WATER PERMIT NO. 5817-3

Phone: 712-365-5885

Name of Applicant: Florence M. Sanderson

Post Office Address: 703 1st Ave SW, Estherville IA 51334

Amount of Water Claimed: no add'l Total Acres: 25 add'l

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation County: Hamlin

About 5 miles northwest of Estelline

PRIORITY Date Received: 11-12-91 Fee: $150.00 Remarks: Adds 25 acres to Water Pemrit No. 4522-3

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

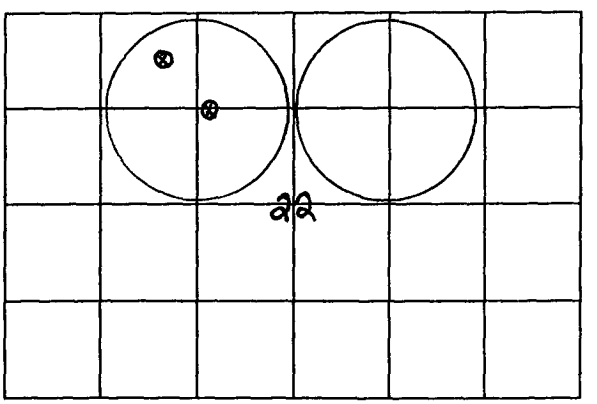
WATER QUALITY APPROVAL RECEIVED: _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: Well #1 - NW 1/4 NW 1/4

Well #2 - center of NW 1/4 Sec 22-T114N-R51W

Land to be Irrigated: N 1/2 Section 22-T114N-R51W



Well Log: Driller: Vant Hul & Sons Licensed YES X NO ____

Depth of Well: 48' & 42' REMARKS: _____

Type of Map: areial PREPARED BY: Norma Job Reviewed and the Number

Assigned on: 4-19-94 By: Karen Schlaak

FORM 2: Application for irrigation (type or print) in South Dakota

(See instructions)

No. 5817-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Estelline Journal, Box 159

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

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

NOV 1991 DIVISION OF WATER RIGHTS Pierre, SD

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 See Permit No. 4522-3

1. Name of Applicant Florence M. Sanderson Phone No. 712-365-5885
Post Office Address 703 1st Ave So (Street, RR or Box) Estherville (City) State Iowa 51334 Zip Code

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 25 add'l
3. Source of Water supply 2 wells
4. Location of point of diversion # 1 ~~SE¼~~ NW¼ & #2 ~~NE¼~~ NW¼ Section 22-T114N-R51W approximate center of NW¼
County Hamlin
5. Counties where water will be used Hamlin
6. Annual period during which water is to be used April 1 thru October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW¼ NW¼	5		
NW¼ NE¼	5		
NE¼ NE¼	15		
Section 22-T114N-R51W			

Attach sheet if more space is needed

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

This application is to add acres to Water Permit No. 4522-3.

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~~ Iowa)
County of Emmet) ss

I, Florence M Sanderson, 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 Florence M Sanderson

Subscribed and sworn to before me this 4th day of November 19 91

MARY ANN STERNBORG MY COMMISSION EXPIRES 5-10-93

Mary Ann Sternborg
Notary Public

4-87

SOUTH DAKOTA
WATER PERMIT NO. 5817-3

Date of first receipt of application November 12, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5817-3 to Florence M. Sanderson, 703 1st Ave SW, Estherville IA 51334 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. 5817-3 authorizes irrigation of 25 additional acres. Water Permit No. 4522-3 appropriates 3.64 cubic feet of water per second (cfs) from four wells to irrigate 255 acres located in the N 1/2 Section 22-T114N-R51W. An inspection of the permit found 2 wells capable of diverting 1.77 cfs irrigating 280 acres. This permit authorizes irrigation of 25 additional acres located in the NW 1/4 NW 1/4, N 1/2 NE 1/4 Section 22-T114N-R51W. No increase in the developed diversion rate from the two wells is authorized by this permit.

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 March 11, 1994 (based on repeal of Soil/Water Compatibility permitting statutes set forth by passage of House Bill 1366).

4. The date of approval of Permit No. 5817-3 is August 1, 1994.

5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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

WATER MANAGEMENT BOARD

By: _____ NOV 14 1994
John Hatch, Chief Engineer — date
Water Rights Division
Department of Environment and Natural Resources

File No. 5817-3

Water Rights Division
File Documentation

NAME OF PERSON OR FILE: Florence M. Sanderson

ADDRESS: 703 1st Ave SW, Estherville ~~SD~~ IA COUNTY: Hamlin

DATE: 4-19-94 TELEPHONE:

RE: S/W Compatibility Permit

COMMENTS:

We are proceeding with this application based on the repeal of the Soil/Water Compatibility Permit statutes by the 1994 Legislature.

Karen Schlaak

Karen Schlaak
Environmental Scientist

RECEIPT

412906

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, November 12, 1991

RECEIVED OF Florence M. Sanderson, 703 1st Ave. S., Estherville, IA 51334

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

Fee for Application for Permit No. 5817-3 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 [signature]
Chief Engineer

LOG

Vant Hul and Sons Well Drilling Co.

Rock Valley, Iowa
Phone (712) 476-5647

Drilled for Daniel Sanderson Date April 24, 1980

Tenant

Address Estherville, Iowa

Location Field - by Estelline, South Dakota

Drilled by Vant Hul and Sons, Inc.

Cased with 16" steel casing Total Depth 48 ft.

Finished in WLFS ft.

Capacity tested to Gals. per

Screen used ✓ Slot size Length 20' Diameter 16"

Other information: Hi-Q Stainless Steel

Well was gravel packed and cemented

FORMATIONS PASSED THROUGH

No. of ft.	Kind of Formation
0'-4'	Top soil
4'-18'	Gravel
18'-19'	Gravel and clay
19'-47'	Gravel
47'-48'	Blue clay

JAN 1982
DIVISION OF WATER RIGHTS
Pierre, SD

Signed: Duane E. Vant Hul
Driller

LOG

Vant Hul and Sons Well Drilling Co.

Rock Valley, Iowa
Phone (712) 476-5647

Drilled for Daniel Sanderson Date May 2, 1980

Tenant

Address Estherville, Iowa

Location Field - Near Estelline, So. Dak.

Drilled by Vant Hul and Sons, Inc.

Cased with 16" steel casing Total Depth 42 ft.

Finished in WLFS ft.

Capacity tested to Gals. per

Screen used ✓ Slot size Length 15' Diameter 16"

Other information: Irrigator screen

Wellhouse gravel packed and cemented

FORMATIONS PASSED THROUGH

No. of ft.	Kind of Formation
0'-4'	Top soil
4'-18'	Gravel
18'-20'	Clay
20'-41'	Gravel
41'-42'	Blue clay

JAN 1992
DIVISION OF WATER RIGHTS
Pierre, SD

Signed Duane E. Vant Hul
Driller

REPORT ON APPLICATION NO. 3374A-3
for Bill Sanderson
and
REPORT ON APPLICATION NO. 5817-3
for Florence M Sanderson
May 18, 1994

Water Permit No. 3374A-3 is to specify the correct location of the irrigated acreage and to correct the location of the well. Water Permit No. 3374-3 appropriates 5 cfs from two wells located in the SE 1/4 NE 1/4 of section 15 and near the center of the SW 1/4 of section 14; to irrigate 400 acres located in the E 1/2 of section 15 and the W 1/2 of section 14; all in T113N R51W in Hamlin County. An inspection of Permit No. 3374-3 found one well constructed and supplying 2.0 cfs to irrigate 339 acres. This application is to correct the location of 86 acres of the 339 acres being irrigated. The correct location of the 86 acres is the SW 1/4, SE 1/4 NW 1/4 of section 15, T113N R51W. This application also corrects the location of the well which is the NW 1/4 SW 1/4 of section 14, T113N R51W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Water Permit Application No. 5817-3 is to irrigate 25 additional acres. Water Permit No. 4522-3 appropriates 3.64 cfs from four wells to irrigate 255 acres located in the N 1/2 of section 22, T114N R51W in Hamlin County. An inspection of this permit found 2 wells capable of diverting 1.77 cfs irrigating 280 acres. This application is to irrigate 25 additional acres located in the NW 1/4 NW 1/4, N 1/2 NE 1/4 of section 22, T114N R51W. No increase in the developed diversion rate from the two wells is authorized by this application.

AQUIFER - BIG SIOUX BROOKINGS (BS:B)

The Big Sioux Brookings is an alluvium mantled glacial outwash (sand and gravel) under predominantly unconfined or water table conditions (Kume, 1985). The aquifer underlies 88,500 acres and contains an estimated 331,880 acre feet of recoverable water in storage in Hamlin County (Hedges, 1982). The aquifer is hydraulically connected to the Big Sioux River and extends into Codington County to the north and into Brookings County to the south. Ground water movement is from east to west and north to south in this area with ground water discharging into the Big Sioux River.

The Division of Water Rights monitors 21 observation wells completed into the Big Sioux Brookings aquifer in Hamlin County. 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. In general, the water level records indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

These two applications are for already existing systems. There are existing water permits/rights within 1/2 mile of each application. Interference is not expected to be a concern. The wells for these applications have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.

2. The aquifer is unconfined and under water table conditions. Drawdown is not expected to be significant and should not adversely affect any existing right.

3. The wells authorized by these applications already exist. The information available is not sufficient to determine if these wells have been constructed in accordance with SD Well Construction Standards.

4. Approval of these applications will allow licensing of each of the permits to reflect "as built" status.

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Kume, J., 1985, Water Resources of Deuel and Hamlin Counties, South Dakota, USGS WRI 84-4069, USGS, Huron, SD, 57350.

Water Rights, 1994, Unpublished Observation Well Data for Hamlin County, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5817-3, Florence M. Sanderson

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. 5817-3, Florence M. Sanderson, 703 1st Avenue SW, Estherville, IA 51334.

The Chief Engineer is recommending APPROVAL of Application No. 5817-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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

See report on application for additional information.

JOHN HATCH, Chief Engineer
May 23, 1994

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.

May 25, 1994

Bill Sanderson and Florence M. Sanderson
703 1st Avenue SW
Estherville, IA 51334

Dear Mr. Sanderson & Mrs. Sanderson:

Water Permit Application Nos. 3374A-3 and 5817-3 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 Estelline Journal printed at Estelline, SD (Ph # 873-2475). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 applications.

These applications were submitted on November 12, 1991. The applications were on hold pending issuance of the Soil-Water Compatibility Permit through the Department of Agriculture. The Soil-Water Compatibility statutes have since been repealed by the 1994 Legislature and the water permits are now being processed.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 25, 1994

Estelline Journal
Box 159
Estelline, SD 57234-0159

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 3374A-3 and 5817-3 to be published twice. Please publish the first notice on June 2, 1994, with the second publication 7 days later.

The APPLICANTS MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANTS for the cost of publication. The APPLICANTS are Bill Sanderson and Florence M. Sanderson, 703 1st Avenue SW, Estherville, IA 51334 (Ph # 712-362-5885).

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 applicants costly delays.

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

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No._____

Date_____

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

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 2, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 3374A-3 and 5817-3 to Appropriate Water

Notice is given that Bill Sanderson and Florence M. Sanderson, 703 1st Avenue SW, Estherville, IA 51334 have filed applications for water permits.

Water Permit Application No. 3374A-3 is to specify the correct location of the irrigated acreage and to correct the location of the well. Water Permit No. 3374-3 appropriates 5.0 cubic feet of water per second (cfs) from two wells located in the SE 1/4 NE 1/4 Section 15 and near the center of the SW 1/4 Section 14; to irrigate 400 acres located in the E 1/2 Section 15 and the W 1/2 Section 14; all in T113N-R51W. An inspection of Permit No. 3374-3 found 1 well constructed and supplying 2.0 cfs to irrigate 339 acres. This application is to correct the location of 86 acres of the 339 acres being irrigated. The correct location of the 86 acres is the SW 1/4, SE 1/4 NW 1/4 Section 15-T113N-R51W. This application also corrects the location of the well which is located in the NW 1/4 SW 1/4 Section 14-T113N-R51W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3374A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Water Permit Application No. 5817-3 is to irrigate 25 additional acres. Water Permit No. 4522-3 appropriates 3.64 cfs from four wells to irrigate 255 acres located in the N 1/2 Section 22-T114N-R51W. An inspection of this permit found 2 wells capable of diverting 1.77 cfs irrigating 280 acres. This application is to irrigate 25 additional acres located in the NW 1/4 NW 1/4, N 1/2 NE 1/4 Section 22-T114N-R51W. No increase in the developed diversion rate from the two wells is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5817-3 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.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 20, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to these applications. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA,

SS.

County of Hamlin

Mark R. Hausman and Carla Clarke, of said county, being first duly sworn, on oath say that they are the publishers or managers of The Estelline Journal, a weekly newspaper printed and published in Estelline, saidCounty of Hamlin, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-one successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of appeal

_____, **a printed copy of which taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least one week for** 2 **successive weeks, on the day of each week on which said newspaper was regularly published, to wit:**

June 2, 1994;	____, 19__
June 9, 1994;	____, 19__
____, 19__;	____, 19__
____, 19__;	____, 19__
____, 19__;	____, 19__

that the full amount of the fees for the publicat annexed notice is $ 56.41.

Subscribed and sworn to before me thi

day of June

N

CON

My

2x-June 2, 9

NOTICE OF APPLICATION
NOS. 3374A-3 and 5817-3
to Appropriate Water

Notice is hereby given that Bill Sanderson and Florence M. Sanderson, 703 1st Avenue SW, Estherville, IA 51334 have filed applications for water permits.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3374A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Water Permit Application No. 5817-3 is to irrigate 25 additional acres. Water Permit No. 4522-3 appropriates 3.64 cfs from four wells to irrigate 255 acres located in the N 1/2 Section 22-T114N-R51W. An inspection of this permit found 2 wells capable of diverting 1.77 cfs irrigating 280 acres. This application is to irrigate 25 additional acres located in the NW 1/4 NW 1/4, N 1/2 NE 1/4 Section 22-T114N-R51W. No increase in the developed diversion rate from the two wells is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Appliction No. 5817-3 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.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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June 2, 1994

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 21, 1994

Florence M. Sanderson
703 1st Ave SW
Esterville IA 51334

Dear Ms. Sanderson:

I am writing to advise you that the legal notice of hearing on your Water Permit Application No. 5817-3 published in the Estelline Journal is not correct. The legal descriptions of the lands to be irrigated were published incorrectly. The newspaper was contacted on June 2 to have the error corrected on the second publication; however, the legal description was still incorrect on the June 9, 1994 publication.

As a result of the error, the notice of hearing will need to be readvertised. The readvertisement is needed to ensure the permit is free from legal problems due to inaccurate public notice. The information needed to readvertise the notice is enclosed. **Be sure to contact the Estelline Journal (Phone # 605 873-2475) to authorize publication on June 30 and July 7 and arrange for payment.**

The portion of the notice of hearing regarding Water Permit Application No. 3374A-3 for Bill Sanderson was published correctly and will not be readvertised. We will proceed with the processing of Water Permit Application No. 3374A-3.

If you have questions, please contact me.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Estelline Journal

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 22, 1994

Estelline Journal
Box 159
Estelline, SD 57234-0159

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5817-3 to be published twice. Please publish the first notice on June 30, 1994, with the second publication 7 days later.

The APPLICANTS 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 Florence M. Sanderson, 703 1st Avenue SW, Estherville, IA 51334 (Ph # 712-362-5885).

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 applicants 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

No._____

Date_____

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

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 30, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5817-3 to Appropriate Water

Notice is given that Florence M. Sanderson, 703 1st Avenue SW, Estherville, IA 51334 has filed an application for a water permit to irrigate 25 additional acres. Water Permit No. 4522-3 appropriates 3.64 cfs from four wells to irrigate 255 acres located in the N 1/2 Section 22-T114N-R51W. An inspection of this permit found 2 wells capable of diverting 1.77 cfs irrigating 280 acres. This application is to irrigate 25 additional acres located in the NW 1/4 NW 1/4, N 1/2 NE 1/4 Section 22-T114N-R51W. No increase in the developed diversion rate from the two wells is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5817-3 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.

In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting the application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to these applications. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
County of HAMLIN)

I, Mark L Heusma

certify that the attached printed Notice was

taken from the Estelline Journal

printed and published in Estelline

County of Hamlin and State of

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

7-14

7-21

Cost of Printing: 36.46

(Signature)

Publisher

(Title)

7-21-94

(Date Signed)

2a26
16.20
36.46

2x-July 14, 21

NOTICE OF APPLICATION
NO. 5817-3 to
Appropriate Water

Notice is given that **Florence M. Sanderson**, 703 1st Avenue SW, **Estherville**, IA 51334 has filed an application for a water permit to irrigate 25 additional acres. Water Permit No. 4522-3 appropriates 3.64 cfs from four wells to irrigate 255 acres located in the N 1/2 Section 22-T114N-R51W. An inspection of this permit found 2 wells capable of diverting 1.77 cfs irrigating 280 acres. This application is to irrigate 25 additional acres located in the NW 1/4 NW 1/4, N 1/2 NE 1/4 Section 22-T114N-R51W. No increase in the developed diversion rate from the two wells is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5817-3 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.

In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to these applications.

RUSSELL L. STONE
Acting Secretary
Department of Environment and Natural Resources

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

Florence M. Sanderson
703 First Avenue SW
Estherville, IA 51334

Dear Ms. Sanderson:

Enclosed is Water Permit No. 5817-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge $50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

RECEIPT

414335

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 21, 19 94

RECEIVED OF Florence M. Sanderson, 703 1st Ave S. Estherville, IA 51334

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. 5817-3	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

Form 12

Permit No. 4522-3 and 5817-3

Big Sioux River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by **Florence M Sanderson** of **703 1st Ave SW, Estherville IA 51334** holder of Permit Nos. **4522-3 and 5817-3**, bearing the priority dates of **April 14, 1980 and March 11, 1994** authorizing the diversion of **3.64** cu. ft. per second from **groundwater (two wells)** for irrigation purposes, in **Hamlin** County.

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

A. Works used to divert the water:

2 Western Land Roller Pumps - 400 gpm (each)

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

6" PVC pipes - 120 feet and 600 feet

C. Works used to apply water to beneficial use:

Olson - towable center pivot with 7 towers and 1284 feet long with an end gun. Capable of 800 gpm.

The system is in the following condition **good**. The points of diversion are located **Well #1 - 530 feet south and 1190 feet west and Well #2 - 1320 feet south and 1520 feet west; both from the northwest corner of Section 22-T114N-R51W**. The works are capable of diverting and conveying to the place of use **1.77** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Section 22-T114N-R51W

NW 1/4	**NW 1/4**	**35 acres**	**NW 1/4**	**NE 1/4**	**35 acres**
NE 1/4	**NW 1/4**	**35 acres**	**NE 1/4**	**NE 1/4**	**35 acres**
SE 1/4	**NW 1/4**	**35 acres**	**SE 1/4**	**NE 1/4**	**35 acres**
SW 1/4	**NW 1/4**	**35 acres**	**SW 1/4**	**NE 1/4**	**35 acres**

comprising a total of **280** acres of land and the license should be issued for **1.77** cfs (255 acres have a April 14, 1980 priority date and 35 acres have a March 11, 1994 priority date).

Applicable permit qualifications have been complied with: Yes **X** No

Inspected by Norma Job, Staff Engineer on September 17, 1991. Inspection report reviewed by:

Delvin D. Brosz
Natural Resources Engineer IV
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 4522-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm Vant Hul and Sons Well Drilling Co.

Completion Report Yes ___ No ✓ No. of Wells 2 Depth 48' + 42'

Casing a) diameter #2 16" #2 16" Screen a) type Stainless Steel Irrigator screen

b) length _____ b) length 20' 15'

c) type Steel Steel Static Water Level _____

Pump a) make Western Land Roller Motor a) make US Electric - both

b) ~~model~~ SN C80408 8805379 b) model No. 286TPH - both

c) size 6 10C c) horsepower rating 30 - both

d) capacity 400 400 gpm

e) turbine pump - no. of stages 5

f) operating PSI 50

3. Distribution lines or canals

a) size 6" 6"

b) type PVC PVC

c) length 120' 600'

W N from pivot

4. Dam Information:

a) height to crest _____

b) height to primary spillway _____

c) height to secondary spillway _____

d) crest width _____

e) crest length _____

f) spillway length _____

g) spillway width _____

h) approx. storage _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

m) Outlet tubes:

1) diameter _____

2) type _____

3) valved (Y/N) _____

4) valve type _____

5) location on structure _____

n) Category of Dam _____

5. System Type a) sideroll:

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

c) gun

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

e) gated pipe

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

f) portable boom

1) make _____
2) nozzel size _____
3) capacity (GPM) _____

b) towline:

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

d) center pivot

1) make Olson - towable
2) number of towers 7
3) distance between towers 120
4) overall length 1284'
5) end gun (Y/N) Y
6) high or low pressure 50
7) make & size of nozzles _____
8) capacity (GPM) 800

g) siphons

1) size _____
2) number _____

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

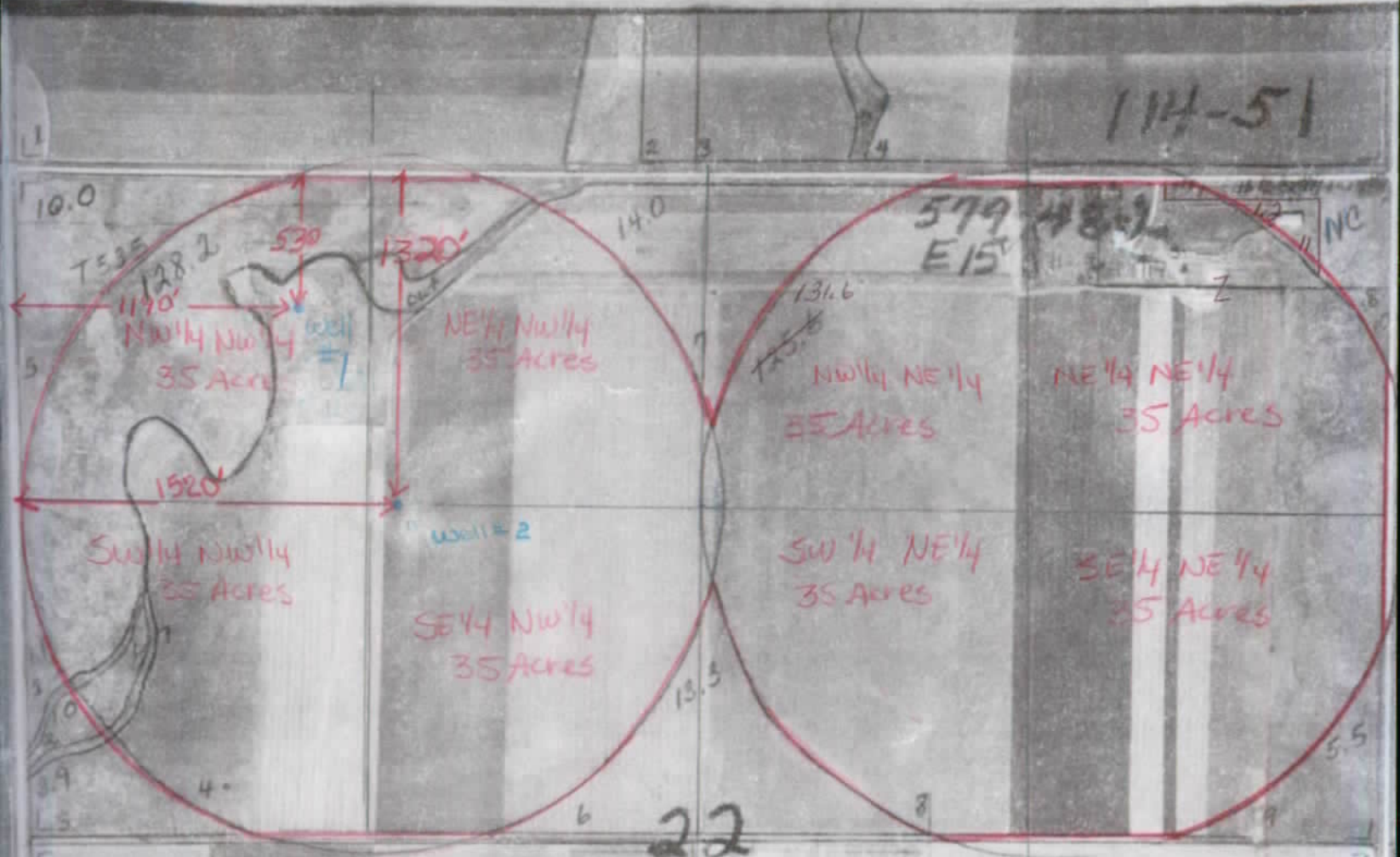
Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
___	___	2. Special qualifications to permit being abided by?
___	___	3. All structures, wells and lands on map?
___	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	X	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

NOT TO SCALE

114-51



300.1
T571

prepared by
Norma C. Job
Natural Resources Eng.
Division of Water Rights
2/18/92

114-51

5817-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5817-3

(1) Florence M. Sanderson of 703 1st Ave SW, Estherville IA 51334 made Application No. 5817-3, for a water permit to appropriate no additional cubic feet of water per second from groundwater (two existing wells), Hamlin County, South Dakota for irrigation purposes. Permit No. 5817-3, with a priority date of March 11, 1994 was approved August 1, 1994 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5817-3 authories irrigation of additional acreage that was developed but not permitted under Water Permit No. 4522-3. No. 5817-3 did not allow for an increase in the developed diversion rate. The applicable portions of Water Permit No. 4522-3 have been incorporated into this Water License No. 5817-3.

(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 1.77 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 530 feet south and 1190 feet west and Well #2 - 1320 feet south and 1520 feet west, both from the northwest corner of Section 22-T114N-R51W.

(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:

Section 22-T114N-R51W		Priority date
NW 1/4 NW 1/4	35 acres	30 acres - April 14, 1980 & 5 acres - March 11, 1994
NE 1/4 NW 1/4	35 acres	April 14, 1980
SE 1/4 NW 1/4	35 acres	April 14, 1980
SW 1/4 NW 1/4	35 acres	April 14, 1980
NW 1/4 NE 1/4	35 acres	30 acres - April 14, 1980 & 5 acres - March 11, 1994
NE 1/4 NE 1/4	35 acres	20 acres - April 14, 1980 & 15 acres - March 11, 1994
SE 1/4 NE 1/4	35 acres	April 14, 1980
SW 1/4 NE 1/4	35 acres	April 14, 1980
Total	280 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Florence M. Sanderson of 703 1st Ave SW, Estherville IA 51334 the holder and/or owner of Incorporated Water Permit No. 5817-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from groundwater (two wells) with priority dates of April 14, 1980 and March 11, 1994 from the location specified in (2) of this license. The water is 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. 5817-3 and subject to South Dakota State Law.

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

SEP 6 1995
date

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

SEP 6 1995

5817-3

Florence M. Sanderson
703 1st Ave. SW
Estherville, IA 51334

Dear Ms. Sanderson:

Enclosed is Water License No. 5817-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414335 in the amount of $50.00 which you paid for the inspection 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. 5817-3, 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 Division
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Water Permit No. 4522-3 have been incorporated into this Water License No. 5817-3.

5817-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 9, 1998

NOTICE

TO: ALLEN FUGERE, OP, RR 1 BOX 156A, ESTELLINE, SD 57234

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s)1812-3, 3374A-3 & 5817-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 1812-3, 3374A-3 & 5817-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 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) 1812-3, 3374A-3 & 5817-3 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 20, 1998, 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.

cc: Bill or Florence Sanderson, 703 1st Ave SW, Estherville, IA 51334

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 13, 1998

1812-3
3374A-3
5817-3

Allen Fugere
RR 1 Box 156A
Estelline, SD 57234

Dear Mr. Fugere:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1812-3, 3374A-3 and 5817-3.

I completed questionnaires for you based on our January 13th telephone conversation. 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

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

c: Bill or Florence Sanderson, 703 1st Ave SW, Estherville, IA 51334

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

December 14, 1998

1812-3
3374A-3
5817-3

Allen Fugere
RR 1 Box 156A
Estelline, SD 57234

Dear Mr. Fugere:

This will acknowledge receipt of the 1998 irrigation questionnaires for Water Right Nos. 1812-3, 3374A-3 and 5817-3. In reviewing the forms, I noticed that on two of the three questionnaires you indicated the land is in CRP through 2008.

Below is a table showing the legal descriptions of the water rights. I wanted to make sure the questionnaires you marked "in CRP" corresponded to the same water right.

Water Right No.	No. of Acres	Source of Water	Description of Acres Irrigated
1812-3	70 acres	Big Sioux River/Hidewood Creek	NW ¼ Section 15, T113N, R51W
*3374A-3	339 acres	ground water (one well)	SW ¼, SW ¼ NW ¼ Section 14 S ½, S ½ NE ¼, SE ¼ NW ¼ Section 15, all in T113N, R51W
*5817-3	280 acres	ground water (two wells)	N ½ Section 22, T114N, R51W

*** I will make a notation in Nos. 3374A-3 and 5817-3 that the land is in CRP. You will not receive irrigation questionnaires for these water rights until the year 2009.**

If, after reviewing the above information you feel changes need to be made, please give me a call. If I do not hear from you, I will assume I have marked the files correctly.

Thank you and if you have any questions, please get in touch with me.

Sincerely,

Genny McMath

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

5817-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: ALLEN FUGERE, OP, 700 N MAIN, ESTELLINE, SD 57234

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5817-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 5817-3 qualification:

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

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

1 Suspend or cancel Permit No(s) 5817-3 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 **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf

c: FLORENCE SANDERSON, 703 1ST AVE SW, ESTHERVILLE, IA 51334

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.

5817-3

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 2861**
Status: **Delivered**

Your item was delivered at 9:27 AM on January 22, 2008 in ESTHERVILLE, IA 51334. The item was signed for by D AANONSON.

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Proof of Delivery

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 2861

FLORENCE SANDERSON
703 1ST AVE SW
ESTHERVILLE IA 51334

Waiver of Signature ☐ YES ☐ NO

Postmark Here

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Access internet web site at
www.usps.com ®
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☐ Priority Mail™ Service
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5817-3

UNITED STATES POSTAL SERVICE

Home | Help

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 2854**
Status: **Delivered**

Your item was delivered at 1:10 PM on January 19, 2008 in ESTELLINE, SD 57234. The item was signed for by C FUGERE.

Track & Confirm

Enter Label/Receipt Number.

Additional Details > | Return to USPS.com Home >

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2854

ALLEN FUGERE, OP
700 N MAIN
ESTELLINE SD 57234

Waiver of Signature ☐ YES ☐ NO

Postmark Here

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

☐ Priority Mail™ Service
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☐ Package Services parcel

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, 2008

5817-3

Allen Fugere
700 N Main
Estelline SD 57234

Dear Mr. Fugere:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 5817-3.

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

c: Florence Sanderson

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 11, 2008

5817-3

Bill Sanderson
Sanderson Farms Partnership
703 1st Ave S
Estherville IA 51334

Dear Mr. Sanderson:

Thank you for visiting with me in regard to Water Right No. 5817-3.

In regard to the error on the original license, I have enclosed a copy of the license and map with notations made on the license to show you what needs to be changed. The locations of the wells are described as being south and **west** of the NW corner of Section 22. The descriptions should have read south and **east** of the NW corner. The license will be reissued to correct the error.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of $2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the transfer of ownership form and filing fee from you, the license will be reissued to reflect current ownership and also to correct the legal description of the well locations.

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/16, 20 08

RECEIVED OF Sanderson Family Farms 703 1st Ave S Estherville IA 51334

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. _____		
Fee for Filing Transfer Form 5817-3	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	2	50

No. 03622

By Gerald Erickle
Chief Engineer

C3

RECEIVED
APR 16 2008
WATER RIGHTS PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. **5817-3**

Date: 4/14/08

I/We request that Water Right No. **5817-3**

formerly owned by: **Florence Sanderson**

be transferred to: (name & address) **Sanderson Farms Partnership, % Bill Sanderson**

703 1st Ave S, Estherville IA 51334

Telephone No. 712-362-5885

Title to the following described land(s)/property has been transferred as described above:

280 acres in the W ½ Section 22, T114N, R51W

I/We understand that the validity of Water Right No. **5817-3** has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents ($2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Sanderson Farms, the new owner, certify that the above information is true and correct.

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

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 07 2008

5817-3

Bill Sanderson
Sanderson Farms Partnership
703 1st Ave S
Estherville IA 51334

Dear Mr. Sanderson:

Enclosed is your Reissued Water License No. 5817-3. The license has been reissued to correct an error in the legal descriptions of the diversion points.

Also enclosed is your Receipt No. 03622 in the amount of $2.50 which you paid for filing an ownership change with the water right. The transfer has been completed. The water right, formerly held by Florence Sanderson is now listed in the name of Sanderson Farms Partnership.

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. 5817-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5817-3

(1) Florence M Sanderson was issued Water License No. 5817-3, September 6, 1995 for a water right to divert 1.77 cubic feet of water per second from ground water (two wells – Big Sioux:Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Water License No. 5817-3, with priority dates of April 14, 1980 and March 11, 1994 was issued to the permit holder for diversion of water with construction of the water supply system completed and the application to beneficial use of water completed.

A review of the original license found an error in the description of the two diversion points. The wells were described as being south and **west** of the northwest corner and should have been described as being south and **east** of the northwest corner. The license is being reissued to correct the error. Re-issuance of the license does not alter the remaining portions of the license.

On April 16, 2008, Water Right No. 5817-3 was transferred to Sanderson Farms Partnership, % Bill Sanderson, 703 1st Ave S, Estherville IA 51334.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.77 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Well #1** – 530 feet S & 1,190 feet E of the NW corner of Section 22, T114N, R51W (NW ¼ NW ¼)
- **Well #2** – 1,320 feet S & 1,520 feet E of the NW corner of Section 22, T114N, R51W (200'E of the center of the 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 22, T114N, R51W		**Priority dates***
NW ¼ NW ¼	35 acres	April 14, 1980 (30 acres); March 11, 1994 (5 acres)
NE ¼ NW ¼	35 acres	April 14, 1980
SE ¼ NW ¼	35 acres	April 14, 1980
SW ¼ NW ¼	35 acres	April 14, 1980
NW ¼ NE ¼	35 acres	April 14, 1980 (30 acres); March 11, 1994 (5 acres)
NE ¼ NE ¼	35 acres	April 14, 1980 (20 acres); March 11, 1994 (15 acres)
SE ¼ NE ¼	35 acres	April 14, 1980
SW ¼ NE ¼	35 acres	April 14, 1980
Total	280 acres	

April 14, 1980 priority date established under Water Permit No. 4522-3; March 11, 1994 priority date established by Water Permit No. 5817-3.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Sanderson Farms Partnership, % Bill Sanderson, 703 1st Ave S, Estherville IA 51334 the holder and/or owner of Water Right No. 5817-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from ground water (two wells – Big Sioux:Brookings Aquifer) with priority dates of April 14, 1980 and March 11, 1994 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5817-3 including the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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

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

MAY 07 2008
date