

**DIVISION OF NO. 2148-3
INTO 2148A-3 AND 2148B-3**

The water right is being divided and reissued to reflect separate ownership.

- No. 2148A-3 – Jay Peterson: authorizing diversion of 0.81 cfs to irrigate 156 acres located in the NE $\frac{1}{4}$ Section 20-T112N-R50W with a priority date of December 2, 1974.
- No. 2148B-3 – Alvin G & Susan Ruckdaschel: authorizes 0.42 cfs to irrigate 80 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20-T112N-R50W with a priority date of December 2, 1974. Issuance of No. 2148B-3 is being withheld until a determination is made by the Water Management Board on whether or not the water right has been abandoned and/or forfeited and subject to cancellation.

Water Rights Program - File Documentation

NAME: Jerald A Peterson

ADDRESS: 46727 197th St, Brookings SD 57220

DATE: 4-25-06 **COUNTY:** BG **TELEPHONE:** 605 873-2636

cell 605 695-3163

RE: Well Completion Report

COMMENTS:

Jerald A Peterson called regarding my letter dated 4-13-06 to Jay Peterson, his son. Jerald indicated that the legal description on the completion report is wrong. It should be SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20-T112N-R50W. The well is an additional well for Water Right No. 2148-3 which is now owned by Jay Peterson, 2770 LaMiranda Dr., Vista CA 92081.

Water Right No. 2148-3 authorized 1.23 cfs (550 gpm) from 2 wells to irrigate land in the E $\frac{1}{2}$ Section 20. Jerald indicated that Jay only owns the NE $\frac{1}{4}$ Section 20. The wells are located in the NE $\frac{1}{4}$. The land located in the SE $\frac{1}{4}$ is owned by several people and has not been irrigated for several years.

Jerald stated the two wells have slowly deteriorated over the years and they needed the additional well to reach the 800 gpm capacity of their system. I told him that the original permit wasn't for 800 gpm.

After review, it was determined that they would need to file an application for the additional well and additional water. We determined that 0.81 cfs and 156 acres remained on Water Right No. 2148-3. The new application would need to include the additional well and request an additional 1.41 cfs (for a total of 2.22 cfs which is the statutory limit for 156 acres). After the ownership of the SE $\frac{1}{4}$ Section 20 is determined, that portion of the water right may be subject to possible cancellation. I have contacted the Director of Equalization on 4-26-06.



Karen Schlaak
Environmental Scientist

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAY - 9 2006

WATER RIGHTS
PROGRAM

No. 2148-3

Date: _____

I/We request that Water Right No. 2148-3

formerly owned by: Lowell Summa Living Trust

be transferred to: (name & address) Jay Peterson, 2770 LaMiranda Dr, Vista CA 92081

Telephone No.

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

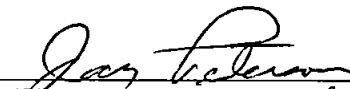
156 acres – NE ¼ Section 20-T112N-R50W

I/We understand that the validity of Water Right No. 2148-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of 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 _____, the new owner, certify that the above information is true and correct.


(Signed by new owner) by 

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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 9, 2006

RECEIVED OF Dr Jerald Peterson, 46727 197th St., Bruce SD 57220

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>2148-3</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.

02435

By

Darland Eide
Chief Engineer *gm*

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 2148A-3
DIVISION OF NO. 2148-3 INTO 2148A-3 AND 2148B-3

(1) Raymond Oines, Bruce SD was issued Water License No. 2148-3, August 2, 1979 for a water right to divert 1.23 cubic feet of water per second (cfs) from groundwater (two wells), Brookings County, South Dakota for irrigation purposes. Water Right No. 2148-3, with a priority date of December 2, 1974 was issued to the permit holder for diversion of water with the described water supply system and the application to beneficial use of water completed.

The original license authorized irrigation of 236 acres in the E ½ Section 20-T112N-R50W. Due to ownership changes, the water right is being divided and reissued to reflect separate ownership.

- No. 2148A-3 – Jay Peterson, 2770 LaMiranda Dr, Vista CA 92081: authorizing diversion of 0.81 cfs to irrigate 156 acres located in the NE ¼ Section 20-T112N-R50W with a priority date of December 2, 1974.
- No. 2148B-3 – Alvin G & Susan Ruckdaschel: authorizes 0.42 cfs to irrigate 80 acres located in the E ½ SE ¼, NW ¼ SE ¼ Section 20-T112N-R50W with a priority date of December 2, 1974. Issuance of No. 2148B-3 is being withheld until a determination is made by the Water Management Board on whether or not the water right has been abandoned and/or forfeited and subject to cancellation.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2148A-3 is issued a license, bearing a priority date of December 2, 1974 to appropriate 0.81 cubic feet of water per second from groundwater (two wells) to irrigate 156 acres.

The diversion points are located: north well – 2,975 feet N, 121° W of the NE corner, south well – 3,170 feet N 127° W of the NE corner, both in SW ¼ NE ¼ Section 20-T112N-R50W. The acres authorized for irrigation are as follows:

Sec 20-T112N-R50W	NW ¼ NE ¼	39 ac	NE ¼ NE ¼	38 ac
	SW ¼ NE ¼	40 ac	SE ¼ NE ¼	39 ac
Total 156 acres				

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2148-3 including the following now applicable qualification:

- The irrigation wells approved under this Permit will be located near domestic wells which may obtain water from the same aquifer. The irrigation well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in existing domestic wells.



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

AUG 17 2006
date





AUG 17 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2148A-3
6722-3

Jay Peterson
2770 LaMiranda Dr.
Vista CA 92081

Dear Mr. Peterson:

Enclosed is Water Permit No. 6722-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Also, enclosed is Reissued Water License No. 2148A-3 and receipt for payment of the transfer fee. Due to ownership changes, the water right has been divided and reissued to reflect separate ownership.

We will schedule an inspection so that the Water License may be issued to you, thus completing the acquisition of a Water Right.

An informational sheet *?Common Water Right Questions?* is enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

c: Jerald A Peterson, 46727 197th St, Bruce SD 57220

enclosures



January 26, 2007

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JAY A PETERSON, 2770 LA MIRANDA DR., VISTA, CA 92081
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 2148A-3, 3222-3 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) 6722-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6722-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2148A-3, 3222-3 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 questionnaire(s) is(are) received in this office on/or before March 1, 2007, 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:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-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.



2148A-3

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Track & Confirm

Search Results

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Detailed Results:

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- Enroute, February 03, 2007, 12:01 pm, BELL, CA 90201
- Notice Left, January 29, 2007, 12:02 pm, VISTA, CA 92081
- Enroute, January 28, 2007, 12:04 pm, VISTA, CA 92083
- Acceptance, January 26, 2007, 10:49 am, PIERRE, SD 57501

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7245	Post AIR
	JAY A PETERSON 2770 LA MIRANDA DR. VISTA CA 92081
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
CHECK ONE (POSTAL USE ONLY)	
☐ Priority Mail SM Service	
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<http://trkcnfrm1.smi.usps.com/PTSIInternetWeb/InterLabelDetail.do>

03/08/2007



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

February 27, 2007

Jerald Peterson
46727 197th St
Brookings SD 57220

Dear Mr. Peterson:

I am contacting you in regard to water permits held by Jay Peterson. Recently, we tried to mail him correspondence concerning his 2006 irrigation questionnaires and the mail was returned to us by the post office marked "insufficient address".

I am enclosing the information we mailed to Jay. If you would, please review the letter and forms and let us know how we can contact Jay. It is very important to get the notices to him to avoid a hearing before the Board concerning the irrigation questionnaires.

Let me know if he has had a change of address and the best way to gather the irrigation questionnaire information. Thank you in advance for your help.

Sincerely,

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

File No. 2148A-3
3222-3
6722-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jerald Peterson

DATE: March 7, 2007

RE: Water Permits/Rights held by Jay A Peterson

COMMENTS:

Jerald called with regard to a letter I sent to him requesting an updated mailing address for his son Jay Peterson. The correspondence we sent to Jay was returned by the Post Office marked "insufficient address:

Jerald indicated the address we had was slightly wrong. The address should include the Suite # and also the name of the street was misspelled.

The correct address is:

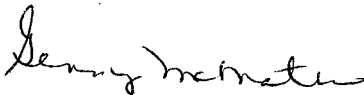
Jay A Peterson

2770 La Mirada Dr, Suite E

Vista CA 92081

The phone number he can be reached at is 760-599-1977 (work #)

Jerald indicated he had the irrigation information for Jay's permits and would be sending the forms in right away.



Genny McMath
Environmental Scientist