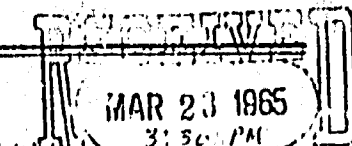


854-2

1. Considered 5-12, 1965
2. Name of Applicant J. M. PETERSON
3. Post Office Address Philip
4. Amount of water claimed 2.0
5. Source of water supply Red River, Big Horn & Judith R.
6. Water to be used for irrigation  
Acres to be irrigated 1450
7. Water to be diverted and used in Hydrom Country about  
3 1/2 miles E of Philip
8. Proof of Publication Received 121  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

EARL MILLAGE  
JAMES MILLAGE  
OSCAR MARKEDT  
A.E. SCHOFIELD

10. Remarks: See Attached

No. 859-2Water Division No. 2 BAD RIVER  
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.

## APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant JIM PETERSON  
Postoffice address PAULP, County HAWKON, State AK

## I. If a corporation

- (a) Name of same \_\_\_\_\_  
(b) Date and place of incorporation \_\_\_\_\_  
(c) Amount of capital stock \_\_\_\_\_  
(d) Amount paid in \_\_\_\_\_  
(e) Names and addresses of directors \_\_\_\_\_

(NOTE—A certified copy of articles of incorporation must accompany the application.)

## II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

CONTRACT & DIRECT LABOR(b) Cash on hand, \$ ADEQUATE

(c) Treasury stock, \$ \_\_\_\_\_

(d) Bonds to be issued, \$ \_\_\_\_\_

(e) Other resources, \$ A.S.C.2. Name of diversion work PETERSON IRRIGATION PROJECT #13. Amount of water claimed 2.0 cubic feet per second4. Source of water supply GRINDSTONE CREEK, BAD RIVER & DRY DRAW5. Location of point of diversion SEE ATTACHMENT\_\_\_\_\_ on \_\_\_\_\_ bank HAWKON County.6. Annual period or periods during which water is to be used WHEN AVAILABLE

## 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
- WATER SPREADING

(a) Number of acres to be irrigated 145 acres.

(b) Legal subdivisions to be irrigated

SEE ATTACHMENT

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) \_\_\_\_\_

## II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use \_\_\_\_\_  
Name/any of the above uses claimed

(b) Amount of power to be generated \_\_\_\_\_ horse power.

Amount claimed for engine cooling \_\_\_\_\_

(c) Location of plant \_\_\_\_\_

(d) Method of developing power \_\_\_\_\_

(e) Point where water will be returned to stream \_\_\_\_\_

MAP NO 741-2

## 8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures ..... \$.....

Total, \$.....

## 9. Description of diversion works:

## I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

SERIES OF FOREBAY DIKES

## II. Dimensions of works.

(a) Dam: Height ..... feet; length at bottom ..... feet; length at top

..... feet; thickness at bottom ..... feet; thickness at top

feet; slope at front water face .....; slope at back face

material used in construction

(b) Reservoir: Capacity when filled ..... acre feet. Surface area at highwater mark ..... acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

(c)\* Head gate: Width ..... feet; height ..... feet;  
Material .....

(d) Canal: Total length ..... miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|------------|-----------------|------------------------|-------------------|
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ..... 5 ..... years.

11. Time required for complete application of water to the proposed beneficial use ..... 4 ..... years.

12. Choice of newspaper for publication of notice of intention to appropriate

PIONEER REVIEW, PULLIP, S. DAK

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

I,

JIM PETERSON

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

James Peterson

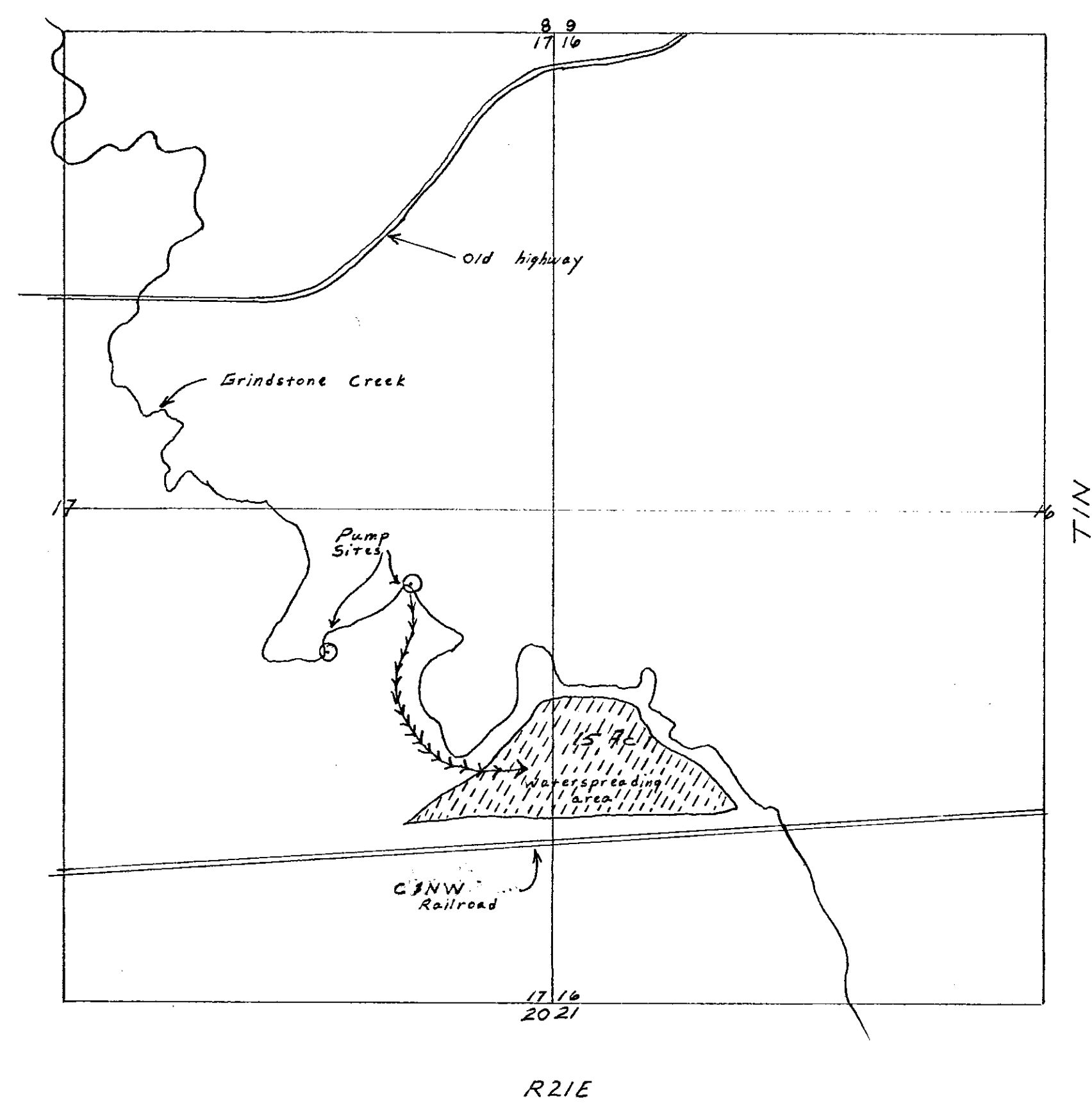
Subscribed and sworn to before me this

23RD

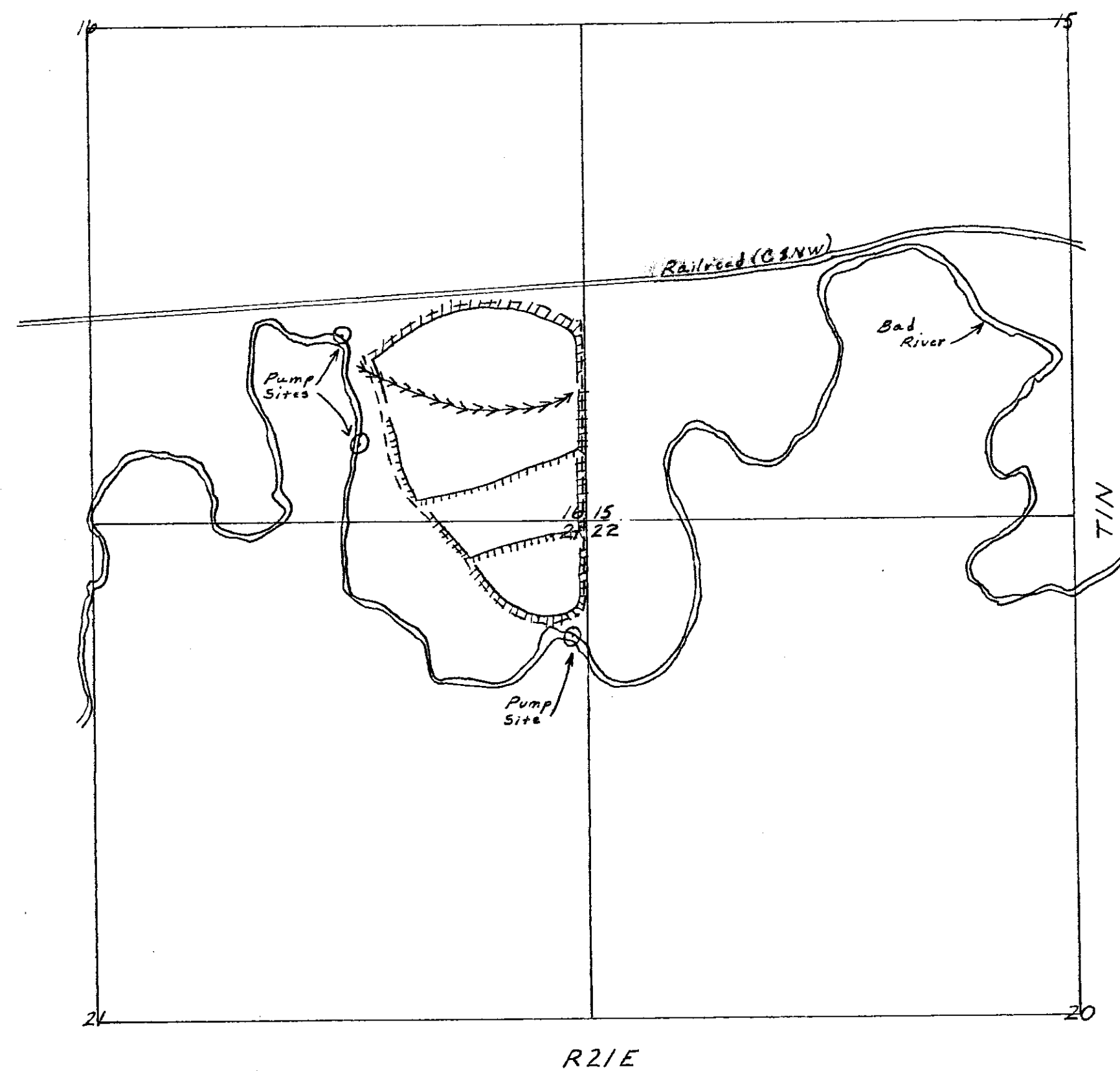
day of

MARCH1965

Notary Public (or other qualified officer.)



|                                                              |               |                  |                 |
|--------------------------------------------------------------|---------------|------------------|-----------------|
| JIM PETERSON SPR. SYSTEM                                     |               |                  |                 |
| SE <sup>1</sup> Sec. 17, SW <sup>1</sup> Sec. 16 R21E, T1N   |               |                  |                 |
| U. S. DEPARTMENT OF AGRICULTURE<br>SOIL CONSERVATION SERVICE |               |                  |                 |
| Designed.....                                                | Date.....     | Approved by..... |                 |
| Drawn.....                                                   |               | Title.....       |                 |
| Traced <i>W. Thorne</i> .....                                | <i>3/9/68</i> | Title.....       |                 |
| Checked.....                                                 |               | No.....          | Drawing No..... |
|                                                              |               | of.....          |                 |



N

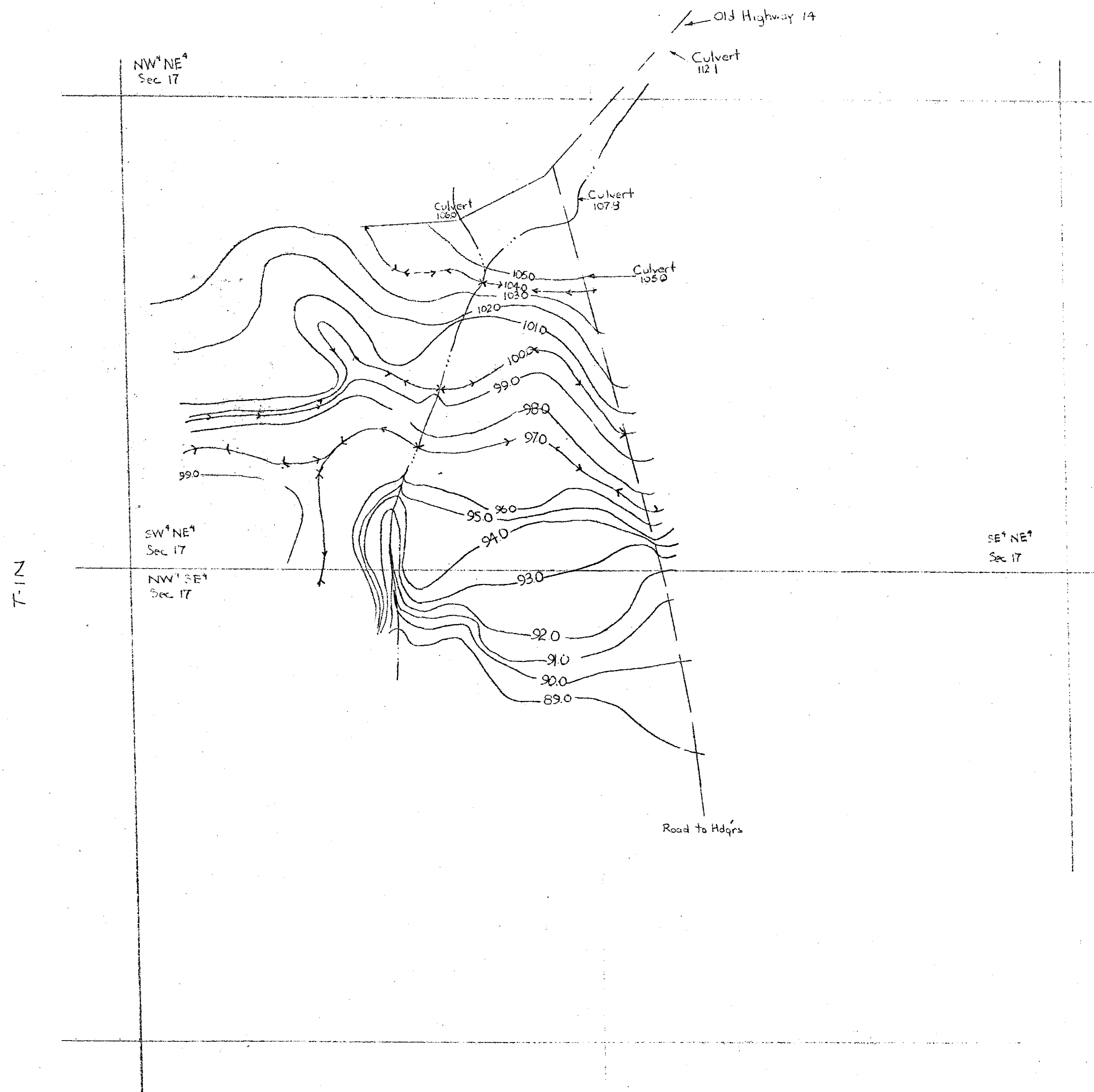


JIM PETERSON SPR SYSTEM

SE 1/4 Sec. 16, NE 1/4 Sec. 21 R21E, T1N

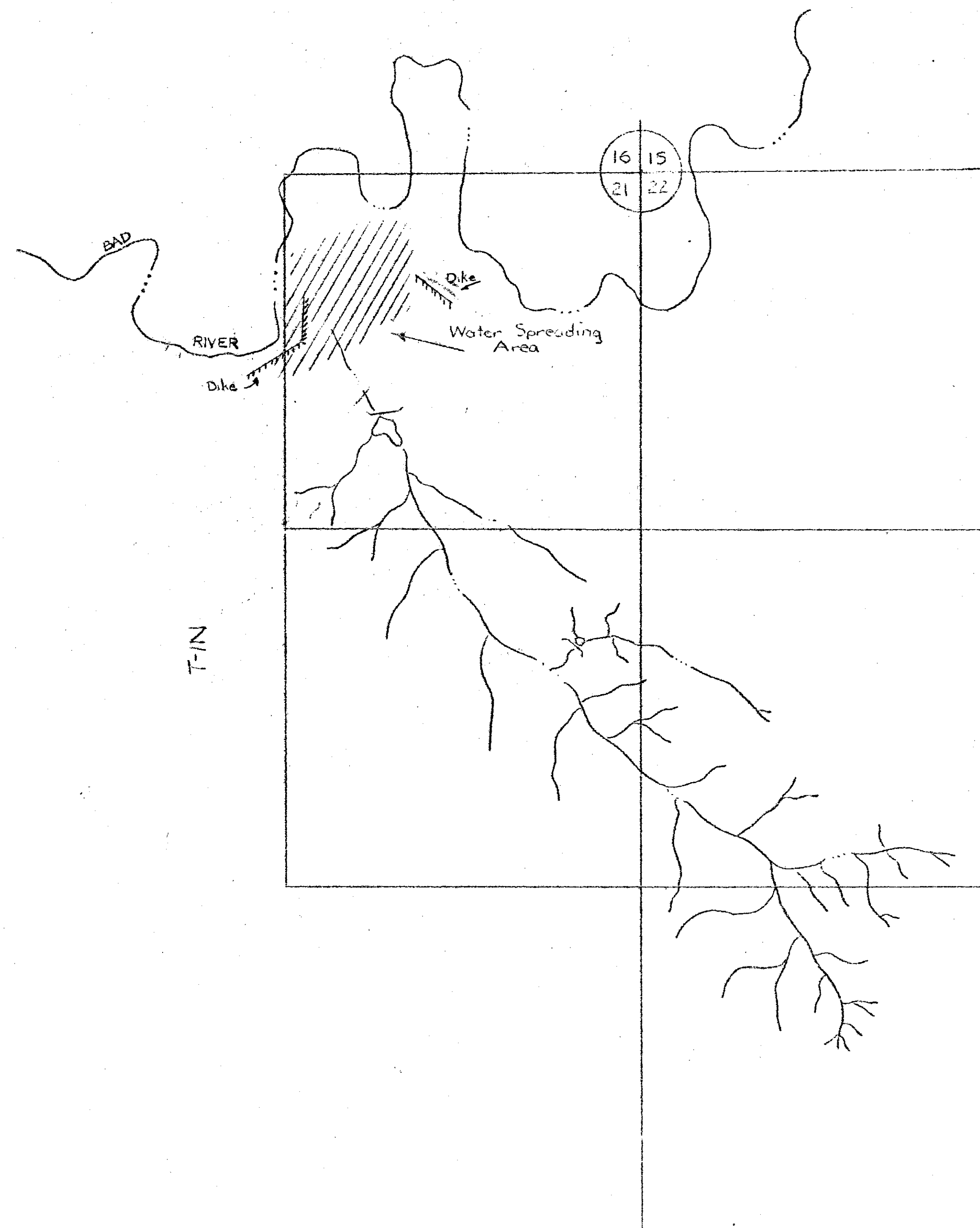
U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

|                                    |            |                  |
|------------------------------------|------------|------------------|
| Designed.....                      | Date.....  | Approved by..... |
| Drawn.....                         | Title..... |                  |
| Traced <i>W. Thorvaldsen</i> ..... | 3/9/68     | Sheet No. 1 of 1 |
| Checked.....                       |            | Drawing No.      |



R-21E

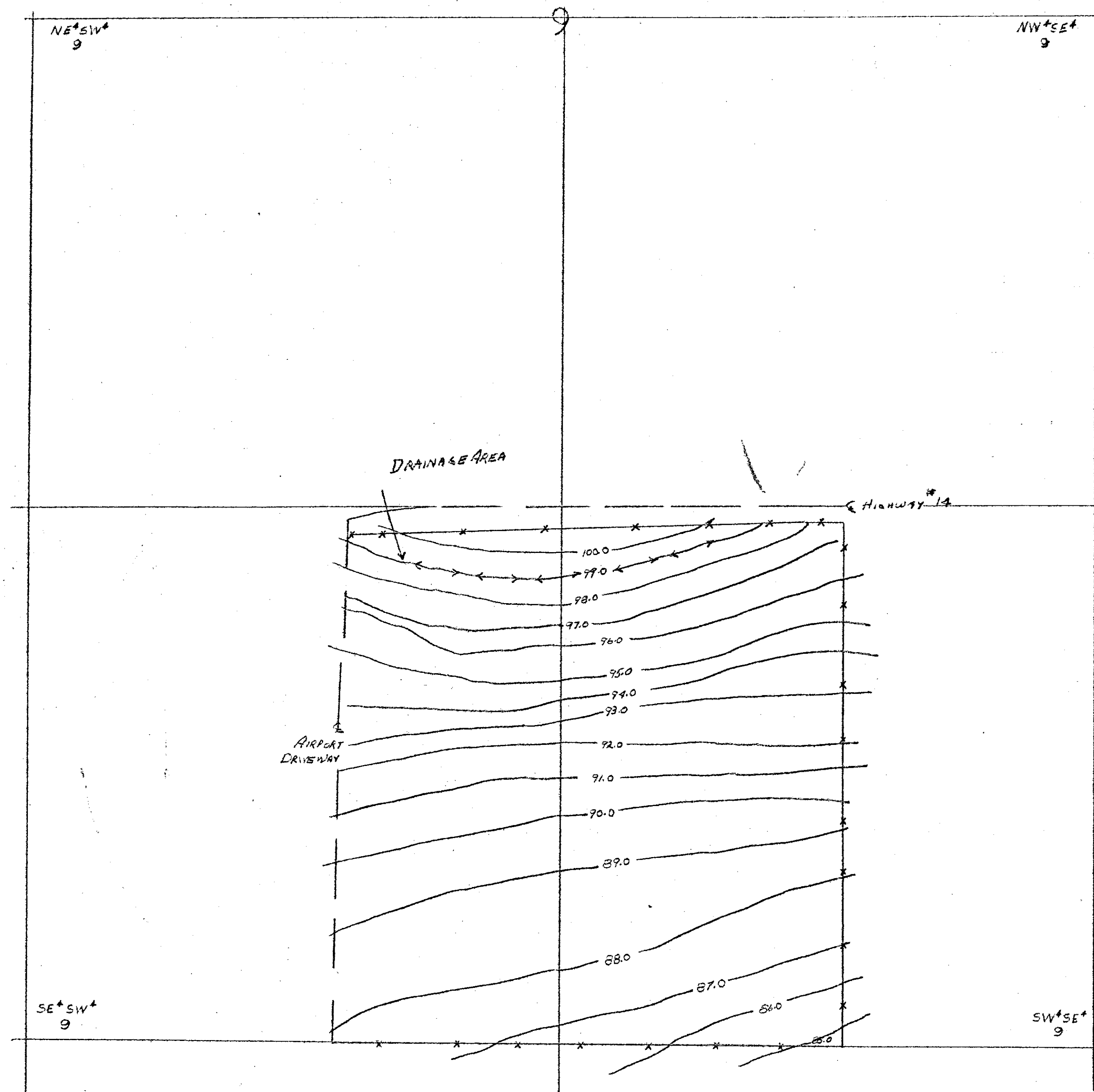
|                                                              |                  |             |             |
|--------------------------------------------------------------|------------------|-------------|-------------|
| Jim Peterson - Water Spreader                                |                  |             |             |
| S <sup>2</sup> NE <sup>4</sup> Section 17 T-1N R-21E         |                  |             |             |
| Scale 1" = 200'                                              |                  |             |             |
| U. S. DEPARTMENT OF AGRICULTURE<br>SOIL CONSERVATION SERVICE |                  |             |             |
| Designed                                                     | Date             | Approved by |             |
| Drawn                                                        |                  | Title       |             |
| Traced                                                       | V. Prekop 1/65   | Title       |             |
| Checked                                                      | G.C. Jensen 3/65 | Sheet No.   | Drawing No. |



All land in water spreading area  
owned by Jim Peterson. Total acres  
in spreader area = 10 ac.

R-21E

|                                                                |               |                 |             |
|----------------------------------------------------------------|---------------|-----------------|-------------|
| Jim Peterson<br>Water Spreading<br>NW 1/4 NE 1/4 - 21 - 1 - 21 |               | Scale 8" = 1 mi |             |
| U. S. DEPARTMENT OF AGRICULTURE<br>SOIL CONSERVATION SERVICE   |               |                 |             |
| Designed                                                       | Date          | Approved by     |             |
| Drawn                                                          |               | Title           |             |
| Traced                                                         | Jensen 3/5/65 | Title           |             |
| Checked                                                        | Jensen 3/5/65 | Sheet No.       | Drawing No. |
|                                                                |               | of              |             |



USE 10' BOT. DITCH 1.0' DEEP TO LEAD WATER  
FROM ROAD BARROW TO SPREADER DITCH  
USE 6:1 S.S. 10' DEEP SPREADER DITCH

Scale 1"=200'

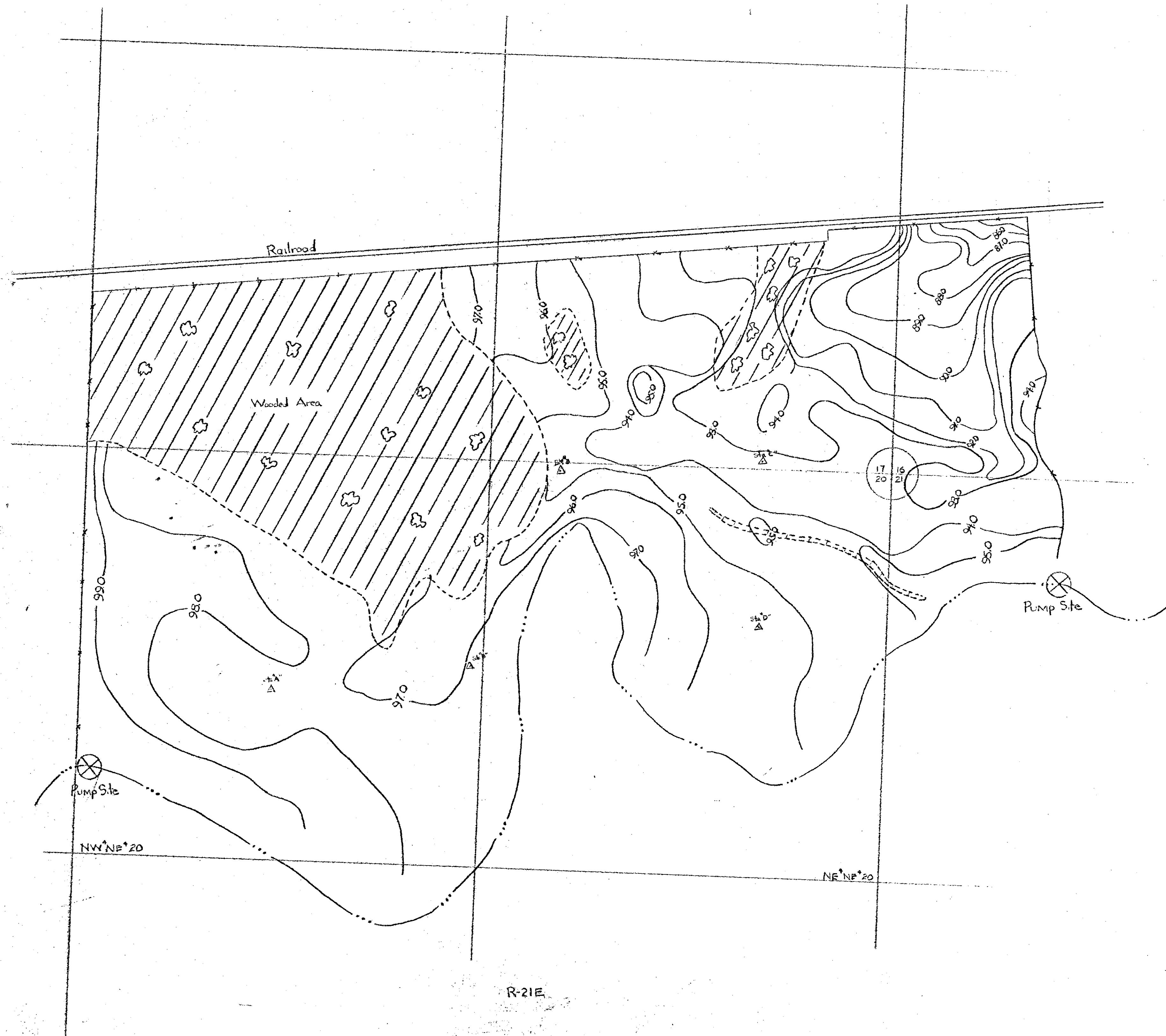
TCPD WTR SPR #1

JIM PETERSON

NE 1/4 SW 9 NW 1/4 SE 9 SW 1/4 SW 9 SW 1/4 SE 9

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

|                     |      |             |
|---------------------|------|-------------|
| Designed            | Date | Approved by |
| Drawn               |      | Title       |
| Traced              |      | Title       |
| Checked             |      | No. of      |
| V.D. PROKOP 1/65    |      | Sheet       |
| W. THORVALDSON 2/65 |      | Drawing No. |



T-1N

|                                                             |                |              |             |
|-------------------------------------------------------------|----------------|--------------|-------------|
| Jim Peterson Water Spreader<br>Topo Scale 1"=200'           |                |              |             |
| U.S. DEPARTMENT OF AGRICULTURE<br>SOIL CONSERVATION SERVICE |                |              |             |
| Designed                                                    | Date           | Approved by  |             |
| Drawn                                                       |                | Title        |             |
| Traced                                                      | Jensen 2/10/65 | Title        |             |
| Checked                                                     | Jensen 3/9/65  | Sheet No. of | Drawing No. |

Remarks by State Water Resources Commission:

THIS PERMIT IS GRANTED SUBJECT TO THE TWO CFS OF FLOWS ORIGINATING AT THE PHILIP CITY WELL BEING BY-PASSED IN GRINDSTONE CREEK AND THE BAD RIVER FOR DOMESTIC USE.

STATE OF SOUTH DAKOTA  
County of HUGHES ss.

Pierre, South Dakota,

JULY 23, 1965

This is to certify that the foregoing application was received by the Commission at 3:50 o'clock P.m. upon the 23RD day of MARCH, 1965

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 857-2

Date of first receipt of application

MARCH 23, 1965

Date of return to applicant for correction, amendments or changes required as follows:

Date of receipt of corrected application

Date from which applicant may claim right

MARCH 23, 1965

Approved

MAY 12, 1965

Recorded in Book

9

Page

37

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

NOVEMBER 12, 1967

2nd. The whole of said work is to be completed on or before

MAY 12, 1970

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MAY 12, 1974

4th. The water appropriated shall be used for the purpose of

IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 6.57 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before  
during the following described annual period:

MAY 12

1974

said water to be used

WHEN AVAILABLE

Witness my hand this

23RD

day of

JULY

19

65

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

FEBRUARY 2

1973

Water License Issued

FEBRUARY 2

1973

POINTS OF DIVERSION: ALL IN TIN, RZIE  
 FROM BAD RIVER: (1) BETWEEN POINTS IN THE SE<sup>4</sup>SE<sup>4</sup>  
 SECTION 16, AND NE<sup>4</sup>NE<sup>4</sup>, SECTION 21  
 (2) BETWEEN POINTS IN THE NW<sup>4</sup>NE<sup>4</sup>  
 SECTION 20, AND NW<sup>4</sup>NW<sup>4</sup>, SECTION 21  
 FROM GRINDSTONE CREEK: AT POINTS IN THE NE<sup>4</sup>SE<sup>4</sup>, SECTION 17  
 FROM DRY DRAWS: (1) A POINT IN THE SW<sup>4</sup>NE<sup>4</sup>, SECTION 17  
 (2) A POINT IN THE SE<sup>4</sup>SW<sup>4</sup>, SECTION 9  
 (3) A POINT IN THE NE<sup>4</sup>NE<sup>4</sup>, SECTION 21

LANDS TO BE IRRIGATED: ALL IN TIN, RZIE

SECTION 9: SE<sup>4</sup>SW<sup>4</sup> 12 AC.

SW<sup>4</sup>SE<sup>4</sup> 18 "

SECTION 16: SW<sup>4</sup>SW<sup>4</sup> 8 "

SECTION 17 S<sup>2</sup>NE<sup>4</sup> 7 "

N<sup>2</sup>SE<sup>4</sup> 3 "

S<sup>2</sup>SE<sup>4</sup> 12 "

SECTION 20 N<sup>2</sup>NE<sup>4</sup> 2. " ✓

SECTION 21 NW<sup>4</sup>NW<sup>4</sup> 15 "

SE<sup>4</sup>NE<sup>4</sup> 30 "

NE<sup>4</sup>SE<sup>4</sup> 20 "

TOTALS. 150 ACRES

Form 15.

Permit No. 859-2

Water Diversion No. 2 BAD RIVER Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jim Peterson

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 859-2, issued upon Application No. 859-2, bearing date of priority of March 23,  
1965 authorizing the diversion of 2.0 cu. ft. per second of the waters of \_\_\_\_\_  
Grindstone Creek & Dry Draws, County of Harrison, State of South Dakota, between  
pts. in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 16, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 21, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 20 & NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 21,  
Grindstone Creek, at points in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 17 & from Dry Draws: (a) pt. in the  
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 17, (b) SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 9, and (c) NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 21, all in T1N, R21E  
\_\_\_\_\_ for irrigation

\_\_\_\_\_ purposes, has \_\_\_\_\_ complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use 5 c.f.s. for pump  
10 cu. ft. per second of water for spreader.

Date February 2, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

## WATER LICENSE NO. 859-2

(1) WHEREAS, On the 23rd day of March A. D. 19 65  
Jim Peterson

made Water Right Application No. 859-2 for a permit to use 2.0 cubic feet per second of the waters  
of Bad River, Grindstone Creek and dry draws  
County of Hooker State of South Dakota, for irrigation  
purposes; and

(2) WHEREAS, On the 23rd day of July A. D. 19 65  
Permit No. 859-2 with a date of priority of March 23, 1965

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water  
supply system therein described on or before the 12th day of May A. D. 19 70 and for the  
application to beneficial use of said water on or before the 12th day of May A. D. 19 74

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet  
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
relating to the application of water to beneficial use of the following extent.

for irrigating the following land in T1N, R21E

| Section                           | Acres     |
|-----------------------------------|-----------|
| Section 9                         | 18        |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 22        |
| Section 16                        | 28        |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 10        |
| Section 17                        | 7         |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 3         |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 5         |
| Section 20                        | 10        |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 25        |
| Section 21                        | 7         |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 10        |
| Total                             | 145 Acres |

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Jim Petersen

\_\_\_\_\_ of Phillip, S.D.  
the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 859-2 a water right, dating from March 23, 1965  
\_\_\_\_\_ to use of 2.0 cubic feet per second of the waters  
of Bad River, Grindstone Creek and dry draws

in the County of Haskell and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted at between pts. in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, NE $\frac{1}{4}$  NE $\frac{1}{4}$ ,

Section 21, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, and NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Grindstone Creek, at points  
in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17 and from Dry Drawn: (A) point in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17,

(b) SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, and (c, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, all in T1N, R21E

and conduct to and upon portions of Sections 9, 16, 17, 20 and 21, T1N, R21E, more fully  
described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 859-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 2nd day of February A. D.  
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By

Chief Engineer, Executive Officer J.W. GRIMES

Permit No. 859-2  
 Water Division 2 BAD RIVER Water District

REPORT OF EXAMINATION OF WORKS  
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

Jim Peterson

I have this day made a thorough examination of the water use system constructed by \_\_\_\_\_

\_\_\_\_\_ of Philip, S.D. holder \_\_\_\_\_

of Permit No. 859-2, bearing date of priority of March 23, 19 65

authorizing the diversion of 2.0 cu. ft. per second of the waters of Grindstone Creek, Bad River and Dry Draws  
 for irrigation purposes in Haakon County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:  
 Pump. CMC Rain Master, Mod. TT-8 PP, serial 179922, 10" intake, 8' outlet,  
 power take off operated by available tractors, rated 2200 GPM-at 40' head.  
 40', 10" suction line, 3- 10" x 3' mainline  
 Dyke with pipe and gate

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

ditches

C. Works used to apply water to beneficial use. Some fields border dyked. Some with retaining  
 Dyke with drains - some with level lip ditches.  
 30 lengths, 19' by 30" gated pipe, rated 1½" x 40" spacing.

The system is in the following condition: good to excellent  
 Between pts. in SE¼ SE¼, Sec. 16, NE¼ NE¼, Sec. 21, NW¼ NE¼, Sec. 20 and NW¼ NW¼ Sec. 21.  
 The point of diversion is located Grindstone Cr. at points in the NE¼ SE¼, Sec. 17, and from  
 Dry Draws: (a) point In the SW¼ NE¼, Sec. 17, (5) SE¼ SW¼, Sec. 9, (c) NE¼ NE¼, Sec. 21.  
All in T1N, R21E

The works are capable of diverting and conveying to the place of use 5 c.f.s. for pumping  
10+ c.f.s. for spreader  
irrigation

cu. ft. per second of water which is to be used for \_\_\_\_\_

Water has been put to beneficial use to the maximum extent as follows: All in T1N, R21E

|                  |          |                  |          |
|------------------|----------|------------------|----------|
| SW¼ NE¼, Sec. 17 | 7 acres  | NE¼ NE¼, Sec. 21 | 7 acres  |
| NW¼ SE¼, Sec. 17 | 3 acres  | SE¼ SE¼, Sec. 16 | 28 acres |
| SE¼ SE¼, Sec. 17 | 5 acres  | SE¼ SW¼, Sec. 9  | 18 acres |
| SW¼ SW¼, Sec. 16 | 10 acres | SW¼ SE¼, Sec. 9  | 22 acres |
| NW¼ NE¼, Sec. 20 | 25 acres | NW¼ NE¼, Sec. 21 | 10 acres |
|                  |          | NE¼ NE¼, Sec. 20 | 10 acres |

comprising a total of 145 acres of land.

Date: 1/17/73

Marvin Knecht  
 (Signature)

MARVIN KNECHT, Engineer, W.R.C.

(First Publication on or before April 15, 1965.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,  
Pierre, S. Dak. March 29, 1965

Notice is hereby given that James Peterson whose postoffice address is Philip, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the Bad River, Grindstone Creek and dry draws through the Peterson Irrigation Project #1, the point of diversion

from the Bad River between points in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, and in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21; from Grindstone Creek at points in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, and from dry draws at points in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, and NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, all in T 1N, R 21E.

Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9; SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16; S $\frac{1}{2}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$ , Section 17; W $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 20; and NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, all in T 1N, R 21E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of May, 1965, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

BURTON F. JONES  
Water Right Specialist

CC: Les Favellotte, Publisher  
Pioneer Review  
Philip, S. Dak.

STATE OF SOUTH DAKOTA

155

COUNTY OF HAAKON

## Les Ravallotto

of said County and State, being  
duly sworn, on oath says: THE PIONEER-REVIEW is a weekly newspaper of gen-  
eral circulation, printed and published in PHILIP, in said County and State and  
has been such newspaper during the times hereinafter mentioned; that the said  
PIONEER-REVIEW is a legal newspaper and has been in existence for more than  
one year immediately preceding the first publication herein mentioned; and has  
more than 200 bona fide subscribers; that I, the undersigned, am publisher

\_\_\_\_\_ of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and

that the advertisement headed Appropriation of Water

\_\_\_\_\_, a printed copy of which is hereto attached, was printed, and published in said newspaper for four (4) successive issues, the first

publication being on the 8 day of April, 1965 and the last publication on the 29 day of April, 1965; that \$19.03 being

the full amount of the fee for publication of the annexed notice inures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 29 day of April

10 65.

*Deane*

Notary Public, Haakon County

APPROPRIATION OF WATER  
 Pierre, South Dakota, March 20,

Notice is hereby given that James Peterson, whose postoffice address is "Hudson, Fourth Dakota," has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 10 cubic feet of water per second of time from the head river, Grindstone Creek; and dry draws through the Peterson Irrigation Project No. 1, the points of diversion from the head river being: (a) from the NW 1/4, Section 16, and in the NW 1/4, NW 1/4, Section 21; from Grindstone Creek at points in the NE 1/4, NE 1/4, Section 17, and from dry draws at points in the SE 1/4, SW 1/4, Section 6 and NE 1/4, NE 1/4, Section 21, all in T. 17, R. 21E., S. 17N., in the rural

Hard water to be used for the purpose of providing irrigation on portions of the following described land:

|                                                                                |
|--------------------------------------------------------------------------------|
| SE 1/4, S7 1/2, and SW 1/4 SE 1/4, Section 10, SW 1/4, NW 1/4, Section 10, S15 |
|--------------------------------------------------------------------------------|

NE1, and FE1, Section 17, W1, NE1,  
Section 20, and NW1, NW1, SE1,  
NE1, and NE1, SE1, Section 21, all  
in T1N, R21E.

This application will be taken up by the State Water Resources Commission in their office at Pierre for consideration on upon the 12th day of May, 1967, at 2 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission under suitable time has elapsed for the consideration of any or all information presented.

State Water Resources  
Commission  
By: BURTON F. JONES  
Water Right Specialist  
(April 8, 10, 22 & 29)

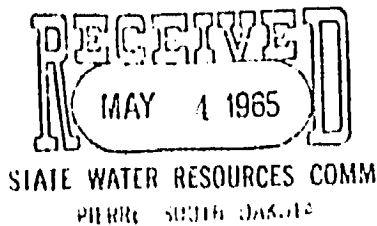
RECEIVED  
MAY 14 1965

STATE WATER RESOURCES COMM.  
PIERRE SOUTH DAKOTA

SOUTH DAKOTA DEPARTMENT OF HEALTH  
Division of Sanitary Engineering  
PUBLIC WATER SUPPLY CHEMICAL DATA WORK SHEET

E-2.25/36722, 58

[illegible]



Philip, S. Dak  
May 4, 1965

Water Resources Commission,  
Pierre, S. Dak. R: E { James Peterson  
Water Right  
Bad River  
Gentlemen:

I have noticed in the Philip Paper that Mr James Peterson of Philip, S. Dak had advertised for permission, to secure a water permit for irrigation. The water to be taken from Grindstone Creek and the Bad River. He has a amount of water to be used, stated at 3 Cubic feet per second. This is just about all that comes down the Grindstone Creek from the Artesian well at Lake Wagoner.

I am opposed to this, because we people depend a great deal on this excess flow, of the Artesian well, (drilled by the City of Philip) for <sup>our</sup> livestock water. This flows down Grindstone Creek, thence into Bad River.

I do not think this Artesian flow should be obstructed by any dikes, dams, or pumps.

in any way.

They are about 4 miles due east of the Peterson place, on Bad River. If the water is stopped for any length of time, or very long periods, the creek bed will dry out. Then it will take a lot of the water to soak it up.

It is kind of an unwritten law in this country that you don't rob your neighbors' down stream, of their rightful amount of water, or hinder their livestock from getting enough drinking water.

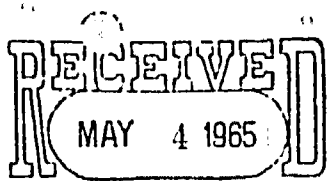
This water reaches approximately 25 miles down Bad River, and benefits about 3 different ranches that I know of.

I do not care how much water he pumps out of Bad River, above, where Lion Stone Creek empties in to Bad River, when the river is running high.

In viewing these facts, I sincerely hope, that the Water Resources Commission can have a better picture before them,

when they make their decision on  
May 12, 1965. I hope they see fit not  
to take this water away from us.  
yours' respectfully,

James Millage



STATE WATER RESOURCES COMM.  
PIERRE - SOUTH DAKOTA

Philip, S. Dak

April 30, 1965.

Water Resources Commission,  
Pierre, S. Dak.

Dear Sirs:

I am writing this letter to protest the irrigation permit, which Mr. James Peterson of Philip, S. Dak. has applied for.

The permit allows him to take 2 cu ft of water per second from Grindstone Creek & Bad River. First of all I would like to state, that if he takes the water from Grindstone Creek, there will be very little water of any, come down Bad River in the fall, winter and early spring. Of course we have flash floods, and high water sometimes in summer on the Bad River, but nothing you can really depend on. These mostly come from the South Fork of Bad River, which heads in the Bad Lands.

The Grindstone Creek is fed by the overflow, from the Artesian well, drilled by the City of Philip. Two cubic feet of water per second is probably all the water that comes down the Creek.

This is the flow of water; That we depend on for livestock water, on the ranch owned by Mrs Bertha Grolbink of Philip S. Dak. This ranch (one of the oldest on the Bad River) is located 6 miles east of Philip. It is perhaps 6 or 7 miles as a crow flies from the Pike Waggoner Dam, which the artesian well flows into. The creek and River follow such a meandering course. The I wouldn't know just what that distance would be. There are approximately 2 miles of river that flows through the ranch property.

We usually use this for watering the stock from about October 1, to May 1. but conditions might be such that we would have to use it more.

During past years the Chicago North Western Railroad Co, has made so many channel changes in the Bad River, the ranch and one west of it, that there are no good water holes left. This little stream of water is about all we have left to

depend on, most of the time.

To us, Running water is always better, and more satisfactory for cattle, than pumping from wells, because it is there free choice, when they decide to drink. We lease this ranch on Bad River from Mrs Bertha Wolbrink.

I hope that these facts will be kept in mind, as you make your decision on this water permit.

Yours respectfully,  
Frank Millage  
Arce Millage  
Bertha Wolbrink.

Philip, South Dakota.  
May 1, 1965.

State Water Resources Commission,  
Pierre, S. D.  
Att. Mr. Grimes

Re: Appropriation of Water  
James Peterson, Philip, S. D.

Gentlemen:

Recently we met at your office in a small group regards the above application for water rights, however I am writing this letter as to how water taken from Grindstone Creek and Bad River could effect the present supply of stock water for my ranch and many other ranches along the river.

From the notice in the paper, no mention is made of the extent or type of irrigation, only as to the amount of water as two cubic feet, but it does cover a large description.

I think it was a couple of years ago, after the City of Philip put in their large well, that the overflow from their well furnished water along Bad River for several miles that we learned that the flow was to be slowed down to the town need. We then circulated a petition to the livestock owners benefited, for their signatures and sent in to your office and for this need the well was left to flow as it was. (Mr. Peterson signed this petition.)

As I told Mr. Peterson I was not opposed to a flood stage taking of water by diversion as two feet would be so very minor, however I was opposed to any block type damming or pumping system on Grindstone Creek or on Bad River below where Grindstone Creek empties in.

By blocking or damming I mean a block put in to let the normal flow go thru and higher water held up. I am sure this normal flow would not be over the two cubic feet in this area. My objection to any structure for this purpose would eventually silt and plug up so the flow would be reduced.

My ranch is about 13 miles from this well and furnishes stock water to two of my pastures and in normal weather conditions this water continues far below my place. Before this water was available I used shallow wells which often were inadequate. Of course there are several places between my place and the well who likewise benefit by this stock water.

I might mention there is a short period during the heat of the summer that the flow does not reach this far, but with the flow as it now is it keeps the creek and river bed soaked up for a long way down the streams so as soon as weather cools a little we can depend on it again. So would prefer that the flow from this well be left as is.

Thanking you for your full study of this situation.

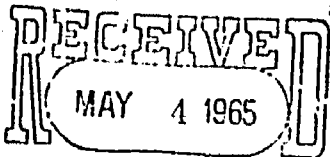
Very truly yours,

*Charles Markwed*  
Charles Markwed

P. S.

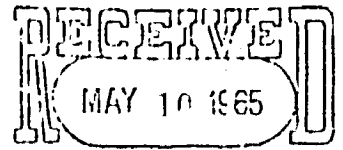
This well has certainly been an asset to many ranches along this river these past two years which have been below normal for rainfall in this area. Any reduction of this flow would certainly damage the value of our places from a standpoint of livestock water supply. And during a normal period this flow would reach even farther down the river for more benefit.

CL.



STATE WATER RESOURCES COMM  
PIERRE SOUTH DAKOTA

May 3, 1965



STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

Water Resources Commission  
Pierre, South Dakota

Gentlemen:

I am writing you this letter in regards to the water right permit which James Peterson of Philip, South Dakota has applied for, in regard to irrigating from Grindstone Creek and Bad River.

I am a rancher near Bad River and, in my opinion, this will cause a water problem, not only to me, but to the rest of the ranchers along the river, if Mr. Peterson is given the permit. We use the overflow from the artesian well, which was dug by the city of Philip, and turned into Grindstone Creek for watering livestock. We are not opposed to Mr. Peterson using the water above Grindstone Creek, but feel the surplus water from the well should be allowed to flow unobstructed down Bad River for the benefit of the livestock along the river.

I sincerely hope that at your hearing on May 12th, you will take into consideration our needs for this water, and act accordingly.

Thank you.

Sincerely,

A. E. Schofield  
Philip, South Dakota

AES/vms

May 10, 1965

Mr. James Peterson  
Box 335  
Philip, S. Dak.

Dear Mr. Peterson:

Regarding your phone call of Friday afternoon, we have received four letters of protest regarding your taking of water from Grindstone Creek.

There is no protest to the waters you intend to take from the dry draw or from the Bad River.

Sincerely,

BURTON F. JONES  
Water Fight Specialist

BFJ:mf

**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

January 29, 1988

JAMES PETERSON  
BOX 335  
PHILIP, SD 57567

**NOTICE**

**Re: Violation of Requirement To Submit 1987 Irrigation  
Questionnaire**

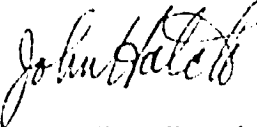
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 859-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water management Board can:

1. Amend Permit No(s). 859-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

  
JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

859-a  
Philip S. L.  
Jan 23 - 1988

Water Right Division

Pierre

S.L.

Dear Sir:-

I thought I had sent this form  
back a long time ago.

We did not pump water this  
year as our alfalfa had died out  
too much.

So we plowed it up and are  
going to redo the garden.

Tried to get it done this fall but  
could not get a contractor to do it.

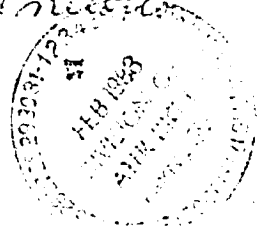
Hope this is satisfactory for you if  
not let me know.

Yours

James Peterson

P.S.

Would like to have a reply if I need to  
at the hearing or not.



**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3161

February 5, 1988

859-2

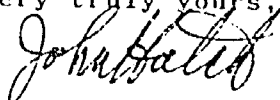
James Peterson  
Box 335  
Philip SD 57567

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 859-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 8, 1989

JAMES PETERSON  
BOX 335  
PHILIP, SD 57567

## NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 859-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 859-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352



**SOUTH DAKOTA** Department of  
**Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 23, 1989

859-2

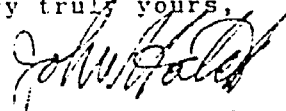
James Peterson  
Box 335  
Philip, SD 57567

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 859-2. You may disregard the February 8, 1989, Notice of failure to submit the 1938 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 18, 2008

**NOTICE**

TO: JAMES PETERSON, BOX 335, PHILIP, SD 57567

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 859-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 859-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:  
<http://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

**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.

859-2

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0802 4322

Status: **Delivered**

Your item was delivered at 10:23 AM on January 22, 2008 in PHILIP, SD 57567. The item was signed for by K DEUTER.

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SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0802 4322

JAMES PETERSON  
BOX 335  
PHILIP SD 57567

Transfer of Signature ☐ YES ☐ NO

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 8, 2008

859-2

Darrel Peterson  
Box 735  
Philip SD 57567

Dear Mr. Peterson:

I am writing to acknowledge receipt of the 2007 irrigation questionnaire for James Peterson. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 859-2. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

It is my understanding from the notation on the irrigation questionnaire that you now own the land described in the water right. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 19, 2008

No. 859-2

Darrel Peterson  
Box 735  
Philip SD 57567

Dear Mr. Peterson:

In February, we forwarded you a "Notice of Transfer" form to complete and return to us for filing an ownership change on Water Right No. 859-2. The water right is currently listed in the name of James Peterson. To date, we have not received the form back.

Enclosed is another partially completed form. Upon completion, return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Right Program.

If you have any questions, please contact Genny McMath or me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352  
email: [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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PMB 2020  
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PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

August 12, 2008

859-2

Darrel Peterson  
Box 735  
Philip SD 57567

Dear Mr. Peterson:

I am writing in regard to ownership of Water Right NO. 859-2 listed in the name James Peterson. We wrote to you in February and again in April, 2008 concerning the need to file an ownership change. To date, we have not heard from you on this matter.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you are not the owner of the land, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 15, 2008

859-2

Darrel Peterson  
Box 735  
Philip SD 57567

Dear Mr. Peterson:

I am writing in regard to ownership of Water Right No. 859-2 listed in the name James Peterson. We wrote to you in February, April and again in August 2008 concerning the need to file an ownership change. To date, we have not heard from you on this matter.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you are not the owner of the land or if you no longer wish to maintain the water right, please get in touch with us.

Sincerely,

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

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 2, 2009

859-2

Darrel Peterson  
Box 735  
Philip SD 57567

Dear Mr. Peterson:

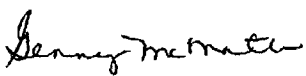
This letter is in regard to ownership of land described in Water Right No. 859-2 currently listed in the name of James Peterson. Transfer forms were forwarded to you February 8<sup>th</sup>, April 19<sup>th</sup>, August 12<sup>th</sup> and October 15<sup>th</sup>, 2008. To date, we have not received anything back from you.

In the event you no longer have a form, enclosed is an additional one for your use in filing the ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Please be advised that the Legislature passed a bill this year raising the filing fees on applications, licenses and ownership changes. The fee increases will become effective July 1, 2009. The fee increase for an ownership change will be raised from \$2.50 to \$50.00. **We will be required to assess the increased fee of \$50.00 for any ownership change filed after July 1<sup>st</sup>.**

To avoid having to pay the higher fee, please submit the enclosed transfer form and remit the \$2.50 filing fee as soon as possible. If you no longer own the land or do not wish to maintain the water right, please contact me.

Sincerely,

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

enclosure

RECEIVED

JUN 29 2009

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 859-2

Date:

June 26-09

I/We request that Water Right No. 859-2

formerly owned by: James Peterson

be transferred to: (name & address)

Lucile Peterson  
Box 335 Philip S.D.

Telephone No. 859-2371

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

**145 acres in portions of Sections 9, 16, 17, 20 and 21, T1N, R21E**

I/We understand that the validity of Water Right No. 859-2 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 Two Dollars and Fifty Cents (\$2.50) 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 Lucile Peterson, the new owner, certify that the above information is true and correct.

Lucile Peterson

(Signed by new owner)

Operator Daniel Peterson Box 735

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:

- Philip SD 57517
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.

Tele-859-2304

**RECEIPT**  
**WATER RIGHTS PROGRAM**  
South Dakota Department of Environment and Natural Resources

Date 6/29, 2009

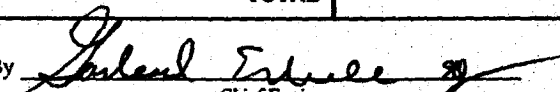
RECEIVED OF Lucile Peterson PO Box 335 Philip SD 57567

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 | 2     | 50   |
| 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>859-2</u>                                                                      |       |      |
| 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 | 2 50 |

No. **04167**

By

  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 29, 2009

859-2

Lucile Peterson  
PO Box 335  
Philip SD 57567

Dear Ms. Peterson:

Thank you for sending in the ownership change for Water Right No. 859-2. The water right formerly listed in the name of James Peterson is now listed in your name.

Enclosed is your Receipt No. 04167 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

The annual irrigation questionnaire will continue to be sent to Darrel Peterson as operator of the irrigation system.

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](mailto:genny.mcmath@state.sd.us)

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 22, 2010

**NOTICE**

TO: DARREL PETERSON, OPERATOR, BOX 735, PHILIP, SD 57567

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 859-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 859-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

**c: LUCILE PETERSON, BOX 335, PHILIP SD 57567**

**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.



859-2

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## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0802 8207

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:46 AM on January 25, 2010 in PHILIP, SD 57567. The item was signed for by K NAESCHER.

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Enter Label/Receipt Number.

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### Detailed Results:

- Delivered, January 25, 2010, 10:46 am, PHILIP, SD 57567
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- Arrival at Post Office, January 23, 2010, 8:46 am, PHILIP, SD 57567

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FOIA

|                                                                                                                                                                        |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 8207                                                                                                                |  |
| DARREL PETERSON, OPERATOR                                                                                                                                              |  |
| BOX 735                                                                                                                                                                |  |
| PHILIP SD 57567                                                                                                                                                        |  |
| Waiver of Signature <input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                           |  |
| Postmark Here                                                                                                                                                          |  |
| <b>POSTAL CUSTOMER:</b><br>Keep this receipt. For Inquiries:<br>Access internet web site at <a href="http://www.usps.com">www.usps.com</a> ®<br>or call 1-800-222-1811 |  |
| <input type="checkbox"/> Priority Mail™ Service<br><input type="checkbox"/> First-Class Mail® parcel<br><input type="checkbox"/> Package Services parcel               |  |

859-2

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Service(s): **Signature Confirmation™**Status: **Delivered**

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- Notice Left, January 23, 2010, 8:56 am, PHILIP, SD 57567
- Arrival at Post Office, January 23, 2010, 8:46 am, PHILIP, SD 57567

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FOIA

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0802 8214

LUCILE PETERSON  
BOX 335  
PHILIP SD 57567

Waiver of Signature ☐ YES ☐ NO

Postmark  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 17, 2010

859-2

Darrel Peterson  
Box 735  
Philip SD 57567

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 859-2.

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

c: Lucile Peterson



859-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 21, 2011

NOTICE

TO: DARREL PETERSON, OPERATOR, BOX 735, PHILIP, SD 57567

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 859-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 9, 2011**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 859-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, 2011**, 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](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: LUCILE PETERSON, BOX 335, PHILIP SD 57567

**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.

859-2

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## Track & Confirm

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Label/Receipt Number: **2303 2160 0000 0802 1161**Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:18 am on January 24, 2011 in PHILIP, SD 57567. The item was signed for by K NAESCHER.

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Enter Label/Receipt Number.

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### Detailed Results:

- **Delivered, January 24, 2011, 10:18 am, PHILIP, SD 57567**
- **Notice Left, January 22, 2011, 7:45 am, PHILIP, SD 57567**
- **Arrival at Post Office, January 22, 2011, 7:44 am, PHILIP, SD 57567**

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FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1161

DARREL PETERSON, OPERATOR  
BOX 735  
PHILIP SD 57567

Waiver of Signature ☐ YES ☐ NO

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859-2

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## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0802 1178

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 10:26 am on January 24, 2011 in PHILIP, SD 57567. The item was signed for by K DEUTER.

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

### Detailed Results:

- Delivered, January 24, 2011, 10:26 am, PHILIP, SD 57567
- Notice Left, January 22, 2011, 7:45 am, PHILIP, SD 57567
- Arrival at Post Office, January 22, 2011, 7:44 am, PHILIP, SD 57567

### Notification Options

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FOIA

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0802 1178

LUCILE PETERSON  
BOX 335  
PHILIP SD 57567

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

mailing.

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 24, 2011

859-2

Darrel Peterson  
PO Box 735  
Philip SD 57567

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 859-2. 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 cursive script that reads "Genny McMath".

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

c: Lucile Peterson, PO Box 335, Philip SD 57567



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[www.denr.sd.gov](http://www.denr.sd.gov)

January 14, 2020

859-2

Anita Peterson  
PO Box 735  
Philip SD 57567-0735

Dear Ms. Peterson:

Thank you for following up on the 2019 irrigation questionnaire for Water Right No. 859-2. I completed a form for you indicating no irrigation was done in 2019.

The water right is currently listed in the name of Lucile Peterson. 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.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure

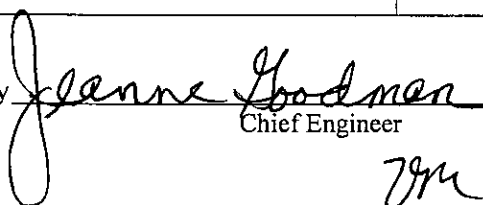
859-2

**RECEIPT****WATER RIGHTS PROGRAM**  
South Dakota Department of Environment and Natural ResourcesDate January 23, 2020RECEIVED OF Darrel/Anita Peterson PO Box 735 Philip SD 57567

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>859-2</u>                                                                      | \$50.00 |
| 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                                                                                                          | \$50.00 |

By

  
Chief Engineer

JGM

PAID

JAN 23 2020

Ck# 5999

NOTICE OF TRANSFER OF OWNERSHIP  
RECEIVED

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

JAN 23 2020

WATER RIGHTS  
PROGRAM

No. 859-2

Date: 1-15-2020

I/We request that Water Right No. 859-2

formerly owned by: Lucile Peterson

be transferred to: (name & address) ANITA PETERSON

Box 735

Philip, SD 57567

Telephone No. 605 859 2304

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

**145 acres – SE ¼ SW ¼, SW ¼ SE ¼ Section 9; SE ¼ SE ¼, SW ¼ SW ¼ Section 16; SW ¼ NE ¼, NW ¼ SE ¼, SE ¼ SE ¼ Section 17, N ½ NE ¼, N ½ NE ¼ Section 21, T1N, R21E**

I/We understand that the validity of Water Right No. 859-2 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 ANITA PETERSON, the new owner, certify that the above information is true and correct.

Anita Peterson  
(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.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.denr.sd.gov](http://www.denr.sd.gov)

January 23, 2020

859-2

Anita Peterson  
PO Box 735  
Philip SD 57567-0735

Dear Ms. Peterson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 859-2.

The ownership change has been completed. Water Right No. 859-2 formerly held by Lucile Peterson is now listed in your name.

A receipt for the filing fee is enclosed. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure