

Considered: _____

WATER PERMIT NO. 5530-3

Phone: 534-3653

Name of Applicant: Terry L. Anderson

Post Office Address: Rt 1, Box 15, Trent

Amount of Water Claimed: 5.83 Big Sioux R. (no add'l GW) Total Acres: 408 add'l Big

Source of Water Supply: _____ Sioux River (68 add'l GW)

Water to be used for: irrigation County: Moody

About 6 miles SW of Flandreau

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 3-14-91 Fee: \$375 Remarks Additional

acreage and diversion rate - see Permit No. 4329-3

Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: 3 existing wells SW 1/4 SE 1/4

Sec 27; Big Sioux River-near center of S 1/2

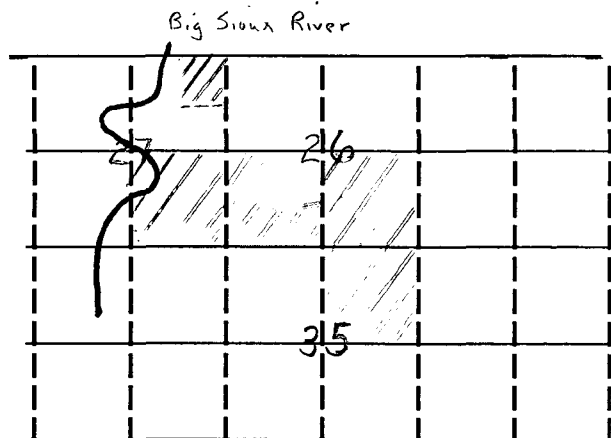
Sec 27; all in T106N-R49W

Land to be Irrigated: GW-N 1/2 SW 1/4 Sec 26;

Big Sioux R-S 1/2 SE 1/4 Sec 27; S 1/2 SW 1/4,

NE 1/4 SW 1/4, SE 1/4 Sec 26; NE 1/4 Sec 35;

all in T106N-R49W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 40' REMARKS Doesn't know who drilled wells

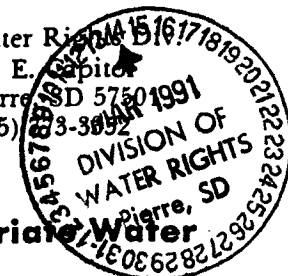
Type of Map: aerial PREPARED BY: Ron Duvall Reviewed and the Number

Assigned on 3-27-91 By Karen Schlaak

Mail to: Water Rights Division
523 E. Capitol
Pierre, SD 57501-1991
(605) 773-3892

(See instructions)

No. 5530-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Moody Co Enterprise, Box 71, Flandreau 57028
Sioux Falls Argus Leader, Box 5034 57117 (Wed)



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use 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 Terry L. Anderson Phone No. 534-3653

Post Office Address Rt. 1 Box 15 Trent S.D.
(Street, RR or Box) no add'l (ground water) (City) 68 add'l ground water Zip Code

2. Amount of water claimed (c.f.s) 5.834 Big Sioux Total acres irrigated 4089 add'l Big Sioux River

3. Source of Water supply ground water (3 existing wells) and Big Sioux River

4. Location of point of diversion 3 existing wells: SW1/4 SE1/4 section 27; Big Sioux River:
near center of S1/2 section 27; all in T106N-R49W

County Moody

5. Counties where water will be used Moody

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

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.
Add'l acreage from	
ground water	
NW1/4 SW1/4 26-T106N-R49W	34
NE1/4 SW1/4 "	34

Land Description	No. Acres Irr.
See attachment for add'l	
acreage from Big Sioux R	

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: X (Specify) _____ Other: _____

9. Crops to be Irrigated: corn & hay & beans

10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to add 68 acres irrigated by ground water (3 existing wells) and to add 408 acres to be irrigated from the Big Sioux River in addition to the W1/2 SW1/4 (54ac) section 26-T106N-R49W authorized by Permit No. 4329-3. The 0.77 cfs (346 gpm) from the Big Sioux River is to be increased up to 6.61 cfs (2960 gpm) with no increase in the 1200 gpm pump rate from the 3 wells.

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 moody) ss

I, Terry L. Anderson, 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 Terry L. Anderson

Subscribed and sworn to before me this 13th day of March 19 91

JAMES A. ANDERSON
Notary Public, Minnehaha County
My Commission Expires February 9, 1994

James A. Anderson
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5530-3 FOR IRRIGATION

Date of first receipt of application March 14, 1991.

Date Soil/Water Compatibility Permits received April 22, 1991 and May 17, 1991.

The Water Management Board approved Water Permit Application No. 5530-3 on December 4, 1991 for Terry L Anderson, Rt 1, Box 15, Trent SD 57065 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. 5530-3 increases the acreage being irrigated from groundwater and the Big Sioux River and increases the diversion rate from the Big Sioux River. Water Permit No. 4329-3 authorizes irrigation of the W 1/2 SW 1/4 Section 26-T106N-R49W (54 acres) from the Big Sioux River and irrigation of portions of the S 1/2 SE 1/4 Section 27; S 1/2 SW 1/4, SE 1/4 Section 26, NE 1/4 Section 35; all in T106N-R49W, from 3 existing wells. The Big Sioux River diversion point is located near the center of the S 1/2 and the 3 existing wells are located in the SW 1/4 SE 1/4; all in Section 27-T106N-R49W. Permit No. 4329-3 authorizes a diversion rate of 0.77 cubic feet of water per second (cfs) from the Big Sioux River to irrigate the 54 acres described above.

This permit allows irrigation of an additional 68 acres located in the N 1/2 SW 1/4 Section 26-T106N-R49W from the 3 existing wells and irrigation of an additional 409 acres located in the S 1/2 SE 1/4 Section 27; N 1/2 SW 1/4, SE 1/4 SW 1/4, SE 1/4 Section 26; NE 1/4 Section 35; all in T106N-R49W, from the Big Sioux River at the diversion point authorized by Permit No. 4329-3. The diversion rate from the Big Sioux River is to be increased by 5.84 cfs to irrigate the additional 409 acres and the diversion rate from the 3 existing wells is to remain at the existing 2.67 cfs diversion rate authorized by Permit No. 4329-3.

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: May 1 - September 30..
3. The date from which applicant may claim right is March 14, 1991.
4. One-fifth of the construction is to be completed on or before June 4, 1994.
5. All construction is to be completed on or before December 4, 1996.
6. Water is to be put to beneficial use on or before December 4, 2000.
7. 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 and prior water rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River unless at least 35 cfs is being by-passed when pumping at the Dell Rapids USGS gaging station, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversions under Permit No. 5530-3 will be subject to these prior rights, and an increased by-pass will be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
4. The wells 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.
5. Approval of Permit No. 5530-3 does not authorize any increase in the diversion rate from groundwater.

WATER MANAGEMENT BOARD

By: _____

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

FEB 20 1992

(date)

COPY

Attachment

Acreage from Big Sioux River:

<u>Legal Description</u>	<u>No. of Acres</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 27-T106N-R49W	20
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 26-T106N-R49W	1718
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	34
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	33
NW $\frac{1}{4}$ SE $\frac{1}{4}$ "	32
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	32
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	32
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	32
NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 35-T106N-R49W	34
NE $\frac{1}{4}$ NE $\frac{1}{4}$ "	34
SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	34
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	34
Total	<u>4089</u> acres

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 35 - 40
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type Jonston Diameter "18" Thickness _____

d) Gravel Pack Thickness _____ Length of Gravel Pack _____

e) Depth to Top of Water Bearing Material _____ *I spoke with*

f) Depth to Water (ground surface to water level) _____ *Jim Lacy & Dale Kettelson*
about the wells no one
knows about them

g) Distance to nearest existing domestic well: _____

On applicants property 600 ft. between wells On property owned by others _____

Jerry Heinrich

2. Dugout Information Estimates

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

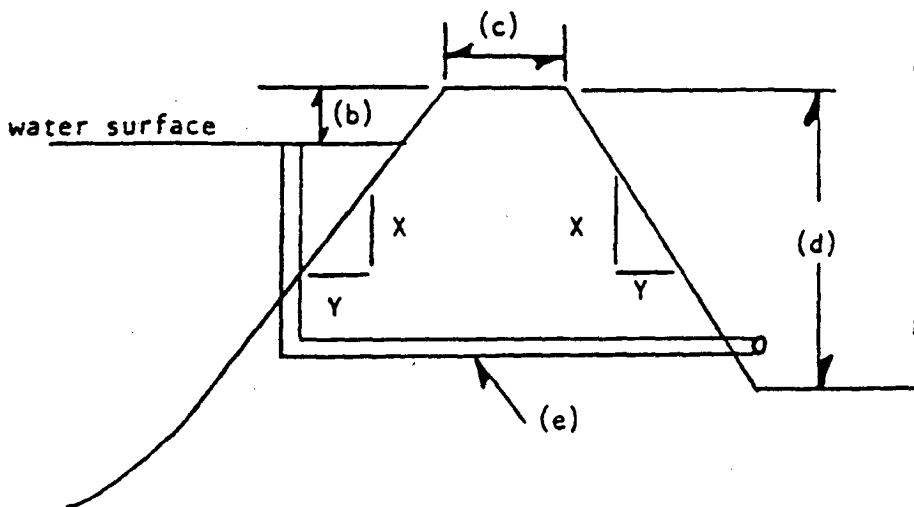
g) X & Y Slope
Upstream _____

Downstream _____

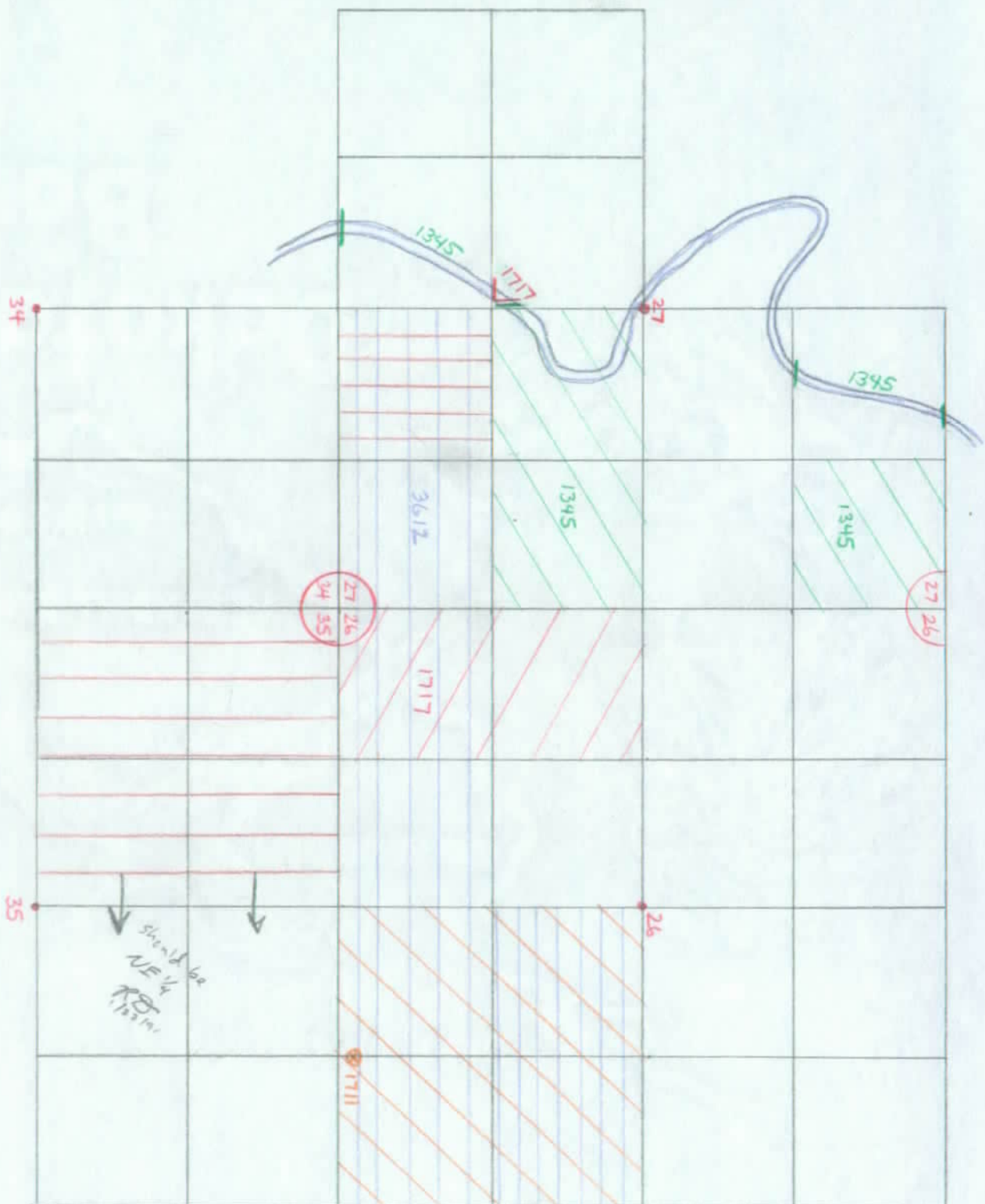
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



- 1345-3 S
- 1711-3 S
- 1717-3 S
- 3612-3 S
- 4329-3 S

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412586

Pierre, March 14, 1991

RECEIVED OF Terry Anderson, Rt 1 Box 15, Trent, SD 57065

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

Fee for Application for Permit No. <u>5530-3</u> to Appropriate Water, to construct works and to put water to beneficial use	375	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	375 00

By John Hodel / Jmb
Chief Engineer

NAME OF PERSON OR FILE: Terry L and Denise Anderson
ADDRESS: RR 1, Box 15, Trent SD 57065
DATE: January 22, 1991
RE: Status of Water Permit No. 4329-3

On January 17, 1990, an on-site inspection of Permit No. 4329-3 was completed with Terry Anderson present. Mr. Anderson stated that the S1/2 of section 26 was irrigated in 1990 by two new center pivot systems. The systems are equipped with the proper chemigation equipment. The acreage located in the NE1/4 section 35 is being rented by Mr. Anderson and was not irrigated in 1990. An 8 inch pipeline has been run to the center of the NE1/4 section 35. The east center pivot is shorter than the west pivot due to a shelterbelt; however, a larger end gun has been installed to partially compensate for the reduced length.

The irrigation questionnaires for Permit No. 4329-3 were reviewed for the years from 1981 thru 1989. Irrigation of approximately 270 acres occurred each year except during 1988 (140 acres). No irrigation was reported in 1986, 1987, and 1989.

Dale Kittelson was contacted to determine frequency of irrigation and what water source was used. Mr. Kittelson indicated that the N1/2 SE1/4 section 27 was last irrigated in approximately 1981 and the W1/2 SW1/4 section 26 in approximately 1983 or 1984 from the Big Sioux River. The area in the NE1/4 section 27 according to Mr. Kittelson has never been irrigated. Mr. Kittelson was aware of the need to irrigate all of the permitted acreage every three years to prevent loss of the water permits. Four vermeers were towed and center pivots were used to maintain the water permits.

The acreages irrigated with ground water including the NE1/4 section 35 and the S1/2 SE1/4 section 27 were last irrigated in about 1984 according to Mr. Kittelson; however, the irrigation questionnaire indicates approximately 270 acres were irrigated in 1985. According to Mr. Kittelson, the property was turned over to the FmHA in about 1985. The transfer of ownership to the FmHA did not occur until April 1989 and the property was transferred again in April of 1990 to Terry Anderson.

On March 4, 1991, Mr Anderson confirmed that FmHA obtained the property in 1985 and held the property until Mr. Anderson acquired the property in April or March of 1990. Mr. Anderson stated the pivot located in the SW1/4 section 26 does not make a full circle due to the shop buildings and the pivot in the SE1/4 section 26 is nearly centered in the quarter. Information regarding the well construction is not available to Mr. Anderson, the former owner has not supplied the information. The pipeline size between the wells is believed to be 12 inch according to Mr. Anderson.



Ron Duvall, Natural Resources Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 5, 1991

Terry Anderson
RR 1, Box 15
Trent SD 57065

Dear Mr. Anderson:

This letter is in response to my on-site inspection of your irrigation system on January 17, 1990.

Enclosed are application forms to allow irrigation of the N1/2 SW1/4 section 26 with ground water and to allow irrigation from the Big Sioux River. I have also enclosed a map outlining the area to be irrigated. If the irrigated acreage needs to be corrected, please make the changes to the map and return the map to me.

The maximum allowable pump rate from the Big Sioux River to irrigate approximately 408 acres + 54 acres (covered by 4329-3) = 462 acres is 6.60 cubic feet of water per second (2960 gallons per minute). This figure is determined by dividing the acreage by 1 cfs per 70 acres ($462/70 = 6.6$ cfs). If you want to specify a smaller pump rate from the Big Sioux River, then complete the application forms with this value left blank (question Nos. 2 and 10 with red mark) and discard the other set of forms. On the Supplemental forms, please complete item 1(g). I will review our records concerning the wells since you have no information on the well construction.

The application fee is \$375.00 to add 408 acres from the Big Sioux and 68 acres from ground water. Please sign the application forms in the presence of a notary public and return the applications with the map and application fee.

If you have any questions, please contact me.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

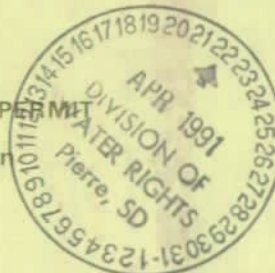
Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4579

WR#

OWNERS NAME: TERRY L. ANDERSONOWNERS ADDRESS: RT. 1, BOX 15TRENT, SD 57065COUNTY LAND LOCATED IN: MOODYPHONE: 534-8653

BIG SIOUX RIVER

LEGAL DESCRIPTION:

(3) ☒ Well☒ Surface1. LOCATION (3) Existing Wells: SW 1/4 27-T106N-R49W; Big Sioux River: near center ofDepth 27-T106N-R49W**LEGAL DESCRIPTION:**Additional acreage from ground water:

NW 1/4 SW 1/4 26-T106N-R49W = 34 A., NE 1/4 SW 1/4 26-T106N-R49W = 34 A.

Acreage from Big Sioux River:

SW 1/4 SE 1/4 27-T106N-R49W = 20 A., SE 1/4 SE 1/4 27-T106N-R49W = 40 A.

SW 1/4 SW 1/4 26-T106N-R49W = 17 A., NE 1/4 SW 1/4 26-T106N-R49W = 34 A.

SE 1/4 SW 1/4 26-T106N-R49W = 33 A., NW 1/4 SE 1/4 26-T106N-R49W = 32 A.

NE 1/4 SE 1/4 26-T106N-R49W = 32 A., SW 1/4 SE 1/4 26-T106N-R49W = 32 A.

SE 1/4 SE 1/4 26-T106N-R49W = 32 A., NW 1/4 NE 1/4 35-T106N-R49W = 34 A.

NE 1/4 NE 1/4 35-T106N-R49W = 34 A., SW 1/4 NE 1/4 35-T106N-R49W = 34 A.

SE 1/4 NE 1/4 35-T106N-R49W = 34 A. Total Acres = 408

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: XXX (Specify) _____ OTHER: _____3. CROPS TO BE IRRIGATED: CORN, SOY & BEANS.**WATER QUALITY:**4. WATER SAMPLE NUMBER: 77-068

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 7138. PERCENT SODIUM: 3.326. SODIUM (SAR): 0.14**Requirements:**The drainageways shall be maintained in grass or alfalfa to reduce erosion.A buffer strip along the Big Sioux River shall be maintained in permanent vegetation and shall not be irrigated.Under irrigation, the water tables may become perched and require artificial drainage; i.e., tile drainage. Adequate drainage shall be provided, as deemed necessary.Please be advised, we do not consider the Swampbuster or Wetland Provisions in developing our recommendations. Consult with your local SCS & ASCS offices before undertaking any drainage.

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

APRIL 18, 1991

Date

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



MAP	SOIL MAPPING:		
SYMBOL	UNIT NAME	GROUP	DESCRIPTIONS

BeA Blendon sandy loam, 0 to 3% slopes. This deep, well drained, nearly level soil is on terraces. Content of organic matter is moderate and fertility medium. Tilth is good. Permeability is moderately rapid. Available water capacity is moderate. Runoff is slow. Most of the acreage is cropland. Capability unit is IIIs; Sandy range site; Pasture group H; Windbreak group 5.

EnA Enet loam, 0 to 2 percent slopes. This well drained, nearly level soil is on terraces. It is moderately deep to gravelly material. It is subject to rare flooding. Content of organic matter is moderate and fertility medium in the Enet soil. Tilth is good. Permeability is moderate in the upper part of the soil and rapid in the underlying material. Available water capacity is low. Runoff is slow. Capability unit IIs; Silty range site; Pasture group D1; Windbreak group 6G.

Do Dimo clay loam. This somewhat poorly drained, nearly level soil is on flood plains and in swales on terraces. It is moderately deep to gravelly material. It is occasionally flooded for very brief periods after high amounts of rainfall or rapid snowmelt. Content of organic matter and fertility are high in the Dimo soil. Tilth is good. Permeability is moderate in the upper part of the soil and rapid in the underlying material. Available water capacity is moderate. A seasonal high water is at a depth of 2 to 6 feet. Runoff is slow. Capability unit IIs; Overflow range site; Pasture group K; Windbreak group 1.

Ar Arlo loam. This poorly drained, nearly level soil is on flood plains. It is moderately deep to gravelly material. It is occasionally flooded for brief periods after heavy rain or rapid snowmelt. Content of organic matter is moderate and fertility low. Tilth is fair. Permeability is moderate in the upper part of the subsoil and rapid in the underlying gravelly material. Available water capacity is moderate. A seasonal high water table is within a depth of 2 feet. Runoff is slow. Capability unit is IIIw-3, Subirrigated range site, Pasture group A, Windbreak suitability group 2S.

DaA Davis loam, 0 to 2 percent slopes. This deep, well drained, nearly level soil is on flood plains, foot slopes, and fans. It is occasionally flooded for brief periods after heavy rainfall or rapid snowmelt. Content of organic matter and fertility are high. Tilth is good. Permeability is moderate. Available water capacity is high. Runoff is slow. Capability unit I-1; Overflow range site; Pasture group K; Windbreak group 1.

FmB Flandreau-Maddock complex, 2 to 6% slopes. These deep, undulating soils are on uplands and terraces. Well-drained Flandreau soil is on low side slopes. The somewhat excessively drained Maddock soil is on upper side slopes and knolls. Content of organic matter is high in Flandreau soil and low in Maddock soil. Fertility is medium in Flandreau soil and low in Maddock soil. Tilth is good in both soils. Permeability is moderate in the upper part of the soil and rapid in the underlying material in the Flandreau soil. It is rapid in the Maddock soil. Available water capacity is moderate in the Flandreau soil and low in the Maddock soil. Runoff is medium on the Flandreau soil and slow on Maddock soil. Shrink-swell potential is low in both soils. Capability unit IIIs-2/IVs2; Silty/Sandy range site; Pasture group F/H; Windbreak group 3/7.

MAP SYMBOL:	SOIL MAPPING: UNIT NAME :	GROUP :	DESCRIPTIONS
DsB			Doland loam, 2 to 6 percent slopes. This deep, well drained, gently sloping soil is on uplands. Some areas are dissected by well defined drainageways. Content of organic matter is high and fertility medium. Tilth is good. Permeability is moderate in the upper part of the soil and moderately slow in the underlying material. Available water capacity is high. Runoff is medium. Capability unit IIe-2; Silty range site; Pasture group F; Windbreak group 3.
La			Lamo silty clay loam. This deep, somewhat poorly drained, nearly level soil is on flood plains. It is occasionally flooded for brief periods after heavy rainfall or rapid snowmelt. Content of organic matter and fertility are high. Tilth is fair. Permeability is moderately slow. Available water capacity is high. A seasonal high water table is at a depth of 1.5 to 3.0 feet. Runoff is slow. Capability unit IIw; Subirrigated range site; Pasture group A; Windbreak group 2w.
Cm			Ciamo silty clay. This deep, poorly drained, level soil is on flood plains. It is occasionally flooded for long periods after high amounts of rainfall or rapid snowmelt. Content of organic matter and fertility are high. Tilth is poor. Permeability is slow. Available water capacity is high. A seasonal high water table is at a depth of 0.5 to 3 feet. Runoff is very slow. Capability unit is IIIw; Overflow range site; Pasture group A; Windbreak group 2w.
Lb			Lamo silty clay loam, frequently flooded. This deep, poorly drained, nearly level soil is on flood plains. It is frequently flooded for long periods after high amounts of rainfall or rapid snowmelt. Most areas are dissected by a well defined meandering stream channel. Content of organic matter and fertility are moderate. Tilth is fair. Permeability is moderately slow. Available water capacity is high. A seasonal high water table is at a depth of 0.5 to 1.5. feet. Runoff is slow. Capability unit Vw; Subirrigated range site; Pasture group B1; Windbreak group 10.

Wesley L. Lason
District Conservationist



MAP SYMBOL	SOIL MAPPING UNIT NAME	GROUP	DESCRIPTIONS
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- BeA Blendon sandy loam, 0 to 3% slopes. This deep, well drained, nearly level soil is on terraces. Content of organic matter is moderate and fertility medium. Tilth is good. Permeability is moderately rapid. Available water capacity is moderate. Runoff is slow. Most of the acreage is cropland. Capability unit is IIIs; Sandy range site; Pasture group H; Windbreak group 5.
- EnA Enet loam, 0 to 2 percent slopes. This well drained, nearly level soil is on terraces. It is moderately deep to gravelly material. It is subject to rare flooding. Content of organic matter is moderate and fertility medium in the Enet soil. Tilth is good. Permeability is moderate in the upper part of the soil and rapid in the underlying material. Available water capacity is low. Runoff is slow. Capability unit IIs; Silty range site; Pasture group D1; Windbreak group 6G.
- Do Dimo clay loam. This somewhat poorly drained, nearly level soil is on flood plains and in swales on terraces. It is moderately deep to gravelly material. It is occasionally flooded for very brief periods after high amounts of rainfall or rapid snowmelt. Content of organic matter and fertility are high in the Dimo soil. Tilth is good. Permeability is moderate in the upper part of the soil and rapid in the underlying material. Available water capacity is moderate. A seasonal high water is at a depth of 2 to 6 feet. Runoff is slow. Capability unit IIs; Overflow range site; Pasture group K; Windbreak group 1.
- Ar Arlo loam. This poorly drained, nearly level soil is on flood plains. It is moderately deep to gravelly material. It is occasionally flooded for brief periods after heavy rain or rapid snowmelt. Content of organic matter is moderate and fertility low. Tilth is fair. Permeability is moderate in the upper part of the subsoil and rapid in the underlying gravelly material. Available water capacity is moderate. A seasonal high water table is within a depth of 2 feet. Runoff is slow. Capability unit is IIIw-3, Subirrigated range site, Pasture group A, Windbreak suitability group 2S.
- DaA Davis loam, 0 to 2 percent slopes. This deep, well drained, nearly level soil is on flood plains, foot slopes, and fans. It is occasionally flooded for brief periods after heavy rainfall or rapid snowmelt. Content of organic matter and fertility are high. Tilth is good. Permeability is moderate. Available water capacity is high. Runoff is slow. Capability unit I-1; Overflow range site; Pasture group K; Windbreak group 1.
- FmB Flandreau-Maddock complex, 2 to 6% slopes. These deep, undulating soils are on uplands and terraces. Well-drained Flandreau soil is on low side slopes. The somewhat excessively drained Maddock soil is on upper side slopes and knolls. Content of organic matter is high in Flandreau soil and low in Maddock soil. Fertility is medium in Flandreau soil and low in Maddock soil. Tilth is good in both soils. Permeability is moderate in the upper part of the soil and rapid in the underlying material in the Flandreau soil. It is rapid in the Maddock soil. Available water capacity is moderate in the Flandreau soil and low in the Maddock soil. Runoff is medium on the Flandreau soil and slow on Maddock soil. Shrink-swell potential is low in both soils. Capability unit IIIs-2/IVs2; Silty/Sandy range site; Pasture group F/H; Windbreak group 3/7.

MAP SYMBOL:	SOIL MAPPING: UNIT NAME :	GROUP :	DESCRIPTIONS
DsB			Doland loam, 2 to 6 percent slopes. This deep, well drained, gently sloping soil is on uplands. Some areas are dissected by well defined drainageways. Content of organic matter is high and fertility medium. Tilth is good. Permeability is moderate in the upper part of the soil and moderately slow in the underlying material. Available water capacity is high. Runoff is medium. Capability unit IIe-2; Silty range site; Pasture group F; Windbreak group 3.
La			Lamo silty clay loam. This deep, somewhat poorly drained, nearly level soil is on flood plains. It is occasionally flooded for brief periods after heavy rainfall or rapid snowmelt. Content of organic matter and fertility are high. Tilth is fair. Permeability is moderately slow. Available water capacity is high. A seasonal high water table is at a depth of 1.5 to 3.0 feet. Runoff is slow. Capability unit IIw; Subirrigated range site; Pasture group A; Windbreak group 2w.
Cm			Clamo silty clay. This deep, poorly drained, level soil is on flood plains. It is occasionally flooded for long periods after high amounts of rainfall or rapid snowmelt. Content of organic matter and fertility are high. Tilth is poor. Permeability is slow. Available water capacity is high. A seasonal high water table is at a depth of 0.5 to 3 feet. Runoff is very slow. Capability unit is IIIw; Overflow range site; Pasture group A; Windbreak group 2w.
Lb			Lamo silty clay loam, frequently flooded. This deep, poorly drained, nearly level soil is on flood plains. It is frequently flooded for long periods after high amounts of rainfall or rapid snowmelt. Most areas are dissected by a well defined meandering stream channel. Content of organic matter and fertility are moderate. Tilth is fair. Permeability is moderately slow. Available water capacity is high. A seasonal high water table is at a depth of 0.5 to 1.5. feet. Runoff is slow. Capability unit Vw; Subirrigated range site; Pasture group B1; Windbreak group 10.

Dennie Larson
District Conservationist

Report on Water Permit Application No. 5530-3
Terry L. Anderson
April 24, 1991

Application No. 5530-3, Terry L. Anderson, proposes to increase irrigated acreage and the diversion rate from the Big Sioux River. An inspection of Water Permit No. 4329-3 on January 17, 1991 was completed by staff engineer Ron Duvall of the Division of Water Rights. At that time it was found that there was additional acreage irrigated and increased diversion from the river which was not covered under the permit. This application proposes to irrigate an additional 68 acres located in N1/2 SW1/4 of Section 26-T106N-R49W from 3 existing wells located in the SW1/4 SE1/4 of Section 27-T106N-R49W. These wells are permitted for and are capable of diverting 2.67 cubic feet of water per second (cfs). There is no request to increase the diversion rate from the wells.

This application also proposes to irrigate an additional 409 acres located in the S1/2 SE1/4 of Section 27; N1/2 SW1/4, SE1/4 SW1/4, SE1/4 of Section 26; NE1/4 of Section 35; all in T106N-R49W. This land is to be irrigated from the Big Sioux River with the diversion point located near the center of the S1/2 of Section 27-T106N-R49W. An increase in the diversion rate, for the river diversion, from the permitted 0.77 cfs to a maximum diversion rate of 6.61 cfs is also proposed. This irrigation project is located approximately 2 miles north of Trent in Moody County.

Water Source

The water source for the proposed surface diversion is the Big Sioux River. The Big Sioux River is subject to periods of widely varying levels of flow. The U.S. Geological Survey (USGS) maintains several gaging stations on the river for monitoring flow. The USGS gaging station near Dell Rapids is located approximately 20 miles downstream from the proposed river diversion point. Table 1 shows flow duration hydrograph data from this station based on 39 years of record.

Table 1. Flow duration hydrograph data for the Big Sioux River near Dell Rapids.

	<u>Probability of Flow, cfs</u>				
	<u>10%</u>	<u>30%</u>	<u>50%</u>	<u>70%</u>	<u>90%</u>
OCT	348	95	52	28	5
NOV	310	79	48	32	13
DEC	197	56	32	19	8
JAN	91	24	17	9	3
FEB	156	68	20	11	4
MAR	1767	792	490	265	20
APR	3514	1852	452	198	117

MAY	1166	611	258	136	59
JUN	1602	553	205	108	39
JUL	795	363	150	62	24
AUG	542	137	65	25	12
SEP	231	90	52	26	5

Review of Existing Water Rights

There are 46 existing water rights/permits on the Big Sioux River which appropriate 128.72 cfs located below the proposed diversion point to the confluence with the Missouri River. From the proposed diversion point to a point just below Sioux Falls there are 22 existing water rights/permits which appropriate 68.72 cfs. The Big Sioux River below Sioux Falls generally receives sufficient flows from tributary inflows to meet the needs of the downstream water permit holders. The City of Sioux Falls also holds Future Use Permit Nos. 3981-3 and 3981A-3 for which 40,000 acre-feet annually is still reserved.

Conclusions

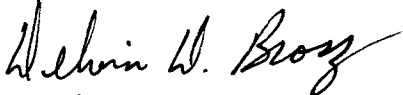
1. This application proposes to irrigate an additional 68 acres from 3 existing well with no increase in the diversion rate beyond the permitted 2.67 cfs.
2. An additional 409 acres are proposed to be irrigated from the Big Sioux River with an increase in the diversion rate from 0.77 cfs to a maximum of 6.61 cfs.
3. If this application should be approved it should contain the following qualifications:
 - A. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
 - B. The irrigation water use questionnaire being submitted each year.
 - C. The City of Sioux Falls has priority rights to portions of this water under Future Use Permit Nos. 3981-3 and 3981A-3. Diversions would be subject to these prior rights, if and when the City of Sioux Falls develops the

water reserved by Future Use Permit Nos. 3981-3 and
3981A-3.



Mark D. Rath
Natural Resources Engineer II

Approved by,



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

References

1. SDDENR. 1991. South Dakota Department of Environment and Natural Resources, Water Rights Division records.
2. USGS. 1989. Water Resources Data, South Dakota, Water Year 1989. United States Geological Survey Water-Data Report SD-89-1.

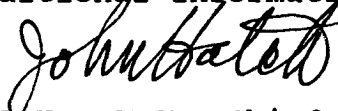
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. Terry L. Anderson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5530-3, Terry L. Anderson, Rt 1, Box 15, Trent, SD 57065.

The Chief Engineer is recommending APPROVAL of Application No. 5530-3 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 watering and prior water rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River unless at least 35 cfs is being by-passed when pumping at the Dell Rapids USGS gaging station, or unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversions under Permit No. 5530-3 will be subject to these prior rights, and an increased by-pass will be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
4. The wells 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.
5. Approval of Permit No. 5530-3 does not authorize any increase in the diversion rate from groundwater.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 10, 1991

NAME OF PERSON OR FILE: Terry L and Denise Anderson

ADDRESS: RR 1, Box 15, Trent SD 57065

DATE: May 14, 1991

RE: Acreage adjustment to Permit Application No. 5530-3

An error was found during review of the additional acreage to be irrigated from the Big Sioux River. The correction has been noted in red on the permit application as follows:

- 1) The SW1/4 SW1/4 has been changed to NW1/4 SW1/4 for section 26.
 - b. The additional acreage from the Big Sioux River (408 acres) has been increased by one acre from 408 to 409 acres due to the change in the legal description.
 - a. The additional diversion rate and total diversion rate from the Big Sioux River have been increased by 0.01 cfs from 5.83 cfs to 5.84 cfs and from 6.60 cfs to 6.61 cfs, respectively, due to the acreage increase.



Ron Duvall, Natural Resources Engineer
Water Rights Division

Conversation or File Documentation

NAME OF PERSON OR FILE: Terry Anderson

ADDRESS: _____ COUNTY _____

DATE: 5/15/91 TELEPHONE _____

RE: _____

COMMENTS:

An error was found in the legal description of acreage irrigated from the Big Sioux River. The SW¹/₄ SW¹/₄ of Section 26 should be the NW¹/₄ SW¹/₄ of Section 26. Also, the acreage should be 18 acres instead of 17 acres. Sent back over to Jim Stukel for correction of SW.

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 Nordlund

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4611

WR#

OWNERS NAME: ANDERSON, TERRY L.

OWNERS ADDRESS: RT. 1, BOX 15
TRENT SD 57065

COUNTY LAND LOCATED IN: MOODY PHONE: 534-3653

LEGAL DESCRIPTION:

(3) ☒ Wells

☒ Surface BIG SIOUX RIVER

1. LOCATION Ground Water (3 existing wells) and Big Sioux River
Depth (3) existing wells: SW $\frac{1}{4}$ SE $\frac{1}{4}$ 27-T106N-R49W; Big Sioux River near center of S $\frac{1}{2}$ 27-T106N-R49W.

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$ 26-T106N-R49W</u>	<u>18</u>		
<u>SE$\frac{1}{4}$ 26-T106N-R49W</u>			

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

3. CROPS TO BE IRRIGATED: CORN, HAY & BEANS

WATER QUALITY:

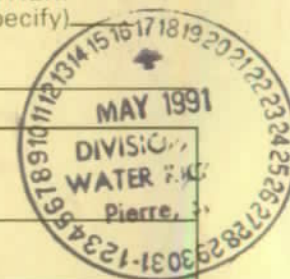
4. WATER SAMPLE NUMBER: 77-068

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 713

8. PERCENT SODIUM: 3.32

6. SODIUM (SAR): 0.14



Requirements:

The drainageways shall be maintained in grass or alfalfa to reduce erosion.

A buffer strip along the Big Sioux River shall be maintained in permanent vegetation and shall not be irrigated.

Under irrigation, the water tables may become perched and require artificial drainage; i.e., tile drainage. Adequate drainage shall be provided, as deemed necessary.

Please be advised, we do not consider the Swampbuster or Wetland Provisions in developing our recommendations. Consult with your local SCS & ASCS offices before undertaking any drainage.

XXX

APPROVED

XXX

REQUIREMENTS

DISAPPROVED

WAIVER

Director, Division of Conservation

MAY 17, 1991

Date

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



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1991

NOTICE

TO: Big Sioux River Water Right/Permit Holders and Other
Interested Persons Between Trent and Sioux Falls

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

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

SUBJECT: Water Permit Application No. 5530-3

Enclosed is a notice of hearing, report and recommendation for pending Water Permit Application No. 5530-3. This notice is scheduled to be published for two consecutive weeks beginning May 29, 1991 in the Moody County Enterprise and the Argus Leader.

This notice has been sent to you for your general information as a downstream water permit holder or person who has recently expressed a concern regarding water issues in the area.

CERTIFICATION

I hereby certify that on May 22, 1991, I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice dated May 21, 1991, regarding Water Permit Application No. 5530-3 addressed to:

Robert Thompson, Box I, Howard SD 57439 (115-3)
Larry Jorgenson, Rt 1, Box 2, Trent, SD 57065 (1302-3)
Raymond Jensen, RR 3, Box 92, Dell Rapids, SD 57022 (1350-3)
James Lacey, RR 1, Box 24, Dell Rapids, SD 57022 (1500-3)
Clayton Sandro, 506 Sunset Dr, Dell Rapids, SD 57022 (1625-3)
Harold Munk, RR 3, Box 96, Dell Rapids, SD 57022 (1801-3)
Edward Lacey, Box 796, Trent, SD 57065 (211-3)
Dell Rapids Golf/Recreation Assoc., Box 165, Dell Rapids, SD 57022
(4093-3)
Northern States Power Company, Box 988, Sioux Falls, SD 57101 (43-3)
Larry Johnson, Ut Mgr, City of Sioux Falls, 224 W 9th St, Sioux Falls,
SD 57102 (5202-3)
Lowen Schuett, Park & Rec, City of Sioux Falls, 600 E 7th St, Sioux
Falls, SD 57103 (5202-3)
Agripro, Lowell Behrens, PO Box 250, Brookings, SD 57006 (5278-3)
John Morrell & Company, 1400 N Weber Ave, Sioux Falls, SD 57101
(12-3)
Denny Christensen, RR 1 Box 877, Renner, SD 57055
Dean & Sandy Sorum, RR 1, Box 785, Renner, SD 57055
Mary Kennedy, 6613 N Cliff Ave, Sioux Falls, SD 57104

A copy of the Notice was hand carried to the office of:

Game, Fish & Parks
Tim Olson
Joe Foss Bldg

Jaci R. Konop

Jaci R. Konop
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of May, 1990.



John Hated
Notary Public



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 22, 1991

Terry L. Anderson
Rt 1 Box 15
Trent, SD 57065

Dear Mr. Anderson:

Water Permit Application No. 5530-3 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 Moody County Enterprise printed at Flandreau, SD and Sioux Falls Argus Leader printed at Sioux Falls, 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 newspaper has 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

May 22, 1991

Sioux Falls Argus Leader
Box 5034
Sioux Falls, SD 57117

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5530-3 to be published twice. Please publish the first notice on May 29, 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 Terry L. Anderson, Rt 1, Box 15, Trent, SD 57065.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

May 22, 1991

Moody County Enterprise
Box 71
Flandreau, SD 57028

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5530-3 to be published twice. Please publish the first notice on May 29, 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 Terry L. Anderson, Rt 1, Box 15, Trent, SD 57065.

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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

NOTICE OF HEARING on Application No. 5530-3 to Appropriate Water

Notice is given that Terry L. Anderson, Rt 1, Box 15, Trent SD 57065 has filed an application to increase the acreage being irrigated from ground water and the Big Sioux River and to increase the diversion rate from the Big Sioux River. Water Permit No. 4329-3 authorizes irrigation of the W1/2 SW1/4 section 26-T106N-R49W (54 acres) from the Big Sioux River and irrigation of portions of the S1/2 SE1/4 section 27; S1/2 SW1/4, SE1/4 section 26; NE1/4 section 35; all in T106N-R49W, from 3 existing wells. The Big Sioux River diversion point is located near the center of the S1/2 and the 3 existing wells are located in the SW1/4 SE1/4; all in section 27-T106N-R49W. Permit No. 4329-3 authorizes a diversion rate of 0.77 cubic feet of water per second (cfs) from the Big Sioux River to irrigate the 54 acres described above.

This application is to allow irrigation of an additional 68 acres located in the N1/2 SW1/4 section 26-T106N-R49W from the 3 existing wells and irrigation of an additional 409 acres located in the S1/2 SE1/4 section 27; N1/2 SW1/4, SE1/4 SW1/4, SE1/4 section 26; NE1/4 section 35; all in T106N-R49W, from the Big Sioux River at the diversion point authorized by Permit No. 4329-3. The diversion rate from the Big Sioux River is to be increased by 5.84 cfs to irrigate the additional 409 acres and the diversion rate from the 3 existing wells is to remain at the existing 2.67 cfs diversion rate authorized by Permit No. 4329-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5530-3 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 June 17, 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. 5530-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 26, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 26, 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 June 26, 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 June 17, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.

I, Angela Nibbelink

certify that the attached printed Notice was taken
from the Moody County Enterprise

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 Flandreau

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

May 28, 1991

June 4, 1991

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

June 4, 1991
(Date Signed)

Cost of Printing: 62.97



NOTICE OF HEARING on Application No. 5530-3 to Appropriate Water

Notice is given that Terry L. Anderson, Rt 1, Box 15, Trent, SD 57065 has filed an application to increase the acreage being irrigated from ground water and the Big Sioux River and to increase the diversion rate from the Big Sioux River. Water Permit No. 4329-3 authorizes irrigation of the W 1/2 SW 1/4 section 26-T106N-R49W (54 acres) from the Big Sioux River and irrigation of portions of the S 1/2 SE 1/4 section 27; S 1/2 SW 1/4, SE 1/4 Section 26; NE 1/4 section 35; all in T106N-R49W, from 3 existing wells. The Big Sioux River diversion point is located near the center of the S 1/2 and the 3 existing wells are located in the SW 1/4 SE 1/4; all in section 27-T106N-R49W. Permit No. 4329-3 authorizes a diversion rate of 0.77 cubic feet of water per second (cfs) from the Big Sioux River to irrigate the 54 acres described above.

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petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purpose of publishing 1) the notice of hearing on Application No. 5530-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 26, 1991 at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 26, 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 June 26, 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 June 17, 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.

(May 28-June 4, 1991)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Minnehaha) ss.

I, M. Devish

certify that the attached printed Notice was taken
 from the Argus Leader

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 Sioux Falls of _____

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

May 29, 1991

June 5, 1991

Mary J. Dewish (MJD)
 (Signature)

Controller

(Title)

6/5/91

(Date Signed)

Cost of Printing: 312 Lines at .3966 \$123.74

1 Affidavit of Publication 2.00

Total: \$125.74



NOTICE OF HEARING on Application No. 5530-3 to Appropriate Water

Notice is given that Terry L. Anderson, Rt 1, Box 15, Trent SD 57065 has filed an application to increase the acreage being irrigated from ground water and the Big Sioux River and to increase the diversion rate from the Big Sioux River. Water Permit No. 4329-3 authorizes irrigation of the W1/2 SW1/4 section 26-T106N-R49W (54 acres) from the Big Sioux River and irrigation of portions of the S1/2 SE1/4 section 27; S1/2 SW1/4, SE1/4 section 26; NE1/4 section 35; all in T106N-R49W, from 3 existing wells. The Big Sioux River diversion point is located near the center of the S1/2 and the 3 existing wells are located in the SW1/4 SE1/4; all in section 27-T106N-R49W. Permit No. 4329-3 authorizes a diversion rate of 0.77 cubic feet of water per second (cfs) from the Big Sioux River to irrigate the 54 acres described above.

This application is to allow irrigation of an additional 68 acres located in the N1/2 SW1/4 section 26-T106N-R49W from the 3 existing wells and irrigation of an additional 409 acres located in the S1/2 SE1/4 section 27; N1/2 SW1/4, SE1/4 SW1/4, SE1/4 section 26; NE1/4 section 35; all in T106N-R49W, from the Big Sioux River at the diversion point authorized by Permit No. 4329-3. The diversion rate from the Big Sioux River is to be increased by 5.84 cfs to irrigate the additional 409 acres and the diversion rate from the 3 existing wells is to remain at the existing 2.67 cfs diversion rate authorized by Permit No. 4329-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5530-3 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 June 17, 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. 5530-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 26, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 26, 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 June 26, 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 June 17, 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.

3065 May 29; June 5, 1991

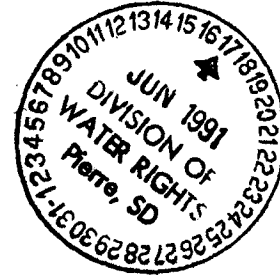


DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

GREAT FACES. GREAT PLACES.

June 17, 1991



Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Foss Building, 523 E. Capitol
Pierre, SD 57501

Dear Mr. Hatch:

The South Dakota Department of Game, Fish and Parks has reviewed the report on water permit application No. 5530-3 filed by Terry Anderson to divert an additional 5.84 cfs from the Big Sioux River.

The Department of Game, Fish and Parks requests that it be considered a party of record in proceedings regarding this water permit application. By virtue of statutory authority to manage fish and wildlife resources of the state (SDCL Chapter 41) we are opposed to approval of this application as presently qualified by the Chief Engineer. The proposed diversion could adversely affect an already depleted quantity of water in the Big Sioux available for natural resource management and public use.

Thank you for the opportunity to comment.

Sincerely,

Douglas R. Hansen
Director, Division of Wildlife



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 18, 1991

COPY

Cindy Ahrendt
1804 S. Jefferson
Sioux Falls, SD 57105

Dear Ms. Ahrendt:

Enclosed is the following regarding Water Permit Application No. 5530-3 for Terry Anderson:

1. Notice of petition of opposition being received and rescheduling of hearing
2. Petition of Opposition
3. Chief Engineer's recommendation
4. Report on Water Permit Application No. 5530-3
5. Notice of hearing that was published in newspapers.

If you have any questions regarding this application or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund
Water Rights Division
605 773-3352

attachments

June 18, 1991

(date)

page

Parties of Record before Water Management Board

Water Permit Application No. 5530-3, Terry Anderson

Terry Anderson

Rt. 1, Box 15

Trent, SD 57065

Department of Game, Fish & Parks

Foss Building

523 E. Capitol

Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 18, 1991

NOTICE

TO: Terry L. Anderson
Rt 1, Box 15
Trent, SD 57065
and Parties of Record (see attached sheet)

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

SUBJECT: Rescheduling of Hearing for Water Permit Application No.
5530-3

A petition on Water Permit Application No. 5530-3 has been filed by the South Dakota Department of Game, Fish and Parks. A copy of the petition of opposition is attached. The hearing before the Water Management Board will no longer be held on June 26, 1991.

The Water Management Board will now consider Water Permit Application No. 5530-3 on July 24, 1991 at 10:00 am in the Kneip Room, Governor's Inn, 700 West Sioux Ave., Pierre, SD 57501. The agenda time is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items. Applicable provisions of the Notice of Hearing published May 28, 1991 and June 4, 1991 in the Moody County Enterprise and May 29, 1991 and June 5, 1991 in the Sioux Falls Argus Leader will still apply at this hearing.

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

cc: Diane Best, Assistant Attorney General
Tim Olson, Game, Fish and Parks

attachment

CERTIFICATION

I hereby certify that on June 18, 1991 I have personally hand delivered a Notice of Rescheduling of Hearing for Water Permit Application No. 5530-3 to:

Parties of Record:

Department of Game, Fish & Parks, Foss Building, 523 E. Capitol,
Pierre, SD 57501.

Copy hand delivered to:

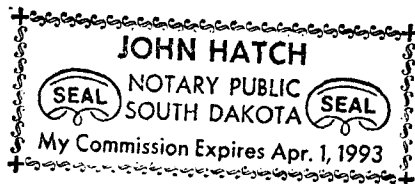
Tim Olson, Department of Game, Fish & Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501.

Eric Lundberg

Eric Gronlund
Natural Resources Engineer III

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of June, 1991.



John Hatch
Notary Public

CERTIFICATION

I hereby certify that on June 18, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Rescheduling of Hearing for Water Permit Application No. 5530-3 addressed as stated below:

Terry L. Anderson, Rt 1, Box 15, Trent, SD 57065.

Copy Inter-officed to:

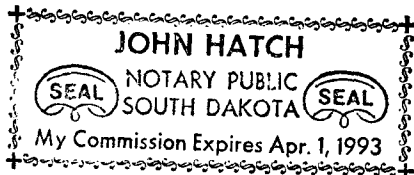
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of June, 1991.



John Batall
Notary Public



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182



GREAT FACES. GREAT PLACES.

July 17, 1991

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Environment & Natural Resources
Foss Building, 523 E. Capitol
Pierre, SD 57501

Dear Mr. Hatch:

As Mr. Richter, our staff attorney, and I discussed with you yesterday afternoon, the Department of Game, Fish and Parks (GF&P), Division of Wildlife is formally requesting a continuance of the July 24, 1991 hearing before the Board of Water Management regarding Water Permit Application No. 5530-3 filed by Mr. Terry Anderson of rural Trent, South Dakota.

As you are well aware, two other scheduled agenda items to be heard by the Board include: 1) a progress report to the Board regarding potential modifications to Scharfner Ditch and cancellation consideration of GF&P's water right (No. 542-3) for that ditch, and 2) consideration of GF&P's vested water right claim for Silver Lake (No. 5073-3). Due to the complexity and controversial nature of these two issues and the significant amount of time, staff and financial resources devoted to them to date and the additional time required to prepare for next week's meeting, we feel that will be unable to adequately prepare for the Anderson hearing as well.

We request that the hearing regarding the Anderson permit be delayed until the October board meeting.

Thank you for your assistance on this matter and if you have any questions please call me or Mr. Richter at 773-3718.

Sincerely,

Timothy J. Olson
Water Permits Coordinator

cc: Mr. Terry Anderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 1991

NOTICE

TO: Terry L. Anderson
Rt. 1, Box 15
Trent, SD 57065
and Parties of Record (see attached list)

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

SUBJECT: Continuance of Hearing on Water Permit Application No.
5530-3

The Department of Game, Fish and Parks has requested a continuance of the July 24, 1991 hearing before the Water Management Board on Water Permit Application No. 5530-3. The hearing before the Water Management Board will no longer be held on July 24, 1991.

The basis for granting this continuance is the applicants ability to irrigate will not be impaired by continuation of this hearing. Adoption of Findings of Fact, Conclusions of Law and Final Decision would have delayed issuance of this permit, if approved, until November 1, 1991 which is after the irrigation season.

The Water Management Board will now consider Water Permit Application No. 5530-3 at the October 2 & 3, 1991 meeting. Future notice of the rescheduled date, time, and location of the hearing will be sent to all parties of record.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on July 17, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Continuance of Hearing on Water Permit Application No. 5530-3 addressed as stated below:

Terry L. Anderson, Rt 1, Box 15, Trent, SD 57065.

Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Hand Delivered To:

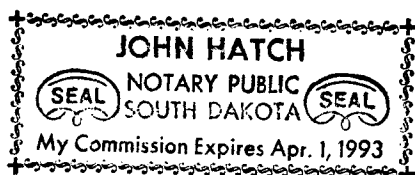
Department of Game, Fish & Parks, Foss Building, 523 E. Capitol,
Pierre, SD 57501.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of July, 1991.



John Bata
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1991

NOTICE

TO: Terry Anderson
Rt. 1 Box 15
Trent, SD 57065
and Parties of Record (see attached list)

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

SUBJECT: Rescheduling of Hearing on Water Permit Application No.
5530-2

The Water Management Board will consider Water Permit Application No. 2179-2 on October 1, 1991 at 10:30 am in the Meeting Room, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls SD. The agenda time is an estimate and may be delayed due to prior agenda items. Water Permit Application No. 5530-3 was continued from the July 24, 1991 Board meeting based on a request from the Department of Game, Fish & Parks.

Applicable provisions of the notice of hearing published May 28, 1991 and June 4, 1991 in the Moody County Enterprise and May 29, 1991 and June 5, 1991 in the Sioux Falls Argus Leader will still apply at this hearing. If you have any questions regarding the location of the Board meeting or the water permit application, please contact Eric Gronlund at 773-3352.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 28, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Rescheduling of Hearing on Water Permit Application No. 5530-2 addressed as stated below:

Terry Anderson, Rt 1, Box 15, Trent, SD 57065.

Sent Inter-office To:

Department of Game, Fish & Parks, Foss Building, 523 E. Capitol,
Pierre, SD 57501.

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 29th day of August, 1991.



John Hatch
Notary Public



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building

523 East Capitol

Pierre, South Dakota 57501-3182



GREAT FACES. GREAT PLACES.

September 24, 1991

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Foss Building, 523 E. Capitol
Pierre, SD 57501

Dear Mr. Hatch:

This correspondence is in regard to water permit application No. 5530-3 filed by Mr. Terry Anderson to divert an additional 5.83 cfs from the Big Sioux River for the purposes of irrigation.

Division of Wildlife staff have reevaluated the available instream flow information available for that area (Dell Rapids area) and at this time feel that the 35 cfs bypass requirement (measured at the Dell Rapids USGS gage) included in your May 10, 1991 recommendation should provide adequate instream flows to protect the fishery, wildlife and recreational values of the Big Sioux River. However, we would like to formally propose specific language indicating that the rationale for the low flow bypass requirement of 35 cfs includes maintenance of low flows for fishery, wildlife and recreational resources in addition to domestic use, stock water and prior water rights included in the present qualified approval of Mr. Anderson's permit application. Toward this end we suggest that the first sentence of qualification #1 be amended to read as follows:

Low flows as needed for downstream domestic use, including livestock watering, prior water rights and the maintenance of fishery, wildlife and recreational values must be by-passed.

Such a change to the present qualification would not further restrict Mr. Anderson's ability to use available water for irrigation purposes. We encourage you to carefully consider our suggestion which would clarify that the public's interests regarding nonconsumptive uses of the Big Sioux River are being recognized in the consideration of this permit action. If you have any questions regarding this proposal please call me at ext. 6208. Thank you.

Sincerely,

Tim Olson
Water Permits Coordinator

cc: Doug Hansen, Wildlife Division Director

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1991

NOTICE

TO: Terry Anderson
Rt 1 Box 15
Trent, SD 57065

Tim Olson, Water Permits Coord.
Dept of Game, Fish & Parks
Foss Building
523 E Capitol
Pierre, SD 57501

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

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on approval of Water Permit Application No. 5530-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, Kneip Room, Governor's Inn, Pierre, SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Department of Game, Fish and Parks by November 14, 1991. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and Department of Game, Fish and Parks by November 25, 1991.

The public hearing was completed on October 1, 1991. No additional testimony will be received on December 4, 1991.

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Cindy Ahrendt, Attorney

CERTIFICATION

I hereby certify that on October 4, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice Preparation of Findings of Fact, Conclusions of Law and Final Decision of Water Permit Application No. 5530-3 addressed as stated below:

Terry Anderson, Rt 1, Box 15, Trent, SD 57065.

Cindy Ahrendt, Attorney, 1804 S. Jefferson, SD 57105.

Hand Delivered To:

Tim Olson, Water Permits Coordinator, Department of Game, Fish & Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501.

Sent Inter-office To:

John Guhin, Deputy Attorney General, Capitol Building.

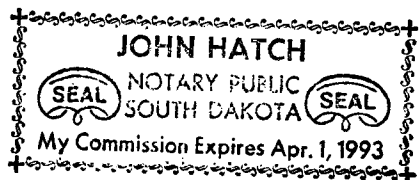
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of October, 1991.



John H. Lott
Notary Public

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 10, 1991

Terry Anderson
Rt. 1, Box 15
Trent, SD 57065

Dear Mr. Anderson:

The Water Management Board will consider proposed Findings of Fact, Conclusions of Law and Final Decision on Water Permit Application No. 5530-3 on December 4, 1991 at 1:00 pm in the Kneip Room, Governor's Inn, 700 W Sioux Ave., Pierre SD. The date of the Board meeting was inadvertently not included on the Notice, dated October 4, 1991, regarding the preparation of findings.

I apologize for any inconvenience this may have caused.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

cc: Tim Olson, GF&P Water Permits Coordinator
Cindy Ahrendt, Attorney

CERTIFICATION

I hereby certify that on October 10, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a revised letter dated October 10, 1991, regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision on approval of Water Permit Application No. 5530-3 addressed to:

Terry Anderson, Rt 1 Box 15, Trent, SD 57065

and a copy addressed to:

Cindy Ahrendt, Attorney, 1804 S Jefferson, Sioux Falls, SD 57105

A copy of the Notice was hand carried to the office of:

Tim Olson, Water Permits Coordinator, Department of Game, Fish & Parks, Fodd Building, 523 E Capitol, Pierre, SD 57501

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of October, 1991.



John Hatch
Notary Public

December 2, 1991

Ms. Diane Best
Assistant Attorney General
Office of Attorney General
500 E. Capitol Avenue
Pierre, SD 57501-5070

FAX# 773-4106

RE: IN THE MATTER OF WATER PERMIT APPLICATION NO. 5530-3;
TERRY ANDERSON.

Dear Diane:

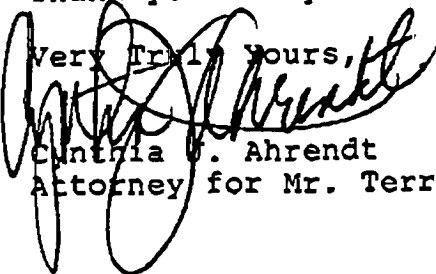
I am in receipt of the Findings of Fact and Conclusions of Law and Final Decision in the above entitled action. Please be advised that Mr. Anderson has no Objection to the foregoing.

Additionally, it is my understanding that on December 4, 1991 no additional testimony will be received. To that end, it is my understanding that the signing of the Findings of Fact, Conclusions of Law, and Order are just prodedure matters to be handled on that day. I am unable to be present at that said hearing, however if the Water Management Board intends to allow testimony on this matter, by Game, Fish, and Parks or others, I respectfully request to be allowed to do the same. I will be available to answer, any questions, comments, or make a response if necessary, at 1: o'clock P.M. on December 4, 1991, the time set for confirmation, and signature of the Order. I might suggest that any questions, comments, or response, be handled by telephonic conference. I can be reached at 336-9490. I will wait to hear from you.

If you have any questions, or comments, please advise.

Thank you for your attention to this matter.

Very Truly yours,


Cynthia A. Ahrendt
Attorney for Mr. Terry Anderson

*Alvin, I would
appreciate knowing
whether the Order was
signed. I would
like to know what
the result was.*

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)	FINDINGS OF FACT,
APPLICATION NO. 5530-3;)	CONCLUSIONS OF LAW
TERRY ANDERSON.)	AND FINAL DECISION



FINDINGS OF FACT

I

This is an application (1) to increase the acreage being irrigated under an existing permit from ground water and the Big Sioux River and (2) to increase the diversion rate of water from the Big Sioux River.

II

Existing Water Permit No. 4329-3 authorizes irrigation from the Big Sioux River and from three existing wells. The Applicant now proposes to irrigate an additional 68 acres from the three existing wells. The existing wells are permitted for and are capable of diverting 2.67 cubic feet of water per second; there is no request for an increased diversion rate from these wells.

III

The Applicant also seeks authorization to irrigate an additional 409 acres of land with water diverted from the Big Sioux River and seeks to increase the maximum diversion rate from the present allowable rate of .77 cfs to a new rate of 6.61 cfs.

IV

There is a reasonable probability that there is unappropriated water available for the Applicant's proposed use.

V

Game, Fish and Parks has proposed that this permit be qualified by providing that flows for the maintenance of fishery, wildlife and recreational values be bypassed. Game, Fish and Parks has, however, also stated on the record that the amendment it proposes would in no way affect the use of water by Applicant Terry Anderson. Game, Fish and Parks has also conceded that the 35 cfs bypass requirement imposed upon this permit is appropriate considering the Game, Fish and Parks position favoring the protection of fishery, wildlife and recreational values.

CONCLUSIONS OF LAW

I

This Board has jurisdiction over this matter.

II

There is a reasonable probability that there is unappropriated water available for the Applicant's proposed use.

III

The proposed diversion can be developed without unlawful impairment of existing rights.

IV

The proposed use for irrigation is a beneficial use.

V

A permit to appropriate water should not be qualified by the use of language which will not affect the Applicant's use of the water in question. Because Game, Fish and Parks has conceded that the qualifications proposed by it would not affect the use of water by Applicant Anderson, it is inappropriate to consider or include in the Final Decision the qualifications proposed by Game, Fish and Parks with regard to the protection of fishery, wildlife and recreational values.

VI

The grant of the permit is in the public interest with the qualifications as set forth in the Final Decision.

FINAL DECISION

The application for Water Permit No. 5530-3 is granted with the following conditions:

I

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River unless at least 35 cfs is being by-passed when pumping at the Dell Rapids USGS gaging station, or unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in

accordance with any written orders issued by the Chief Engineer.

II

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

III

The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversions under Permit No. 5530-3 will be subject to these prior rights, and an increased by-pass will be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.

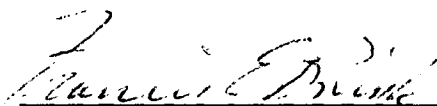
IV

The wells 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.

V

Approval of Permit No. 5530-3 does not authorize any increase in the diversion rate from groundwater.

BY THE BOARD:



DATED: 12/20/91



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

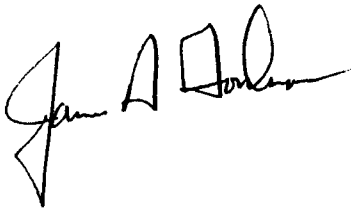
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 26, 1991

NOTICE

TO: Terry Anderson Tim Olson, Water Permits Coord.
Rt 1 Box 15 Dept of Game, Fish & Parks
Trent, SD 57065 Foss Building
 523 E Capitol
 Pierre, SD 57501

Cindy Ahrendt, Attorney
1804 S Jefferson
Sioux Falls, SD 57105

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

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact and Conclusions of Law were adopted by the Water Management Board for Water Permit Application No. 5530-3 which was considered at the December 4, 1991, meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on December 26, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Adoption of Findings of Fact, Conclusions of Law and Final Decision and a copy of the signed final Decision on Water Permit Application No. 5530-3 addressed as stated below:

Terry Anderson, Rt 1, Box 15, Trent, SD 57065.

Cindy Ahrendt, Attorney, 1804 S. Jefferson, Sioux Falls, SD 57105.

Hand Delivered To:

Tim Olson, Water Permits Coord., Dept of Game, Fish & Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501.

Copy of Notice Sent Inter-office To:

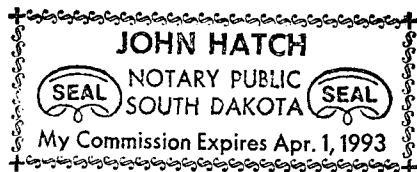
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of January, 1992.



John Batello
Notary Public



FEB 20 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Terry L Anderson
Rt 1 Box 15
Trent, SD 57065

Dear Mr. Anderson:

Enclosed is Water Permit No. 5530-3 authorizing construction of your water diversion system and beneficial use of the water, 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.

LICENSE FOR PERMIT NUMBER 4329-3

1. Legal location of wells: 3 existing wells: all in SW $\frac{1}{4}$ SE $\frac{1}{4}$
section 27 - T106N - R49W

dams & structures: _____

2. Well Information: Well Drilling Firm unknown

Completion Report Yes _____ No ☒ According to L. Mernaugh $\rightarrow$ #1 #2 #3
No. of Wells 3 Depth 40' 40' 40'

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type steel Static Water Level 9' each well

Pump a) make all Johnston Motor a) make all US Electrical

b) model _____ b) model No. _____

c) size _____ c) horsepower rating all 40hp

d) capacity 1200 (all 3 wells) gpm $\rightarrow$ #1 R 6229-02-114 R2108914

e) turbine pump - no. of stages _____ #2 " R2108909

f) operating PSI _____ #3 " R2108920

3. Distribution lines or canals

a) size 12" 6" 8"

b) type PVC PVC PVC

c) length 5600' 1280' 3100'

4. Dam Information:

a) height to crest _____ m) Outlet tubes: _____

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

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

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

Plans to add a small pivot to irrigate the S 1/2 SE 1/4 section 27

d) center pivot 2

- 1) make both Valley 6000
- 2) number of towers 6
- 3) distance between towers 1293 feet (west)
- 4) overall length 1270 feet (East)
- 5) end gun (Y/N)
- 6) high or low pressure _____
- 7) make & size of nozzles _____

- 8) capacity (GPM) 1200 operating together

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

- | Yes | No | Check Items |
|-------------------------------------|-------------------------------------|--|
| --- | ☒ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? <u>SE 1/4 section 26 needs S/W</u> |
| ☒ | --- | 2. Special qualifications to permit being abided by? |
| ☒ | --- | 3. All structures, wells and lands on map? |
| ☒ | --- | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| ☒ | --- | 5. Is chemigation used? |
| ☒ | --- | 6. If yes, does equipment comply with chemigation rules? |

REMARKS: An application is being filed to add acreage for irrigation from ground water and the Big Sioux River. If this application is approved, another inspection will be needed prior to licensing.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1996

Terry L Anderson
Rt 1, Box 15
Trent SD 57065

Dear Mr. Anderson:

This letter is in response to my investigation of your water permits (Nos. 4329-3 and 5530-3) which I completed on June 10, 1996. The purpose of your permit investigation was to license your permits for those portions that have been developed. Thank you for taking some time to discuss the status of your water permits.

During our conversation you indicated that acreage to be irrigated from the Big Sioux River under Permit No. 5530-3 has not yet been irrigated from the river. According to No. 5530-3, you have until December 4, 1996, to construct project works and until December 4, 2000, to put the water to beneficial use. Since visiting with you, I have taken a look at the water rights laws to see if it is possible to license your permits. According to South Dakota Codified Law 46-5-30.1, a license may only be issued "*to the extent and under the conditions of the actual application of water to beneficial use.*" Based on this statute, I can not proceed with licensing of your permit since the acreage has not yet been irrigated with water from the Big Sioux River.

Please advise us when you have completed the application of water to beneficial use by completing and returning the enclosed "Notice of Completion of Works and Application of Water to Beneficial Use." If you have any questions please contact me at (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

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



Date Nov-19-96

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

FROM: Terry Anderson RR 1 Box 15 Trent S.D.
(name) (address)
Trent SD 57065 5343653
(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. 5530-3.

Water Permit No. 5530-3 states that the diversion system is to be constructed by Dec-4-1996, and that the water is put to beneficial use by
(date)

Dec-4-2000
(date)

The diversion system was completed on used Traveling gun can not afford pivot at this time Thank you
(date)

Applying the water to beneficial use was completed on July-1-1996
(date)

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

Terry Anderson
(signature)



5530-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: TERRY/DENISE ANDERSON, RR 1 BOX 15, TRENT, SD 57065 9708

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 5530-3, 4329-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4329-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5530-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5530-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4329-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 28, 1999

4329-3
5530-3

Terry & Denise Anderson
RR 1 Box 15
Trent, SD 57065-9708

Dear Mr. & Mrs. Anderson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemigation report. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit Nos. 4329-3 and 5530-3.

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

If you have any questions, please contact me.

Sincerely,

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



5530-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: TERRY & DENISE ANDERSON, 47558 237TH ST, TRENT, SD 57065
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5530-3, 4329-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4329-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5530-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5530-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4329-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



5530-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7537

Your item was delivered at 12:02 pm on January 15, 2004 in TRENT, SD 57065. The item was signed for by K ANDERSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

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Enter label number:

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SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8515 7537

TERRY & DENISE ANDERSON
47558 237TH ST
TRENT SD 57065

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

MAILING.

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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5530-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2004

4329-3
5530-3

Terry & Denise Anderson
47558 237th St
Trent SD 57065

Dear Mr. & Mrs. Anderson:

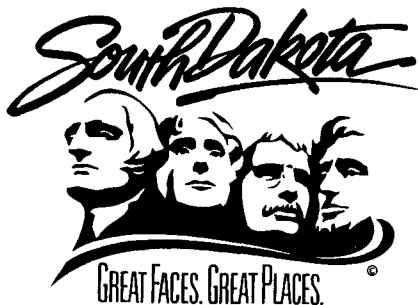
I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit and Right Nos. 4239-3 and 5530-3.

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

If you have any questions, please contact me.

Sincerely,

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



5530-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: TERRY & DENISE ANDERSON, 47558 237TH ST, TRENT, SD 57065

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4329-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5530-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 5530-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4329-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



5530-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2005

4329-3
5530-3

Terry & Denise Anderson
47558 237th St
Trent SD 57065

Dear Mr. & Mrs. Anderson:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit Nos. 4329-3 and 5530-3.

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

If you have any questions, please contact me.

Sincerely,

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



5530-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: TERRY & DENISE ANDERSON, 47558 237TH ST, TRENT, SD 57065

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4329-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5530-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5530-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4329-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2008

4329-3
5530-3

Terry & Denise Anderson
47558 237th St
Trent SD 57065

Dear Mr. & Mrs. Anderson:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit Nos. 4329-3 and 5530-3.

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

If you have any questions, please contact me.

Sincerely,

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



5530-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	47364 GOLF VIEW DR	ELK POINT	SD	57025
2255-3	JAMES H	COLE	29509 488TH AVE	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3 2952-3, 956- 3	WAYNE	HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
279-3 1350-3, 6042-3	ROBERT	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
1302-3 1500-3, 213- 3	RAYMOND D	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
	LARRY J	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
	TED	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
	EUGENE	LACEY	24064 478TH AVE	TRENT	SD	57065
3433-3	VIRGIL L	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
1801-3	GAIL	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
113-3	PATTI	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
3914-3	OMAR F	NASH	21660 469TH AVE	BROOKINGS	SD	57006
2350-3		PETTERSON	48378 276TH ST	CANTON	SD	57013
1801-3	HARVEY JOHN T & MELISSA R	RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1454-3		SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
5814-3	PATRICK V	SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
597-3	DAN & JUDY	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
5055-3		WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIoux FALLS	SD	57110
519-3A		XCEL ENERGY NORTHERN STATES POWER COMPANY	7100 E RICE ST	SIoux FALLS	SD	57110
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIoux FALLS	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
			224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

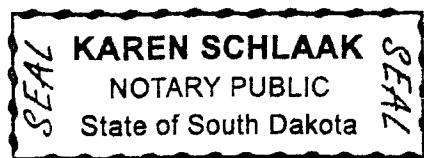
Sworn to, before me, this 6th day of August, 2012.

Karen Schlaak

Karen Schlaak

Notary Public

My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2012

NOTICE OF SHUTOFF ORDER

TO: Terry Anderson
47558 237th Ave
Trent SD 57065

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Big Sioux River Shutoff Order

Shutoff Order for Water Right No 5530-3.

The flow in the Big Sioux River is below 35 cubic feet per second (cfs) at the USGS gaging station near Dell Rapids, SD. A qualification under Permit No. 5530-3 states that diversions from the Big Sioux River are authorized only when flow at the Dell Rapids gage is at least 35 cfs while pumping under this permit. Therefore, effective immediately, no diversion of water from the Big Sioux River is authorized under Water Permit No. 5530-3.

Flow in the Big Sioux River has dropped to the point where domestic use of water, which includes livestock watering from the river and diversions for senior water rights, have become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 4329-3 & 5530-3

I have this day, 27 October 2015, made a thorough examination of the water use system constructed by Terry and Denise Anderson, 47758 437th Street, Trent, SD 57065 under Water Permit Nos. 4329-3 and 5530-3.

Permit No. 4329-3 bearing the priority of February 2, 1977 authorizes diversion of 5.54 cu. ft. per second of the waters of the Big Sioux: Moody aquifer for irrigation purposes, in Moody County. **Permit No. 5530-3**, bearing a priority date of March 14, 1991 authorizes diversion of 5.84 cfs from the Big Sioux River and included authorization to irrigate 68 more acres from the three wells authorized under Permit No. 4329-3.

Inspection contact & relationship to permit holder, if applicable: **Terry Anderson, owner**

A. Works used to divert the water:

Well₁ (NE well) Information:

- 1) Well Drilling Firm: Grimshaw Drilling
- 2) No. of Wells 1
- 3) Depth(s) 31 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 15 feet
- 3) Type PVC

Screen:

- 1) Type Stainless Steel-80 slot
- 2) Length 15 feet
- 3) Static water level 13 feet (4 April 1977)

Pump:

- 1) Make Johnson Turbine
- 2) Size 40 horsepower
- 3) Capacity 400 GPM

Moter

- 1) Make US Electric
- 2) Model High Thrust
- 3) Horsepower 40

Well₂ (south well) Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 32 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 14 inches
- 2) Length 21 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 11 feet
- 3) Static water level 12.5 feet (7 January 2013)

Pump:

- 1) Make Johnson Turbine
- 2) Size 40 horsepower
- 3) Capacity 400 GPM

Moter

- 1) Make US Electric
- 2) Model BF48A
- 3) Horsepower 40

Well₃ (NW well) Information:

- 5) Well Drilling Firm: Grimshaw Drilling
- 6) No. of Wells 1
- 7) Depth(s) 32 feet
- 8) Well log is available yes

Casing:

- 4) Diameter 16 inches
- 5) Length 15 feet
- 6) Type PVC

Screen:

- 4) Type Stainless Steel-80 slot
- 5) Length 15 feet
- 6) Static water level 13 feet (4 April 1977)

Pump:

- 4) Make Johnson Turbine
- 5) Size 40 horsepower
- 6) Capacity 400 GPM

Moter

- 1) Make US Electri
- 2) Model High Thrust
- 3) Horsepower 40

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

- 1) Type PVC
- 2) Size 12 inches
- 3) Length 5150 feet

Comments: Buried from well₁ to well₂ to well₃ and from east well to east of Pivot #1

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 835 feet

Comments: Buried from east of Pivot #1 to Pivot #1

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 1965 feet

Comments: Buried from east of Pivot #1 to Pivot #2

C. Works used to apply water to beneficial use:

Center pivot₁:

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Center pivot₂:

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Traveling Gun:

- 1) Make Nelson
- 2) Nozzle size 2 inches
- 3) Capacity 500 GPM
- 4) Hose size 4 inches

Chemigation Equipment:

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief Yes
- 4) Low pressure drain Yes
- 5) Discharge is 20' from source Yes
- 6) Interlock type electrical
- 7) Injection pump type Injec-O-Meter
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump Y

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y/N

If no, describe: **xx**

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

List any extended period of nonuse: **xx**

- 3) Exceptions to compliance are: **describe**

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows:

Well₁: 60 feet north and 2570 feet west of the southeast corner of Section 27, T106N-R49W (Lat./Lon.: 43.94995/-96.69833).

Well₂: 710 feet north and 2510 feet west of the southeast corner of Section 27, T106N-R49W (Lat./Lon.: 43.95172/-96.69814).

Well₃: 715 feet north and 1845 feet west of the southeast corner of Section 27, T106N-R49W (Lat./Lon.: 43.95173/-96.69561).

2. The works are capable of diverting and conveying to the place of use **2.67** 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:

SW SE $\frac{1}{4}$ Sec.27, T106N-R49W: 29.2 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.27, T106N-R49W: 38.7 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.26, T106N-R49W: 32.8 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.26, T106N-R49W: 32.7 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.26, T106N-R49W: 32.1 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.26, T106N-R49W: 28.3 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.26, T106N-R49W: 32.5 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.26, T106N-R49W: 29.9 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.26, T106N-R49W: 33.8 acres

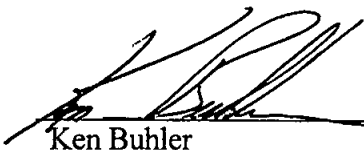
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.26, T106N-R49W: 30.0 acres

comprising a total of **320** acres of land and the license should be issued for **2.67** cfs.

3. All structures, wells and lands on map **Yes**

F. Comments or other permit(s) associated with the project:

The Big Sioux River is no longer used for irrigation of any of the above described land. Water Permit No. 4329-3 will be incorporated into Water License No. 5530-3 and authorize irrigation from ground water only. The N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26, T106N, R49W will retain a priority date of March 14, 1991; remaining acreage retains a priority date of February 2, 1977.



Ken Buhler
DENR, Water Rights Program

Date report completed: **9 January 2016**

Moody

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section 27 Township 106N Range 49W
Well owner: LEON + DALE KETTLESON TRENT, SD
Date well drilling completed: 4-4-77 Purpose of well: IRRIGATION
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-4	TOP SOIL	8'
4-8	CLAY	13'
8-31	SAND + GRAVEL	32'
31'	BLUE CLAY	32'
Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.		3 GA 16" PLASTIC 15'
Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen, or casing perforations.		16" JOHNSON SCREEN-15' BD SLOT
If a flowing well, flow of completed well _____ G.P.M.		

Attach sheet if more space is needed

GRIMSHAW DRILLING CO.
Name of Drilling Contractor

(2) PUMP INSTALLATION

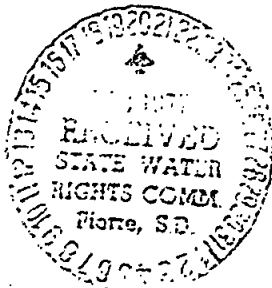
Company name and size of pump: NOT INSTALLED HP _____
Type of pump: _____ Capacity of installed pump: _____ G.P.M.
Depth of pump placement: _____ ft., Date of pump installation: _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft., tube diameter: _____, tube material: _____

Name of Pump Installation Contractor



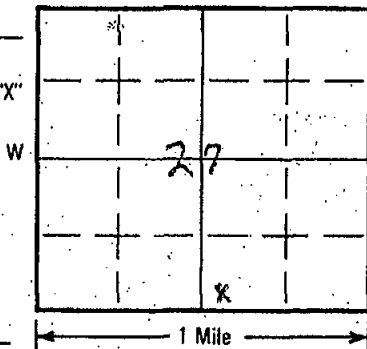
SOUTH DAKOTA WATER WELL COMPLETION REPORT

4329-3

07-92

Location SW 1/4 SE 1/4 Sec 27 Twp 106 Rg 49
County Moody North

Please mark well location with an "X"



Well Completion Date

1-7-13

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 500 ft. from CALF PEN (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

BUCKET/FALSE CASING

CASING DATA:

☐ Steel ☒ Plastic ☐ OtherIf other describe 56h 40

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
14	14	3	21	20
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT		lb./gal	0	10
		lb./gal		

Describe grouting procedure 1/4 in 1 1/2 yds
groutSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 11 FEETMaterial PVCSlot Size 285 Set From 21 Feet to 32 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

NO, Why Not?

Laboratory sent to for water quality analysis

Tap wellchlorinated
GRAVEL PACKWell Owner: TEIRY ANDERSON

Business Name:

Address: 47558 237th St
EGAN, S.D. 57024

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
SANDY TOPSOIL	0	3
CLAYEY SAND	3	13
MUD LENS	13	15
COARSE BROWN GRAVEL	15	32

STATIC WATER LEVEL

12'6"

Feet

If flowing: closed in pressure

PSI

GPM flow through

inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped

Describe:

☐ Bailed☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pu

ft. After Hrs. pumped

If pump installed, pump rate

GPM

GPM

GPM

REMARKS

REPLACE MENT WELLThis well was drilled under license # 111

And this report is true and accurate.

Drilling firm

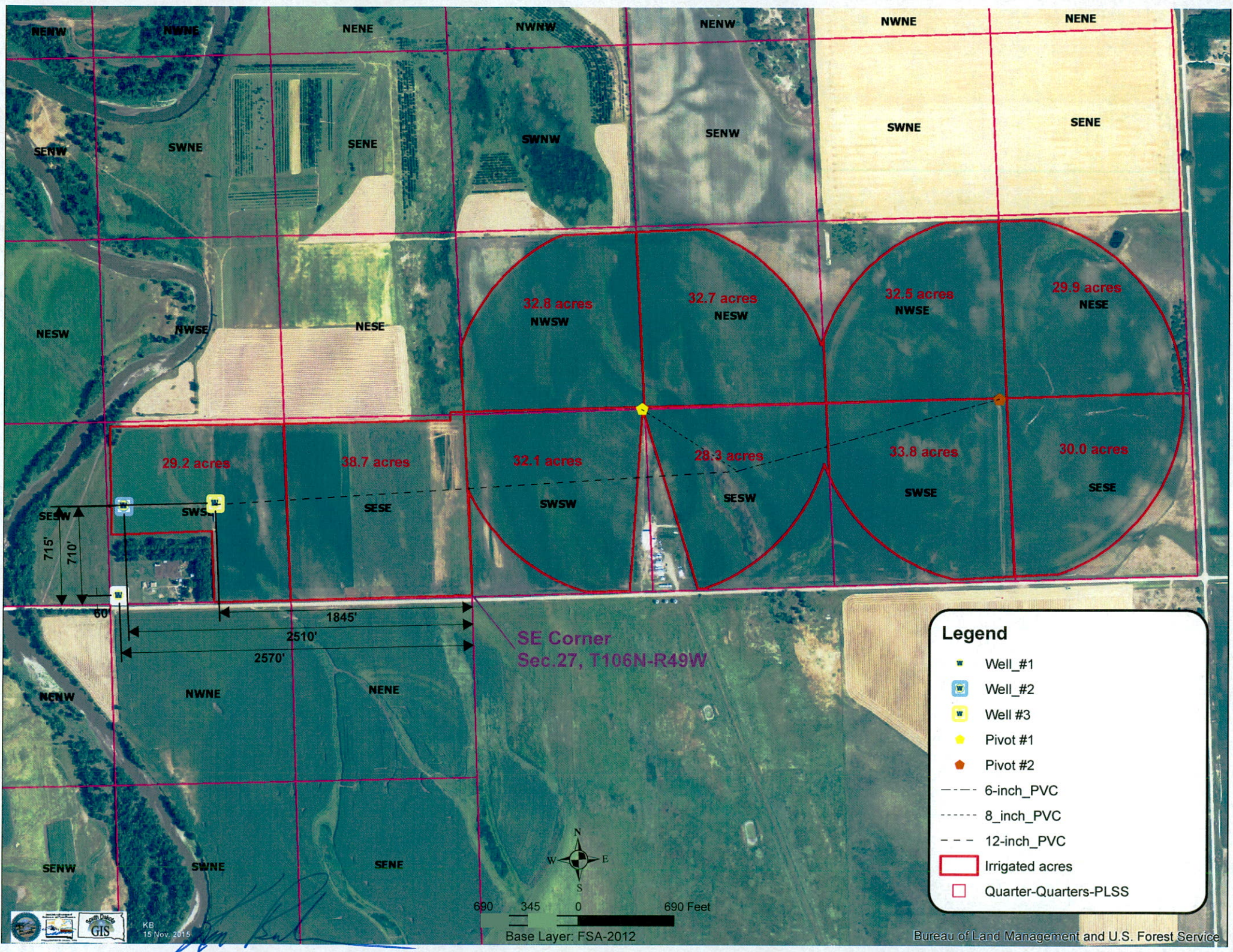
LACEY WELL DRILLING

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

1-24-13RECEIVED
JAN 31 2013
WATER RIGHTS
PROGRAM



Legend

Well_#1

Well_#2

Well_#3

Pivot #1

Pivot #2

6-inch_PVC

8_inch_PVC

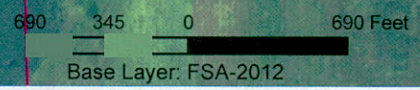
12-inch_PVC

Irrigated acres

Quarter-Quarters-PLSS



KB
15 Nov. 2015





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 23, 2016

5530-3

Terry & Denise Anderson
47758 437th St
Trent SD 57065

Dear Mr. & Mrs. Anderson:

On October 27, 2015 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 4329-3 and 5530-3 was completed by Ken Buhler, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Upon licensing, the applicable portions of Water Permit No. 4329-3 will be incorporated into Water Right No. 5530-3. Your licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3-28, 20 16

Terry & Denise Anderson, 47558 237th St, Trent SD 57065

RECEIVED OF _____

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. <u>5530-3</u>		
Fee for Filing Transfer Form _____		
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. **07798**

By Jeanne Goodman
Chief Engineer KS



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 03 2016

4329-3
5530-3

Terry L Anderson
47758 437th St
Trent SD 57065

Dear Mr. Anderson:

Enclosed is Water License No. 5530-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 5530-3, 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Permit No. 4329-3 were incorporated into Water License No. 5530-3.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5530-3

(1) Terry L Anderson, 47758 437th St., Trent SD 57065 made Application No. 5530-3, March 14, 1991 for a water permit to increase the acreage being irrigated from ground water and the Big Sioux River authorized under Water Permit No. 4329-3. The permit also served to increase the diversion rate from the Big Sioux River by 5.84 cubic feet per second (cfs) to irrigate an additional 409 acres. No increase in the developed diversion rate of 2.67 cfs from three existing wells into the Big Sioux Moody Aquifer was authorized. The irrigation project is located in Moody County, South Dakota. Permit No. 5530-3, with a priority date of March 14, 1991 was approved December 4, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 4, 1996 and for the application to beneficial use of said water on or before December 4, 2000.

Water Permit No. 4329-3, which incorporated the applicable portions of Water Permit Nos. 1345-3, 1711-3, 1717-3 and 3612-3, authorized irrigation of acreage from the Big Sioux River and from three wells. No. 5530-3 increased the acreage from both sources and allowed a greater diversion rate from the river. An investigation of the water use system conducted in October, 2015 found the permit holder no longer irrigated from the Big Sioux River.

The applicable portions of Water Permit No. 4329-3 are being incorporated into Water License No. 5530-3 authorizing irrigation from ground water only. A priority date of March 14, 1991 for the additional acreage in the N ½ SW ¼ Section 26, T106N, R49W authorized from ground water under Water Permit No. 5530-3 will retain a March 14, 1991 priority date. The remaining acreage will retain a February 2, 1977 priority date as established under Water Permit No. 4329-3.

(2) It is certified that the permit holder 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 2.67 cubic feet of water per second for beneficial use. The location of the diversion points are:

Well #1 – 60 feet N & 2,570 feet W of the SE corner of Section 27, T106N, R49W (SW ¼ SE ¼);
Well #2 – 710 feet N & 2,510 feet W of the SE corner of Section 27, T106N, R49W (SW ¼ SE ¼);
Well #3 – 715 feet N & 1,845 feet W of the SE corner of Section 27, T106N, R49W (SW ¼ SE ¼).

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

Section 26, T106N, R49W				Section 27, T106N, R49W	
NW ¼ SW ¼	32.8 acres	NW ¼ SE ¼	32.5 acres	SW ¼ SE ¼	29.2 acres
NE ¼ SW ¼	32.7 acres	NE ¼ SE ¼	29.9 acres	SE ¼ SE ¼	38.7 acres
SW ¼ SW ¼	32.1 acres	SW ¼ SE ¼	33.8 acres		
SE ¼ SW ¼	28.3 acres	SE ¼ SE ¼	30.0 acres	Total	320.0 acres

- N ½ SW ¼ Section 26, T109N, R49W retains a priority date of March 14, 1991
- Remaining acreage retains a priority date of February 2, 1977

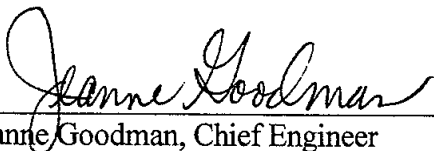
continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Terry L Anderson, 47758 437th St., Trent SD 57065 the holder and/or owner of Incorporated Water Right No. 5530-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from ground water, three wells (Big Sioux Moody Aquifer) with priority dates of February 2, 1977 and March 14, 1991 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5530-3 and subject to the following qualifications:

**** The first two qualifications were part of Water Permit No. 5530-3 and are no longer applicable since the Big Sioux River is no longer used as a water source. However, they remain on the license since they were placed on the permit through Board action.***

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. This permit does not authorize diversion of water from the Big Sioux River unless at least 35 cfs is being bypassed when pumping at the Dell Rapids USGS gaging station, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer. ***(not applicable)***
2. The City of Sioux Falls has senior priority rights to the Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversions under Permit No. 5530-3 will be subject to these prior rights and an increased bypass will be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3. ***(not applicable)***
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The wells 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.
5. Wells approved under this permit shall be located at least 660 feet from the Sioux River and be spaced so there is a least 660 feet between wells. ***(Taken from Permit No. 4329-3).***
6. Approval of Permit No. 5530-3 did not authorize any increase in the diversion rate from ground water.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 03 2016
date





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: TERRY & DENISE ANDERSON, 47628 237TH ST, TRENT, SD 57065

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5530-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5530-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5530-3 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: RWTYOB**

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



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February 24, 2022

5530-3

Terry & Denise Anderson
47628 237th St
Trent SD 57065

Dear Mr. & Mrs. Anderson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire. The form was received on January 28th.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 5530-3. The information was received in our office prior to the Water Management Board meeting and your names were deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us