

WATER PERMIT NO. 3906A-3

Phone: 238-5791

Name of Applicant: Paul Petersen

Post Office Address: RR 1, Box 4A, Hurley, D. 57136

Amount of Water Claimed: 0.6 Total Acres: 42

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 1 miles north of Hurley

PRIORITY Date Received: 7-27-93 Fee: \$50 Remarks: add'l point of

diversion on Water Right No. 3906A-3 (same well used to irrigate Permit No. 4961-3)

Corrected Application Received: _____ Period of Annual Use: April 1 - Oct 31

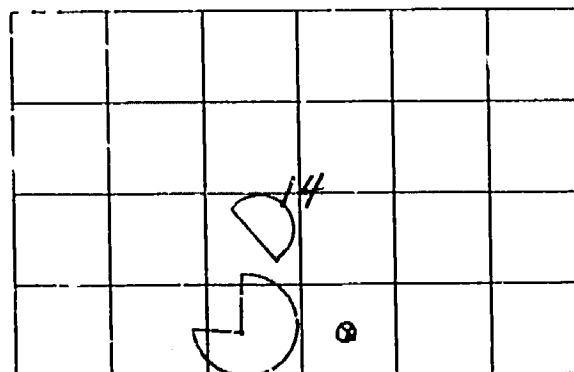
WATER QUALITY APPROVAL RECEIVED: 7-30-93 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: SW 1/4 SE 1/4 Sec 14-T98N-R53W

Land to be Irrigated: E 1/2 SW 1/4, SW 1/4 SW 1/4

Sec 14-T98N-R53W



Well Log: Driller: Jon Reiners Licensed YES X NO _____

Depth of Well: 40 feet REMARKS: _____

Type of Map: aerial PREPARED BY: Greg Johnston Reviewed and the Number

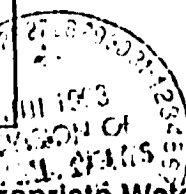
Assigned on: 8-3-93 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota
(type or print)

65

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 3906A-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Hurley Leader, Box 318, Hurley
(office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: New Vested Right X Amendment/Correction to Permit No. 3906-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Change diversion point to well in SW1/4 SE1/4 of Section 14-T98N-R53W
from dugout on Water License No. 3906-3 for 2 small pivots covering
42 acres in E1/2 SW1/4 of Section 14-T98N-R53W

- Name of Applicant Paul Petersen (check one) Owner Tenant/lessee Phone 238-5791
Mailing Address RR1 Box 4A Hurley, SD 57036 State
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.6 cfs or **GPM ***AF Total Acreage 42
(*Cubic Feet per Second) (**Gallons per Minute) (**Acres Feet - storage capacity of dam/dugout is applicable)
- Source of water supply Parker-Centerville Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
One well in the SW1/4 SE1/4 14-T98N-R53W (40 feet deep)
 County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used April 1 to October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description ²³¹	Acres	Land Description	Acres
NE1/4 SW1/4 14-T98N-R53W	12		
SE1/4 SW1/4 14-T98N-R53W	29 29		
SW1/4 SW1/4 14-T98N-R53W	1		

- Type of Irrigation: Gravity: Towline: Center Pivot: X Gun: Other (Specify):
- Crops to be irrigated:
- Give a description of the project. (Attach sheet if more space is needed)

Constructed well for Permit No. 4961-3 and included 2 small center pivots located in the E1/2 SW1/4 of Section 14-T98N-R53W to irrigate 42 acres. The dugout once used for the two pivots is no longer used. No increase in the diversion rate specified on No. 4961-3 is authorized by this application. The diversion rate may not exceed 1.53 cfs for the combined acreage (107 acres).

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

STATE OF SOUTH DAKOTA)

County of Turner)³⁵

I, Paul Petersen, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Paul Petersen

Subscribed and sworn to before me this 26th day of July 19 93

Charlotte Lange
My Commission Expires 3/2/95

File No. 3906-3/4961-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Paul Petersen

ADDRESS: R1 Box 4A Hurley, SD 57036

COUNTY: Turner

DATE: 6/10/93

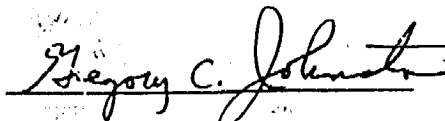
TELEPHONE: 238-5791

RE: Change of point of diversion under No. 3906-3

COMMENTS:

I inspected the irrigation system constructed by Mr. Petersen under Water Permit No. 4961-3 on May 4, 1993. Discovered that the well located in the SW1/4 SE1/4 of Section 14-T98N-R53W for No. 4961-3 was supplying water to two small pivots irrigating 42 acres in the E1/2 of the SW1/4 of Section 14-T98N-R53W. These two small pivots were originally supplied 1.1 cfs of water from a dugout located in the SW1/4 SW1/4 of Section 14 under Water License No. 3906-3. When Mr. Petersen constructed the system for No. 4961-3 he discontinued using the dugout as a water source for the two small pivots and constructed a pipeline to supply those pivots from the well permitted under No. 4961-3. The dugout was 20' deep and the water level was maintained by shallow groundwater from the Parker-Centerville Aquifer. The well under No. 4961-3 is 40' deep and also located in the Parker-Centerville Aquifer. After speaking with Mr. Ron Duvall and Jim Goodman, both staff engineers, it was concluded that Mr. Petersen would be required to apply for a change in diversion point on Water License No. 3906-3 for the water supply for the two small pivots in the E1/2 SW1/4 of Section 14 and that 0.60 cfs could be withdrawn from the well for the 42 acres being irrigated. The 0.60 cfs diverted from the well will retain the priority date of May 19, 1971.

In addition, Water License No. 3906-3 will be amended to drop the dugout as a source of water for the 42 acres in the E1/2 SW1/4 and the SW1/4 SW1/4 of Section 14 and include the well in the SW1/4 SE1/4 of Section 14 as the new source.



Gregory C. Johnston
Natural Resources Engineer II
DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

June 11, 1993

Paul Petersen
RR 1, Box 4A
Hurley, SD 57036

Dear Mr. Petersen:

This letter is in regards to your irrigation well located in the SW1/4 SE1/4 of Section 14-T98N-R53W. This well is covered under Water Permit No. 4961-3 to irrigate 65 acres in the W1/2 of the SE1/4 of Section 14. In addition, this well is used to irrigate 42 acres with two small center pivots in the E1/2 SW1/4 and the SW1/4 SW1/4 of Section 14-T98N-R53W (see enclosed map). These acres are covered under Water Permit No. 3906-3. As we discussed, you will need to apply for a change of diversion to irrigate this ground from the well. Also, the dugout cannot be used as a source of water for the two small pivots irrigating the 42 acres.

Enclosed is a partially completed application form, map and instruction sheet. Please review this map and make comments or corrections if you feel it is in error. The items you need to submit are highlighted on the instruction sheet. The enclosed application form must be completed, notarized, and returned to our office with a \$50 application fee.

Your immediate response is appreciated, and if you have any questions, please feel free to contact me.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

enclosures

Permit Nos. 3906A-3 & 4961-3
Vermillion 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, June 18, 1996, made a thorough examination of the water use systems constructed by Paul Petersen of 45610 282ND Street, Hurley, SD 57036 holder of Water License No. 3906-3 and Water Permit Nos. 3906A-3 & 4961-3, bearing the priorities of April 22, 1976 (3906-3), April 25, 1983 (3906A-3) & April 25, 1983 (4961-3) authorizing diversions of 2.28 (3906-3), no add'l (3906A-3), and 1.14 (4961-3) cu. ft. of water per second from ground water for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

A 50 HP Newman motor with an 800 GPM Western Land Roller pump.
 A 30 HP US Electric motor with a 650 GPM Valley pump.

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

4300 feet of 8" PVC.
 20 feet of 6" aluminum.

C. Works used to apply water to beneficial use:

An 8 tower Valley cornering system center pivot rated at 800 GPM.
 Three 3 tower Valley center pivots rated at 650 GPM.

The system is in the following condition good. The points of diversion are located Well #1 (west): 1325 feet N and 530 feet E from the SW corner of Section 14 (NW1/4 SW1/4); Well #2 (east): 680 feet N and 1980 feet W from the SE corner of Section 14 (SW1/4 SE1/4); Both in T098N R53W. The works are capable of diverting and conveying to the place of use 3.21 (1.77 from west well & 1.44 from east well) cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T098N R53W	SECTION 14	NW1/4 SW1/4	37 acres
		SW1/4 SW1/4	32 acres
		NE1/4 SW1/4	37 acres
		SE1/4 SW1/4	28 acres
		NW1/4 SE1/4	32 acres
		SW1/4 SE1/4	32 acres

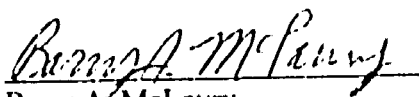
comprising a total of 198 acres of land and the license should be issued for 2.8³~~2~~ cfs (1 cfs/70 acres).

NOTE:

Water License No. 3906-3 and Water Permit Nos. 3906A-3 & 4961-3 will all be incorporated into Water Permit No. 3906A-3 during licensing. These three water rights combined, may not exceed 1.00 cfs for each 70 acres on the irrigated lands - as stated in number 3 of the qualifications for Water Permit No. 3906A-3.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: March 11, 1997



Barry A. McLaury

Natural Resources Scientist

DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NOS. 3906A-3 & 4961-3

Other permit(s) associated with the project: WL # 3906-3.

DATE OF INSPECTION: June 18, 1996.

NAME OF INSPECTION CONTACT: Paul Petersen.

NAME & ADDRESS OF PERMIT HOLDER: Paul Petersen, 45610 282ND Street, Hurley, SD 57036.

DIVERSION POINT LEGAL LOCATIONS: Well #1 (west): 1325 feet N and 530 feet E from the SW corner of Section 14 (NW1/4 SW1/4); Well #2 (east): 680 feet N and 1980 feet W from the SE corner of Section 14 (SW1/4 SE1/4); Both in T098N R53W.

WELL INFORMATION:

1) Well Drilling Firm: Reiners (west well)

2) No. of Wells 1

3) Depth(s) 105 feet

4) Well log is available N

1) Well Drilling Firm: Reiners (east well)

2) No. of Wells 1

3) Depth(s) 40 feet

4) Well log is available Y

Casing:

1) Diameter 14 inches

2) Length 80 feet

3) Type steel

Casing:

1) Diameter 16 inches

2) Length 5 feet

3) Type PVC

Screen:

1) Type stainless steel

2) Length 25 feet

3) Static water level 2 feet

Screen:

1) Type PVC

2) Length 35 feet

3) Static water level 5 feet

Motor:

1) Make Newman Electric

2) Frame No. 326 TP

3) Horsepower rating 50 HP

Motor:

1) Make US Electric

2) Frame No. 286 TPH

3) Horsepower rating 30 HP

Pump:

1) Make Western Land Roller

2) Model No. 2

3) Capacity 800 GPM

Pump:

1) Make Valley

2) Model No. 14.0106

3) Capacity 650 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type ALU
- 2) Size 06 inches
- 3) Length 20 feet
- 1) Type PVC
- 2) Size 08 inches
- 3) Length 4300 feet

SYSTEM TYPE:

Center pivot: West pivot

- 1) Make Valley Cornering System
- 2) Overall length 976 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) High or low pressure Low
- 6) Capacity 800 GPM

Center pivot: (towed in SE1/4)

- 1) Make Valley
- 2) Overall length 626 feet
- 3) Number of towers 3
- 4) End gun Y
- 5) High or low pressure low
- 6) Capacity 650 GPM

Center pivot:

- 1) Make Valley
- 2) Overall length 626 feet
- 3) Number of towers 3
- 4) End gun Y
- 5) High or low pressure low
- 6) Capacity 650 GPM

Center pivot:

- 1) Make Valley
- 2) Overall length 626 feet
- 3) Number of towers 3
- 4) End gun Y
- 5) High or low pressure low
- 6) Capacity 650 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type piston (injecto-meter)
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y

- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS:

Mr. Petersen asked to incorporate as many of his permits as possible. Therefore, Water License No. 3906-3 and Water Permit Nos. 3906A-3 & 4961-3 will all be incorporated into Water Permit No. 3906A-3 during licensing. These three water rights combined, may not exceed 1.00 cfs for each 70 acres on the irrigated lands - as stated in number 3 of the qualifications for Water Permit No. 3906A-3.

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

413842

Pierre, _____ July 27, 19 93

RECEIVED OF Paul Petersen, Rte 1 Box 4A, Hurley, SD 57036

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

Fee for Application for Permit No. <u>2706A-E</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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

John Hatch

Department of Agriculture
W.#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4785

WR#

OWNERS NAME: PETERSON, PAUL OWNERS ADDRESS: Box 1 Box 4A

EMERY SD 57036

COUNTY LAND LOCATED IN: TURNER PHONE: 238-5791

LEGAL DESCRIPTION: WELL: SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14-T98N-R53W ☒ Well (40 feet deep) ☐ Surface
1. LOCATION _____
Depth _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14-T98N-R53W	12	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14-T98N-R53W	29
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14-T98N-R53W	1		

2. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE _____ CENTER PIVOT ~~XXX~~ GUN _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY

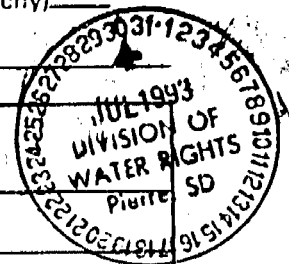
4. WATER SAMPLE NUMBER: 83-0132

7. ADJUSTED (SAR): 0.92

5. SALINITY (EC X 10⁻¹): 1500

8. PERCENT SODIUM: 5.2

6. SODIUM (SAR): 0.33



Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.

Russell J. Stone

Director, Division of Conservation

JULY 28, 1993

Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

REPORT ON APPLICATION NO. 3906A-3
for Paul Petersen
September 24, 1993

Application No. 3906A-3 proposes to change the point of diversion from a dugout to a well to irrigate 42 acres of land authorized by Water Right No. 3906-3. Water Right No. 3906-3 appropriates 1.91 cfs from one well and a dugout both located in the SW 1/4 SW 1/4 of section 14 to irrigate 134 acres located in the SW 1/4 of section 14; all in T98N R53W in Turner County. The well is an existing well approximately 40 feet deep authorized by Water Permit No. 4961-3 (will be licensed for irrigation of 65 acres and a diversion rate of 0.93 cfs) located in the W 1/2 of the SE 1/4 of section 14, T93N R53W. This well is located in the SW 1/4 SE 1/4 of section 14. The use of the water from the dugout is abandoned and water from the well will be applied to 42 acres located in the NE 1/4 SW 1/4 and SE 1/4 SW 1/4 of section 14, T93N R53W. Diversions from Water Right No. 3906-3 and this application, combined, may not exceed 1 cfs for each 70 acres.

AQUIFER - PARKER CENTERVILLE (PAC)

The Parker Centerville is a glacial outwash (sand and gravel) aquifer found under predominantly unconfined (water table) conditions. The aquifer underlies 38,300 acres and contains an estimated 114,900 acre feet of recoverable water in storage (Hedges, 1982). The USGS estimates the aquifer underlies 74 square miles (47,360 acres) and contains an estimated 322,000 acre feet of water in storage (Lindgren, 1990). The estimates are slightly larger in the more recent USGS report because of better mapping. Also, recoverable water is what can be pumped and is generally about 1/2 of the total water in storage. Recharge to the aquifer has been estimated at 4.9 inches per year (16,600 acre feet per year-Hedges and 19,340 acre feet per year-USGS). Historically, pumping from the Parker Centerville aquifer was 13,958 acre feet in 1988. This was the largest recorded water use year for the aquifer. Based upon water use, water is available from the aquifer for future appropriation.

The Division of Water Rights monitors 5 observation wells completed into the Parker Centerville aquifer within 2 miles of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

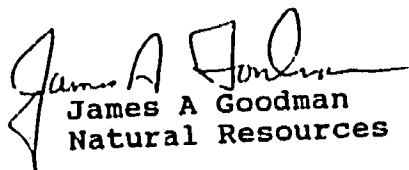
REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are two existing Water Rights Nos. 3246-3 and 3633-3 with diversion points located within 1/2 mile of the diversion point for this application. These two rights also obtain water from

the Parker Centerville aquifer. Interference is not expected to be a concern. These wells have been in use for many years with no apparent problems. This is also shown by the observation well records which do not indicate that significant drawdown occurs in the Parker Centerville aquifer as a result of pumping.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern.
3. The dugout which is abandoned obtained water from the same source as this well. No additional water is being appropriated, only a change in the diversion point.
4. Because of potential overlapping irrigation systems supplied from different water sources this permit must contain the qualification that those combined diversions cannot exceed two acre feet per acre on those lands. Also the permitted diversion rate may not exceed the statutory limit of 1 cfs per 70 acres. The maximum diversion rate allowed by this application is 0.60 cfs.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., J. Allen, D.E. Holly, 1983, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, SD, USGS WRI 90-4093, USGS, Huron, SD, 57350.
- Water Rights, 1993, Unpublished Observation Well Data for Turner County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3906A-3, Paul Petersen

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 3906A-3, Paul Petersen, RR 1 Box 4A, Hurley, SD 57035.

The Chief Engineer is recommending APPROVAL of Application No. 3906A-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) 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit Nos. 3906-3, 4961-3 and 3906A-3, combined, may not exceed 1.0 cfs for each 70 acres and diversions cannot exceed two acre-feet per acre on those irrigated lands.

See report on application for additional information.


JOHN HATCH, Chief Engineer
September 27, 1993



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

October 5, 1993

Paul Petersen
RR 1 Box 4A
Hurley, SD 57036

Dear Mr. Petersen:

Water Permit Application No. 3906A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hurley Leader printed at Hurley, SD (Ph # 238-5229). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application 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 Notice of hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

October 5, 1993

Hurley Leader
Box 218
Hurley, SD 57036

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 3906A-3 to be published twice. Please publish the first notice on October 13, 1993, with the second publication 7 days later.

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 Paul Petersen, RR 1 Box 4A, Hurley, SD 57036 (Ph # 238-5791).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

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

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on October 13, 1993, with the second publication 7 days later. The applicant is responsible for payment.

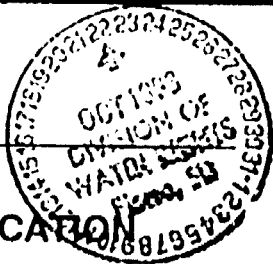
NOTICE OF APPLICATION NO. 3906A-3 to
Amend Water Right No. 3906-3

Notice is given that Paul Petersen, RR 1 Box 4A, Hurley, SD 57036 has filed an application for a water permit to change the point of diversion from a dugout to one well to irrigate 42 acres of the land authorized by Water Right No. 3906-3. Water Right No. 3906-3 appropriates 1.91 cfs from one well and a dugout (Parker Centerville Aquifer) located in the SW 1/4 SW 1/4 Section 14 to irrigate 134 acres located in the SW 1/4 Section 14; all in T98N-R53W. The additional well, 40 feet deep, is located in the SW 1/4 SE 1/4 Section 14-T98N-R53W and is authorized by Water Permit No. 4961-3 for irrigation of the W 1/2 SE 1/4 Section 14-T98N-R53W. The use of water from the dugout has been abandoned. Water Right No. 3906-3 and this application, combined, may not exceed 1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3906A-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 the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation 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 Division, 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 November 1, 1993.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

Page 7

STATE OF SOUTH DAKOTA)
County of Turner) ss

I, James E Wipf

certify that the attached printed Notice was

taken from the Hurley Leader

printed and published in Hurley

County of Turner and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

10/14/93

10/21/93

Cost of Printing: 49⁹⁰

(Signature)

Publisher

(Title)

10/21/93

(Date Signed)

**NOTICE OF
APPLICATION
NO. 3906A-3 TO
AMEND WATER RIGHT
NO. 3906-3**

Notice is given that Paul Petersen, RR1 Box 4A, Hurley, S. D., 57036 has filed an application for a water permit to change the point of diversion from a dugout to one well to irrigate 42 acres of the land authorized by Water Right No. 3906-3. Water Right No. 3906-3 appropriates 1.91 cfs from one well and a dugout (Parker Centerville Aquifer) located in the SW 1/4 SW 1/4 Section 14 to irrigate 134 acres located in the SW 1/4 Section 14; all in T98N-R53W. The additional well, 40 feet deep, is located in the SW 1/4 SE 1/4 Section 14-T98N-R53W and is authorized by Water Permit No. 4961-3 for irrigation of the W 1/2 SE 1/4 Section 14-T98N-R53W. The use of water from the dugout has been abandoned. Water Right No. 3906-3 and this application, combined, may not exceed 1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3906A-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 the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief

engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation 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 Division, Foss Building, 523 E. Capitol, Pierre, S. D. 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 November 1, 1993.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Publish: In The Hurley Leader, Oct. 14 & 21, 1993.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

November 17, 1993

3906A-3

Paul Petersen
RR #1 Box 4A
Hurley, SD 57036

Dear Mr. Petersen:

Enclosed is your check # 3599 in the amount of \$50.00. You have already paid the necessary fees for Water Permit No. 3906A-3.

As we discussed on the telephone, someone from our office will need to make a follow-up inspection prior to a license being issued. A \$50.00 fee will be required for inspection and issuance of the water license; however, you will not be assessed for this fee until after the inspection has been conducted.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resource Analyst
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DEC 20 1993

Paul Petersen
RR 1 Box 4A
Hurley, SD 57036

Dear Mr. Petersen:

Enclosed is Water Permit No. 3906A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 3906A-3**

Date of first receipt of application July 27, 1993.

Date Soil/Water Compatibility Permit received July 30, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3906A-3 to Paul Petersen, RR 1, Box 4A, Hurley SD 57036 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. 3906A-3 changes the point of diversion from a dugout to one well to irrigate 42 acres of the land authorized by Water Right No. 3906-3. Water Right No. 3906-3 appropriates 1.91 cubic feet of water per second (cfs) from one well and a dugout (Parker Centerville Aquifer) located in the SW 1/4 SW 1/4 Section 14 to irrigate 134 acres located in the SW 1/4 Section 14; all in T98N-R53W. The additional well, 40 feet deep is located in the SW 1/4 SE 1/4 Section 14-T98N-R53W and is authorized by Water Permit No. 4961-3 for irrigation of the W 1/2 SE 1/4 Section 14-T98N-R53W. The use of water from the dugout has been abandoned. Water Right No. 3906-3 and this permit, combined, may not exceed 1 cfs for each 70 acres irrigated. No increase in the diversion rate or the number of acres being 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 April 25, 1983.
4. The date of approval of Permit No. 3906A-3 is November 1, 1993.
5. 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. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit Nos. 3906-3, 4961-3 and 3906A-3, combined, may not exceed 1.0 cfs for each 70 acres and diversions cannot exceed two acre-feet per acre on those irrigated lands.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

DEC 20 1993
date



March 19, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

Permit Nos. 3906A-3
5261-3
5555-3

Paul Petersen
45610 282nd Street
Hurley, SD 57036

Dear Mr. Petersen:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 3906A-3, 5261-3 and 5555-3, has been completed. Your final water right documents, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit Nos. 3906-3 and 4961-3 will be incorporated into 3906A-3.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$150.00 fee from you, we will begin processing your Water Licenses.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 fee per license (\$150.00 total) has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415281

Pierre, _____ March 24, 1997

RECEIVED OF Paul Petersen Farms, 45610 - 282nd St., Hurley, SD 57036

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 3906A-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By *J. L. Hatch*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

APR 7 1997

3906A-3
5261-3
5555-3

Paul Petersen
45610 282nd Street
Hurley, SD 57036

Dear Mr. Petersen:

Enclosed are Water License Nos. 3906A-3, 5261-3 and 5555-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415281, 415282 and 415283 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 3906A-3, 5261-3 and 5555-3, 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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Nos. 3906-3 and 4961-3 have been incorporated into this Water License No. 3906A-3.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3906A-3

(1) Paul Petersen, 45610 282nd Street, Hurley SD 57036 made Application No. 3906A-3, July 27, 1993 for a water permit to change the point of diversion from a dugout to one existing well (authorized under Water Permit No. 4961-3) to irrigate 42 acres of land authorized by Water Right No. 3906-3 located in Turner County, South Dakota for irrigation purposes. Permit No. 3906A-3, with a priority date of April 25, 1983 was approved November 1, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

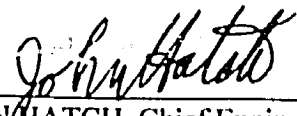
Water Right No. 3906-3 with a priority date of April 22, 1976, authorized irrigation of 134 acres in the SW 1/4 Section 14 from one well in the NW 1/4 SW 1/4 Section 14. Water Permit No. 4961-3 with a priority date of April 25, 1983, authorized irrigation of 80 acres in the W 1/2 SE 1/4 Section 14 from one well in the SW 1/4 SE 1/4 Section 14. The applicable portions of Nos. 3906-3 and 4961-3 have been incorporated into this Water License No. 3906A-3.

(2) It is certified that the applicant 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 2.83 cubic feet of water per second for beneficial use. The location of the diversion point are Well #1 (west) - 1,325 feet north and 530 feet east from the southwest corner of Section 14 (NW 1/4 SW 1/4); Well #2 - (east) 680 feet north and 1,980 feet west from the southeast corner of Section 14 (SW 1/4 SE 1/4); both in T98N-R53W.

(3) The applicant 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 14-T98N-R53W	NW 1/4 SW 1/4	37 acres
	SW 1/4 SW 1/4	32 acres
	NE 1/4 SW 1/4	37 acres
	SE 1/4 SW 1/4	28 acres
	NW 1/4 SE 1/4	32 acres
	SW 1/4 SE 1/4	32 acres
Total		198 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Petersen, 45610 282nd Street, Hurley SD 57036 the holder and/or owner of Incorporated Water Permit No. 3906A-3 is issued a license to appropriate water, the right to use 2.83 cubic feet of water per second from groundwater (two wells) with priority dates of April 22, 1976 (Well #1 in NW 1/4 SW 1/4) and April 25, 1983 (Well #2 in SW 1/4 SE 1/4) 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 Incorporated Water Permit No. 3906A-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 7 1997
date

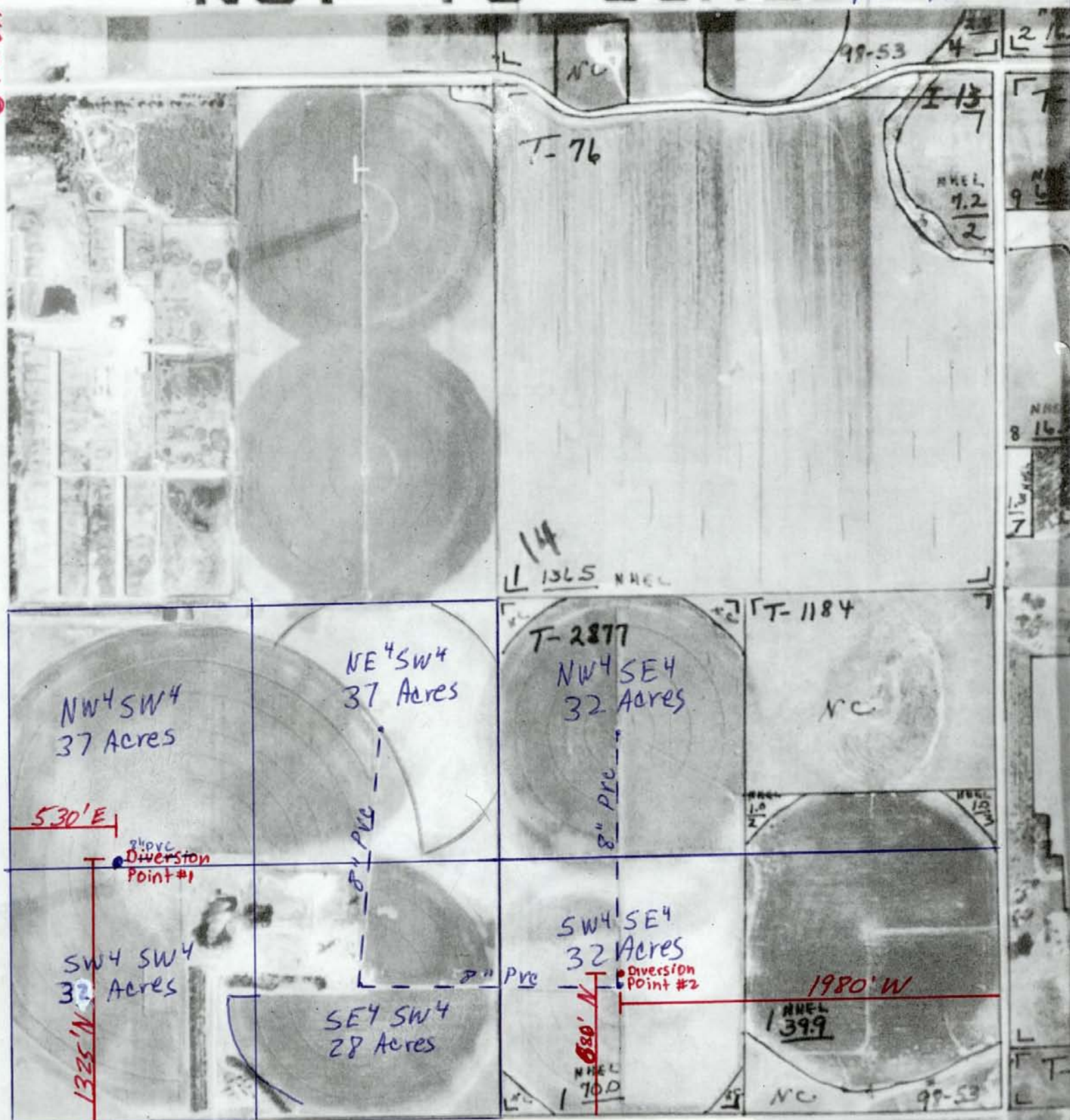


3906A-3

NOT TO SCALE

 Water Permit NOS. 3906A-3
 4961-3

Paul Petersen



Barry A. McLaury
 Environmental Scientist
 Water Rights Program
 Date March 11, 1997

3906A-3

T-76

$$1'' = 660'$$

NE 1/4 SW 1/4 =

~~19.8 Acres~~

5. Under Water Permit NO. 3906-3

F1107

Center
Pivot

8" PVC

$$\frac{500}{100} = 5$$

Center Point

SE 1/4 SW 1/4 =
29 acres

10.0 NW 1/4 SE 1/4 =
32 acres

T-2877

95 Center Pivot

28" PVC

SW 1/4 SE 1/4 = 33 acres

8" PVC

* Well
* Center Pivot

Under No
4961-3

39.4

95.6

T-1112

12.1

3906A-3

3906A-3

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Thursday, August 14, 2014 10:13 AM
To: Gronlund, Eric
Subject: Water road

Eric the last couple days I have seen these center pivots over spraying the road.

T98N R53W

Sec 14 sw 1/4 on Hwy 19

Sec 15 ne 1/4 on Hwy 19

Sec 10 nw 1/4 on 280th street

T98N R52 W

Sec 6 sw 1/4 on 280th street.

Kelly Knittel
Freeman SD
605-929-6340



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 15, 2014

3906A-3
3411-3

Paul Petersen
45610 282nd St
Hurley SD 57036

Dear Mr. Petersen:

The Department of Environment and Natural Resources (DENR) has received another inquiry alleging the irrigation systems located in the SW 1/4 Section 14 and the NE 1/4 Section 15; all in T98N-R53W had irrigation water from the end guns hitting the road. The water right for the system in Section 14 is held in your name under Water Right No. 3906A-3 and the system in Section 15 is held in the name of Bar K Cattle with you listed as the operator.

As stated in our August 1, 2014 letter to you, a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun over spray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

DENR asks that you check to make sure your end gun stops are functioning properly when the pivots near the roadway.

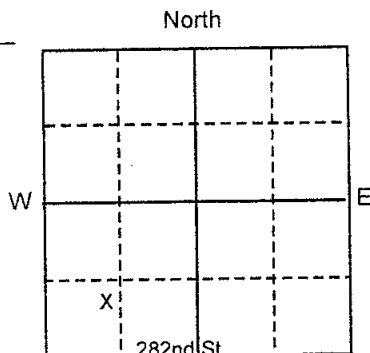
Again, if you don't believe your irrigation systems are causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ SW ¼ Sec 14 Twp 98 Rg 53County TurnerPlease mark well
location with an "X"

Well Completion Date

July 7, 2014

← 1 Mile →

Distance to 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:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	78.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	29	Lb/gal	0.0 Ft	68.0 Ft
RdFInt, Sand	60	Lb/gal	68.0 Ft	116.0 Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 38.0 FeetMaterial Stainless SteelSlot Size 50 Set From 78.0 Feet to 116.0 Feet

Other information

*Sand could have used 1005101*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?
☒ No, Why Not?
Lab to which water
quality sample sent for analysisSIGN
HEREWell Owner: Paul & Brett PetersonBusiness Name: PBP FarmsAddress: 45610 282nd StCity, State, Zip: Hurley SD 57036

WELL LOG:

		DEPTH	
FORMATION		FROM	TO
Top Soil	Blk	0	1
Sand/Gravel	Red/Brn	1	25
Clay	Blu	25	62
Sand	Blu 12-80 silt	62	116

STATIC WATER LEVEL 17.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Air Developed☐ Bailed☒ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Replacement Well 1000 GPM
18 Hrs Development

RECEIVED

DEC 22 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc / Kris Van Heuveln

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 7-28-14

3906A-3

Schlaak, Karen

Subject: FW: Water on road

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

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

Sent: Thursday, July 16, 2015 11:32 PM

To: Gronlund, Eric

Subject: Water on road

On Tuesday July 14 around 12:00 pm there were two center pivots spraying water on the road. The first one was T98N R53W sec 14 SW 1/4 Hurley twp turner county spraying on hwy 19 - 3906A-3, Paul Petersen

The second one is

T98N R53W sec 1 SE 1/4 Hurley twp turner county spraying on 280th st

Kelly Knittel

Freeman SD

3903-3 & 6433-3
Burnette Sawyer
c/o Shon Sawyer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 22, 2015

3906A-3
5261-3

Paul Peterson
45610 282nd St
Hurley SD 57036

Dear Mr. Peterson:

The Department of Environment and Natural Resources (DENR) has received another inquiry alleging the irrigation systems located in the SW 1/4 Section 14 (Water Right No. 3906A-3) and the SE 1/4 Section 2 (Water Rights No. 5261-3); all in T98N-R53W had irrigation water from the end gun hitting the road.

As stated in our June 23, 2015 letter to you, a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun over spray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

Again, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov
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 takes 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

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

denr.sd.gov

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 Mereson
o/b 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

3906A-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
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.

3906A-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