

WATER PERMIT NO. 5950-3

Name of Applicant: Larry Andrews

Address: RR 1 Box 68, Beresford SD 57004

Phone: 605 253-2216

Amount of Water Claimed: 1.05 add'l

Total Acres: 76 add'l

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 7 miles southeast of Beresford

PRIORITY

Date Received: 8-7-96

Fee: \$225.00

Corrected Application Received:

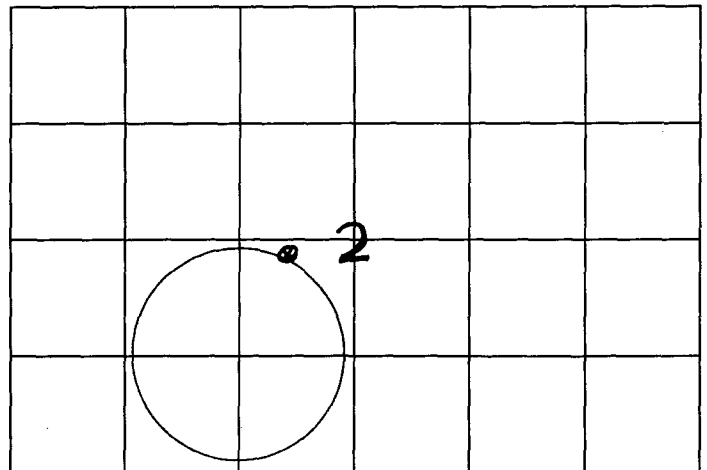
Period of Annual Use: May 1 - September 30

Remarks: Water Permit No. 4684-3 authorizes irrigation of 60 acres. This application increases the diversion rate (from existing well) and number of acres irrigated.

Diversion Point: NE 1/4 SW 1/4

Sec 2-T94N-R50W

Land to be Irrigated: SW 1/4 Sec 2-T94N-R50W



Depth of Well: 98 feet

Well Driller: Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 8-7-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5950-3**

Date of first receipt of application August 7, 1996.

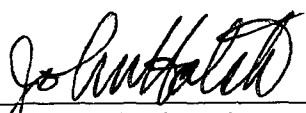
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5950-3 to Larry Andrews, RR 1 Box 68, Beresford SD 57004 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5950-3 appropriates 1.05 cubic feet of water per second (cfs) and to irrigate 76 additional acres. Water Permit No. 4684-3 appropriates 0.86 cfs from one well 98 feet deep (Brule Creek Aquifer) located in the NE 1/4 SW 1/4 Section 2 to irrigate 60 acres located in portions of the SW 1/4 and NW 1/4 Section 2; all in T94N-R50W. This permit appropriates an additional 1.05 cfs from the existing well to irrigate 76 additional acres located in the SW 1/4 Section 2-T94N-R50W. A 136 acre center pivot will operate in the SW 1/4 Section 2-T94N-R50W.
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: May 1 - September 30.
3. The date from which applicant may claim right is August 7, 1996.
4. The date of approval of Permit No. 5950-3 is November 12, 1996.
5. One-fifth of the construction is to be completed on or before May 12, 1999.
6. All construction is to be completed on or before November 12, 2001.
7. Water is to be put to beneficial use on or before November 12, 2005.
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. 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 Program
Department of Environment and Natural Resources

DEC 26 1996

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5950-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Beresford Republic, Beresford, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 4684-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

1. Name of Applicant Larry Andrews ☐ Owner ☐ Tenant/Lessee Phone 605-253-2216
Mailing Address RR1 Box 68 Beresford, State SD 57004
1.05 (Street, RR, or Box) (Zip Code)
2. Amount of water claimed 0.92 add *CFS or **GPM ***AF Total Acreage 76 add
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well located in the
NE4SW4 Section 2 T94N R50W. County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used May 1 thru September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW4 SW4 Section 2 T94N R50W	34		
NE4 SW4 Section 2 T94N R50W	34		
SW4 SW4 Section 2 T94N R50W	34		
SE4 SW4 Section 2 T94N R50W	34		

8. Give a description of the project. (Attach sheet if more space is needed)
Water Permit NO. 4684-3 authorizes irrigation of 60 acres in the NW4 and N2SW4 Section 2 T94N R50W with a diversion rate of 0.86 CFS from one well. This application is to add 76 acres and to change the location of 12 acres from the S2NW4 Section 2 to the SW4 section 2. An existing center pivot system is to be modified to allow the pivot to swing a full circle. This application also adds 0.92 CFS for a total rate of 1.78 CFS (800 GPM).

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

STATE OF SOUTH DAKOTA)

County of Union ss

I, Larry Andrews, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

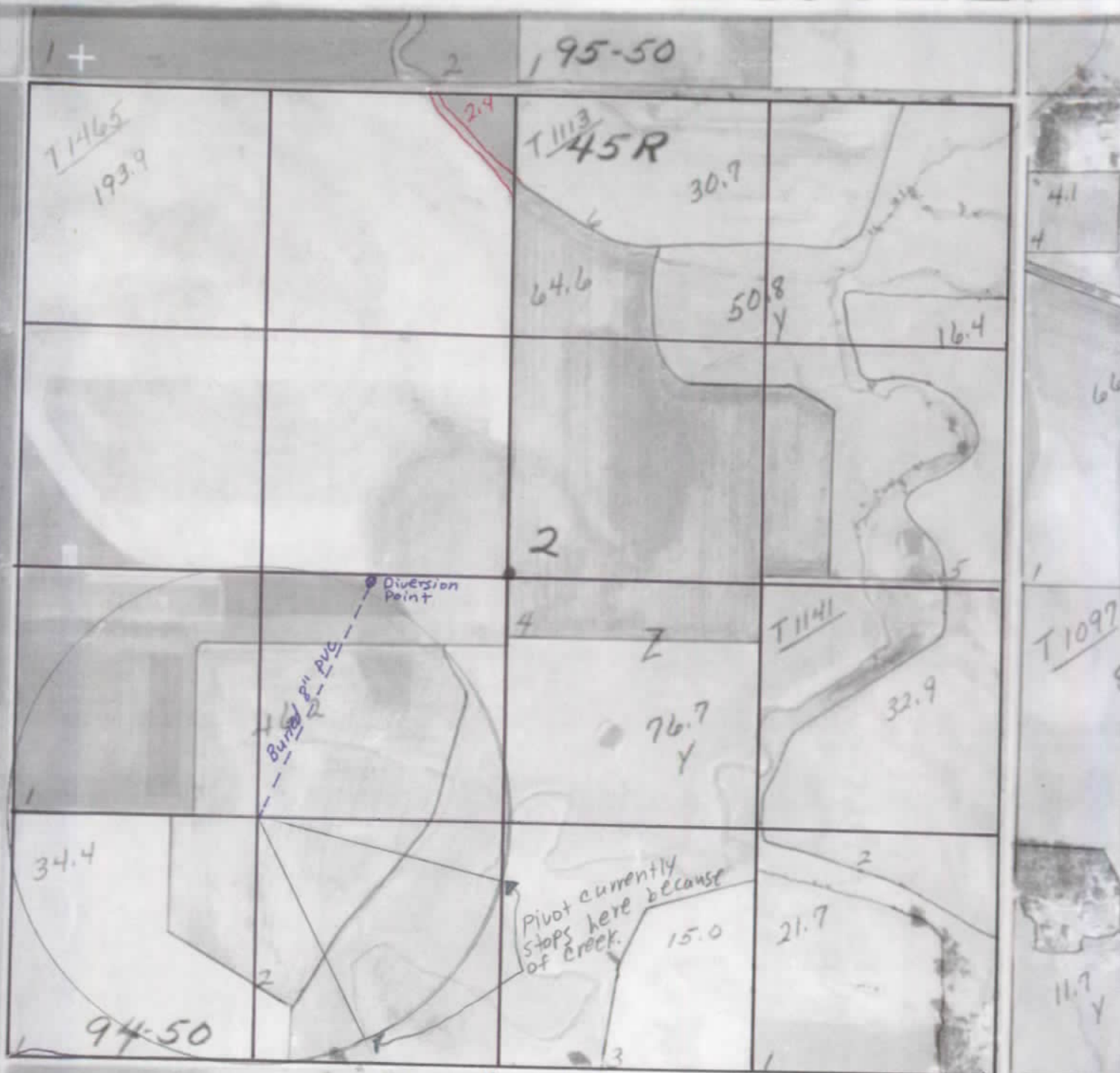
Signed

Larry Andrews

Subscribed and sworn to before me this 30 day of July 19 96

W. D. Hand
Notary Public
Expiration: 7-2-2002

NOT TO SCALE



Scale: 1" = 754'

Map prepared By:

Barry A. McLaury
 Barry A. McLaury
 DNR, Water Rights Program
 Pierre, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 1996

Larry Andrews
RR1 Box 68
Beresford, SD 57004

Dear Mr. Andrews:

After an inspection of Water Permit No. 4684-3, I found a problem with the total amount of acreage being irrigated. There are approximately 123 acres being irrigated with a center pivot in the SW1/4 Section 2; T94N R50W. The Water Permit for this acreage only allows irrigation of 60 acres. You mentioned during the inspection that you want to make a full circle with the pivot. The enclosed application is for a permit to irrigate the 76 additional acres which are not covered by your current permit. (See part 8 of the enclosed application for more information).

Please fill out the bottom of the enclosed completed application. Note that the application must be signed in the presence of a Notary Public. Please return the application with an application fee of \$225.00 in the self-addressed envelope provided.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Water Rights Program

enclosures

RECEIPT

Division of Water Rights

415040

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 7, 19 96

RECEIVED OF Larry Andrews, RR 1, Box 68, Beresford, SD 57004-9735

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

Fee for Application for Permit No. <u>5950-3</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

Chief Engineer

[Signature]

REPORT ON WATER PERMIT APPLICATION NO. 5950-3

for Larry Andrews
September 11, 1996

Application No. 5950-3 proposes to appropriate 1.05 cfs (470 gpm) and to irrigate 76 additional acres. Water Permit No. 4684-3 appropriates 0.86 cfs from one well approximately 98 feet deep located in the NE 1/4 SW 1/4 of Section 2 to irrigate 60 acres located in portions of the SW 1/4 and NW 1/4 of Section 2; all in T94N-R50W. This application is to appropriate an additional 1.05 cfs from the existing well to irrigate 76 additional acres located in the SW 1/4 of Section 2, T94N-R50W in Union County.

AQUIFER - BRULE CREEK (BRC)

The Brule Creek aquifer underlies 180 square miles and contains an estimated 570,000 acre feet of water in storage in Lincoln and Union Counties (Niehus, 1994). Over much of its areal extent the aquifer is buried but in the area of this application the aquifer is unconfined and under water table conditions. The aquifer appears to be hydraulically connected to both the east and west forks of Brule Creek. Ground water movement is from northwest to southeast across northern Union County.

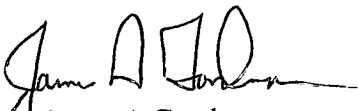
The Water Rights Program monitors four observation wells, UN-80C, UN-77B, UN-77C and UN-77D which are located in a two mile radius of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). Hydrographs for these four wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing irrigation wells within one half mile of this application. These two wells provide water to Water Right Nos. 605-3, 2193-3 and 2194-3. All of this water rights are held by the applicant. Interference is not expected to be a concern. Even though these wells are about one quarter mile apart drawdown is not expected to be significant. The aquifer is unconfined and relatively thick. The observation wells do not show significant fluctuation.

CONCLUSIONS

1. Water is available from the Brule Creek aquifer.
2. The aquifer is unconfined in this area. Drawdown caused by pumping is not expected to be significant. Interference is not a concern.
3. This is an existing well. No completion report is available.



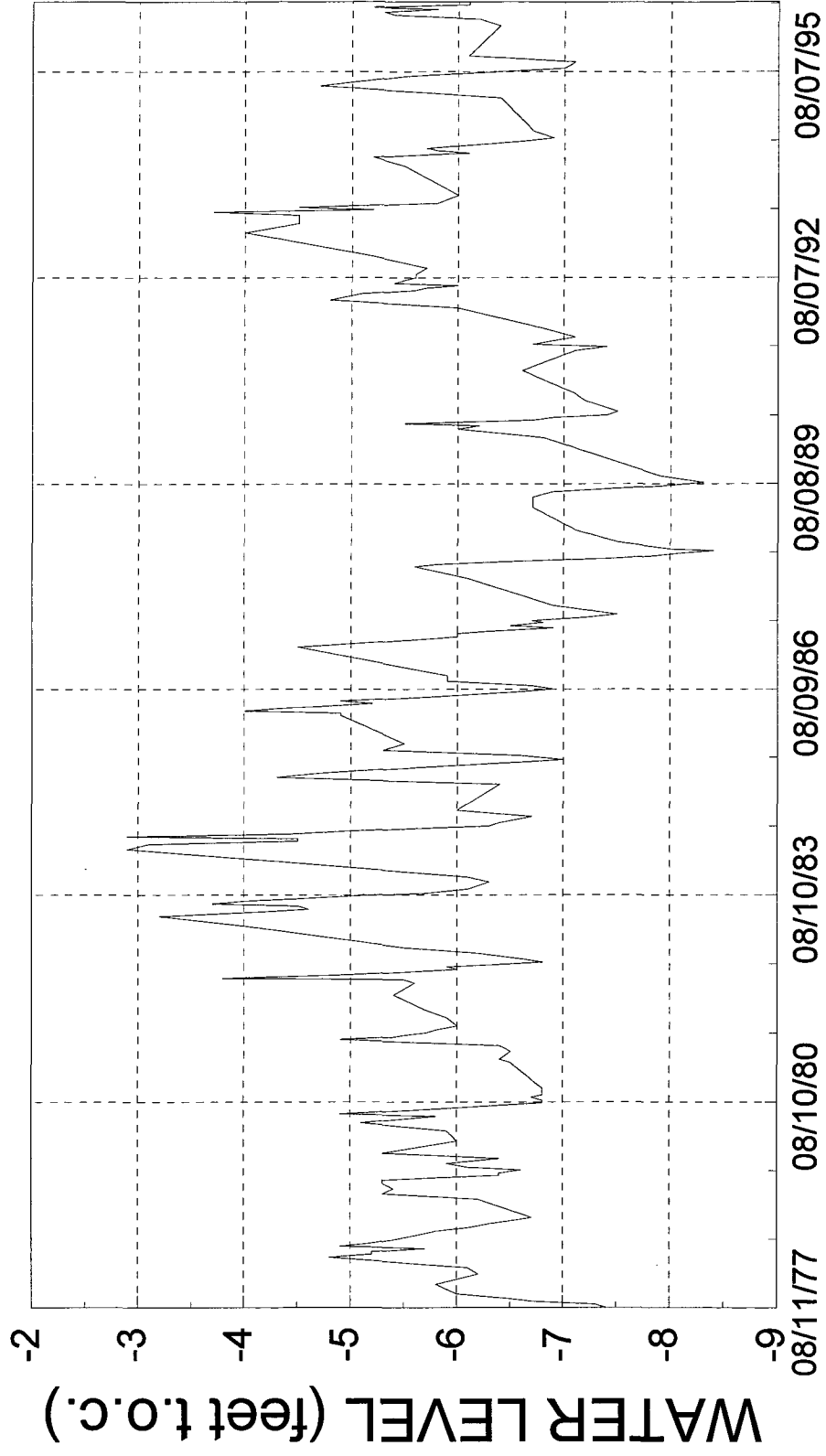
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI-93-4195, USGS, Rapid City, SD, 57702.
- Water Rights, 1996, Unpublished Observation Well Records for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

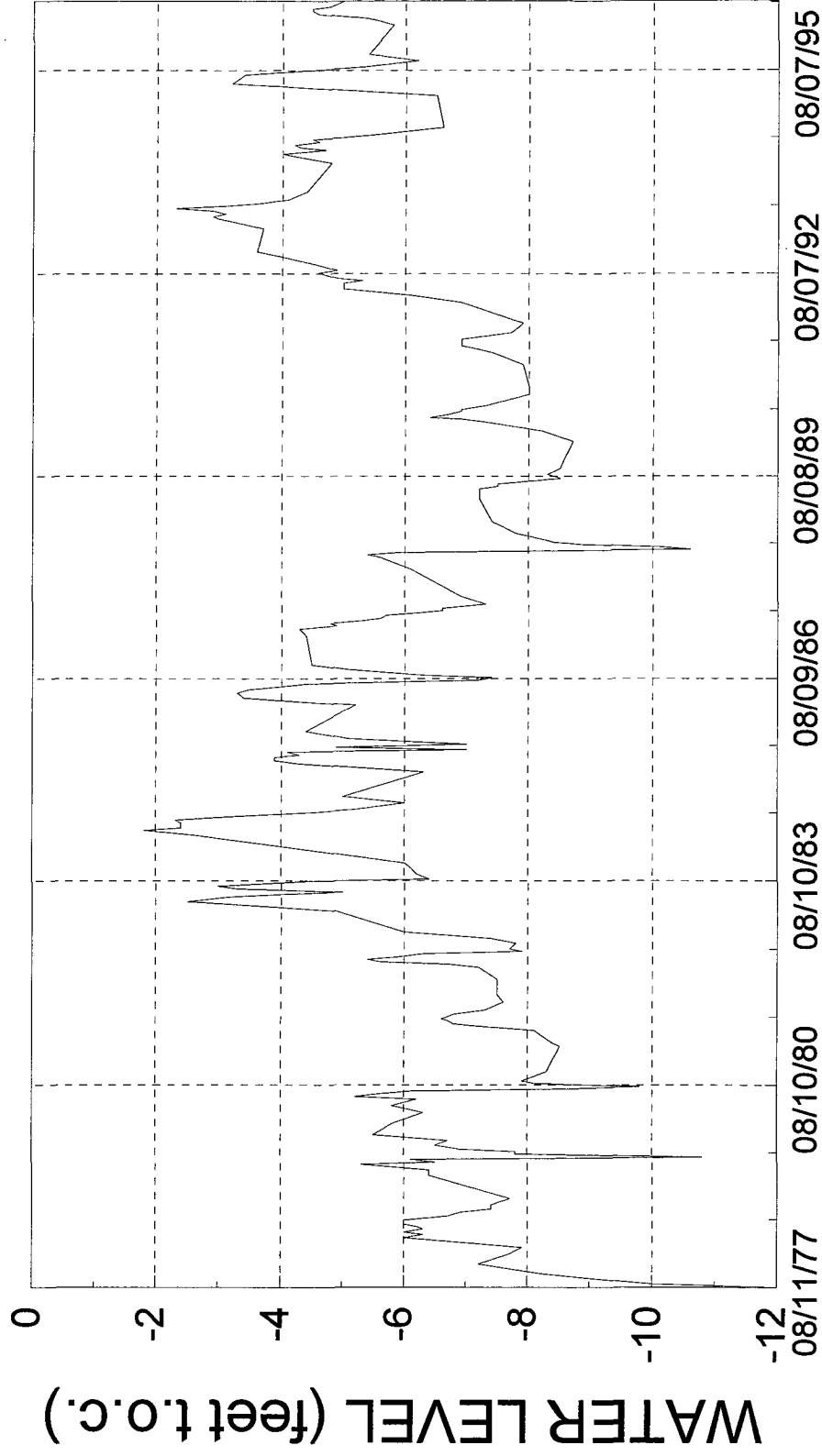
WATER RIGHTS OBSERVATION WELL

UN-77B



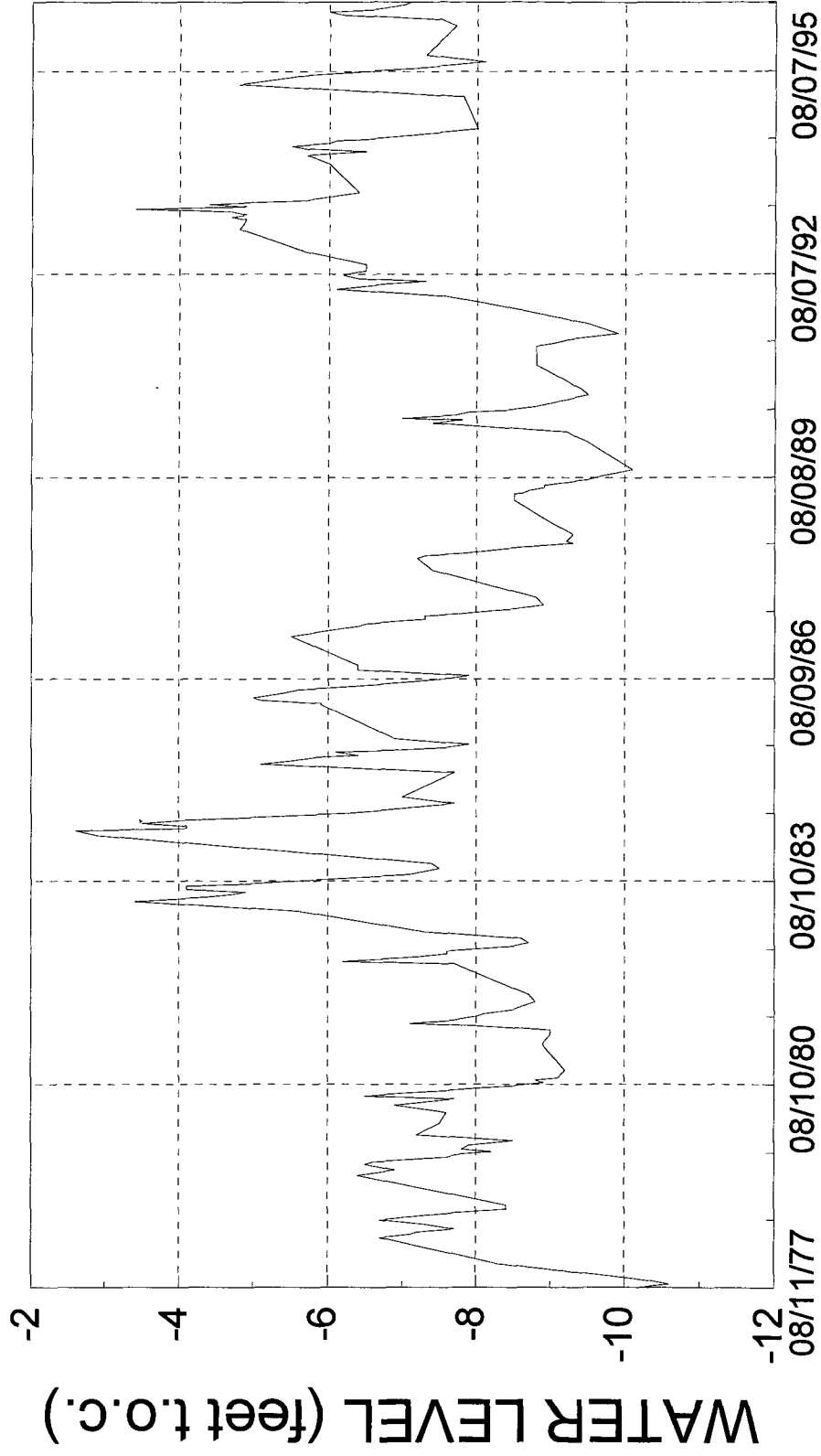
WATER RIGHTS OBSERVATION WELL

UN-77C



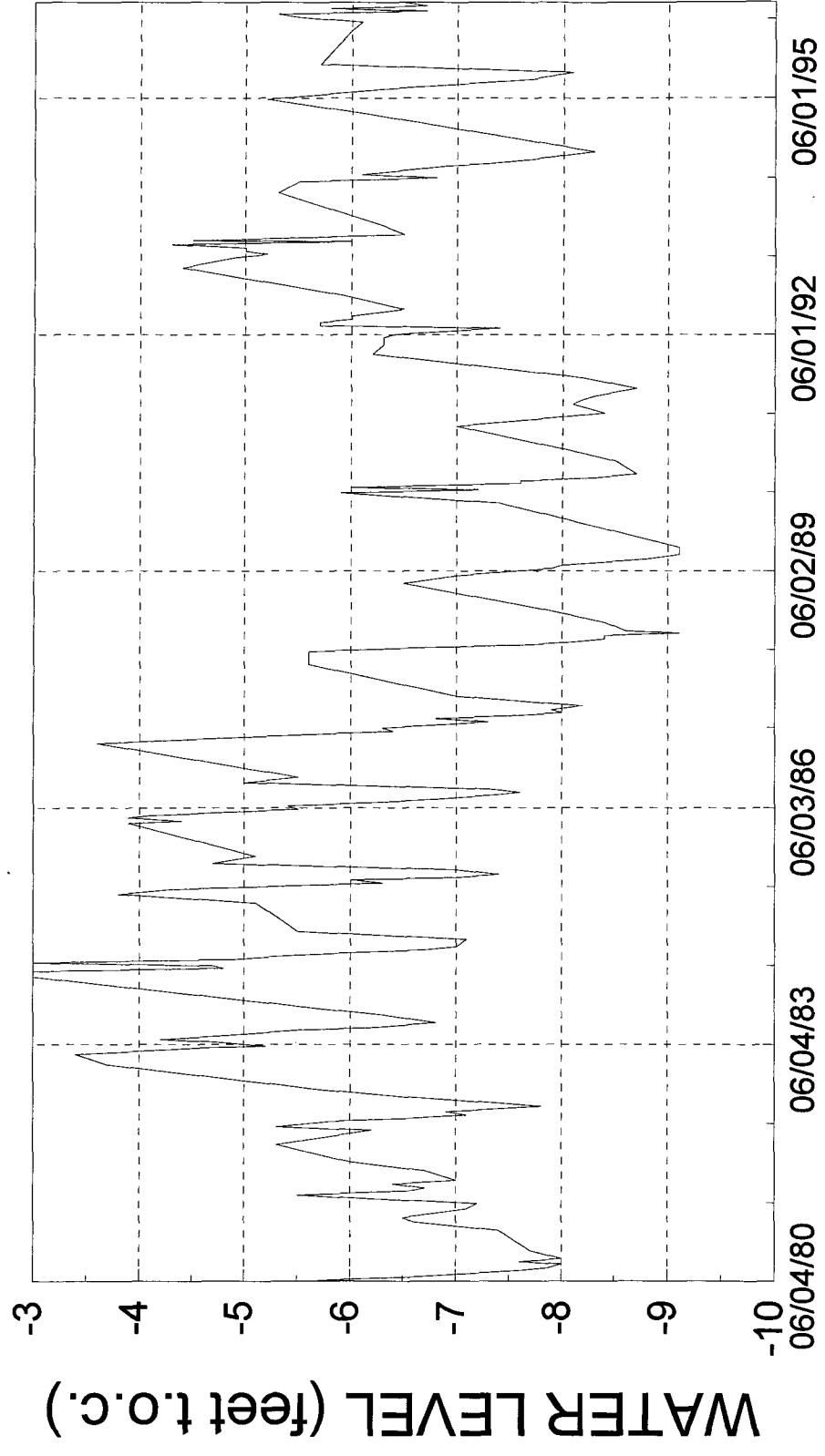
WATER RIGHTS OBSERVATION WELL

UN-77D



WATER RIGHTS OBSERVATION WELL

UN-80C



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5950-3, Larry Andrews**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5950-3, Larry Andrews, RR 1, Box 68, Beresford, SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 5950-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. 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
September 13, 1996



**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.

September 25, 1996

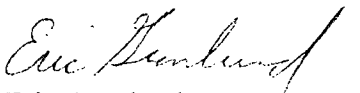
Larry Andrews
RR 1, Box 68
Beresford, SD 57004

Dear Mr. Andrews:

Water Permit Application No. 5950-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Beresford Republic printed at Beresford, SD (Ph # (605) 763-2006). 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
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

September 25, 1996

Beresford Republic
Box 111
Beresford, SD 57004-0111

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5950-3 to be published twice. Please publish the first notice on October 3, 1996, 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 Larry Andrews, RR 1, Box 68, Beresford, SD 57004 (Ph # (605) 253-2216).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. 5950-3

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 October 3, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5950-3 to Appropriate Water
and Amend Water Permit No. 4684-3

Notice is given that Larry Andrews, RR 1, Box 68, Beresford, SD 57004 has filed an application for a water permit to appropriate 1.05 cubic feet of water per second (cfs) and to irrigate 76 additional acres. Water Permit No. 4684-3 appropriates 0.86 cfs from one well 98 feet deep (Brule Creek Aquifer) located in the NE 1/4 SW 1/4 Section 2 to irrigate 60 acres located in portions of the SW 1/4 and NW 1/4 Section 2; all in T94N-R50W. This application is to appropriate an additional 1.05 cfs from the existing well to irrigate 76 additional acres located in the SW 1/4 Section 2-T94N-R50W. A 136 acre center pivot will operate in the SW 1/4 Section 2-T94N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5950-3 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 this 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 Program, 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 October 21, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 1996

Larry Andrews
RR 1 Box 68
Beresford SD 57004

Dear Mr. Andrews:

I am writing to advise you that the legal notice of hearing on your Water Permit Application No. 5950-3 published in the Beresford Republic was incorrect. The location of the 76 additional acres irrigated was listed as being located in Section 2-T49N-R50W. The correct location is Section 2-T94N-R50W.

Our letter to the newspaper instructed them to send a copy of the first publication to us so the notice could be checked for errors and correction made in the second publication. However, we did not receive a clipping of the first notice published in the paper in time to have the correction made for the second publication.

As a result of the error, the legal notice will need to be readvertised. The readvertisement is needed to ensure the permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is enclosed. **Be sure to contact the Beresford Republic (phone 605 763-2006) to authorize publication on October 24 & 31 and arrange for payment.**

If you have questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

cc: Beresford Republic



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 1996

Beresford Republic
Box 111
Beresford, SD 57004-0111

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5950-3 to be published twice. Please publish the first notice on October 24, 1996, with the second publication 7 days later. This notice is being readvertised because of an error in the original notice published October 3 and 10, 1996.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The APPLICANT is Larry Andrews, RR 1, Box 68, Beresford, SD 57004 (Ph # (605) 253-2216).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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

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and Amend Water Permit No. 4684-3

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5950-3 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 this 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Union)

1. Manuel A Peterson

certify that the attached printed Notice was

taken from the Beresford
Republic

printed and published in Beresford

County of Union and State of

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

Oct 3, 1996

Oct 10, 1996

Cost of Printing: \$36.47

**NOTICE OF APPLICATION NO. 59503-3
 TO APPROPRIATE WATER AND
 AMEND WATER PERMIT NO. 4684-3**

Notice is given that Larry Andrews, RR 1, Box 68, Beresford, SD 57004 has filed an application for a water permit to appropriate 1.05 cubic feet of water per second (cfs) and to irrigate 76 additional acres. Water Permit No. 4684-3 appropriates 0.86 cfs from one well 98 feet deep (Brule Creek Aquifer) located in the NE1/4SW1/4 Section 2 to irrigate 60 acres located in portions of the SW1/4 and NW1/4 Section 2; all in T94N-R50W. This application is to appropriate an additional 1.05 cfs from the existing well to irrigate 76 additional acres located in the SW1/4 Section 2-T49N-R50W. A 136 acre center pivot will operate in the SW1/4 Section 2-T94N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5950-3 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

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Nettie H. Myers, Secretary
 Department of Environment and Natural Resources

Publish October 3 and 10, 1996

* Myer Smith
 (Signature)

Publisher
 (Title)

10-16-96
 (Date Signed)

AFFIDAVIT OF PUBLICATION

State of South Dakota

County: Union

City: Beresford

Newspaper: Beresford Republic

Marvel D. Peterson of said county, being first duly sworn, on oath, says: That she is the Business Manager of the said newspaper, a weekly newspaper published in said city and county, State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Application

No. 5950-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2

successive week(s) to wit:

<u>10/24</u>	<u>1996</u>	<u>19</u>
<u>10/31</u>	<u>1996</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person; and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 36.47

Signed: Marvel D. Peterson

Subscribed and sworn to before me this 13th

day of November 1996.

M. J. Sunk
Notary Public

My Commission expires 11-15-98.

NOTICE OF APPLICATION NO. 5950-3 TO APPROPRIATE WATER AND AMEND WATER PERMIT NO. 4684-3

Notice is given that Larry Andrews, RR 1, Box 68, Beresford, SD 57004 has filed an application for a water permit to appropriate 1.05 cubic feet of water per second (cfs) and to irrigate 76 additional acres. Water Permit No. 4684-3 appropriates 0.86 cfs from one well 98 feet deep (Brule Creek Aquifer), located in the NE1/4SW1/4 Section 2 to irrigate 60 acres located in portions of the SW1/4 and NW1/4 Section 2; all in T94N R50W. This application is to appropriate an additional 1.05 cfs from the existing well to irrigate 76 additional acres located in the SW1/4 Section 2-T94N-R50W. A 136 acre center pivot will operate in the SW1/4 Section 2-T94N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5950-3 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 this application or recommendation must file a written petition with BOTH the applicant and chief engineer.

This applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 1996.

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 Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment and Natural Resources

Publish October 24 and 31, 1996





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Larry Andrews
RR 1, Box 68
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed is Water Permit No. 5950-3 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.

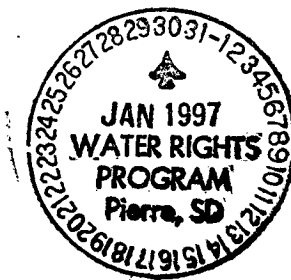
Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1-27-97TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Larry Andrews R.R. 1 Box 68
(name) (address)
Beresford S.D. 57004 (605) 253-2032
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5950-3.

Water Permit No. 5950-3 states that the diversion system is to be constructed by 11-12-01, and that the water is put to beneficial use by
(date)

11-12-05
(date)

The diversion system was completed on 6-1-96
(date)

Applying the water to beneficial use was completed on 8-15-96
(date)

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

Larry Andrews
(signature)

5950-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: LARRY D ANDREWS, RR 1 BOX 68, BERESFORD, SD 57004 9735

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4684-3 & 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4684-3 & 5950-3 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, March 3, 1999 in 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) 4684-3 & 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 1, 1999, 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 (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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1999

Larry D Andrews
30077 471st Ave
Beresford, SD 57004

RE: Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 & 5950-3

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 and 5950-3.

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

Permit No. 5950-3
Big Sioux River - Water District

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

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

I have this day, June 17, 2002, made a thorough examination of the water use system constructed by Larry Andrews of 30077 471st Ave, Beresford SD 57004 holder of Permit No. 5950-3 and 4684-3, bearing the priority of August 7, 1996 and March 12, 1981, respectively, authorizing the diversion of 1.05 and 0.86 cu. ft. per second, respectively, of the waters of ground water (Brule Creek Aquifer) for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Larry Andrews**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 98 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 93 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 5 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Western Land Roller

Motor:

- 1) Make GM Diesel, 4 cylinder
- 2) Serial No. 335575

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,375 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure low
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

Report of Examination of Works

Permit No. 5950-3 and 4684-3

The system is in good condition with the point of diversion located as follows: well (NE $\frac{1}{4}$ SW $\frac{1}{4}$): 1,800 feet E of the W $\frac{1}{4}$ corner section 2-T94N-R50W (Lat 42.98968, Long. -96.71981). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **All in section 2-T94N-R50W**

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres

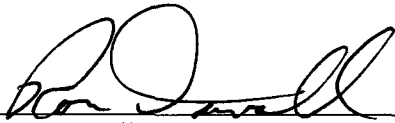
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14 acres

comprising a total of 116 acres of land and the license should be issued for 1.65 cfs.

Comments or other permit(s) associated with the project: **4684-3** | All structures, wells and lands on map Y

Permit No. 4684-3 is incorporated into No. 5950-3. A priority date of March 12, 1981 is assigned for diversion of 0.86 cfs (No. 4684-3) and August 7, 1996 for 0.79 cfs (No. 5950-3) for a total of 1.65 cfs.

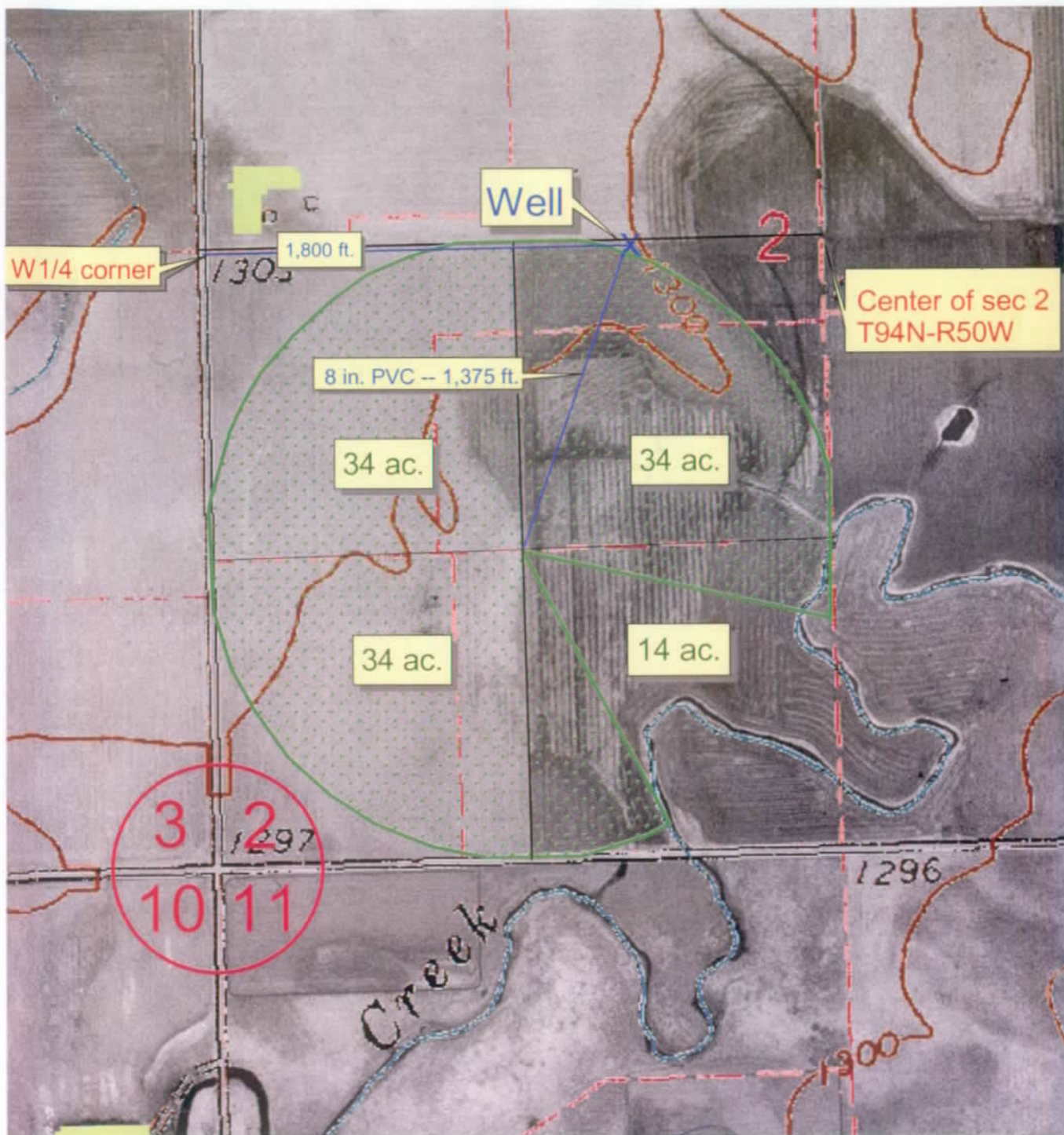


Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 28, 2002

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall

Ron Duvall, Nat. Res. Engineer
August 28, 2002

Nos. 5950-3 and 4684-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 30, 2002

5950-3

Larry Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

On June 17, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 4684-3 and 5950-3, was completed by Ron Duvall, a staff engineer with our program. The investigation involved the irrigation system in the SW ¼ of Section 2, T94N, R50W. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

The water license will incorporate the applicable portions of Water Permit No. 4684-3 into No. 5950-3. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 14, 20 02

RECEIVED OF Barry Adams, 30077 47th Ave., Harshard SD 57004-8758

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5850-S</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. _____

By _____

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 26 2002

5950-3

Larry Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Water License No. 5950-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000342 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. 5950-3, 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

NOTE: The applicable portions of No. 4684-3 are incorporated into Water License No. 5950-3.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5950-3

(1) Larry Andrews, 30077 471st Ave, Beresford SD 57004 made Application No. 5950-3, August 7, 1996 for a water permit to divert 1.05 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5950-3, with a priority date of August 7, 1996 was approved November 12, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2001 and for the application to beneficial use of water on or before November 12, 2005.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 30, 1997. The *Notice* stated the diversion system was completed on June 1, 1996 and the water placed to beneficial use on June 1, 1996.

Water Permit No. 4684-3, with a priority date of March 12, 1981 authorized 0.86 cfs to irrigate 60 acres. The applicable portions of No. 4684-3 are incorporated into No. 5950-3.

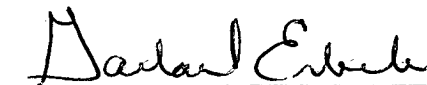
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5950-3 is issued a license, bearing priority dates of March 12, 1981 (0.86 cfs) and August 7, 1996 (0.79 cfs) to appropriate 1.65 cfs from groundwater (one well) to irrigate 116 acres.

The diversion point is located: 1,800 feet east of the West ¼ corner of Section 2-T94N-R50W. The acres authorized for irrigation are as follows:

Section 2-T94N-R50W	NE ¼ SW ¼	34 acres
	NW ¼ SW ¼	34 acres
	SW ¼ SW ¼	34 acres
	SE ¼ SW ¼	14 acres
Total 116 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 5950-3 including the following qualifications:

- 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.
- 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

NOV 26 2002

date





5950-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 28, 2003, 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 (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.



5950-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 4425

Your item was delivered at 3:05 pm on January 21, 2003 in
BERESFORD, SD 57004. The item was signed for by L. ANDREWS.

[Shipment History >](#)[Request Delivery Record >](#)

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LARRY D ANDREWS
30077 471st AVE
BERESFORD SD 57004 9735

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PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2003

605-3
2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57006 9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 605-3, 2193-3, 2194-3 and 5950-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Ron Duvall, with our program, spoke with you concerning reissuing a couple of the water rights to incorporate them together since they are for the same land and system. The incorporated water license will be sent to you under separate cover when we have it completed.

If you have any questions, please contact me.

Sincerely,

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



5950-3

**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 26, 2007

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 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 7, 2007 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) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaires 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/E0455V5-IQ.pdf>

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.



5950-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2007

2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004-9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2193-3, 2194-3 and 5950-3.

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

5950-3

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Track & Confirm

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Status: **Delivered**

Your item was delivered at 10:48 AM on January 27, 2007 in
BERESFORD, SD 57004. The item was signed for by J ANDREWS.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7085	Pos: AT
	Address: LARRY D ANDREWS
	30077 471st AVE
	BERESFORD SD 57004 9735
Waiver of Signature ☐ YES ☐ NO	
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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 22, 2010

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 qualification:

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

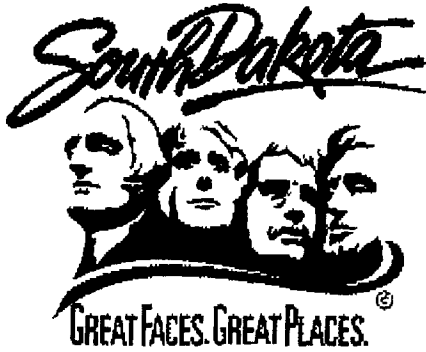
The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 5, 2010**, 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 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.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2010

2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004-9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2193-3, 2194-3 and 5950-3.

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

5950-3

RECEIVED
MAY - 3 2017
WATER RIGHTS
PROGRAM

April 30, 2017

Eric Gronlund
Water Rights Program, DENR
523 E Capitol Ave
Pierre SD 57501

Dear Eric

I am contacting you regarding center pivot end guns overspray creating a hazard and damage on highly traveled gravel roads.

These are three center pivots in Sections 2 & 3-94-50 in Union County SD.

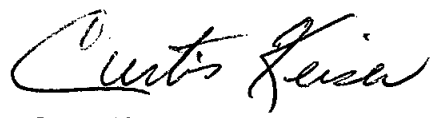
I have attached plat map for you to reference to. Two off these three pivots come directly across from each other and really create a hazard and road damage during irrigation season.

I am aware through notices from your department in local papers this is not allowable and irrigation permits are subject to this.

I am asking your department to investigate this complaint.

Please feel free to contact me regarding this.

Thanks,



Curtis Keiser
30450 474th Ave
Beresford, SD 57004

605-212-3865
curtkeiser@gmail.com

Want a "free" extra book?

By reviewing township Directory maps for correct information before we publish the next issue, FHP will send you a free book of any county in any state printed by FHP for that year.

Contact our updating dept. at

800-685-7432-ext. 2605 or

email: camille.knowles@farmandhomepublishers.com

RECEIVED

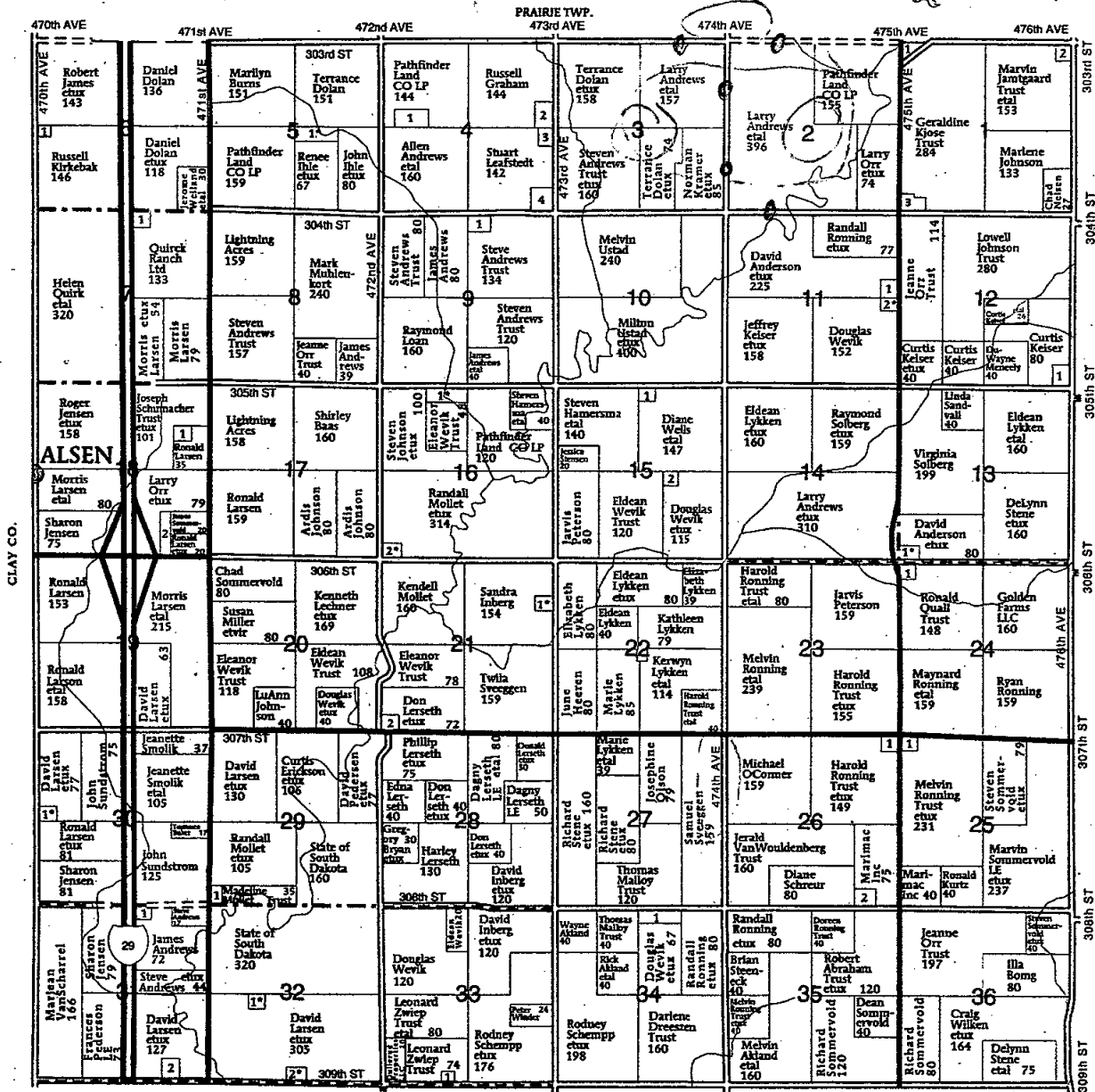
MAY 3 2017

WATER RIGHTS
PROGRAM

T-94-N

EMMET PLAT

R-50-W



EMMET TOWNSHIP

SECTION 1

1. Busch, Todd 7
2. Jackson, Mary 6
3. VanBailegooyen, Harvard 19

SECTION 4

1. Deen, Gary 15
2. Nelson, Robert 12
3. St Joseph Cemetery 6
4. Schlueter, Ruth 12

SECTION 5

1. Akland, Rick 13

SECTION 6

1. State of South Dakota 6

SECTION 7

1. State of South Dakota 5

SECTION 9

1. Andrews, James 6

SECTION 11

1. Peterson, Jesse 14

SECTION 12

1. Keiser Dairy Inc 13

SECTION 13

1. Pfeiffer, Chris 12

SECTION 15

1. Palmer, Michael 13

SECTION 16

1. Lagerquist, Jon 12
2. Overmyer, Benjamin 6

SECTION 18

1. Welland, Donald 5
2. Western Contrasting Co 12

SECTION 21

1. Neuman, David 5
2. Roseni Lutheran Church 6

SECTION 24

1. Quail, Mark 10

SECTION 25

1. Bircher, Kenneth 6

SECTION 26

1. Oswald, Leslie 7
2. Freng, Robert 5

SECTION 29

1. Sweeney, James 5

SECTION 30

1. Remund, Allen 7

SECTION 31

1. Wivinis, Jerry 6
2. Beeler, Charles 14

SECTION 32

1. Larsen, Todd 6
2. Goeden, Travis 8

SECTION 33

1. Martin, Gloria 6

SECTION 34

1. Maurstad, Douglas 13



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

No. 2193-3
2194-3
5950-3

May 5, 2017

Larry Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

The Department of Environment and Natural Resources (DENR) received a request to investigate overspray by your irrigation systems located in the NE 1/4 Section 3 and W 1/2 Section 2; all in T94N-R50W. DENR received a similar request last summer and sent you a letter July 1, 2016.

With the start of the irrigation season approaching DENR is again reminding irrigators of their responsibilities as water right holder. Now is the time to take the steps to insure your entire irrigation system is functioning properly. Please include checking the stops which are used to shut off end guns to avoid overspray and subsequent waste of water.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. If overspray occurs and we receive complaints, it will result in DENR investigating and potential enforcement action.

If you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,


Eric Gronlund
Water Rights Program, DENR
605 773-3352



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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://danr.sd.gov/iq> using this password: OJSTHX**

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.

5950-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2193-3, 2194-3 and 5950-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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