

WATER PERMIT NO. 6685-3

Name of Applicant: **Raymond Anderson and Allan Anderson**

Address: **1301 Luke St, Ft. Collins CO 80524** Phone: **970 482-1718**

Amount of Water Claimed: **0.89 cfs** Total Acres: **55 acres**

Source of Water Supply: **groundwater (existing well)**

Water to be used for: **irrigation** County: **Roberts**

Type of Waste Disposal System:

Location: **1 mile north of Wilmot**

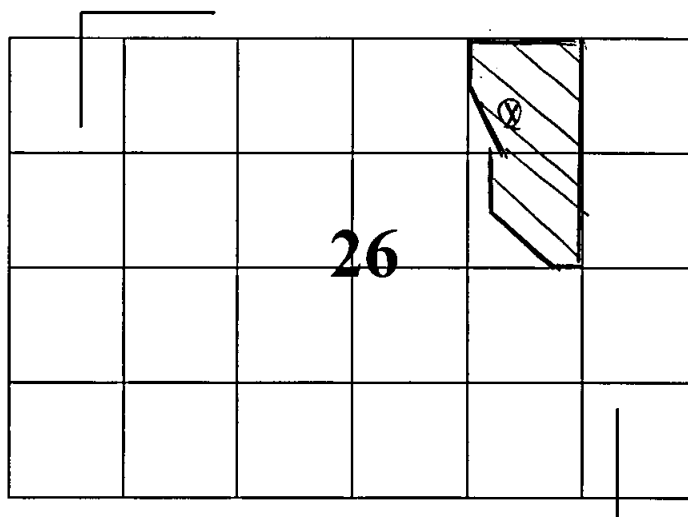
PRIORITY Date Received: **1-11-06** Application/License Fee: **\$200**

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

Remarks:

Diversion Point: **NE ¼ NE ¼ Sec 26-T123N-R50W**

Land to be Irrigated: **E ½ NE ¼ Sec 26-T123N-R50W**



Depth of Well: **70 feet deep**

Well Driller: : **Empire Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **1-12-06**

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>6685-3</u>	(office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota: Whetstone</u>	
	Newspaper <u>Wilmot Enterprise, Wilmot</u>	

RECEIVED
JAN 11 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 5350-3

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Reinstatement of water right and Permit

1. Name of Applicant ALLAN ANDERSON RAYMOND ANDERSON Phone 970-482-1718
(check one) ☐ Owner ☒ Tenant/lessee
- Mailing Address PARLA 1301 Duke St FORT COLLINS State COLO. 80524
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.89 *CFS or 400 **GPM ***AF Total Acreage 55
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Roberts
Well is located on NE 40 of NE 1/4 section 26 T123N R50W
5. County or counties where water will be used Roberts County
6. Annual period during which water is to be used as Needed during Crop Season May 1 - Sept. 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
all in Sect in 26 T123N R50W (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 40 NE 1/4 Sec 25 T123N R50W	35	NW NE	17
SE 40 " " " "	20	NE NE	31
		SW NE	1
		SE NE	6

8. Give a description of the project. (Attach sheet if more space is needed)
This project consists of: Big Gun Sprinkler, flexible rubber hose, and aluminum pipe.
This application is to reinstate water permit and water right
all information on Original permit remains the same. 5350-3 2267.3
you have information on file.

STATE OF ~~SOUTH DAKOTA~~ COLORADO SS
County of Larimer

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, Raymond Anderson, 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 Raymond Anderson

Subscribed and sworn to before me this 7 day of January 20 06

CHRISTINE BURCAW
NOTARY PUBLIC
STATE OF COLORADO

Christine Burcaw
Notary Public signature
Commission exp. 5-31-08

SOUTH DAKOTA
WATER PERMIT NO. 6685-3

Date of first receipt of application January 11, 2006.

Date of return to applicant for corrections, amendments or changes January 12, 2006.

Date of receipt of corrected application January 31, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6685-3 to Allan Anderson and Raymond Anderson, 1301 Luke St, Ft. Collins CO 80524 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. 6685-3 appropriates 0.89 cubic feet of water per second from one existing well completed into the Wilmot Aquifer (63 feet deep) located in the NE ¼ NE ¼ Section 26; to irrigate 55 acres located in the NE ¼ Section 26-T123N-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 January 11, 2006.
4. The date of approval of Permit No. 6685-3 is March 13, 2006.
5. One-fifth of the construction is to be completed on or before September 13, 2008.
6. All construction is to be completed on or before March 13, 2011.
7. Water is to be put to beneficial use on or before March 13, 2015.
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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6685-3 authorizes a maximum diversion rate of 0.89 cfs for the irrigation of 55 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. 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 07 2008

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JANUARY 11, 20 06

RECEIVED OF Raymond Anderson, 1301 luke, Fort Collins CO 80524

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

Fee for Application for Permit No. <u>66685-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>66685-3</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	200.00

No.

002132

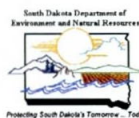
By

Darland Erbe
Chief Engineer
gsm

Allan Anderson and Raymond Anderson Water Permit Application



Well Located in the NE 1/4 NE 1/4 Section 26, T123N, R50W



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR

Assuming location of flood plain

NOTICE OF WELL

INSUFFICIENT LOCATION

Roberts

Well owner John Anderson Wichita, KS
(Name) (Address)

Date well drilling completed 7-9-76 Purpose of well Domestic
(domestic, irrigation, municipal, industrial, other)

Topo Elev ~ 1170

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-2	top soil	34
2-15	yellow clay	Depth to static water level _____ ft.
15-34	blue clay	Name of producing aquifer (if known) gravel
34-63	gravel	Total depth of drill hole 63 ft.
63-70	clay	Depth to bottom of casing 63 ft.
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
		0-43' 16" I.D. 7. burglass
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		43-63' 16" I.D. 7. burglass
		Screen
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

South Dakota

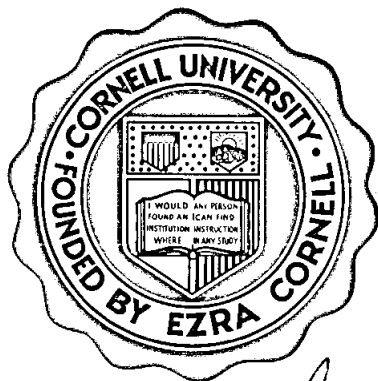
Company name and size of pump 14000000-00000000 HP 50
Type of pump turbine Capacity of installed pump 1000 G.P.M.
Depth of pump placement 50 ft., Date of pump installation 1/14/76

Copy 2

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____,
tube material _____

Empire Irrigation Drilling Co.
Name of Pump Installation Contractor



Jan 9, 2006

To: Eric Gronlund.

Here is The application filled out as near as I can make out. The well information is on file with the previous permit.

If I need to do anything more. Write or Call me.

Raymond Anderson
970-482-1718

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Raymond Anderson

ADDRESS: COUNTY: Roberts

DATE: January 11, 2006 TELEPHONE: 970 482-1718

RE: Call to Mr. Raymond Anderson to clarify the location of the irrigation

The application submitted by Mr. Anderson referenced Section 25, T123N, R50W. I contacted him and he indicated the well and irrigated acres are located in Section **26**, T123N, R50W. He asked that I amend his application for the well and irrigated acreage accordingly.

NAME: 



**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 12, 2006

Raymond Anderson
1301 Luke Street
Fort Collins CO 80524

Dear Mr. Anderson:

Thank you for submitting the application to appropriate water for irrigation in South Dakota. I have amended the application to reference the well and irrigated acres being located in Section 26 instead of Section 25. We spoke about this change to the application on the phone.

The application proposes to reinstate 55 acres of irrigation in the E ½ NE ¼ of Section 25 from the well located in the NE ¼ NE ¼ of this section. The application did not provide a map showing the location of the well or outlining the location of the irrigated acres. The well can be visually seen on the aerial photo of Section 26. I am enclosing a map showing the location of the well and the acres I believe are to be irrigated. Please review to see if this accurately depicts the acres to be irrigated. If it does not, I have included a blank aerial photo of Section 26 that you can outline the acres and return in the self addressed stamped envelope.

I am currently proceeding with processing your application but want to make sure that it accurately reflects the irrigation that will take place in the field. If you have any questions, please feel free to contact me.

Thank you for your assistance.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Jan 27, 2006

Eric:

I had to get Allan's
OK on the land to be irrigated.
We will irrigate fields 1+2 ~~for~~
~~now~~ as indicated on the map.
I've made changes in the land
description on Form 2.

You can see the flood
damage on the Triangle field
east of No 1.

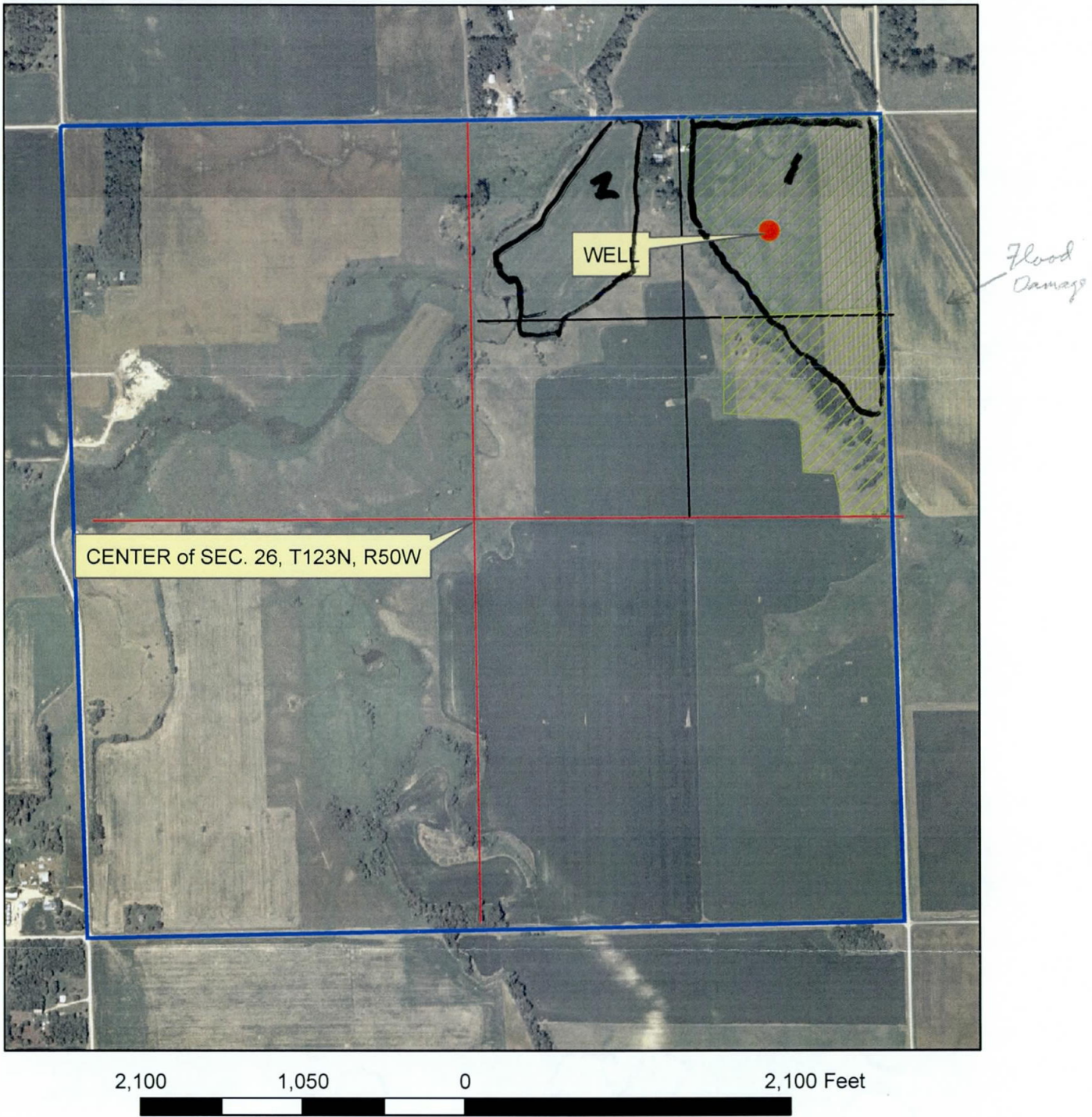
If there is anything
more I need to do let me
know.

Raymond L. Anderson

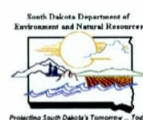
RECEIVED

JAN 31 2006

WATER RIGHTS
PROGRAM



Well Located in the NE 1/4 NE 1/4 Section 26, T123N, R50W



Eric Gronlund
Water Rights Program, DENR

6685-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6685-3, Raymond and Allan
Anderson

ADDRESS: COUNTY: Roberts

DATE: February 1, 2006 TELEPHONE:

RE: Description of land to be irrigated

Mr. Raymond Anderson returned the map and he outlined the exact areas to be irrigated. Based on outlined area I used ArcMap to determine the acreage to be irrigated. The total number of acres matched with the number listed on the application. The breakdown of acres is as follows:

all in Section 26, T123N, R50W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6 acres

TOTAL 55 acres

NAME:

_____

REPORT ON WATER PERMIT APPLICATION NO. 6685-3

For Raymond & Allan Anderson

February 1, 2006

Application No. 6685-3 proposes to appropriate 0.89 cubic feet per second (cfs) from one existing well completed into the Wilmot Aquifer (approximately 63 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 to irrigate 55 acres located in the NE $\frac{1}{4}$ Section 26; all in T123N R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER – WILMOT (WIL)

The Wilmot aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents a confined condition with artesian characteristics in the area of this application. The aquifer underlies 86,300 acres and contains an estimated 194,800 acre-feet of recoverable water in Roberts County (Hedges, 1982). The Wilmot overlies the Veblen aquifer but the aquifers do not appear to be hydraulically connected. This conclusion is a result of reviewing available stratigraphic and hydrologic information.

The Water Rights Program monitors an observation well (RB-77O) which is completed into the Wilmot aquifer and located approximately 4.5 miles southeast of this application. Water levels for this well show good response to pumping and artesian head conditions. The hydrograph also indicates that water levels for this well show some response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Figure 1 illustrates the hydrograph for this observation well and is located below (Water Rights, 2005).

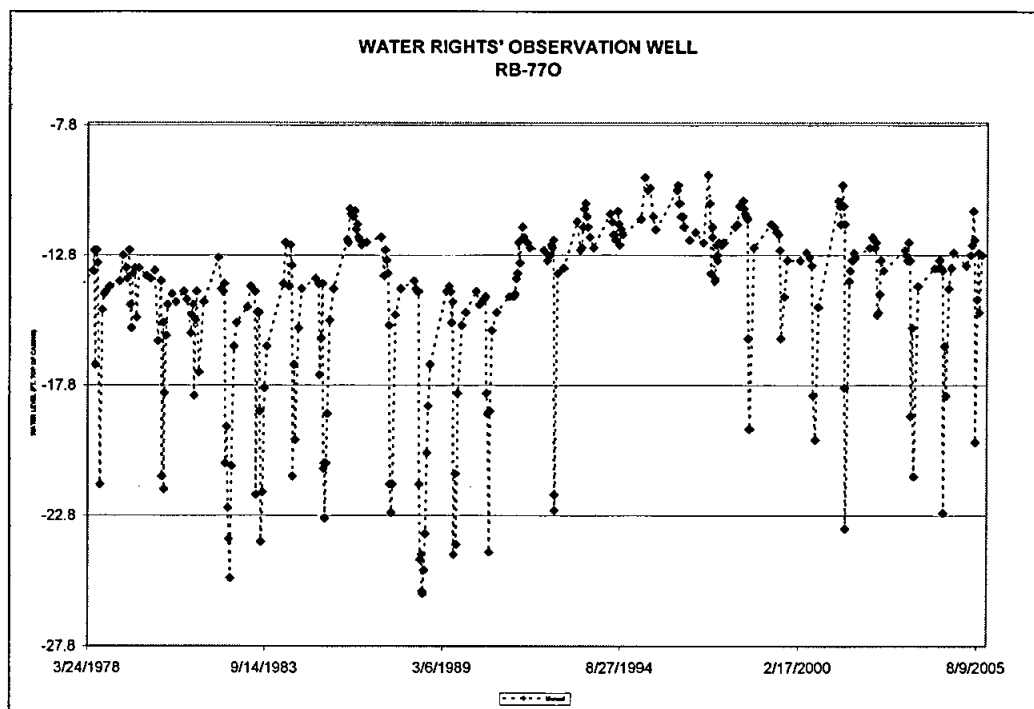


Figure 1. Hydrograph of observation well RB-77O.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest water right/permit from the Wilmot is located approximately 1 mile west of this application. This well is for Water Right No. 4788-3 (2.67 cfs for irrigation of 498 acres). There are two existing irrigation wells appropriating ground water within a two mile radius of this application. This is an artesian aquifer and typically pumping does create drawdown although the drawdown measured in the observation wells is not adverse. Interference should not be a problem for adequate wells.

The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acre restriction established by South Dakota Codified Law (SDCL) 46-5-6. However, SDCL 46-5-6 provides that the Water Management Board may allow for a greater diversion rate if the method of irrigation, time constraints, or soil types so require. The annual volume of water delivered to the land may not exceed two acre-feet per year.

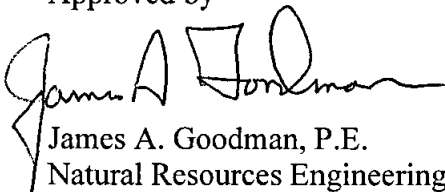
CONCLUSIONS

1. Water is available for this appropriation from the Wilmot aquifer.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acre restriction established by South Dakota Codified Law (SDCL) 46-5-6. However, SDCL 46-5-6 provides that the Water Management Board may allow for a greater diversion rate if the method of irrigation, time constraints, or soil types so require.
3. The well authorized for this application is an existing well and is completed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Water Right, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6685-3, Raymond Anderson and Allan Anderson**

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. 6685-3, Raymond Anderson and Allan Anderson, c/o Raymond Anderson, 1301 Luke Street, Fort Collins CO 80524.

The Chief Engineer is recommending APPROVAL of Application No. 6685-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6685-3 authorizes a maximum diversion rate of 0.89 cfs for the irrigation of 55 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. 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
February 10, 2006

Affidavit of Publication

STATE OF SOUTH DAKOTA }
County of Roberts } ss.

Nancy Minder of said county, being first duly sworn, on oath says, that he is publisher of THE WILMOT ENTERPRISE, a weekly newspaper printed and published in Wilmot, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Application No. 6685-3, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Feb 23, 2006; _____;
Mar 3, 2006; _____;
_____, _____;
_____, _____;
_____, _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 39.87

Nancy Minder

Subscribed and sworn to before me this 3rd day of

March, A.D., 2006

[Signature]

Notary Public, Roberts County, South Dakota

My commission expires 11-16-09

RECEIVED

MAR - 7 2006

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 6685-3 to
Appropriate Water

Notice is given that Raymond Anderson and Allan Anderson, 1301 Luke St., Ft. Collins CO 80524 have filed an application for a water permit to appropriate 0.89 cubic feet of water per second from one existing well completed into the Wilmot Aquifer (63 feet deep) located in the NE1/4NE1/4 Section 26; to irrigate 55 acres located in the NE1/4 Section 26-T123N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6685-3 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 March 13, 2006.

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.

Instruction to Newspaper - Publish first Notice on February 23, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6685-3 to Appropriate Water

Notice is given that Raymond Anderson and Allan Anderson, 1301 Luke St., Ft Collins CO 80524 have filed an application for a water permit to appropriate 0.89 cubic feet of water per second from one existing well completed into the Wilmot Aquifer (63 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; to irrigate 55 acres located in the NE $\frac{1}{4}$ Section 26-T123N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6685-3 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

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 10, 2006

Wilmot Enterprise
PO Box 6
Wilmot SD 57279-0037

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6685-3 to Appropriate Water to be published twice. Please publish the first notice on February 23, 2006 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 Raymond Anderson and Allan Anderson 1301 Luke St., Ft. Collins CO 80524 (Ph # 970-482-1718).

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. 6685-3

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

Date _____

We are in receipt of your letter of February 10, 2006 enclosing Notice to Appropriate Water by Application No. 6685-3 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
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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 10, 2006

Raymond Anderson
1301 Luke St
Ft Collins CO 80524

Dear Mr. Anderson:

Water Permit Application No. 6685-3 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 Wilmot Enterprise printed at Wilmot, SD (Ph # 605-938-4651). 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.



APR 07 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Allan Anderson & Raymond Anderson
1301 Luke St
Ft. Collins CO 80524

Dear Mr. Anderson:

Enclosed is Water Permit No. 6685-3 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.

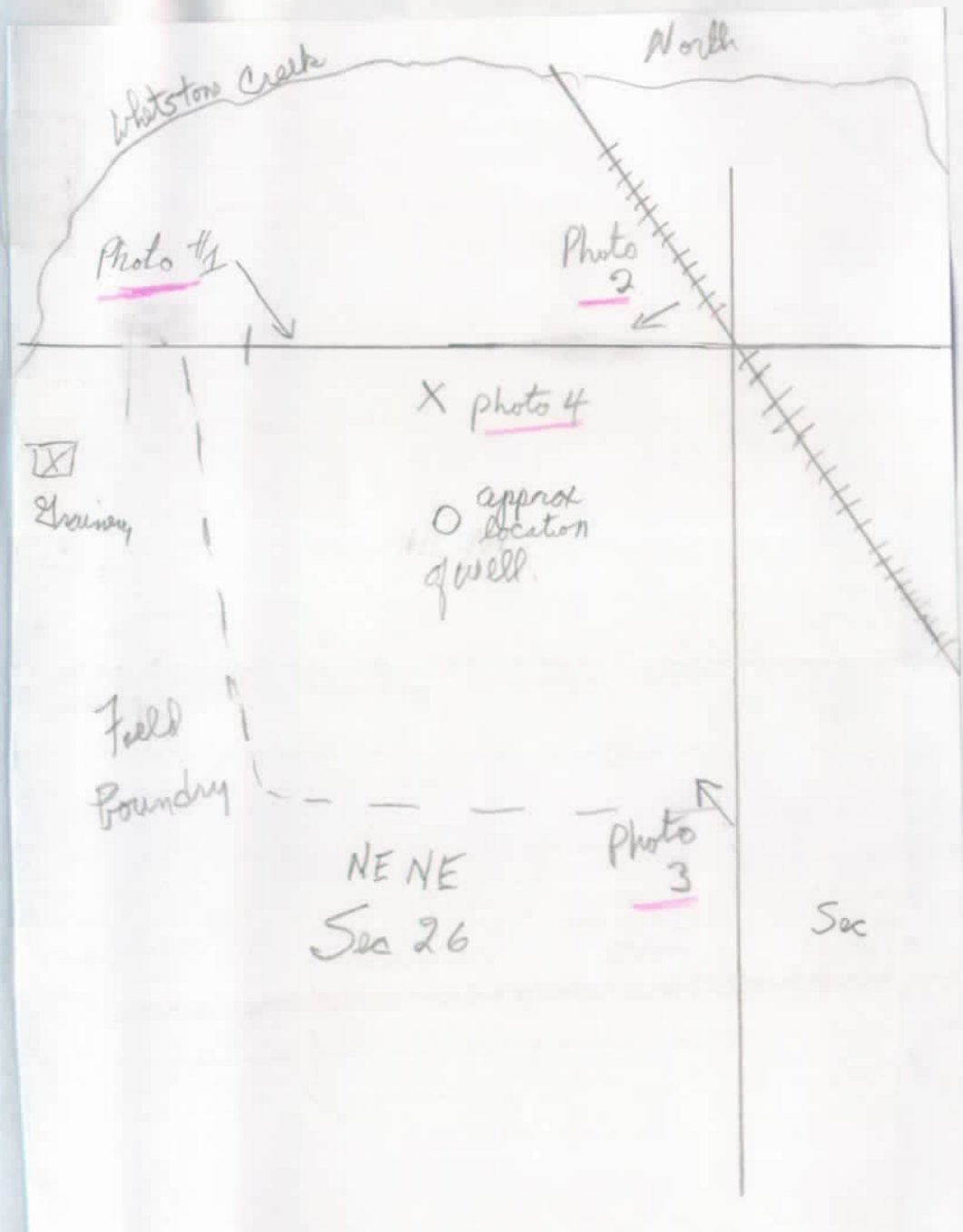
Sincerely,

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

enclosures

Water Permit No. 6685-3

The following is a hand drawn map submitted by Raymond Anderson. The map accompanied 4 pictures showing flooding on his land in June - 2008. The drawing explains where the pictures were taken in reference to his property.



Water Permit No. 6685-3

Photos of flooding submitted by Raymond Anderson showing flooding in June – 2008

Photo 1



Photo 2



Water Permit No. 6685-3

Photos of flooding submitted by Raymond Anderson showing flooding in June – 2008

Photo 3



Photo 4



Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Raymond & Allan Anderson

File No: 6685-3

Address: 1301 Luke St., Ft. Collins, CO 80524

County: Roberts

Date: February 19, 2014

Telephone: (907) 482-1718

RE: Irrigation Questionnaire for 2013 (Use Abandoned)

Comments:

On February 18, 2014, I contacted Ray Anderson regarding the 2013 Irrigation Questionnaire he submitted for Permit No. 6685-3 with a check mark in the box showing the system as abandoned.

He informed me that the well was in place and there was some aluminum pipe to put together for a "Big Gun" if needed to irrigate, but the renter hadn't set up a system and thought the sprinkler might be in pieces. He also commented that all they would need to do is put the pipe together and bring a motor to the well to get it going, but wasn't sure if the motor was in working condition "because an engine needs to run once in a while to keep it working right". He also commented "the only time you need water, is when there's a drought" and they had not had a drought, but the North Fork of the Whetstone River runs through the property and sometimes floods the land.

I informed Mr. Anderson that back in August of 2005, I had contacted him regarding Permit Nos. 5350-3, 2267-3 and 3927-3 which were in the name of Allan Anderson and the Elmer Anderson Trust and that these permits showed no irrigation for 15 yrs., 16 yrs. and one permit had shown they irrigated once. (See File Doc for 5350-3 and DENR records on Irrigation Questionnaires) At that time he said to cancel the permits since there were no plans to construct a system and if they did decide to irrigate in the future, they would just reapply for another one. He was informed this permit could also be subject to cancellation for the same reasons the previous permits were cancelled. He said he would like to keep this permit instead of having to reapply again if they thought they might want to irrigate.

In January, 2006, they did reapply for the existing well to irrigate 55 acres. 1/5th of the construction was to have been completed on or before September 13, 2008, all construction was to be completed on or before March 13, 2013 and water put to beneficial use by March 13, 2015.

At this time, the well and aluminum pipe are still there. It is unclear if they have a motor to operate the system or if the sprinkler is operational.

After a couple of in-house conversations, it was decided to give Mr. Anderson until March 13, 2015 which is the date to put water to beneficial use before cancelling the permit for abandonment.

On February 21, 2014, I called Mr. Anderson to inform him the time to put water to beneficial would need to be completed this year and that someone would be out to inspect the system to see if there has been a system constructed. If there was not something in place, the permit would be subject to cancellation. He said that he did not think anything would be constructed because his son does the farming now and he also owns a trucking company and is on-the-road most of the time. He also wanted me to not mention him in the cancellation if it occurred and they could reapply if needed.

At this time, as was discussed in-house, this permit needs to be inspected before cancellation

A handwritten signature in black ink, appearing to read "Mike DeFea". The signature is fluid and cursive, with the first name "Mike" being more prominent and the last name "DeFea" following in a similar style.

Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

Water Rights Program - DENR

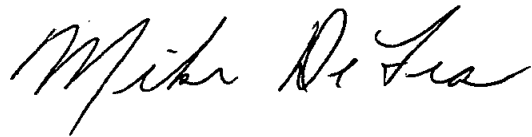
Conversation or File Documentation

Name of Person: Raymond Anderson **File No** 5350-3
Address: 1301 Luke St., Ft. Collins, CO 80524
Date: August 16, 2005 **Telephone:** (907) 482-1718
RE: Water Permit Nos. 5350-3, 2267-3 and 3927-3

Comments: On August 16, 2005, I talked to Raymond Anderson regarding Water Permit Nos. 5350-3, 2267-3 and 3927-3 held by his brother Allen Anderson and other manager of the "Elmer Anderson Trust". I told Mr. Anderson I had recently been doing field inspections in the Grant and Roberts County area and came across these permits for Allen Anderson. I informed Mr. Anderson our records showed no irrigation for Water Permit No. 5350-3 for 15 years, Water Permit No. 3927-3 for 16 years, and Water Permit No. 2267-3 showed they had only irrigated once in 1999 since 1991. I also informed him our yearly irrigation questionnaires indicated the comments made on the questionnaire show the system is either in disrepair, or that the renter is too busy. Mr. Anderson agreed the land has not been irrigated for many years because the land is now in the "Elmer Anderson Trust" and most of the land has either been rented out or sold. He also stated that the well is still there; however, the equipment has become too expensive to maintain since they never use it. He then stated the only remnant of the system is the aluminum pipe and an engine used to operate the pump no longer exists. I then asked Mr. Anderson if there were any plans in the future to install another irrigation system and he replied they had no plans to do so. Mr. Anderson was then informed that since there has not been any irrigation for many years, and there is no longer a system in place, the permits were subject to cancellation due to abandonment and forfeiture for non-use. He stated that he understood the situation and agreed with it because his job working for the USDA and Colorado State University deals extensively with water issues. I then told Mr. Anderson if the permits were to be cancelled, he would receive a letter notifying him of the cancellation. He understood and said to go ahead and cancel the permits. He again remarked that there were no plans to irrigate in the future and if they did decide to do so, they would simply apply for a new permit. He also indicated if I wanted to see the well or needed any further information, I could contact his other brother John in Wilmot, SD and furnished me his cell phone number as (605) 212-9303.

On August 17, 2005, I contacted Carol Martenson from the Register of Deeds in Roberts County regarding ownership of land covered under these permits. She informed me that Curtis Whempner now owns the land in the N1/2 SW1/4 and SW1/4 SW1/4 of Section 25-T123N-R50W covered under Water Permit No. 3927-3. That same day, I contacted Mr. Whempner regarding his ownership of this land. He informed me he has owned those parcels of land for 20 years. I informed Mr. Whempner that his land was still included in Water Right No. 3927-3 and was going to be cancelled for non-use. He indicated that would be fine because he has no recollection of the land ever being irrigated anyway. He also stated he seemed to remember signing something years ago stating that he had to relinquish a water right, or something to that affect. I informed Mr. Whempner he would be receiving a letter notifying him about the cancellation, he stated that would be fine.

I am recommending cancellation of Water Permit Nos. 5350-3, 3927-3 and 2267-3 due to non-use.

A handwritten signature in black ink, reading "Mike DeFea". The signature is written in a cursive, flowing style.

Mike DeFea
Natural resources Engineer
DENR Water Rights Program

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Raymond & Allan Anderson

File No: 6685-3

Address: 1301 Luke St., Ft. Collins, CO 80524

County: Roberts

Date: February 19, 2014

Telephone: (907) 482-1718

RE: Irrigation Questionnaire for 2013 (Use Abandoned)

Comments:

On February 18, 2014, I contacted Ray Anderson regarding the 2013 Irrigation Questionnaire he submitted for Permit No. 6685-3 with a check mark in the box showing the system as abandoned.

He informed me that the well was in place and there was some aluminum pipe to put together for a "Big Gun" if needed to irrigate, but the renter hadn't set up a system and thought the sprinkler might be in pieces. He also commented that all they would need to do is put the pipe together and bring a motor to the well to get it going, but wasn't sure if the motor was in working condition "because an engine needs to run once in a while to keep it working right". He also commented "the only time you need water, is when there's a drought" and they had not had a drought, but the North Fork of the Whetstone River runs through the property and sometimes floods the land.

I informed Mr. Anderson that back in August of 2005, I had contacted him regarding Permit Nos. 5350-3, 2267-3 and 3927-3 which were in the name of Allan Anderson and the Elmer Anderson Trust and that these permits showed no irrigation for 15 yrs., 16 yrs. and one permit had shown they irrigated once. (See File Doc for 5350-3 and DENR records on Irrigation Questionnaires) At that time he said to cancel the permits since there were no plans to construct a system and if they did decide to irrigate in the future, they would just reapply for another one. He was informed this permit could also be subject to cancellation for the same reasons the previous permits were cancelled. He said he would like to keep this permit instead of having to reapply again if they thought they might want to irrigate.

In January, 2006, they did reapply for the existing well to irrigate 55 acres. 1/5th of the construction was to have been completed on or before September 13, 2008, all construction was to be completed on or before March 13, 2013 and water put to beneficial use by March 13, 2015.

At this time, the well and aluminum pipe are still there. It is unclear if they have a motor to operate the system or if the sprinkler is operational.

After a couple of in-house conversations, it was decided to give Mr. Anderson until March 13, 2015 which is the date to put water to beneficial use before cancelling the permit for abandonment.

On February 21, 2014, I called Mr. Anderson to inform him the time to put water to beneficial would need to be completed this year and that someone would be out to inspect the system to see if there has been a system constructed. If there was not something in place, the permit would be subject to cancellation. He said that he did not think anything would be constructed because his son does the farming now and he also owns a trucking company and is on-the-road most of the time. He also wanted me to not mention him in the cancellation if it occurred and they could reapply if needed.

At this time, as was discussed in-house, this permit needs to be inspected before cancellation

A handwritten signature in black ink, appearing to read "Mike DeFea". The signature is fluid and cursive, with the first name "Mike" being more prominent than the last name "DeFea".

Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program



6685-3
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 20, 2017

NOTICE

TO: RAYMOND & ALLAN ANDERSON, 1301 LUKE ST, FT COLLINS, CO 80524
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6685-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6685-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 6685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <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.



6685-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 8, 2017

6685-3

Raymond & Allan Anderson
1301 Luke St
Ft Collins CO 80524

Dear Sirs:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit No. 6685-3. 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
email: genny.mcmath@state.sd.us

McMath, Genny

From: Geoffrey P. Anderson <ganderson@sweetbaumsands.com>
Sent: Thursday, October 31, 2019 3:01 PM
To: McMath, Genny
Subject: RE: [EXT] irrigation questionnaire for Raymond Anderson

My dad passed away last year and we sold his house last summer so that's why your written correspondence has been returned. You can mail anything you need to to me at 5417 S. Everett Way, Littleton, CO 80123.

As for the details of the irrigation system, the best person to ask is my cousin Tom Anderson who is farming the land my dad owned. He lives in Wilmot, but I don't have his mailing address handy. His phone number is 605-938-4559. I don't know if he irrigated the land last summer, but I'm sure he would be happy to tell you.

Geoffrey P. Anderson
Sweetbaum Sands Anderson PC
1125 17th Street, Suite 2100
Denver, CO, 80202
303-296-3377 - Phone
303-296-7343 - Fax

----- Confidentiality Notice -----

This electronic message transmission contains information from the law firm of Sweetbaum Sands Anderson PC, which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by email or by telephone (303-296-3377) and delete the original message.

From: McMath, Genny <Genny.McMath@state.sd.us>
Sent: Thursday, October 31, 2019 1:54 PM
To: Geoffrey P. Anderson <ganderson@sweetbaumsands.com>
Subject: irrigation questionnaire for Raymond Anderson

Geoff,

I had your email on file for your dad's irrigation permit. The 2019 questionnaire we mailed to him came back in the with a new address so I'll be sending that back out to him.

Prior to doing that, I wanted to touch base with you to see if any irrigation had been done on the property in 2019. Our records show the system has not yet been constructed but that might not be accurate anymore.

Please touch base with me to let me know if the land was irrigated or not.

Thank you in advance,

Genny McMath
DENR – Water Rights Program
773-3352 (main phone)
773-5455 (desk phone)
Website: <https://denr.sd.gov/des/wr>

6685-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 1, 2019

6685-3

Geoffrey Anderson
5417 S Everett Way
Littleton CO 80123

Dear Mr. Anderson:

In follow-up to our email communication, enclosed is a copy of Water Permit No. 6685-3 listed in the name of Raymond and Allan Anderson.

In order to update the water permit, it should be transferred to reflect current ownership. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

One thing to consider is that filing an ownership change does not guarantee the water permit has legal standing. All construction was to be completed by **March 13, 2011** and water placed to beneficial use by **March 13, 2015**. Enclosed for your review are excerpts of water laws and Water Management Board rules dealing with these issues.

If you feel after reading the excerpts the water permit has been maintained and can be transferred, complete the enclosed transfer of ownership and return it to our office. If construction was not completed and you decide not to transfer the permit, please let me know and we can schedule the permit for cancellation eliminating the need for the transfer and yearly reporting. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

c: Tom Anderson, 46621 134th St, Wilmot SD 57279



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 24, 2022

6685-3

Geoffrey Anderson
5417 S Everett Way
Littleton CO 80123

Dear Mr. Anderson:

I am contacting you in regard to the water permit on file under Raymond and Allan Anderson. The permit authorizes irrigation of 55 acres in the NE ¼ Section 26, T123N, R50W, Roberts County SD.

In August 2021 a staff engineer with our program, spoke with you about the water permit. It is our understanding there is a well on the property, but the land was not being irrigated.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed for your review are excerpts of water laws and Water Management Board rules dealing with these issues.

Please take a few minutes to let us know if there are any legal excuse reasons the land has not been irrigated and if you intend to maintain the water permit. If you do not wish to maintain the water permit, it will be scheduled for cancellation consideration. Cancellation of the permit does not prohibit a new application for the project in the future.

Sincerely,

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

enclosure

6685-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: GEOFF ANDERSON, MGR, 5417 S EVERETT WAY, LITTLETON, CO 80123

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6685-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6685-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 6685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JNHLHN**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 23, 2023

6685-3

Geoff Anderson, Mgr
5417 S Everett Way
Littleton CO 80123

Dear Mr. Anderson:

I am writing to acknowledge receipt of the information for the 2022 irrigation questionnaire. I completed a form for you based on our phone conversation.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit No. 6685-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

For informational purposes, I am sending along excerpts of our Water Laws and Water Management Board Rules dealing with the nonuse of water. This will hopefully add to our discussion about the water permit listed under Raymond and Allan Anderson.

If you have any questions, please contact me.

Sincerely,

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



6685-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 18, 2023

David Anderson
13581 Elsinger Rd
Wilmot SD 57279

6685-3

Dear Mr. Anderson:

Thank you for taking the time to speak with me today about Water Permit No. 6685-3. With you buying the property covered under this permit, I would ask that we complete the transfer process so it will no longer be listed under Raymond & Allan Anderson.

I have taken the liberty of drafting a "Transfer of Ownership" form for you to complete and return. There is a \$50.00 transfer fee. Checks can be made payable to SD Water Rights Program.

Since the original nature of the call to you was for the potential cancellation of this permit, I would again reiterate that as long as you are able to get the irrigation system up and running within the next 3 years, no cancellation would take place. I will follow up with you in the future to check the status of the irrigation system.

Please contact me with any questions,

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

6685-3

File No. 6685-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Geff Anderson; 5410 S Everett Way, Littleton CO 80123

DATE: July 18, 2023

TELEPHONE: 303.957.1627

RE: cancellation - ownership

COMMENTS:

On July 18, 2023 I called Geff Anderson to follow up on a previous conversation he'd had with Genny McMath regarding the cancellation of Water Permit No. 6685-3. In previous years there had been Irrigation Questionnaires submit reporting both "use abandoned" and "sufficient moisture" back and forth.

During this phone call Geff indicated that the property had been sold (contract for deed) to his cousin/nephew (?) David Anderson. He gave me David's contact info and I was able to get in touch with him. David said that he had recently taken ownership of the property and planned to get the irrigation system back up and running for the 2023-2024 season. We discussed the Ownership Transfer and fees (I will be sending him those) and we made a plan for someone to follow up and see if the irrigation was resumed at a future date. If irrigation did not resume within 3 years, he understood that his permit would be subject to cancellation.

David Anderson
13580 Elsinger Rd
Wilmot SD 57279

PH: 605.881.9978



Amanda Dewell
Water Rights Program



6685-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 25, 2023

David Anderson
507 Oldway St
Wilmot SD 57279

6685-3

Dear Mr. Anderson:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Permit No. 6685-3 previously owned by Raymond & Allan Anderson is now listed under David Anderson. I have also updated your contact information in our system.

As a reminder, as long as you use the water beneficially, as stated in the Water Permit, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, the Permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

JUL 24 2023

OK# 1007
Rec'd# 7/24/23

No. 6685-3

Date: 7.20.2023

I/We request that Water Permit No. 6685-3

formerly owned by: Raymond & Allan Anderson

be transferred to: (name & address) David Anderson
507 Midway St
Wilmet SD 57279

Telephone No. 605-938-4436

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

55 acres - NE 1/4 NE 1/4, Section 26, T123N, R50W

I/We understand that the validity of Water Permit No. 6685-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

David Anderson
(Signed by new owner)

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

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

RECEIVED

JUL 25 2023

**OFFICE OF
WATER**

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 24, 2023

RECEIVED OF David P. Anderson 507 Ordway St., Wilmot SD 57279

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6685-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
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