

January 31, 1973

Letter became No 199-3

Harriet & James Pearson

Mr Claude Sherard informs
me that a new well will be
drilled 560 feet west of
old well and a center
pivot irrigation system will be
installed.

D.H.P.

- 199-3
1. Considered 7/9, 1956
 2. Name of Applicant Andrew J. Reiners
 3. Post Office Address Hurley, S. Dak.
 4. Amount of water claimed 2.28
 5. Source of water supply well
 6. Water to be used for irrigation

Application No. 199-3

Name of Applicant Andrew J. Reiners

Deferred to July 9, 1956

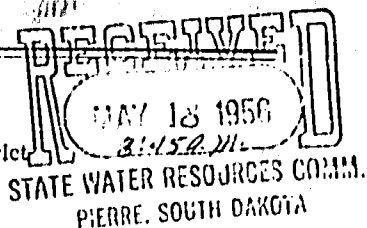
Meeting until additional information on domestic supplies can be obtained

Approved

9/17/56 ✓ Deferred until

same

Remarks:

No. 199-5Water Division No. 5 Yamhill River District
(Blanks to be filled by the Engineer for the W. R. C.)

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

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

TRIPED 11-4-10.

1. Name of applicant HARRIETTE & JAMES MERSON
~~Andrew J. Reinson~~
LOMA LINDA, CALIF.
 Postoffice address Harley County Turner State South Dakota

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

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Irrigation Project #13. Amount of water claimed 2.28 cubic feet per second4. Source of water supply well

5. Location of point of diversion _____

_____ on _____ bank Turner County.6. Annual period or periods during which water is to be used April 1 to Sept. 30

7. To be used for:

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

- (a) Number of acres to be irrigated
- 160
- acres.

- (b) Legal subdivisions to be irrigated
- NE 1/4 11 T 98 N - 53 W

(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.)
- NONE

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. 160-2

8. Estimated cost of work:

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

(b) Pumping plant, \$23.00

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures Sprinkler System \$6.650

Total, \$89.50

9. Description of diversion works:

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

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 OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;

Material-----

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

LOCATION B. LOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE 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-----3-----years.

11. Time required for complete application of water to the proposed beneficial use-----3-----years.

12. Choice of newspaper for publication of notice of intention to appropriate Hurley Leader
Hurley, S. Dak.

STATE OF SOUTH DAKOTA

County of Sumner } ss.

I, Andrew J. Reimer

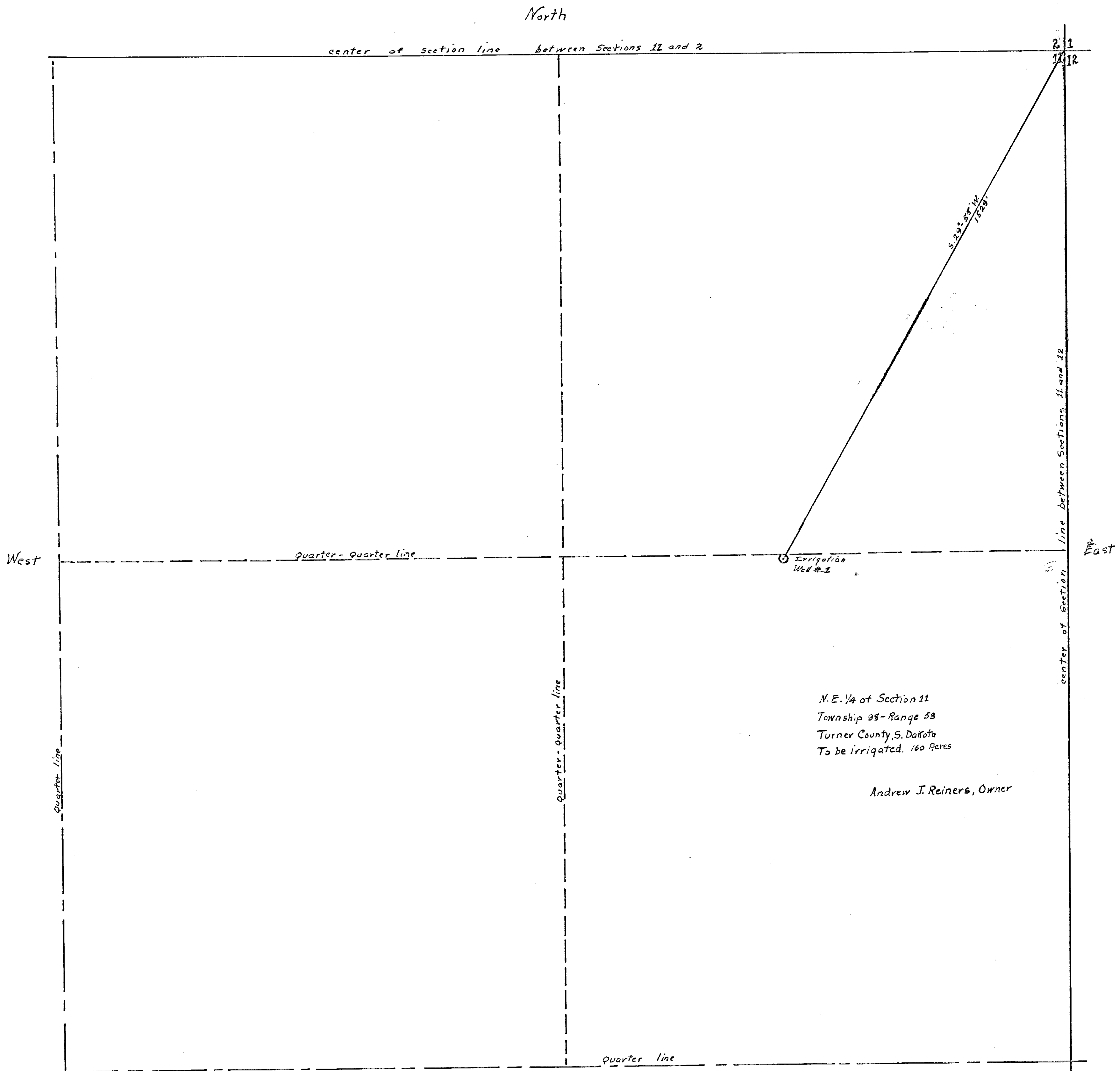
being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Andrew J. Reimer

Subscribed and sworn to before me this 17 day of July 1956

Ernest G. Brown

Notary Public (or other qualified officer.)



Andrew J. Reiners Irrigation Project # 1
N.E. 1/4 of Section 11 Township 98-Range 53, Turner
County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the N.E. 1/4 of Sec-
tion 11, Township 98-Range 53, Turner County, South
Dakota and located irrigation well #1 as indicated
on the above plat.
Dated at Sioux Falls, South Dakota, June 5-1956

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss.
County of Turner

On this 5th day of June, 1956, before me, the
undersigned officer personally appeared Ellis V. Nelson
known to me or satisfactorily proven to be the person
whose name is subscribed to the within certificate
and acknowledged that he executed the same for the
purpose therein contained.

In witness whereof I hereunto set my hand
and official seal.

Alice Mendt
Notary Public, Turner County,
South Dakota.

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota - June '56

Map No. 160-3
App. 1. No. 199-37

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

May 26, 1956

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock

9 a.m. upon the 18 day of May, 1956

State Water Resources Commission

By:

J. W. Rimes

Chief Engineer, Executive Officer

Number of permit 199-3

Date of first receipt of application May 18, 1956

Date of return to applicant for correction, amendments or changes required as follows: May 25, 1956

Date of receipt of corrected application June 6, 1956

Date from which applicant may claim right May 18, 1956

Approved February 4, 1957, Recorded in Book 3, Section 2, Page 100

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

August 4, 1958

2nd. The whole of said work is to be completed on or before February 4, 1960

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

February 4, 1961

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 2.28 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 February 4, 1961; said water to be used during the following described annual period:

April to September inclusive

Witness my hand this

21

day of

March

, 1957

State Water Resources Commission

By:

J. W. Rimes

Chief Engineer, Executive Officer

Certificate of Construction Issued

NOVEMBER 4, 1970

Water License Issued

NOVEMBER 9, 1970

2. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30 inch,

Depth 44 feet

Type of casing Galvanized Steel,
(wood, concrete, steel, etc.)

Size of casing 30 inch, Thickness of casing 1/4 in.
Length of casing 34 feet. If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen Dempster

Size of perforated screen 30 inch, 30 feet
(diameter) (length)

Thickness of gravel pack 6 inch, length of gravel
pack 44 feet.

(c) Water Bearing Materials

Distance to water 12 feet.

Character of water bearing materials yellow
gravel and sand in top portion
white sand

Thickness of water bearing material 34 feet

(d) Pump and motor

Type of pump Turbine
(centrifugal, propellor, mixed flow, etc.)

Name of pump Western Land Roller, size 12" L.C.

Kind of motor electric
(gasoline, electric, diesel, etc.)

Horsepower 40 HP

Name of motor Fairbanks Morse

(e) Complete well

Capacity 1000 GPM at drawdown of _____

Estimated cost 462.00

(f) Owner of land upon which well is located _____
Name

Andrew J. Reiners, Hurley, South Dakota.
Address

(g) Distance to nearest existing wells

On same Owner's property none rods

On property owned by others 160 rods

199-2

(I) WELL CONSTRUCTION

Location of well: 1/4 NE 1/4 Section 11 Township 98 Range 53

Well owner Claude Sherrard Hurley, SD
(Name) (Address)

Date well drilling completed 4/4/73 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0 - 2	Clay	12
2 - 12	Very gravelly clay	17
12 - 17	Sand	Name of producing aquifer (if known) <u>Sand & gravel</u>
17 - 48	Sand & gravel	Total depth of drill hole <u>48</u> ft.
		Depth to bottom of casing <u>48</u> ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

22" O.D. KELLY CONCRETE CASING

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

22" O.D. KELLY SCREEN

If a flowing well, flow of completed well _____ O.P.M.

Attach sheet if more space is needed

EMPIRE IRRIGATION DRILLING CO., INC.
Home of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Western Land Reclamation 8" HP. 60

Type of pump Turbo Capacity of installed pump 800 G.P.M.

Depth of pump placement 35 ft., Date of pump installation 7-5-73

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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

Empire Erection Drilling Co. Inc.
Name of Pump Installation Contractor

Permit No. 199-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harriette and James Marshon

_____ the holder of of
Permit No. 199-3, issued upon Application No. 199-3, bearing date of priority of May 18,
1956 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water County of Turner, State of South Dakota at _____
a point 1529' South 29° 55' West of the NE Corner, Section 11, T98N, R53W
_____, for irrigation

purposes, has yes 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 2.0 cu. ft. per second of water.

Date November 9, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 199-3

(1) WHEREAS, On the 18th day of May A. D. 19 56

Andrew J. Reiners

made Water Right Application No. 199-3 for a permit to use 2.28 cubic feet per second of the waters of ground water

County of Turner State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 21st day of March A. D. 19 57

Permit No. 199-3, with a date of priority of May 18, 1956

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 4th day of February A. D. 19 60 and for the application to beneficial use of said water on or before the 4th day of February A. D. 19 61

and, Whereas, on the 4th day of November, 1970, the Permit was transferred to Harriette and James Mershon of Ioma Linda, California

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 160 acres in the NE $\frac{1}{4}$, Section 11, T98N, R53W

(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 Harriette and James Mershon

_____ of Iowa Linda, California

the holder s and owner s of said permit No. 199-3 a water right, dating from May 18, 1956

_____ to use of 2.0 cubic feet per second of the waters

of ground water

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 15.0 feet, South 29° 55' West from the

NE Corner, Section 11, T98N, R53W

and conduct to and upon the NE 1/4, Section 11, T98N, R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 199-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of November A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRINES

(First Publication before June 15, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 11, 1956

Notice is hereby given that Andrew J. Rainers whose postoffice address is Hurley S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.20 cubic feet of water per second of time from the ground water through the a well, the point of diversion of which is to be located on the XXXX 1520 feet S 29°55' N of the NE Cor., Sec. 11, T 98 N, R 53 W bank of said stream in the 1/4 of the 1/4 of Section

~~XXXXXXX Range XXX~~ Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Sec. 11, T 98 N, R 53 W

~~XXXX~~ and for ~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1956, at 2:00 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:

J. V. Grimes, Chief Engineer, Executive Officer

cc: Mr. L. D. Hofmeister
The Hurley Leader
Hurley, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Turner } ss.L. O. Hahmeister being duly sworn, deposes and says the annexed printed copy of Notice

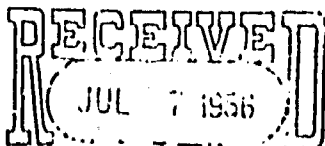
of Intention to Appropriate Water was taken from the

Hurley Leader a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Hurley County of Turner

and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Thursday, June 14, 1956Thursday, June 21, 1956Thursday, June 28, 1956Thursday, July 5, 1956in each and every issue of the full number thereof, the first publication being made on the 14 day of June1956 and the last publication on the 5 day ofJuly 1956, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was sole owner the printer and publisher of the said newspaper.L. O. HahmeisterSubscribed and sworn to before me this 5 day of July A. D. 1956STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANotary Public Turner County, S. D.

Form B—Notice of Intention
To appropriate Water No. 100-3
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak. June 11 1956
Notice is hereby given that
Andrew J. Reiers, whose post-
office address is Hurley, S. Dak.,
has made an application in accordance with the provisions of the
water laws of South Dakota for a
permit to appropriate for beneficial use 2.23 cubic feet of water
per second of time from ground
water through a well, the point
of diversion of which is to be
located 1529 feet S 21 degrees
55' W of the NE Cor., Sec. 11,
T 98N, R 53W. Said water to be
used for the purpose of providing
irrigation on the following
described land:
NE 1/4, Sec. 11, T 98N, R 53W.
This application will be taken
up by the State Water Resources
Commission at their office at
Pierre for consideration upon the
9th day of July, 1956, at 2:00
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: J. W. Orimes, Chief
Engineer, Executive Officer
(June 14-21-28 July 5)

Ernest E. Brundage

Permit No. 199-3Water Division 3 VERMILLION 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

I have this day made a thorough examination of the water use system constructed by Andrew J. Reiners
of Hurley, South Dakota holder
 of Permit No. 199-3, bearing date of priority of May 18, 1956
 authorizing the diversion of 2.28 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Turner 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:
 Well 47 feet deep - 20 inch steel casing
 Western Land Roller Pump, 8 inch Mod. 8M
 G.E. Electric Motor, 60 HP, Type K.

B. Works used to transport water to place of use,
 100 rods of 8 inch aluminum main line

C. Works used to apply water to beneficial use.

Two Vermeer portable sprinkler booms, Mod. 140
 1/2 mile of 6 inch sprinkler pipe (hand moved) is also available

The system is in the following condition: good
 The point of diversion is located 1529 feet South 29° 55' West of NE Corner of Section 11,
T98N, R53W

The works are capable of diverting and conveying to the place of use 2
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: NE 1/4, Section 11, T98N, R53W

comprising a total of 160 ~~140~~ acres of land.

The land and water right have been sold to Harriette and James Mershon of Loma Linda, California and also correspondence should be sent to Claude Sherard of Hurley, South Dakota.

October 20, 1970

Date

Donald Driscoll
 (Signature)
 DONALD Driscoll, Deputy Chief Engineer
 Water Resources Commission

NOTICE OF TRANSFER OF WATER PERMIT

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

Date _____

This is to notify you that title to the lands described as follows:

NE $\frac{1}{4}$, Section 11, T98N, R53W as described in Water Right No. 199-3formerly owned by Andrew J. Reiners, Hurley, S.D.has been transferred to Harriette and James Mershon, Loma Linda, California

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
199-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960
Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)

County of Lincoln) ss.

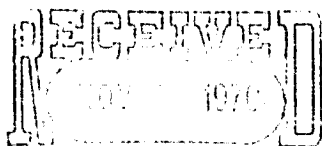
I, Claude Sherard As power of Attorney for Harriette & James Mershon
being first duly sworn on my oath depose and
say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing
statement, and I know of my own personal knowledge that the information herein stated is true.

Claude Sherard
(Signed)

Subscribed and sworn to before me this 2nd day of November, 19 70

Margaret Molloy
(Notary Public)

My Commission Expires 6-11-1976



WATER RESOURCES COM. 11
SOUTH DAKOTA

July 25, 1956

Mr. Andrew J. Reiners
Hurley
South Dakota

Dear Mr. Reiners:

You are hereby notified that your application, No. 129-3, for a permit to appropriate water from ground water through the Andrew J. Reiners Irrigation Project No. 1 has been duly examined, that notice of your intention has been duly published, and that the matter was taken up by the State Water Resources Commission at their office on July 9, 1956.

The Commission deferred action on your application until further information is obtained regarding ground water supplies for domestic use.

You may continue to use the water on a temporary basis for the uses stated in your application until you are notified as to what final action the Commission has taken on your application.

Sincerely,

J. W. GRIMES
Chief Engineer

LW:es

Number	Name	Amount Recording Fee
158-3	C. E. Leonard	2.50
162-3	Ray Bokoff	2.55
164-3 (request proof of publication)	Toy & Anna H. Flyger	2.55
165-3	Earle & Laverna Flyger	2.55
168-3	L. H. Stoddard	2.50
169-3	L. H. Stoddard	2.50
170-3	L. H. Stoddard	2.50
171-3	H. H. Costain	2.65
172-3	H. H. Costain	2.65
173-3	Bones Stock Farms, Inc	2.55
174-3	Bones Stock Farms, Inc	2.55
175-3	Bones Stock Farms, Inc	2.55
176-3	Nettie & Laverna Flyger	2.55
178-3	Harriett & James Harshon	
	& Claude Sherrard	2.50
180-3	Toy & Anna H. Flyger	2.55
181-3	Harry W. Novak	2.65
185-3	Isle Backen	2.55
186-3	Chris Flyger	2.55
188-3	Mauny Hughes	2.65
191-3	A. E. Sundell	2.65
✓195-3	Andrew J. Bolner	
	& Claude Sherrard	2.50
221-3	A. E. Costain	2.65
286-3	Harriett Sherrard Harshon	
	& Claude Sherrard	2.50
289-3	Clifford Sherrard	2.50
299-3	Toy and/or Anna H. Flyger	2.50
291-3	Toy and/or Anna H. Flyger	2.50
303-3	Adolph B. Peenstra	2.50
302-3	Willie E. Snook	2.50
304-3	William E. Smith	2.50
317-3	Hera J. Nieman	2.50
314-3	Lizzie Johnson	2.50
319-3	Valerie E. Snook	3.50
328-3	Robert Nieman	2.50
	(request completed Year 24)	

All the above applicants were notified on February 8, 1947, by letter, that their applications were approved subjected to the receipt of the above requested recording fees.

COPY

197-3

Applicants were notified of approval of permits and letters were sent to objectors on February 8, 1957. See application

No. 148-3

The following is a listing of objectors:

Roger C. Lohman	Parker, South Dakota
Lawrence Chester	" " "
Rosecoe Benny	" " "
Mrs. Myrle Guarnsey	" " "
Mrs. Ruth Eggleston	" " "
Albert Kollar	" " "
John Davis	" " "
Merlin Andal	" " "
Earl Wirt	" " "
Conrad H. Dice	" " "
Ray Matthews	" " "
Weldon Wirt	" " "
Vincent P. Leben	" " "
Harley Eggleston	" " "
Clarence Knutson,	Harley, South Dakota

C O P Y

Water Rights Division - DWNR

File No. 199-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Donald GrossADDRESS: RR #2, box 163, Parker, SD 57053 COUNTY DATE: February 13, 1985 TELEPHONE 297-4844RE: status of permit/owner & operator

COMMENTS:

Spoke with Mr. Gross to find out if he still operated the system forHarriette and James Mershon--he indicated that he did. Add RR and Box to
address.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry McNeeth

South Dakota Department of
Water & Natural Resources

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

March 23, 1987

DONALD GROSS, OPERATOR
RR #2 BOX 163
PARKER, SD 57053

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

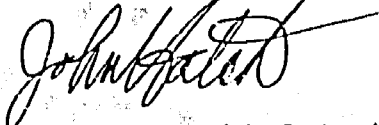
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 199-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given 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 2:00 pm, May 6, 1987 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). 199-3 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 hearing date, your name will be deleted from the agenda for the hearing.

cc: Harriette & James Mershon, Loma Linda CA 92345

South Dakota Department of
Water & Natural Resources

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

April 24, 1987

199-3

Donald Gross
RR #2 Box 163
Parker, SD 57053

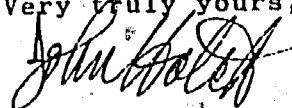
Dear Mr. Gross:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 199-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



No. 5555-3 and 199-3

August 1, 2014

Paul Peterson
45610 282nd Street
Hurley SD 57036

Dear Mr. Peterson:

The irrigation season is in full swing. This has led to the Department of Environment and Natural Resources (DENR) fielding inquiries regarding end gun overspray on to roads. DENR recently distributed the attached press release to the media.

DENR received an inquiry alleging the irrigation systems located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T98N, R53W and the NE $\frac{1}{4}$ Section 11, T98N, R53W are having irrigation water from the end gun hitting the road. The water right for the system in Section 3 is held in your name under Water Right No. 5555-3 and it is our understanding you farm the ground in NE $\frac{1}{4}$ Section 11 owned by the Mershon's that is authorized by Water Right No. 199-3.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

DENR Reminds Irrigators to Avoid Overspray
FOR IMMEDIATE RELEASE: Thursday, July 24, 2014

PIERRE, S.D. – The Department of Environment and Natural Resources (DENR) reminds irrigators to check their center pivots to ensure they are operating properly and are adjusted to spray only upon land authorized for irrigation by their water permit.

“It is important that irrigators do everything they can to avoid overspraying onto nearby roads or neighboring properties,” said DENR Secretary Steve Pirner. “Irrigation overspray can damage roadways, lead to unsafe driving conditions and impact neighbors.”

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes spraying water on land not covered by the water permit. Irrigation systems and especially end guns must be constantly monitored to make sure they are not applying water where it is not allowed. Irrigators who fail to prevent overspray can be subject to fines or required to appear before the Water Management Board for possible suspension of their right to irrigate.

South Dakota has nearly 5,300 active irrigation permits authorizing irrigation of up to 879,000 acres.

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Friday, August 01, 2014 7:45 AM
To: Gronlund, Eric
Subject: water sprayed on road

This last week these were spraying water on the roads. They are all in the same township. Hurley Town ship Turner county

T98N R53W

sec 11 nw1/4 of sw 1/4
on hwy 19

sec 10 ne 1/4
on 280th st

sec 11ne 1/4
on 280th st

sec 12ne 1/4
on 280th st

sec 1 se 1/4
on 280th st

sec 35 se 1/4
on hwy 18

sec 3 sw 1/4 of se 1/4

this happen all time during the day and night. you don't see this at night until you hit it and then you can't see the road.

Also this morning I was driving and the same pivot that was over spraying the road that caused my accident was spraying water on the road again. this is the 2nd time that I have had to file a complaint about its in the nw 1/4 of sec 12 T98N R53W. I was told that they wont be doing that anymore and they still are.

If you have any questions just email me or call me at 605 929 6340

thanks

Kelly Knittel

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Monday, June 22, 2015 10:22 AM
To: Gronlund, Eric
Subject: Water on road 6/21/15

Eric,

I talked to you this morning about water getting sprayed on the road.

This happened around 3:00am on June 21.

T98N R53W sec 2 Hurley township turner county

W 1/2 of SW 1/4 the water was hitting 280th street

T98N R53W sec. 11 Hurley township Turner County NE 1/4 the water was hitting 280th street

I know that this has been a problem last year and they were reported last summer. They are still doing it. This is a dangerous thing to have happen at night to anyone driving on that road. And it is a waste of water to spray in the ditch and on the road.

Thanks for your time,

Kelly Knittel

Freeman SD

605-929-6340

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Monday, June 22, 2015 10:22 AM
To: Gronlund, Eric
Subject: Water on road 6/21/15

Eric,

I talked to you this morning about water getting sprayed on the road.

This happened around 3:00am on June 21.

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Thanks for your time,

Kelly Knittel

Freeman SD

605-929-6340



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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Nos. 5261-3 and 199-3

June 23, 2015

Paul Petersen
45610 282nd Street
Hurley SD 57036

Dear Mr. Petersen:

The Department of Environment and Natural Resources (DENR) has again this season received information alleging the irrigation systems located in the SW 1/4 Section 2 and the NE 1/4 Section 11; all in T98N-R53W had irrigation water from the end guns overspraying on the road. The water right for the system in Section 2 is held in your name under Water Right No. 5261-3 and the system in Section 11 is held in the names of Harriette and James Mershon under Water Right No. 199-3 with you listed as the operator.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation systems are causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

199-3

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, July 22, 2015 10:21 AM
To: Schlaak, Karen
Subject: FW: Overspray

-----Original Message-----

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]
Sent: Wednesday, July 22, 2015 10:18 AM
To: Gronlund, Eric
Subject: Overspray

July 21st these two were spraying water on the road

WR 4736-3 & 5506-3 (same lands
James Davis different water
formations)

T98N R53W sec. 5 SW 1/4 Hurley twp Turner county Water was spraying on 280th st around 6:45 pm

T98N R53W sec. 11 NE1/4 Hurley twp Turner county Water was spraying on 280th st around 9:30 pm

Kelly Knittel
Freeman SD
605-929-6340

No letter sent

199-3 Harriette & James Merston
Paul Petersen, op

Sent Utr 6-23-15



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182

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Nos. 199-3, 3906A-3 and 5261-3

August 7, 2015

Paul Petersen
45610 282nd Street
Hurley SD 57036

Dear Mr. Petersen

The Department of Environment and Natural Resources (DENR) is writing regarding ongoing issues with end gun overspray from the irrigation systems located in the SW ¼ Section 2, the NE ¼ Section 11, and the SW ¼ Section 14, all in T98N, R53W. Our records indicate you rent the land in the NE ¼ Section 11, T98N, R53W authorized for irrigation by Water Right No. 199-3 held by Harriette and James Mershon.

DENR wrote previous letters this year when complaints were received alleging end gun overspray from systems you operate. As you will recall, the DENR also fielded complaints during the 2014 irrigation season regarding this same issue.

DENR has received multiply complaints this year regarding overspray from the systems listed above on to the road surfaces, and a DENR staff personally observed overspray had occurred on the road surface from the system in the SW ¼ Section 14, T98N, R53W as recently as August 4th.

DENR recognizes a landowner's desire to optimize production and we understand that end gun stops can malfunction. We want to work with irrigators to voluntarily correct the problems. However, DENR cannot allow unchecked overspray that is a waste of water and is on property not covered by the water right. It is your responsibility to operate and monitor the irrigation system; especially the end guns, to make sure it is not applying water where it is not allowed. If you cannot successfully get end gun stops to operate in a manner where there is not direct spray on the roadway, you must take steps to disable the end gun or alter the pivot's operation or rotation to insure overspray does not occur. Please contact me at the number below or by email when you have the stop on the end gun functioning or have adjusted pivot operation to prevent overspray.

On two occasions this summer, DENR staff traveled to Turner County specifically to observe irrigation overspray. We will continue throughout the remainder of this irrigation season to check systems in the area. If these systems are found to be overspraying, the Chief Engineer will issue a formal order that you control the overspray. Failure to comply with the Chief Engineer's Order will result in the Water Rights Program scheduling a hearing before the Water Management Board for enforcement action. This can result in the suspension of the water right or a civil fine imposed for each violation.

(continued)

This letter will go into the administrative record for each water right. If unchecked overspray continues into future years, this letter serves as DENR's notice of the Chief Engineer's intent to issue a formal order to cease overspraying and potentially scheduling a hearing before the Water Management Board.

I look forward to hearing from you by August 14, 2015.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund

Water Rights Program, DENR

605 773-3352

eric.gronlund@state.sd.us

Gronlund, Eric

From: Brett Petersen <brettrpetersen@gmail.com>
Sent: Monday, August 10, 2015 1:55 PM
To: Gronlund, Eric
Subject: End gun over sprays

Eric, after the first letter i adjusted the end gun shut offs and thought i had them shutting off in enough time but evidently not. I received your letter today and will go back out and adjust them some more. We are making an effort on this matter and should have it resolved now. thanks
Brett and Paul Petersen



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

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199-3
3906A-3
5261-3

August 2, 2016

Paul Peterson
45610 282nd St
Hurley SD 57036

Dear Mr. Peterson:

The Department of Environment and Natural Resources (DENR) has again this season received information alleging the irrigation systems located in the NE 1/4 Section 11-T98N-R53W (No. 199-3, Harriet & James Mershon), SW 1/4 Section 14-T98N-R53W (No. 3906A-3) and SW 1/4 Section 2-T98N-R53W (5261-3) had irrigation water from the end gun overspraying on the road.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation systems are causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, August 02, 2016 8:01 AM
To: Schlaak, Karen
Subject: FW: overspray

-----Original Message-----

From: kknittel@gwtc.net [<mailto:kknittel@gwtc.net>]

Sent: Monday, August 01, 2016 10:42 PM

To: Gronlund, Eric

Subject: overspray

On July 30 2016 at 11:30pm T98N R53W sec 11 NE 1/4 water was spraying on 280th street again.

On July 31 2016 at 12:30am T98N R53W sec 14 SW1/4 water was spraying on Hwy 19
On August 1 2016 at 8:00 am T98N R53W sec 2 SW1/4 water was spraying on 280th street

Kelly Knittel

199-3 Harriet & James Mereshon
o/o Paul Peterson

5261-3

3906A-3

→ Paul Peterson
45610 282nd St
Hurley 57036

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, August 02, 2016 10:56 AM
To: Schlaak, Karen
Subject: FW: End gun over sprays

From: Brett Petersen [<mailto:brettrpetersen@gmail.com>]
Sent: Tuesday, August 02, 2016 10:54 AM
To: Gronlund, Eric
Subject: Re: End gun over sprays

Eric, thanks for the heads up I have been continually adjusting them so that we can keep them off the road so I'll make sure I take care of it. It's hard to be at them at the exact right time to catch them but we are trying. Thanks again
Brett

Sent from my iPhone

On Aug 2, 2016, at 10:30 AM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Brett – received a complaint about three of Petersen's systems overspraying on to the road. They are all in T98N, R53W:

sec 11 NE 1/4 water was spraying on 280th street n.

On July 31 2016 - sec 14 SW1/4 water was spraying on Hwy 19

On August 1 2016 - sec 2 SW1/4 water was spraying on 280th street

You'll be getting the normal letter to check your endguns to be sure they are operating properly.

Thanks for your cooperation

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

From: Brett Petersen [<mailto:brettrpetersen@gmail.com>]
Sent: Monday, August 10, 2015 1:55 PM
To: Gronlund, Eric
Subject: End gun over sprays

Eric, after the first letter i adjusted the end gun shut offs and thought i had them shutting off in enough time but evidently not. I received your letter today and will go back out and adjust them some more. We are making an effort on this matter and should have it resolved now. thanks
Brett and Paul Petersen



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: PAUL PETERSEN, 45610 282ND ST, HURLEY, SD 57036

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XTHTSS**

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.

199-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

Paul Petersen Farms
45610 282nd St
Hurley SD 57036

RE: Water Permit or Right Nos. 121-3A, 164-3, 199-3, 289-3, 1773-3, 2053-3, 2852-3, 3411-3, 3632-3, 3633-3, 3648-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3

Dear Mr. Petersen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. 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, appearing to read "Genny McMath".

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