

Water Rights Program -- File Documentation

NAME: Jerald A Peterson

ADDRESS: 46727 197th St, Bruce SD 57220

DATE: September 17, 2001

COUNTY: Brookings

TELEPHONE: 873-2636

Cell 695-3163

RE: Splitting Water Right No. 3556-3 into two separate water rights

COMMENTS:

On September 17, 2001 I spoke with Jerald Peterson via phone on several permitting issues. Mr. Peterson requested that Water Right No. 3556-3 be split into two separate water rights to simplify reporting water use on the irrigation questionnaire. Currently, Water Right No. 3556-3 authorizes irrigation of 258 acres in the N $\frac{1}{2}$ section 8-112N-50W from two wells. The irrigation system consists of a center pivot in the NE $\frac{1}{4}$ and another pivot in the NW $\frac{1}{4}$ with a well located near the center of each pivot.

RECOMMENDED ACTION:

Water Right No. 3556-3 needs to be reissued under two separate water right numbers. Water Right No. 3556A-3 can be issued for irrigation of the NE $\frac{1}{4}$ and No. 3556B-3 for irrigation of the NW $\frac{1}{4}$ with the acreages and appropriated water divided accordingly.



Ron Duvall, Natural Resources Engineer
Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3556A-3**

(1) Jerald A Peterson, 46727 197th St, Bruce, SD 57220 was issued Water License No. 3556-3, on September 14, 1989 for a water right to divert 3.57 cubic feet of water per second from ground water (two wells), Brookings County, South Dakota for irrigation purposes. Water License No. 3556-3, with a priority date of January 28, 1977 was issued to the permit holder for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

Water Right No. 3556-3 authorizes irrigation of the N $\frac{1}{4}$ of Section 8, T112N, R50W. Each quarter of land has its own well and irrigation system. The water right holder has requested the water right be divided and reissued to reflect the separate systems. The water right is being divided as follows:

- **Water Right No. 3556A-3** will authorize diversion of 1.78 cfs from a well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ to irrigate 131 acres located in the NE $\frac{1}{4}$ of Section 8.
- **Water Right No. 3556B-3** will authorize diversion of 1.78 cfs from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ to irrigate 127 acres in the NW $\frac{1}{4}$ of Section 8.

(2) It is certified that the water right 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,300'W and 1,350'S of the NE corner of Section 8, T112N, R50W (SE $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The water right 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 8, T112N, R50W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	31 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	35 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	31 acres
	Total	131 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerald A Peterson, 46727 197th St, Bruce, SD 57220 the holder and/or owner of Water Right No. 3556A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well) with a priority date of January 28, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 3556-3 subject to South Dakota State Law.

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

NOV 07 2001
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 07 2001

Jerald A Peterson
46727 197th St
Bruce, SD 57220

Dear Mr. Peterson:

The investigation and issuance of your water licenses have been completed. Enclosed are the following:

- **Water License No. 3556A-3**
- **Water License No. 3556B-3**
(For ease of reporting, Water Right No. 3556-3 was divided and reissued as "A" & "B" to reflect the separate systems.)
- **Water License No. 5170-3 and map**
(This license incorporated the applicable portions of Water Permit Nos. 3416-3 and 4507-3.)
- **Water License No. 5443-3 and map**
(This license incorporated the applicable portions of Water Right No. 4345-3.)

For your information SDCL 46-6-27 requires that if the owner of an existing well(s), such as the wells authorized by Water Right Nos. 3556A-3, 3556B-3, 5170-3 and 5443-3, 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.

Also enclosed are your Receipt Nos. 413420 and 411734. As long as you use the water beneficially, as stated in each of 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



3556-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2017

NOTICE

TO: JERALD A PETERSON, 46727 197TH ST, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 2437A-3, 3556-3A, 3556B-3 & 4362-3 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) 4940-3, 4981-3, 5170-3 & 5443-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 4940-3, 4981-3, 5170-3 & 5443-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2437A-3, 3556-3A, 3556B-3 & 4362-3 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 1, 2017** 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: <http://denr.sd.gov/iq.aspx>

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



3556-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 14, 2017

Jerald A Peterson
46727 197th St
Bruce SD 57220

RE: Water Right Nos. 2437A-3, 3556-3A, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 2437A-3, 3556-3A, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 12, 2024

2437A-3, 3556A-3, 3556B-3,
4362-3, 4940-3, 4981-3, 5170-3 & 5443-3

Jerald A Peterson
46727 197th St
Bruce SD 57220

Dear Mr. Peterson:

Enclosed are the 2024 Irrigation Questionnaires for Water Right/Permit Nos. 2437A-3, 3556A-3, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3.

The questionnaires were originally mailed to you on October 23, 2024. However, based on your telephone call to our office notifying us that you had not received the forms, they have been re-mailed.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password **YATGQK**.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures