

WATER PERMIT NO. 6933-3

Name of Applicant: **Steve Andrews**

Address: **30416 472nd Ave, Beresford SD 57004**

Phone: **605 253-2259**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **249.1 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **7 miles south of Beresford**

PRIORITY

Date Received: **1-2-08**

Application/License Fee: **\$**

Corrected Application Received: **1-9-08**

Period of Annual Use: **June 25 – Sept 5**

Remarks:

Diversion Point: **SW ¼ SW 14/ Sec 35-%95N-
R50W**

Land to be Irrigated: **NW ¼, NE ¼, SE ¼, SW ¼
Sec 9-T94N-R50W**

Depth of Well:

Well Driller: : **Hammond Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Kevin G Beermann**

Reviewed and the Number Assigned on: **1-9-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

3

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>10933-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>SiouX River</u>
	Newspaper <u>Beresford Republic</u>

RECEIVED

JAN - 2 2008

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.)

1. Name of Applicant Steve Andrews Phone 605-253-2259
(check one) X Owner Tenant/lessee
Mailing Address 30416 472nd Avn. State S.D.
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.22*CFS or 1000 **GPM ***AF 249.1 Total Acreage 248.15-249
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Drill well on My son Jim Andrews Farm
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) The well on My son Jim Andrew farm is SW 1/4 NE 1/4 Section 35-T-95-N. R-50-W along the south end of the farm west of Brule County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used June 25th - Sept. 5th
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
NW 1/4 section 9 T-94-N R-50-W	25.7		
NE 1/4 9 T-94-N R-50-W	83.8		
SE 1/4 9 T-94-N R-50-W	105.8		
SW 1/4 9 T-94-N R-50-W	33.8		

8. Give a description of the project. (Attach sheet if more space is needed)
we would Drill well on Jim Andrews property SW 1/4 35 T-95-N-R-50-W in prairie township. water would the be piped underground across the NE 1/4 and SW 1/4 - 3-P94-N R-50-W in Emmet township, and across to the center of section 9-T94-N R-50-W in Emmet township to Pivot. "See maps"

STATE OF SOUTH DAKOTA)

County of Union SS

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, Steve 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 Steve Andrews

Subscribed and sworn to before me this 20th day of December 20 07

My commission expires 10-10-09

Kristie Munn
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6933-3**

Date of first receipt of application January 2, 2008.

Date of return to applicant for corrections, amendments or changes January 2, 2008.

Date of receipt of corrected application January 9, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6933-3 to Steven Andrews, 30416 472nd Ave, 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. 6933-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 100 feet deep) located in SW ¼ SW ¼ Section 35-T95N-R50W to irrigate 249.1 acres located in the E ½, E ½ NW ¼, E ½ SW ¼, Section 9-T94N-R50W. Water will be conveyed through a pipeline to the location of the irrigated acres.
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: June 25 – September 5.
3. The date from which applicant may claim right is January 2, 2008.
4. The date of approval of Permit No. 6933-3 is May 5, 2008.
5. One-fifth of the construction is to be completed on or before November 5, 2010.
6. All construction is to be completed on or before May 5, 2013.
7. Water is to be put to beneficial use on or before May 5, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

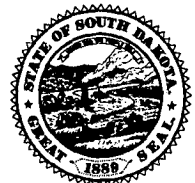
QUALIFICATIONS

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. The well authorized by Permit No. 6933-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6933-3 is subject to obtaining easements for all lands where the pipeline will be located that are not owned by the permit holder. These easements must be filed with the Water Rights Program prior to development of the project.
4. 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

JUN 12 2008
date



1384-3

~~6556-3~~

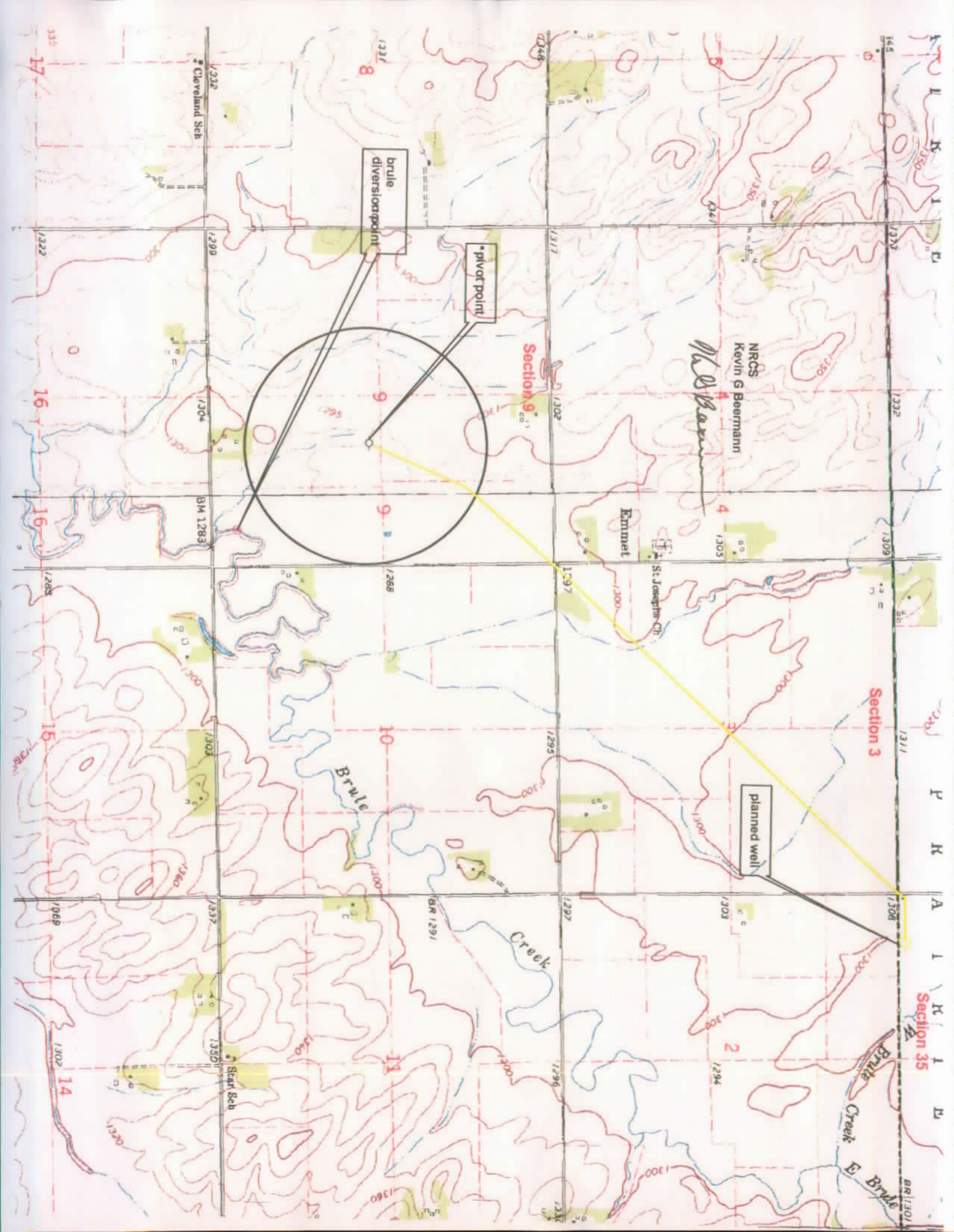
6933-3

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 1/2, 20 08

RECEIVED OF Steven Andrew 30416 472nd Ave Beresford SD 57004

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	300	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. _____	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	350 00

No. **03321**

By *Donald E. Schuler*
Chief Engineer

22

Water Rights Program - File Documentation

NAME: Steve Andrews

ADDRESS: Beresford

DATE: 1-09-08 **COUNTY:** UN **TELEPHONE:** 605 253-2259

RE: Pending application

COMMENTS:

I called Steve Andrews regarding the depth of his proposed well. Talked with his son, Jim. Jim called Hammond Drilling who stated the proposed depth would be approximately 100 feet deep.

In an earlier conversation with Steve Andrews, he indicated that Hammond Drilling was coming to drill a test hole very soon. He would send in the test hole log at that time.


Karen Schlaak
Environmental Scientist



**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. 6933-3, Steve Andrews**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6933-3, Steve Andrews, 30416 472nd Avenue, Beresford SD 57004.

The Chief Engineer is recommending APPROVAL of Application No. 6933-3 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. The well authorized by Permit No. 6933-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Permit No. 6933-3 is subject to obtaining easements for all lands where the pipeline will be located that are not owned by the permit holder. These easements must be filed with the Water Rights Program prior to development of the project.
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
March 27, 2008

WATER PERMIT APPLICATION NOS. 6932-3 & 6933-3
STEVE ANDREWS
JANUARY 17, 2008

Water Permit Application No. 6932-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brule Creek aquifer (approximately 100 feet deep). The proposed well is to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T95N-R50W, and the water is to be used to irrigate 249.1 acres located in the E $\frac{1}{2}$, the E $\frac{1}{2}$ NW $\frac{1}{4}$, and the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 9, T94N-R50W, Union County. The applicant proposes to pump water from the well into Brule Creek at a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T95N-R50W. Brule Creek would then be used to convey water to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T94N-R50W where the water would be diverted for irrigation of the described acres. This application is intended as a supplement to Water Permit Application No. 6931-3 when the flow in Brule Creek is low.

As an alternative to using Brule Creek to convey well water, Water Permit Application No. 6933-3 has been filed. Application No. 6933-3 proposes to appropriate 2.22 cfs from one well completed into the Brule Creek aquifer (approximately 100 feet deep), located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T95N-R50W, to irrigate 249.1 acres located in the E $\frac{1}{2}$, the E $\frac{1}{2}$ NW $\frac{1}{4}$, and the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 9, T94N-R50W, Union County. Water will be conveyed through a pipeline to the location of the irrigated acres.

AQUIFER: BRULE CREEK AQUIFER (BRC)

The Brule Creek aquifer appears to be the same aquifer that was referred to as the "Lower Buried Outwash" in the Water Supply for the City of Beresford (Baker, 1962). The Brule Creek aquifer consists of medium sand to coarse gravel of both glacial and nonglacial origin. A small portion of the aquifer underlies a part of Clay County, but the majority of the aquifer underlies parts of Lincoln and Union Counties (Hedges, 1982). The aquifer underlies 180 square miles of Lincoln and Union Counties and contains an estimated 570,000 acre-feet of recoverable water in storage in the counties (Niehus, 1994). The sand and gravel attains a maximum thickness of 88 feet and has an average thickness of 33 feet (Niehus, 1994). A number of test holes were drilled in this area by the S.D. Geological Survey as part of the Lincoln-Union County study. An analysis of data from this drilling indicates the Brule Creek aquifer is surficial within one mile to the north, east and south of this well site, and is buried to a depth of 88 feet within one mile to the west (S.D. Geological Survey, 2008). The saturated thickness of the aquifer ranges from 24 feet to 88 feet with a mean of 61.75 at the Water Rights Observation wells located within one mile in all directions of this well site (Water Rights, 2008b). However, the description of the lithology of the observation well located approximately one mile west of this site (UN-77C) characterizes 17 feet of the 23 feet total thickness of the Brule Creek aquifer as "clay and sand; approximately one-foot of alternating layers". A test hole log was not submitted with this application for this well site and the possibility exists that at this site the saturated thickness of the aquifer may be insufficient to supply an irrigation well. The aquifer is expected to be under unconfined conditions at this proposed well site and the water table is expected to be within approximately five feet of the ground surface (Water Rights, 2008b).

Recharge to the Brule Creek aquifer occurs primarily through infiltration of precipitation in areas where the aquifer is near land surface. Average annual recharge has not been quantified for the Brule Creek aquifer.

Discharge from the Brule Creek aquifer is through well withdrawals, evapotranspiration where the aquifer is near ground surface, possibly through discharge to the Newton Hills and Big Sioux aquifers.

Observation Well Data:

The Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer. Hydrographs of the observation wells show the water level of the aquifer fluctuates with seasonal changes in recharge and discharge. The water levels rise during the late winter through early summer in response to increased recharge, and decline from early summer through late winter because withdrawals (from wells and natural discharge) exceed recharge. Four observation wells are located within approximately one mile of this proposed well site. Hydrographs for the wells are shown below in figures 1 through 4.

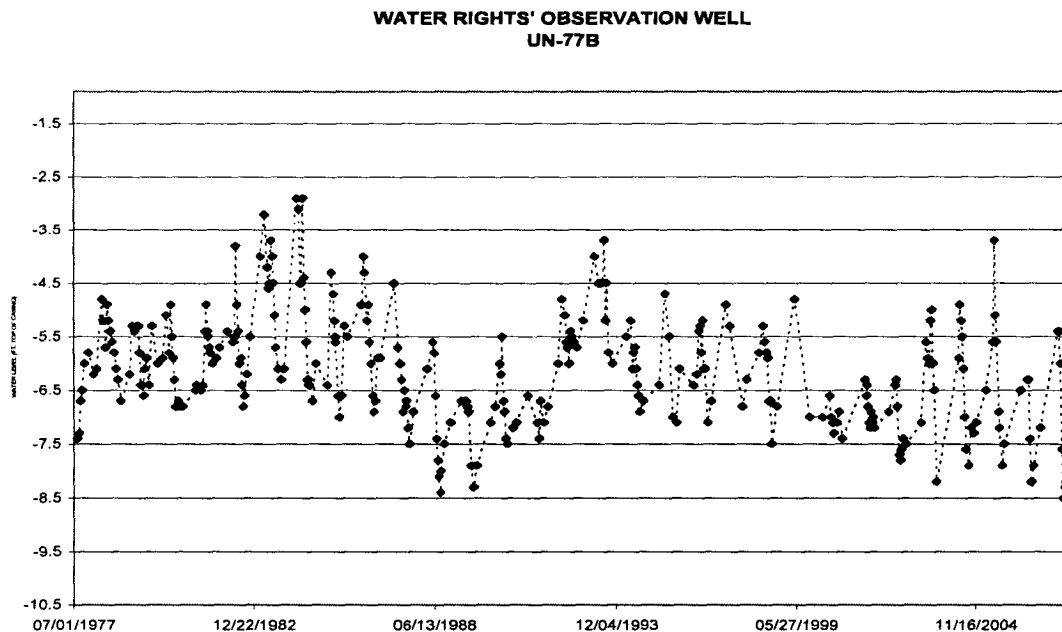


Figure 1. Hydrograph of Water Rights' Observation well located approximately one mile north of the well site proposed by Water Permit Application No. 6932-3

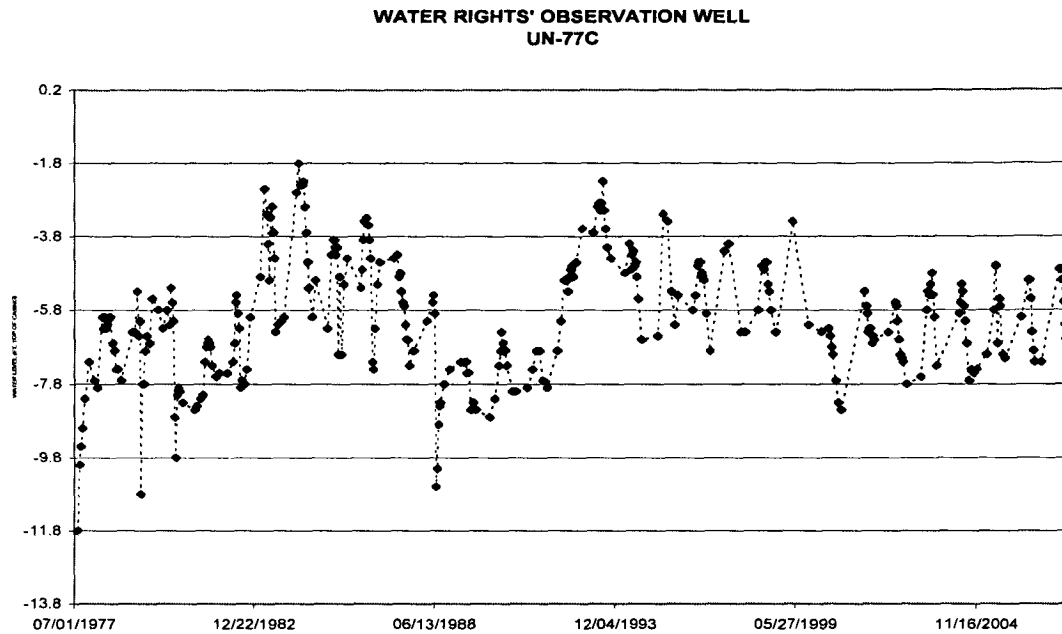


Figure 2. Hydrograph of Water Rights' Observation well located approximately one mile west of the well site proposed by Water Permit Application No. 6932-3

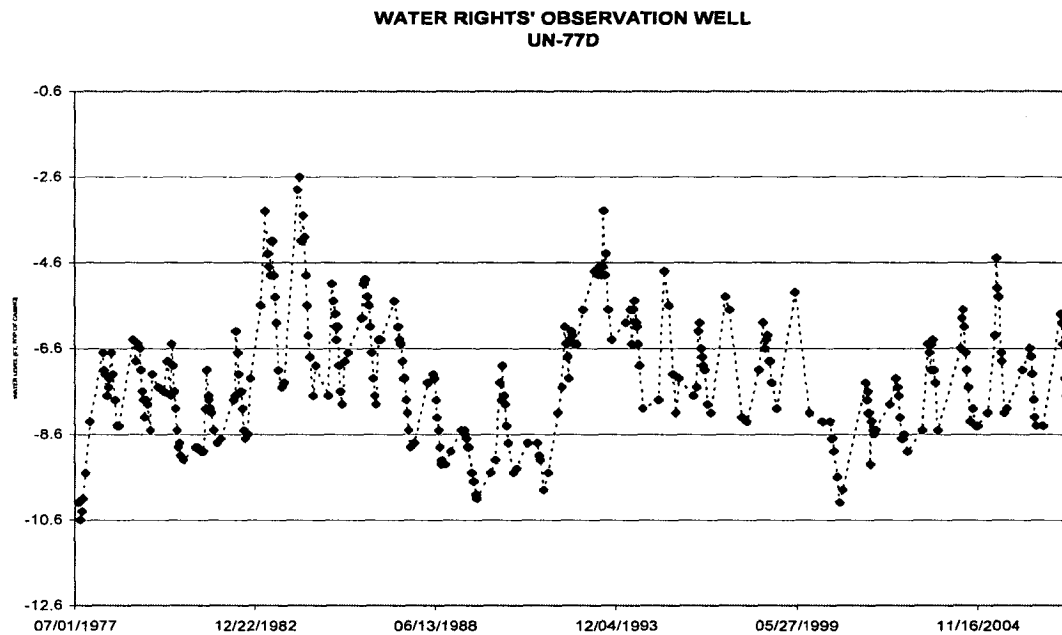


Figure 3. Hydrograph of Water Rights' Observation well located approximately one mile south of the well site proposed by Water Permit Application No. 6932-3

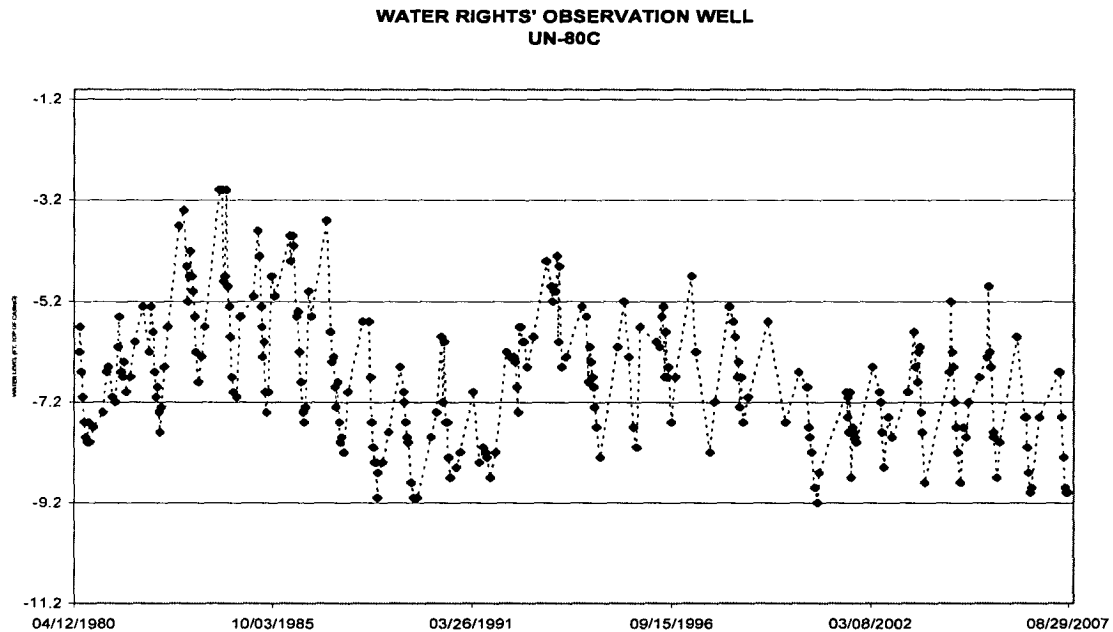


Figure 4. Hydrograph of Water Rights' Observation well located approximately one mile east of the well site proposed by Water Permit Application No. 6932-3

The hydrographs document that in general, withdrawals have not exceeded recharge over the period of record and unappropriated water is available for this appropriation.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are currently 12 Water Rights/Permits appropriating water from the Brule Creek aquifer, they are shown in table one (Water Rights, 2008c).

PERMIT NO	NAME	USE	CFS	ACRES
1384-3	JIM ANDREWS	IRR	1.94	136.00
2193-3	LARRY D ANDREWS	IRR	1.94	136.00
2194-3	LARRY D ANDREWS	IRR	1.94	136.00
4685-3	ALLEN ANDREWS	IRR	1.77	136.00
4909-3	CITY OF BERESFORD	MUN	1.92	
5536-3	DON LERSETH	IRR	1.77	136.00
5660-3	CITY OF BERESFORD	REC	0.00	
5950-3	LARRY D ANDREWS	IRR	1.65	116.00
6556-3	JAMES ANDREWS	IRR	1.15	80.00
6558-3	MARLOW CHRISTENSEN	COM	0.04	
672-3	CITY OF ALCESTER	MUN	0.44	
758-3	CITY OF ALCESTER	MUN	0.17	

Table 1. Water Rights/Permits appropriating water from the Brule Creek aquifer

Water uses by holders of non-irrigation appropriations from the Brule Creek aquifer can be considered negligible. Almost all of the water use from the Brule Creek aquifer is for irrigation. From 1986 through 2006 there have been between seven and ten irrigation Water Rights/Permits appropriating water from the aquifer. The average appropriation during the time period was 2,634.4 acre-feet per year. Pumpage reported from the Brule Creek aquifer from 1986-2006 averaged 653.24 acre-feet per year (Water Rights, 2008a). The total irrigation appropriations and reported pumpage for 1986-2006 are shown in figure 5.

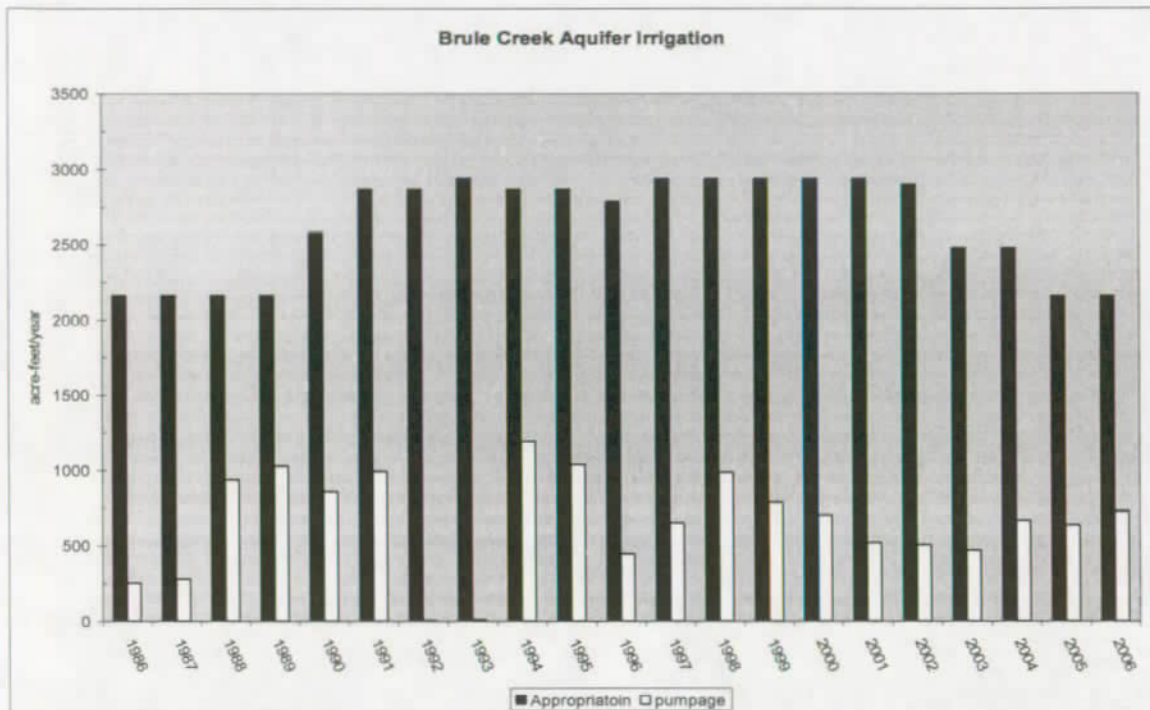


Figure 5. Total appropriation and reported pumpage from Brule Creek aquifer irrigation appropriations 1986-2006.

All of the irrigation from the Brule Creek aquifer takes place within approximately one mile of the well site proposed by this application. The nearest irrigation wells to this proposed well site (1384-3 & 6556-3, Jim Andrews) are located approximately one-quarter mile north of this well site. Irrigation wells for Water Rights 2193-3 & 2194-3 for Larry Andrews are located approximately one-third of a mile south of this proposed well site. The Brule Creek aquifer is under unconfined conditions in this area and drawdown created by pumping is not expected to be significant. The fact that existing irrigation well users have coexisted with no apparent problems for many years reinforces this conclusion. The observation well record documents that drawdown has not been significant.

SPECIAL CONSIDERATION:

South Dakota Codified Law (SDCL) 46-5-14 states:

“Water turned into any natural or artificial watercourse for means of transport by any person entitled to the use of the water may be reclaimed below and diverted by that person, subject to existing rights, accurate

allowance for losses to be made, as approved by the Water Management Board.”

Pursuant to SDCL 46-5-14, this application proposes to pump water from a well to Brule Creek, use Brule Creek to convey the water approximately six river miles and divert the water from the creek as a “supplement” to Water Permit Application No. 6931-3 that proposes to divert water from Brule Creek for irrigation.

A hydrograph for Brule Creek at a gauging station located approximately 21 river miles down stream of this proposed project is shown in figure 6. This hydrograph is probably representative of this site since the majority of the drainage basin contributing to the gauge is upstream of the diversion point proposed by Application No. 6931-3. The river flows are predicted to be sufficient to satisfy the irrigation proposed by Application No. 6931-3 approximately 50% of the time (M.A.DeFea, DENR-Water Rights Program, personal commun., February 2008).

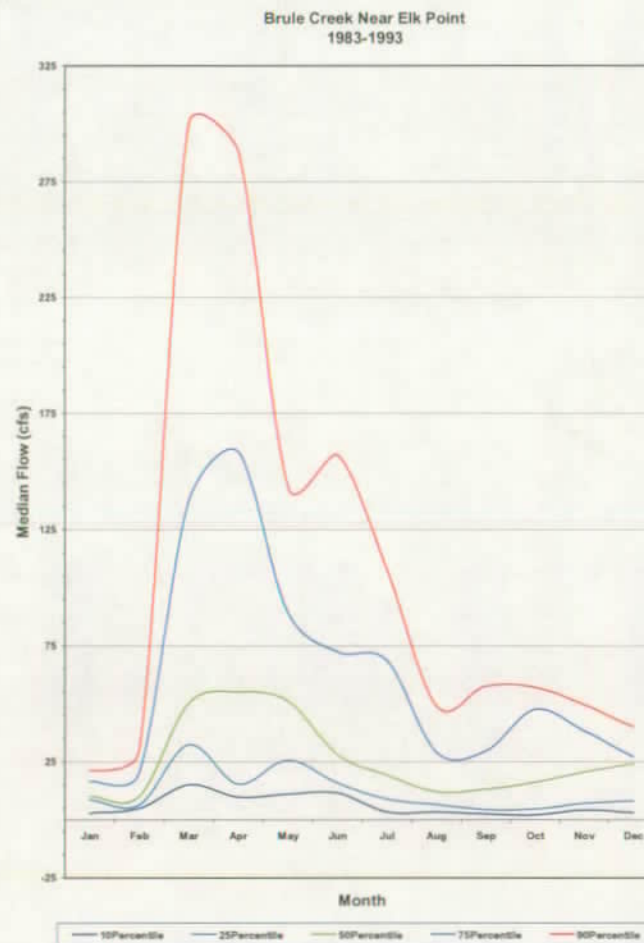


Figure 6. Hydrograph for Brule Creek near Elk Point

Since surface water will only be available 50% of the time, it is apparent that if Water Permit Application No. 6932-3 is approved it will be utilized on a fairly routine basis. Losses of the groundwater pumped into Brule Creek resulting from evaporation, evapotranspiration and percolation are expected to be significant.

SDCL 46-1-4 requires:

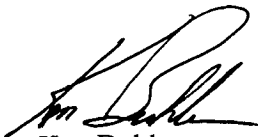
“that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or watercourse in this state is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of diversion of water.”

There may be a question whether using Brule Creek to convey groundwater is a reasonable use groundwater or if it is a reasonable method of diversion.

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if the proposed use is a beneficial use and in the public interest. The Water Management Board may, in determining if it is in the public interest to approve Water Permit Application No. 6932-2, consider if conveying groundwater via six miles of streambed is an unreasonable use of water, or if SDCL 46-5-14 was intended to include groundwater.

CONCLUSIONS:

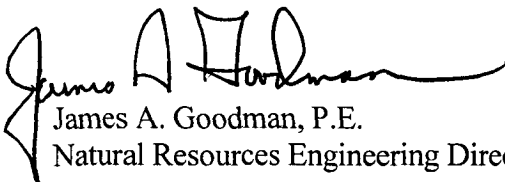
1. The Brule Creek aquifer is a viable aquifer and unappropriated water is available for the appropriation proposed by either Application No. 6932-3 or Application No. 6933-3.
2. The Brule Creek aquifer is under unconfined conditions in this area. Drawdown created by pumping is not expected to be significant and interference with existing wells is not expected to be a problem
3. The “public interest” aspect of using the creek to convey groundwater may need to be addressed by the Water Management Board, following a hearing.



Ken Buhler

Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.

Natural Resources Engineering Director

REFERENCES:

- Baker, G.K., 1962, Water Supply for the City of Beresford: S.D. Department of Environment and Natural Resources, Office of Geological Survey Special Report 22, 11 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluatoin of Ground-Water resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa: S.D. Department of Water and Natural Resources, Office of Geological Survey Contract DACW 45-80-C-0185
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57 p.
- S.D. Geological Survey, 2008, Lithologic Logs Database, DENR-Geological Survey, Akeley- Lawrence Science Center, Vermillion, SD
- Water Rights, 2008a, "Unpublished Irrigation Summary by Aquifer", DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights, 2008b, "Observation Well Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights, 2008c, "Water Right/Permit Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY: UNION

CITY: BERESFORD

NEWSPAPER: BERESFORD REPUBLIC

SS

RECEIVED

MAY 14 2008

WATER RIGHTS
PROGRAM

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS 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

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

17th day of April, 2008, and that the succeeding publications were severally on

Thursday, the 24th day of April, 2008;

Thursday, the ____ day of _____, 2008;

Thursday, the ____ day of _____, 2008

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 \$ 360⁰⁰

X _____, Allyson M. Hill

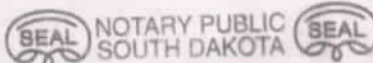
Subscribed and sworn to before me this 30th day of April, 2008.

[Signature]

Notary Public

My commission expires 11/14/2012.

SHANE HILL



Notice of Application No. 6933-3 to Appropri- ate Water

Notice is given that Steve Andrews, 30416 472nd Ave, Beresford, SD 57004, has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 100 feet deep) located in SW1/4 Section 35-T95N-R50W to irrigate the 249.1 acres located in the E1/2, E1/2 NW1/4, E1/2 SW1/4, Section 9-T94N-R50W. Water will be conveyed through a pipeline to the location of the irrigated areas.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6933-3 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 this 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 this 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 May 5, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's rea-

sons 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 7, 2008

Beresford Republic
PO Box 111
Beresford SD 57004

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6933-3 to Appropriate Water to be published twice. Please publish the first notice on April 17, 2008 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 Steve Andrews, 30416 472nd Ave, Beresford SD 57004 (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. 6933-3

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

Date _____

We are in receipt of your letter of April 7, 2008 enclosing Notice to Appropriate Water by Application No. 6933-3 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.

April 7, 2008

Steve Andrews
30416 472nd Ave
Beresford SD 57004

Dear Mr. Andrews:

Water Permit Application No. 6933-3 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 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.

Instruction to Newspaper - Publish first Notice on April 17, 2008 with the second publication 7 days later. The applicant is responsible for payment.

Notice of Application No. 6933-3 to Appropriate Water

Notice is given that Steve Andrews, 30416 472nd Ave, Beresford SD 57004 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 100 feet deep) located in SW ¼ SW ¼ Section 35-T95N-R50W to irrigate the 249.1 acres located in the E ½, E ½ NW ¼, E ½ SW ¼, Section 9-T94N-R50W. Water will be conveyed through a pipeline to the location of the irrigated acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6933-3 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 this 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 this 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 May 5, 2008.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 12 2008

Steven Andrews
30416 472nd Ave
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Water Permit No. 6933-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

As stated in Qualification No. 3, Permit No. 6933-3 is subject to obtaining easements for all lands where the pipeline will be located that are not owned by the permit holder. These easements must be filed with the Water Rights Program prior to development of the project.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 28, 2026

6933-3, 7166-3

James Andrews
47266 305th St
Beresford, SD 57004

Dear Mr. Andrews:

On June 24, one of our Water Right Engineers inspected your property in order to obtain a license for Water Permit No. 7166-3. You also would like to incorporate Water Right No. 1384-3 and Water Permit Nos. 6556-3, 6933-3, all into one license in your name, to be held under 7166-3. I have enclosed two partially completed "Transfer of Ownership" forms for you to complete since they are under Steven's name.

Please return the forms (in the prepaid envelope that is provided) with a check for \$100.00 (\$50.00 for each transfer) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.5559. These forms will still need to be returned even if you are submitting payment over the phone. Once it is paid and I have the transfers, I will complete this license.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosures

RECEIVED

AUG 13 2026

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

AUG 13 2026

Ck# 7574

Rec't# _____

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6933-3

Date: 8/8/2026

I/We request that Water Right/Permit No. 6933-3 formerly owned by:
Steven Andrews

be transferred to:

New Owner Name: James Andrews

Address: 47266 205 St.

mobile: 605-957-5478

City, State, Zip: Beresford, SD 57004

email: farmboy70@hotmail.com

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

Section 9-T94N-R50W

NW 1/4 - 25.7 acres NE 1/4 - 83.8 acres

SE 1/4 - 105.8 acres SW 1/4 - 33.8 acres

Total: 249.1 acres

☒ I understand that the validity of Water Right/Permit No. 6933-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, James Andrews, the new owner, certify that the above information is true and correct.

James Andrews

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 13, 2026

RECEIVED OF James Andrews 47266 305th St Beresford, SD 57004

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 #6933-3 & #7166-3	\$ <u>100.00</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>100.00</u>

By Adam Mathiowetz
Sk Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 13, 2026

6933-3, 7166-3

James Andrews
47266 305th St
Beresford, SD 57004

Dear Mr. Andrews:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the fees you submitted for Water Permit Nos. 6933-3 & 7166-3, enclosed is a \$100.00 receipt of payment for your records.

Water Permit Nos. 6933-3 & 7166-3, previously held by Steven Andrews, are now listed under your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License (copy enclosed), 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, without legal excuse, the Permit/License will be subject to cancellation.

I am happy to answer any questions you may have.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Permit Nos. 6933-3 & 7166-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

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