

WATER PERMIT NO. 7078-3

Name of Applicant: **Richard Adee**

Address: **PO Box 368, Bruce SD 57220** Phone: **605 627-5621**

Amount of Water Claimed: **no add'l** Total Acres: **83**

Source of Water Supply: **groundwater (1 existing well)**

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

Type of Waste Disposal System:

Location: **½ mile south of Bruce**

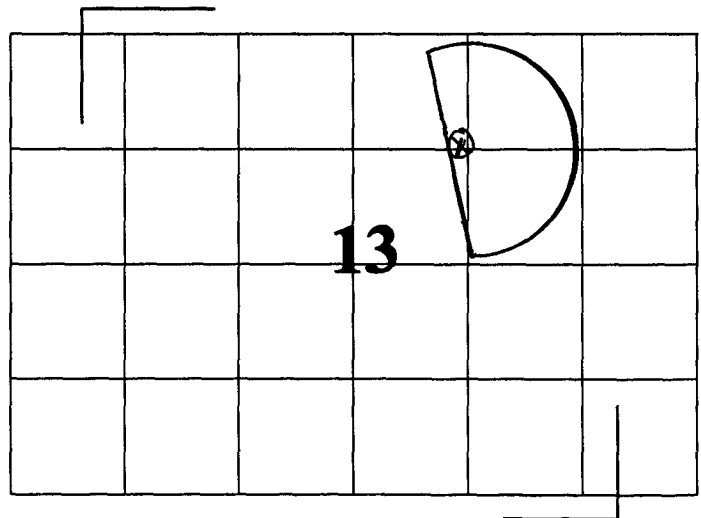
PRIORITY Date Received: **11-3-08** Application/License Fee: **\$275**

Corrected Application Received: Period of Annual Use: **July 1 – August 31**

Remarks: **Using the existing well authorized by Water Right No. 4607-3**

Diversion Point: **NE ¼ Sec 13-T111N-R51W**

Land to be Irrigated: **center of NE ¼ Sec 13-T111N-R51W**



Depth of Well: **60 feet deep**

Well Driller: : **Kaiser Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-3-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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>7078-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register P.O. Box 177</u>	
	<u>605-692-6271</u> <u>57006</u>	

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NOV - 3 2008
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No. 4607.3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Adding about 80 acres of irrigation

- Name of Applicant Richard Adee (check one) Owner Tenant/lessee Phone 605-6275621
Mailing Address P.O. Box 368 Brookings State S.D. 57220
(no add'l) (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.66 *CFS or 250 **GPM ***AF Total Acreage 196
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground Water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well - Center NE 1/4 Sec 13 R-51-W T111-N
Oakwood Township County Brookings
- County or counties where water will be used Brookings
- Annual period during which water is to be used July + Aug Apr 1 - Oct. 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>Sec 13-T111-R51W-NW 1/4 NE 1/4</u>	<u>18</u>		
<u>Sec 13-T111-R51W-NE 1/4 NE 1/4</u>	<u>30</u>		
<u>Sec 13-T111-R51W-SW 1/4 NE 1/4</u>	<u>5</u>		
<u>Sec 13-T111-R51W-SE 1/4 NE 1/4</u>	<u>30</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of Brookings

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, Richard L. Adee, 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 Richard L. Adee

Subscribed and sworn to before me this 1st day of NOVEMBER 20 08

[Signature]
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7078-3

Date of first receipt of application November 3, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7078-3 to Richard Adee, PO Box 368, Bruce SD 57220 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. 7078-3 authorizes irrigation of 83 additional acres. Water Right No. 4607-3 authorizes 1.66 cubic feet of water per second from one well completed into the Big Sioux:Brookings Aquifer (60 feet deep) located in the center of the NE 1/4 Section 13-T111N-R51W to irrigate 116 acres located in the NW 1/4 Section 18-T111N-R50W. This permit authorizes irrigation of 83 additional acres located in the NE 1/4 Section 13-T111N-R51W from the existing well. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is November 3, 2008.
4. The date of approval of Permit No. 7078-3 is January 15, 2009.
5. One-fifth of the construction is to be completed on or before July 15, 2011.
6. All construction is to be completed on or before January 15, 2014.
7. Water is to be put to beneficial use on or before January 15, 2018.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 15 2009

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction See WR 4607-3

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

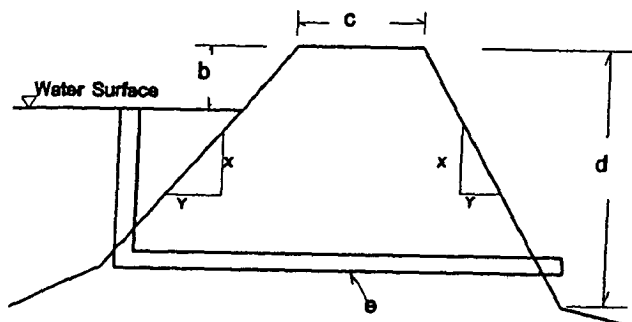
3. Dugout Information

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

4. Water Storage Dams

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

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



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



United States Department of Agriculture
Farm Service Agency

13-111-51

January 14, 2004

Brookings County

1997 Digital Orthophotography - Not To Scale

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NOV - 3 2008

WATER RIGHTS
PROGRAM



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/3, 20 08

RECEIVED OF Adee Honey Farms PO Box 368 Bruce SD 57220

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

Fee for Application for Permit No. <u>7078-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7078-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275 00

No.

63766

By

Richard Erbe
Chief Engineer



**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. 7078-3, Richard Adee**

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. 7078-3, Richard Adee, PO Box 368, Bruce SD 57220.

The Chief Engineer is recommending APPROVAL of Application No. 7078-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
December 17, 2008

REPORT ON WATER PERMIT NO. 7078-3

For Richard Adee

November 19, 2008

Application No. 7078-3 proposes to irrigate an additional 83 acres. Water Right No. 4607-3 authorizes 1.66 cfs (745 gpm) from one well approximately 54 feet deep located in the center of the NE $\frac{1}{4}$ of section 13, T111N R51W to irrigate 118 acres located in the NW $\frac{1}{4}$ of section 18, T111N R50W. This application proposes to irrigate 83 acres located in the NE $\frac{1}{4}$ of section 13, T111N R51W from the existing well. This application does not authorize any increase in the developed diversion rate for the well. This application is in Brookings County.

AQUIFER – BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a predominantly surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 74,500 acres and contains an estimated 245,850 acre-feet of recoverable water in storage in Brookings County (Hedges, 1982). The aquifer extends into Hamlin County to the north, Moody County to the south, Kingsbury County to the west and blends into four management units to the east in Brookings County. These management units are the Big Sioux Aurora, Big Sioux Unnamed Creek, Big Sioux North Deer Creek and Big Sioux Six Mile Creek aquifers. All the aquifers are hydraulically connected to the Big Sioux River and some area streams and lakes. The USGS estimated that the entire Big Sioux aquifer underlies 540 square miles and contains an estimated 2.0 million acre-feet of water in storage in Kingsbury and Brookings Counties (Hamilton, 1989). This storage is predominantly in Brookings County. The direction of ground water movement is from northeast to southwest in this area and locally towards the Big Sioux River.

The well completion report indicates sand and gravel from six to 54 feet below land surface with a static water level of 12 feet below land surface. Reportedly the well was capable of producing 800 gpm with seven feet of drawdown. This would equate to a specific capacity of 115 gpm/ft of drawdown. This is a relatively high specific capacity but not unusual for this area.

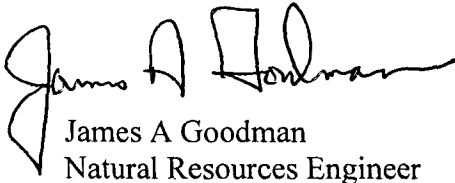
The Water Rights Program monitors an observation well BG-75F located within one half mile of this application. Water levels for this well show good response to climatic conditions. Water levels rise during wet periods (recharge) and gradually decline during drought conditions. The effects of pumping are not obvious. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing water rights within one mile of this application. The nearest existing irrigation well is about one-half mile from the well for this application. At this distance interference is not a concern. This is verified by the observation well record. Drawdown created by pumping will not be significant at this distance between wells.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. The aquifer is under water table conditions at this site. Information indicates that pumping does not cause significant drawdown in this area. At the distance between production wells interference is not a concern.
3. This is an existing well and has been in use for many years.
4. No increase in the rate of diversion is authorized. This means only one system can be operated at a time.



James A Goodman
Natural Resources Engineer

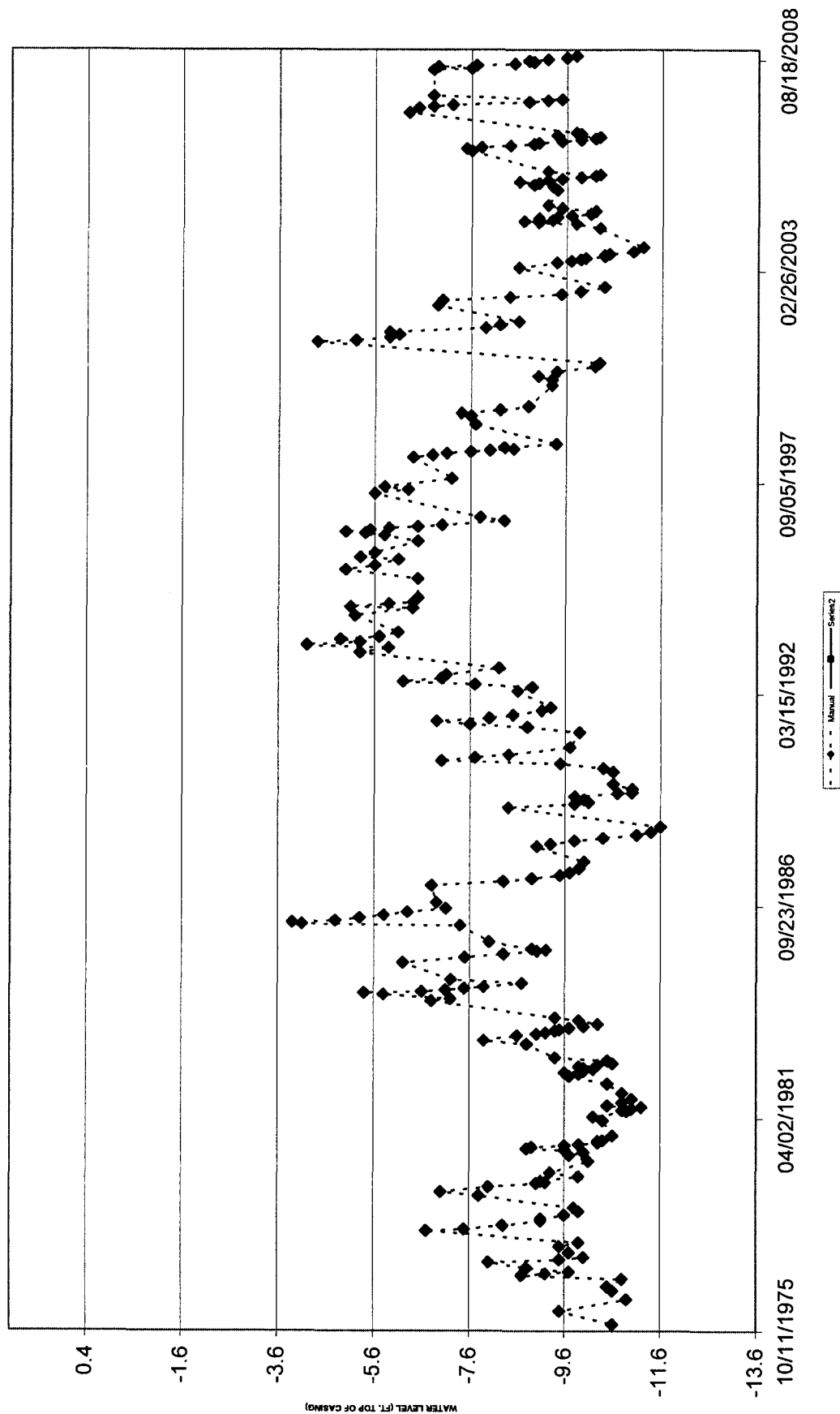
BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, Water-Resources Report of Investigations No. 88-4185, USGS, Huron, SD, 57350.

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

Water Rights, 2008, Unpublished Observation Well Data for Brookings County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BG-75F**



Affidavit of Publication

State of South Dakota

SS

County of Brookings

Portia Bles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal#384

Application - Ade

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

December 29, 2008

January 5, 2009

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Fifty-one dollars and sixty-one cents

\$51.61

Subscribed and sworn to before me this

5th

day of

January

2009

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2012

Christina Nelson

Legal 384, 2x,
12/29, 1/5/09

NOTICE OF APPLICATION NO. 7078-3 to
Appropriate Water

Notice is given that Richard Ade, PO Box 368, Bruce SD 57220 has filed an application for a water permit to irrigate 83 additional acres. Water Right No. 4607-3 authorizes 1.66 cubic feet of water per second from one well completed into the Big Sioux: Brookings Aquifer (60 feet deep) located in the center of the NE 1/4 Section 13-T111N-R51W to irrigate 116 acres located in the NW 1/4 Section 18-T111N-R50W. This application proposes to irrigate 83 additional acres located in the NE 1/4 Section 13-T111N-R51W from the existing well. This application, if approved does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7078-3 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 January 15, 2009. 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.

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JAN - 8 2009

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 19, 2008

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7078-3 to Appropriate Water to be published twice. Please publish the first notice on December 29, 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 Richard Adee, PO Box 368, Bruce SD 57220 (Ph # 605-627-5621).

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. 7078-3

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

Date _____

We are in receipt of your letter of December 19, 2008 enclosing Notice to Appropriate Water by Application No. 7078-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.



**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.

December 19, 2008

Richard Adee
PO Box 368
Bruce SD 57220

Dear Mr. Adee:

Water Permit Application No. 7078-3 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 Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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 December 29, 2008 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7078-3 to Appropriate Water

Notice is given that Richard Adee, PO Box 368, Bruce SD 57220 has filed an application for a water permit to irrigate 83 additional acres. Water Right No. 4607-3 authorizes 1.66 cubic feet of water per second from one well completed into the Big Sioux:Brookings Aquifer (60 feet deep) located in the center of the NE ¼ Section 13-T111N-R51W to irrigate 116 acres located in the NW ¼ Section 18-T111N-R50W. This application proposes to irrigate 83 additional acres located in the NE ¼ Section 13-T111N-R51W from the existing well. This application, if approved does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7078-3 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 January 15, 2009.

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**

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

JUN 15 2009

Richard Adee
PO Box 368
Bruce SD 57220

Dear Mr. Adee:

Enclosed is Water Permit No. 7078-3 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

7078-3

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JUL 30 2009

WATER RIGHTS
PROGRAM

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 7-29-09

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Richard Adele
(name)

P.O. Box 368
(address)

Bruce, S.D. 57220
(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7078-3 states that the water use system is to be constructed by

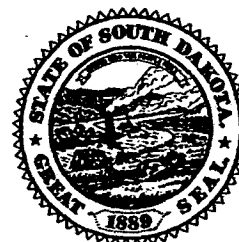
Jan 15, 2014 (date), and water is to be put to beneficial use by Jan 15, 2018 (date).

The water use system was completed on 7-24-09 (date).

Applying the water to beneficial use was completed on 7-24-09 (date).

You may schedule an investigation so that the water license may be issued.

[Signature]
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 2009

7078-3

Richard Adee
PO Box 368
Bruce SD 57220

Dear Mr. Adee:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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

Permit No. 7078-3
Sioux River River - Water District

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

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

I have this day, **September 10, 2009**, made a thorough examination of the water use system constructed by **Richard Adee** of **PO Box 368, Bruce, SD 57220** holder of Permit No. **7078-3**, bearing the priority of **November 3, 2008** authorizing the irrigation of **83** additional acres, in **Brookings** County.

A. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Valley**
- 2) Number of towers **7**
- 3) End gun **Y**
- 4) High or low pressure **High**

Chemigation Equipment:

- 1) Does chemigate **N**

B. Compliance with Permit Requirements:

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

The system is in **Good** condition with the point(s) of diversion located as follows:

Approximately 1282 feet south and 1200 feet west of the NE corner of Section 13-T111N-R51W
(N 44.42404, W -96.89133) (NE ¼ NE ¼)

Water has been put to beneficial use to the maximum extent as follows:

Section 13-T111N-R51W

NE ¼ NE ¼ - 30 acres
NW ¼ NE ¼ - 14 acres
SE ¼ NE ¼ - 30 acres
SW ¼ NE ¼ - 9 acres

comprising a total of **83** acres of land and the license should be issued for **83 acres of land.**

All structures, wells and lands on map **Y**

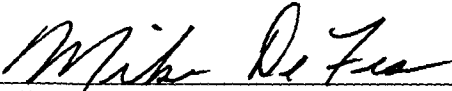
Report of Examination of Works

Permit No. 7078-3

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

Water Permit No. 7078-3 authorizes the irrigation of 83 acres with no additional water. Water for the pivot is supplied by a well authorized to divert 1.66 cfs of water covered under Water Right No. 4607-3.

Well, pump, motor and irrigated land information covered under Water Right No. 4607-3 can be found in the inspection report for this water right.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **December 1, 2009**

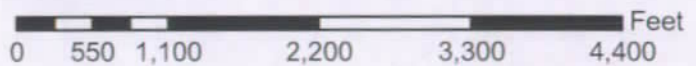
Water Permit No. 7078-3

Richard Adey
PO Box 368
Bruce, SD 57220



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 1, 2009



South Dakota
Department of Environment
& Natural Resources
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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 29 2010

4607-3
7078-3

Richard Adee
PO Box 368
Bruce SD 57220 0368

Dear Mr. Adee:

Enclosed is your Water License No. 7078-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7078-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Note: The applicable portions of Water Right No. 4607-3 have been incorporated into Water License No. 7078-3.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7078-3

(1) Richard Adee, PO Box 368, Bruce SD 57220-0368 made Application No. 7078-3, November 3, 2008 for a water permit to irrigate an additional 83 acres from an existing well (Big Sioux – Brookings Aquifer) authorized by Water Right No. 4607-3. The project is located in Brookings County, South Dakota. Permit No. 7078-3, with a priority date of November 3, 2008 was approved January 15, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 15, 2014 and for the application to beneficial use of said water on or before January 15, 2018.

Permit No. 7078-3 did not allow for an increase in the diversion rate authorized by Water Right No. 4607-3. Water Right No. 4607-3, with a priority date of December 17, 1980 authorizes diversion of 1.66 cubic feet of water per second to irrigate 116 acres. The applicable portions of Water Right No. 4607-3 are incorporated into this water license. Priority dates for the acres irrigated are described below.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.66 cubic feet of water per second for beneficial use. The location of the diversion point is 1,282 feet south and 1,200 feet west of the NE corner of Section 13, T111N, R51W (NE ¼ NE ¼).

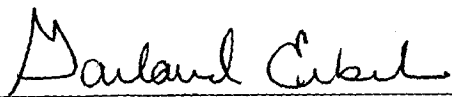
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 13, T111N, R51W November 3, 2008 priority date (7078-3)		Section 18, T111N, R50W December 17, 1980 priority date (4607-3)	
NE ¼ NE ¼	30 acres	NW ¼ NW ¼	28 acres
NW ¼ NE ¼	14 acres	NE ¼ NW ¼	30 acres
SE ¼ NE ¼	30 acres	SE ¼ NW ¼	30 acres
SW ¼ NE ¼	9 acres	SW ¼ NW ¼	28 acres
Total 199 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Adee, PO Box 368, Bruce SD 57220-0368 the holder and/or owner of Incorporated Water Right No. 7078-3 is issued a license to appropriate water, the right to use 1.66 cubic feet of water per second from ground water (one well, Big Sioux – Brookings Aquifer) with priority dates of November 3, 2008 and December 17, 1980 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7078-3 and subject to the following qualifications:

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


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 29 2010

date





7078-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: RICHARD ADEE, PO BOX 368, BRUCE, SD 57220 0368

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7078-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 7078-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 7078-3 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 on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2013

7078-3

Richard Adee
PO Box 368
Bruce SD 57220 0368

Dear Mr. Adee:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 7078-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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