

Considered: _____

WATER PERMIT NO. 5579-3

Phone: 624-4535

Name of Applicant: Nels J Sorensen

Post Office Address: RR 3, Box 23, Vermillion SD 57069

Amount of Water Claimed: 1.0 Total Acres: 70

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Clay

About 3 miles SW of Vermillion

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 8-23-91 Fee: \$225 Remarks _____

Corrected Application Received 8-30-91 Period of Annual Use April 1- October 31

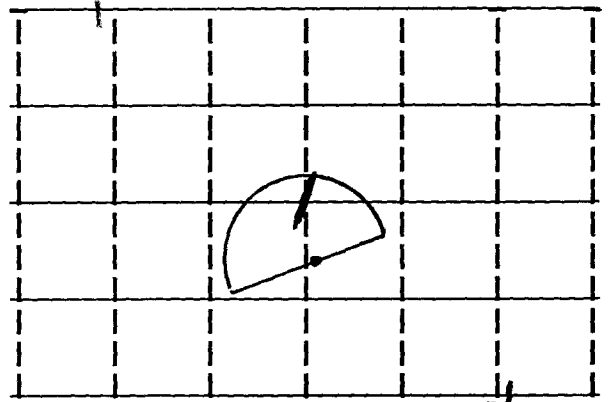
WATER QUALITY APPROVAL RECEIVED ~~8/28/91~~ 10/28/91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 SE 1/4

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

NE 1/4 SW 1/4, NW 1/4 SE 1/4 Sec 1-T91N-R52W



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Gerald Pilker, SCS Reviewed and the Number

Assigned on 9-11-91 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 5579-3 FOR IRRIGATION

Date of first receipt of application August 23, 1991.

Date Soil/Water Compatibility Permit received October 28, 1991.

Date of return to applicant for corrections, amendments or changes August 26, 1991.

Date of receipt of corrected application October 4, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5579-3 to Nels J. Sorensen, RR 3, Box 23, Vermillion SD 57069 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. 5579-3 appropriates 1.0 cubic feet of water per second from the Missouri River to irrigate 70 acres. The point of diversion will be located in the NW 1/4 SE 1/4 Section 1; and the lands irrigated will be located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 1; all in T91N-R52W.
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 August 23, 1991.
4. The date of approval of Permit No. 5579-3 is December 4, 1991.
5. One-fifth of the construction is to be completed on or before June 4, 1994.
6. All construction is to be completed on or before December 4, 1996.
7. Water is to be put to beneficial use on or before December 4, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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 21 1992

_____ date

(See instructions)

No. 5579-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Vermillion Plain Talk

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 Nels J. Sorensen Phone No. (605) 624-4535

Post Office Address RR 3 Box 23 Vermillion State S.D. Zip Code 57069
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) 800 gals 1.0 cfs Total acres irrigated 70

3. Source of Water supply Missouri River

4. Location of point of diversion NW 1/4 SE 1/4 Sec 1, T91N, R52W
South 232 rods = 21° East of New Corner Sec 1-91-52
County Clay

5. Counties where water will be used Clay

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.
SE 1/4 NW 1/4 Sec 1, T91N, R52W	5
SW 1/4 NE 1/4 "	14
NE 1/4 SW 1/4 "	26
NW 1/4 SE 1/4 "	23

Land Description	No. Acres Irr.
SW 1/4 NW 1/4 Sec 1-91-52	8.0
SE 1/4 NW 1/4 Sec 1-91-52	8.0
NE 1/4 SW 1/4 Sec 1-91-52	22.0
NW 1/4 SW 1/4 Sec 1-91-52	32.0

NE 1/4 SE 1/4
2
Attach sheet if more space is needed

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

9. Crops to be Irrigated: Corn - soybeans - alfalfa

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 Clay)^{ss}

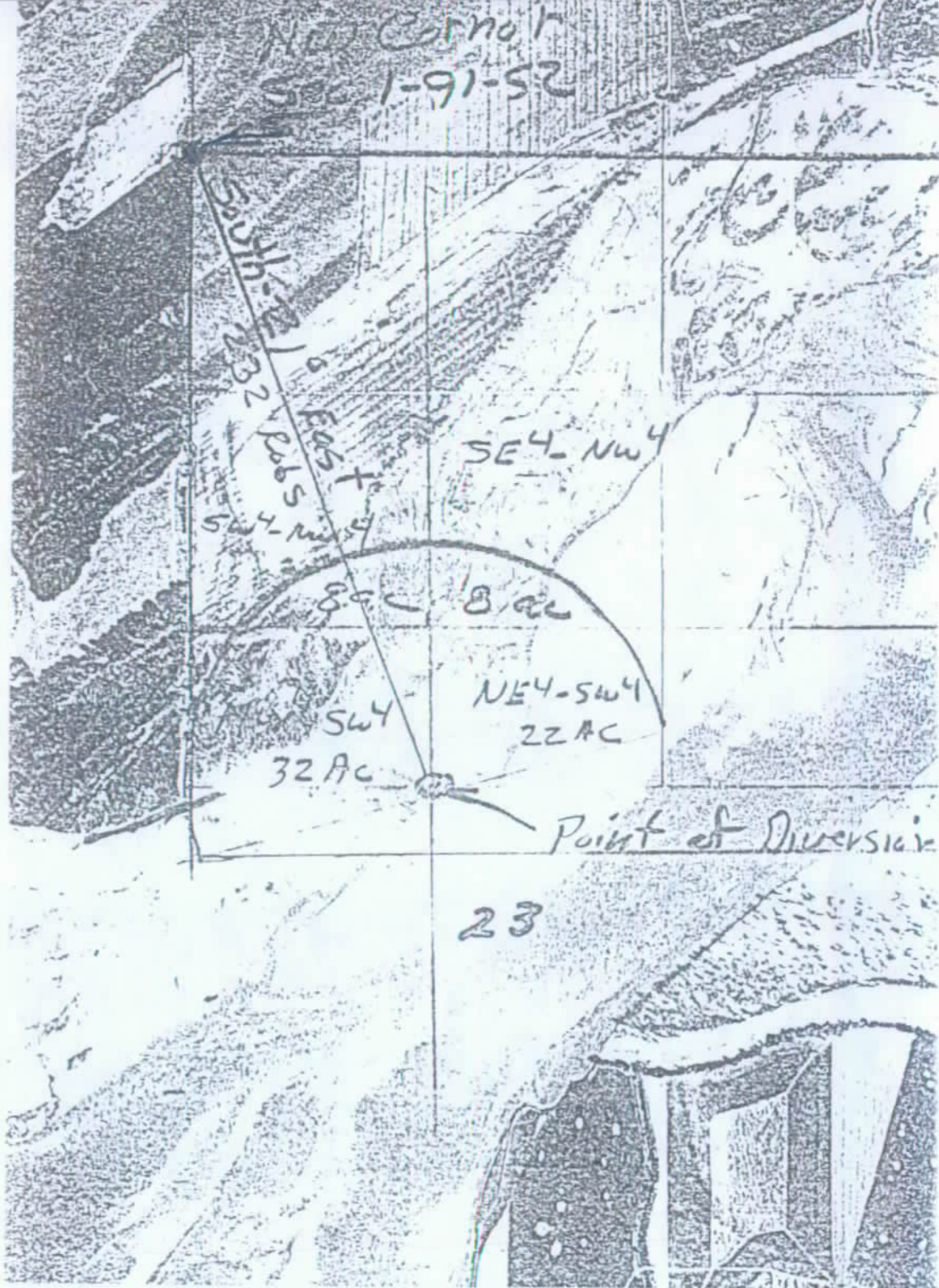
I, Nels J. Sorensen, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters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

Signed Nels J. Sorensen

Subscribed and sworn to before me this 20 day of August 1991

Shelly Bendert
Notary Public

My Commission Expires April 4, 1999



1" Approx 900'

David Palmer
USDA SCS
Vermillion, S.D.

157181922
 DIVISION
 1981-1982
 157181922

Near Cornet
 Sec 1-91-52



23

4 = 1 mile
 Actual Scale
 General Public
 USDA SEC
 Vermilion

22

15

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412811

Pierre, _____ August 26, 19 91

RECEIVED OF Nels J. or Linda Sorensen, RR 3, Box 23, Vermillion, SD 57069

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

Fee for Application for Permit No. <u>5579-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By John Hatcher (CF)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4656

WR#

OWNERS NAME: SORENSEN, NELS J. OWNERS ADDRESS: RR 3 BOX 23
VERMILLION, SD 57069-9405

COUNTY LAND LOCATED IN: CLAY PHONE: 624-4535

LEGAL DESCRIPTION:

☐ Well

MISSOURI RIVER
☒ Surface

1. LOCATION NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1-T91N-R52W

Depth _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1-T91N-R52W	5	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1-T91N-R52W	2
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1-T91N-R52W	14		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1-T91N-R52W	26		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1-T91N-R52W	23		

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

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

A buffer strip of permanent vegetation shall be along the river and shall not be irrigated. This will reduce the erosion of the river bank.



XXX APPROVED

XXX REQUIREMENTS

DISAPPROVED

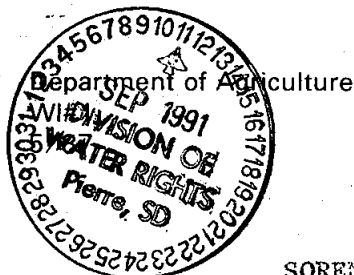
WAIVER

Director, Division of Conservation

OCTOBER 21, 1991

Date

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



SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4642

WR#

OWNERS NAME: SORENSEN, NELS J. OWNERS ADDRESS: RR 3 BOX 23
VERMILLION, SD 57069

COUNTY LAND LOCATED IN: CLAY PHONE: 624-4535

LEGAL DESCRIPTION:

1. LOCATION NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1-T91N-R52W

☐ Well

(MISSOURI RIVER)

☒ Surface

Depth _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1-T91N-R52W	8		
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1-T91N-R52W	8		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1-T91N-R52W	32		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1-T91N-R52W	22		

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

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

A buffer strip of permanent vegetation shall be along the river and shall not be irrigated. This will reduce the erosion of the river bank.

XXX APPROVED

DISAPPROVED

WAIVER

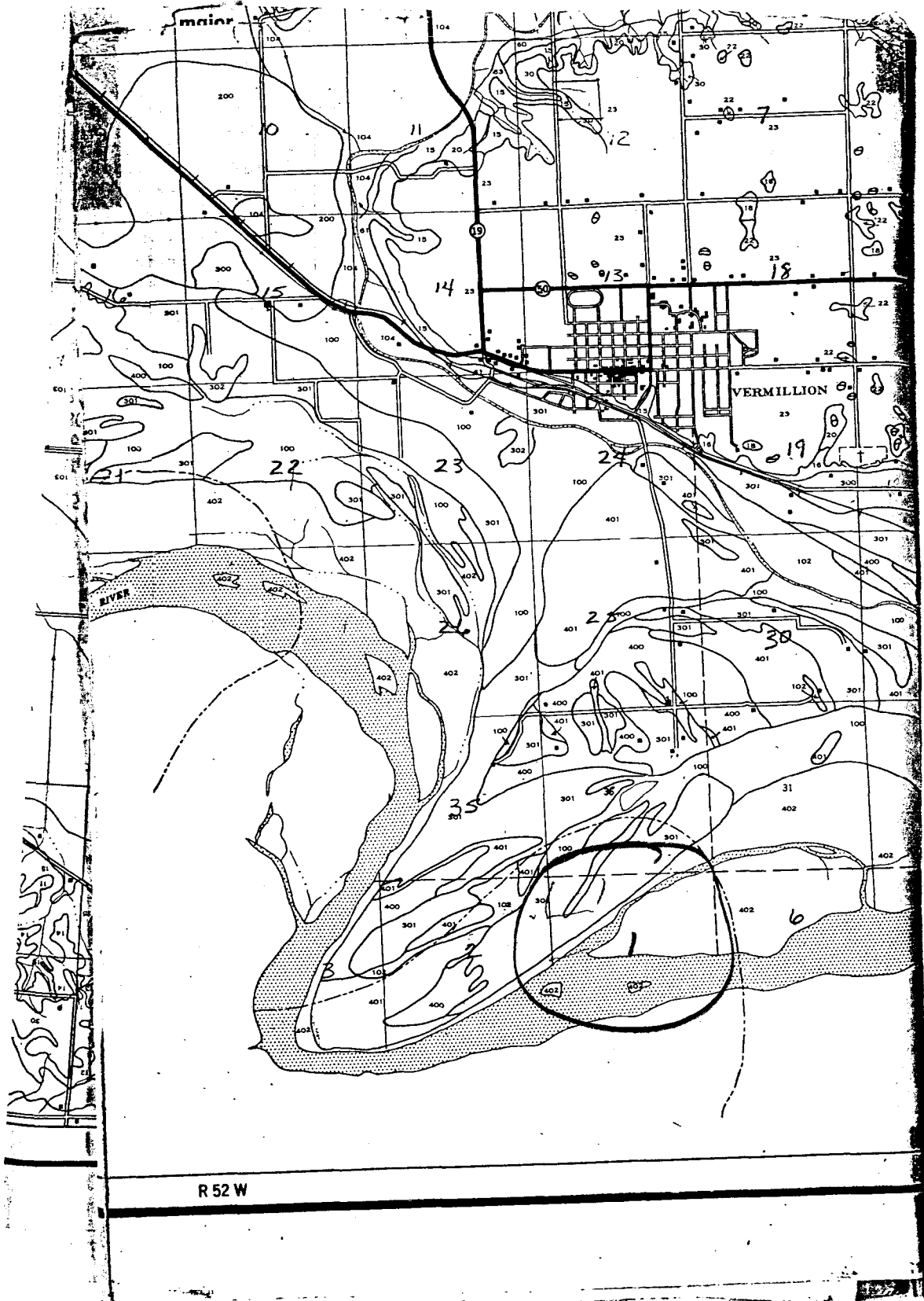
XXX REQUIREMENTS

Director, Division of Conservation

SEPTEMBER 5, 1991

Date

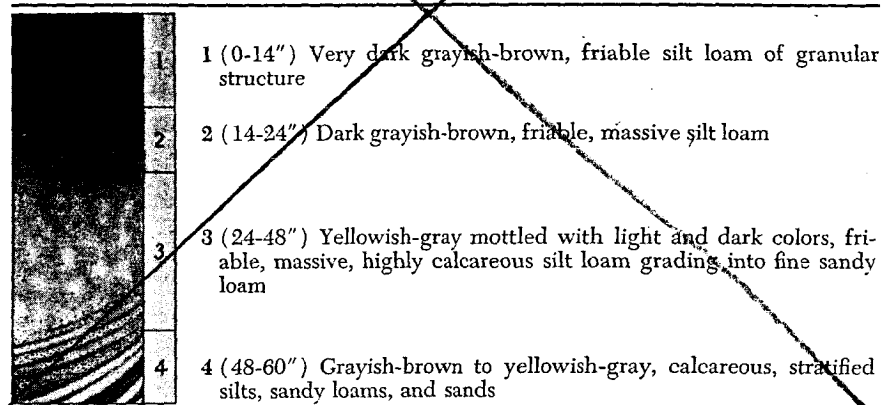
Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



silt loams), calcareous (limy), alluvial sediments. These sediments occur over stratified (layered), calcareous, alluvial sediments. These stratified materials are medium, moderately coarse (sandy loams), and coarse-textured (sands). The Volin soils occur on comparatively high, level Missouri River bottomland and are moderately well-drained. They differ from the Haynie soils, which are shallow to very shallow over the stratified substrata, and from the Wann and Leshara soils, which are poorly drained (Fig. 35).

Use and management. Practically all of the areas of this soil are in cultivation, and good yields are obtained. High productivity levels are easily maintained by additions of organic matter, such as barnyard or green manure, regular applications of needed fertilizer (see Table 4), and the use of legumes in the rotation.

Fig. 36. Profile description. Volin silt loam



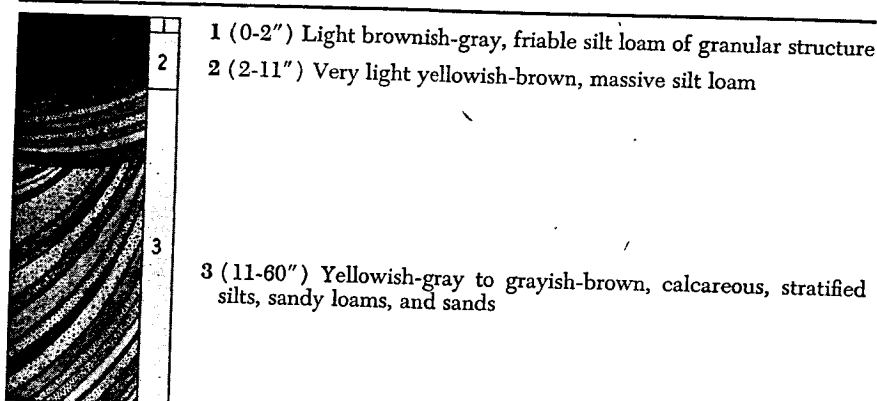
(301) Haynie Silt Loam, Nearly Level (0-3% Slopes)

Haynie silt loam, nearly level, has developed in shallow to very shallow, medium-textured (loams and silt loams), calcareous (limy), alluvial sediments. These sediments occur over stratified (layered), calcareous, alluvial sediments. These stratified materials are medium, moderately coarse (sandy loams), and coarse-textured (sands). This unit occurs on nearly level Missouri River bottomland and is moderately well-drained. It differs from the Haynie silt loam, sloping (302), with which it is associated,



in occurring on more level slopes. The Haynie soils in general differ from the Volin soils, which are deep over the stratified substrata and from the Wann and Leshara soils, which are poorly drained (Fig. 35).

Fig. 37. Profile description. Haynie silt loam



Use and management. Much of the area of this soil is under cultivation; however, yields are only fair. The best use of this soil is as limited cropland. Protection from wind erosion should be provided for areas of this unit under intensive cultivation. Strip cropping and stubble-mulch tillage are recommended practices. Productivity levels can be increased by regular additions of organic matter, such as barnyard or green manure, applications of a complete fertilizer that is high in nitrogen, and the continuous use of legumes in the rotation.

(302) Haynie Silt Loam, Sloping (8-13% Slopes)

Haynie silt loam, sloping, has developed in shallow to very shallow, medium-textured (loams and silt loams), calcareous (limy), alluvial sediments. These sediments occur over stratified (layered), calcareous, alluvial sediments. These stratified materials are medium, moderately coarse (sandy loams), and coarse-textured (sands). This unit occurs on areas of sloping, channeled alluvium on the Missouri River bottomland and is moderately well-drained. It differs from Haynie silt loam, nearly level (301), with which it is associated, in occurring on stronger slopes. The Haynie soils in general differ from the Volin soils, which are deep over the stratified substrata, and from the Wann and Leshara soils, which are poorly drained (Fig. 35).

Profile description. See Haynie silt loam, Fig. 37.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 26, 1991

Nels J. Sorensen
RR 3, Box 23
Vermillion SD 57069

Dear Mr. Sorensen:

Your water permit application was received on August 23, 1991. It appears, from the aerial photo submitted with the application that the legal description of the lands to be irrigated is incorrect and should be as follows:

SE 1/4 NW 1/4	8 acres
SW 1/4 NE 1/4	8 "
NE 1/4 SW 1/4	32 "
NW 1/4 SE 1/4	22 "

all in Section 1-T91N-R52W

On Item No. 2 you indicated the amount of water claimed to be 800 gallons per minute. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 450 gallons per minute to irrigate the 70 acres.

Please let us know if you disagree with these changes to your application.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Nels Sorenson

ADDRESS: RR 3, Box 23, Vermillion, SD 57069 COUNTY: Clay

DATE: 8/30/91 TELEPHONE: _____

RE: Water Permit Application in Section 1, T91N, R52W

COMMENTS:

Mr. Sorenson called to state he agreed with the legal description of the acres to be irrigated in our letter to him dated August 26, 1991. He also stated that it was fine to change the amount of claimed to 1 cfs (450 gpm)

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 Henderson

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Nels Sorensen Water Permit Application No. 5579-3

ADDRESS: _____ COUNTY: Clay

DATE: 9/13/91 TELEPHONE: _____

RE: Map submitted on Water Permit Application No. 5579-3

COMMENTS:

The aerial photo map submitted with water permit application No. 5579-3 incorrectly references the NW corner of Section 1, T91N, R52W. The land for the proposed is located along the Missouri River and legal descriptions in this area are complicated due to past shifts in the course of the river. This land in the past had been in the state of Nebraska.

I referenced the legal description of the acres to be irrigated from maps of this section put together by David Brown, who at the time was a staff engineer for the Division of Water Rights. David had inspected Water Permits No. 5042-3 and 5540-3 which are also for irrigation in Section 1, T91N, R52W. The map of David's (attached) clearly shows the center of Section 1 and the legal description of the acres irrigated by the half pivot are reference assuming David's center of the Section is correct.

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 Houlund

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Nels J. Sorensen

ADDRESS: _____ COUNTY: Clay

DATE: 10/4/91 TELEPHONE: 624-4535

RE: Conversation with Mr. Sorensen regarding application in Sec1, T91N, R52W

COMMENTS:

I called Mr. Sorensen regarding his application to appropriate water from the Missouri River to irrigate 70 acres in Section 1, T91N, R52W. Based on Norma's review while preparing a report, it appeared that the number of acres in the various quarter-quarters on the map was different than that on the application. Also, based on the map 2 acres would also be irrigated in the NE1/4 SE1/4 Section 1, T91N, R52W that was not included on the original application. After discussing the issue with Mr. Sorensen he requested that I amend the application to include the acreages as follows:

SE1/4 NW1/4 Section 1, T91N, R52W	5	acres
SW1/4 NE1/4 " " "	14	"
NE1/4 SW1/4 " " "	26	"
NW1/4 SE1/4 " " "	23	"
NE1/4 SE1/4 " " "	2	"

TOTAL 70 acres

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 Lundberg

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Nels J. Sorensen

ADDRESS: Vermillion

COUNTY: Clay

DATE: 1/6/92

TELEPHONE: _____

RE: Priority Date for Water Permit No. 5579-3

COMMENTS:

The priority date for Water Permit No. 5579-3 should be August 23, 1991 although the period of time between returning to application and receiving correct application is greater than 60 days. Mr. Sorensen respnded immediately to the August 26, 1991 letter to complete his application, we then sent the application over to the Dept. of Agriculture for the S/W Permit. Upon receiving the S/W Permit, the application was sent to staff for a report. While investigating the report an error in the legal descriptions was found which required further consultation with the applicant and a new S/W Permit to be obtained. This discrepancies was due to the fact that this land directly adjacent to the Missouri River and in fact was once part of Nebraska. The error in the legal description should have been found by staff and addressed in our August 26, 1991 letter and because of this the application should maintain the August 23, 1991 priority date which is the original date this office received the application.

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 H. Hunsch

REPORT ON WATER PERMIT APPLICATION NO. 5579-3
NELS J. SORENSEN
SEPTEMBER 24, 1991

Application No. 5579-3, Nels J. Sorensen, proposes to appropriate 1.0 cubic feet of water per second (cfs) from the Missouri River to irrigate 70 acres. The point of diversion will be located in the NW 1/4 SE 1/4 Section 1; and the lands to be irrigated are located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 1-T91N-R52W.

Water Source

The source of water for the proposed diversion is the Missouri River. The diversion point is located 2.5 river miles from the confluence of the Vermillion River. The Missouri River is known to have ample supplies of unappropriated water available.

Review of Existing Water Rights/Permits

There is one Future Use Water Permit No. 3574-3, East Dakota Conservancy Sub-District, in effect for the Missouri River below Application No. 5579-3. The future use diversion point is located approximately 2.5 river miles below the confluence of the Vermillion River. It reserves 400,000 acre-feet annually to be used for municipal and rural water system use. Because there is ample water in the Missouri River, Application No. 5579-3 is unlikely to have adverse effects on downstream water rights/permits. There have been no complaints reported on the Missouri River.

Conclusions

1. The Missouri River is known to have ample supplies of unappropriated water available; therefore, water is available from the Missouri River to meet the needs of Water Permit Application No. 5579-3 during the irrigation season.
2. If the Water Permit Application No. 5579-3 is approved, it should contain the following qualification:
Subject to the irrigation questionnaire being submitted every year.

Norma C. Job

Norma C. Job
Natural Resource Engineer I

Approved by:

Delvin D. Brosz

Delvin D. Brosz, PE
Natural Resource Engineer IV

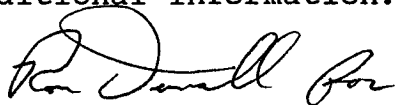
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5579-3, Nels J. Sorensen

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. 5579-3, Nels J. Sorensen, RR 3 Box 23, Vermillion, SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 5579-3 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 qualification:

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
October 28, 1991

South Dakota

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 NEWSPAPER RIGHT AWAY.

November 1, 1991

Nels J Sorensen
RR 3 Box 23
Vermillion, SD 57069

Dear Mr. Sorensen:

Water Permit Application No. 5579-3 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 Vermillion Plain Talk printed at Vermillion, 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,

for Karen Schlaak
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

November 1, 1991

Vermillion Plain Talk
Box 256
Vermillion, SD 57069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5579-3 to be published twice. Please publish the first notice on November 7, 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 Nels J Sorensen, RR 3 Box 23, Vermillion, SD 57069.

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,

for Karen Schlaack

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 November 7, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5579-3 to Appropriate Water

Notice is given that Nels J Sorensen, RR 3 Box 23, Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second from the Missouri River to irrigate 70 acres. The point of diversion will be located in the NW 1/4 SE 1/4 Section 1; and the lands to be irrigated will be located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 1; all in T91N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5579-3 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 November 25, 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 December 4, 1991, at 10:15 am, Kneip Room, Governor's Inn, 700 West Sioux Avenue, Pierre, 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 December 4, 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 November 25, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Clay) ss.

I, Kristin Cownie

certify that the attached printed Notice was taken
 from the Plain Talk

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

City of Vermillion

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

November 7, 1991

November 14, 1991

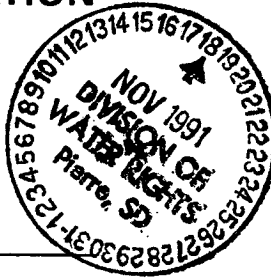
Kristin Cownie
 (Signature)

Receptionist
 (Title)

11-14-91

(Date Signed)

Cost of Printing: \$47.88



NOTICE OF HEARING on
 Application No. 5579-3 to
 Appropriate Water
 Notice is given that Nels J. Sorensen,
 RR 3 Box 23, Vermillion, SD 57069 has
 filed an application for a water permit to
 appropriate 1.0 cubic feet of water per
 second from the Missouri River to irrigate
 70 acres. The point of diversion will be
 located in the NW 1/4 SE 1/4 Section 1;
 and the lands to be irrigated will be lo-
 cated in the SE 1/4 NW 1/4, SW 1/4 NE 1/
 4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 1;
 all in T91N-R52W.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends APPROVAL of
 Application No. 5579-3 because (1)
 unappropriated water is available, (2)
 existing rights will not be unlawfully im-
 paired, (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. Peti-
 tions 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 Di-
 vision, Foss Building, 528 E. Capitol,
 Pierre, SD 57501 (605) 773-3352 and the
 applicant's mailing address is given above.
 A petition filed by either an interested
 person or the applicant must be filed by
 November 25, 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 ap-
 plication or the applicant files a petition
 contesting the chief engineer's recom-
 mendation, the Board will consider this
 application on December 4, 1991, at 10:15
 a.m., Kneip Room, Governor's Inn, 700
 West Sioux Avenue, Pierre, SD. If a
 hearing is held the Chief Engineer's rec-
 ommendation 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 December 4, 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 applica-
 tion. The request for an automatic delay
 must be filed by November 25, 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 ac-
 cording to SDCL 1-28. 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. Con-
 tact the Water Rights Division to request
 copies of information pertaining to this
 application or to assure access to the hear-
 ing by the handicapped.

This application is made pursuant to
 SDCL 46-2A-1 through 46-2A-4.



FEB 21 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Nels J Sorensen
RR 3 Box 23
Vermillion, SD 57069

Dear Mr. Sorensen:

Enclosed is Water Permit No. 5579-3 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.

Permit No. 5579-3
Missouri 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, August 24, 2004, made a thorough examination of the water use system constructed by Nels Sorensen of 2903 S Dakota Street, Vermillion SD 57069 holder of Permit No. 5579-3, bearing the priority of August 23, 1991 authorizing the diversion of 1.0 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Clay County.

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

A. Works used to divert the water:

A 15 horsepower US Motor powers a Berkeley pump. The intake is placed into a backwater of the Missouri River.

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

The pivot point is located approximately 100 yards northwest of the river intake. Water is transported by a underground pipe.

C. Works used to apply water to beneficial use:

An 8 tower Lindsey Zimmatic center pivot makes a windshield wipe rotation

The system is in the following condition good. The point of diversion is located approximately 3,635 feet south and 1,975 feet west of the NE corner (NW ¼ SE ¼) Section 1, T91N, R52W (lat/lon N 42.725753 W-096.31542). The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **all in Section 1, T91N, R52W**

SE ¼ NW ¼	7 acres	NE ¼ SW ¼	25 acres
SW ¼ NE ¼	18 acres	NW ¼ SE ¼	20 acres

comprising a total of 70 acres of land and the license should be issued for 1.00 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: diversion rate greater than authorized – see comment at end of report.

Date Report Completed: February 9, 2005


 Eric Gronlund
 Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5579-3

DATE OF INVESTIGATION:	5579-3
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Nels Sorensen 2903 S Dakota Street Vermillion SD 57069
DIVERSION POINT LEGAL LOCATION	<u>approximately 3,635 feet south and 1,975 feet west of the NE corner (NW ¼ SE ¼) Section 1, T91N, R52W (lat/lon N 42.725753 W-096.31542)</u>

Other permit(s) associated with the project: **There is some overlap of the pivot authorized by Water Right No. 5540-3 and Permit No. 5579-3**

Pump:

- 1) Make **Berkley**
- 2) Model **B4JPBH**
- 3) Size
- 4) Capacity **700- 800** GPM

Motor:

- 1) Make **US Motor**
- 2) Model No.
- 3) Horsepower rating **15** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **Aluminum**
- 2) Size **8** inches
- 3) Length **approx. 300** feet

SYSTEM TYPE:

Center pivot:

- 1) Make **Lindsey - Zimmatic**
- 2) Overall length _____ feet
- 3) Number of towers **8**
- 4) Distance between towers _____ feet
- 5) End gun **Yes**
- 6) High or low pressure **Low**
- 7) Capacity **700** GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate **NO**
- 2) Comments:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes – records indicate irrigation has taken place every year

COMMENT: This permit was issued to appropriate 1.0 cfs because that is the statutory limit for irrigation of 70 acres. At that time there was not a provision in the law (SDCL 46-5-6) to allow for greater diversion rate of 1 cfs per 70 acres. However, this pivot operates at 700 gpm (1.56 cfs) because of the requirement of the pivot. The pivot only makes a ½ rotation. The water license can only be licensed for 1.0 cfs.

Water Permit No. 5579-3, Nels Sorensen

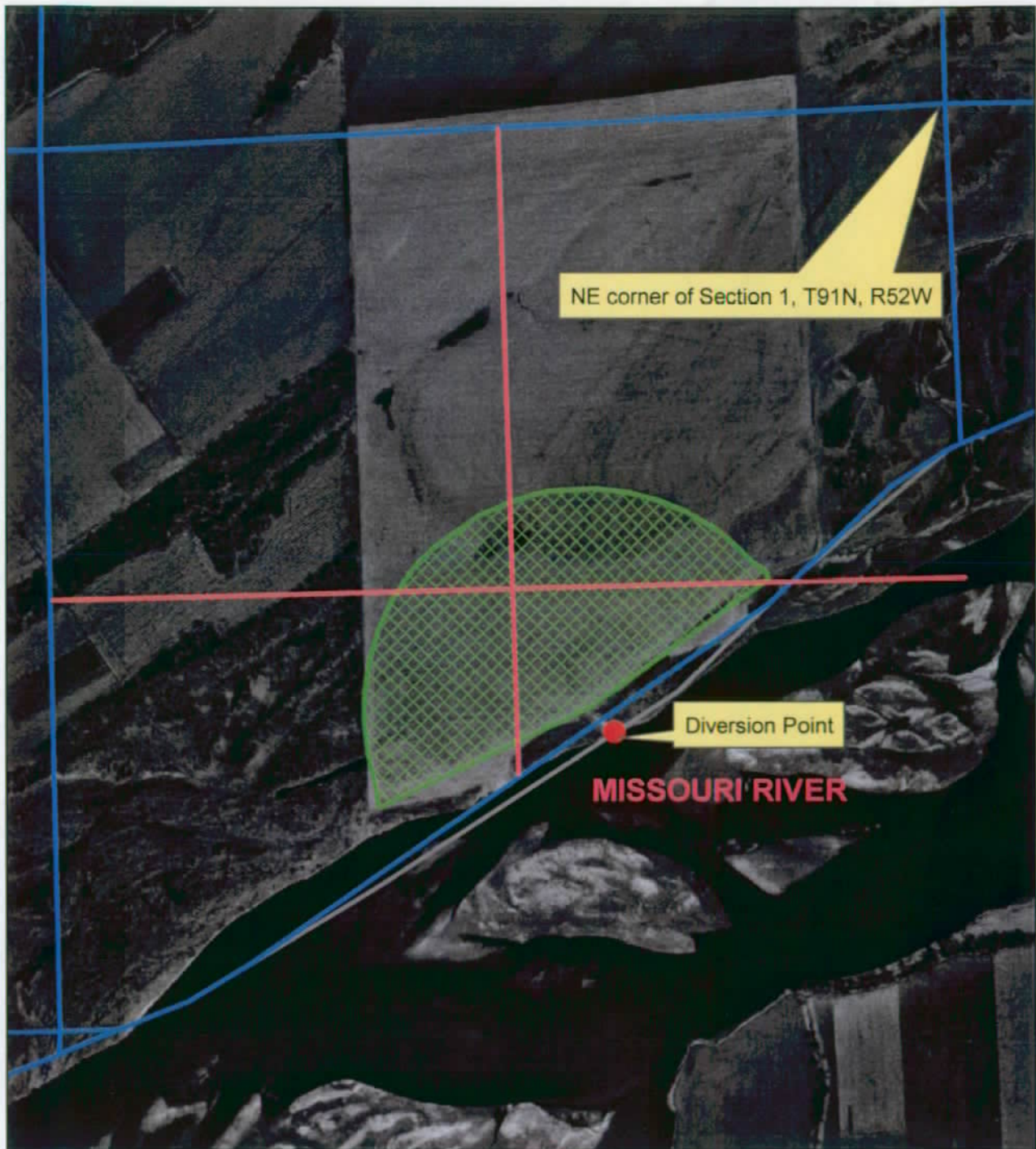


Missouri River diversion point located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T91N, R52W



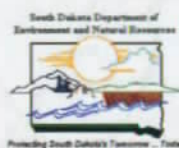
Pivot Point for Water Permit No. 5579-3

WATER PERMIT No. 5579-3, Nels Sorensen



0 390 780 1,560 2,340 3,120 Feet

Missouri River diversion point is located approximately
3,635 feet south and 1,975 feet west of NE corner
of Section 1, T91N, R52W
Lat/Lon -- N 42.72648 W- 096.93121



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - August 24, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 2005

5579-3

Nels Sorensen
2903 S Dakota St
Vermillion SD 57069

Dear Mr. Sorenson:

On August 24, 2005 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5579-3 and 6310-3, was completed by Eric Gronlund, 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. A review of the two permit files indicates the water license fee has been submitted for No. 6301-3 but not for No. 5579-3. Upon receipt of the \$50.00 fee from you, we will complete processing your water licenses. 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 Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 22, 2005

RECEIVED OF Sorenson Family Farm LLC, 2903 S Dakota St, Vermillion SD 57069

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>5579-3</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	

No.

001766

By

J. Earlend Erbeley
Chief Engineer *JS*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 19 2005

5579-3

Nels Sorenson
2903 S Dakota St
Vermillion SD 57069

Dear Mr. Sorenson:

Enclosed is Water License No. 5579-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001766 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5579-3

(1) Nels Sorenson, 2903 S Dakota St, Vermillion SD 57069 made Application No. 5579-3, August 23, 1991 for a water permit to divert 1.00 cubic feet of water per second from the Missouri River, Clay County, South Dakota for irrigation purposes. Permit No. 5579-3, with a priority date of August 23, 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 water on or before December 4, 2000.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5579-3 is issued a license, bearing a priority date of August 23, 1991 to appropriate 1.0 cubic feet of water per second from the Missouri River to irrigate 70 acres.

The diversion point is located: 3,635 feet south and 1,975 feet west of the northeast corner (NW ¼ SE ¼) Section 1-T91N-R52W. The acres authorized for irrigation are as follows:

Section 1-T91N-R52W	SE ¼ NW ¼	7 acres
	SW ¼ NE ¼	18 acres
	NE ¼ SW ¼	25 acres
	NW ¼ SE ¼	20 acres
Total 70 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5579-3 including the following now applicable qualification:

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



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

APR 19 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2009

Nels J Sorensen
15 Muirfield Ct
Vermillion SD 57069-7077

RE: Irrigation Questionnaires for Water Permit or Right Nos. 5200-3, 5412-3, 5538-3, 5539-3, 5540-3, 5541-3, 5579-3, 6310-3 & 6985-3

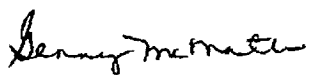
Dear Mr. Sorensen:

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

The notice was originally mailed to 2903 Sorensen Ave, Vermillion SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,


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

enclosures

5579-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 2, 2020

Nels J Sorensen
200 Mickelson Ave
Vermillion SD 57069

RE: Water Right Nos. 5200-3, 5412-3, 5538-3, 5539-3, 5540-3, 5541-3, 5579-3, 6310-3 & 6985-3

Dear Mr. Sorensen:

Enclosed are the irrigation questionnaires originally sent to 15 Muirfield Court in Vermillion.

I will make the changes to your address in our files. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, which appears to read "Genny McMath".

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



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

January 19, 2024

NOTICE

TO: NELS J SORENSEN, 200 MICKELSON AVE, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5579-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 5579-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 5579-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QSV DVW**

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.



5579-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 29, 2024

5579-3

Nels J Sorensen
200 Mickelson Ave
Vermillion SD 57069

Dear Mr. Sorensen:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 5579-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

In response to your note on the questionnaire regarding the irrigated section, I've enclosed the aerial map that was created at the time of inspection.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 4, 2026

NOTICE OF CANCELLATION

TO: Nels J Sorensen, C/O Grant Sorensen, 200 Mickelson Ave, Vermillion, SD 57069

FROM: Amanda Dewell, Permitting Administrator
SD DANR – Water Rights Program 

SUBJECT: Cancellation of Water Right No. 5579-3

Water Right No. 5579-3, held by Nels J Sorensen, authorizes the diversion of 1.0 cubic feet of water per second from the Missouri River for irrigation of 70 acres, located in portions of Section 1-T91N-R52W, Clay County, South Dakota. A field inspection was conducted by Water Rights Program staff, in March of 2026, for the purpose of licensing a system that is on adjacent land (WR No. 8503-3). Based on a conversation between Water Rights Program staff and yourself, you stated that you no longer intend to use the Missouri River as a source of irrigation and that you were agreeable to cancellation of this water right. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 5579-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 5579-3 at **9:30 am, Wednesday, October 7th, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later)*.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 5579-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation of Water Right No. 5579-3, and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by **September 14, 2026**. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial 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.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by **September 14, 2026**.

Prior to **September 14, 2026**, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by **September 14, 2026**.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 5579-3, NELS J SORENSON**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 5579-3.

A field inspection was conducted by Water Rights Program staff, in March of 2026, for the purpose of licensing a system on adjacent land (WR No. 8503-3). When staff spoke with Grant Sorensen, who confirmed that he does not intend to continue using the Missouri River as a source of irrigation for the property covered under Water Right No. 5579-3 and was agreeable to cancellation of the water right.

The Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD Department of Agriculture and Natural Resources
September 4, 2026

Note:

Cancellation of the water right does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated September 4, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on September 4, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Laura Laufenberg
Senior Secretary

STATE OF SOUTH DAKOTA)

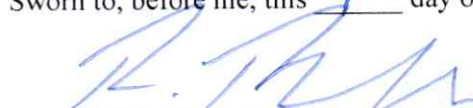
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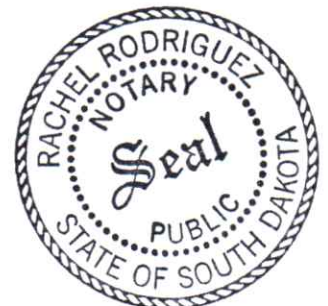
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COUNTY OF HUGHES)

)

Sworn to, before me, this 4th day of September, 2026.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 8, 2026

No. 5579-3

NOTICE OF ENTRY OF ORDER

Nels J Sorensen
C/O Grant Sorensen
200 Mickelson Ave
Vermillion, SD 57069

Dear Mr. Sorensen:

This will notify you that on October 7, 2026, the Water Management Board cancelled your Water Right No. 5579-3. This action was taken under the conditions outlined in our notice to you dated September 4, 2026.

If you have any questions concerning the Board action, please contact Amanda Dewell, with our program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated October 8, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on October 8, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
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WP No. 6468-3

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PO Box 75
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c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of Oct, 2026


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

