

WATER PERMIT NO. 5747-3

Phone: 605-627-⁹4138

Name of Applicant: Terry Cunningham

Post Office Address: RR 2, Box 378, Bruce SD 57220

Amount of Water Claimed: 0.96 cfs Total Acres: 67 acres

Source of Water Supply: groundwater

Water to be used for: irrigation County: Brookings

About 1 1/2 miles south of Bruce

PRIORITY Date Received: 1-4-93 Fee: \$225 Remarks: _____

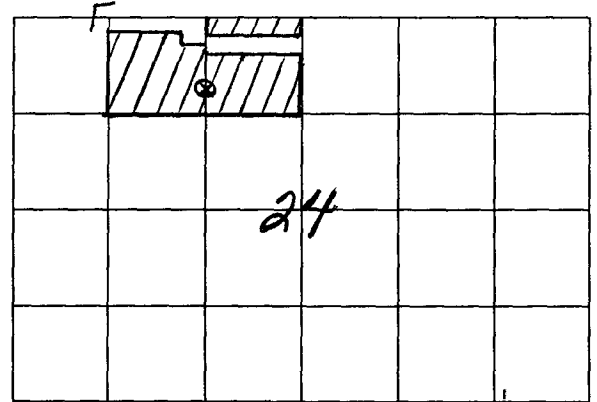
Corrected Application Received: 1-5-93 Period of Annual Use: April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED: 2-17-93 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: N 1/2 NW 1/4 Sec 24-T111N-R51W

Land to be Irrigated: N 1/2 NW 1/4 Sec 24-T111N-R51W



Well Log: Driller: Jim Lacey Licensed YES X NO _____

Depth of Well: 29' REMARKS: _____

Type of Map: aerial PREPARED BY: Doris Schmacher, ASCS Reviewed and the Number

Assigned on: 2-17-93 By: Karen Schlaak

(See instructions)

No. 5747-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Daily Register, Box 177, Brookings

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 _____

- Name of Applicant Terry Cunningham Phone No. 605-627-9138
Post Office Address RR 2 Box 378 Bruce State SD Zip Code 57220
(Street, RR or Box) (City) (State) (Zip Code)
- Amount of water claimed (c.f.s.) 0.96 ~~1.0~~ CPS Total acres irrigated 67
- Source of Water supply Well
- Location of point of diversion 1280' East + 900' South of NW Corner of Sect 24 T14N R51W (NW 1/4 NW 1/4)
County Brookings
- Counties where water will be used Brookings
- Annual period during which water is to be used April October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>NW 1/4 of NW 1/4 Sect 24</u>	<u>32</u>
<u>NE 1/4 of NW 1/4 Sect 24</u>	<u>35</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: X Other: _____ (Specify) _____
- Crops to be Irrigated: Corn Beans Soy Beans Potatoes
- Give a description of proposed project. (Attach sheet if more space is needed)
West 32 acres to be Irrigated by Center Pivot
East 26 acres to be Irrigated by Tr Gun
NE 1/4 10 Acres to be Irrigated by Tr Gun



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

STATE OF SOUTH DAKOTA)
County of Brookings, ss

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

Signed Terry Cunningham

Subscribed and sworn to before me this 29th day of December 1992

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5747-3**

Date of first receipt of application January 4, 1993.

Date Soil/Water Compatibility Permit received February 17, 1993.

Date of return to applicant for corrections, amendments or changes January 4, 1993.

Date of receipt of corrected application January 5, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5747-3 to Terry Cunningham, RR 2, Box 378, Bruce SD 57220 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. 5747-3 appropriates 0.96 cubic feet of water per second from one well (Big Sioux:Brookings Aquifer) 29 feet deep located in the N 1/2 NW 1/4 Section 24 to irrigate 67 acres located in the N 1/2 NW 1/4 Section 24; all in T111N-R51W.
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 January 4, 1993.
4. The date of approval of Permit No. 5747-3 is May 5, 1993.
5. One-fifth of the construction is to be completed on or before November 5, 1995.
6. All construction is to be completed on or before May 5, 1998.
7. Water is to be put to beneficial use on or before May 5, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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. 5747-3 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) pursuant to Section 74:02:04:28.

(continued)

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

WATER MANAGEMENT BOARD

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

JUN 11 1993
date

(type or print in ink)

a Drill Hole Diameter 20 _____ Depth 29 _____

b Casing Type PVC _____ Diameter 12 _____ Thickness 3/8 _____

c Screen Type PVC _____ Diameter 12 _____ Thickness 3/8 _____

d Gravel Pack Thickness 18 _____ Length of Gravel Pack 14 _____

e Depth to Top of Water Bearing Material 7.5 _____

f Depth to Water (ground surface to water level) 7.5 _____

g Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others 800 _____

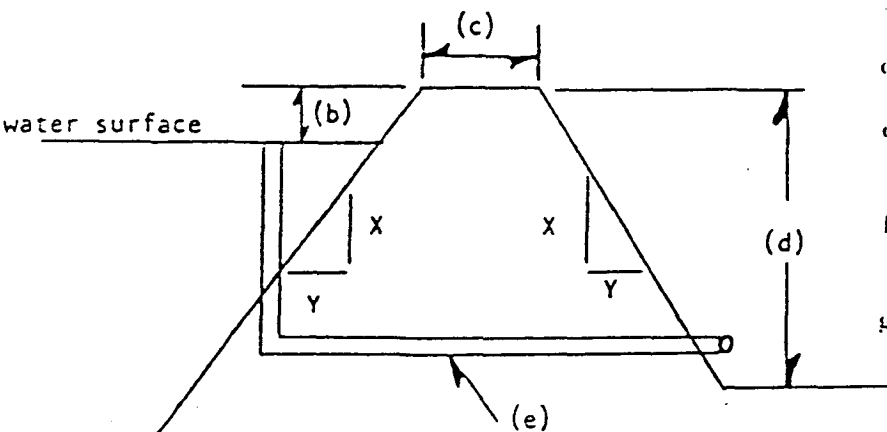
a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

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.

-

- 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 _____

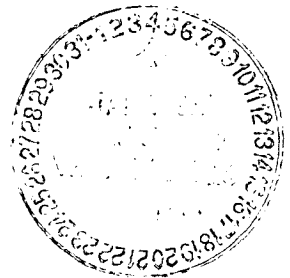


Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

Tony Cunningham
Signature of Applicant



RECEIPT

413574

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, January 4, 19 93

RECEIVED OF Terry Cunningham, RR 2 Box 378, Bruce, SD 57220

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

Fee for Application for Permit No. <u>5747-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4749

WR#

OWNERS NAME: CUNNINGHAM, TERRY

OWNERS ADDRESS: RR 2 BOX 378
BRUCE SD 57220

COUNTY LAND LOCATED IN: BROOKINGS PHONE: (605)627-9138

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION 1280' E and 900' S of NW Corner of 24-T111N-R51W

Depth:

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 24-T111N-R51W	32		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 24-T111N-R51W	35		

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

3. CROPS TO BE IRRIGATED: CORN, BEANS, HAY, GRAIN, POTATOES

WATER QUALITY:

4. WATER SAMPLE NUMBER: 92-0515

7. ADJUSTED (SAR): 0.55

5. SALINITY (EC X 10⁶): 560

8. PERCENT SODIUM: 5.83

6. SODIUM (SAR): 0.23

Requirements:



Russell J. Hane
Director, Division of Conservation

XXX APPROVED
DISAPPROVED
WAIVER

REQUIREMENTS

FEBRUARY 16, 1993

Date

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

07-92

Well Owner: Terry Cunningham
Business Name: A2 B378
Address: Brace SD 57230

Well Completion Date 5-27-93

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1200 ft. from Bldg SITE (identify source).

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

METHOD OF DRILLING: *Hydraulically forced*
False casing

☐ Steel ☒ Plastic ☐ Other
If other describe C1200 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type	No. of Sacks	Grout Weight	From	To
_____	_____	_____ lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Put 300#
PORTLAND CEMENT ABOVE WATER
TABLE - THEN CEMENT
PAD

Diameter 12" IN Length 10' FEET

Material PVC
Slot Size 040 Set From 20 Feet to 30 Feet

Other information

If so, what material?

Describe packer(s) and location?

Was well disinfected upon completion? X YES, How:

NO. Why Not?

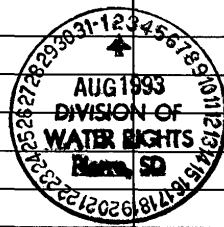
Chlorine to
back

Laboratory sent to for water quality analysis

NOTE
SENT

DEPTH

FORMATION	FROM	TO
SANDY TOPSOIL	0	1
COARSE & FINE		
SAND & GRAVEL	1	30
LAYERS		



STATIC WATER LEVEL 4' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in?

☒ Pumped Describe: 3 hrs @ 950
9 PM

Pumping Level Below Land Surface

33 ft. After 3 Hrs. pumped 450 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

SAND is VERY FINE
but UNIFORM.

This well was drilled under license #

And this report is true and accurate.

Drilling firm LACEY WELL DRILLING

Signature of License Representative

James Lacey

Signature of Well Owner or Equitable Property Holders:

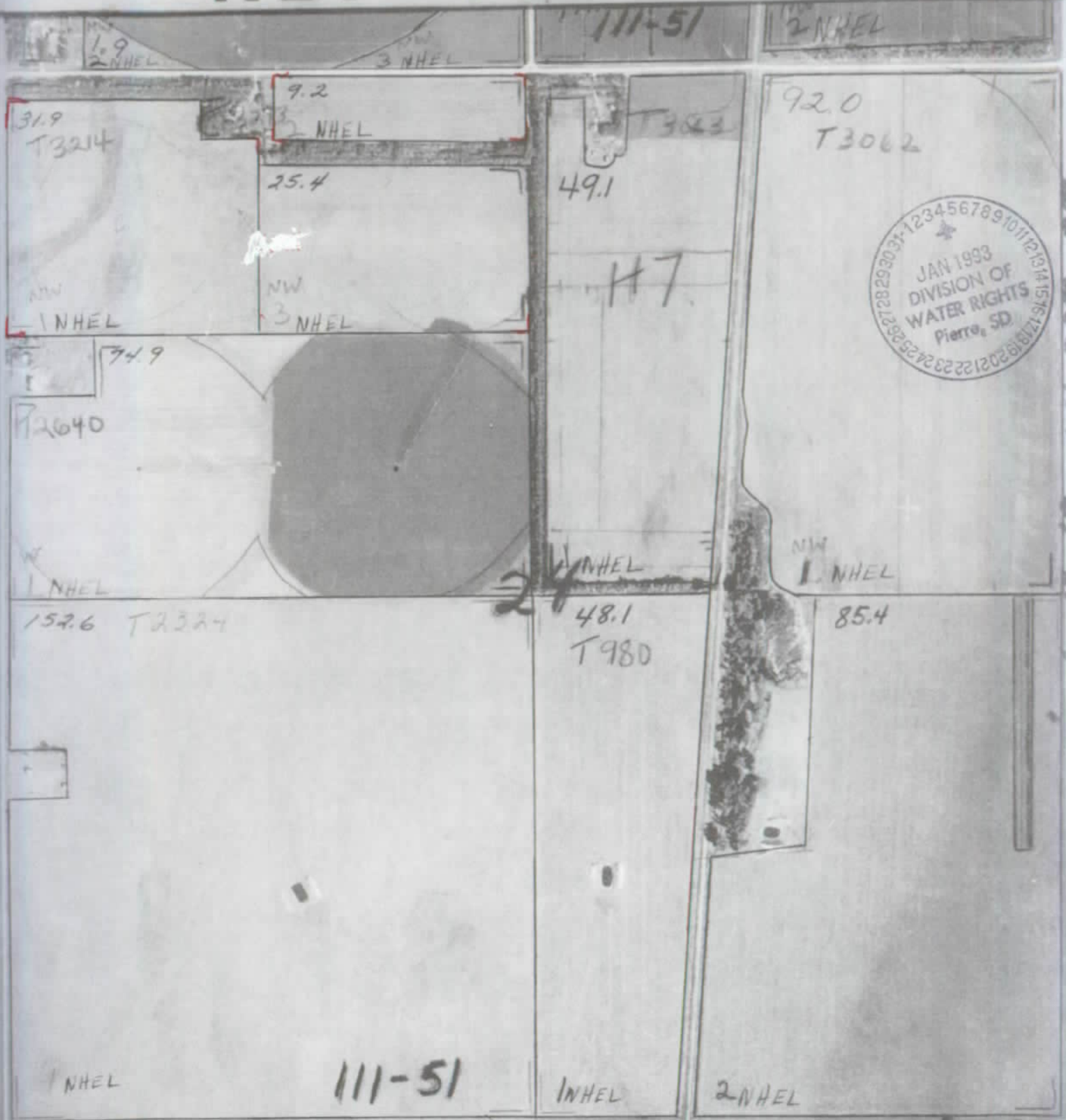
x Terry Cunningham

Date: X 7-28-95

Official ASOS
Map Log
Schmucker

DEC 28 1992

NOT TO SCALE



Appl No. 5747-3

Walter T. Schaefer

Project Leaden 692-6308

SCS, Brookings

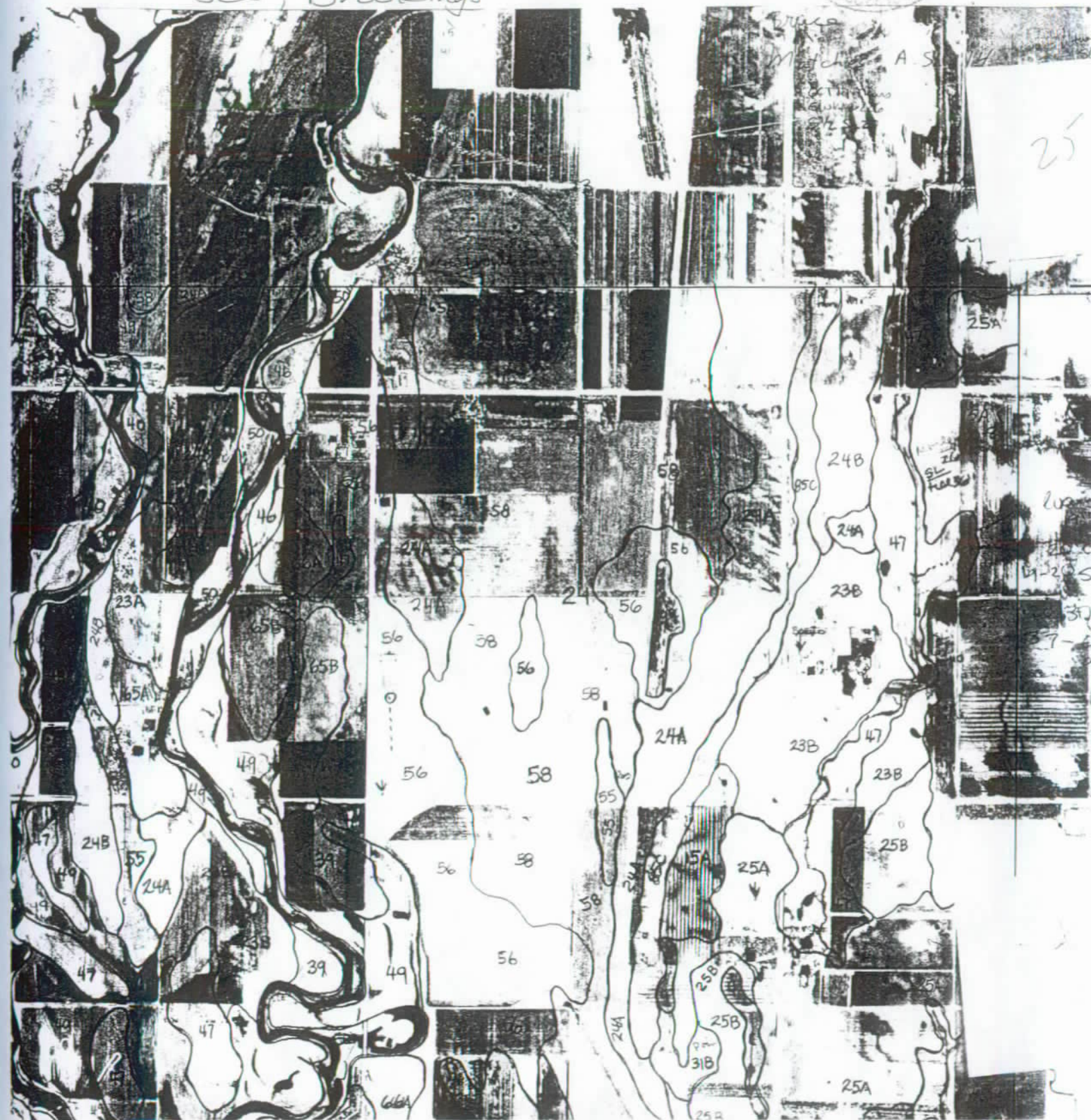


TABLE 1 - SOIL INTERPRETIVE GROUPS
BROOKINGS COUNTY, SOUTH DAKOTA
Progressive Survey



USDA:SCS

Sec. II-A

Map			%	Cap.	Range	Past.	Wbrk.				Hyd.
Symbol	Map Unit Name	SSid	Slope	tg	Class	Site	Group	Group	WEG(I)	K	T Group
2	Parnell silty clay loam, undrained	MN0035	0-1	e	Vw-2	SM	B2	10	7(38)	0.28	5 C/D
	drained	MN0035	0-1	e	IIW-1	SM	A	2W	7(38)	0.28	5 C/D
3	Mauvais loam	ND0247	0-2	e	IIW-3	Sb	A	10	4L(86)	0.32	5 C
4	Badger silty clay loam	SD0475	0-2	e	IW-1	Ov	A	2W	7(38)	0.28	5 C
5	Hamerly-Badger complex		0-3								
	Hamerly loam	ND0033	0-3	e	IIs-4	LSb	F	1*	4L(86)	0.28	5 C
	Badger silty clay loam	SD0475	0-2	e	IW-1	Ov	A	2W	6(48)	0.28	5 C
6	McIntosh-Badger silty clay loams		0-3								
	McIntosh	MN0074	0-3	e	IIs-4	LSb	F	1*	4L(86)	0.28	5 C
	Badger	SD0475	0-3	e	IW-1	Ov	A	2W	7(38)	0.28	5 C
7	McIntosh-Lamoure silty clay loams		0-3								
	McIntosh	MN0074	0-3	e	IIs-4	LSb	F	1*	4L(86)	0.28	5 C
	Lamoure, undrained	SD0176	0-1	e	IVw-3	Sb	B1	2W*	4L(86)	0.28	5 C
	drained	SD0176	0-1	e	IW-3	Sb	A	2W*	4L(86)	0.28	5 C
8	Cubden-Badger silty clay loams		0-3								
	Cubden	SD0497	0-3	e	IIs-4	LSb	F	1*	4L(86)	0.28	5 C
	Badger	SD0475	0-2	e	IW-1	Ov	A	2W	7(38)	0.28	5 C
9	Tonka silty clay loam, undrained	ND0229	0-1	e	IVw-2	WM	B2	10	7(38)	0.32	5 C/D
	drained	ND0229	0-1	e	IW-4	WM	A	2W	7(38)	0.32	5 C/D
10	Brookings silty clay loam	SD0160	0-2	e	I-3	Ov	K	1	7(38)	0.28	5 B
12A	Kranzburg-Brookings silty clay loams		0-2								
	Kranzburg	SD0161	0-2	e	I-2	Si	F	3	7(38)	0.32	5 B
	Brookings	SD0160	0-2	e	I-3	Ov	K	1	7(38)	0.28	5 B
12B	Kranzburg-Brookings silty clay loams		1-6								
	Kranzburg	SD0161	2-6	e	Ile-3	Si	F	3	7(38)	0.32	5 B
	Brookings	SD0160	1-2	e	I-3	Ov	K	1	7(38)	0.28	5 B
13A	Vienna-Brookings complex		0-2								
	Vienna silt loam	SD0231	0-2	e	I-2	Si	F	3	6(48)	0.32	5 B
	Brookings silty clay loam	SD0160	0-2	e	I-3	Ov	K	1	7(38)	0.28	5 B
13B	Vienna-Brookings complex		2-6								
	Vienna silt loam	SD0231	2-6	e	Ile-2	Si	F	3	6(48)	0.32	5 B
	Brookings silty clay loam	SD0160	2-3	e	I-3	Ov	K	1	7(38)	0.28	5 B
14B	Vienna-Buse complex		2-6								

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TABLE 1 - SOIL INTERPRETIVE GROUPS
BROOKINGS COUNTY, SOUTH DAKOTA
Progressive Survey

Sec. II-A

USDA:SCS

Map Symbol	Map Unit Name	S5id	% Slope	tg	Cap. Class	Range Site	Past. Group	Wbrk. Group	WEG(I)	K	T	Hyd. Group
	Vienna silt loam	SD0231	2-6	e	IIle-1	Si	F	3	6(48)	0.32	5	B
	Buse loam	MN0317	3-6	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
14C	Vienna-Buse complex		6-9									
	Vienna silt loam	SD0231	6-9	e	IIle-1	Si	F	3	6(48)	0.32	5	B
	Buse loam	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
15A	Doland-Svea loams		0-2									
	Doland	MN0096	0-2	e	I-2	Si	F	3	6(48)	0.32	5	B
	Svea	ND0189	0-2	e	I-3	Ov	K	1	6(48)	0.28	5	B
15B	Doland loam	MN0096	2-6	e	IIe-2	Si	F	3	6(48)	0.32	5	B
16A	Grovena-Svea loams		0-2									
	Grovena	SD0410	0-2	e	I-2	Si	F	3	6(48)	0.28	5	B
	Svea	ND0189	0-2	e	I-3	Ov	K	1	6(48)	0.28	5	B
16B	Grovena loam	SD0410	2-6	e	IIe-2	Si	F	3	6(48)	0.28	5	B
21A	Strayhoss silt loam	SD0509	0-2	e	I-2	Si	F	3	6(48)	0.28	5	B
21B	Strayhoss silt loam	SD0509	2-6	e	IIe-2	Si	F	3	6(48)	0.28	5	B
22B	Strayhoss-Maddock complex		2-6									
	Strayhoss silt loam	SD0509	2-6	e	IIe-2	Si	F	3	6(48)	0.28	5	B
	Maddock sandy loam	ND0192	2-6	e	IIle-7	Sy	H	5	3(86)	0.17	5	A
23A	Embden fine sandy loam	ND0218	0-4	e	IIs-5	Sy	H	1	3(86)	0.20	5	B
23B	Egeland-Embden complex		2-6									
	Egeland sandy loam	SD0140	2-6	e	IIle-7	Sy	H	5	3(86)	0.20	5	B
	Embden fine sandy loam	ND0218	2-6	e	IIle-7	Sy	H	1	3(86)	0.20	5	B
24A	Maddock-Embden complex		0-2									
	Maddock sandy loam	ND0192	0-2	e	IIIs-1	Sy	H	5	3(86)	0.17	5	A
	Embden fine sandy loam	ND0218	0-2	e	IIs-5	Sy	H	1	3(86)	0.20	5	B
24B	Maddock-Egeland sandy loams		2-6									
	Maddock	ND0192	2-6	e	IIIs-1	Sy	H	5	3(86)	0.17	5	A
	Egeland	SD0140	2-6	e	IIle-7	Sy	H	5	3(86)	0.20	5	B
24C	Maddock-Egeland sandy loams		6-9									
	Maddock	ND0192	6-9	e	IVe-3	Sy	H	5	3(86)	0.17	5	A
	Egeland	SD0140	6-9	e	IVe-3	Sy	H	5	3(86)	0.20	5	B
25A	Swenoda sandy loam	SD0143	0-2	e	IIs-5	Sy	H	5	3(86)	0.20	5	B
25B	Lanona-Swenoda sandy loams		2-6									

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Rev.16-Jul-92

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BROOKINGS COUNTY, SOUTH DAKOTA
Progressive Survey

Sec. II-A

USDA:SCS

Map			%	Cap.	Range	Past.	Wbrk.					Hyd.
Symbol	Map Unit Name	SSid	Slope	tg	Class	Site	Group	Group	WEG(1)	K	T	Group
	Lanona	ND0349	2-6	e	IIIe-7	Sy	H	5	3(86)	0.20	5	B
	Swenoda	SD0143	2-6	e	IIIe-7	Sy	H	5	3(86)	0.20	5	B
30	Waubay silty clay loam	SD0259	0-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
31A	Poinsett-Waubay silty clay loams		0-2									
	Poinsett	SD0180	0-2	e	I-2	Si	F	3	7(38)	0.32	5	B
	Waubay	SD0259	0-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
31B	Poinsett-Waubay silty clay loams		1-6									
	Poinsett	SD0180	1-6	e	IIe-3	Si	F	3	7(38)	0.32	5	B
	Waubay	SD0259	1-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
32B	Poinsett-Buse-Waubay complex		1-6									
	Poinsett silty clay loam	SD0180	1-6	e	IIe-3	Si	F	3	7(38)	0.32	5	B
	Buse loam	MN0317	3-6	e	IIIe-6	TU	G	8	4L(86)	0.28	5	B
	Waubay silty clay loam	SD0259	1-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
32C	Poinsett-Buse-Waubay complex		2-9									
	Poinsett silty clay loam	SD0180	6-9	e	IIIe-2	Si	F	3	7(38)	0.32	5	B
	Buse loam	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
	Waubay silty clay loam	SD0201	2-6	e	IIe-1	Si	K	1	7(38)	0.28	5	B
32D	Buse-Poinsett complex		9-15									
	Buse loam	MN0317	9-15	e	VIe-3	TU	G	8	4L(86)	0.28	5	B
	Poinsett silty clay loam	SD0180	9-15	e	IVe-1	Si	F	3	7(38)	0.32	5	B
33E	Buse-Poinsett complex, stony 1/		9-40									
	Buse loam	MN0310	9-40	e	VIIIs-1	TU	NS	10	8(0)	0.20	5	B
	Poinsett silty clay loam	SD0180	9-15	e	IVe-1	Si	F	3	7(38)	0.32	5	B
36A	Hetland silty clay loam	SD0496	0-2	e	I-2	Si	F	4L	4(86)	0.28	5	C
36B	Hetland silty clay loam	SD0496	2-6	e	IIe-3	Si	F	4L	4(86)	0.28	5	C
37C	Hetland-Rusklyn silty clay loams		6-9									
	Hetland	SD0496	6-9	e	IIe-3	Si	F	4L	4(86)	0.28	5	C
	Rusklyn	SD0495	6-9	e	IVe-2	TU	G	8	4L(86)	0.32	5	B
39	Fairdale loam	ND0014	0-2	e	I-1	Ov	K	1	4L(86)	0.32	5	B
40	Rauville silty clay loam	SD0177	0-1	e	Vw-1	WL	B1	10	4L(86)	0.28	5	D
41	Playmoor silty clay loam	SD0170	0-1	e	IVw-4	SSb	J	10	4L(86)	0.28	5	C/D
42	Ludden silty clay loam	ND0032	0-1	e	IVw-2	WL	B1	10	4(86)	0.28	5	D
43	Castlewood silty clay	SD0478	0-1	e	IIIw-3	WL	A	2W	4(86)	0.28	5	C/D

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EASTERN

LRA 102A

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BROOKINGS COUNTY, SOUTH DAKOTA
Progressive Survey

Sec. II-A

USDA:SCS

Map Symbol	Map Unit Name	SSid	% Slope	tg	Cap. Class	Range Site	Past. Group	Wbrk. Group	WEG(I)	K	T	Hyd. Group
44	Lowe clay loam	SD0455	0-2	e	IIIw-3	Sb	A	2W*	4L(86)	0.28	5	B
45	Lamoure silty clay loam, undrained	SD0176	0-1	e	IVw-3	Sb	B1	2W*	4L(86)	0.28	5	C
	drained	SD0176	0-1	e	IIw-3	Sb	A	2W*	4L(86)	0.28	5	C
46	Moritz-Lamoure complex		0-2									
	Moritz loam	SD0454	0-2	e	IIw-2	LSb	A	1*	4L(86)	0.28	5	B
	Lamoure silty clay loam, undrained	SD0176	0-2	e	IVw-3	Sb	B1	2W*	4L(86)	0.28	5	C
	drained	SD0176	0-2	e	IIw-3	Sb	A	2W*	4L(86)	0.28	5	C
47	Divide loam	ND0011	0-2	e	IIIs-4	LSb	D1	1*	4L(86)	0.28	4	B
48	Lamoure-Rauville silty clay loams, channeled		0-2									
	Lamoure	SD0176	0-2	e	VIw-1	Sb	B1	2W*	4L(86)	0.28	5	C
	Rauville	SD0177	0-2	e	Vw-1	WL	B1	10	4L(86)	0.28	5	D
49	Marysland loam	MN0588	0-2	e	IVw-3	Sb	B1	2S	4L(86)	0.28	4	B/D
50	Fairdale loam, channeled	ND0014	0-2	e	VIw-1	Sb	K	2W	5(56)	0.32	5	B
51	LaDelle silt loam	SD0145	0-2	e	I-1	Ov	K	1	6(48)	0.28	5	B
52	La Prairie loam	ND0109	0-2	e	I-1	Ov	K	1	6(48)	0.28	5	B
53A	Darnen loam	MN0067	0-2	e	I-1	Ov	K	3	6(48)	0.28	5	B
53B	Darnen loam	MN0067	2-6	e	Ile-1	Si	F	3	6(48)	0.28	5	B
54A	Darnen-Embsen complex		0-2									
	Darnen loam	MN0067	0-2	e	I-1	Ov	K	3	6(48)	0.28	5	B
	Embsen fine sandy loam	ND0218	0-2	e	IIIs-5	Sy	H	1	3(86)	0.20	5	B
54B	Darnen-Egeland complex		2-6									
	Darnen loam	MN0067	2-6	e	Ile-1	Si	F	3	6(48)	0.28	5	B
	Egeland sandy loam	SD0140	2-6	e	IIle-7	Sy	H	5	3(86)	0.20	5	B
55	Spottswood clay loam	SD0008	0-3	e	IIIs-3	Ov	F	1	6(48)	0.24	4	B
56	Fordville loam, rarely flooded	SD0178	0-2	e	IIIs-3	Si	D1	6G	6(48)	0.24	4	B
57	Fordville-Spottswood complex		0-3									
	Fordville loam	SD0178	0-1	e	IIIs-3	Si	D1	6G	6(48)	0.24	4	B
	Spottswood clay loam	SD0008	0-3	e	IIIs-3	Ov	F	1	6(48)	0.24	4	B
58	Arvilla sandy loam, rarely flooded	ND0007	0-2	e	IIIs-3	SwG	D2	6G	3(86)	0.20	3	B
60A	Brandt silty clay loam	SD0450	0-2	e	I-2	Si	F	3	7(38)	0.28	5	B
60B	Brandt silty clay loam	SD0450	2-6	e	Ile-3	Si	F	3	7(38)	0.28	5	B
61A	Estelline silt loam	SD0206	0-2	e	IIIs-3	Si	D1	6G	6(48)	0.32	4	B
61B	Estelline silt loam	SD0206	2-6	e	Ile-5	Si	D1	6G	6(48)	0.32	4	B

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USDA:SCS

Map Symbol	Map Unit Name	S5id	% Slope	tg	Cap. Class	Range Site	Past. Group	Wbrk. Group	WEG(I)	K	T	Hyd. Group
62B	Estelline-Sioux complex		2-6									
	Estelline silt loam	SD0206	2-6	e	IIe-5	Si	D1	6G	6(48)	0.32	4	B
	Sioux gravelly loam	SD0052	2-6	e	VIIs-3	VSw	NS	10	8(0)	0.20	2	A
62C	Estelline-Sioux complex		6-9									
	Estelline silt loam	SD0206	6-9	e	IIe-10Si		D1	6G	6(48)	0.32	4	B
	Sioux gravelly loam	SD0052	6-9	e	VIIs-3	VSw	NS	10	8(0)	0.20	2	A
65A	Fordville loam	SD0178	0-2	e	IIIs-3	Si	D1	6G	6(48)	0.24	4	B
65B	Fordville-Renshaw loams		2-6									
	Fordville	SD0178	2-6	e	IIe-5	Si	D1	6G	6(48)	0.24	4	B
	Renshaw	SD0142	2-6	e	IVs-2	SwG	D2	6G	6(48)	0.28	3	B
66A	Renshaw loam	SD0142	0-2	e	IIIs-3	SwG	D2	6G	6(48)	0.28	3	B
66B	Renshaw-Sioux complex		2-6									
	Renshaw loam	SD0142	2-6	e	IVs-2	SwG	D2	6G	6(48)	0.28	3	B
	Sioux gravelly loam	SD0052	2-6	e	VIIs-3	VSw	NS	10	8(0)	0.20	2	A
66C	Renshaw-Sioux complex		6-9									
	Renshaw loam	SD0142	6-9	e	IVe-4	SwG	D2	6G	6(48)	0.28	3	B
	Sioux gravelly loam	SD0052	6-9	e	VIIs-3	VSw	NS	10	8(0)	0.20	2	A
66D	Sioux-Renshaw complex		9-15									
	Sioux gravelly loam	SD0052	9-15	e	VIIs-3	VSw	NS	10	8(0)	0.20	2	A
	Renshaw loam	SD0142	9-15	e	VIe-6	SwG	D2	6G	6(48)	0.28	3	B
66E	Sioux-Renshaw complex		15-40									
	Sioux gravelly loam	SD0052	15-40	e	VIIIs-2	VSw	NS	10	8(0)	0.20	2	A
	Renshaw loam	SD0142	15-25	e	VIe-6	SwG	D2	6G	6(48)	0.28	3	B
67B	Arvilla sandy loam	ND0007	2-6	e	IVs-2	SwG	D2	6G	3(86)	0.20	3	B
68E	Sioux-Renshaw complex, very stony		9-25									
	Sioux gravelly loam	SD0284	9-25	e	VIIIs-1	VSw	NS	10	8(0)	0.20	2	A
	Renshaw loam	SD0415	9-15	e	VIIIs-1	SwG	NS	10	8(0)	0.20	3	B
76A	Singsaas-Waubay silty clay loams		0-2									
	Singsaas	SD0212	0-2	e	I-2	Si	F	3	7(38)	0.28	5	B
	Waubay	SD0259	0-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
76B	Singsaas-Waubay silty clay loam		1-6									
	Singsaas	SD0212	2-6	e	IIe-2	Si	F	3	7(38)	0.28	5	B
	Waubay	SD0259	1-2	e	I-3	Ov	K	1	7(38)	0.28	5	B

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77B	Singsaas-Buse complex		2-6									
	Singsaas silty clay loam	SD0212	2-6	e	Ile-2	Si	F	3	7(38)	0.28	5	B
	Buse loam	MN0317	2-6	e	Ile-6	TU	G	8	4L(86)	0.28	5	B
77C	Buse-Singsass complex		6-9									
	Buse loam	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
	Singsaas silty clay loam	SD0212	6-9	e	Ile-1	Si	F	3	7(38)	0.28	5	B
81A	Barnes-Vienna complex		0-2									
	Barnes clay loam	ND0119	0-2	e	I-2	Si	F	3	6(48)	0.28	5	B
	Vienna silt loam	SD0231	0-2	e	I-2	Si	F	3	6(48)	0.32	5	B
81B	Barnes clay loam	ND0119	2-6	e	Ile-2	Si	F	3	6(48)	0.28	5	B
82C	Barnes-Buse clay loams		6-9									
	Barnes	ND0119	6-9	e	Ile-1	Si	F	3	6(48)	0.28	5	B
	Buse	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
82D	Barnes-Buse clay loams		9-15									
	Barnes	ND0119	9-15	e	IVe-1	Si	F	3	6(48)	0.28	5	B
	Buse	MN0317	9-15	e	VIe-3	TU	G	8	4L(86)	0.28	5	B
82E	Buse-Barnes clay loams		15-40									
	Buse	MN0317	15-40	e	VIle-1	TU	NS	10	4L(86)	0.28	5	B
	Barnes	ND0119	15-40	e	VIe-1	Si	NS	10	6(48)	0.28	5	B
85B	Barnes-Buse loams		2-6									
	Barnes	ND0119	2-6	e	Ile-2	Si	F	3	6(48)	0.28	5	B
	Buse	MN0317	3-6	e	Ile-6	TU	G	8	4L(86)	0.28	5	B
85C	Buse-Barnes loams		6-9									
	Buse	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
	Barnes	ND0119	6-9	e	Ile-1	Si	F	3	6(48)	0.28	5	B
85D	Buse-Barnes loams		9-15									
	Buse	MN0317	9-15	e	VIe-3	TU	G	8	4L(86)	0.28	5	B
	Barnes	ND0119	9-15	e	IVe-1	Si	F	3	6(48)	0.28	5	B
85E	Buse-Barnes loams		15-40									
	Buse	MN0317	15-40	e	VIle-1	TU	NS	10	4L(86)	0.28	5	B
	Barnes	ND0119	15-25	e	VIe-1	Si	NS	10	6(48)	0.28	5	B
86E	Buse-Lamoure complex		0-40									
	Buse loam	MN0317	15-40	e	VIle-1	TU	NS	10	4L(86)	0.28	5	B

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Symbol	Map Unit Name	S5id	Slope	tg	Class	Site	Group	Group	WEG(1)	K	T Group
	Lamoure silty clay loam	SD0176	15-25	e	VIw-1	Sb	B1	2W*	4L(86)	0.28	5 C
87C	Buse-Barnes loams, very stony 2/		2-9								
	Buse	MN0310	2-9	e	VIIIs-1	TU	NS	10	8(0)	0.20	5 B
	Barnes	ND0120	2-9	e	VIIIs-1	Si	NS	10	8(0)	0.20	5 B
87E	Buse-Barnes loams, very stony 3/		9-40								
	Buse	MN0310	9-40	e	VIIIs-1	TU	NS	10	8(0)	0.20	5 B
	Barnes	ND0120	9-25	e	VIIIs-1	Si	NS	10	8(0)	0.20	5 B
89E	Buse-Sioux complex		9-40								
	Buse loam	MN0317	9-40	e	VIIe-1	TU	NS	10	4L(86)	0.28	5 B
	Sioux gravelly loam	SD0052	9-40	e	VIIIs-2	VSw	NS	10	8(0)	0.20	2 A
90	Southam silty clay loam	ND0248	0-1	e	VIIIw-1(NA)		NS	10	4(86)	0.37	5 D
91	Oldham silty clay loam, undrained	SD0174	0-1	e	Vw-2	WL	B1	10	4(86)	0.28	5 C/D
	drained	SD0174	0-1	e	IIIw-1	WL	A	2W*	4(86)	0.28	5 C/D
92	Minnewaukan loamy sand	ND0144	0-3	e	IVs-1	Sb	A	2S	2(134)	0.17	5 A/D
93	Cubden-Tonka silty clay loams		0-3								
	Cubden	SD0497	0-3	e	IIs-4	LSb	F	1*	4L(86)	0.28	5 C
	Tonka, undrained	ND0229	0-1	e	IVw-2	WM	B2	10	7(38)	0.32	5 C/D
	drained	ND0229	0-1	e	IIw-4	WM	A	2W	7(38)	0.32	5 C/D
94	Rauville silty clay loam, ponded	SD0177	0-1	e	Vw-1	WL	B1	10	4L(86)	0.28	5 D
95	Cubden silty clay loam	SD0497	0-2	e	IIs-4	LSb	F	1*	4L(86)	0.28	5 C
98	Orthents, loamy 5/	SD3004	0-9	e	IVe-1	TU	G	8	4L(86)	0.28	5 B
99	Orthents, gravelly 4/	SD3003	0-40	e	VIIIs-1VSw		NS	10	5(56)	0.20	3 A
143	Ludden silty clay, ponded	ND0333	0-1	e	VIIIw-1(NA)		NS	10	4(86)	0.28	5 D
144	Ludden silty clay, saline	ND0301	0-1	e	IVw-4	SL	J	10	4(86)	0.28	5 D
145	Ludden, Ludden saline, silty clays		0-1								
	Ludden	ND0032	0-1	e	IVw-2	WL	B1	10	4(86)	0.28	5 D
	Ludden saline	ND0301	0-1	e	IVw-4	SL	J	10	4(86)	0.28	5 D

(NA) - Not Assigned

* These soils are highly calcareous and silver maple is not suited.

1/ If stones picked, use interpretations from 33D.

2/ If stones picked, use interpretations from 85C.

3/ If stones picked, use interpretations from 85E.

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Symbol	Map Unit Name	S5id	Slope	tg	Class	Site	Group	Group
							WEG(1)	K
								T
								Group

4/ Interpretations may vary due to thickness of topsoil replaced, slope, soil texture and water table depth.

In Water Since 1946

LACEY WELL DRILLING

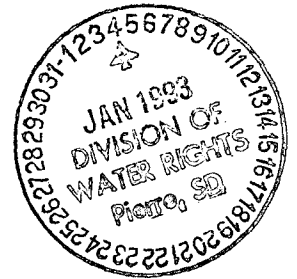
Wells
Test Drilling
Irrigation Supplies

Box 796
Trent, South Dakota 57065
Telephone 428-5686 or 428-5979

Pumps
Water Specialists
Water Source Heat Pumps

Log of Test Well 12-22-92
drilled in NW 1/4 of NW 4 SEC 24
T-111 N R-51-W SEE MAP for location

0-1 topsoil
1-29' SAND & GRAVEL
pumped water sample



Jim Lacey
S.D. Lic #111



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 1993

Terry Cunningham
RR 2, Box 378
Bruce SD 57220

Dear Mr. Cunningham:

We received your water permit application on January 4, 1993. Item No. 2, on the application indicates the amount of water claimed to be 1.1 cfs and 80 total acres to be irrigated. Item No. 7, indicates that 32 acres would be irrigated in the NW 1/4 NW 1/4 and 35 acres would be irrigated in the NE 1/4 NW 1/4 Section 24, for a total of 67 acres. Under State Statutes you are allowed 1 cubic foot of water per second (cfs) for each 70 acres irrigated. It would appear, from looking at the aerial photo submitted with the application, that you are proposing to irrigate 67 acres and not 80 acres. This would mean you are allowed 0.96 cfs for the 67 acres to be irrigated. Please let us know if you disagree with this change.

The information for the soil/water permit has been forwarded to the Department of Agriculture. Upon receipt of the soil/water permit approval, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

cc: Tom Pierce, Farmers Implement and Irrigation

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Tom Pierce - Farmers Implement

ADDRESS: Brookings SD COUNTY: Brookings

DATE: 1-5-93 TELEPHONE:

RE: Terry Cunningham application

COMMENTS:

Mr. Pierce stated he helped Mr. Cunningham complete his application. The correct number of acres to be irrigated should be 67 as stated on Item No. 7 of the application and agreed the changes should be made as stated in my letter.


Karen Schlaak
Natural Resources Analyst

REPORT ON APPLICATION NO. 5747-3
for Terry Cunningham
March 30, 1993

Application No. 5747-3 proposes to appropriate 0.96 cfs (430 gpm) from one well 29 feet deep located in the N 1/2 NW 1/4 of section 24 to irrigate 67 acres located in the N 1/2 NW 1/4 of section 24; all in T111N R51W in Brookings County.

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is an predominantly unconfined glacial outwash (sand and gravel). The Big Sioux Brookings underlies 74,500 acres and contains an estimated 245,850 acre feet of recoverable water in storage in Brookings County (Hedges, 1982). The aquifer extends into Hamlin County to the north and into Moody County to the south. The aquifer also is hydraulically connected to the Big Sioux River and to 4 large ground water management units, the Big Sioux - Aurora, North Deer Creek, Six Mile Creek and Unnamed Creek, which enter the aquifer from the east. The USGS estimates that the entire Big Sioux aquifer underlies 540 square miles and contains 2.0 million acre feet of water in storage in Brookings County (Hamilton, 1988). One of the reasons for the apparent discrepancy between estimates is that the Big Sioux Brookings is only a part of the entire aquifer and another reason is that the USGS estimates water in storage rather than recoverable water. Both estimates are reasonable, but the USGS estimate is about 25% higher. The Hedges estimate is more conservative in that it reflects what can be withdrawn from the aquifer by wells and would be more appropriate for management purposes.

Recharge to the Big Sioux Brookings aquifer has been estimated to range between 2.7 and 6.9 inches per year (16,762 and 42,837 AF/YR) (Hedges, 1983). Considering the amount of water used from the aquifer for irrigation and rural water systems, the amount of recharge that can be expected does exceed the water usage from the aquifer.

The Division of Water Rights monitors two observation wells (BG-57B and BG-75F) which are located 2 miles south and 1 mile north respectively from this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

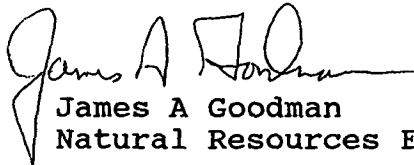
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are a number of existing water permits/rights for irrigation in this area. There are four water rights which border this application. These are Water Right Nos. 983-3, 2724-3, 3361-3 and 4373-3. Interference is not expected to be a

concern. Drawdown created by pumping wells in Big Sioux Brookings aquifer do not extend very far from an individual production well. The closest existing well is about 1/4 mile from this application. The distance between wells and the relatively small diversion rates should be sufficient to minimize any potential effects.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern.
3. The well authorized by this application must be completed in accordance with SD Well Construction Standards.
4. There is a growing body of evidence that land use practices over shallow water table aquifer like the Big Sioux Brookings will affect the water quality of the aquifer.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, WRI 88-4185, USGS, Huron, SD, 57350.
- 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.
- Hedges, L.S., etal, 1983, Same, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1993, Unpublished Observation Well Data for Brookings County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5747-3, Terry Cunningham

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. 5747-3, Terry Cunningham, RR 2 Box 378, Bruce, SD 57220.

The Chief Engineer is recommending APPROVAL of Application No. 5747-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The 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. 5747-3 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) 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.


JOHN HATCH, Chief Engineer
March 31, 1993



**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.

April 2, 1993

Terry Cunningham
RR 2 Box 378
Bruce, SD 57220

Dear Mr. Cunningham:

Water Permit Application No. 5747-3 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 Daily Register printed at Brookings, SD (Ph # 692-6271). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund/ks

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

April 2, 1993

Daily Register
Box 177
Brookings, SD 57006

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5747-3 to be published twice. Please publish the first notice on April 8, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Terry Cunningham, RR 2 Box 378, Bruce, SD 57220 (Ph # 627-9138).

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/ks

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 April 8, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5747-3 to Appropriate Water

Notice is given that Terry Cunningham, RR 2 Box 378, Bruce, SD 57220 has filed an application for a water permit to appropriate 0.96 cubic feet of water per second from one well (Big Sioux:Brookings Aquifer) 29 feet deep located in the N 1/2 NW 1/4 Section 24 to irrigate 67 acres located in the N 1/2 NW 1/4 Section 24; all in T111N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5747-3 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 April 26, 1993. 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 at 10:00 am, May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, 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 May 5, 1993, 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 April 26, 1993.

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 Eric Gronlund by April 26, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Brookings) ss

I, nancy Skyberg

certify that the attached printed Notice was

taken from the Brookings Register

printed and published in Brookings

County of Brookings and State of

South Dakota. The notice was published in the newspaper on the following two dates:

April 8, 1993

April 15, 1993

Cost of Printing: \$56.62

Nancy Skyberg
 (Signature)

Legal Ad Coordinator
 (Title)

5-7-93

(Date Signed)

Legal 12, 2x, April 8, 15
 NOTICE OF HEARING on Application
 No. 5747-3 to Appropriate Water
 Notice is given that Terry
 Cunningham, RR 2 Box 378, Bruce, SD
 57220 has filed an application for a
 water permit to appropriate 0.96 cubic
 feet of water per second from one well
 (Big Sioux:Brookings Aquifer) 29 feet
 deep located in the N 1/2 NW 1/4
 Section 24 to irrigate 67 acres located in
 the N 1/2 NW 1/4 Section 24; all in
 T111N-R51W.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends APPROVAL of
 Application No. 5747-3 because 1)
 unappropriated water is available, 2)
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 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
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 Foss Building, 523 E Capitol, Pierre SD
 57501 (605 773-3352)" and the
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 above. A petition filed by either an
 interested person or the applicant must
 be filed by April 26, 1993. The petition
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 statement describing the petitioner's
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If a petition is filed opposing the
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 with qualifications, 3) defer, or 4) deny
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 Engineer from the applicant or any
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 automatic delay must be filed by April
 26, 1993.

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 Eric
 Gronlund by April 26, 1993, at the
 above Water Rights Division address
 to request copies of information
 pertaining to this application, to
 assure access to the hearing by the
 handicapped or to obtain an interpreter
 for the hearing impaired.

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, 46-2A-20,
 46-2A-21; 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. Robert E. Roberts,
 Secretary, Department of Environment
 and Natural Resources.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 1993

Brookings Daily Register
Nancy Skyberg
PO Box 177
Brookings SD 57006

Dear Ms. Skyberg:

Enclosed is the bill for \$56.62 which was sent to this office along with the Proof of Publication. As stated in our April 2, 1993 letter to you, the cost of publication is to be paid by the applicant. The applicant is Terry Cunningham, RR 2, Box 378, Bruce SD 57220.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

Terry Cunningham
RR 2 Box 378
Bruce, SD 57220

Dear Mr. Cunningham:

Enclosed is Water Permit No. 5747-3 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.

REPORT ON INSPECTION OF PERMIT NO. 5747-3

DATE OF INSPECTION: August 12, 1998

Contact Person & Address: Terry Cunningham, 46509 205th St, Bruce SD

DIVERSION POINT LEGAL LOCATION: from the NW corner of Sec 24 T111N-R51W: 1260 ft E and 740 ft S

WATER SUPPLY Source: groundwater, Big Sioux aquifer

Well Information:

- | | |
|-------------------------------------|-------------------------------------|
| 1) Well Drilling Firm: <u>Lacey</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>30</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>12</u> inches | 2) Length <u>20</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|-------------------------------------|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>10</u> feet |
| 3) Static water level <u>4</u> feet | |

Pump\ Motor:

- | | |
|---|------------------------------------|
| 1) Pump Make <u>Western Land Roller</u> | 2) Model <u>?</u> |
| 3) Capacity <u>400</u> GPM | 4) Motor Make <u>US Electrical</u> |
| 5) Model No. <u>A326UP</u> | 6) Horsepower rating <u>30</u> hp |

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|-------------------------|----------------------------|
| 1) Type <u>Aluminum</u> | 2) Size <u>6</u> inches | 3) Length <u>3000</u> feet |
|-------------------------|-------------------------|----------------------------|

SYSTEM TYPE:

Center pivot:

- | | |
|-------------------------------------|-----------------------------------|
| 1) Make <u>Lyndsey</u> | 2) Overall length <u>640</u> feet |
| 3) Number of towers <u>5</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>250</u> GPM |

Center pivot:

- | | |
|------------------------|-----------------------------------|
| 1) Make <u>Lyndsey</u> | 2) Overall length <u>640</u> feet |
|------------------------|-----------------------------------|

- 3) Number of towers 5
- 4) End gun y
- 5) High or low pressure high
- 6) Capacity 250 GPM

Gun:

- 1) Make Trailboss
- 2) Nozzle size 1 inches
- 3) Capacity 300 GPM
- 4) Hose size 4 inches

CHEMIGATION:

- 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

COMMENTS: #

Permit No. 5747-3
Big Sioux River River - Water District

Report Of Examination Of Works

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

On, **August 12, 1998**, I made a thorough examination of the water use system constructed by **Terry Cunningham** of **46509 205th St, Bruce SD** holder of Permit No. **5747-3**, bearing the priority of **January 4, 1993** authorizing the diversion of **0.96** cu. ft. per of the waters of **groundwater Big Sioux aquifer** for **irrigation** purposes, in **Brookings** County.

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

A. Works used to divert the water:

A Western Land Roller pump

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

3000 feet of 6 inch aluminum pipe

C. Works used to apply water to beneficial use:

Two center pivots and a big gun

The system is in the following condition **fair**. The point of diversion is located **from the NW corner of Sec 24 T111N-R51W: 1260 ft E and 740 ft S**. The works are capable of diverting and conveying to the place of use **0.89** 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:

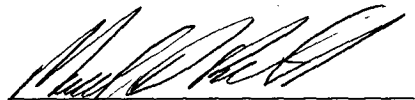
NW1/4 NW1/4 - 32 ac	NE1/4 NW1/4 - 26 ac
----------------------------	----------------------------

All in Section 24 T111N-R51W

comprising a total of **58** acres of land and the license should be issued for **0.83** cfs.

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

Exceptions to compliance are: **none**

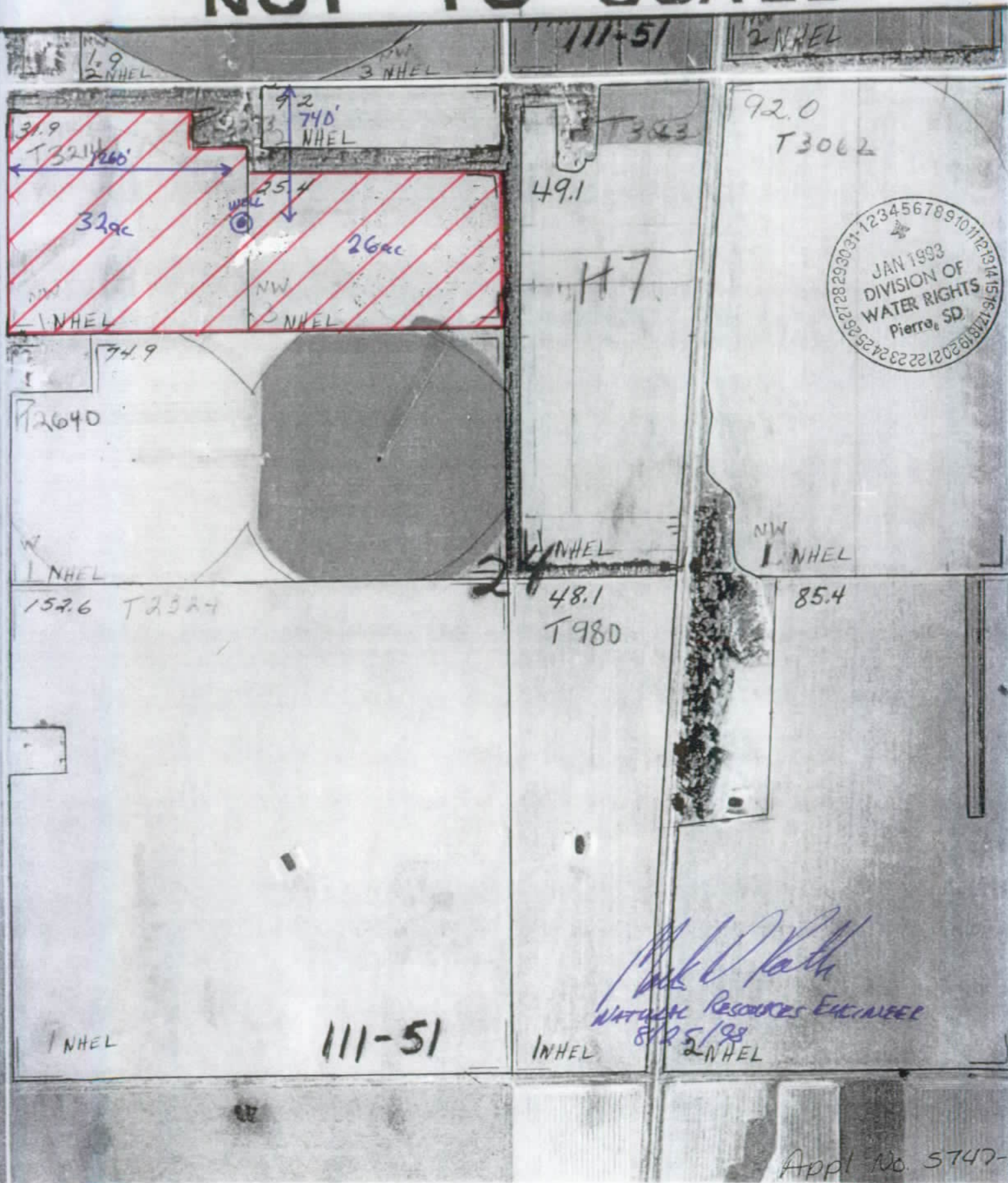


Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

10/30/98

Date

NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5747-3

(1) Terry Cunningham, 20474 465th Ave, Bruce SD 57220 made Application No. 5747-3, January 4, 1993 for a water permit to divert 0.96 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for irrigation purposes. Permit No. 5747-3, with a priority date of January 4, 1993 was approved May 5, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 1998 and for the application to beneficial use of said water on or before May 5, 2002.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.83 cubic feet of water per second for beneficial use. The location of the diversion point is 1,260 feet east and 740 feet south from the northwest corner of Section 24-T111N-R51W (NW ¼ NW ¼).

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

Section 24-T111N-R51W	NW ¼ NW ¼	32 acres
	NE ¼ NW ¼	26 acres
	Total	58 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Terry Cunningham, 20474 465th Ave, Bruce SD 57220 the holder and/or owner of Water Right No. 5747-3 is issued a license to appropriate water, the right to use 0.83 cubic feet of water per second from groundwater (one well) with a priority date of January 4, 1993 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 Water Right No. 5747-3 and subject to South Dakota State Law.



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

JAN 19 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1998

5747-3

Terry Cunningham
46509 205th St.
Bruce, SD 57220

Dear Mr. Cunningham:

The investigation of your water use system was conducted on August 12, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5747-3. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee 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 number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415926

Pierre, _____ November 24, 19 98

RECEIVED OF Terry or Tracy Cunningham, 40474 - 465 Ave., Bruce, SD 57220
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. 5747-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

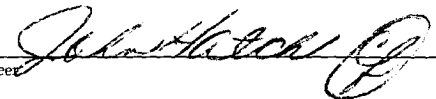
(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

5747-3

Terry Cunningham
20474 465th Ave.
Bruce, SD 57220

Dear Mr. Cunningham:

Enclosed is Water License No. 5747-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415926 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. 5747-3, 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



5747-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: TERRY CUNNINGHAM, 20474 465TH AVE, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5747-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 5747-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to 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) 5747-3 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 February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TERRY CUNNINGHAM
20474 465TH AVE
BRUCE SD 57220

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Terry Cunningham 1-19-00

Signature

Terry Cunningham

☐ Agent☐ AddresseeP. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

Z 227 670 442



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2000

5747-3

Terry Cunningham
20474 465th Ave
Bruce, SD 57220

Dear Mr. Cunningham:

Thank you for calling in about your 1999 irrigation questionnaire. I completed a questionnaire for you based on our January 19th telephone conversation.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 5747-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: TERRY CUNNINGHAM, 20474 465TH AVE, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5747-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 5747-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 5747-3 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 **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4787

Your item was delivered at 12:50 pm on January 26, 2006 in BRUCE, SD 57220. The item was signed for by S TCUNIGHAM.

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TERRY CUNNINGHAM
20474 465TH AVE
BRUCE SD 57220

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2006

5747-3

Terry Cunningham
20474 465th Ave
Bruce SD 57220

Dear Mr. Cunningham:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. I completed a questionnaire for you based on our January 26th telephone conversation. Enclosed is a copy of the form for your records.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 5747-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



5747-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: TERRY CUNNINGHAM, 20474 465TH AVE, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5747-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 5747-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 5747-3 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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: LAUHRD**

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.

5747-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

5747-3

Terry Cunningham
20474 465th Ave
Bruce SD 57220

Dear Mr. Cunningham:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 5747-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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