

WATER PERMIT NO. 6556-3

Name of Applicant: Jim Andrews

Address: 47266 305th St, Beresford SD 57004

Phone: 605 253-2259

Amount of Water Claimed: 0.28 cfs

Total Acres: 80 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 5 miles southwest of Beresford

PRIORITY

Date Received: 12-21-04

Application/License Fee: \$275

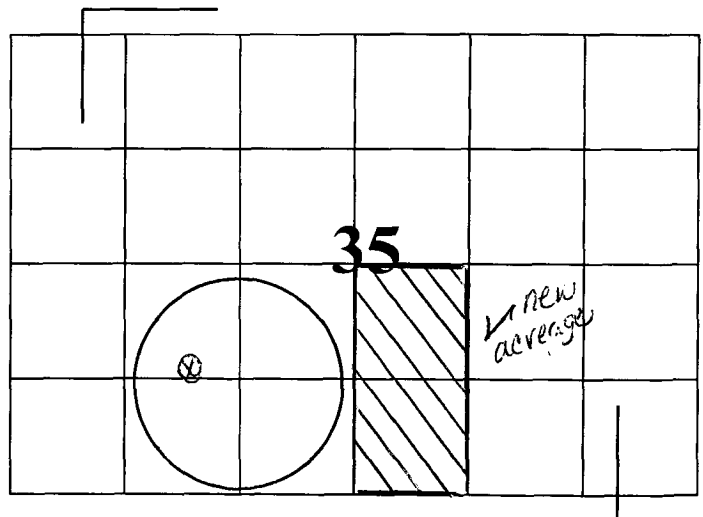
Corrected Application Received:

Period of Annual Use: June 1 – September 30

Remarks: Using the existing well authorized by Water Right No. 1384-1

Diversion Point: NW ¼ SW ¼ Sec 35-T95W-
R50W

Land to be Irrigated: W ½ SE ¼ Sec 35-T95W-
R50W



Depth of Well: 89 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Rachel Kirkebak, Union Co. FSA

Reviewed and the Number Assigned on: 12-21-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6556-3</u> (office use only)
	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Beresford Republic, Beresford</u>

RECEIVED
DEC 21 2004
WATER RIGHTS
PROGRAM

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.)

Existing well authorized under water Right No. 1384-3

- Name of Applicant Jim Andrews Phone 605-253-2259
(check one) X Owner Tenant/lessee
Mailing Address 4726 305 St Beresford State SD 57004
1.15 (add'l) (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.2 *CFS or 6000 **GPM 3.14 ***AF Total Acreage 140 + 80 Add.
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Existing well in SW 1/4 Sec 35-95-50
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Use existing well in SW 1/4 Sec 35-95-50
(NW 1/4 SW 1/4) County Union
- County or counties where water will be used Union
- Annual period during which water is to be used June 1 - September 30
- 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>W 1/2 SE 1/4 Sec 35-95-50</u>	<u>80</u>		

- Give a description of the project. (Attach sheet if more space is needed)
would like to put on irrigator in the 80 highlighted, we will use
the existing well in the SW 1/4 Sec 35-95-50

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, James M. Andrews, 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 James M. Andrews

Subscribed and sworn to before me this 14th day of December 20 04

Kristie Zuan
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6556-3

Date of first receipt of application December 21, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6556-3 to Jim Andrews, 47266 305th St, 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. 6556-3 appropriates 1.15 cubic feet of water per second (cfs) from one existing well completed into the Brule Creek Aquifer (approximately 89 feet deep) to irrigate 80 additional acres. Water Right No. 1384-3 appropriates 1.94 cfs from a well located in the NW ¼ SW ¼ Section 35 to irrigate 136 acres located in the SW ¼ Section 35; all in T95N-R50W. This permit appropriates an additional 1.15 cfs from the existing well to irrigate an additional 80 acres located in the W ½ SE ¼ Section 35-T95N-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: April 1 – November 1.
3. The date from which applicant may claim right is December 21, 2004.
4. The date of approval of Permit No. 6556-3 is January 31, 2005.
5. One-fifth of the construction is to be completed on or before July 31, 2007.
6. All construction is to be completed on or before January 31, 2010.
7. Water is to be put to beneficial use on or before January 31, 2014.
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

FEB 08 2005

date



1384-3

6556-3

6933-3

Water Permit No. 7166-3 (approved January 11, 2010) authorized the following:

- 1) irrigation of an additional 41.4 acres,
- 2) changes the location of the well authorized by Water Permit No 6933-3 and
- 3) adds the existing well authorized by Water Right No. 1384-3 and Water Permit No. 6556-3.

Water Permit No. 6933-3 authorizes 2.22 cubic feet of water per second (cfs) from one well completed into the Brule Creek Aquifer (approximately 100 feet deep) located in SW 1/4 SW 1/4 Section 35-T95N-R50W to irrigate 249.1 acres located in the E 1/2, E 1/2 NW 1/4, E 1/2 SW 1/4 Section 9-T94N-R50W. Water Right No. 1384-3 and Water Permit No. 6556-3, combined, appropriate 3.09 cfs from a well completed into the Brule Creek Aquifer located in the NW 1/4 SW 1/4 Section 35-T95N-R50W to irrigate 216 acres in the SW 1/4 and W 1/2 SE 1/4 Section 35-T95N-R50W.

Water Permit No. 7166-3 also authorizes irrigation of an additional 41.4 acres located in the E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 9-T94N-R50W and corrects the well location for Water Permit No. 6933-3 to the NE 1/4 SW 1/4 Section 35-T95N-R50W to reflect the actual location of the completed well. Permit No. 7166-3 also amends Water Right No. 1384-3 and Water Permit No. 6556-3 by adding the existing well located in the NE 1/4 SW 1/4 Section 35-T95N-R50W for irrigation of authorized lands. This permit does not authorize any increase in the diversion rate.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 21, 20 04

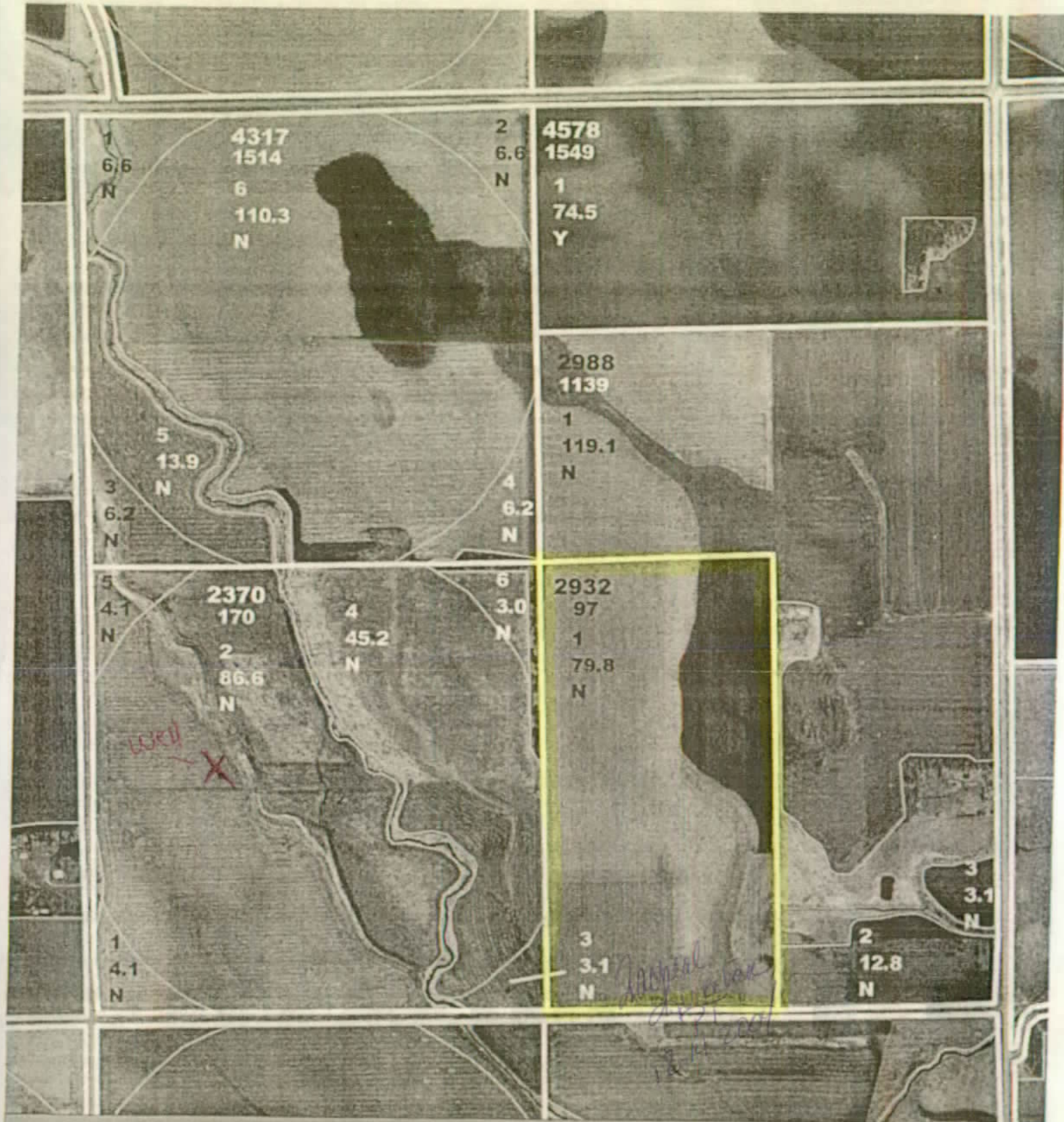
RECEIVED OF James MAndrews, 47266 305 th Street, Beresford SD 57004

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

Fee for Application for Permit No. <u>6556-3</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>6556-3</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	275.00

No. **001542**

By *David L. White*
Chief Engineer *gm*



United States Department of Agriculture
Farm Service Agency

35-95-50

April 8, 2004

Union County



1997 Digital Orthophotography - Not To Scale

6556-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6556-3, Jim Andrews

ADDRESS: COUNTY: Union

DATE: December 22, 2004 TELEPHONE: 605 253-2259

RE: Discussion on the diversion rate

Mr. Andrews returned my call. I wanted clarification on the total diversion rate from the well used to supply Water Right No. 1384-3 and this new application. He stated the maximum diversion rate from the well is 1000 gpm. This would constitute a request to appropriate an additional 130 gpm to what is authorized by Water Right No. 1384-3.

The well will serve the full pivot under No. 1384-3 and the windshield wiper pivot proposed by this application.

After talking to Mr. Andrews he requested that I amend the application for the statutory limit for the number of acres authorized by No. 1384-3 and this application. This will total 216 acres which the statutory limit is 3.09 cfs. When taking into consideration that WR No. 1384-3 appropriates 1.94 cfs this will mean the additional amount of water claimed by this application is 1.15 cfs (516 gpm). This will potentially allow Mr. Andrews the ability to request to drill a new well within the 5 year construction period so the pivots may operate independently without going through the formal permitting process.

NAME: Eve Humber

REPORT ON WATER PERMIT APPLICATION NO. 6556-3

For Jim Andrews
December 27, 2004

Application No. 6556-3 proposes to appropriate 1.15 cfs from an existing well completed approximately 89 feet deep to irrigate 80 additional acres. Water Right No. 1384-3 appropriates 1.94 cfs from a well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 35 to irrigate 136 acres located in the SW $\frac{1}{4}$ of section 35; all in T95N R50W. This application proposes to appropriate an additional 1.15 cfs from the existing well to irrigate an additional 80 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 35; T95N R50W all 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). Ground water movement is from northwest to southeast in Union County (Niehus, 1994). The aquifer consists of sand and gravel of both glacial and non-glacial origin. The aquifer is hydraulically connected to the Newton Hills aquifer in Lincoln County and can be under artesian or water table conditions (Niehus, 1994). At this site the aquifer is probably under water table conditions. Most of the domestic, irrigation and observation wells in this immediate area are water table condition wells.

Little information is available concerning the construction for this existing irrigation well. However, information in Water Right No. 1384-3 indicates that the original well was capable of producing 1,230 gpm with 33 feet of drawdown (specific capacity of 37 gpm/ft of drawdown). The well also had a static water level of 13 feet below land surface and was reportedly 89 feet deep.

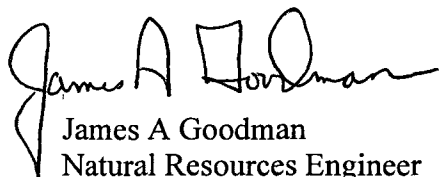
The Water Rights Program monitors four observation wells in the immediate area all completed into the Brule Creek aquifer. The two nearest observation wells to this application are UN-80C and UN-77B and are located about $\frac{3}{4}$ mile east and $\frac{1}{2}$ mile north of this application respectively. 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 clearly indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing irrigation wells about one-half mile from this application. These are Water Right No. 5536-3 (located about one-half mile north) and Water Right No. 605-3 (located about one-half mile south). Interference is not a concern. These wells have been in use for many years with no apparent problems. The observation well record reinforces this conclusion. The hydrographs for the two nearby observation wells clearly show that drawdown is not significant and that the aquifer does recharge.

CONCLUSIONS

1. Water is available from the Brule Creek aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. Information is not available to determine if this well has been constructed in accordance with SD Well Construction Standards.
4. Approval of this application would allow for the well to be pumped at a higher rate and allow all the lands to be irrigated at the same time. It is not known if the existing well is capable of producing the entire 3.09 cfs diversion rate although originally the well could have produced the entire amount.



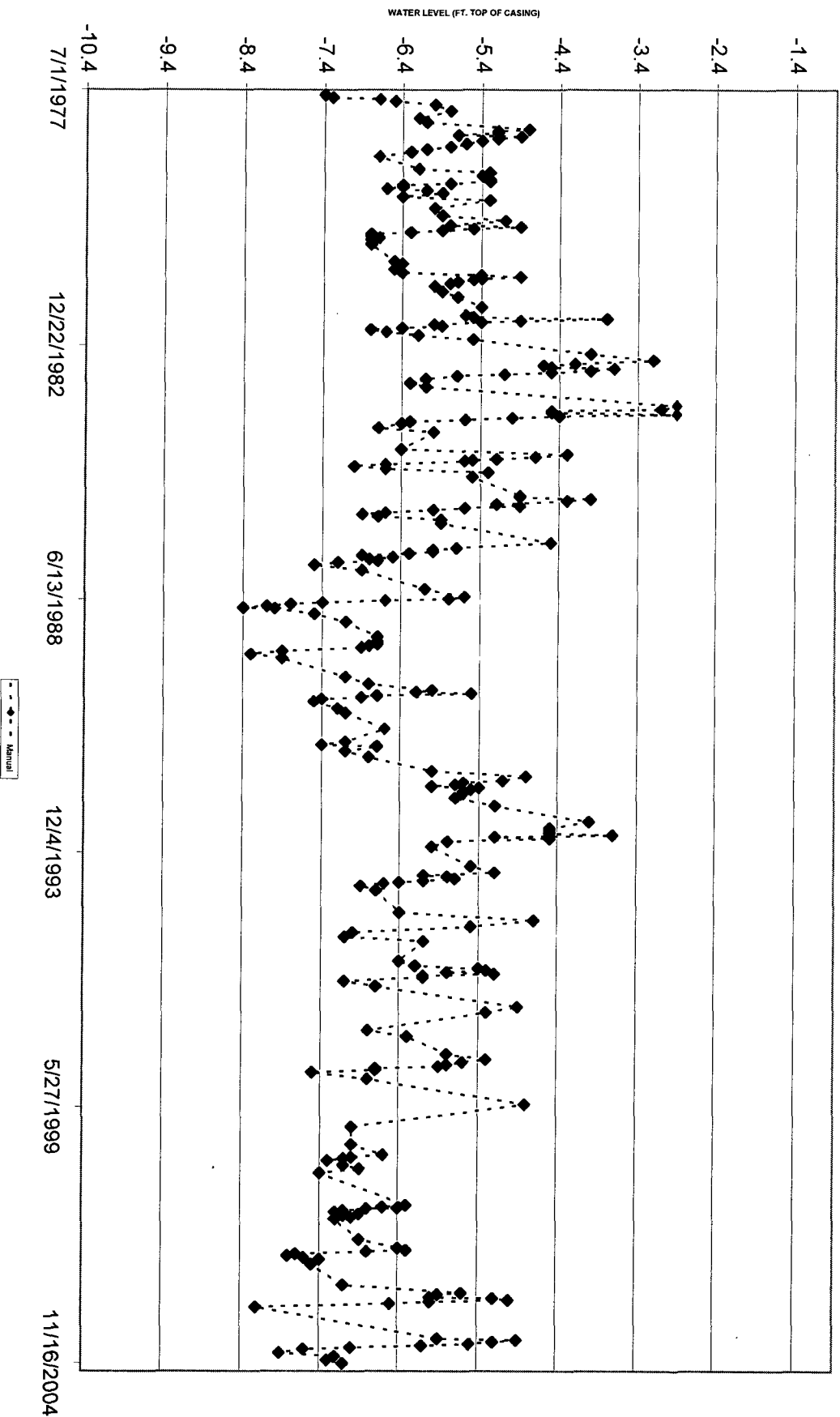
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

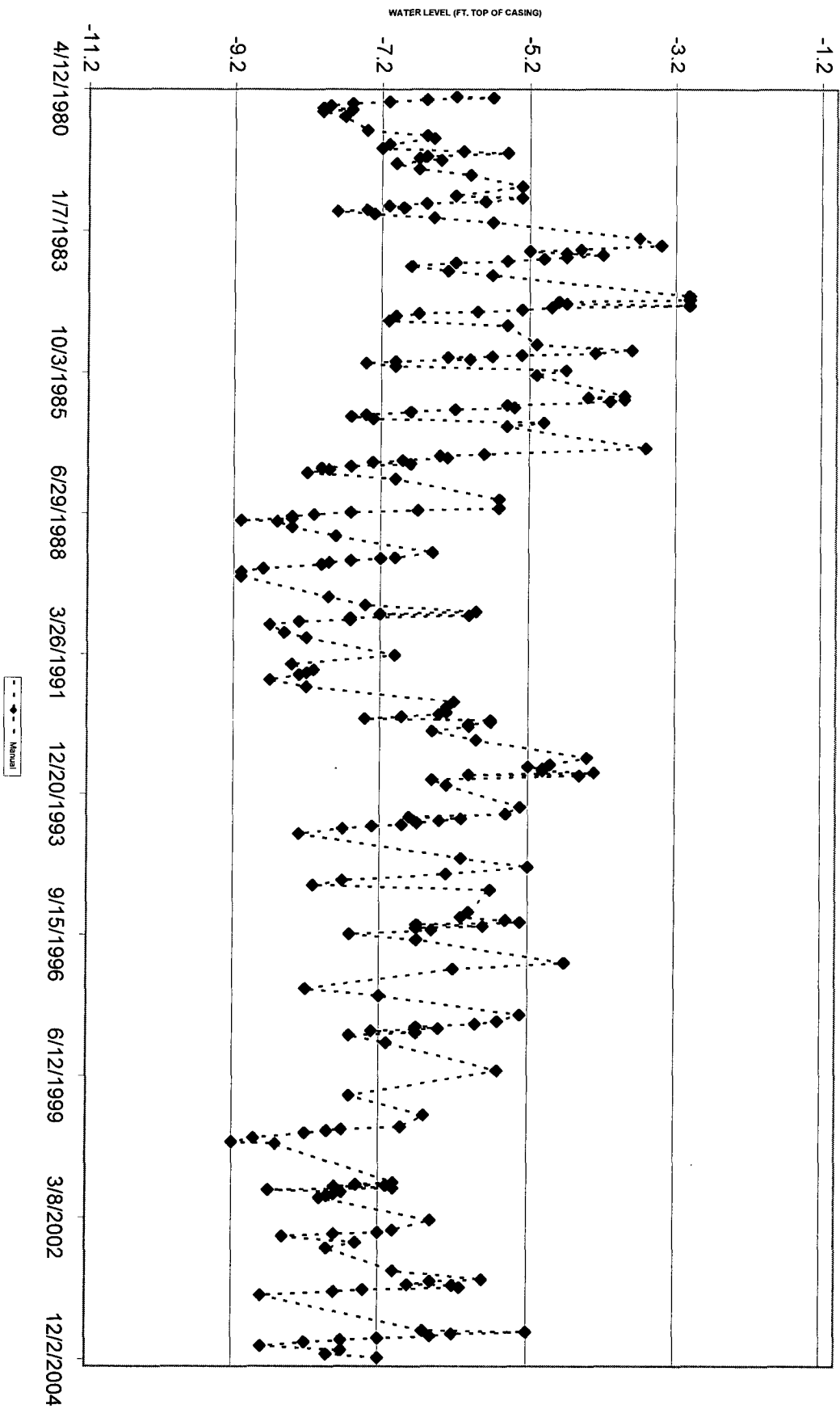
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 2004, Unpublished Observation Well Data for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL UN-77B



WATER RIGHTS' OBSERVATION WELL
UN-80C





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6556-3**

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. 6556-3, Jim Andrews, 47266 305th Street, Beresford SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 6556-3 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
January 5, 2005

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

COUNTY: UNION

CITY: BERESFORD

NEWSPAPER: BERESFORD REPUBLIC

Judy Lundberg 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 said notice, 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

per 2 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

13 day of January 2004, and that the succeeding publications were severally on

Thursday, the 20 day of January, 2004;

Thursday, the ____ day of _____, 2004;

Thursday, the ____ day of _____, 2004

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

DOLLARS \$ 37.76

x Judy L Lundberg
Subscribed and sworn to before me this 20 day of January, 2004.

Notary Public

My commission expires September 18, 2010

NOTICE OF APPLICATION NO. 6556-3 to Appropriate Water

Notice is given that Jim Andrews, 47266 305th St, Beresford SD 57004 has filed an application for a water permit to appropriate 1.15 cubic feet of water per second (cfs) from one existing well completed into the Brule Creek Aquifer (approximately 89 feet deep) to irrigate 80 additional acres. Water Right No. 1384-3 appropriates 1.94 cfs from a well located in the NW 1/4 SW 1/4 Section 35 to irrigate 136 acres located in the SW 1/4 Section 35; all in T95N-R50W. This application proposes to appropriate an additional 1.15 cfs from the existing well to irrigate an additional 80 acres located in the W 1/2 SE 1/4 Section 35-T95N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6556-3 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.

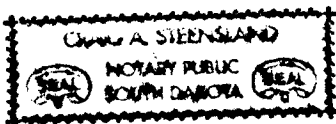
Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss 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 January 31, 2005.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Publish Jan. 13 & 20, 2005

RECEIVED

JAN 24 2005

WATER RIGHTS
PROGRAM



Instruction to Newspaper - Publish first Notice on January 13, 2005 with the second publication 7 days later. The applicant is responsible for payment.

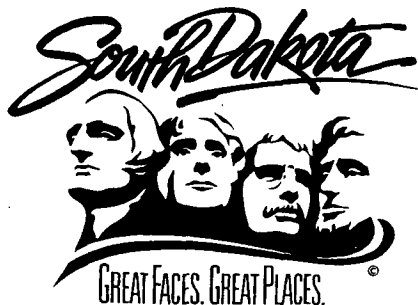
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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6556-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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 6, 2005

Beresford Republic
PO Box 111
Beresford SD 57004-0111

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6556-3 to Appropriate Water to be published twice. Please publish the first notice on January 13, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Jim Andrews, 47266 305 St, Beresford SD (Ph # 605-253-2259).

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-----

No. 6556-3

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

Date _____

We are in receipt of your letter of January 6, 2005 enclosing Notice to Appropriate Water by Application No. 6556-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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.

January 6, 2005

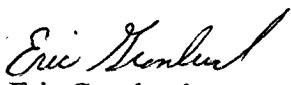
Jim Andrews
47266 305 St
Beresford SD 57004

Dear Mr. Andrews:

Water Permit Application No. 6556-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Beresford Republic printed at Beresford, SD (Ph # 605-763-2006). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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.



FEB 08 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Jim Andrews
47266 305th St
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Water Permit No. 6556-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is 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



6556-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JIM ANDREWS, 47266 305TH ST, BERESFORD, SD 57004
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 1384-3 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) 6556-3 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 7, 2012** 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) 6556-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1384-3 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://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.denr.sd.gov

March 1, 2012

1384-3
6556-3

Jim Andrews
47266 305th St
Beresford SD 57004

Dear Mr. Andrews:

I am writing to acknowledge receipt of the information for your 2011 irrigation questionnaires. I completed the forms for you based on our phone conversation.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 1384-3 and Water Permit No. 6556-3. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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