

Considered: _____

WATER PERMIT NO. 5479-3

Phone: 763-2008

Name of Applicant: City of Beresford

Post Office Address: 101 N Third Street, 57004

Amount of Water Claimed: 0.53 Total Acres: 37

Source of Water Supply: impounded storm sewer runoff

Water to be used for: irrigation County: Union

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 5-7-90 Fee: 150.00 Remarks _____

Corrected Application Received 11/5/90 Period of Annual Use April 1 - Sept 30

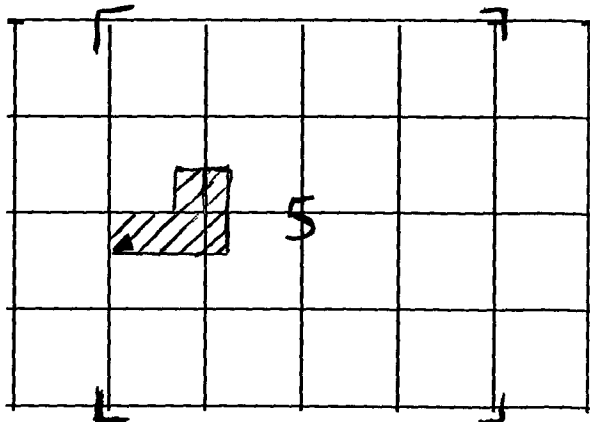
WATER QUALITY APPROVAL RECEIVED 11-30-90 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 5-95-50

Land to be Irrigated: N 1/2 SW 1/4, SE 1/4 NW 1/4,

NE 1/4 SW 1/4, SW 1/4 NW 1/4 Sec 5-T95N-R50W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

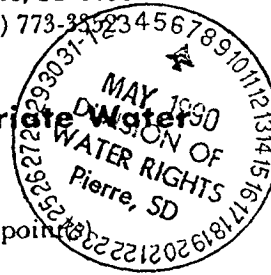
Type of Map: plat PREPARED BY: Fred Rittershaus Reviewed and the Number

Assigned on 12-4-90 By Karen Schlaak

(See instructions)

No. 5479-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Sioux Valley News Box 255 Canton 57013

Beresford Republic Box III, Beresford, SD 57004



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant City of Beresford, South Dakota Phone No. (605) 763-2008

Post Office Address 101 N. Third Street Beresford State SD 57004
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 0.53 Total acres irrigated 37

3. Source of Water supply Stabilization pond effluent and impounded storm sewer

4. Location of point of diversion Stabilization pond effluent NW 32-26-50, run off.
Lincoln County, South Dakota; Impounded storm sewer run off - SW 4-5-95-50,
Union County, South Dakota. County See point of diversion

5. Counties where water will be used Union County, South Dakota.

6. Annual period during which water is to be used April 1- September 30

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
 All in Section 5 T95N-R50W

Land Description	No. Acres Irr.
Golf Course N 1/2 SW 1/4, SE 1/4 NW 1/4	33
Football field NE 1/4 SW 1/4	2
Baseball field SW 1/4 NW 1/4	2

Land Description	No. Acres Irr.

Attach sheet if more space is needed

Turf

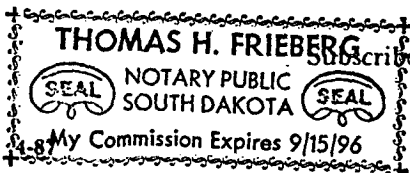
8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ (Specify) Other: sprinkler system
 9. Crops to be Irrigated: golf course, football field and baseball field.
 10. Give a description of proposed project. (Attach sheet if more space is needed)
See attached sheet.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Union)^{ss}

I, Jerry T Zemetz, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Jerry T Zemetz
Thomas H. Frieberg
 Notary Public



SOUTH DAKOTA
WATER PERMIT No. 5479-3 FOR IRRIGATION

Date of first receipt of application May 7, 1990.

Date Soil/Water Compatibility Permit received November 30, 1990.

Date of return to applicant for corrections, amendments or changes
May 16, 1990.

Date of receipt of corrected application November 5, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5479-3 to City of Beresford, 101 N. Third Street, Beresford, SD 57004 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5479-3 appropriates 0.53 cubic feet of water per second from a 4.1 acre-feet storage capacity dam located in the SW1/4 Section 5-T95N-R50W to irrigate 37 acres. Water stored in the dam will be from a combination of urban drainage from the city storm sewer systems, agricultural land and grasslands. The lands to be irrigated include the golf course, football and baseball fields located in the N1/2 SW1/4, SE1/4 NW1/4, SW1/4 NW1/4 Section 5-T95N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is November 5, 1990.
4. The date of approval of Permit No. 5479-3 is February 27, 1991.
5. One-fifth of the construction is to be completed on or before August 27, 1993.
6. All construction is to be completed on or before February 27, 1996.
7. Water is to be put to beneficial use on or before February 27, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatoh
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

APR 25 1991

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction - Not Applicable.

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates - Not Applicable.

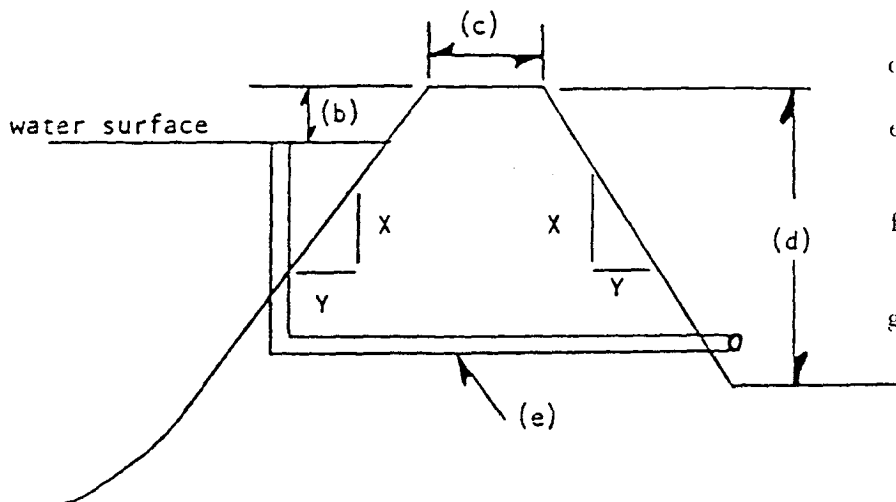
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

Banner Associates, Inc.
409 22nd Avenue S.
Brookings, SD 57006



- b) Freeboard Uncontrolled overflow
- c) Crest Width 8'
 Crest Length 40'
- d) Height 4'
- e) Primary Outlet Capacity 100 cfs
 If Pipe, diameter n/a
- f) Secondary Spillway Capacity n/a
 Spillway width n/a
- g) X & Y Slope
 Upstream 3:1
 Downstream 3:1
- Surface Area of Impoundment 36,000
- Storage 4.1 acre feet
- Drainage area above dam 120 acres

 Signature of Applicant

ATTACHMENT

BERESFORD GOLF COURSE IRRIGATION

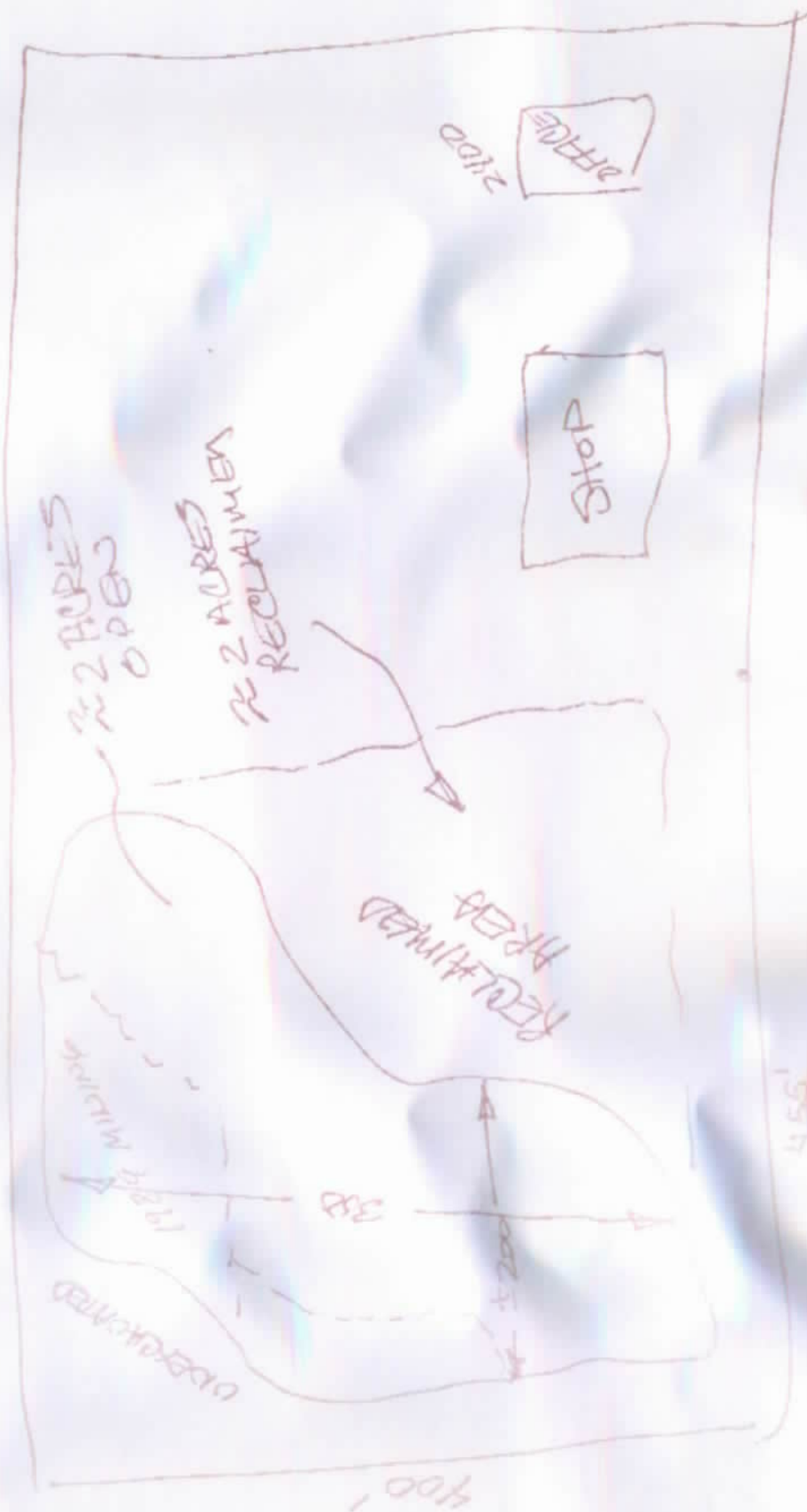
Description of Improvements

The City of Beresford proposes to irrigate the golf course, high school football field and municipal baseball park with treated wastewater from the municipal stabilization ponds and/or with impounded storm sewer water run off, when available. The project will consist of the following items:

1. Pump station and disinfection facility at stabilization ponds.
2. 1 3/4 miles 6" ϕ PVC forcemain.
3. Dam embankment with concrete surfacing.
4. Earthen reservoir.
5. Irrigation pump station at golf course.

The purpose of the project is to conserve water from the municipal water supply aquifer.

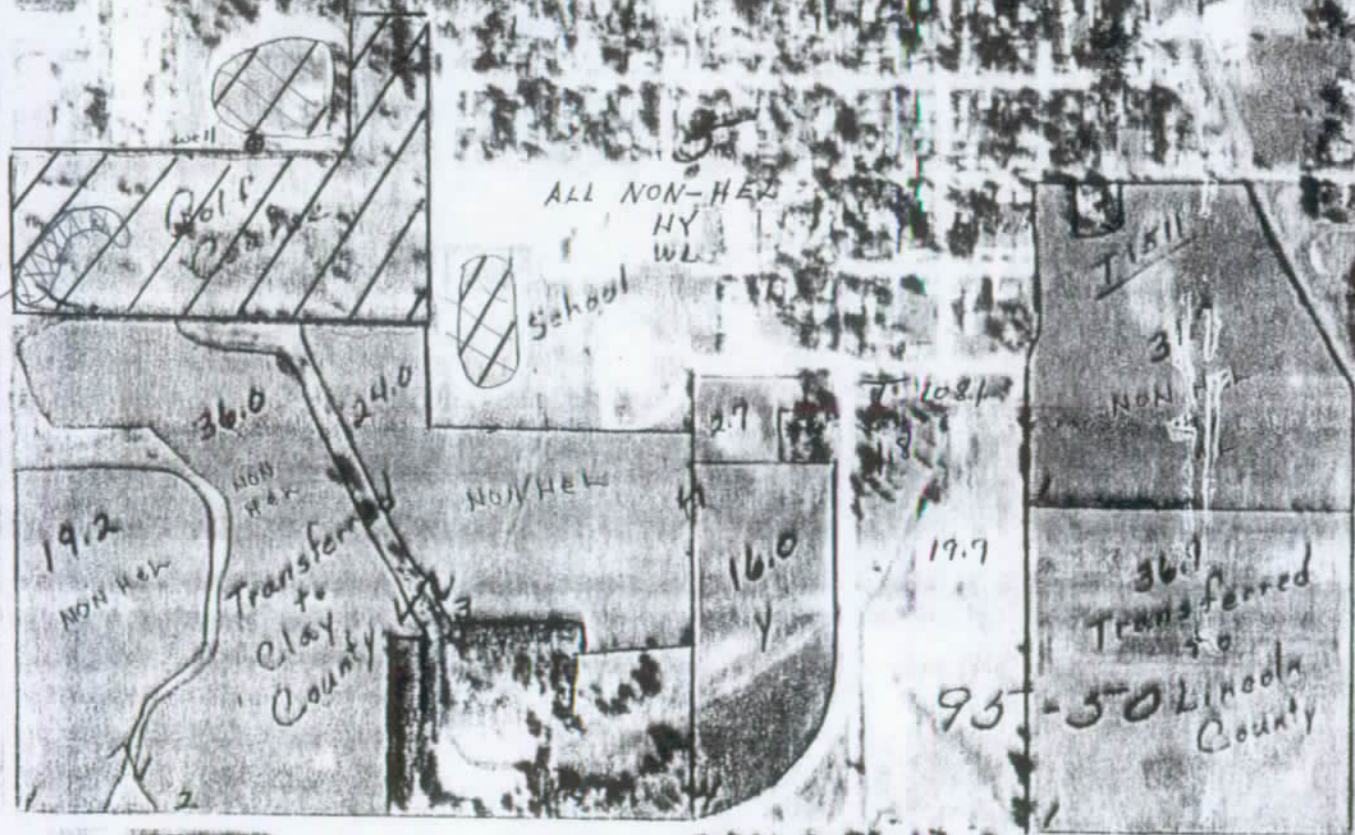
KRUEGER EXC
2400 N. 4th



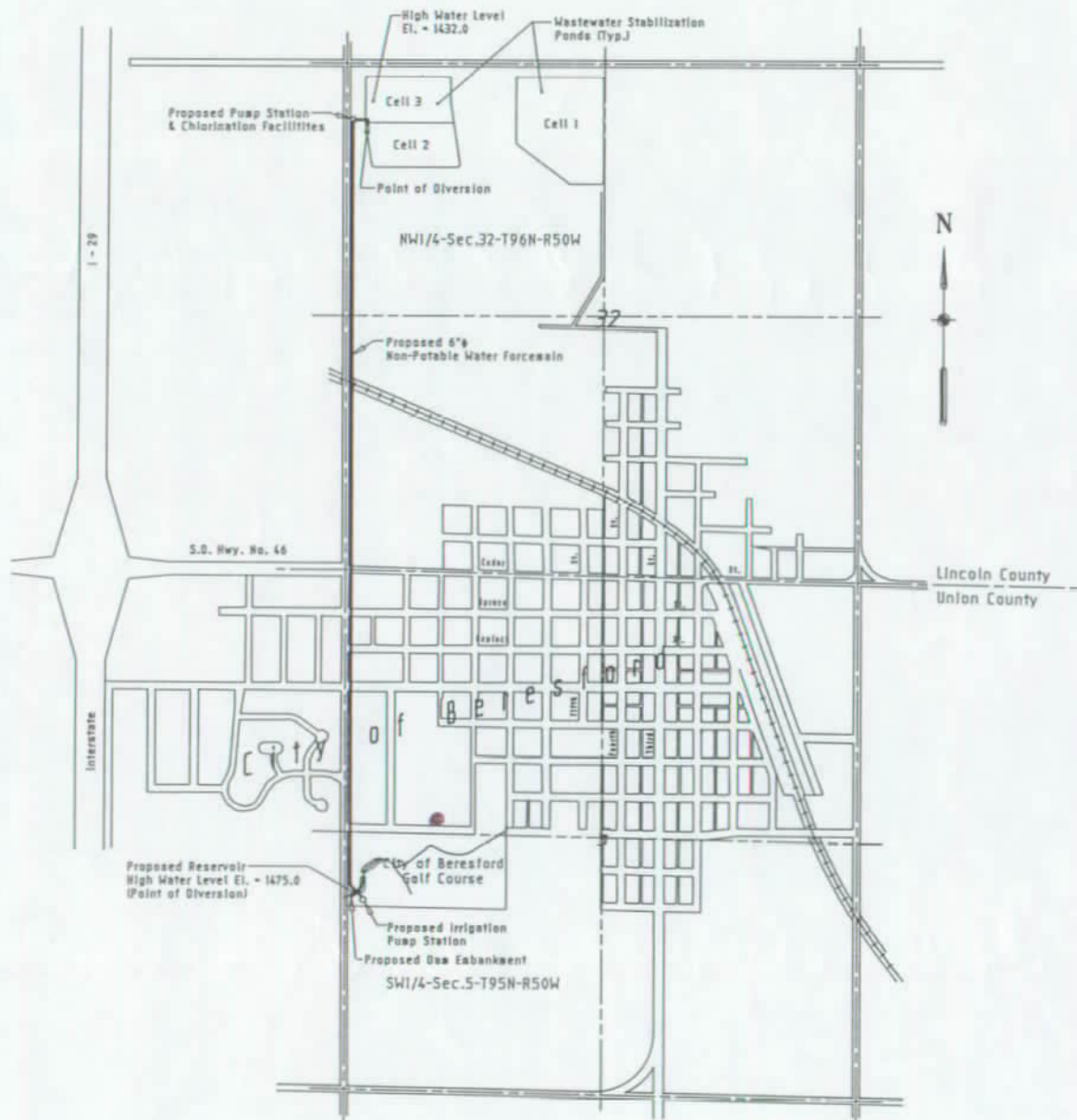
06/2/01

5660-3

NOT TO SCALE



SOIL CONSERVATION SERVICE



BANNER
 BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
 409 22nd Av S • P.O. Box 298 • Brookings, SD 57006 • 605/692-6342

City of Beresford, SD

GOLF COURSE
 IRRIGATION PERMIT MAP

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4341

WR#

OWNERS NAME: CITY OF BERESFORD OWNERS ADDRESS: 101 North 3rd Street
Beresford, SD 57004

COUNTY LAND LOCATED IN: UNION PHONE: (605)763-2008

LEGAL DESCRIPTION: ☐ Well ☒ Surface

1. LOCATION Impounded storm sewer runoff- SW $\frac{1}{4}$ 5-T95N-R50W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>N$\frac{1}{2}$ SW$\frac{1}{4}$ 5-T95N-R50W</u>			
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$ 5-T95N-R50W</u>			
<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$ 5-T95N-R50W</u>			
<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$ 5-T95N-R50W</u>		<u>(TOTAL OF 37 ACRES)</u>	

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) OTHER: Turf Sprinkler System

3. CROPS TO BE IRRIGATED: Grasses (Golf Course, Football Field & Baseball Field)

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>90-1068</u>	7. ADJUSTED (SAR): <u>0.28</u>
5. SALINITY (EC X 10 ⁶): <u>260</u>	8. PERCENT SODIUM: <u>9.07</u>
6. SODIUM (SAR): <u>0.23</u>	

Requirements:

The areas mapped as Whitewood silty clay loam (Wh) and Worthing Chancellor silty clay loams (Ws) are subject to wetness and ponding and shall not be irrigated.



[Signature]
Director, Division of Conservation

November 15, 1990

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412319

Pierre, July 23, 1990

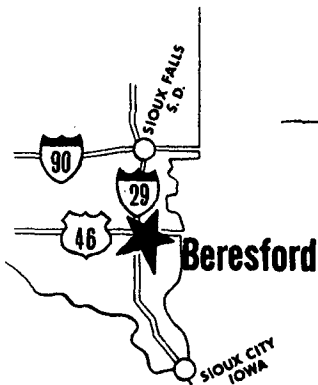
RECEIVED OF Beresford Country Club, Box 712, Beresford, SD 57004-0712

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5479-3</u> 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 Hatchford
Chief Engineer



City Of Beresford

101 N. Third
Beresford, S.D. 57004-1796
(605) 763-2008

May 4, 1990

Water Rights Division
DWNR, Foss Building
Pierre, South Dakota 57501



Re: City of Beresford, South Dakota
Soil/Water Compatibility Permit and Water Permit
for Irrigation

Gentlemen:

Enclosed is the Application for Soil Water Compatibility Permit and Permit to appropriate water by which the City of Beresford seeks approval for a golf course, football field and baseball field irrigation system. Also enclosed is a map of the proposed irrigation site and a soil survey for the golf course. The water sample has been sent to the Water Quality Laboratory at South Dakota State University. I would appreciate hearing from you as soon as possible if there is any further information which you need for the application.

Yours very truly,

JERRY T. ZEIMETZ
Deputy Finance Officer

Enc.

May 16, 1990

Jerry T. Zeimetz, Deputy Finance Officer
City of Beresford
101 N. Third
Beresford, SD 57004-1796

Dear Mr. Zeimetz:

This letter is a follow-up to our May 8, 1990 conversation regarding the City of Beresford's water permit application for irrigation of the city's golf course, football and baseball fields. As I stated, an application fee of \$150 is required by state statute. Also, the point of diversions and the irrigated acres legal descriptions must be defined to the forty acre subdivisions. The following is the legal description for these lands taken off the map, I need your confirmation whether the legal descriptions are correct.

1. Stabilization pond - N1/2 NW1/4 of Section 32-T96N-R50W
2. Impounded Storm Runoff - NW1/4 SW1/4 Section 5-T95N-R50W
3. Golf Course - N1/2 SW1/4 of Section 5 - T95N - R50W
4. Football Field - NE1/4 SW1/4 of Section 5 - T95N - R50W
5. Baseball Field - SW1/4 NW1/4 of Section 5 - T95N - R50W

Finally, Form 2A (Supplemental Information) indicates the surface area of impoundment as 36,000, is the unit of measure square feet?

The city's application can not be processed until the application is complete and the Soil and Water Compatibility is received from the Department of Agriculture. Please submit the \$150 application fee and respond to the above mentioned legal descriptions and the application will be processed.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

enc.



BERESFORD COUNTRY CLUB, INC.

501 West Elm — Box 712

Beresford, S.D. 57004

Phone (605) 763-2202



July 19, 1990

Mr. Eric Gronlund
Joe Foss Building
Pierre, SD 57501

Re: Beresford Golf Course Irrigation

Dear Eric:

Pursuant to our telephone conversation last month, this letter is sent in an attempt to complete the application which has been on file in your office for the irrigation project for the Beresford golf course. First, the area of the impoundment proposed would be 36,000 square feet. Second, the legal description of the property to be irrigated is amended to be just the Beresford golf course at this time. At a future date, the baseball field and football field may be included in the irrigation. The legal description of the golf course property is as follows:

Lots One (1), Two (2), Three (3) and Four (4) of Block Ten (10), and Lots Five (5), Six (6), Seven (7) and Eight (8) of Block Eleven (11), Subdivision of Outlots, Toomey's Addition to the City of Beresford, Union County, South Dakota;

and

Outlot Fourteen (14) in the Northwest Quarter (NW 1/4) and the West 100 Rods of the North 40 Rods of the Southwest Quarter (SW 1/4) all in Section Five (5), Township Ninety-Five (95), Range Fifty (50), Union County, South Dakota.

Enclosed is a check in the amount of \$150.00 made payable to the Division of Water Rights for the application fee.

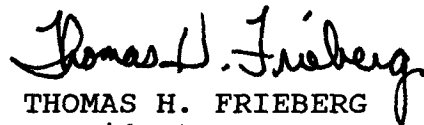
A water sample has been sent to the Department of Agriculture for a soil water compatibility test. The previous soil water compatibility test was conducted with water used from the waste water treatment facility in Beresford. The new irrigation project would not include the waste water treatment water and accordingly, this new water sample has submitted for testing.

The City is also digging a test well which could be used to supplement the storm sewer runoff. I will get a sample of that water to Brookings as soon as possible.

If you need any further information for this application, please let me know as soon as possible.

Yours very truly,

BERESFORD COUNTRY CLUB, INC.


THOMAS H. FRIEBERG
President

THF/kw
Enc.

Conversation or File Documentation

NAME OF PERSON OR FILE: City of BeresfordADDRESS: _____ COUNTY UnionDATE: 7/20/90 TELEPHONE (605) 763-2202

RE: _____

COMMENTS:

Call Craig Christenson (763-2807) vice president of the country club. He said since the football field and baseball field are no longer ^{going} to be irrigated the total acres listed should be 33 acres.

Also, there letter included the possibility of a well being used to supplement storm sewer runoff to the impoundment. They are going send the legal description, well log and amount claimed from well

7/23/90 Tom Treiburg called wants football field and softball acreage to remain on application. Also they going to include a well to the applic..
We'll be sending me necessary info.

8/13/90 Called Tom Treiburg - he's going to fax well log to me.

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: Eric Thonlund



August 10, 1990

Mr. Eric Gronlund
Joe Foss Building
Pierre, SD 57501

Re: Beresford Golf Course Irrigation

Dear Eric:

Pursuant to our phone conversation yesterday, below are the legal descriptions for the baseball and football fields which are to be included in the watering project for the City of Beresford.

An area in the Northwest Corner of Tract #1 of Kutcher's Addition to the City of Beresford, Union County, South Dakota, consisting of approximately 1.0 acres. (Football field).

Lot 10 of Outlots of Northwest Quarter (NW1/4) of Beresford City, Section 5, Township 95 North, Range 50 West of the 5th P.M., Union County, South Dakota. (Baseball field)

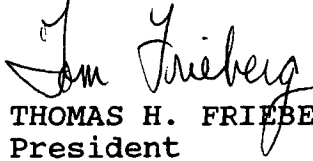
The baseball field tract consists of approximately 2 acres.

As I told you on the phone, a test hole has been dug and a water sample from that hole has been sent to the water quality lab in Brookings for analysis. I also believe that you have the proper location for the well for purposes of completing the application.

If you need any further information concerning this matter, please let me know. My number at work is 763-2107.

Yours very truly,

BERESFORD COUNTRY CLUB, INC.


THOMAS H. FRIEBERG
President

THF/kw

FRIEBERG, RUDOLPH & PETERSON

ATTORNEYS AT LAW

115 NORTH THIRD STREET

P. O. BOX 511

BERESFORD, SOUTH DAKOTA 57004-0511

TELEPHONE: (605) 763-2107

ROBERT B. FRIEBERG
BLAINE O. RUDOLPH
PHILLIP O. PETERSON
THOMAS H. FRIEBERG
LARRY A. NELSON

AUGUST FRIEBERG (1863-1932)
ROSCOE A. FRIEBERG (1903-1982)

OFFICES ALSO LOCATED AT:

206 EAST 5TH STREET
CANTON, SOUTH DAKOTA 57013-0038
(605) 987-2686

208 SOUTH MAIN STREET
LENNOX, SOUTH DAKOTA 57039
(605) 647-5152

November 1, 1990

Mr. Eric Gronlund
Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: Beresford Golf Course Irrigation

Dear Eric:

Pursuant to our phone conversations, please amend the application for the Beresford Golf Course irrigation project to include only the storm sewer runoff water. That amendment would eliminate the previous portions of the application which refer to a well or treated waste water which was previously considered as a possibility for a supplemental source of water.

If you need any further information to complete our application, please let me know and I will make it available to you.

Thank you for your cooperation in getting this matter completed.

Yours very truly,

Thomas H. Frieberg

THOMAS H. FRIEBERG
For the Firm

THF/mp



Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Jerry Zeimetz

ADDRESS: Beresford

COUNTY: Union

DATE: 12/27/90

TELEPHONE: 605-763-2008

RE: Water Permit application

COMMENTS:

I called Mr. Zeimetz about the watershed area. He said that the watershed includes some farm land to the south and east of the city. He also indicated that the portion of the storm sewer system which drains approximately the south third of the city should be included. The rest of the city storm sewer system flows into another drainage.

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.



Mark D. Rath
Natural Resources Engineer II
DWNR, Water Rights Division

Report on Water Permit Application No. 5479-3
City of Beresford
December 27, 1990

Application No. 5479-3, City of Beresford, proposes to appropriate 0.53 cubic feet of water per second (cfs) to irrigate 37 acres from a dam to be constructed on a branch of Ash Creek. The dam will be capable of impounding 4.1 acre-feet (ac-ft) of water from surface runoff. Diversion of water for irrigation will be from the dam which is to be located in the NW1/4 SW1/4 of Section 5-T95N-R50W. The water will be used to irrigate the city golf course, football field, and baseball field which are located in the N1/2 SW1/4, SE1/4 NW1/4, and SW1/4 NW1/4 of Section 5.

Water Source

The diversion point for the proposed appropriation will be from a dam to be located on a branch of Ash Creek which is a tributary to the Vermillion River. Water would be supplied by surface runoff from a 520 acre watershed. Runoff from the watershed will be a combination of urban drainage from the city storm sewer system, agricultural lands, and grass lands. Approximately 1/3 of the total area of the city storm sewer system which drains 40 to 50 acres flows into this drainage. The remainder of the drainage from the city storm sewer system flows into another watershed.

Review of Existing Water Rights

Ash Creek is a tributary to the Vermillion River. There have been no water permits issued on the portion of Ash Creek below the proposed diversion point. There is one water right located on the Vermillion River approximately 50 miles downstream of the proposed diversion point. Water Right No. 977-3 appropriates 6.0 cfs from a combination river and groundwater diversion. No adverse interference from the proposed application would be expected.

Conclusions

1. Water for this proposed project is available from surface runoff from a 520 acre watershed.
2. Surface runoff will be stored in a small dam capable of impounding 4.1 ac-ft which will be constructed on a branch of Ash Creek.
3. There would be no adverse effects expected by this proposed diversion on existing water rights.

4. If this permit is approved it should contain the following qualifications:

A. Low flows must be bypassed for downstream domestic use.

B. The irrigation questionnaire must be submitted each year.



Mark D. Rath
Natural Resources Engineer II

Approved By:



Delvin D. Brosz P.E.
Natural Resources Engineer IV

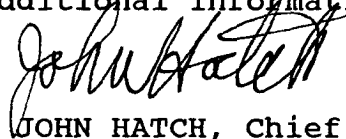
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5479-3, City of Beresford

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. 5479-3, City of Beresford, 101 North Third Street, Beresford, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5479-3 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. Low flows as needed for downstream domestic use, including livestock water must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
January 18, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

Sioux Valley News
Box 225
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5479-3 to be published twice. Please publish the first notice on January 31, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is City of Beresford, 101 N Third St, Beresford, SD 57004.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. 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. No action may be taken on the permit application 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 Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name _____

Newspaper _____



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.

Jerry T. Zeimetz
City of Beresford
101 N 3rd St
Beresford, SD 57004

Dear Mr. Zeimetz:

Water Permit Application No. 5479-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Sioux Valley News and Beresford Republic printed at Canton and Beresford, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

cc: Tom Frieberg



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

Beresford Republic
Box 111
Beresford, SD 57004

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5479-3 to be published twice. Please publish the first notice on January 31, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is City of Beresford, 101 N Third St, Beresford, SD 57004.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on January 31, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5479-3 to Appropriate Water

Notice is given that City of Beresford, 101 N Third St, Beresford, SD 57004 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second from 4.1 acre-feet storage capacity dam located in the SW 1/4 Section 5, T95N, R50W to irrigate 37 acres. Water stored in the dam will be from a combination of urban drainage from the city storm sewer systems, agricultural lands and grasslands. The lands to be irrigated include the golf course, football and baseball fields located in the N 1/2 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NW 1/4 Section 5, T95N, R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5479-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 February 19, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 5479-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for February 27, 1991, at 10:00 am, Meeting Room, Governors Inn, 700 W Sioux, Pierre, SD. If this application is opposed or the recommendation is contested, the February 27, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 27, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 19, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF UNION

}

ss.



Marnell Peterson

of said county being duly sworn, on oath say that he/she is the Business Manager of THE BERESFORD REPUBLIC, a weekly newspaper printed and published in Beresford, S.D., said County of Union and have full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Hearing

_____, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for 2 successive week(s), on the day of each week on which said newspaper was regularly published to wit:

<u>Jan 31</u>	<u>19 91</u>	;	_____	<u>19</u>
<u>Feb 7</u>	<u>19 91</u>	;	_____	<u>19</u>
_____	<u>19</u>	;	_____	<u>19</u>
_____	<u>19</u>	;	_____	<u>19</u>

that the full amount of the fees for the publication of the annexed notice is \$ 45.88 100.

Marnell Peterson

Subscribed and sworn to before me this

15th day of February, 19 91.

M. Jill Sundstrom
Notary Public

My commission expires Nov. 15, 1998

NOTICE OF HEARING
on Application No. 5479-3
for Approval of Water

Notice is given that City of Beresford, 101 N. Third St., Beresford, SD 57004 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second from 4.1 acre-feet storage capacity dam located in the SW1/4 Section 5, T95N, R50W to irrigate 37 acres. Water stored in the dam will be from a combination of urban drainage from the city storm sewer systems, agricultural lands and grasslands. The lands to be irrigated include the golf course, football and baseball fields located in the N1/2 SW1/4, SE1/4 NW1/4, SW1/4 NW1/4 Section 5, T95N, R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5479-3 (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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

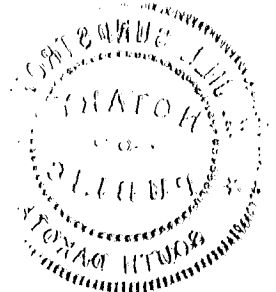
Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 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 February 19, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 5479-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for February 27, 1991, at 10:00 a.m., Meeting Room, Governors Inn, 700 W. Sioux, Pierre, SD. If this application is opposed or the recommendation is contested, the February 27, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 27, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 19, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by Law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Publish January 31, 1991 and February 7, 1991



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Lincoln)

I, Sandra Lundstrom

certify that the attached printed Notice was taken
 from the SIoux VALLEY NEWS

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 Canton _____

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

January 31, 1991

February 7, 1991

Sandra Lundstrom
 (Signature)

Bookkeeper
 (Title)

2-6-91
 (Date Signed)

Cost of Printing: \$48.04

VERNON R. THORSON
 My commission expires
 January 20, 1995.

**NOTICE OF HEARING
 ON APPLICATION NO. 5479-3
 TO APPROPRIATE WATER**

Notice is given that City of Beresford, 101 N. Third St., Beresford, SD 57004 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second from 4.1 acre-feet storage capacity dam located in the SW 1/4 Section 5, T95N, R50W to irrigate 37 acres. Water stored in the dam will be from a combination of urban drainage from the city storm sewer systems, agricultural lands and grasslands. The lands to be irrigated include the golf course, football and baseball fields located in the N 1/2 S/W 1/4, SE 1/4 NW 1/4, SW 1/4 NW 1/4 Section 5, T95N, R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5479-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 February 19, 1991. 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.



For purposes of publishing 1) the notice of hearing on Application No. 5479-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for February 27, 1991, at 10:00 am, Meeting Room, Governors Inn, 700 W. Sioux, Pierre, SD. If this application is opposed or the recommendation is contested, the February 27, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 27, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 19, 1991.

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-11; 46-1-16; 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, 46-6-11; 46-6-14, 46-6-26; and Board Rule ARSD 74:02:01:01 thru 74:02:01:11 1-31; 2-7

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

APR 25 1991

Jerry T. Zeimetz
City of Beresford
101 North Third Street
Beresford, SD 57004

Dear Mr. Zeimetz:

Enclosed is Water Permit No. 5479-3 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1992

5479-3

City of Beresford
101 N 3rd St
Beresford, SD 57004

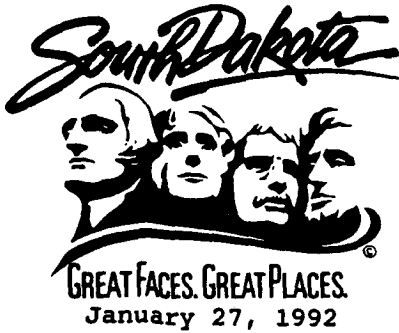
Dear Sirs:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Permit No. 5479-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

CITY OF BERESFORD
101 N 3RD ST
BERESFORD SD 57004

NOTICE

RE: Violation of Water Permit No(s) 5479-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 5479-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5479-3 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, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5479-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

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 Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

CITY OF BERESFORD
101 N 3RD ST
BERESFORD, SD 57004

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

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

Consult postmaster for fee.

4a. Article Number

P 906 557 737

4b. Service Type

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

7. Date of Delivery

1-29-92

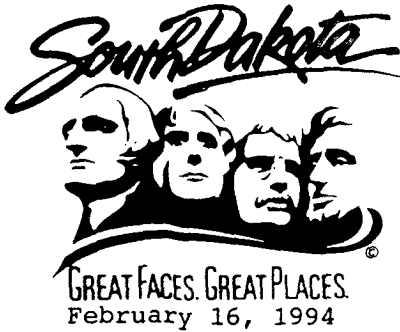
8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, November 1990 ☆ U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

CITY OF BERESFORD
101 N 3RD ST
BERESFORD SD 57004-1769

NOTICE

RE: Violation of Water Permit No(s) 5479-3 & 5660-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 5479-3 & 5660-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5479-3 & 5660-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5479-3 & 5660-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
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.

3. Article Addressed to:

CITY OF BERESFORD
101 N 3RD ST
BERESFORD SD 57004-1769

5. Signature (Addressee)

6. Signature (Agent)

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 837 692 591

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

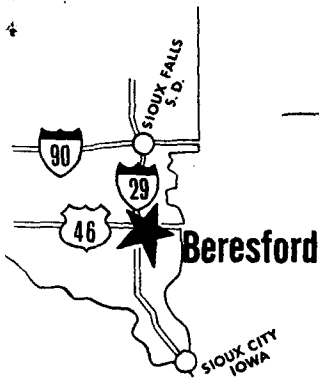
2-17-94

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

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



RS/RP/JH - ~~draft response~~
for ~~hus's~~ signature
City Of Beresford

101 N. Third
Beresford, S.D. 57004-1796
(605) 763-2008

February 17, 1994

Mr. Russell L. Stone, Acting Secretery
Department of Environment & Natural Resources
Water Rights Division
523 East Capitol
Pierre, SD 57501-3181

Re: Permit #5479-3 & #5660-3

Gentlemen:

I am in receipt of a letter from a Mr. Duvall of your agency advising that we are in violation of some sort for not filing an irrigation questionnaire on the referenced permits. I take exception to the letter for several reasons.

1. It is somewhat difficult to file a questionnaire that I have no record of in my files.
2. If this questionnaire was to be filed some six months ago as indicated in Mr. Duvall's letter it would seem logical that a follow-up inquiry would have been in order long before the time to send a threatening letter. What was your staff doing?
3. I also find it rather inconsiderate that the hearing referred to in Mr. Duvall's letter is to be held in Lead. It would be much more sensible to hold such hearings in the area where the permit is located so that local officials could attend without undue travel costs being incurred.

Finally, as far as irrigation usage in 1993 is concerned the information contained in the referenced questionnaire is moot as it was not necessary to irrigate due to the abundant rainfall in the area. If this information satisfies the filing requirements in question please consider this letter as such.

DENR
Page 2

Respectfully, submitted,


Curtis E. Kludt
Finance Officer

cc: Mayor
City Attorney



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1994

Curtis E. Kludt, Finance Officer
City of Beresford
101 North Third
Beresford SD 57004-1796

Dear Mr. Kludt:

I am writing to follow up on our telephone conversation today, and in response to your February 17, 1994, letter to Russell Stone. Your letter regarding the annual irrigation questionnaires for City of Beresford, Water Rights Nos. 5479-3 and 5660-3, pointed out a problem that I thought had been corrected.

The October 18, 1993, and February 16, 1994, requests were supposed to have been addressed to you rather than the City of Beresford. We are correcting this problem. Future requests to complete irrigation questionnaires will include a person's name in the address.

The October questionnaire mailing of about 3500 requests for irrigation water use corresponds with the end of the irrigation season. Many people complete the questionnaires while the information is fresh in their minds. Because others are busy and do not get the questionnaires returned until sometime during December, we do not send another request until after the holidays.

The second request and notice of a March Water Management Board meeting are usually sent during January. The second request was delayed until February this year because the Board meeting was delayed until April.

As I stated during our telephone call, we have completed questionnaires to show no irrigation water use by the City of Beresford during 1993. Thank you for taking the time to write concerning this matter.

Very truly yours,

John Hatch, Chief Engineer
Water Right Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 1994

5479-3
5660-3

Dan Andre, Water Superintendent
City of Beresford
211 S 6th
Beresford, SD 57004

Dear Mr. Andre:

Enclosed, as we discussed, are two blank 1993 irrigation questionnaires for use in reporting irrigation under Water Permit Nos. 5479-3 and 5660-3. Water Permit No. 5479-3 appropriates 0.53 cubic feet of water per second (cfs) from a 4.1 acre feet storage dam. Permit No. 5660-3 appropriates 0.53 cfs from a 190' deep well.

You inquired about the October 6th deadline for sampling water and getting the results to our Department. Our Division has no requirements as far as sampling your water, however the Office of Drinking Water requires sampling for nitrates between July 1st and September 30th each year. This may or may not be the sampling you were concerned with. If you have a contact person or an old letter with a Division or Office name on it, I would be happy to do some more checking for you.

As I indicated during our telephone conversation, I completed two questionnaires for the City based upon a letter submitted by the City Finance Officer. In the letter (copy enclosed), Mr. Kludt states that it was not necessary to irrigate due to the abundant rainfall in the area. I have also enclosed a copy of the Chief Engineer's response to the letter.

Future irrigation questionnaires will be addressed to a specific person with the City of Beresford. If you are the person responsible for the records kept at the golf course, perhaps the questionnaires should be addressed to you. Please make a notation on the questionnaires when returning them as to who they should be addressed to in the future.

In closing, I wish to thank you for contacting our office concerning this matter. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 11/7/95

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: CRAIG CHRISTENSEN 401 S. 3RD
(name) (address)
BERESFORD S.D. 57004 (1005) 763-5612
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. _____.

Water Permit No. 5479-3 states that the diversion system is to be constructed by 10/1/92, and that the water is put to beneficial use by 7/1/93.
(date) (date)

The diversion system was completed on 10/1/92.
(date)

Applying the water to beneficial use was completed on 7/1/93.
(date)

You may schedule an inspection so that the Water License may be issued.

Craig Christensen
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 1995

4909-3
5660-3

Curtis Kludt, Finance Officer
City of Beresford
101 North Third St.
Beresford, SD 57004-1796

Dear Mr. Kludt:

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 Nos. 4909-3, 5479-3 and 5660-3, has been completed. Your final water right documents, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5479-3 will be incorporated into 5660-3.

Statutes require a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$50.00 per license (\$100.00 total) fee from you, we will begin processing your Water Licenses.

Please remit the fee within 30 days to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

NOTE: On check or money order, please specify your permit numbers. 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

JUL 8 1996

5660-3

Curtis Kludt, Finance Officer
City of Beresford
101 N. 3rd
Beresford, SD 57004

Dear Mr. Kludt:

Enclosed is Water License No. 5660-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414732 in the amount of \$50.00 which you paid for the investigation 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. 5660-3, 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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. 5479-3 have been incorporated into Water License No. 5660-3.