Higman

Slush Pit S & H

Pump Base x

DRILLER AG SUPPLY by Rex Seitzinger



CONSERVATION COMMISSION INFORMATION FORM

DATE: January 9, 1985

Page 1 - Approved with Requirements

NAME: Blaine Beavers
ADDRESS: RR 1, Box 158
ADDRESS: Jefferson, SD 57038
COUNTY: Union

Water Quality: SAMPLE #: 85-0760
SALINITY: 850
SAR: 1.14
SODIUM: 20.74
ADJ SAR: 3.06

LEGAL DESCRIPTION: W1/2 NW1/4 7; NE1/4 NW1/4 7; S1/2 SW1/4 6-89-48 = 46

APPLICATION #: 4162
TYPE OF IRRIGATION: Gun

GROUND

REQUIREMENTS

The soils of Albaton and Modale have very slow water intake rates and may raise or develop water tables under irrigation. For these reasons a form of artificial drainage will be required i.e. tile drainage.

MANAGEMENT RECOMMENDATIONS

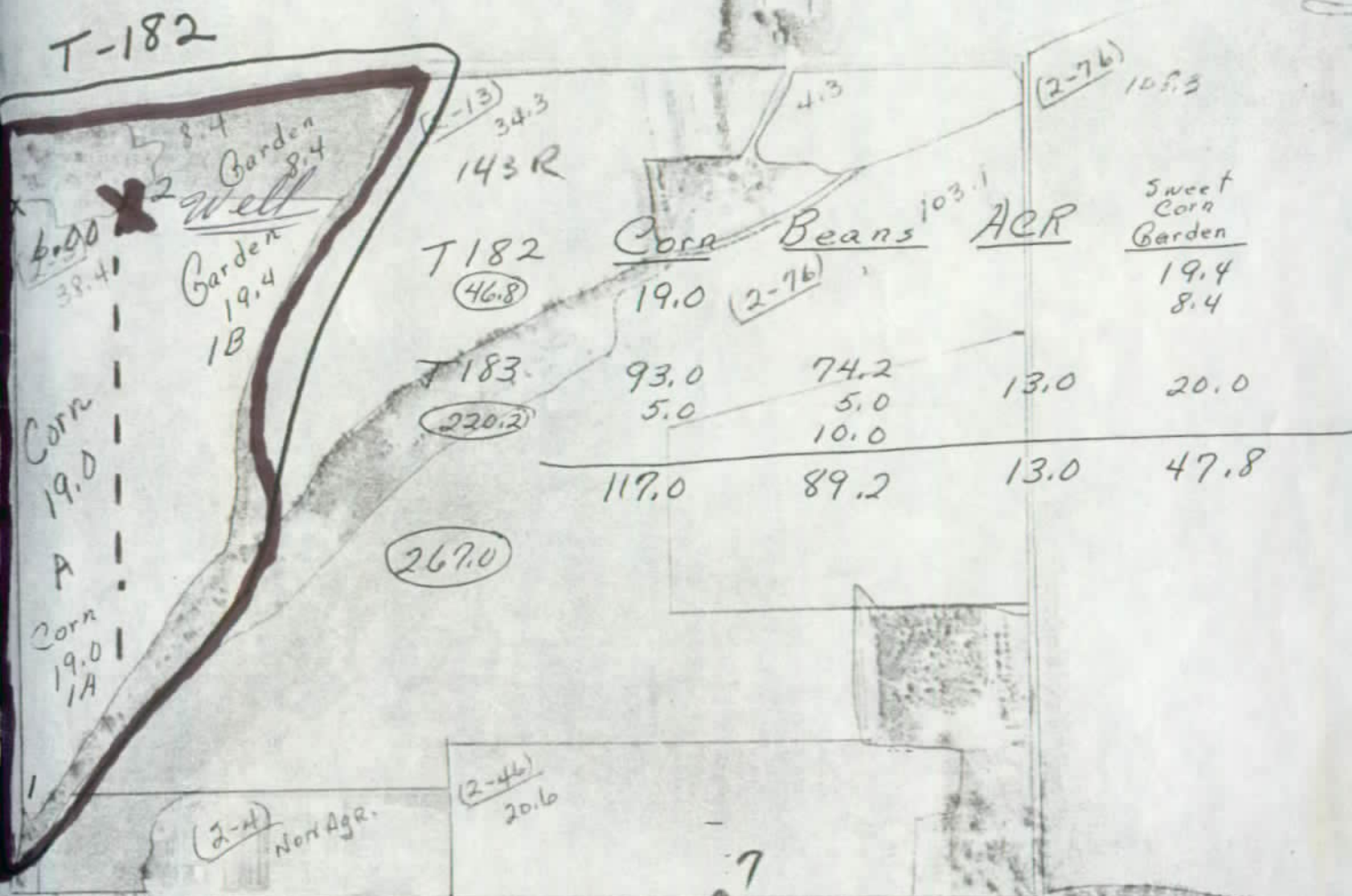
We recommend that you incorporate the crop residue to improve the water intake rate of the soils at the surface.

We also feel that we should advise you that a big gun typically applies high volume water, and that without special management, there will be runoff and ponding problems.

TYPE OF PERMIT GRANTED AND REASON

The Approved with Requirements recommendation is based on the clay contents and water intakes the area mapped as Albaton (Ac) and Modale (Mb).

NOT TO SCALE



Prepared by
L. E. De Smet
Virgin Co agent
July 22-1985

APP #5078-3

89-48
143R

RECEIPT

Division of Water Rights

No 4 10155

South Dakota Department of Water and Natural Resources

Pierre, August 16, 1985

RECEIVED OF Blaine/Beatrice Beavers, RR#1, Box 58, Jefferson, SD 57038

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 _____	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

By John Hatch
Chief Engineer

JOHN HATCH/ms

Water Rights Division
605 773-3352

September 4, 1985

Blaine Beavers
RR 1, Box 158
Jefferson SD 57038

Mr. Beavers:

Thank you for your water permit application to irrigate 46 acres. I have had the information typed on our new forms and am returning to you for signature and notarization. I am also sending a map along for you to review. In your area there are two separate surveys which overlap due to the change in the Missouri River channel. It is very confusing when you try to describe a particular parcel of land. I believe the correct legal description for your project should be:

40 acres NW 1/4 Section 7, T89N, R48W
6 acres SW 1/4 Section 6, T89N, R48W

These descriptions correspond to the South Dakota survey. If this looks correct to you we will add it to your application when you return it to us. Upon receipt of the map, two copies of Form 2 and an approved Soil/Water Compatibility permit from the Dept. of Agriculture we will continue processing your application. If you have any further questions, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosure

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Blaine Beavers OWNERS ADDRESS: RR 1, Box 158
Jefferson, SD 57038
COUNTY LAND LOCATED IN: Union PHONE: (605) 232-4539
TENANT'S NAME AND ADDRESS: _____

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

1. WELL LOCATION NW 1/4 NW 1/4 7-89-48
Depth 21 feet
2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____
Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>W1/2 NW1/4 7-89-48</u>	<u>35</u>		
<u>NE1/4 NW1/4 ~~7-89-48~~</u>	<u>5</u>		
<u>SW4 6-89-48</u>	<u>6</u>		

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)**
OTHER: _____
5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: XX (Specify)
6. CROPS TO BE IRRIGATED: Garden Corn, Beans, Alfalfa

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	
7. WATER SAMPLE NUMBER: <u>85-0760</u>	10. ADJUSTED (SAR): <u>3.06</u>
8. SALINITY (EC X 10 ⁶): <u>850</u>	11. PERCENT SODIUM <u>20.74</u>
9. SODIUM (SAR): <u>1.14</u>	

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

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

11th DAY OF October, 1984

(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 in the Department of Agriculture, with the County Register of Deeds.

Approved with Requirements

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Blaine Beavers

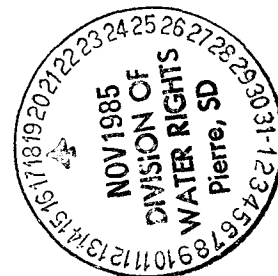
LEGAL DESCRIPTION: W1/2 NE1/4 7-89-48
NW1/4 NW1/4 NE1/4 7-89-48SOIL REQUIREMENTS:

The soils of Albaton and Modale have very slow water intake rates and may raise or develop water tables under irrigation. For these reasons a form of artificial drainage will be required i.e. tile drainage.

RECOMMENDED MANAGEMENT:

We recommend that you incorporate the crop residue to improve the water intake rate of the soils at the surface.

We also feel that we should advise you that a big gun typically applies high volume water, and that with out special management, there will be runoff and ponding problems.



Tom M. Gyle
SIGNATURE
11-14-85
DATE



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 27, 1985

Blaine Beavers
RR 1, Box 158
Jefferson SD 57038

Mr. Beavers:

After reviewing the approved WI-1 we received, I found that the legal descriptions listed do not agree with the water permit application. Before we can advertise a new water permit application both permits must agree. I have completed a WI-1 with the same legal descriptions as the water permit. The next Conservation Commission meeting is scheduled for January 9, 1986. If they approve the revised WI-1 there will still be time to complete processing of your water permit application for the March Water Management Board meeting. The March, 1986 meeting is the next time the Board can consider new applications. Even if the WI-1 was correct we would not have been able to consider it before March. If you have any questions, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KL:ks

enclosure

cc: Division of Conservation

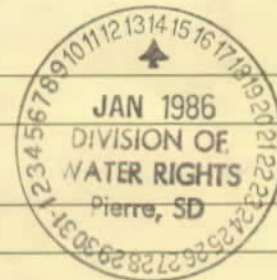
SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: BLAINE BEAVERS OWNERS ADDRESS: RR 1, Box 158
Jefferson, S.D. 57038
COUNTY LAND LOCATED IN: UNION PHONE: 605-232-4539
TENANT'S NAME AND ADDRESS: _____



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

1. WELL LOCATION NW 1/4 NW 1/4 sec. 7 T89N R46E
Depth 91 feet
2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____
Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>W 1/2 NW 1/4 sec. 7-89-48</u>	<u>35</u>		
<u>NE 1/4 NW 1/4 sec. 7-89-48</u>	<u>5</u>		
<u>S 1/2 SW 1/4 sec. 6-89-48</u>	<u>6</u>		

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: XX (Specify) _____

6. CROPS TO BE IRRIGATED: Garden Corn, Beans, Alfalfa

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

7. WATER SAMPLE NUMBER: 85-0760 10. ADJUSTED (SAR): 3.06
8. SALINITY (EC X 10⁶): 850 11. PERCENT SODIUM 20.74
9. SODIUM (SAR): 1.14

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 8 a.m./p.m., on Aug. 14, 1985, at the following location: same as above 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

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 December, 19 85

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

XX 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.

Approved with Requirements

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Blaine Beavers

LEGAL DESCRIPTION: W1/2 NW1/4 7; NE1/4 NW1/4 7; S1/2 SW1/4 6-89-48 - 46

SOIL REQUIREMENTS:

The soils of Albaton and Modale have very slow water intake rates and may raise or develop water tables under irrigation. For these reasons a form of artificial drainage will be required i.e. tile drainage.

RECOMMENDED MANAGEMENT:

We recommend that you incorporate the crop residue to improve the water intake rate of the soils at the surface.

We also feel that we should advise you that a big gun typically applies high volume water, and that without special management, there will be runoff and ponding problems.

— .65 RDSignature
*Jack M. Hill*DATE
1-10-80

REPORT ON APPLICATION No. 5078-3

BLAINE BEAVERS

January 14, 1986

Application No. 5078-3 proposes to appropriate 0.90 cubic feet per second from one well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T89N, R48W. The water is to be used to irrigate 46 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6 and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T89N, R48W.

Aquifer - Missouri Aquifer

The Missouri Aquifer is a basal, alluvium mantled, glacial outwash approximately 50 to 100 feet thick. Located in the Central Lowlands Physiographic Province, the aquifer underlies approximately 99,600 acres of Union County and contains an estimated 1,494,600 acre feet of recoverable water in storage (Hedges, 1982). The Missouri Aquifer is under water table conditions over most of the aquifer with some portions under artesian conditions. In the area of the applicant's well, the aquifer is under artesian conditions with a static water level of approximately 18 feet below the land surface. The aquifer is recharged primarily through downward percolation of precipitation, although the Big Sioux River and deeper bedrock aquifers are potential recharge sources also. Discharge from the aquifer is through evapotranspiration, seepage to the Missouri River, and pumping.

The Division of Water Rights monitors several observation wells in the Missouri Aquifer. Observation Well UN-77S is approximately one mile northeast of the applicant's well and UN-77Q is approximately one mile southwest of the applicant's well. The groundwater level fluctuates seasonally in response to changes in recharge and discharge, but shows no definite decline (Water Right Files, 1986).

Review of Existing Permits

<u>Permit No.</u>	<u>Owner</u>	<u>Diversion Rate</u>	<u>Acres Irrigated</u>
152-3	Earl J Claussen	0.61 cfs	43.3
2334-3	Blaine O Beavers	2.68 cfs	190.0
2341-3	Harvey L Beavers	2.70 cfs	300.0

Conclusions

1. The Missouri Aquifer is a viable source of water in Union County.
2. Water level measurements from observation wells indicate withdrawal from the aquifer does not exceed average annual recharge.
3. The cone of influence from the applicant's well should be small and interference with other water users should not be a problem.



KENT BUHLER
Natural Resources Engineer

References

Hedges, L.S., Burch, S.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, DWNr, US Army Corp of Engineers Contract No. DACW 45-80-C-0185

Division of Water Rights, "Water Permit, Domestic Well Log and Observation Well Files", 1986, DWNr, Pierre SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION No. 5078-3, Blaine Beavers

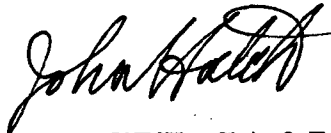
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights, Division, Department of Water and Natural Resources concerning Water Permit Application No. 5078-3, Blaine Beavers, RR 1, Box 158, Jefferson SD.

The Chief Engineer is recommending APPROVAL of Application No. 5078-3 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:

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

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

See the attached report for additional information.

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

JOHN HATCH, Chief Engineer
January 15, 1986

Instruction to Newspaper - Publish first publication of the following Notice on or before **January 23, 1986** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. **5078-3** to Appropriate Water and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that **Blaine Beavers** whose mailing address is **RR 1, Box 158, Jefferson**, South Dakota has made an application for a permit

to appropriate 0.90 cubic feet per second from one well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T89N-R48W. Water will be used to irrigate 46 acres located in S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6 and W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7 both in T89N-R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. **5078-3** 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 **room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 5** 19 **86** at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 **February 21, 1986**. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; (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 **February 21, 1986**.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County UNION) ss.

I, Lester E. Emerson hereby

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

Water was taken from the The Leader-Courier

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 Elk Point

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

January 23, 1986

January 30, 1986

Lester E. Emerson
(Signature) Lester E. Emerson

Editor and Publisher
(Title)

January 30, 1986
(Date Signed)

Cost of Printing: \$39.10



NOTICE OF HEARING ON
APPLICATION NO. 5078-3 TO
APPROPRIATE WATER

Notice is hereby given that Blaine Beavers whose mailing address is RR 1, Box 158, Jefferson, South Dakota has made an application for a permit to appropriate 0.90 cubic feet per second from one well located in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$ Section 7, T89N-R48W. Water will be used to irrigate 46 acres located in S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6 and W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7 both in T89N-R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5078-3 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 Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 5, 1986, 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 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 February 21, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 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 the 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 February 21, 1986.

Pub. Jan. 23, 30.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5078-3

APR 22 1986

Blaine Beavers
RR 1, Box 158
Jefferson, South Dakota 57038

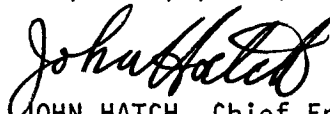
Dear Mr. Beavers:

Enclosed herewith is your Water Permit No. 5078-3 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. 5078-3.

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.

NOTE: The Water Management Board approved this permit with the qualification that reduced the cubic feet per second from the 0.9 cfs (413 gpm) requested to 0.65 cfs (295 gallons per minute), the maximum allowed by SDCL 46-5-6 to irrigate 46 acres.
JH:ms

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

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.



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office JEFFERSON, S.D.

Date APR 11 28, 1986

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

5078-3.

Water Right Permit No. 5078-3 states that the diversion system is to be constructed by 1990, and that the water is put to beneficial use by ?.

The diversion system was completed on SEPT. 1 1985. Applying the water to beneficial use was completed on SEPT. 1 1985.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Blaine O. Bowers
(Signature)

Permit No. 5078-3
Missouri River - 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 Blaine Beavers of RR #1, Box 158 Jefferson, SD 57038 holder of Permit No. 5078-3, bearing the priority of August 15, 1985 authorizing the diversion of 0.65 cu. ft. per second of the waters of Missouri-Elk Point Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well, 91' deep with 52' of 16" transite casing and 39' of transite screen, Western Land Roller pump, Model No. B6709 BM5 12B HC, 8", 750 GPM, Perkins Diesel Motor, 45 HP

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

2670' of 6" Aluminum pipe

C. Works used to apply water to beneficial use:

Long Big Gun, 1.2" Nozzle, 750 GPM with 6" hose

The system is in the following condition good. The point of diversion is located 611'E and 286'S of the NW corner of Section 7-T89N-R48W. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 6-T89N-R48W:

SW1/4 SW1/4 = 3 acres

SE1/4 SW1/4 = 1 acres

All in Section 7-T89N-R48W:

NW1/4 NW1/4 = 25 acres

SW1/4 NW1/4 = 10 acres

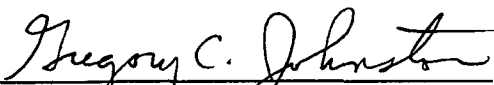
NE1/4 NW1/4 = 1 acre

comprising a total of 40 acres of land and the license should be issued for 0.57 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date: 6/23/93



Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5078-3

DATE: 6/23/93

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: 611'E and 286'S of the NW corner of Section 7-T89N-R48W

WELL INFORMATION:

- 1) Well Drilling Firm: S.P.S. Inc.
- 2) No. of Wells 1
- 3) Depth(s) 91 feet
- 4) Well log is available Y/N Y
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 52 feet
- 3) Type transite

Screen:

- 1) Type transite
- 2) Length 39 feet
- 3) Static water level unknown feet

Pump:

- 1) Make Western Land Roller
- 2) Model B76709 BM5 12B HC
- 3) Size 8
- 4) Capacity 750 GPM

Motor:

- 1) Make Perkind Diesel
- 2) Model No. unknown
- 3) Horsepower rating 45 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 6 inches
- 3) Length 2670 feet

SYSTEM TYPE:

Gun:

- 1) Make Long
- 2) Nozzle size 1.2 inches
- 3) Capacity 750 GPM
- 4) Hose size 6 inches

CHEMIGATION EQUIPMENT:

1) Does chemigate Y/N N

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y/N Y

2) Special qualifications to permit being abided by Y/N Y

3) All structures, wells and lands on map Y/N Y

4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N Y

SW 1/4 SW 1/4 = 3 acres

SE 1/4 SW 1/4 = 1 acre

Section 6 - T89N-R48W

T89N

Out 2 Well 280'

SW 1/4 NW 1/4 = 25 acres

NE 1/4 NW 1/4 = 1 acre

Section 7 - T89N-R48W

97R

All in Section 6 - T89N-R48W:

SW 1/4 SW 1/4 = 3 acres

SE 1/4 SW 1/4 = 1 acre

All in Section 7 - T89N-R48W:

NW 1/4 NW 1/4 = 25 acres

SW 1/4 NW 1/4 = 10 acres

NE 1/4 NW 1/4 = 1 acre

Total = 40 acres

SW 1/4 NW 1/4 = 10 acres

100'

T1351

NO. 5078-3

1" = 754'

SE BLAINE BEAVERS

Drawn by:

MA Gregory D. Johnston / Gregory C. Johnston

Natural Resources Engineer

Water Rights Division, DENR

8/3/93

89-418

223.9

222

157.9

5078-3

97R

256.8



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1993

5078-3

Blaine Beavers
RR 1, Box 158
Jefferson, SD 57038

Dear Mr. Beavers:

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. 5078-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(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

JAN 4 1994

5078-3

Blaine Beavers
RR 1, Box 158
Jefferson, SD 57038

Dear Mr. Beavers:

Enclosed is Water License No. 5078-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413944 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. 5078-3, 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

gm
enclosures

RECEIPT

413944

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 18, 19 93

RECEIVED OF Robert Norton, PO Box 388, Jefferson SD 57038

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>5078-3</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 Haxel
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5078-3

(1) Blaine Beavers, of RR #2 Box 158, Jefferson, SD 57038 made Application No. 5078-3, August 15, 1985 for a water permit to appropriate 0.65 cubic feet of water per second from groundwater (one 91' deep well), Union County, South Dakota for irrigation purposes. Permit No. 5078-3, with a priority date of August 15, 1985 was approved March 5, 1986 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 5, 1991 and for the application to beneficial use of said water on or before March 5, 1995.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.57 cubic feet of water per second for beneficial use. The location of the diversion point is 611'E and 286'S of the NW corner of Section 7, T89N, R48W (NW¼NW¼).

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

Section 6, T89N, R48W	Section 7, T89N, R48W
SW¼ SW¼ 3 acres SE¼ SW¼ 1 acre	NW¼ NW¼ 25 acres SW¼ NW¼ 10 acres NE¼ NW¼ 1 acre
	TOTAL 40 acres

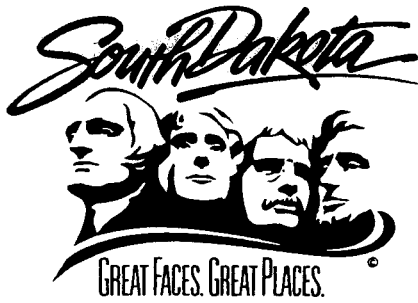
(4) Pursuant to South Dakota Water Law 46-5-30.1 Blaine Beavers of RR #1 Box 158, Jefferson, SD 57038 the holder and/or owner of Water Permit No. 5078-3 is issued a license to appropriate water, the right to use 0.57 cubic feet of water per second from groundwater (one 91' deep well) with a priority date of August 15, 1985 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5078-3 and subject to South Dakota State Law.



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

JAN 4 1994

date



5078-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

2334-3
5078-3

Blaine O Beavers
33402 482nd Ave
Jefferson SD 57038

Dear Mr. Beavers:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to RR 1 Box 800, Jefferson 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

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 19, 2009

2334-3
5078-3

Blaine O Beavers
301 Dakota Dunes Blvd Apt 14
N Sioux City SD 57049-5428

Dear Mr. Beavers:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 33402 482nd Ave, Jefferson 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,

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

enclosures

5078-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIVED

NOV 30 2009

WATER RIGHTS
PROGRAM

November 23, 2009

2334-3
5078-3

Bradley Beavers
48219 334th St
Jefferson SD 57038

Dear Mr. Beavers:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaires. These water rights are listed in the name of Blaine O Beavers. The notice has been returned by the post office. It is my understanding that your father is deceased. The Union County Register of Deeds office suggested I forward these questionnaires to you.

If there is a renter or new owner the questionnaires should be sent to, please let us know.

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

I AM the new Renter/Operator.
Blaine is deceased. Send to me

Brad Beavers
48219 334th St
Jefferson, S.D 57038

Thank You
Bradley O Beavers



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2009

2334-3
5078-3

Bradley J Beavers
48219 334th St
Jefferson SD 57038

Dear Mr. Beavers:

Thank you for sending in the 2009 irrigation questionnaires for Water Right Nos. 2334-3 and 5078-3 listed in the name of Blaine Beavers.

I have added a notation to both files that you are the new operator and all correspondence can be directed to your attention. When ownership of the property is determined, please let us know so we can contact the appropriate person to secure ownership changes.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

No. 5078-3

June 22, 2016

Bradley Beavers, Operator
48219 344th St
Jefferson SD 57038

Dear Mr. Beavers:

On Tuesday, June 21, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the NW 1/4 Section 7-T89N-R48W onto the adjacent north/south road (see attached photo). This irrigation system is covered by Water Right No. 5078-3 with you listed as operator.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

NOTE: Also, our records show Water Right Nos. 2334-3 and 5078-3 are listed in the name of Blaine Beavers. In 2009, you indicated Blaine Beavers was deceased and you were the renter/operator. Please let us know the current land owner so the permits can be transferred accordingly.

Overspray Report

Date Reported: June 21, 2016
Union County
Permit No. 5078-3

Bradley Beavers, Operator
48219 334th St
Jefferson, SD 57038

Reported by: Kyle Anderson, Water Rights Program Seasonal Well Technician

Kyle emailed in the following pictures at 1:34 pm on June 21, 2016. I called him and asked about the pictures. Kyle stated the overspray was only from the end gun. He also stated he was outside of the radius of the endgun and that it is just out of frame of the picture. Kyle also noticed the incorrect date shown on the tablet, but stated the image was taken around 1:30 pm on June 21, 2016.

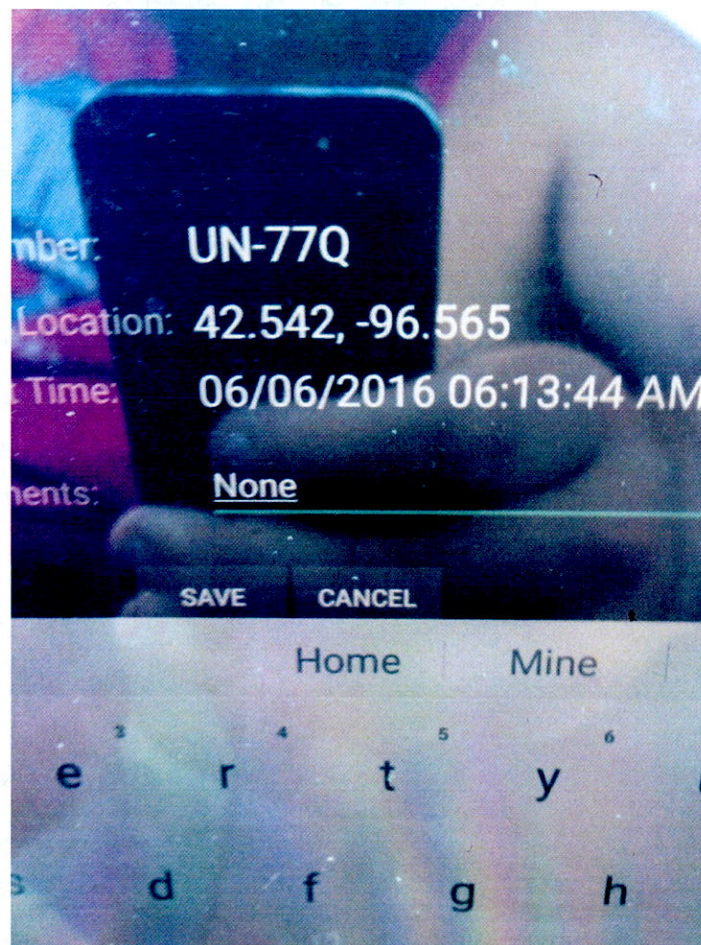


Figure 1- Picture of GPS coordinates from observation well tablet application; note the date shown by application is incorrect.



Figure 2- Picture of wet roadway facing north

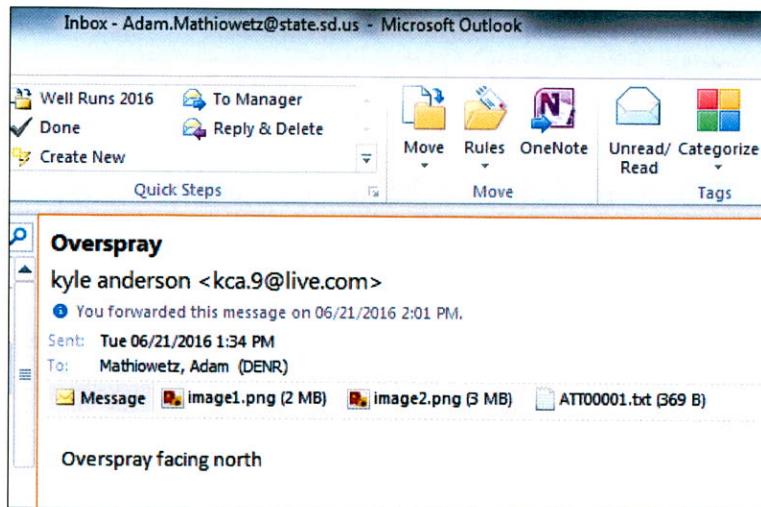


Figure 3- Copy of email from Kyle Anderson to Adam Mathiowetz

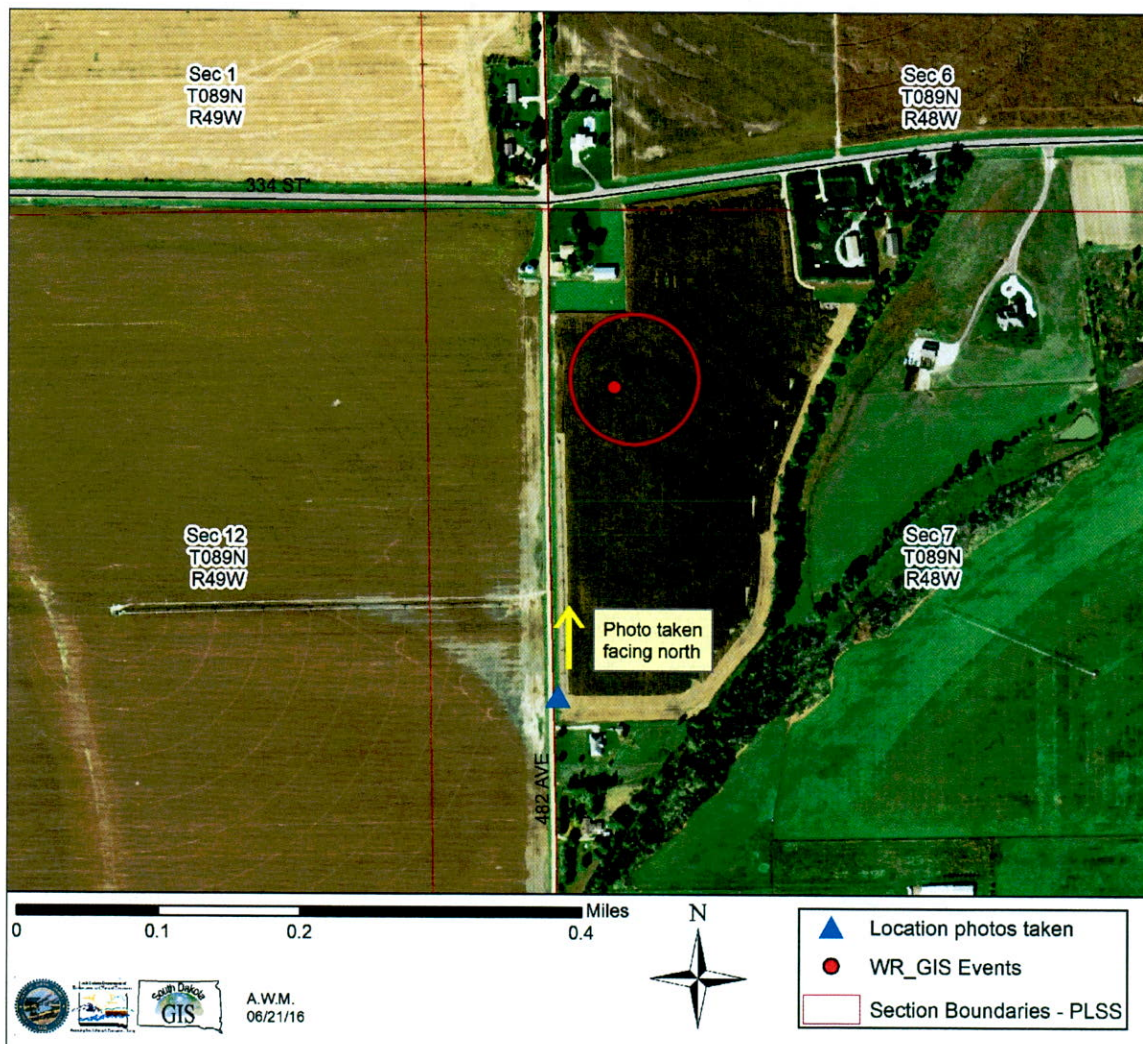


Figure 4- Map with location image was taken and direction

RECEIVED

JUN 29 2016

WATER RIGHTS
PROGRAM

Eric,

6-27-16

Yes I sprayed the road. I was late getting there .

The farm is now owned by myself and my wife. Bradley J and Constance J Beavers.

There should be two permits. The one I received the letter about and one in section 12-89N-49W. I am the owner operator.

Thank you,

Bradley Beavers



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 29, 2016

No. 2334-3
5078-3

Bradley J and Constance J Beavers
48219 344th St
Jefferson SD 57038

Dear Mr. & Mrs. Beavers:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2334-3 and 5078-3. The water rights are currently listed in the name of Blaine Beavers.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$100.00 total).

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain water permit. This three year period can be waived if legal excuse exists for the years of nonuse.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

RECEIVED

JUL - 7 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5078-3

Date: _____

I/We request that Water Right No. 5078-3

formerly owned by: Blaine Beavers

be transferred to: (name & address) Bradley J and Constance J Beavers
48219 344th St, Jefferson SD 57038

Telephone No. X (712) 281-8749

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

**40 acres located in portions of the S 1/2 SW 1/4 Section 6 and the W 1/2 NW 1/4, NE 1/4 NW 1/4
Section 7-T89N-R48W**

I/We understand that the validity of Water Right/Permit No. 5078-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

X I/We Bradley J Beavers, the new owner, certify that the above information is true and correct.

X Bradley J Beavers
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/8, 20 16

RECEIVED OF Bradley J Beavers 48219 344th St Jefferson SD 57038

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	50	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 <u>5078-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07874**

By Jean Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 13, 2016

2334-3
5078-3

Bradley J & Constance J Beavers
48219 344th St
Jefferson SD 57038

Dear Mr. & Mrs. Beavers:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 2334-3 and 5078-3.

The ownership changes have been completed. Water Right Nos. 2334-3 and 5078-3, formerly held by Baine Beavers, are now listed in your names.

Enclosed for your records are Receipt Nos. 07873 and 07874 in the amounts of \$50 each. If you have any questions concerning the water rights, please contact us.

Sincerely,

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

enclosures