

WATER PERMIT NO. 6248-3

Name of Applicant: Curry Seed Co.

Address: Box 517, Elk Point SD 57025 Phone: 605 356-3366

Amount of Water Claimed: 1.06 cfs Total Acres: 72 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 2 miles southeast of Elk Point

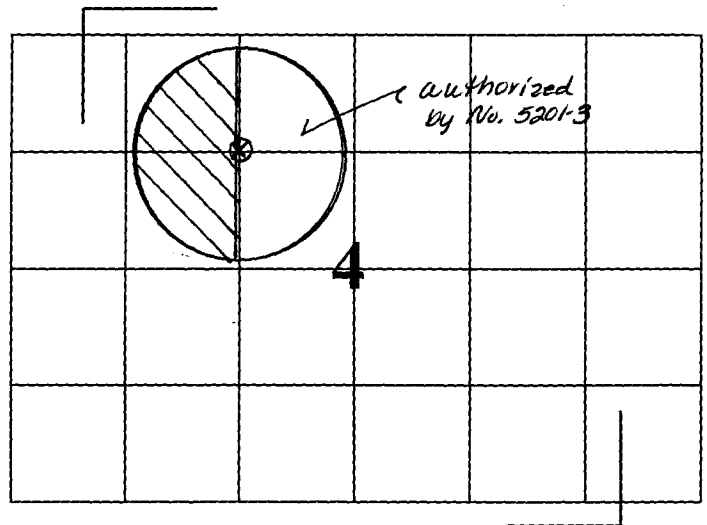
PRIORITY Date Received: 1-10-2001 Fee: \$225

Corrected Application Received:: Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: center of NW ¼ Sec 4-T90N-
R49W

Land to be Irrigated: W ½ NW ¼
Sec 4-T90N-R49W



Depth of Well: 137 feet deep

Well Driller: : Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Larry Wilcox, FSA

Reviewed and the Number Assigned on: 1-12-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6248-3**

Date of first receipt of application January 11, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6248-3 to Curry Seed Co., c/o William J Curry, Box 517, Elk Point SD 57025 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. 6248-3 appropriate 1.06 cubic feet of water per second (cfs) from one existing well (Missouri-Elk Point Aquifer) 137 feet deep located in the center of the NW ¼ Section 4 to irrigate 72 acres located in the W ½ NW ¼ Section 4; all in T90N-R49W. Water Right No. 5201-3 currently appropriates 0.94 cfs from this well to irrigate the E ½ NW ¼ of Section 4. This permit allows the pivot to make full rotation.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is January 11, 2001.
4. The date of approval of Permit No. 6248-3 is March 19, 2001.
5. One-fifth of the construction is to be completed on or before September 19, 2003.
6. All construction is to be completed on or before March 19, 2006.
7. Water is to be put to beneficial use on or before March 19, 2010.
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: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 04 2001

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>6248-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Leader-Courier, Box 30, Elk Point 57025</u>



Application For Permit To Appropriate Water For Irrigation

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

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

Increase from .94 cfs to 1.89 cfs And irrigate for ag use
72A of W 1/2 NW 1/4 Section 4 - T90N - R49W

1. Name of Applicant Curry Seed Co Phone 605/356-3366
(check one) Owner X Tenant/lessee
Mailing Address 701 N. Walnut Box 517 Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.89 *CFS or 900 **GPM ***AF Total Acreage 72
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Underground water - 120' well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
One well in Lot B of Govt Lots 1+2 NW 1/4 4 - 90N + 9W less H1 + H2
center NW 1/4 County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April to 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
<u>NW 1/4 NW 1/4 4-90N-49W</u>	<u>36</u>		
<u>SW 1/4 NW 1/4 4-90N-49W</u>	<u>36</u>		

8. Give a description of the project. (Attach sheet if more space is needed) The land has been rented by Curry Seed which has a 1400' pivot on the East 96 acres which has permit # 5201-3. We wish to irrigate the West 80A with the existing pivot and well.

STATE OF SOUTH DAKOTA) SS
County of Union

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)

I, William Curry for Curry Seed Co the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature William Curry for CSC
Subscribed and sworn to before me this 8 day of January 20 01

Audrey L. Morse
Notary Public signature

Expires 10-27-02

Supplemental Information

(type or print in ink)

Alice Curry

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 1/2" Depth 130'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Slotted Diameter 16" 40' Thickness 1/2"
- d) Gravel Pack Per Gravel Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 70'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
- On applicants property Approx 1500' On property owned by others Approx 1500'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

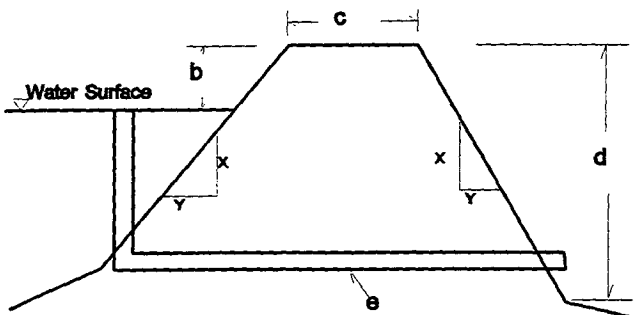
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416729

Pierre, January 11, 2001

RECEIVED OF Curry Seed Company, PO Box 517 Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6248-3</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. <u>6248-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for <u>and</u> _____ _____ _____		
(Any Other Work Provided by Law)	Total	275 00

By

Chief Engineer

Darland Ebel

gm

1-8-01

Dept. of Environ. and Nat. Res.
523 East Capitol
Pierre, SD 57501

Enclosed please find a check for \$750.⁰⁰
This payment is for three applications
for water rights at Elk Point, SD.
One application is to add more acres
to an established permit # 5201-3.
The other two are for proposed construction
for 71.1 A and 58.0 Acres.

If any questions are necessary,
please call at 605/356-3366 or
write to Curry Seed Co, inc. care of
Bill Curry, Box 517, Elk Point, SD 57025.
Thank you.

Sincerely,
Bill Curry



REPORT ON WATER PERMIT APPLICATION NO. 6248-3
for Curry Seed Co.
February 9, 2001

Application No. 6248-3 proposes to appropriate 1.06 cfs (476 gpm) from one well approximately 137 feet deep located in the center of the NW 1/4 section 4 to irrigate 72 acres located in the W 1/2 NW 1/4 of section 4; all in T90N R49W in Union County. Water Right No. 5201-3 currently appropriates 0.94 cfs from this well to irrigate 66 acres in the E 1/2 NW 1/4 of section 4. Approval of this application will allow the pivot to make a complete circle.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which can be under confined or water table conditions in this area. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to the Big Sioux South aquifer to the north, the Lower Vermillion Missouri aquifer to the northwest, extends into Clay County to the west and also to the Big Sioux and Missouri Rivers. Ground water movement is from northwest to southeast across the area of this application (Niehus, 1994).

The well log filed with this application indicates fine sand from 12 feet to 85 feet followed by coarse sand and gravel from 85 feet to 135 feet all below land surface. The completed well has a static water level of 19 feet below land surface and was capable of producing 1200 gpm with a drawdown of 13 feet. This equates to a specific capacity of 92 gpm/ft of drawdown. This is an excellent well and is completed in accordance with SD Well Construction Standards.

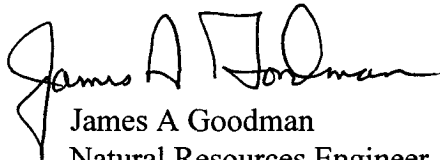
The Water Rights Program does monitor observation wells in this area. Observation well UN-80E is located about one and one-half miles north and observation well UN-77O is located about two miles south of the well site for this application and both are completed into the Missouri Elk Point aquifer. Water levels for these wells show good response to climatic conditions. That is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals. Hydrographs for these observation wells are included with this report (Water Rights, 2001).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are numerous irrigation permits in this area of Union County. There are three existing irrigation wells located about one-half mile from the well for this application. Interference is not a concern. Drawdown created by pumping does not appear to be significant. This is shown by very little fluctuation in the observation well hydrographs.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. Drawdown is not expected to be significant and interference is not a concern.
3. This is an existing well and is completed in accordance with SD Well Construction Standards.
4. Approval of this application will allow the existing center pivot to make a complete circle in the NW 1/4 of section 4, T90N R49W.



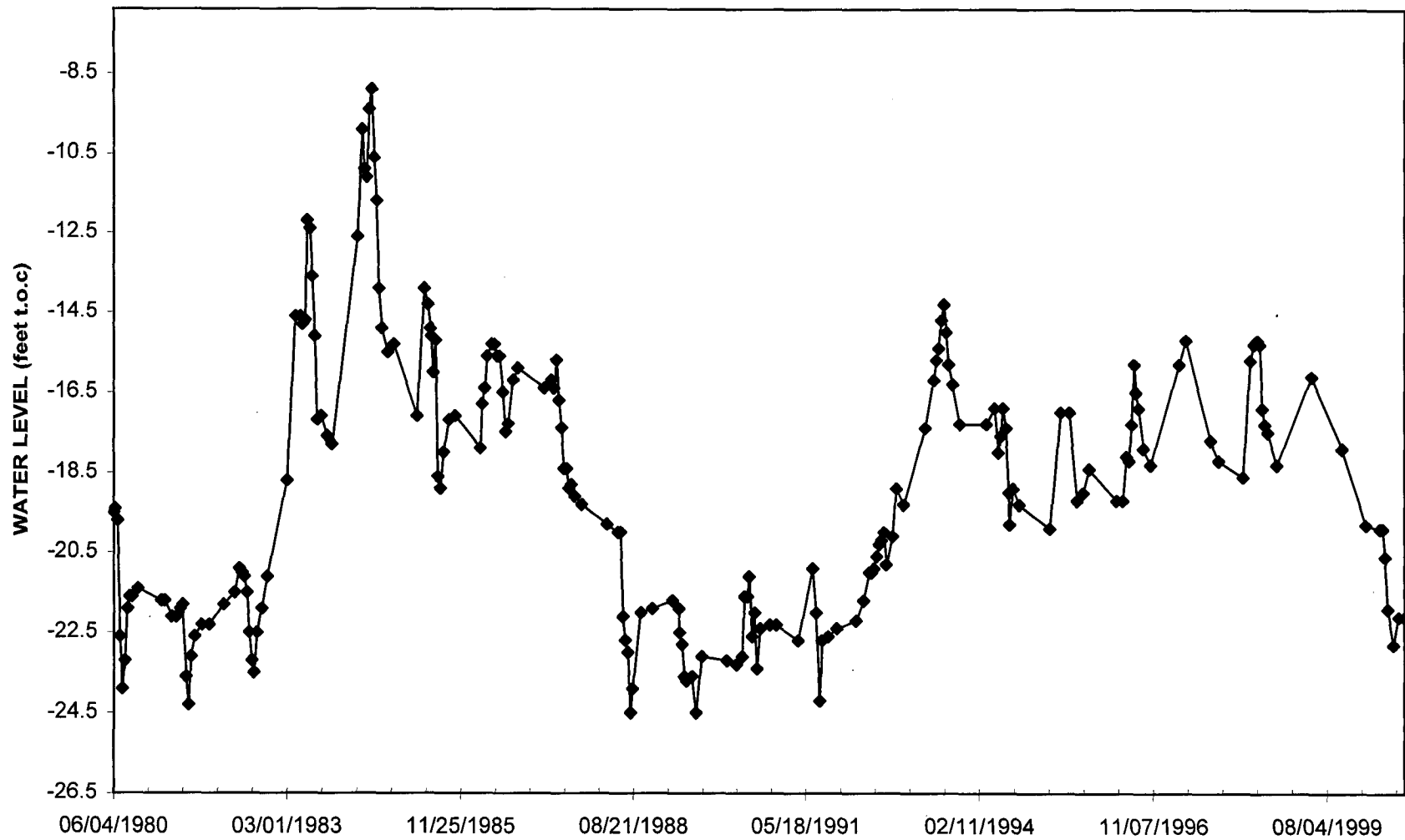
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

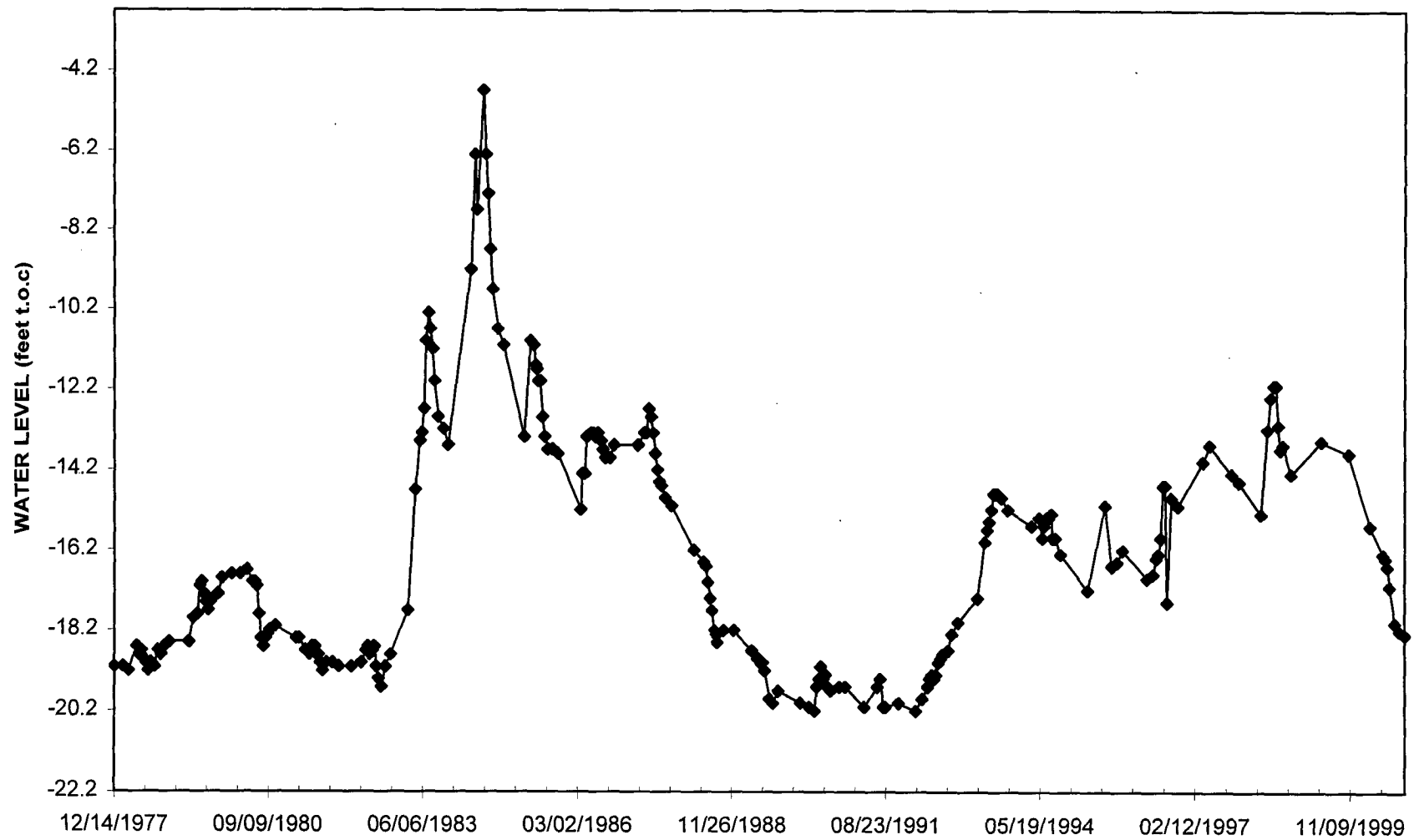
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 2001, Unpublished Observation Well Data for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
UN-80E**



WATER RIGHTS' OBSERVATION WELL
UN-770





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6248-3, Curry Seeds Company**

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. 6248-3, Curry Seeds Company, c/o William J. Curry, box 517, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 6248-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
02/20/01



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2001

Elizabeth Daily
10500 Rockville Pike
Rockville, MD 20852

John Dennison
32857 482nd Avenue
Jefferson SD 57038

Dear Ms. Daily and Mr. Dennison:

Please find enclosed a copy on a notice of water right permit applications filed by Curry Seeds of Elk Point, South Dakota. This notice is scheduled to be published in the Elk Point Courier on March 1 and 8, 2001.

This information is because the applicant indicated you are owner of a portion of the land proposed to be irrigated under Water Permit Application No. 6248-3. I want you to be aware of the pending application.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 20, 2001

William J. Curry
Curry Seed Co.
Box 517
Elk Point, SD 57025

Dear Mr. Curry:

Water Permit Application Nos. 6246-3, 6247-3 and 6248-3 for irrigation use have 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 Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports 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 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 application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 2001

Leader-Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 6246-3, 6247-3 and 6248-3 to Appropriate Water to be published twice. Please publish the first notice on March 1, 2001 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 Curry Seed Co., %William J. Curry, Box 517, Elk Point, SD 57025 (Ph # 605-356-3366).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 6246-3, 6247-3 and 6248-3

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

Date _____

We are in receipt of your letter of February 20, 2001 enclosing Notice of Hearing to Appropriate Water by Application Nos. 6246-3, 6247-3 and 6248-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Union)

I, Susan Odson

certify that the attached printed Notice was taken

from the _____

Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 1, 2001

March 8, 2001

Cost of Printing 53.06

Susan Odson

(Signature)

Affidavits Coordinator
 (Title)

March 8, 2001

(Date Signed)

NOTICE OF APPLICATION NOS. 6246-3, 6247-3 AND 6248-3 TO APPROPRIATE WATER

Notice is given that Curry Seed Co., c/o William J. Curry, Box 517, Elk Point, SD 57025 has filed the following applications for a water permit.

Application No. 6246-3 is to appropriate 2.0 cubic feet of water per second (cfs) from one well (Missouri-Elk Point Aquifer) 130 feet deep located in the SW1/4 SW1/4 Section 33 to irrigate 58 acres located in the W1/2 SW1/4, SE1/4 SW1/4 Section 33; all in T91N-R49W.

Application No. 6247-3 is to appropriate 2.0 cfs from one well (Missouri-Elk Point Aquifer) 130 feet deep located in the N1/2 NW1/4 Section 8 to irrigate 71.1 acres located in the N1/2 NW1/4 Section 8; all in T90N-R49W.

The diversion rates for Application Nos. 6246-3 and 6247-3 are in excess of one cfs for each 70 acres irrigated, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.

Application No. 6248-3 is to appropriate 1.06 cfs from one existing well (Missouri-Elk Point Aquifer) 137 feet deep located in the center of the NW1/4 Section 4 to irrigate 72 acres located in the W1/2 NW1/4 Section 4; all in T90N-R49W. Water Right No. 5201-3 currently appropriates 0.94 cfs from this well to irrigate the E1/2 NW1/4 of Section 4. Approval of this application will allow the pivot to make full rotation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6246-3, 6247-3 and 6248-3 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 recommendation. If a petition opposing the applications 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 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 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 March 19, 2001.

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 Program address to request copies of information pertaining to these applications.

Steven M. Pirner, Secretary
 Department of Environment and
 Natural Resources
 Publish: March 1 & 8, 2001
 9-9



Instruction to Newspaper - Publish first Notice on March 1, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6246-3, 6247-3 and 6248-3 to Appropriate Water

Notice is given that Curry Seed Co., c/o William J Curry, Box 517, Elk Point SD 57025 has filed the following applications for a water permit.

Application No. 6246-3 is to appropriate 2.0 cubic feet of water per second (cfs) from one well (Missouri-Elk Point Aquifer) 130 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33 to irrigate 58 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33; all in T91N-R49W.

Application No. 6247-3 is to appropriate 2.0 cfs from one well (Missouri-Elk Point Aquifer) 130 feet deep located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8 to irrigate 71.1 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8; all in T90N-R49W.

The diversion rates for Application Nos. 6246-3 and 6247-3 are in excess of one cfs for each 70 acres irrigated, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.

Application No. 6248-3 is to appropriate 1.06 cfs from one existing well (Missouri-Elk Point Aquifer) 137 feet deep located in the center of the NW $\frac{1}{4}$ Section 4 to irrigate 72 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 4; all in T90N-R49W. Water Right No. 5201-3 currently appropriates 0.94 cfs from this well to irrigate the E1/2 NW1/4 of Section 4. Approval of this application will allow the pivot to make full rotation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6245-3, 6247-3 and 6248-3 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 recommendation. If a petition opposing the applications 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 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 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 March 19, 2001.

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 Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 04 2001

Curry Seed Co.
% William J Curry
Box 517
Elk Point, SD 57025

Dear Mr. Curry:

Enclosed are Water Permit Nos. 6247-3, 6248-3 and 6246-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 6248-3
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 29, 2006, made a thorough examination of the water use system constructed by Curry Seed Co. – William J Curry of Box 517, Elk Point SD 57025 holder of Permit No. 6248-3, bearing the priority of January 11, 2001 authorizing the diversion of 1.06 cu. ft. per second of the waters of Missouri – Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship **Bill Curry – renter/operator**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 137 feet
- 4) Well log is available yes
- 5) Comment: **Drilled in 1988 and authorized by WR 5201-3.**

Casing:

- 1) Diameter 16 inches
- 2) Length 95 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 40 feet
- 3) Static water level 19 feet

Pump:

- 1) Make Mid America
- 2) Model
- 3) Size
- 4) Capacity 800 GPM

Motor:

- 1) Make John Deere diesel
- 2) Model No.
- 3) Horsepower rating 100 hp

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

- 1) Type steel
- 2) Size 8 inches
- 3) Length 10 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1340 feet
- 3) Number of towers 8
- 4) Distance between towers _____ feet
- 5) End gun yes
- 6) High or low pressure low
- 7) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: 1340' E and 1425' S of the NW corner Section 4-T90N-R49W (42.645637/-96.640586). 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 4-T90N-R49W:
NW NW 36 acres
SW NW 36 acres

legal description/acreage

comprising a total of 72 acres of land and the license should be issued for 0.84 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

The well used for 6248-3 is authorized under WR 5201-3. 5201-3 currently appropriates 0.94 cfs to irrigate the E½ NW¼ Section 4-T90N-R49W. 6248-3 authorizes irrigation on the W½ NW¼ so the center pivot can make a full circle. Combined, 138 acres are irrigated at a diversion rate of 1.78 cfs. The irrigated land under the WR's have separate owners and therefore the WR's should not be incorporated. 6248-3 should be licensed for 0.84 cfs, the remainder of the 1.78 cfs.

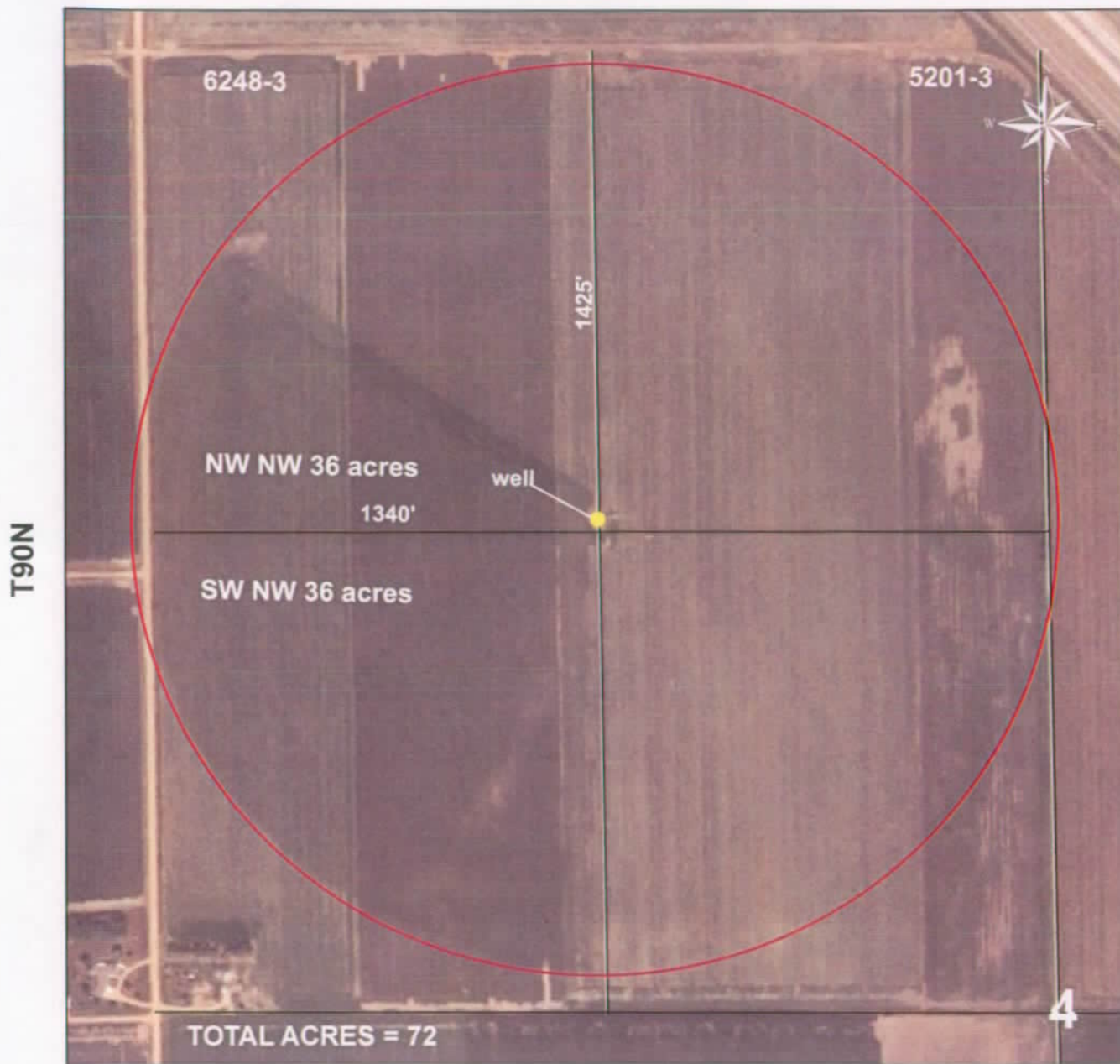

Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: September 25, 2006

WATER RIGHT NO. 6248-3
Curry Seed Co. - William J Curry
September 25, 2006

R49W



SCALE

0 170 340 680 1,020 1,360 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program
September 25, 2006



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6248-3

(1) Curry Seed Company, c/o William J Curry, Box 517, Elk Point SD 57025 made Application No. 6248-3, January 11, 2001 for a water permit to divert 1.06 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6248-3, with a priority date of January 11, 2001 was approved March 19, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 19, 2006 and for the application to beneficial use of water on or before March 19, 2010.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6248-3 is issued a license, bearing a priority date of January 11, 2001 to appropriate 0.84 cfs from groundwater (one well) to irrigate 72 acres.

The diversion point is located: 1,340 feet east and 1,425 feet south of the northwest corner of Section 4-T90N-R49W (center of NW ¼). *

* *Water Right No. 5201-3, authorizes 0.94 cfs from the same well to irrigate 66 acres in the E ½ NW ¼ Section 4. Combined, 138 acres are irrigated at a diversion rate of 1.78 cfs. Because of separate ownership, the two water rights can not be incorporated.*

The acres authorized for irrigation are as follows:

Section 4-T90N-R49W	NW ¼ NW ¼	36 acres
	SW ¼ NW ¼	36 acres
Total 72 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6248-3 including the following now applicable qualifications:

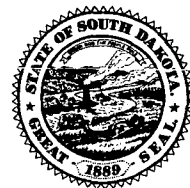
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

APR 30 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 30 2007

6598-3
6247-3
6248-3

CURRY SEED CO
WILLIAM J CURRY
PO BOX 517
ELK POINT SD 57025

Dear Mr. Curry:

Enclosed are Water License Nos. 6598-3, 6247-3 and 6248-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are maps done by a staff engineer.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right Nos. 6247-3, 6248-3 and 6598-3 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