

Considered: _____

WATER PERMIT NO. 5660-3

Phone: 763-2008

Name of Applicant: City of Beresford

Post Office Address: 101 N 3rd, Beresford SD 57004

Amount of Water Claimed: 0.53 Total Acres: 37

Source of Water Supply: groundwater

Water to be used for: irrigation County: Union

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4-15-92 Fee: _____ Remarks well water to

be mixed with surface runoff - see Permit No. 5479-3

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

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

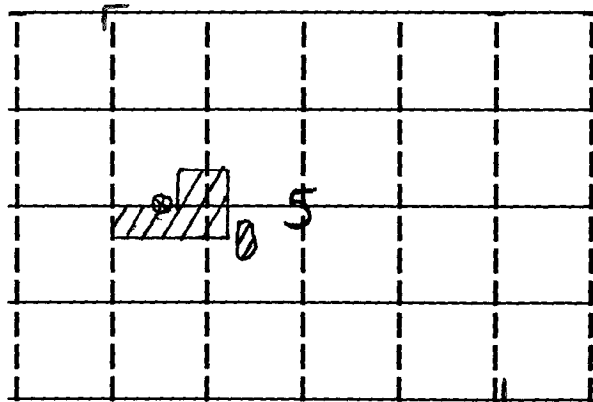
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: quarter-quarter line between the

SW 1/4 NW 1/4 & the NW 1/4 SW 1/4 Sec 5-T95N-R50W

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

Sec 5-R95N-R50W



Well Log: Driller: Wetmore Drilling Licensed YES X NO _____

Depth of Well: 190' REMARKS _____

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

Assigned on 4-27-92 By Karen Schlaak

No. 5660-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Beresford Republic, Box 111

Sioux Valley News, Box 255, Canton

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

Type of Application:

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

1. Name of Applicant City of Beresford Phone No. 763-2008
Post Office Address 101 N. 3rd Beresford State SD 57004
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 0.53 Total acres irrigated 37
3. Source of Water supply 189 foot well
4. Location of point of diversion SW 1/4 Sec 5-795 N, Union Co., SD
along the quarter-quarter line between the SW 1/4 NW 1/4 and the
NW 1/4 SW 1/4 Sec 5-795 N-R50W County Union
5. Counties where water will be used Union
6. Annual period during which water is to be used April September 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

all in Sec 5-795 N-R50W

Land Description	No. Acres Irr.
<u>Golf Course N 1/2 SW 1/4 SE 1/4 NW 1/4</u>	<u>33</u>
<u>Baseball Field SW 1/4 NW 1/4</u>	<u>2</u>
<u>Football Field NE 1/4 SW 1/4</u>	<u>2</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

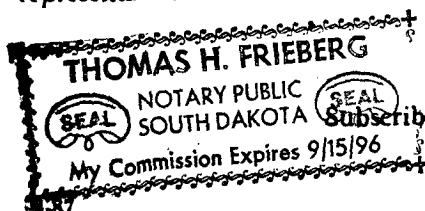
8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Turf Sprinkler
(Specify)
9. Crops to be Irrigated: Golf Course, Baseball Field, Football Field
10. Give a description of proposed project. (Attach sheet if more-space is needed)

Water from well to be blended on 1:1 ratio with surface runoff water.
Waters will be blended in 1.5 million gallon reservoir on golf course. Well water is Sample 90-1270. All irrigation will come from holding pond or reservoir. The project's purpose is to relieve burden on municipal wells & eliminate the use of treated water on the premises. The runoff water was approved with permit #5479-3.

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

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

I, Arno Beal, Mayor, 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 [Signature]

6th day of April 1992
Thomas H. Frieberg
Notary Public
My Commission Expires: 9-15-96

SOUTH DAKOTA
WATER PERMIT No. 5660-3 FOR IRRIGATION

Date of first receipt of application April 15, 1992.

Date Soil/Water Compatibility Permit received May 4, 1992.

Date of return to applicant for corrections, amendments or changes April 17, 1992.

Date of receipt of corrected application April 21, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5660-3 to City of Beresford, 101 N 3rd, Beresford SD 57004 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5660-3 appropriates 0.53 cubic feet of water per second (cfs) from one well (Brule Creek Aquifer) 190 feet deep located on the quarter-quarter line between the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 5-T95N-R50W to irrigate 37 acres authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 appropriates 0.53 cfs from a dam (4.1 acre-feet storage capacity) located in the SW 1/4 Section 5 to irrigate 37 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 5; all in T95N-R50W. This permit will divert water from the well to the dam to blend the water prior to irrigating the same acres as authorized by Water Permit No. 5479-3. The diversion rate from Water Permit No. 5479-3 and this Permit, combined, may not exceed 1 cfs for each 70 acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is April 15, 1992.
4. The date of approval of Permit No. 5660-3 is July 22, 1992.
5. One-fifth of the construction is to be completed on or before January 22, 1995.
6. All construction is to be completed on or before July 22, 1997.
7. Water is to be put to beneficial use on or before July 22, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

(continued)

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5660-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. 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

NOV 20 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

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

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

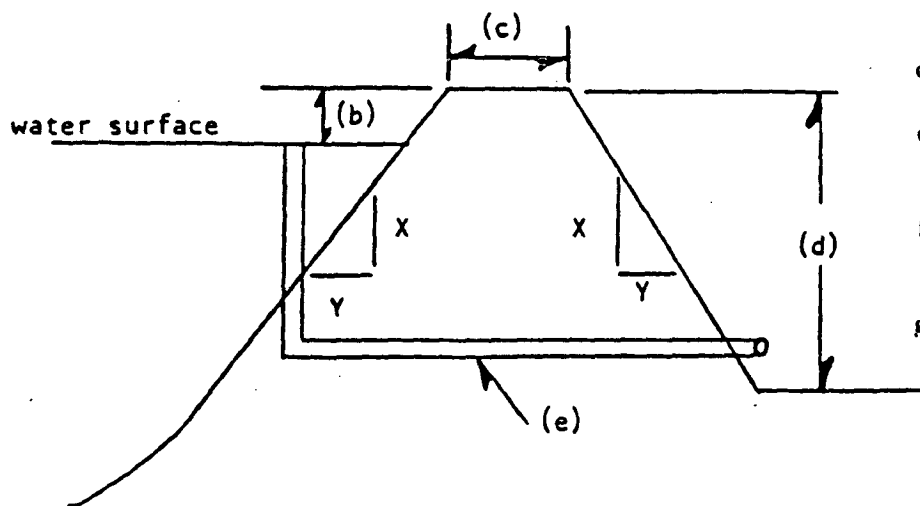
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



City of Beresford

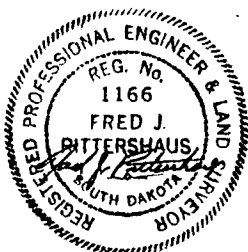
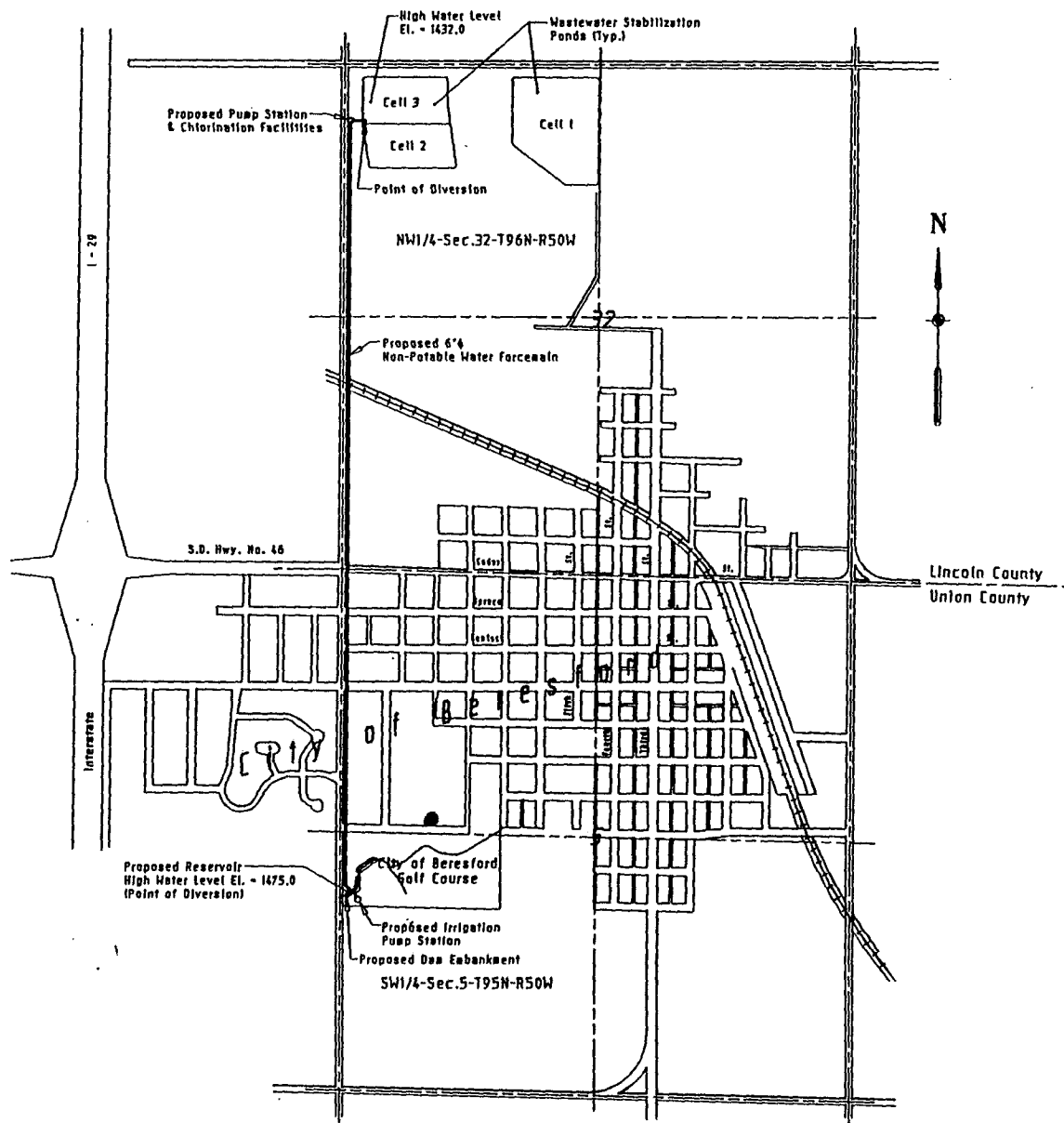
WELL LOG

South side of Ball Diamond and North side of Golf Course

0	- 2'	Topsoil
2	- 141'	clay
141	- 190'	coarse sand & gravel
190	- 196'	shale
+ 1	- 170	250 PS 5" PVC
170	- 190	5" PVC Johnson Screen

James Wetmore

Wetmore Drilling
PO Box 577
Elk Point SD 57025



BANNER

BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
409 22nd Av S • P.O. Box 298 - Brookings, SD 57006 • 605/692-4342

City of Beresford, SD

GOLF COURSE
IRRIGATION PERMIT MAP

FRIEBERG, RUDOLPH & PETERSON

ATTORNEYS AT LAW

115 NORTH THIRD STREET

P. O. BOX 511

BERESFORD, SOUTH DAKOTA 57004-0511

TELEPHONE: (605) 763-2107

TELECOPIER: (605) 763-2106

ROBERT B. FRIEBERG
BLAINE O. RUDOLPH
PHILLIP O. PETERSON
THOMAS H. FRIEBERG
LARRY A. NELSON
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ROSCOE A. FRIEBERG (1903-1982)

OFFICES ALSO LOCATED AT:

CANTON, SOUTH DAKOTA
(605) 987-2686

LENNOX, SOUTH DAKOTA
(605) 647-5152

April 14, 1992

Mr. Eric Gronlund
Water Rights Division
Department of Water & Natural Resources
523 E. Capitol
Pierre, South Dakota 57501

Re: City of Beresford/Golf Course permit

Dear Eric:

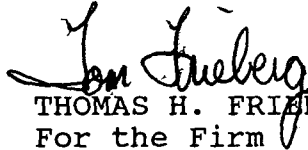
Enclosed please find an Application for Soil/Water Compatibility Permit and Permit to Appropriate Water with regard to the Beresford Golf Course. As you are aware, the new proposal is to blend the well water with surface run-off water. The surface run-off water, of course, has already been approved and this application is to approve the blending of well water with the surface run-off water.

I have enclosed all of the information which we received from the well driller. I assume this will provide the information which is necessary for Form 2A.

I have not enclosed some of the other documents as I think you have most everything else. As you are also aware, we have received a permit from the Corp of Engineers for the dam which was placed on the waterway.

If you need any further information to process the application, please let me know. If not, I appreciate all of your assistance in this regard.

Yours very truly,


THOMAS H. FRIEBERG
For the Firm

THF:jak
Enc.





TEST HOLE IN THE PARK BERESFORD, SOUTH DAKOTA

PHASE I

1. Mobilization/De-Mobilization	LS	<u>560.00</u>
2. Four (4) inch diameter test hole per ft.		<u>8.00</u>
3. Widco Electric Log of formation		
4. Sieve analysis of water bearing strata	LS	<u>400.00</u>
5. Complete test drilling reports		<u>280.00</u>

Water for drilling use will be furnished by the City at the nearest fire hydrant and transported by driller company tank truck. Formation samples will be collected of 5 foot centers and at any geology change as they occur. Upon locating the depth of good water bearing strata, an electric log shall be run to determine the resistivity of the water bearing aquafier.

In the event a suitable formation is found where a permanent well could be developed and City wishes to check for water quality.

South Dakota Geological Survey at USD will log the well, at no charge.

PHASE II

1. Ream hole to approximately 8" with	20' of 5" slotted PVC	
screen and well pipe	per foot	<u>21.00</u>
2. Well development	per hour	<u>72.00</u>
3. Pumping for water sample	per hour	<u>52.00</u>
4. Per diems, per crew/per night		<u> </u>

Install your own submersible pump and operate it with your on board generator to pump the well clean. Run a two hour test pump for clear water sample to be sent to proper authorities. Either cap the well for future use in large well construction or cut off below ground and fill with a bentonite/cement slurry for proper sealing.

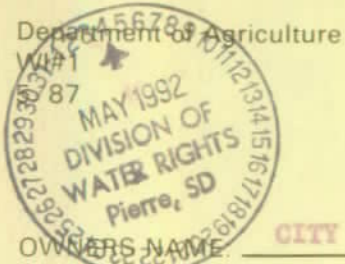
Please supply drawing giving an idea of what you will do.

There are wells in the area at approximately 170 to 200 feet deep.

If you have any other idea on this, please incorporate.

If you have any question please contact Dan Andre, Water Superintendent.
James Wetmore

5660-3



SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4700

WR#

OWNERS NAME: CITY OF BERESFORD

OWNERS ADDRESS: 101 NORTH 3RD

BERESFORD, SD 57004

COUNTY LAND LOCATED IN: UNION PHONE: 765-2208

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: Along the quarter - quarter line between the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the

Depth: NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T95N-R50W

Legal Description	Acres	Legal Description	Acres
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5-T95N-R50W (Golf Course)	33		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5-T95N-R50W (Baseball field)	2		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T95N-R50W (Football field)	2		

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

3. CROPS TO BE IRRIGATED: Golf Course, Baseball Field, Football Field

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1270 7. ADJUSTED (SAR): 2.93
5. SALINITY (EC X 10⁶): 3300 8. PERCENT SODIUM: 9.28
6. SODIUM (SAR): 0.94

Requirements:

The water shall be blended at a ratio of one to one and shall not be used when the Electrical Conductivity exceeds 2100.

The areas mapped as Whitewood silty clay (Wh) and Worthing-Chancellor silty clay (Ws) shall not be irrigated, as specified under Permit #4541.

Director, Division of Conservation

XXX APPROVED
DISAPPROVED
WAIVER

XXX REQUIREMENTS

APRIL 30, 1992
Date

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413202

Pierre, May 1, 19 92

RECEIVED OF Beresford Country Club Inc, Box 712, Beresford, SD 57004

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

Fee for Application for Permit No. <u>5660-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

Johanna Halach
[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 17, 1992

Louis Frieberg, Attorney
PO Box 511
Beresford SD 57004-0511

RE: City of Beresford Water Permit Application

Dear Mr. Frieberg:

In regard to the water permit application received on April 15, 1992, the following information needs to be submitted in order to process the City's application.

1. A map or aerial photo outlining the lands to be irrigated and showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map 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).
2. The filing fee for this application will be \$150.00.

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. Upon receipt of the map and fee, further processing of the application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Tom Frieberg - City of Bersford - Application

ADDRESS: _____ COUNTY: Union

DATE: 4/21/92 TELEPHONE: _____

RE: _____

COMMENTS:

Mr. Frieberg called regarding the application for the Beresford golf course from the well. He stated the well is located in the same location as the was proposed on Water Permit No. 5479-3. Since the map submitted with WP No. 5479-3 showed the well location and acres to be irrigated and since they have not changed, I told Mr. Frieberg that we would accept this map.

Mr. Frieberg stated the location of the well is on the quarter-quarter line between the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 5, T95N, R50W.

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 Lund

FRIEBERG, RUDOLPH & PETERSON

ATTORNEYS AT LAW

115 NORTH THIRD STREET

P. O. BOX 511

BERESFORD, SOUTH DAKOTA 57004-0511

TELEPHONE: (605) 763-2107

TELECOPIER: (605) 763-2106

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OFFICES ALSO LOCATED AT:

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(605) 987-2686

LENNOX, SOUTH DAKOTA
(605) 647-5152

April 29, 1992

Mr. Eric Gronlund
Dept. of Environment and Natural Resources
523 E. Capitol
Pierre, SD 57501-3181

Re: City of Beresford

Dear Eric:

Enclosed please find a Beresford Country Club, Inc. check in the amount of \$150.00 as and for the application for the well permit for the City of Beresford. I assume that this completes the application and if you need anything further, please give me a call.

Yours very truly,


THOMAS H. FRIEBERG
For the Firm

THF/mp
Enclosure



REPORT ON APPLICATION NO. 5660-3
for the City of Beresford
June 10, 1992

Application No. 5660-3 proposes to appropriate 0.53 cfs from one well approximately 190 feet deep located on the quarter quarter line between the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 of section 5, T95N R50W to irrigate 37 acres authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 appropriates 0.53 cfs from a dam (4.1 acre feet storage capacity) located in the SW 1/4 of section 5 to irrigate 37 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 of section 5; all in T95N R50W in Union County. This application proposes to divert water from the well to the dam and blend the well water with water in the dam prior to irrigating. Water Permit No. 5479-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

AQUIFER - BRULE CREEK (BRC)

The Brule Creek aquifer is a confined glacial outwash (sand and gravel) under artesian conditions. The well log submitted with the application indicates that aquifer was encountered at a depth of 141 feet and extended to a depth of 190 feet below land surface. This aquifer was first described in a Water Supply Study for the City of Beresford and was called the "Lower Buried Outwash" (Baker, 1963). The areal extent or the amount of water in storage for this aquifer has not been well defined. The aquifer appears to hydraulically connected to the Brule Creek to the east and also extends into Lincoln County to the north. The Brule Creek aquifer underlies 43,500 acres and contains an estimated 195,300 acre feet of recoverable in storage in Union County (Hedges, 1982).

The Division of Water Rights monitors 7 observation wells completed into the Brule Creek aquifer in Union County and one in Lincoln County. Water levels for these wells show good correlation with climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

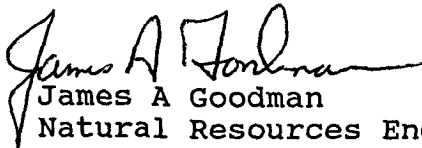
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Brule Creek aquifer.
2. Interference is not expected to be a concern.
3. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards.

4. The water from the well will be mixed with water in a storage dam prior to use for irrigation. This application would authorize a diversion rate of 0.53 cfs from a well to the storage dam.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Baker, G.K., 1963, Water Supply for the City of Beresford, Special Report 22, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., etal, 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, 1992, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

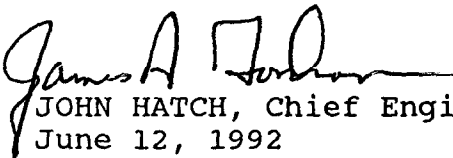
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5660-3, City of Beresford

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. 5660-3, City of Beresford, c/o Mayor Amo Beal, 101 N Third, Beresford, SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 5660-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5660-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

FOR 
JOHN HATCH, Chief Engineer
June 12, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 17, 1992

Amo Beal, Mayor
City of Beresford
101 N 3rd
Beresford, SD 57004

Dear Mr. Beal:

Water Permit Application No. 5660-3 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 Beresford Republic printed at Beresford, SD (Ph # 763-2006) and the Sioux Valley News printed at Canton, SD (Ph # 987-2631). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

cc: Tom Frieberg, PO Box 511, Beresford, SD 57004-0511



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1992

Sioux Valley News
Box 255
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5660-3 to be published twice. Please publish the first notice on June 25, 1992, 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 the City of Beresford, 101 N 3rd, Beresford, SD 57004 (Ph # 763-2008).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on June 25, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5660-3 to Appropriate Water

Notice is given that the City of Beresford, 101 N 3rd, Beresford, SD 57004 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second (cfs) from one well (Brule Creek Aquifer) 190 feet deep located on the quarter-quarter line between the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 5-T95N-R50W to irrigate 37 acres authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 appropriates 0.53 cfs from a dam (4.1 acre-feet storage capacity) located in the SW 1/4 Section 5 to irrigate 37 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 5; all in T95N-R50W. This application proposes to divert water from the well to the dam to blend the water prior to irrigating the same acres as authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5660-3 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 July 13, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5660-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 22, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 22, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 22, 1992, 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 July 13, 1992.

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

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1992

Beresford Republic
Box 111
Beresford, SD 57004

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5660-3 to be published twice. Please publish the first notice on June 25, 1992, 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 the City of Beresford, 101 N 3rd, Beresford, SD 57004 (Ph # 763-2008).

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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

No. _____

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

Date _____

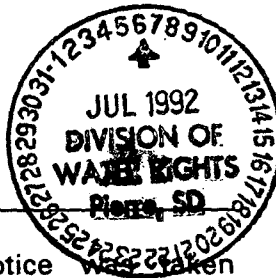
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Lincoln) ss.



I, Sandra Lundstrom

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

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

City _____ of Canton _____

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

June 25, 1992

July 2, 1992

Sandra Lundstrom
 (Signature)

 Bookkeeper
 (Title)

7-2-92
 (Date Signed)

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

Cost of Printing: \$67.25

NOTICE OF HEARING on Application No. 5660-3 to Appropriate Water

Notice is given that the City of Beresford, 101 N. 3rd, Beresford, SD 57004 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second (cfs) from one well (Brule Creek Aquifer) 190 feet deep located on the quarter-quarter line between the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 5-T95N-R50W to irrigate 37 acres authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 appropriates 0.53 cfs from a dam (4.1 acre-foot storage capacity) located in the SW 1/4 Section 5 to irrigate 37 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 5; all in T95N-R50W. This application proposes to divert water from the well to the dam to blend the water prior to irrigating the same acres as authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5660-3 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 July 13, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5660-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 22, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 22, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting.

Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 22, 1992, 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 July 13, 1992.

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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. (6-25; 7-2)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Union) ss.



I, Marvel D. Peterson

certify that the attached printed Notice was taken
 from the Beresford Republic

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
Beresford of South Dakota

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

June 25, 1992

July 2, 1992

Marvel D. Peterson
 (Signature)

Business Manager
 (Title)

7/7/92
 (Date Signed)

Cost of Printing: \$58.84

NOTICE OF HEARING ON APPLICATION NO. 5660-3 TO APPROPRIATE WATER

Notice is given that the City of Beresford, 101 N 3rd, Beresford, SD 57004 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second (cfs) from one well (Brule Creek Aquifer) 190 feet deep located on the quarter-quarter line between the SW 1/4 NW1/4 and the NW 1/4 SW 1/4 Section 5-T95N-R50W to irrigate 37 acres authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 appropriates 0.53 cfs from a dam (4.1 acre-feet storage capacity) located in the SW 1/4 Section 5 to irrigate 37 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 5; all in T95N-R50W. This application proposes to divert water from the well to the dam to blend the water prior to irrigating the same acres as authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5660-3 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.

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For purposes of publishing 1) the notice of hearing on Application No. 5660-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 22, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 22, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board

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NOV 20 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Marilynn Johnson, Finance Officer
City of Beresford
101 N 3rd
Beresford, SD 57004

Dear Ms. Johnson:

Enclosed is Water Permit No. 5660-3 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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 11/7/93

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

FROM: CRAIG CHRISTENSEN 401 S. 3RD
(name) (address)
BERESTFORD S.D 57004 (605) 763-5612
(city) (state) (zip) (phone)

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

Water Permit No. 5660-3 states that the diversion system is to be constructed by 10/1/92, and that the water is put to beneficial use by 7/1/93.
(date) (date)

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

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

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

Craig Christensen
(Signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

NOTICE

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

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

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

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

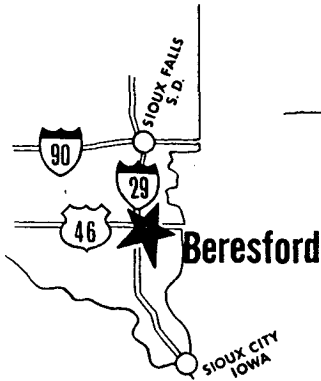
1. Suspend or cancel Permit No(s) 5479-3 & 5660-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

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



AS/JP/JH - ~~draft response~~
~~for his signature~~
City Of Beresford

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

February 17, 1994

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

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

Gentlemen:

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

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

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

DENR
Page 2

Respectfully, submitted,

A handwritten signature in cursive script, appearing to read "Curtis E. Kludt".

Curtis E. Kludt
Finance Officer

cc: Mayor
City Attorney



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1994

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

Dear Mr. Kludt:

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

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

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

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

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

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 1994

5479-3
5660-3

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

Dear Mr. Andre:

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

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

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

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

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

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosures

Permit No. 5660-3
VERMILLION 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

On, **NOVEMBER 7, 1995**, I made a thorough examination of the water use system constructed by **CITY OF BERESFORD** of **101 N 3rd BERESFORD, SD** holder of Permit No. **5660-3**, bearing the priority of **APRIL 15, 1992** authorizing the diversion of **0.53** cu. ft. per second of the waters of **GROUND WATER (BRULE CREEK AQUIFER)** for **IRRIGATION** purposes, in **UNION** County.

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

A. Works used to divert the water:

A SUBMERSIBLE PUMP WITH A 75 gpm CAPACITY

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

120 FEET OF 2.5 INCH GALVANIZED PIPE

C. Works used to apply water to beneficial use:

TORO POPUP SPRINKLERS

The system is in the following condition **GOOD**. The point of diversion is located **FROM THE NW CORNER OF SECTION 5 T95N-R50W: 2600 FT SOUTH AND 990 FT EAST**. The works are capable of diverting and conveying to the place of use **0.17** cu. ft. per second of water which is to be used for **IRRIGATION**. Water has been put to beneficial use to the maximum extent as follows:

ALL IN SECTION 5 T95N-R50W:

SW1/4 NW1/4 - 5 ac NW1/4 SW1/4 - 20 ac NE1/4 SW1/4 - 5 ac

comprising a total of **30** acres of land and the license should be issued for **0.17**.

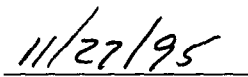
Applicable permit qualifications have been complied with: **YES**

Exceptions to compliance are: **NONE**



Mark D. Rath

Natural Resources Engineer
DENR, Water Rights Program



Date

Permit No. 5479-3
VERMILLION 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

On, NOVEMBER 7, 1995, I made a thorough examination of the water use system constructed by CITY OF BERESFORD of 101 N 3rd holder of Permit No. 5479-3, bearing the priority of NOVEMBER 5, 1990 authorizing the diversion of 0.53 cu. ft. per second and/or the storage of 4.1 acre-feet of the waters of SURFACE WATER (RUNOFF) for IRRIGATION purposes, in UNION County.

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

A. Works used to divert the water:

A GRUNDFOS PUMP AND A GRISWOLD PUMP

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

2, 3 & 4 INCH PVC PIPE

C. Works used to apply water to beneficial use:

TORO POPUP SPRINKLERS

The system is in the following condition GOOD. The point of diversion is located : **FROM THE NW CORNER OF SECTION 5 T95N-R50W: 3200 FEET SOUTH AND 50 FEET EAST**. The works are capable of diverting and conveying to the place of use 0.67 cu. ft. per second of water and/or storing 4.1 acre-feet of water which is to be used for IRRIGATION. Water has been put to beneficial use to the maximum extent as follows:

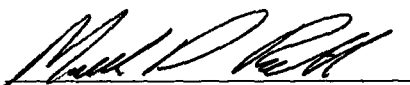
ALL IN SECTION 5 T95N-R50W:

SW1/4NW1/4 - 5 ac NW1/4 SW1/4 - 20 ac NE1/4 SW1/4 - 5 ac

comprising a total of 30 acres of land and the license should be issued for 0.43 cfs and/or 4.1 acre-feet of storage.

Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: NONE



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

11/27/95
Date

REPORT ON INSPECTION OF PERMIT NO. 5660-3

DATE OF INSPECTION: 11/7/1995

DIVERSION POINT LEGAL LOCATION: FROM THE NW CORNER OF SECTION 5 T95N-R50W:
2600 FT SOUTH AND 990 FT EAST

WATER SUPPLY Source: GROUNDWATER (BRULE CREEK AQUIFER)

Well Information:

1) Well Drilling Firm: WETMORE DRILLING 2) No. of Wells 1

3) Depth(s) 120 feet 4) Well log is available YES

Casing:

1) Diameter 5 inches 2) Length 170 feet

3) Type PVC

Screen:

1) Type STAINLESS STEEL 2) Length 20 feet

3) Static water level ? feet

Pump:

1) Make SUBMERSIBLE 2) Model ?

3) Size ? 4) Capacity 75 GPM

Motor:

1) Make SUBMERSIBLE 2) Model No. ?

3) Horsepower rating 5 hp

DISTRIBUTION LINES OR CANALS:

1) Type GALVANIZED 2) Size 2.5 inches 3) Length 120 feet

SYSTEM TYPE:

1) Make TORO 2) Type POPUP SPRINKLERS

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

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

REPORT ON INSPECTION OF PERMIT NO. 5479-3

DATE OF INSPECTION: 11/7/1995

**DIVERSION POINT LEGAL LOCATION: FROM THE NW CORNER OF SECTION 5 T95N-R50W:
3200 FEET SOUTH AND 50 FEET EAST**

WATER SUPPLY Source: **SURFACE WATER (RUNOFF INTO DAM)**

Pump: 1

- | | |
|--------------------------------|-----------------------------------|
| 1) Make <u>GRUNDFOS</u> | 2) Model <u>9114</u> |
| 3) Size <u>6</u> | 4) Capacity <u>100</u> GPM |

Motor:

- | | |
|--|---------------------------------------|
| 1) Make <u>BALDOR</u> | 2) Model No. <u>INDUSTRIAL</u> |
| 3) Horsepower rating <u>10</u> hp | |

Pump: 2

- | | |
|--------------------------------|-------------------------------------|
| 1) Make <u>GRISWOLD</u> | 2) Model <u>R20H204C12B3</u> |
| 3) Size <u>?</u> | 4) Capacity <u>200</u> GPM |

Motor:

- | | |
|--|---------------------------------|
| 1) Make <u>US ELECTRICAL</u> | 2) Model No. <u>D4DP</u> |
| 3) Horsepower rating <u>20</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC** 2) Size **2, 3 & 4** inches 3) Length **?** feet

SYSTEM TYPE:

- | | |
|----------------------------|------------------------------------|
| 1) Make <u>TORO</u> | TYPE <u>POPUP SPINKLERS</u> |
|----------------------------|------------------------------------|

DAM INFORMATION:

- | | |
|---|--|
| 1) Height to crest <u>8</u> feet | 2) Height to primary spillway <u>7</u> feet |
| 3) Height to secondary spillway <u>NA</u> ft | 4) Crest width <u>25</u> feet |
| 5) Crest length <u>50</u> feet | 6) Spillway length <u>35</u> feet |

- 7) Spillway width 6 feet 8) Approx. storage 4 ac-ft
9) Approx. storage to crest 8 ac-ft 10) Date constructed: ?
11) Outlet tubes:
 a) diameter 24 inches b) type CMP
 c) valved NO d) valve type NA
 e) location on structure CENTER

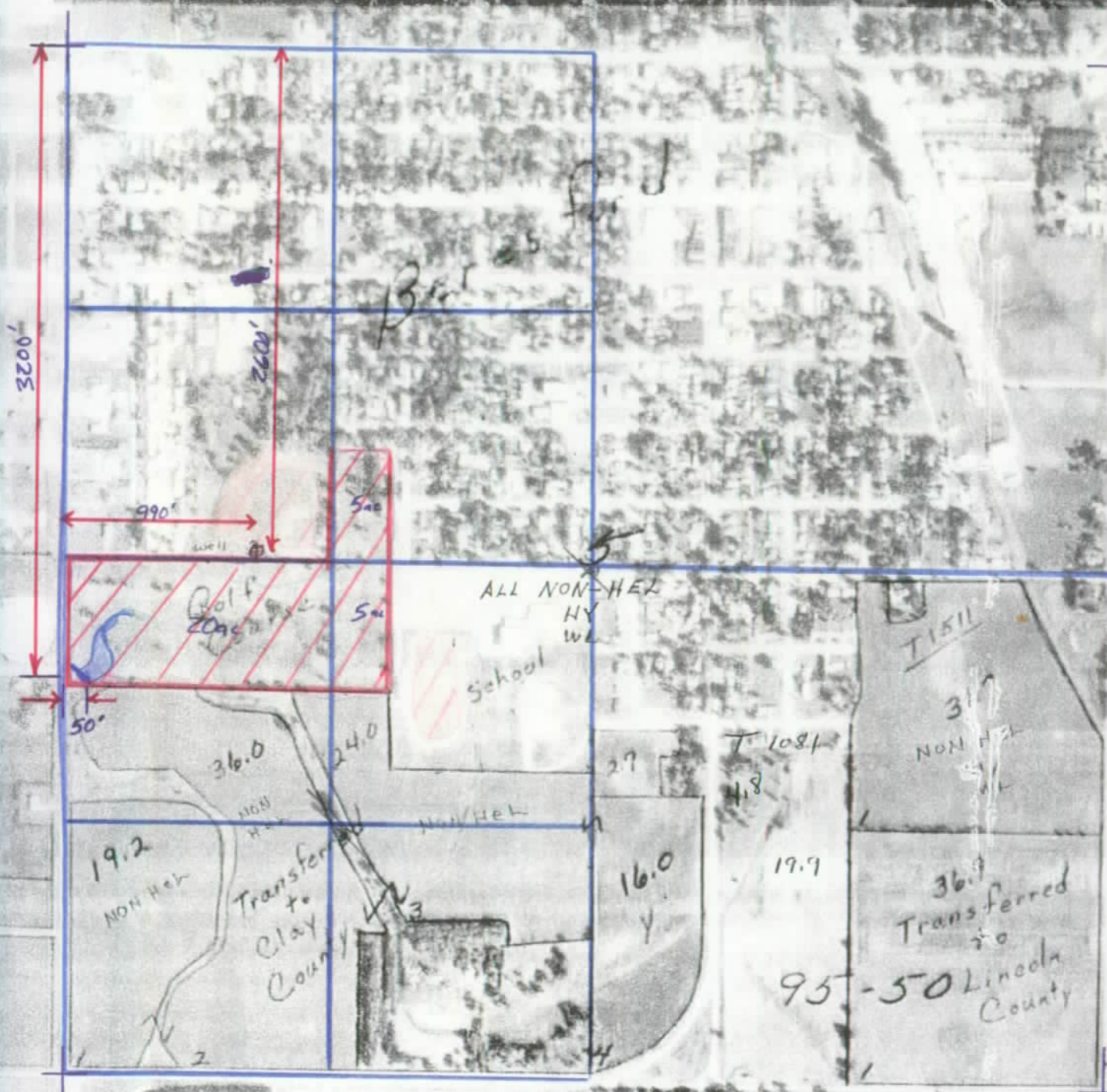
CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

PERMIT QUALIFICATIONS AND REGULATIONS:

- 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

NOT TO SCALE



Mark D Rath

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 11/9/95

5479-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5660-3

(1) The City of Beresford, 101 N 3rd, Beresford SD 57004 made Application No. 5660-3, April 15, 1992 for a water permit to appropriate 0.53 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5660-3, with a priority date of April 15, 1992 was approved July 22, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 22, 1997 and for the application to beneficial use of said water on or before July 22, 2001.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on November 7, 1995. The "Notice" stated the diversion system was completed on October 1, 1992 and the water applied to beneficial use on July 1, 1993.

Water Permit No. 5660-3 authorizes irrigation of the same acreage as authorized by Water Permit No. 5479-3. Water Permit No. 5479-3 authorizes 0.53 cfs from a dam (4.1 acre-feet storage capacity). Water is diverted from the well to the dam to blend the water prior to irrigation. The applicable portions of Water Permit No. 5479-3 have been incorporated into Water License No. 5660-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.17 cubic feet of water per second from the well to fill the 4.1 acre-feet storage dam utilized in the irrigation system. A maximum diversion rate of 0.43 cubic feet of water per second is authorized for irrigation of the acreage listed below. The location of the diversion points are: Dam - 3200 feet south and 50 feet east (NW 1/4 SW 1/4); Well - 2600 feet south and 990 feet east (SW 1/4 NW 1/4); both from the northwest corner of Section 5-T95N-R50W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **30 acres - all in Section 5-T95N-R50W**

SW 1/4 NW 1/4 5 acres

NW 1/4 SW 1/4 20 ac

NE 1/4 SW 1/4 5 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Beresford, 101 N 3rd, Beresford SD 57004 the holder and/or owner of Incorporated Water Permit No. 5660-3 is issued a license to appropriate water, the right to use 0.17 cubic feet of water per second from the well to fill the 4.1 acre-feet storage dam utilized in the irrigation system. A maximum diversion rate of 0.43 cubic feet of water per second is authorized for irrigation with priority dates of November 5, 1990 (dam) and April 15, 1992 (well) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5660-3 and subject to South Dakota State Law.


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

JUL 8 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 1995

4909-3
5660-3

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

Dear Mr. Kludt:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4909-3, 5479-3 and 5660-3, has been completed. Your final water right documents, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5479-3 will be incorporated into 5660-3.

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

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

Sincerely,

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

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

414732

South Dakota Department of Environment and Natural Resources

Pierre, _____ December, ²⁸~~19~~ 95

RECEIVED OF City of Beresford, 101 N 3rd Street, Beresford, SD 57004-1796

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5660-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 8 1996

5660-3

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

Dear Mr. Kludt:

Enclosed is Water License No. 5660-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414732 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5660-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

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

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 6527-3, City of Beresford

ADDRESS: COUNTY:

DATE: July 26, 2004 TELEPHONE:

RE: Telephone conversation with Jerry Zeimetz, City Administrator

The city has an application for an irrigation water permit filed to complete a Dakota Formation well to irrigate the renovated golf course. In reviewing the application, it was discovered that the city held Water Right No. 5660-3 to irrigate 30 acres. I asked Mr. Zeimetz about this existing water right. He indicated that this source had been abandoned because the water source (Brule Creek Aquifer) is too saline.

He indicated that Water Right No. 5660-3 can be cancelled with the approval of this new application. There is a 4.1 acre foot dam authorized by Water Permit No. 5479-3 that was incorporated into Water Right No. 5660-3 that still exists and will need to be preserved. They do not intend to divert from the well completed into the Brule Creek Aquifer to maintain this dam. Mr. Zeimetz indicated that this dam will remain full on it's own since they won't be making a physical diversion from it to irrigate.

NAME:

Eve Henderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 25, 2005

NOTICE OF CANCELLATION

TO: Jerry Zeimetz, City Administrator
City of Beresford, 101 N 3rd St, Beresford SD 57004

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

SUBJECT: Cancellation of Vested Water Right No. 841-3 and the irrigation portions of Water Right No. 5660-3

Vested Water Right No. 841-3 authorizes diversion of water from two wells (Dakota Formation) for municipal purposes. Water Right No. 5660-3 authorizes diversion of water from ground water (Brule Creek Aquifer) and a 4.1 acre feet storage pond for irrigation purposes. During the water permit application process for your golf course last year, we received information from you that the Dakota Formation wells under No. 841-3 were no longer used. You had also indicated that the well authorized under No. 5660-3 (Brule Creek Aquifer) was too saline and was no longer used for irrigation purposes. It is our understanding that the 4.1 acre feet storage pond still exists as described in No. 5660-3.

Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Vested Water Right No. 841-3 and the irrigation portions of Water Right No. 5660-3 due to abandonment and/or forfeiture. Cancellation of the above does not pertain to other permits or rights held by the City of Beresford.

The Water Management Board will consider cancellation of Vested Water Right No. 841-3 and the irrigation portions of Water Right No. 5660-3 at 10:00 a.m., July 6, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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 Vested Water Right No. 841-3 and Water Right No. 5660-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by these rights. If you wish to oppose the cancellation 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 June 24, 2005. 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-7; 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 may be 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 June 24, 2005.

Prior to June 24, 2005, 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.

Please note:

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 June 24, 2005.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER
FOR VESTED WATER RIGHT NO. 841-3 AND
THE IRRIGATION PORTIONS OF WATER RIGHT NO. 5660-3
CITY OF BERESFORD**

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 Environment and Natural Resources concerning Vested Water Right No. 841-3 and Water Right No. 5660-3 (irrigation portion only).

The Chief Engineer is recommending cancellation due to abandonment and/or forfeiture. The City has indicated they no longer use the Dakota Formation wells authorized by Vested Water Right No. 841-3. The Brule Creek Aquifer well authorized for irrigation purposes under Water Right No. 5660-3 has also been abandoned. The storage pond still exists, however no diversion is made from the pond.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
May 25, 2005

Note:

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

CERTIFICATION

I hereby certify that on May 25, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 25, 2005 regarding Notice of Cancellation for Water Right Nos. 2073-3, 3100-3, 1151-3, 841-3, 5660-3 & 841-3, Water Permit Nos. 2248-2, 897C-1 & 1457-1, and Future Use Permit No. 969-1 addressed as stated below:

969-1

Art Jones Director of Facility Services
Black Hills State University
1200 University St Unit 9513
Spearfish SD 57783

897C-1 & 1457-1

Bernard & Kathryn Kling
20265 116th St
Keldron SD 57634

2248-2

Roger Croell
4747 Old Hwy 14
Sundance WY 82729

2248-2

Bret Hamm
22890 Forest Rd
Rapid City SD 57702

841-3 & 5660-3

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

1151-3

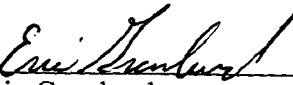
Mrs. Willard Meyer
1380 Illinois Ave SW
Huron SD 57350

3100-3

Elmer Losing
Box 26
Alpena SD 57312

2073-3

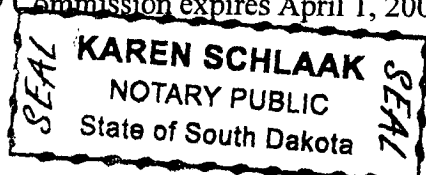
Renae Rohl
RCS Development
2029 Rose Creek Blvd
Fargo ND 58104


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of May, 2005.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 2005

841-3
5660-3

NOTICE

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

Dear Mr. Zeimetz:

This will notify you that the Water Management Board cancelled Vested Water Right No. 841-3 and the irrigation portions of Water Right No. 5660-3 on July 6, 2005. This action was taken under the conditions outlined in our notice to you dated May 25, 2005.

SDCL 46-6-27 states that if the owner of an existing well, such as the well authorized by Nos. 841-3 and 5660-3, has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

5660-3

I hereby certify that on July 7, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 7, 2005 regarding Notice of Cancellation of Water Permit Nos. 2248-2, 897C-1, 1457-1, 1104-3, 5494-3 Water Right Nos. 3100-3, 1151-3, 841-3, 5660-3, 2073-3, and Future Use Permit No. 969-1 addressed as stated below:

969-1
Art Jones
Director of Facility Services
Black Hill State University
1200 University St Unit 9513
Spearfish SD 57783

2073-3
Renae Rohl
RCS Development
2029 Rose Creek Blvd
Fargo ND 58104

841-3 & 5660-3
Jerry Zeimetz City Administrator
City of Beresford
101 N 3rd St
Beresford SD 57004

1151-3
Mrs. Willard Meyer
1380 Illinois Ave SW
Huron SD 57350

3100-3
Elmer Losing
Box 26
Alpena SD 57312

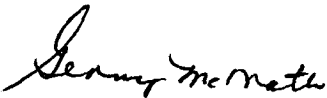
5494-3
Lance Carson
Lance's Interstate Amoco
1610 S Burr St
Mitchell SD 57301

1104-3
James Donnelly
47068 322nd St
Elk Point SD 57025

897C-1 & 1457-1
Bernard & Kathryn Kling
20265 166th St
Keldron SD 57634

2248-2
Roger Croell
4747 Old Hwy 14
Sundance WY 82729

2248-2
Bret Hamm
22890 Forest Rd
Rapid City SD 57702



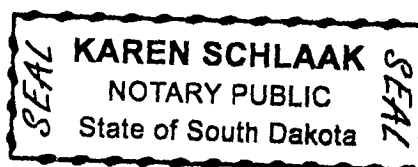
Genny McMath
Environmental Scientist
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of July, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5660-3

(1) The City of Beresford, 101 N 3rd St, Beresford SD 57004 was issued Water License No. 5660-3, July 8, 1996 for a water right to divert 0.17 cubic feet of water per second (cfs) from ground water (one well – Brule Creek Aquifer) to blend with runoff water in an existing storage dam (4.1 acre feet capacity) utilized for irrigation. A maximum diversion rate of 0.43 cfs was authorized for irrigation of 30 acres located in portions of the W ½ Section 5, T95N, R50W, Union County, South Dakota. Water Right No. 5660-3 incorporated the applicable portions of Water Permit No. 5479-3 and carried priority dates of November 5, 1990 (dam) and April 15, 1992 (well).

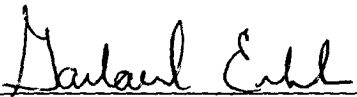
The city abandoned use of the Brule Creek Aquifer because the water source was too saline. The 4.1 acre feet storage dam still exists and is supplied by a combination of runoff and urban drainage (as described in Water Permit No. 5479-3). No diversion is made from the well to the dam and no diversion is made from the dam for irrigation purposes. On July 6, 2005, the Water Management Board cancelled the irrigation portions of Water Right No. 5660-3.

Water License No. 5660-3 is being reissued to remove reference to irrigation while maintaining authorization of the dam for aesthetic (recreational) purposes.

(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 City of Beresford, 101 N 3rd St, Beresford SD 57004 the holder and/or owner of Water Right No. 5660-3 is issued a license, bearing a priority date of November 5, 1990 to impound runoff in a storage dam (4.1 acre feet capacity) for aesthetic (recreational) purposes.

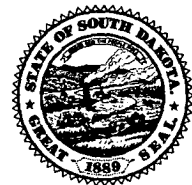
The storage dam is located 3,200 feet south and 50 feet east of the NW corner of Section 5, T95N, R50W (NW ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 5660-3.



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

JUL 29 2005
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 2005

5660-3

Jerry Zeimetz
City Administrator
City of Beresford
101 N 3rd St
Beresford SD 57004

Dear Mr. Zeimetz:

Enclosed is Reissued Water License No. 5660-3.

The original water license was issued for diversion of ground water (Brule Creek Aquifer) to blend with surface runoff stored in a 4.1 acre feet storage dam for irrigation purposes. The city abandoned use of the aquifer and no longer irrigates from the storage dam.

On July 6, 2005, the Water Management Board cancelled the irrigation portions of the water right. The license was reissued to remove reference to irrigation while maintaining authorization for the dam for aesthetic purposes.

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

enclosure