

WATER PERMIT NO. 3065B-3

Name of Applicant: **Floyd Peterson**

Address: **18892 390th Ave, Hitchcock SD 57348**

Phone:

Amount of Water Claimed: **no add'l**

Total Acres: **no add'l**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **7 miles northeast of Hitchcock**

PRIORITY

Date Received: **1-19-07**

Application/License Fee: **\$100**

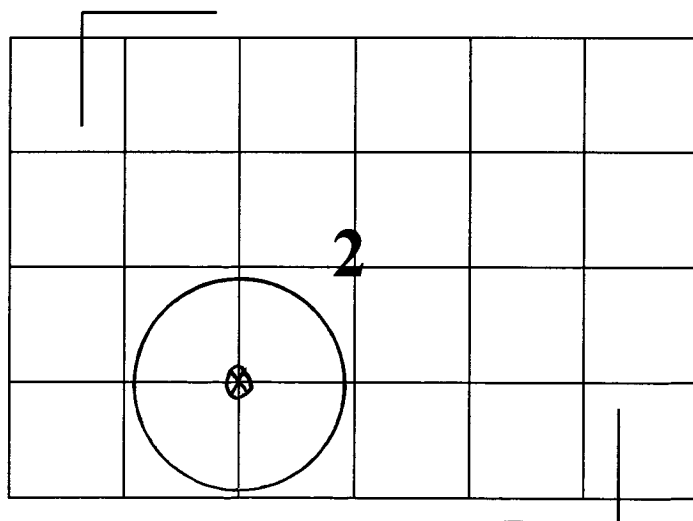
Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks: **move pivot ¼ mile to the west**

Diversion Point: **center of SW ¼ Sec 2-T114N-R63W**

Land to be Irrigated: **SW ¼ Sec 2-T114N-R63W**



Depth of Well: **63 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **1-29-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No.	3065B-3	(office use only) Hydrologic Unit	10160006
	Basin	James River		
	Newspaper	Redfield Press		

RECEIVED
JAN 18 2007
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 3065A-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Transfer irrigated acres from the W 1/2 SE 1/4, E 1/2 SW 1/4 Sec 2 to SW 1/4 Sec 2; all in T114N-R63W

- Name of Applicant Floyd Peterson Phone
(check one) Owner Tenant/lessee
Mailing Address 18892 390th Ave, Hitchcock State SD 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed no add'l*CFS or **GPM ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply existing location groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 SW 1/4 Sec 2-T114N-R63W (approximate center)
County Spink
- County or counties where water will be used Spink
- Annual period during which water is to be used April 1 - October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SW 1/4 Sec 2-T114N-R63W	32.5		
NE 1/4 SW 1/4	32.5		
SW 1/4 SW 1/4	32.5		
SE 1/4 SW 1/4	32.5		

- Give a description of the project. (Attach sheet if more space is needed)
Proposes to shift the acres authorized by WR No. 3065A-3 1/4 mile to the west SW 1/4 Sec 2-T114N-R63W. The shift is taking place to provide efficiency to the operation of the center pivots.

STATE OF SOUTH DAKOTA) SS
County of Hughes

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Floyd Peterson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Floyd Peterson

Subscribed and sworn to before me this 19th day of January 2007

Robert K. Bruce Kner
Notary Public signature

My Commission Expires 09/16/2010.

SOUTH DAKOTA
WATER PERMIT NO. 3065B-3

Date of first receipt of application January 19, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3065B-3 to Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 3065B-3 amends Water Right No. 3065A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3065A-3 appropriates 1.66 cubic feet of water per second (cfs) from one well completed into the Tulare:Hitchcock Aquifer (63 feet deep) located in the NE ¼ SW ¼ Section 2 to irrigate 130 acres located in the SW ¼, W ½ SE ¼ Section 2; all in T114N-R63W. This permit authorizes moving the center pivot approximately ¼ mile to the west with a new well to be constructed in the approximate center of the SW ¼ Section 2 to irrigate 130 acres located in the SW ¼ Section 2; all in T114N-R63W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is January 9, 1987.
4. The date of approval of Permit No. 3065B-3 is May 14, 2007.
5. One-fifth of the construction is to be completed on or before November 14, 2009.
6. All construction is to be completed on or before May 14, 2012.
7. Water is to be put to beneficial use on or before May 14, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

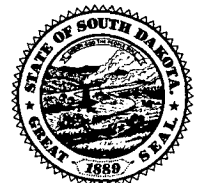
QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 3065B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 20 2007
date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth approx. 63
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property approx. 1/4 mileOn property owned by others approx. 1/2 mile**2. Wastewater Disposal System Information**

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

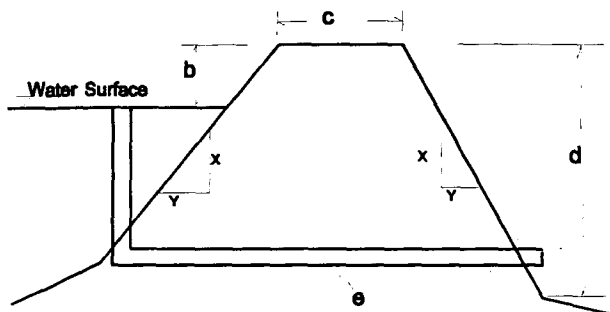
3. Dugout Information

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

4. Water Storage Dams

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

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



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

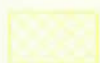
Water Permit Application to Transfer Acreage under Water Right No. 6330-3 to the SE 1/4 Section 2, T114N,R63W and shift acreage under Water Right No. 3065A-3 approximately 1,200 feet west



0 275 550 1,100 1,650 2,200 Feet



depicts where the acreage under Water Permit No. 6330-3 will be transfer to.



depicts the shift in acres by moving the center pivot under Water Right No. 3065A-3 approximately 1,200 feet west.



Eric Gronlund
Water Rights Program, DENR
January 5, 2007

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

Date Jan 19, 20 0607

RECEIVED OF Floyd Pederson, 18892 390th Ave, Fitchcock SD 57348

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

Fee for Application for Permit No. <u>20655-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>20655-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

22808

By

Darlene L. Lusk
Chief Engineer *gm*

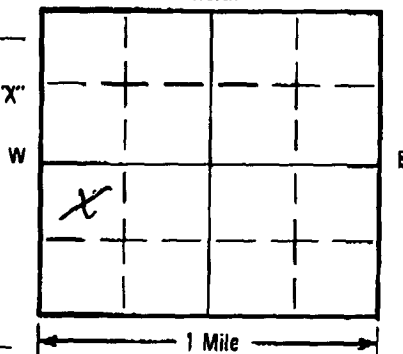
11-1068

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location N/W 1/4 SW 1/4 Sec 2 Twp 114 Rg 63
County SPINK North

Please mark well location with an "X"



Well Completion Date

1-24-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Forward

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>3</u> IN	<u>0</u> FT	<u>40</u> FT	<u>5</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>2</u>	_____ lb./gal	<u>0</u> ft.	<u>20</u> ft.
<u>Ualch</u>	<u>2</u>	_____ lb./gal	<u>20</u> ft.	<u>39</u> ft.

Describe grouting procedure T Line

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 3 IN Length 20 FEET

Material PVC Sch 40

Slot Size 0.25 Set From 40 Feet to 60 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: OSCAR PETERSON

Business Name: OSCAR INC

Address: 18892 390th Ave

Hitchcock S.D. 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow clay</u>	<u>0</u>	<u>14</u>
<u>yellow sand</u>	<u>14</u>	<u>25</u>
<u>fine grey sand</u>	<u>25</u>	<u>40</u>
<u>med to coarse sand</u>	<u>40</u>	<u>50</u>
<u>loam sand</u>	<u>50</u>	<u>57</u>
<u>blue clay</u>	<u>57</u>	<u>60</u>

STATIC WATER LEVEL

17

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: u/s in 100+

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm _____

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 2007

Floyd Peterson
18892 390th Avenue
Hitchcock SD 57348

Dear Mr. Peterson:

On Friday January 5th you stopped in the water rights office to file an application to transfer Water Permit No. 6330-3 which authorized irrigation of the SW ¼ Section 5, T115N, R62W to the SE ¼ Section 2, T114N, R63W. To accommodate this transfer the pivot authorized by Water Right No. 3065A-3 will need to be shifted ¼ mile to the west (depicted in yellow on the enclosed map). In assisting you completing the application I included both the transfer of acres for WR No. 6330-3 and WR No. 3065A-3 on the same application. However, these are separate actions that each require an application to be filed to amend each water right.

Therefore, I have drafted a separate application to transfer acres under WR No. 3065A-3 to allow the shift of the existing pivot in Section 2. Please sign the application in the presence of a notary public and return in the self addressed stamped envelope. This transfer will also require a \$100 filing fee to be submitted.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Applications for Floyd "Oscar" Peterson

ADDRESS: 18892 390th Avenue, Hitchcock SD COUNTY: Spink

DATE: January 25, 2007 TELEPHONE:

RE: Call from Lenny Peterson regarding Oscar Peterson's water permit application

COMMENTS:

Lenny Peterson called on behalf of his dad.

Oscar Peterson currently has two applications pending with the Water Rights Program. First is to shift the acres authorize by Water Right No. 3065A-3 approximately $\frac{1}{4}$ mile to the west so the pivot irrigated solely the SW $\frac{1}{4}$ Section 2, T114N, R63W. It was proposed to use the existing well in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2 to supply water. The other application proposed to transfer the acres authorized by Water Permit No. 6330-3 to the SE $\frac{1}{4}$ Section 2 and complete a new well in the center of the SE $\frac{1}{4}$ to supply water.

Lenny Peterson said the well driller had completed test drilling in the S $\frac{1}{2}$ of Section 2, T114N, R63W. They found better water in the SW $\frac{1}{4}$ of the section than the SE $\frac{1}{4}$. He asked me to amend the applications to reflect that the SW $\frac{1}{4}$ will be irrigated from a new well located in the center of the SW $\frac{1}{4}$ and the existing well authorized by WR No. 3065A-3 will serve the SE $\frac{1}{4}$ of Section 2, T114N, R63W.

NAME:

Eric Handberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

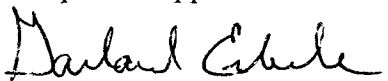
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3065B-3, Floyd Peterson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 3065B-3-3, Floyd Peterson, 18892 390th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 3065B-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 3065B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Garland Erbele, Chief Engineer
April 16, 2007

REPORT FOR WATER PERMITS APPLICATION NOS. 3065B-3 & 6330A-3
For Floyd Peterson
March 6, 2007

Application No. 3065B-3 proposes to amend Water Right No. 3065A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3065A-3 appropriates 1.66 cfs from one well approximately 63 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 2 to irrigate 130 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 2; all in T114N R63W. This application proposes to move the center pivot approximately $\frac{1}{4}$ mile to the west with a new well to be constructed in the approximate center of the SW $\frac{1}{4}$ of section 2 to irrigate 130 acres located in the SW $\frac{1}{4}$ of section 2; all in T114N R63W. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 6330A-3 proposes to amend Water Permit No. 6330-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 6330-3 appropriates 2.22 cfs from one well located in the center of the SW $\frac{1}{4}$ of section 5 to irrigate 157 acres located in the SW $\frac{1}{4}$ of section 5; all in T115N R62W. This application proposes to move the permitted acreage approximately 6 miles to the southwest to irrigate 157 acres located in the SE $\frac{1}{4}$ of section 2; T114N R63W. The well to be utilized for this system will be the existing well originally authorized by Water Right No. 3065A-3 located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 2, T114N R63W. The well for Water Permit No. 6330-3 was not constructed. No increase in the diversion rate or number of acres irrigated is authorized by this application.

AQUIFER – TULARE HITCHCOCK (T-H)

The Tulare Hitchcock aquifer is a predominantly surficial outwash (sand and gravel) under water table conditions in Spink County. The Water Management Board in December of 2002, (Goodman, 2002) approved some new permits and deferred additional new permit applications because of concerns the aquifer (along with the Tulare Western Spink aquifer) may be fully appropriated. The Board at the December 2002 hearing determined to allow five years for development of existing permits from these two aquifers and also determined to defer any additional applications from these two aquifers until a hearing in December of 2007. This has been the process followed and as of this date there 29 deferred applications requesting 69.4 cfs for irrigation of 5,312 acres.

The Water Rights Program monitors three observation wells within two miles of this application. These are SP-80B (located about one mile northwest), SP-80D (located about one mile south) and SP-77H (located about two miles east) from this application. Hydrographs for these observation wells are included with this report. The water level record indicates good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates the aquifer is capable of sustaining existing withdrawals (Water Rights, 2007).

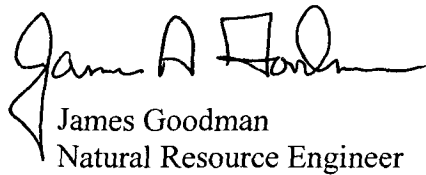
These two applications do not request any additional water or additional acreage but only to transfer existing permits. There are a couple of technical problems with these transfers. First, the licensed well location for 3065A-3 appears to be where the proposed "new" well will be. Apparently the permit holders moved the well location sometime since 1992 (license date) without permission to do so (the chief engineer under SDCL 46-5-13.1 can authorize this if requested). Second, the transfer of 6330-3 is interesting. There is no indication that there was any attempt to develop this permit at the authorized location. Under SDCL 46-5-25 one fifth of the work has not been completed within one-half the time allowed. The Board has discretion in this matter but clearly the intent of this statute is to expedite development where there would be deferred applications waiting in line for the use of this water. There is Board precedence handling permits in this manner.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

These two applications end up with wells approximately 1,000 feet apart. This is close enough to cause some overlapping drawdown (cones of depression) between these wells. Interference is likely, however it is not expected to be adverse. What could become a problem is that during an extended drought water levels may decline enough to affect the pumping rates of the individual wells. If this application is approved there would be three irrigation wells approximately within one-half mile. It would minimize any potential impacts if the production well was moved to the SE $\frac{1}{4}$ of section 2, T114N R63W. The applicant has drilled a test well in the proposed location that indicates sand and coarse sand from about 14 feet to a depth of 57 feet with a static water level of about 17 feet below land surface. The test well does look favorable for development of a production well. This proposed well is about 1,800 feet from an existing irrigation well authorized by Water Right No. 4591-3 and interference is not expected to be adverse.

CONCLUSIONS

1. Water Permit No. 3065B-3 is an existing water right and can be transferred with no increase in diversion rate or acreage and the priority is also transferred to these lands.
2. The new well location for 3065B-3 should not adversely affect the nearest existing well (owned by someone other than this applicant) authorized by Water Right No. 4591-3.
3. Interference will occur between the existing well under No. 3065A-3 and this proposed well. It is not possible to determine if this will be adverse until actual use begins.
4. No well log is available for the existing irrigation well. This should have been submitted with the application.
5. Any well authorized by these applications must be constructed in accordance with SD Well Construction Standards.



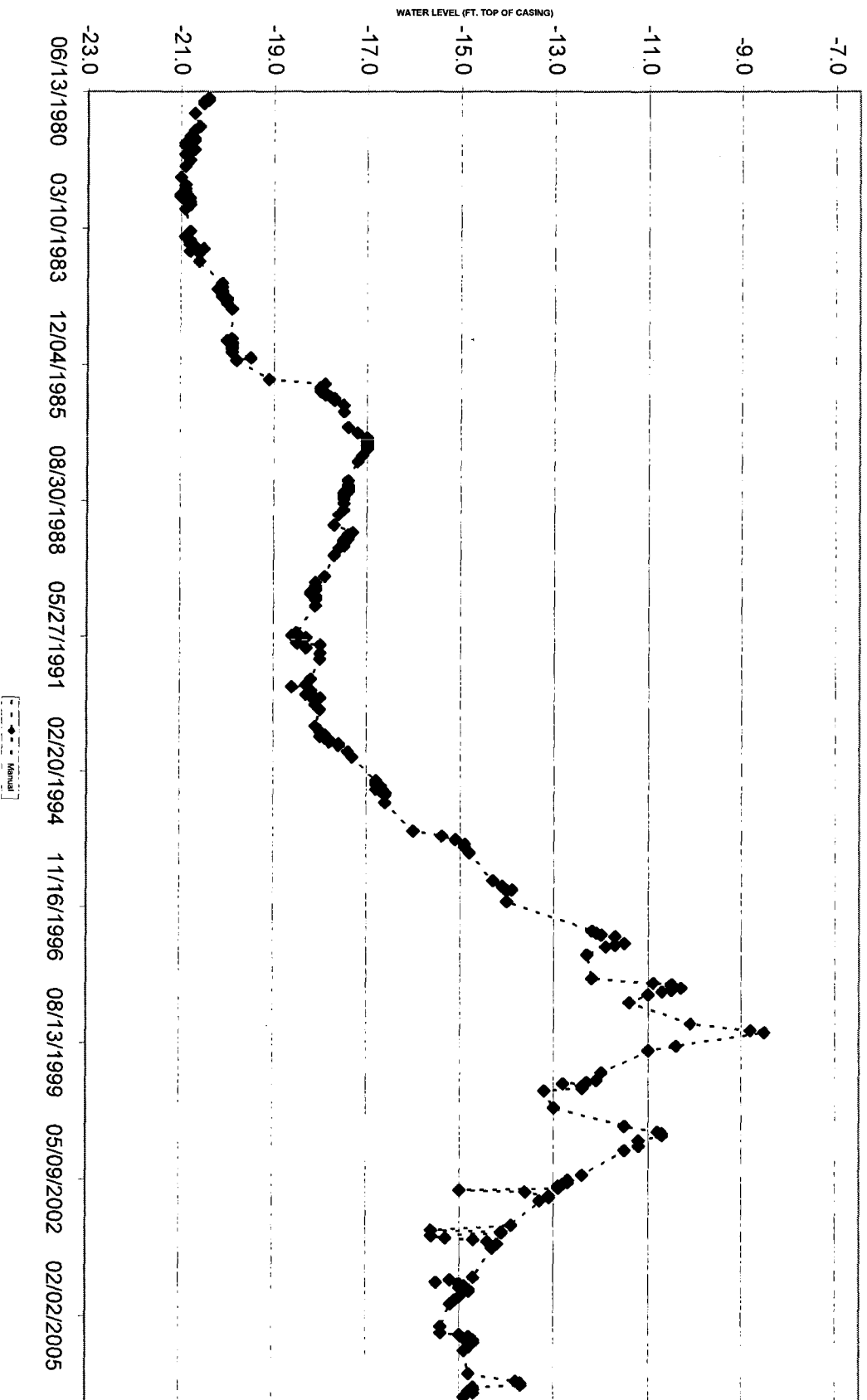
James Goodman
Natural Resource Engineer

BIBLIOGRAPHY

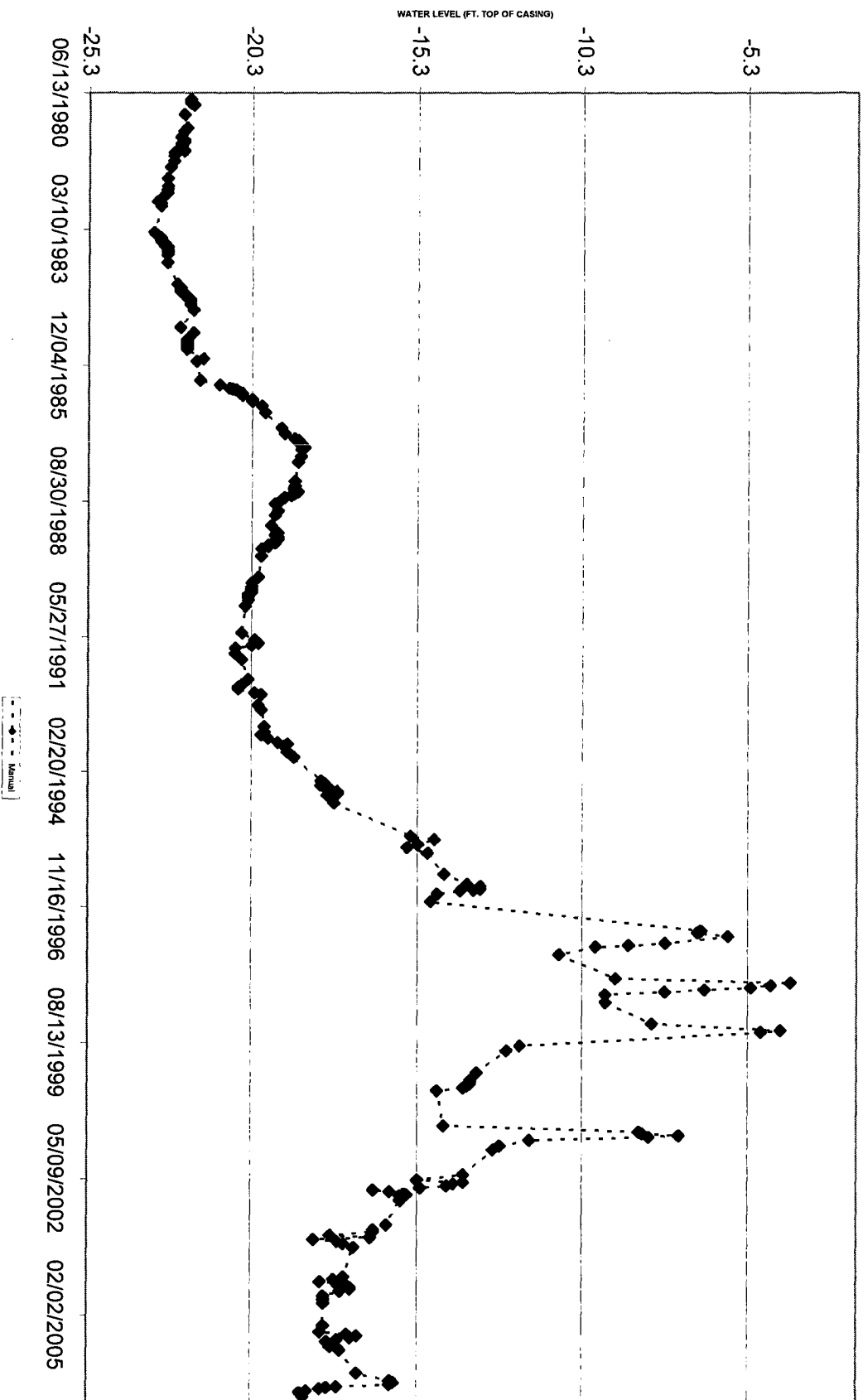
Goodman, J.A., 2002, Report on Water Permit Application Nos. 6330-3, 6331-3, 6332-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3, 6343-3, 6344-3, 6345-3, 6346-3, 6348-3, 6353-3, for Water from the Tulare Hitchcock Aquifer and Water Permit Nos. 6333-3, 6334-3, 6347-3, 6351-3, 6352-3, for Water from the Tulare Western Spink Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2007, Unpublished Observation Well Data for the Tulare Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

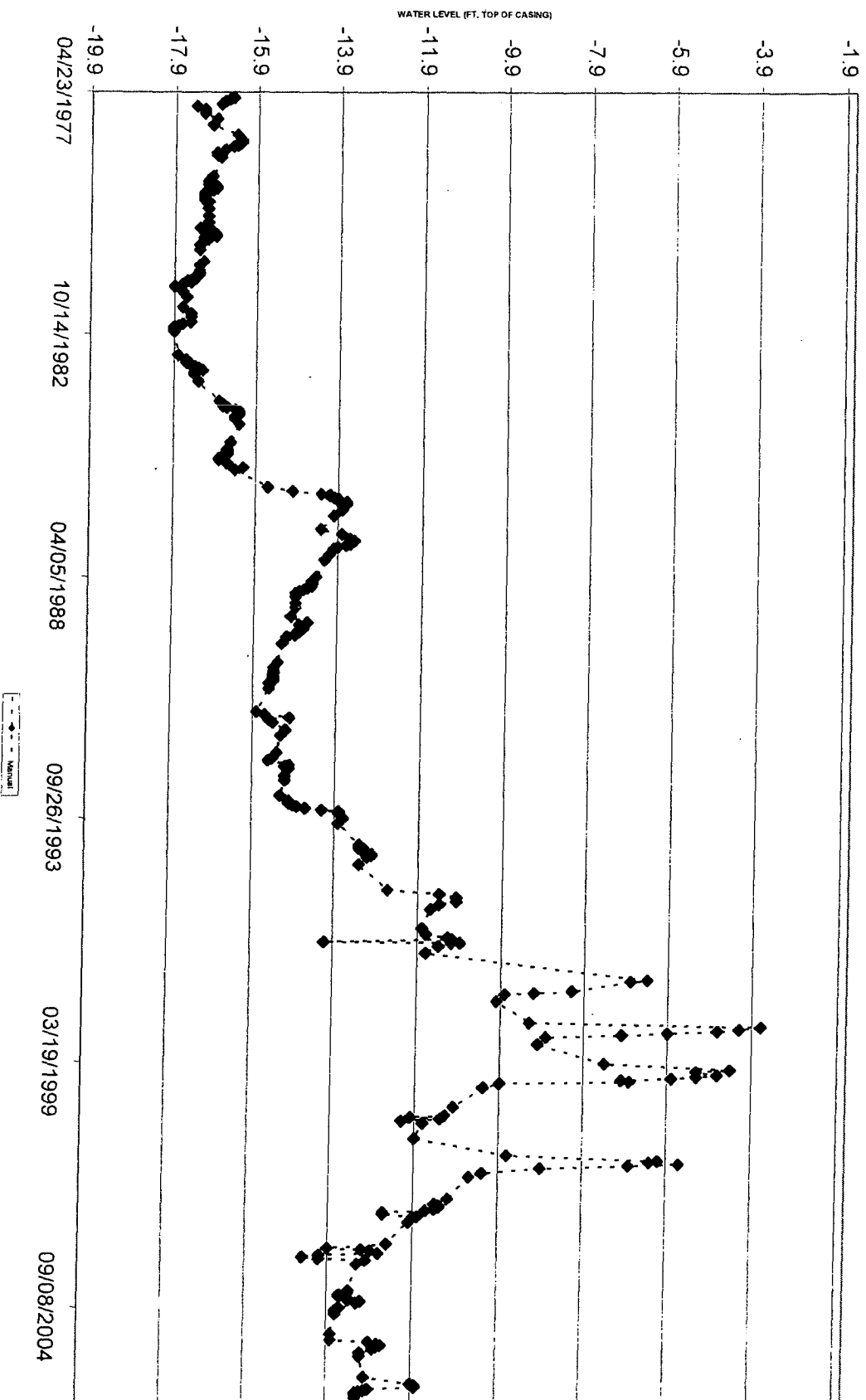
WATER RIGHTS' OBSERVATION WELL
SP-80B



WATER RIGHTS' OBSERVATION WELL
SP-80D



WATER RIGHTS' OBSERVATION WELL
SP-77H



Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

RECEIVED

MAY - 4 2007

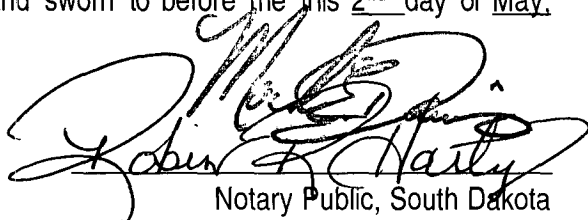
WATER RIGHTS
PROGRAM

173 Notice of Application

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on April 25th, 2007 and the last publication being made on May 2nd, 2007 that the full amount of Sixty Four and .63/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 2nd day of May,
2007.


Notary Public, South Dakota

My commission expires 06/20/2012

Notice of Application

#173

NOTICE OF APPLICATION NOS. 3065B-3 and 6330A-3

Notice is given that Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed the following applications for a water permit.

Application No. 3065B-3 proposes to amend Water Right No. 3065A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3065A-3 appropriates 1.66 cubic feet of water per second (cfs) from one well completed into the Tulare:Hitchcock Aquifer (63 feet deep) located in the NE 1/4 SW 1/4 Section 2 to irrigate 130 acres located in the SW

Legal Notices

1/4, W 1/2 SE 1/4 Section 2; all in T114N-R63W. This application proposes to move the center pivot approximately 1/4 mile to the west with a new well to be constructed in the approximate center of the SW 1/4 Section 2 to irrigate 130 acres located in the SW 1/4 Section 2; all in T114N-R63W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 6330A-3 proposes to amend Water Permit No. 6330-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 6330-3 appropriates 2.22 cfs from one well to be completed into the Tulare:Hitchcock Aquifer located in the center of the SW 1/4 Section 5 to irrigate 157 acres located in the SW 1/4 Section 5; all in T115N-R62W. This application proposes to move the permitted areas approximately 6 miles to the southwest to irrigate 157 acres located in the SE 1/4 Section 2-T114N-R63W. The well to be utilized for this system will be the existing well originally authorized by Water Right No. 3065A-3 located in the NE 1/4 SW 1/4 Section 2-T114N-R63W. The well authorized by No. 6330-3 is not constructed. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 3065B-3 and 6330A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance

with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 14, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(April 25, May 5)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 17, 2007

REDFIELD PRESS
PO BOX 440
REDFIELD SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 3065B-3 and 6330A-3 to Appropriate Water to be published twice. Please publish the first notice on April 25, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Floyd Peterson, 18892 390th Ave, Hitchcock, SD 57348 (Ph # 605-266-2747).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Nos. 3065B-3 & 6330A-3

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

Date _____

We are in receipt of your letter of April 17, 2007 enclosing Notice to Appropriate Water by Application Nos. 3065B-3 & 6330A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

April 17, 2007

FLOYD PETERSON
18892 390TH AVE
HITCHCOCK SD 57348

Dear Mr. Peterson:

Water Permit Application Nos. 3065B-3 & 6630A-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notices and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on April 25, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 3065B-3 and 6330A-3

Notice is given that Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed the following applications for a water permit.

Application No. 3065B-3 proposes to amend Water Right No. 3065A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3065A-3 appropriates 1.66 cubic feet of water per second (cfs) from one well completed into the Tulare:Hitchcock Aquifer (63 feet deep) located in the NE 1/4 SW 1/4 Section 2 to irrigate 130 acres located in the SW 1/4, W 1/2 SE 1/4 Section 2; all in T114N-R63W. This application proposes to move the center pivot approximately 1/4 mile to the west with a new well to be constructed in the approximate center of the SW 1/4 Section 2 to irrigate 130 acres located in the SW 1/4 Section 2; all in T114N-R63W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 6330A-3 proposes to amend Water Permit No. 6330-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 6330-3 appropriates 2.22 cfs from one well to be completed into the Tulare:Hitchcock Aquifer located in the center of the SW 1/4 Section 5 to irrigate 157 acres located in the SW 1/4 Section 5; all in T115N-R62W. This application proposes to move the permitted areas approximately 6 miles to the southwest to irrigate 157 acres located in the SE 1/4 Section 2-T114N-R63W. The well to be utilized for this system will be the existing well originally authorized by Water Right No. 3065A-3 located in the NE 1/4 SW 1/4 Section 2-T114N-R63W. The well authorized by No. 6330-3 is not constructed. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 3065B-3 and 6330A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 14, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 20 2007

Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is Water Permit Nos. 3065B-3 and 6330A-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

RECEIVED

AUG 14 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3065B-3

Date: _____

I/We request that Water Permit No. 3065B-3

formerly owned by: Floyd Peterson

be transferred to: (name & address) Peterson Farms, 19111 Maple Ave., Hitchcock SD 57348

Telephone No.

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

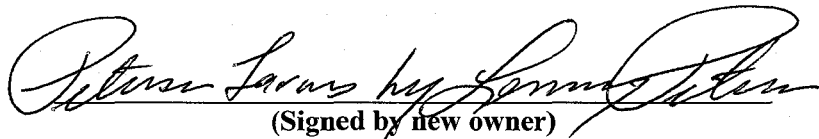
SW ¼ Section 2, T114N, R63W

I/We understand that the validity of Water Permit No. 3065B-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)

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 8/14, 2007

RECEIVED OF Peterson Farms 19111 Maple Ave Hitchcock SD 57348

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

Fee for Application for Permit No. _____ 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 _____	3065B-3	2	50
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.

03125

By

Garland Erickson
Chief Engineer

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 15, 2007

1509-3
3065B-3
6330A-3

Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

Oscar & Lenny;

Thank you for stopping by the office to take care of the ownership changes for Water Right No. 1509-3 and Water Permit Nos. 3065B-3 and 6330A-3.

The transfers have been completed as follows:

- Water Right No. 1509-3 (NE ¼ Section 32, T114N, R62W) was transferred from Peterson Farms to Oscar Inc.;
- Water Permit No. 3065B-3 (SW ¼ Section 2, T114N, R63W) was transferred from Floyd Peterson to Peterson Farms;
- Water Permit No. 6330A-3 (SE ¼ Section 2, T114N, R63W) was transferred from Floyd Peterson to Peterson Farms.

Receipt Nos. 03124, 03125 and 03126 in the amounts of \$2.50 each are included in Lenny's letter.

If I can answer any questions for you, give me a call.

Sincerely,

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

enclosures

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

Date

9/11/07

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

FROM:

Peterson Farms
(name)19111 Maple Ave
(address)Hitchcock SD 57348
(city, state, zip)

(phone)

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

Water Permit No. 3065B-3 states that the water use system is to be constructed by

12/4/07
(date)

, and water is to be put to beneficial use by

12/4/11
(date)

The water use system was completed on 2007

(date)

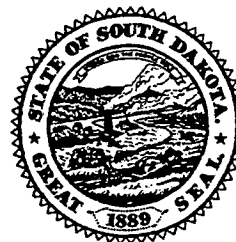
Applying the water to beneficial use was completed on

2007

(date)

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

Emily Peterson
(signature)



Permit No. 3065B-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, **September 12, 2007**, made a thorough examination of the water use system constructed by **Peterson Farms** care of **Lenny Peterson, 1911 Maple Avenue, Hitchcock SD 57348** holder of Permit No. **3065B-3**, bearing the priority of **January 9, 1987** authorizing the total diversion of **1.66 cu. ft. per second** from the **Tulare:Hitchcock** for **irrigation** purposes, in **Spink** County.

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

A. Works used to divert the water:

A well was completed in 2007 under Water Right No. 3065A-3 that is in place with a turbine pump system that Lenny Peterson indicates is capable of producing 1.66 cfs (750 gpm) which is the operating capacity of the pivot.

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

Well head is located approximately at the pivot center. Water from the well is conveyed above ground in a 8" aluminum pipe to the pivot point (as seen the in the attached picture).

C. Works used to apply water to beneficial use:

An older Reinke Electrogator 8 tower center pivot was moved 1,320 feet west from its previous location authorized by 3065A-3

The system is in the following condition **good**. The point of diversion (well) is located as **referenced from the SW corner of Section 2, T114N, R63W is approximately 1,320 feet north and 1,320 feet east. The well is at the pivot center which to the knowledge of this investigator is in the center of the SW ¼ of Section 2. This did not match with the GPS coordinates obtained which indicates the well to be approximately 300 feet east of the center of Section 2. I contacted Lenny Peterson who indicated the well and pivot are in the center of the SW ¼. Therefore, I concluded my reading of the GPS was in error and did not include the Lat/Lon with this report.**

The works are capable of diverting **1.66 cfs from one well** which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All in Section 2, T114N, R63W

NW ¼ SW ¼	32.5 acres	October 5, 1976
NE ¼ SW ¼	32.5 acres	October 5, 1976
SW ¼ SW ¼	32.5 acres	10 acres October 5, 1976 & 22.5 acres January 9, 1987
SE ¼ SW ¼	32.5 acres	January 9, 1987

comprising a total of **130** acres of land and the license should be issued for **1.66 cfs** from the well

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **none**

Date Report Completed: **October 29, 2007**


Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 3065B-3

DATE OF INVESTIGATION:	September 12, 2007
NAME & ADDRESS OF PERMIT HOLDER	Peterson Farms c/o Lenny Peterson 19111 Maple Avenue Hitchcock SD 57348
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Lenny Peterson (partner)
DIVERSION POINT LEGAL LOCATION	E ½ SW ¼, Section 2, T114N, R63W

Other permit(s) associated with the project: Permit No. 3065B-3 is an amendment to shift the pivot 1,320 feet to the west. This permit authorizes a new well as the existing well became part of the transfer authorized by Water Permit No. 6330A-3

WELL INFORMATION:

1) Well Drilling Firm: **Pullmn**

1) No. of Wells One

2) Depth(s) 60 feet (based on test hole log)

3) Well log is available No

4) Comment: Will contact Pullman Drilling to submit well completion report and report with be edited accordingly

Casing:

1) Diameter 16 inches

2) Length unknown feet

3) Type plastic

Screen:

1) Type stainless steel

2) Length unknown feet

3) Static water level unknown feet

Pump:

1) Make Western Land Roller

2) Model

3) Size 8"

4) Capacity 750 GPM

Motor:

1) Make US Electric

2) Model No. BF 48A

3) Horsepower rating 40 HP

SYSTEM TYPE:**Center pivot:**

- 1) Make Reinke Electrogator Model 680 Serial 280-6721
- 2) Overall length approx. 1,300 feet
- 3) Number of towers 8 tower
- 4) Distance between towers _____ feet
- 5) End gun Yes (length with gun 1,350 feet)
- 6) High or low pressure 45 psi
- 7) Capacity 750 GPM

CHEMIGATION EQUIPMENT: chemigation equipment is in place

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

COMMENTS:

- The system was just installed in 2007.
- I am uncertain of the exact capacity of well and pivot system. Most of Peterson Farms systems are set up to operate at 800 gpm. However, Water Right No. 3065A-3 was issued for 750 gpm (1.66 cfs) so that is the maximum amount that the water license can be issued for
- Permit No. 3065B-3 utilizes the pivot that was located in the E ½ SW ¼ and W ½ SE ¼ of Section 2. This pivot was moved 1,320 feet to the west.
- The license for this water right should reflect the 1976 and 1987 priority date established by Water Right No. 3065A-3.

Water Permit Nos. 3065B-3 and 6330A-3, Peterson Farms



2,200 1,100 0 2,200 Feet



Water Permit No. 6330A-3 (well and acreage authorized in purple)
Well is located as referenced from the SW corner of Sec. 2, T114N,
R63W as 1,320 feet north and 2,200 feet east
Lat/Lon - N44.708750 W-098.373528



Water Permit No. 3065B-3 (well and acreage authorized in green)
Well is located as referenced from the SW corner of Sec. 2, T114N,
R63W as 1,320 feet north and 1,320 feet east
Lat/Lon - N44.708803 W-098.377157



Eric Gronlund

Eric Gronlund
Water Rights Program
Date of Investigation - 9/12/2007

Picture of Pivot point for Water Permit No. 3065B-3



Picture taken September 12, 2007

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3065B-3**

(1) Floyd Peterson made Application No. 3065B-3, January 19, 2007 for a water permit to amend Water Right No. 3065A-3 by transferring the irrigated acreage approximately a quarter mile to the west. No. 3065B-3 did not allow for additional acres or diversion rate from what was authorized by No. 3065A-3. The water source for the irrigation system is the Tulare:Hitchcock Aquifer in Spink County. Permit No. 3065B-3, with priority dates of October 5, 1976 and January 9, 1987 was approved May 14, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 14, 2012 and for the application to beneficial use of said water on or before May 14, 2016. ***A notice of completion of works has been filed indicating the system was completed in 2007.***

On August 14, 2007, Water Permit No. 3065B-3 was transferred to Peterson Farms % Lenny Peterson.

The applicable portions of Water Permit No. 3065A-3 have been incorporated into Water License No. 3065B-3. The priority dates of October 5, 1976 and January 9, 1987 as they pertain to the acres irrigated are described in (3) of this license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.66 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet N and 1,320 feet E of the SW corner of Section 2, T114N, R63W (center of the SW ¼).

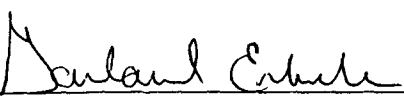
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 2, T114N, R63W	NW ¼ SW ¼	32.5 acres	October 5, 1976 priority date
	NE ¼ SW ¼	32.5 acres	October 5, 1976 priority date
	SW ¼ SW ¼	32.5 acres	(10.0 acres) October 5, 1976 priority date (22.5 acres) January 9, 1987 priority date
	SE ¼ SW ¼	32.5 acres	January 9, 1987 priority date
Total		130.0 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Peterson Farms, % Lenny Peterson, 19111 Maple Ave., Hitchcock SD 57348 the holders and/or owners of Incorporated Water Right No. 3065B-3 are issued a license to appropriate water, the right to use 1.66 cubic feet of water per second from ground water (one well – Tulare:Hitchcock Aquifer) with priority dates of October 5, 1976 and January 9, 1987 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3065B-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 3065B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

OCT 30 2008
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 30 2003

3065A-3
3065B-3

Lenny Peterson
Peterson Farms
19111 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is your Water License No. 3065B-3. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized under Water Right No. 3065B-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

Note: The applicable portions of Water Permit No. 3065A-3 were incorporated into Water License No. 3065B-3.

RECEIVED

JAN 26 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3065B-3

Date: Jan. 25, 2016

I/We request that Water Right/Permit No. 3065B-3

formerly owned by: Peterson Farms

be transferred to: (name & address) Danny Peterson, 38984 189th Street, Hitchcock SD 57348
605-350-4717
Telephone No. 605-266-2876

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

SW ¼ Section 2, T114N, R63W

I/We understand that the validity of Water Right/Permit No. 3065B-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 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 Danny Peterson, the new owner, certify that the above information is true and correct.

Danny 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/26, 20 16

RECEIVED OF Danny Peterson 38984 189th St Hitchcock SD 57348

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3065B-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	50 00

No. 07697

By J. Anne Hoalman
Chief Engineer



3065B-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 27, 2016

Danny Peterson
38984 189th St
Hitchcock SD 57348

RE: Water Permit/Right Nos. 1033A-3, 1512-3, 3065B-3, 6330A-3, 6333A-3 and 7411-3

Dear Mr. Peterson:

I am writing to acknowledge the transfer forms and filing fees you submitted for changing ownership on the above listed water permits and rights.

The ownership changes have been completed. Water Permit/Right Nos. 1033A-3, 1512-3, 3065B-3, 6330A-3, 6333A-3 and 7411-3 formerly held by Peterson Farms are now listed in your name.

Enclosed for your records are Receipt Nos. 07695, 07696, 07697, 07698, 07699 and 07700 in the amount of \$50 each which you paid for filing the ownership records. If you have any questions, please contact me.

Sincerely,

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

enclosures