

Considered: _____

WATER PERMIT NO. 5565-3

Phone: 298-5663

Name of Applicant: Kevin Anderson

Post Office Address: Box 32, Andover SD 57422

Amount of Water Claimed: no add'l (1.33) Total Acres: 40

Source of Water Supply: groundwater

Water to be used for: irrigation County: Day

About 5 miles S. 1W of Andover

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-8-91 Fee: \$150.00 Remarks same diversion points as Water Right No. 2816-3

Corrected Application Received 7-18-91 Period of Annual Use April 1 - October 31

WATER QUALITY APPROVAL RECEIVED 4-22-91 APPROVED/CONDITIONAL (Circle one)

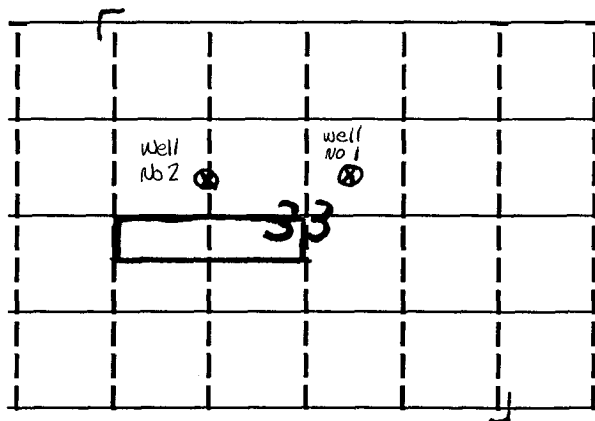
WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: Well #1: SW 1/4 NE 1/4

Well #2: near center S 1/2 NW 1/4 Sec 33-T122N-

R59W

Land to be Irrigated: N 1/2 SW 1/4 33-T122N-R59W



Well Log: Driller: Huron Drilling Inc. Licensed YES X NO _____

Depth of Well: 65' REMARKS _____

Type of Map: aerial PREPARED BY: Brenda Sattler Reviewed and the Number

Assigned on 7-19-91 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 5565-3 FOR IRRIGATION

Date of first receipt of application March 8, 1991.

Date Soil/Water Compatibility Permit received April 22, 1991.

Date of return to applicant for corrections, amendments or changes April 18, 1991.

Date of receipt of corrected application July 18, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5565-3 to Kevin Anderson, Box 32, Andover SD 57422 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. 5565-3 appropriates water to irrigate 40 additional acres. Water Right No. 2816-3 appropriates 1.33 cubic feet of water per second from two wells 65 feet deep (Altamont Aquifer) located in the SW 1/4 NE 1/4 and near the center S 1/2 NW 1/4 Section 33 to irrigate 101 acres located in the W 1/2 NE 1/4 and S 1/2 NW 1/4 Section 33; all in T122N-R59W. This permit will irrigate 40 additional acres located in the N 1/2 SW 1/4 Section 33-T122N-R59W from the existing wells. This permit does not authorize any increase in the diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is July 18, 1991.
4. The date of approval of Permit No. 5565-3 is October 1, 1991.
5. One-fifth of the construction is to be completed on or before April 1, 1994.
6. All construction is to be completed on or before October 1, 1996.
7. Water is to be put to beneficial use on or before October 1, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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.

(continued)

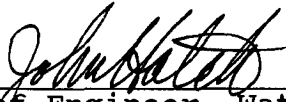
Water Permit No. 5565-3

Page 2

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

WATER MANAGEMENT BOARD

By:



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

FEB 27 1992

date

(See instructions)

No. 5565-3 Hydrologic Unit 10160005
Basin James River
Newspaper Reporter & Farmer, Box 30, Webster

(Mon) 57274

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

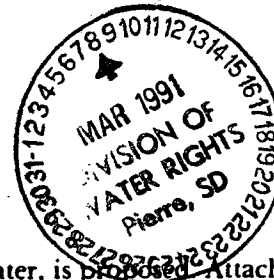
- Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Kevin Anderson Phone No. 298-5663
Post Office Address Box 32 Andover State S.D. 57422
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) No Addition ^{1.33} Total acres irrigated 40
3. Source of Water supply Ground Water 2 wells
4. Location of point of diversion Well #1 SW 1/4 NE 1/4
Well #2 - near the center S 1/2 NW 1/4 - Section 33-T122N-R59W
County Day
5. Counties where water will be used Day
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>N 1/2 of SW of 33 T22-S9</u>	<u>40</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify) _____
9. Crops to be Irrigated: Corn Soybeans
10. Give a description of proposed project. (Attach sheet if more space is needed)



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

STATE OF SOUTH DAKOTA)
County of Day) ss

I, Kevin 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 Kevin Anderson

Subscribed and sworn to before me this 7 day of March 19 91

Robert K. Marks
Notary Public



Well 2 East

Supplemental Information

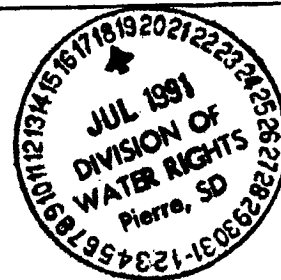
(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 65'
- b) Casing Type Steel Diameter 16" Thickness .375
- c) Screen Type Stainless Diameter 16" Thickness 50 slot
- d) Gravel Pack Thickness 15 tons Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: 2000'
- On applicants property Yes On property owned by others _____

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 _____

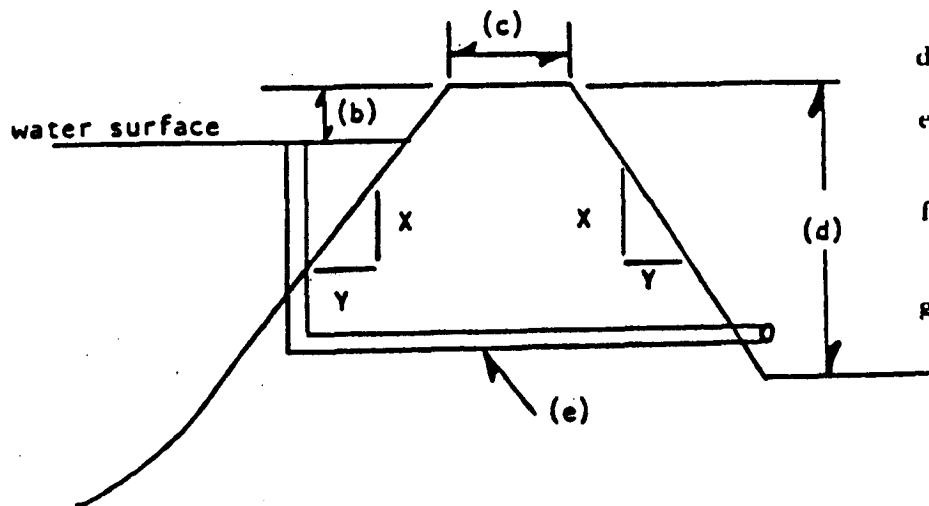
e) Primary Outlet Capacity _____
If Pipe, diameter _____f) Secondary Spillway Capacity _____
Spillway width _____g) X & Y Slope _____
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



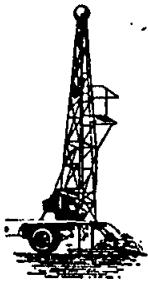
Kevin Olson
Signature of Applicant

Preliminary Information



Map Symbol	Mapping Unit Name	SCS-5	Slope	Capacity Unit	Range Site	Pasture Group	Windbrk Group	Wind Erodcty	SOIL K	LOSS tons	VALUES T/K	Hydro Group
78B	Vienna silt loam	SD0231	2-6	Ile2	Si	F	3	6(48)	0.32	5	15	
79A	Minnewaukan sandy loam	ND0167	0-2	IVs	Sb	A	2	3(86)	0.20	5	29	A/D
80B	Arvilla sandy loam	ND0007	1-6	IVs2	SwG	D2	66	3(86)	0.20	3	10	A
82A	Fordville loam	SD0178	0-2	IIs3	Si	D1	66	6(48)	0.24	4	16	B
83B	Renshaw-Fordville loams Renshaw part Fordville part	SD0142 SD0178	2-6	IVs2 IIs5	SwG Si	D2 D1	66 66	6(48) 6(48)	0.28 0.24	3 4	10 16	B B
84A	Renshaw-Fordville loams Renshaw part Fordville part	SD0142 SD0178	0-2	IIIs3 IIs3	SwG Si	D2 D1	66 66	6(48) 6(48)	0.28 0.24	3 4	10 16	B B
85B	Sioux gravelly loamy sand	SD0052	2-6	Vis3	VSw	NS	10	5(56)	0.20	2	10	A
86A	Renshaw-Sioux loams Renshaw part Sioux part	SD0142 SD0052	0-3	IIIs3 Vis3	SwG VSw	D2 NS	66 10	6(48) 5(56)	0.28 0.28	3 2	10 7	B A
86B	Renshaw-Sioux complex Renshaw loam Sioux gravelly loam	SD0142 SD0052	2-9	IVe4 Vis3	SwG VSw	D2 NS	66 10	6(48) 5(56)	0.28 0.20	3 2	10 10	B A
86D	Sioux-Renshaw complex Sioux gravelly loam Renshaw loam	SD0052 SD0142	9-25	Vis3 Vie6	VSw SwG	NS NS	10 10	5(56) 6(48)	0.20 0.28	2 3	10 10	A B
87E	Sioux-Renshaw complex Sioux gravelly loam Renshaw loam	SD0052 SD0142	15-40 15-25	VIIIs2 Vie6	VSw SwG	NS NS	10 10	5(56) 6(48)	0.20 0.28	2 3	10 10	A B
88E	Sioux-Renshaw complex, very stony Sioux gravelly loam Renshaw loam	SD0284 SD0415	9-40 9-25	VIIIs1 VIIIs1	VSw SwG	NS NS	10 10	8(-) 8(-)	0.20 0.20	2 3	10 10	A B
89B	Sioux gravelly loamy sand, very stony	SD0284	2-6	VIIIs1	VSw	NS	10	8(-)	0.15	2	10	A
90	La Prairie-Holmquist loams, channel La Prairie part Holmquist part	ND0109 SD0492	0-2	VIw1 VIw1	Ov SSb	K J	1 10	6(48) 4L(86)	0.28 0.28	5 5	17 17	B D
91	LaPrairie loam	ND0184	0-3	IIC1	Ov	K	1	6(48)	0.28	5	17	B
94	Lamoure silty clay loam	SD0354	0-2	Iiw2	Sb	A	*2w	4L(86)	0.28	5	17	C
98	Rauville silt loam	SD0177	0-1	Vw1	WL	B1	10	4L(86)	0.28	5	17	D
101	Ortients, gravelly	SD3003	0-15	VIIIs1	(na)	NS	10	5(56)	0.20	1	10	A
102	Aquents, saline	SD3000	0-1	VIIIs	(na)	NS	10	8(-)	-	-	-	-
170A	Hetland silty clay loam	SD0496	0-2	I2	Si	F	4L	7(38)	0.28	5	17	B
170B	Hetland-Ruskiyn silty clay loams Hetland part Ruskiyn part	SD0496 SD0477	2-6	IIIIs3 IIIIs6	Si TU	F G	4L 8	7(38) 4L(86)	0.28 0.32	5 5	17 15	B B
210	Aberdeen-Nanon silt loams Aberdeen part Nanon part	SD0144 SD0055	0-2	IIIs1 IVs2	Cy Cp	E C	4L 9	6(48) 6(48)	0.37 0.28	3 3	9 10	C D
221A	Great Bend silt loam	SD0154	0-2	IIC2	Si	F	3	6(48)	0.32	5	15	B



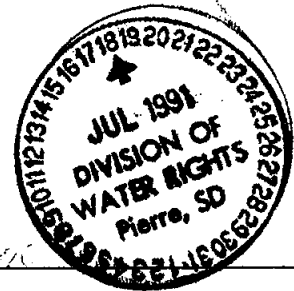


HURON DRILLING, INC.
Box 1422 Phone 352-8538 Huron, S. D. 57350

All Types Well Drilling and Repairing
Since 1911

KEITH OSBERG, Mgr.

West on
Hiway 14



Old To: _____ Date November 12, 1991
_____ South Dakota 57422

Order No.	Date	Ship Via	F.O.B.	Terms
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PUMPING FEATURES

GPM 350 RPM 1800 THD 120
Draw Down 40' Discharge Pressure 10 lbs.

PARTS DESCRIPTION

					Quan.	SP
1. Electric Motor		HP		PH		
2. Gear Head:	<u>20</u>	HP	Ratio	X	<u>1</u>	<u>\$ 989.00</u>
3. Spicer Shaft	WL <u>27</u>		X <u>36</u>			N/C
4. Spicer Flange	WL <u>27</u>		X <u>1 1/2"</u>			N/C
5. Control Panel		PH	Volt	HP		
6. Discharge Base	<u>10 AC</u>		X <u>6</u>	S.N.	<u>1</u>	<u>476.00</u>
7. Threaded Coupling Nipple			X			
8. Discharge Nipple			X			
9. Headshaft Box			Headshaft Length			
10. 20 ft. Discharge Column			X	X	<u>1</u>	<u>JT</u>
11. 10 ft. Discharge Column	<u>5"</u>		X <u>1 1/2"</u> (Tubeline)	X <u>1"</u> (Shaft)	<u>6</u>	<u>JT 1,224.00</u>
12. Spiders	<u>5"</u>	X	<u>1 1/2"</u>		<u>1</u>	<u>N/C</u>
13. Bowl Unit	<u>3</u>	Stage <u>8</u>	<u>8</u> in. FIT	X	<u>1</u>	<u>1,106.00</u>
14. Suction Pipe		X	w/	S.N.		
15. Screen		inches (Weld)	(Male Thread)			
16. Tube Protectors			Inches Thread	(Sets) (Thread)		<u>NC</u>
MISCELLANEOUS						
						<u>3,795.00</u>
						<u>75.00</u>
						<u>3,870.00</u>

Thank You,
Keith Osberg, Gen. Mgr.

Salesman

PowerPay - 1,000.00
Paid 2870.90
1870.90
Balance Due \$ 1000.00



HURON DRILLING, INC.
Box 1422 Phone 352-8538 Huron, S. D. 57350

West on
Hiway 14

All Types Well Drilling and Repairing

Since 1911

KEITH OSBERG, Mgr.



Sold To: Clarence Hannon Date November 12, 1976
Andover, South Dakota 57422

Order No.	Date	Ship Via	F.O.B.	Terms
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PUMPING FEATURES Serial # 35672520

GPM 350 RPM 1800 THD 120'

Draw Down 40' Discharge Pressure 10#

PARTS DESCRIPTION										Quan.	SP
1. Electric Motor			HP			PH					
2. Gear Head:	20		HP		Ratio	X				1	\$ 989.00
3. Spicer Shaft	WL	27		X	36						N/C
4. Spicer Flange	WL	27		X	1 1/4"					2	N/C
5. Control Panel				PH		Volt		HP			
6. Discharge Base	10AC			X	6	S.N.				1	476.00
7. Threaded Coupling Nipple						X					
8. Discharge Nipple						X					
9. Headshaft Box					Headshaft Length						
10. 20 ft. Discharge Column				X		X				JT	
11. 10 ft. Discharge Column	5"			X	(Tubeline) 1 1/2"	X		(Shaft) 1"		5JT	1,064.00
12. Spiders	5"		X		1 1/2"			(Shaft)		1	N/C
13. Bowl Unit	3	Stage	8 RH	FIT	X		X			1	1,106.00
14. Suction Pipe		X		w/			S.N.				
15. Screen		inches (Weld)			(Male Thread)						
16. Tube Protectors			Inches Thread		(Sets)	(Thread)					NC
MISCELLANEOUS											\$3,635.00
2% State Sales Tax											72.70
Total Amount of Invoice Due:											\$3,707.70

Thank You,
Keith Osberg, General Manager
Salesman

Handwritten signatures and date: Nov 13, 1976

HURON DRILLING, INC.

Box 1422 Phone 352-8538 Huron, S. D. 57350

Date SEPT 14, 76



WELL DRILLING
PUMPS - MOTOR
ENGINES

STATEMENT - ESTIMATE

(Estimate based on current prices)

Prices subject to availability of merchandise and prices in effect at time of delivery.

Sold To CLARENCE HANNON

Location NE 33-122-59

Phone 298-5665

City ANDOVER

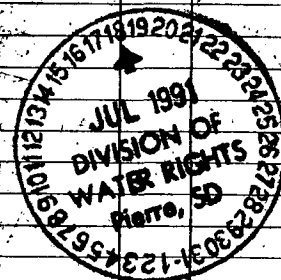
State S. DAK

Zip

Customer Order No. Q. H. 1

Salesman R. K. O'SHEA

Quantity	Material & Description	Unit Price	Per	Amount
	Test Holes	3 00	FT	
20	Supply Well and Casing 3" P.V.C.	8 00	FT	640 00
80	Well - Labor 30' HOLE	27 00	FT	2160 00
20	Well - Material 3" 16" STEEL	27 00	FT	1620 00
20	Well - Screen 16" 405	90 00	FT	1800 00
15 Ton	Gravel CRIST. WASH. FURNISH			
	Concrete for Pump Base CRIST. WASH. FURNISH			
1	Mud Pit Excavation (including back fill)	75 00	Pit	75 00
1	Test Pumping (Base Price) 12 Hr. W.W.	500 00	00	500 00
	Additional Test Pumping			
	Freight and Installation			
	TOTAL			6476 00
1	Discharge Head 1 1/2" 6" 1 1/2" 1 1/2" 1 1/2"			1225 00
1	Column 6 Oil Tube 1 1/2" 1 1/2" 1 1/2" 1 1/2" 1 1/2"			1476 00
1	Bowl Assembly: Stages 3 Size 10 Type R M B. 203			1600 00
	Suction & Strainer			
	Check Valve			
	Discharge Fittings			
1	MOTOR: HP 25 Make US 65 Type NRR RPM 1770 Volt. 440			
	Thermal Overloads Non-Reverse PH.			
	Pump Control Panel: Make Size Type			
	Electrical wiring & service labor from power to motor			
	GEARHEAD: HP Make Ratio			
	Flex Shaft Gear Flange PTO Cover			
	ENGINE:			
	Engine Accessories			
	Heat Exchanger, surge tank & plumbing fittings			
	Engine Base: Concrete Base Stands			



TERMS: CASH UPON COMPLETION

TOTAL 4776 00
SALES TAX 2% on 4776 00
TOTAL 11,571 00

ALL MATERIAL REMAINS PROPERTY OF SELLER UNTIL SETTLED FOR. SPECIFIC WELL WATER OR SAND PRODUCTION NOT GUARANTEED. TERMS: Payment of \$ 1000 00 with this order, receipt whereof is hereby acknowledged, and balance of \$ 3,000 00 payable as follows:

WELL PAID IN FULL ON COMPLETION. DOWN PAYMENT TAKEN OFF PUMP.

This order is given subject to all terms and conditions on reverse side hereof and subject to acceptance by an authorized officer of Huron Drilling, Inc.

A FINANCE CHARGE OF 1% PER MONTH WHICH IS EQUAL TO 12% PER YEAR will be added to that portion of your account which is in excess of 15 days from date of invoice.

HURON DRILLING, INC. BUYER (Firm) Clarence Hannon Bros
By [Signature] Authorized Officer

White--Officer; Canary--Customer; Pink--Salesman

HURON DRILLING INC.

ALL TYPES OF WELL DRILLING AND REPAIRING

Box 1422
ZIP 57350

Huron, South Dakota, October 13 19 76

SOLD TO Hannon Bros. (Clarence Hannon) P. O. Andover, South Dakota 57422

Location Rig No. 15 Terms: CASH

Drilling Test Holes:

Test Holes #1 - 73 Ft. @ 3.00	\$ 219 00
NE 1/4-33-122-59-Day Co.	
#2 - 65 Ft. @ 3.00	195 00
#3 - 55 Ft.-53 Ft. cased up for water sample @ 8.00	424 00
2 Ft. @ 3.00	6 00
#4 - 50 Ft. @ 3.00	150 00
#5 - 30 Ft. @ 3.00	90 00
SE 1/4-29-122-59-Day Co.	
#6 - 30 Ft. @ 3.00	90 00
#7 - 65 Ft. @ 3.00	195 00

4% State Sales Tax on Material:

\$ 1,369 00
6 32

TOTAL AMOUNT OF INVOICE DUE:

\$ 1,375 32

Thank You,
Keith Osberg, Gen. Mgr.

Terms: Net Completion of Job
Interest rate 12% thereon

DM

Paid in full
Keith Osberg
Nov 3, 76



Well #1
West Well

HURON DRILLING INC.

ALL TYPES OF WELL DRILLING AND REPAIRING

Huron, South Dakota, October 25 19 76

SOLD TO Clarence Hannon P. O. Andover, South Dakota

Location N.E.-33-122-59-Day County Rig No. 14 Terms: CASH

Labor and Material for the complete construction of an Irrigation Well 55 Feet deep as follows:

Drilling 30" Hole - 55 Ft. deep @ 27.00
40 Ft.-16" Steel Pipe @ 27.00
15 Ft.-16" Johnson Stainless Steel
Screen @ 90.00
15 Tons of Gravel @ 12.00
1 Mud Pit Excavation
Test Pumping

\$ 1,485	00
1,080	00
1,350	00
180	00
75	00
500	00

2% State Sales Tax on Material:

\$ 4,670	00
52	20

TOTAL AMOUNT OF INVOICE DUE:

\$ 4,722	20
----------	----

Thank You,
Keith Osberg, Gen. Mgr.

PAID TO ORDER OF
KEITH OSBERG, MANAGER

Paid in full
Nov 13, 76.
K. Osberg

Terms: Net Completion of Job
Interest rate 12% ther

DM



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412743

Pierre, July 19, 1991

RECEIVED OF Kevin or Donna Anderson, Box 32, Andover, SD 57422

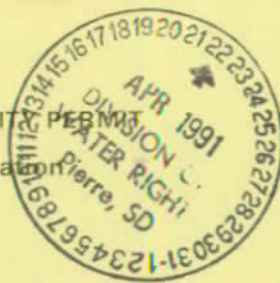
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5565-3</u> to Appropriate Water, to construct works and to put water to beneficial use	15000
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	15000

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4582

WR#

OWNERS NAME: ANDERSON, KEVIN OWNERS ADDRESS: BOX 32
ANDOVER, SD 57422

COUNTY LAND LOCATED IN: DAY PHONE: 298-5663

LEGAL DESCRIPTION:

(2) ☒ Well ☐ Surface

1. LOCATION Well #1: SW 1/4 NE 1/4 33-T122N-R59W
Depth Well #2: Near the center S 1/4 NW 1/4 33-T122N-R59W

Legal Description	Acres	Legal Description	Acres
<u>N 1/2 SW 1/4 33-T122N-R59W</u>	<u>40</u>		

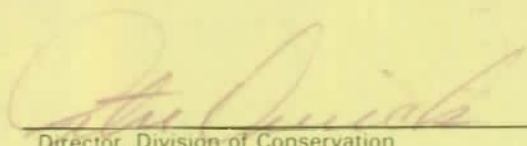
2. TYPE OF IRRIGATION: GRAVITY: XXX TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____
(Specify)

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>76-590</u>	7. ADJUSTED (SAR): <u>3.67</u>
5. SALINITY (EC X 10 ⁶): <u>1573</u>	8. PERCENT SODIUM: <u>18.75</u>
6. SODIUM (SAR): <u>1.36</u>	

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.


Director, Division of Conservation

APRIL 18, 1991

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

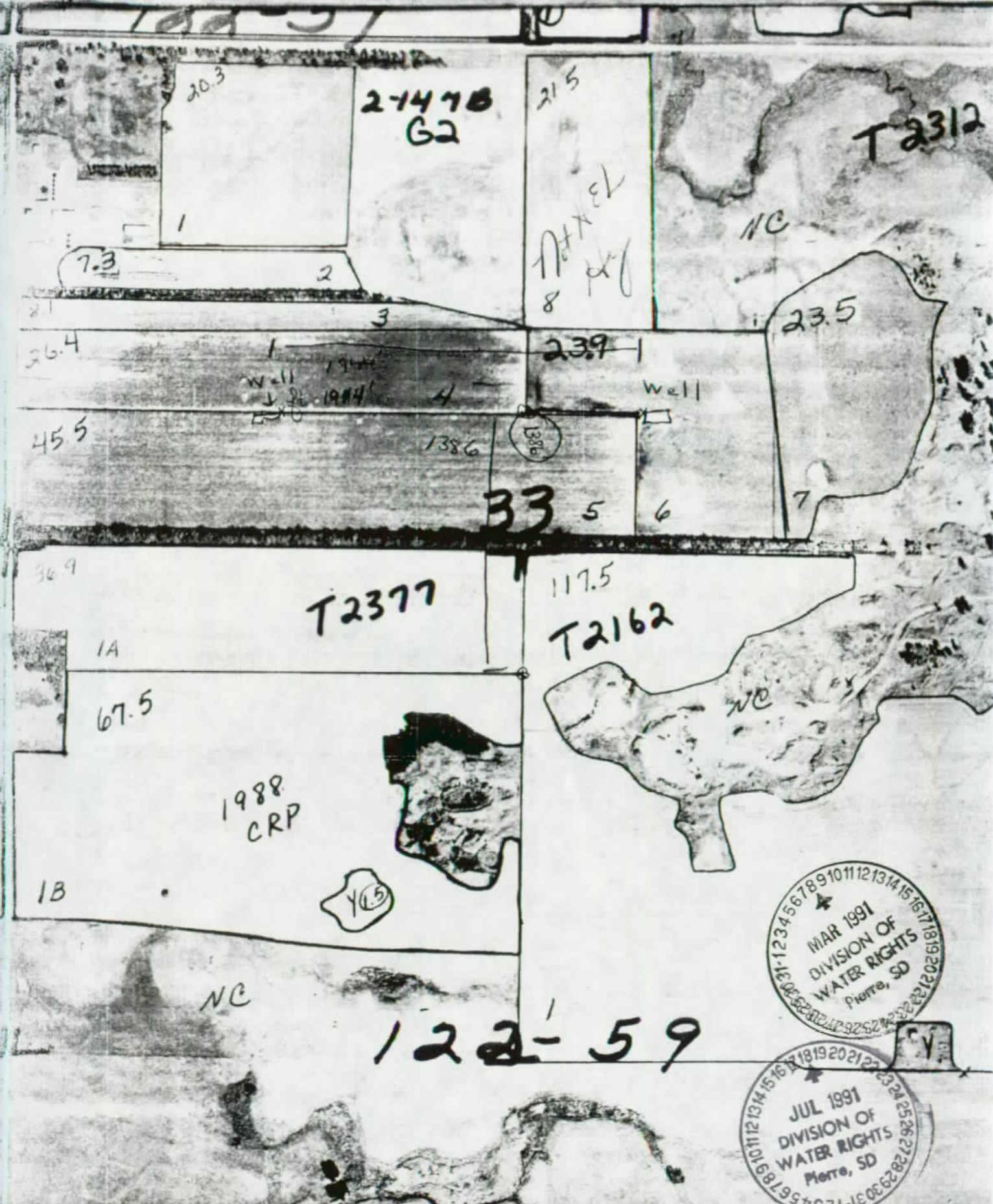
This is only
an estimate
Not a guaranteed
measurement.

BB 3-6-91
Brenda
Tanner

~~BB 3-6-91~~

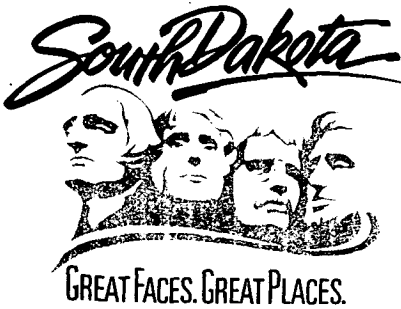
Kuini Anderson

NOT TO SCALE



MAR 1991
DIVISION OF
WATER RIGHTS
Pierre, SD

JUL 1991
DIVISION OF
WATER RIGHTS
Pierre, SD



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 18, 1991

Kevin Anderson
Box 32
Andover SD 57422

Dear Mr. Anderson:

In regard to your water permit application received on March 8, 1991, the following information needs to be submitted in order to process your application.

1. The application filing fee is \$150.00.
2. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.
3. The enclosed Form 2A should be completed and signed.
4. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office). The initials on the map are not sufficient.

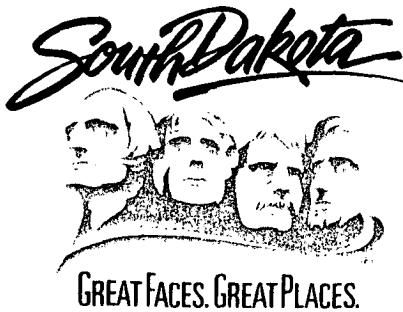
We have received confirmation from the Department of Agriculture that the soil/water permit will be approved. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 27, 1991

Kevin Anderson
Box 32
Andover SD 57422

Dear Mr. Anderson:

On March 8, 1991, you submitted an application (copy enclosed) for a permit to appropriate water for irrigation of 40 acres. You were notified on April 18, 1991 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Kevin AndersonADDRESS: Andover COUNTY DayDATE: 3-8-91 TELEPHONE 298-5663

RE: _____

COMMENTS:

Mr. Anderson called regarding my June 27 letter.
He stated he sent in the requested info.

I called him back after I made sure we didn't
have the map, fee etc. and that he would need
to submit them. He said he'd need to start
irrigating next week. I told him what lands
he had a permit on. (the portions of NE 1/4 and NW 1/4
33-T122N-R59W).

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: Karin Schlaak

REPORT ON APPLICATION NO. 5565-3
for Kevin Anderson
August 16, 1991

Application No. 5565-3 proposes to irrigate 40 additional acres. Water Right No. 2816-3 appropriates 1.33 cfs from two wells approximately 65 feet deep located in the SW 1/4 NE 1/4 and near the center of the S 1/2 NW 1/4 of section 33 to irrigate 101 acres located in the W 1/2 NE 1/4 and the S 1/2 NW 1/4 of section 33; all in T122N R59W in Day County. The 40 additional acres are located in the N 1/2 SW 1/4 of section 33, T122N R59W and will be watered from the existing wells. This application, if approved, does not authorize any increase in diversion rate.

AQUIFER - ALTAMONT (A)

The Altamont is a buried glacial outwash under predominantly artesian conditions. The Altamont underlies 565,100 acres and contains an estimated 847,970 acre feet of recoverable water in storage in Day County (Hedges, 1982). The Altamont extends into Clark, Spink, Marshall and Codington Counties.

The Division of Water Rights monitors six observation wells completed into the Altamont aquifer in this area. Two of these observation wells DA-77C and DA-78B are located within 2 miles of this application. Water levels for these wells do not fluctuate very much. The water level record indicates that water is available from the aquifer and that significant drawdown due to pumping is not occurring (Water Rights, 1991). The water level record does indicate that the aquifer does respond to climatic conditions, that is, rising during wet years (recharge) and declining during dry years. The total magnitude of fluctuation is a few feet and not significant.

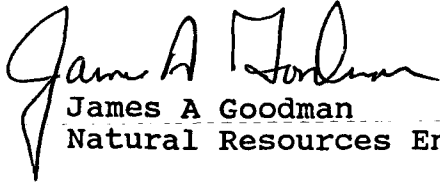
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing irrigation Water Right No. 3300-3 which is located about 2 miles east of this application. Interference is not expected to be a concern. Water levels for the two observation wells in this vicinity do not fluctuate significantly due to pumping.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. Interference is not expected to be a problem. These are existing wells and have been in use for many years with no apparent problem.

3. This application does not authorize any additional increase in diversion rate but does appropriate an additional 80 acre feet of water.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for the Altamont Aquifer in Day County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

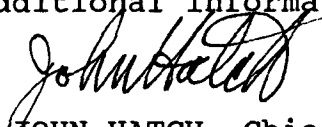
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5565-3, Kevin Anderson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5565-3, Kevin Anderson, Box 32, Andover, SD 57422.

The Chief Engineer is recommending APPROVAL of Application No. 5565-3 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. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 27, 1991



**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 NEWSPAPER RIGHT AWAY.

August 28, 1991

Kevin Anderson
Box 32
Andover, SD 57422

Dear Mr. Anderson:

Water Permit Application No. 5565-3 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 Report & Farmer printed at Webster, 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 newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has 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
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.

South Dakota



GREAT FACES. GREAT PLACES.

August 28, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Report & Farmer
Box 30
Webster, SD 57274

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5565-3 to be published twice. Please publish the first notice on September 2, 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 Kevin Anderson, Box 32, Andover, SD 57422.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on September 2, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5565-3 to Appropriate Water
to Amend Water Right No. 2816-3

Notice is given that Kevin Anderson, Box 32, Andover, SD 57422 has filed an application for a water permit to appropriate water to irrigate 40 additional acres. Water Right No. 2816-3 appropriates 1.33 cubic feet of water per second from two wells 65 feet deep (Altamont Aquifer) located in the SW 1/4 NE 1/4 and near the center S 1/2 NW 1/4 Section 33 to irrigate 101 acres located in the W 1/2 NE 1/4 and S 1/2 NW 1/4 Section 33; all in T122N-R59W. This application is to irrigate 40 additional acres located in the N 1/2 SW 1/4 Section 33-T122N-R59W from the existing wells. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5565-3 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.

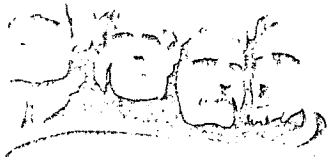
Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 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 September 23, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. 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. The October 1, 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 September 23, 1991.

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.

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1992

Kevin Anderson
Box 32
Andover, SD 57422

Dear Mr. Anderson:

Enclosed is Water Permit No. 5565-3 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Day) ss.



I, Larry Ingalls
certify that the attached printed Notice
from the Reporter and Farmer

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

of Webster, S.D.

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

September 2, 1991

September 9, 1991

Larry Ingalls
(Signature)

Publisher
(Title)

September 9, 1991
(Date Signed)

Cost of Printing: \$66.74

OK

(First Sept. 2)
NOTICE OF HEARING
on Application No. 5565-3
to Appropriate Water

to Amend Water Right No. 2816-3
Notice is given that Kevin Anderson, Box 32, Andover, SD 57422, has filed an application for a water permit to appropriate water to irrigate 40 additional acres. Water Right No. 2816-3 appropriates 1.33 cubic feet of water per second from two wells 65 feet deep (Altamont Aquifer) located in the SW 1/4 NE 1/4 and near the center S 1/2 NW 1/4 Section 33 to irrigate 101 acres located in the W 1/2 NE 1/4 and S 1/2 NW 1/4 Section 33; all in T122N-R59W. This application is to irrigate 40 additional acres located in the N 1/2 SW 1/4 Section 33-T122N-R59W from the existing wells. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5565-3 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 September 23, 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.

If a petition is filed opposing the application or the applicant files a

petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 a.m., Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. 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. The October 1, 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 September 23, 1991.

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.

(Last Sept. 9)

Permit No. 5565-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **June 20, 2008**, made a thorough examination of the water use system constructed by **Kevin Anderson** of **14118 418th Ave., Andover, SD 57422** holder of Permit No. **5565-3**, bearing the priority of **July 18, 1991** authorizing the diversion of **No Additional Water** for **Irrigation** purposes, in **Day** County.

A. Works used to divert the water:

Well Information:

1) Comment: All well, pump, distribution system and location of the wells was not conducted at the time of this inspection. This information can be found in the inspection report under Water Right No. 2816-3, Kevin Anderson. This permit only authorizes irrigation of an additional 40 acres with no additional diversion of water from the wells authorized by Water Right No. 2816-3.

Chemigation Equipment:

1) Does chemigate **N**

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**
- 3) Exceptions to compliance are: **None**

The point(s) of diversion located as follows:

Well 1: Approximately 3,380 feet east and 660 feet north of the W ¼ corner of Section 33-T122N-R59W (SW ¼ NE ¼).

Well 2: Approximately 1,320 feet east and 660 feet north of the W ¼ corner of Section 33-T122N-R59W (SW ¼ NE ¼).

N W

The works are capable of diverting and conveying to the place of use **1.33** 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:

Section 33-T122N-R59W

NW ¼ NE ¼ - 21 acres

SW ¼ NE ¼ - 8 acres

SW ¼ NW ¼ - 36 acres

SE ¼ NW ¼ - 36 acres

NW ¼ SW ¼ - 20 acres

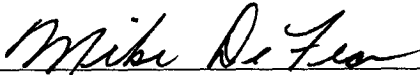
NE ¼ SW ¼ - 20 acres

comprising a total of **141** acres of land.

All structures, wells and lands on map **Y**

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

This permit only authorizes irrigation of an additional 40 acres with no additional diversion of water from the wells authorized by Water Right No. 2816-3. This permit and Water Right No. 2816-3 should be incorporated to reflect the system as developed.

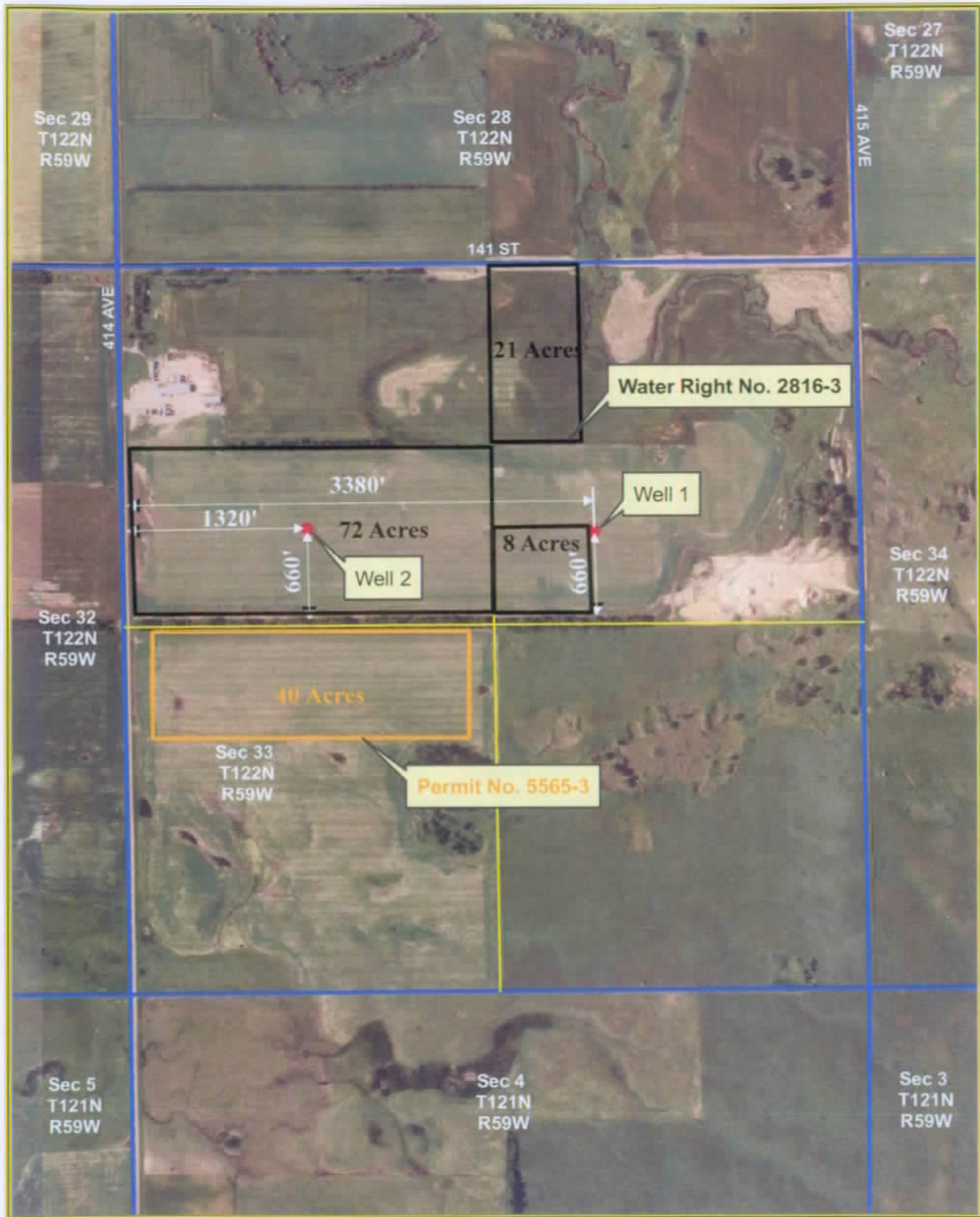


Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **April 27, 2010**

Kevin Anderson
Water Permit No. 5565-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
April 26, 2010



Scott DeFries

0 362.5725 1,450 2,175 2,900 Feet



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 2010

5565-3

Kevin Anderson
14118 418th Ave
Andover SD 57422

Dear Mr. Anderson

On June 20, 2008 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5565-3, was completed by Mike DeFea, 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".

Your licensed water right will be similar to a property right that can not 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
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/11, 20 10

RECEIVED OF Kevin Anderson 14118 414th Ave Andover SD 57433

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>5565-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04573**

By *Laurel Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 14 2010

2816-3
5565-3

Kevin Anderson
14118 418th Ave
Andover SD 57422

Dear Mr. Anderson:

Enclosed is your Water License No. 5565-3. 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. 5565-3, 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.

The applicable portions of Water Right No. 2816-3 were incorporated into Water License No. 5565-3. 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,

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

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5565-3**

(1) Kevin Anderson, 14118 418th Ave, Andover SD 57422 made Application No. 5565-3, March 8, 1991 for a water permit to irrigate an additional 40 acres on an existing project (authorized under Water Right No. 2816-3) located in Day, County, South Dakota. Permit No. 5565-3, with a priority date of July 18, 1991 was approved October 1, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 1, 1996 and for the application to beneficial use of said water on or before October 1, 2000.

Water Right No. 2816-3 with a priority date of June 29, 1976, authorizes diversion of 1.33 cubic feet of water per second (cfs) from two wells to irrigate 101 acres. Water Permit No. 5565-3 authorizes an additional 40 acres to the project with no additional diversion rate. The applicable portions of Water Right No. 2816-3 are being incorporated into Water License No. 5565-3. A priority date of June 29, 1976 is retained for the diversion rate of 1.33 cfs and the original 101 acres of the project.

(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 1.33 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Well #1 – 3,380 feet east and 660 feet north of the W $\frac{1}{4}$ corner of Section 33, T122N, R59W (SW $\frac{1}{4}$ NE $\frac{1}{4}$);
- Well #2 – 1,320 feet east and 660 feet north of the W $\frac{1}{4}$ corner of Section 33, T122N, R59W (SW $\frac{1}{4}$ NW $\frac{1}{4}$).

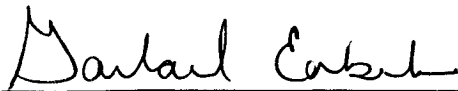
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 33, T122N, R59W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21 acres	June 29, 1976 priority date (2816-3)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8 acres	June 29, 1976 priority date (2816-3)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	36 acres	June 29, 1976 priority date (2816-3)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	36 acres	June 29, 1976 priority date (2816-3)
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	20 acres	July 18, 1991 priority date (5565-3)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20 acres	July 18, 1991 priority date (5565-3)
Total		141 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kevin Anderson, 14118 418th Ave, Andover SD 57422 the holder and/or owner of Incorporated Water Right No. 5565-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from ground water (two wells – Altamont Aquifer) with priority dates of June 29, 1976 and July 18, 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 Incorporated Water Right No. 5565-3 and subject to the following qualifications:

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



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 14 2010

date





5565-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: KEVIN ANDERSON, 14118 414th AVE, ANDOVER, SD 57422

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5565-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 5565-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 5565-3 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 17, 2016

5565-3

Kevin Anderson
14118 414th Ave
Andover SD 57422

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 5565-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us