

7708
10170101

Water Right No. 4528-3

1. Considered July 24 19 80
2. Name of Applicant F. J. OR JERRY PEACOCK
3. Post Office Address Bx. 97 - ARMOUR, SD
4. Amount of Water Claimed 4.0 (.84 ADD'L FROM 2143-3)
5. Source of Water Supply 3 WELLS, 50', 60', 72' & GRAVEL PIT
6. Water to be used for IRR
7. Acres to be irrigated 280 (60 ADD'L) ^{maximum} acre feet
8. Water to be diverted and used in DOUGLAS County
about 12 N. 3 miles EAST of WAGNER
9. PROOF OF PUBLICATION Received (134) 7-7-80

Not Received _____

APPLICATION

Approved 7-24-80

Subject to WT E I R

Not Approved _____

Action deferred _____

Priority

Date

Received 4-11-80 Application Complete yes ☒ no ☐ FEE 150.00

Remarks Add 60 acres and .84 CFS on Permit #2143-3,
well cancell. 2143-3 and has been inspected by

Mernaugh. ^{Cons. 4/17/80} Craig Mernaugh called for the board at meeting w/
Date information and/or Staff told him that was in a case & during knowledge
fee or corrected Application received at the Board meeting no problem as far as
Period of Annual use April thru November but not for 20"

WATER
QUALITY

Received yes 6/17/80 APPROVED (CONDITIONAL) (Circle one)

W-1 Description same as application yes ☒ no ☐ Remarks _____

Disapproved _____

Returned _____

Diversion Point 5 1/2 miles NE of well #1

ADDED 5 1/2 SE 1/4 NW 1/4, Well #2, in the

approximate center NE 1/4;

well #3 in the approximate center
SW 1/4, 36-98-63

Lands to be irrigated

NE 1/4 and SW 1/4, 36-98-63

5 1/2 SE 1/4 NW 1/4; W 1/2 SW 1/4 and
NE 1/4 SW 1/4 all in Sec. 36-98-63

Remarks gravel pit 30' deep - 180' x 246'

Driller Grasch Licensed (yes) no ☐

Depth 50'-60'-72'

WEL.
LOG

*LeRoy
Kand
will not handle
this from Mernaugh
go back to staff
section*

Water Right No. _____

MAP

~~1537-2~~
Map No. 1537-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by A.S.C.S.

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the board on July 24 1980. Betty Westlund
(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

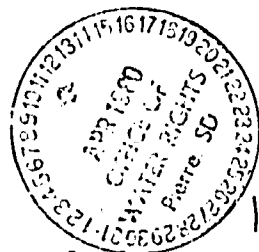
REMARKS
F.F. & C
OF LAW,
FINAL
DECISIONS
ETC.

Date _____
Final Decision, including F.F. & C of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____
Remarks _____

No. 4528-3Map No. 1537-3 Water Division No. 3 MISSOURI RIVER District

Above for Office Use

10170101



10:53
Jappa
4/15/82

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

Check one of the following.

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☒Change in Acreage ☐ Additional Acreage ☒1. Name of Applicant F. J. or Jerry Peacock Phone No. _____Post Office Address Box 97, Armour State SD 57313
(Street, P.O. or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct and contract labor3. Name of diversion work Peacock Irrigation Project #14. Amount of water claimed (cubic feet per second) 4.00 (.84 cfs additional)5. Source of water supply three wells and gravel pit6. Location of point of diversion Well #1, 2550'S and 2600'E of NW corner of Section 36; Well #2, 1420'S & 1320'W of NE corner of Section 36; Well #3, 1320'N & 1320'E of SW corner of Section 36; gravel pit, 2350'S & 2600'E of NW corner of County Douglas7. Annual period or periods during which water is to be used irrigation April thru November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 280

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36, T98N, R63W	40	S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36, T98N, R63W	20
S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36, T98N, R63W	20	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 36, T98N, R63W	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 36, T98N, R63W	40	NE $\frac{1}{4}$ " " " "	40
SE $\frac{1}{4}$ " " " "	40	SW $\frac{1}{4}$ " " " "	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 3 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Armour Chronicle

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source.

pumps & motors

NOTE: This application is for an additional 60 acres and an additional well and an additional .84 cfs of water to Permit No. 2143-3. Pertinent information from Permit No. 2143-3 has been included in this application. Permit No. 2143-3 will be cancelled upon approval of this application.

B. Works proposed to transport water to place of use.

pipelines

C. Works proposed to apply water to beneficial use.

center pivots

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Harvey) ss.I, F. J. Peacock the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed F. J. PeacockSubscribed and sworn to before me this 10 day of April, 1982

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4528-3

F. J. OR JERRY PEACOCK Box 97, ARMOUR
(Applicant) (Post Office Address)
SOUTH DAKOTA 57313 With the following qualifications.
(State)

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Land covered under this Permit is also covered under Permit No. 2143-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application APRIL 11, 1980
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application W6 JUNE 17, 1980
 Approved JULY 24, 1980, Recorded in Book 21 Page 213

WATER RIGHT PERMIT NO. 4528-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4528-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 17, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 23, 1982
3. The whole of said work is to be completed on or before JULY 24, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 24, 1986
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 4.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before JULY 24, 1986; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 28th day of JULY, 1980

THE BOARD OF WATER MANAGEMENT

By: John K. [Signature]
Chief Engineer, Water Right

Certificate of Construction Issued _____, 19____

Water License Issued 6, 1980

林 氏

4-78

Water Level Information:
 Static water level 16 below land surface
 If flowing: closed in pressure PSI
 rate of flow GPM
 Controlled by:
 ☒ Valve ☐ Reducers ☐ Other
 If other; specify _____

Well Test Data:

☒ Pumped _____

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface			
41 ft. After	hrs. pumped	075	GPM
37 " "	" "	800	"
32 " "	" "	600	"
27 " "	" "	600	"

[illegible]

Construction:

Diameter of Hole 30"

Depth 60'

Casing ☒ Steel ☒ Concrete

☒ Plastic ☐ Other

If other, specify _____

Was casing end left open no

Was a well screen installed yes

Describe Well Screen

Diameter 16" - 18" Material Concrete

Slot size 3/16" x 6 1/2"

Was well gravel packed yes

Was well grouted no

Was water sample taken no

Date Completed: April 13, 1979

marks:

Driller:
Grosch, Irrigation Co. 189
 Driller's or Firm's Name License NO.
O'Neill, Nebraska 68765
 Address
Nick Grosch 3-25-80
 Signed By Date
By: Peazy Richard

3

(1) WELL CONSTRUCTION. The well was constructed by the U.S. Geological Survey, and the construction details are as follows:

Location of well: 20 1/4 22 1/4 36 Section 36 Township 99 N Range 1 E

Well owner Francis J. Hancock DeWright, South Dakota
(Name) (Address)

Date well drilling completed: 0-24-77 Purpose of well: irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0 - 2	Top soil	12 _____ ft.
2 - 31	Gravel	Name of producing aquifer (if known) _____
31 - 39	Blue clay	Total depth of drill hole _____ ft.
39 - 50	Gravel	Depth to bottom of casing _____ ft.
50 - 60	Blue clay	Maximum G.P.I. 250 GPM from 55'

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

16" I.D., concrete, 1' of plain

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

16" I.D., concrete, 48' of screen
1/2" slot

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

Attach sheet if more space is needed

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

Crosby Irrigation Co., Inc.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M. _____

Depth of pump placement _____ ft, Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

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

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

Name of Pump Installation Contractor

X CONDITIONALLY APPROVED

Well Description

- No. 1 2550' S and 2600' E of the NW corner section 36-T98NR63W
- No. 2 1420' S and 1320' W of the NE corner section 36-T98NR63W
- No. 3 1320' N and 1320' E of the SW corner section 36-T98NR63W

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT F. J. Peacock and Jerry Peacock, Armour

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



RECOMMENDED MANAGEMENT:

1. Water should not be applied more than NA times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on Arlo soils (74) See below
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☐ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS:

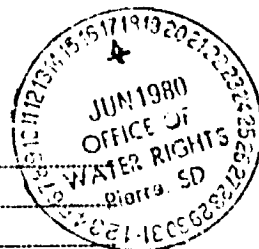
6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application center pivot.

GENERAL COMMENTS:

Talmo gravelly loam soils are shallow and have a low water holding capacity. This may cause some problems when irrigating.

Arlo soils are subject to a fluctuating water table. Excavated pits to the gravelly substrata, which may double as reuse pits pumped back through your system, may be one way of lowering the water table.

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007



Submitted by: F. J. or Jerry Peacock
 Address: Armour, SD 57313

Date Rec'd: April 11, 1980
 Sample No. 80-208
 Identification #1 Well-

WATER ANALYSIS

Calcium (Ca)	92	ppm*	4.60	me/l**
Magnesium (Mg)	26	ppm	2.16	me/l
Sodium (Na)	41	ppm	1.78	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	110	ppm	2.29	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	7	ppm	0.20	me/l
Bicarbonate (HCO ₃)	337	ppm	5.52	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	276	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	731	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.95	Adjusted SAR	2.30	1.61
Sodium	20.60	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.48			

*ppm=parts per million
 **me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 8.64 me/l
 Total anions 8.01 me/l

RECEIVED

MAY 08 1980

South Dakota
 Division of Conservation

By: Shirley Littan

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 80-208

Amount Enclosed \$

Signed

No. 4528-3

Publish first publication, on or before June 26, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 18, 1980

Notice is hereby given that JERRY DE F. J. Peacock whose post office ^{B.O.} 6/18/80

address is Armour, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.2 (84.22) cubic feet of water per second of time from Groundwater

(3 wells- 2 wells & ~~gravel pit existing~~) through the Peacock Irrigation Proj. #1, the point(s) of diversion of which is (are) to be located in the ~~XXXXXX~~ to add additional acreage and diversion on an existing permit, the points of diversion of which are to be located as follows: Well #1 and the gravel pit in the SW 1/4 NW 1/4; Well #2, in the approximate center NW 1/4 and Well #3, in the approximate center of the SW 1/4 all in of Section 36, Twp. 98N, Range R2W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4 and SW 1/4 NW 1/4; NW 1/4 SW 1/4 and NE 1/4 SW 1/4 all in Section 36, T98N, R63W

This Application No. 4528-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building Church & Illinois St., Pierre SD upon the 24th day of July, 1980

at 10 A. .M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: F. J. Peacock;
Box 97
Armour SD 57313

BETTY WESTLUND
Water Rights Specialist

WNR-8C6A-7/79
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N^o 4 7456

PIERRE, _____

April 14, 1980

RECEIVED OF F. J. Peacock, Box 97, Armour SD 57313

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

Fee for Application for Permit to appropriate Water No. <u>0522-3</u> (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

**NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER**

No. 4528-3
Pierre, South Dakota 57501
June 18, 1980

No. 4528-3

Notice is hereby given that F. J. or Jerry Peacock whose post office address is Armour, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.0 (.84 add'l.) cubic ft. of water per second of time from ground-water (3 wells - 2 wells (gravel pit existing) through the Peacock Irrigation Proj. #1, to add additional acreage and diversion on an existing permit, the points of diversion of which are to be located as follows: Well #1 and the gravel pit in the S $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; Well #2, in the approximate center NE $\frac{1}{4}$ and Well #3, in the approximate center of the SW $\frac{1}{4}$ all in Section 36, Twp. 98N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE $\frac{1}{4}$ and S $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 36, T98N, R63W.

This Application No. 4528-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building, Church & Illinois St., Pierre, SD upon the 24th day of July, 1980 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD prior to the hearing date for assistance to assure access to the hearing.

**WATER MANAGEMENT
BOARD**

BETTY WESTLUND
Water Rights Specialist

cc: F. J. Peacock
Box 97

Armour, SD 57313
WNR-806A-7/79
GROUNDWATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Douglas) ss.

I, Maynard H. Goehring hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the The Armour Chronicle

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

city of Armour

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

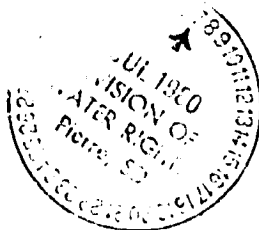
June 26, 1980

July 3, 1980

Maynard H. Goehring
(Signature)

Publisher
(Title)

July 5, 1980
(Date Signed)

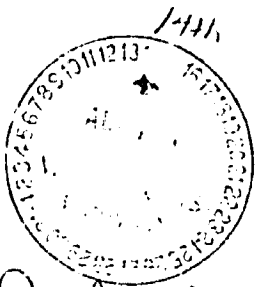


August 15, 1980

The reason Mr. Peacock has to file with the Register of Deeds the SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ is because he has added an additional well plus 60 acres on Permit No. 4528-3. The additional 60 had never been on the original permit (4528-3) and the additional well had never had a soil/water compatibility done either, therefor since he was irrigating the whole SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ with this new well and a conditional permit approval from the S.C.C. was issued he has to file this with the Register of Deeds.

Betty Westlund

The S.C.C. discussed this with the Attorney's also the S.C.C. said they would answer Mr. Peacock's inquiry and send us a copy of the letter.



Armonco, S. Dak.
8-13-1980

Dept. of Water & Natural Res.
Betty Westlund.

I received a letter from Dept
of Agr. Darlene A. Tiede.

I am supposed to file a report on
the Cond permit.

I talked to you after the permit
was approved. I believe the
original permit was number 2143-3
Did you say the new permit should
be kept separate from the permit?
According to their letter they have
not the land listed as Cond, 280 acres

On the new app I was asking
for 40 acres N. 1/4 1/4 S. 1/4 38-98-63
and N. 1/2 1/4 N. 1/4 1/4 S. 1/4 36-98-63
20 acres.

Why would there be a
conditional on 1st permit?

I also asked you about a copy
of my 1st permit # 2143-3, conditional.

I don't quite understand about
the conditions on all of the land.

I would like to have some
more information from you before
I file the report with Reg
& Deeds.

In checking some papers we had
220 acres of permit number
2143-3

I sure wouldn't want some
thing that causes me trouble as
I have put a lot of money in
wells and center has Center pivot
irrigator.

I talked to the County Agent and
he said he would set up a
soil check and help me with
it. I believe that is what they
asked for.

I don't quite understand about the
Cond permit as they have been using
for 11 years on same section my land
is in (no problem)

Yours Truly
G. J. P. P. P.
Almond, Idaho

August 15, 1980

Mr. F.J. Peacock
Box 97
Armour, SD 57313

Dear Mr. Peacock:

I contacted the State Conservation Commission regarding your letter received August 14, 1980. They are willing to explain to you what has to be recorded at the Register of Deeds office and why.

Also, the copy of your Permit No. 2143-3 will be coming with your new Permit No. 4528-3 as soon as it is signed by the Chief Engineer.

If you have any questions on this feel free to contact me.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/gy

IRRIGATION PROGRAM: 773-3259



August 18, 1980

F. J. or Jerry Peacock
Armour, South Dakota 57313

Dear Sirs:

We have been contacted by Water Rights to respond to your letter regarding what lands needed soil/water compatibility approval on your application to irrigate lands in Section 36-T98-R63. After studying the application we have determined the correct legal description to be:

SW $\frac{1}{4}$ of Section 36-T98-R63 - 120 acres
S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36-T98-R63- 20 acres

The reason all of the SW $\frac{1}{4}$ is included on your soil/water compatibility approval is because the well you are to use is a new point of diversion; therefore all the lands irrigated from the well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36-T98-R63 need to be reviewed for that water source.

Enclosed is a new conditional letter correcting the application and a copy of the corrected WI#1.

If you have further questions, please contact this office.

Sincerely,

Wynn Suitelgte
Program Director
Irrigation Program

Enclosures as stated

✓cc: Betty Westlund, Water Rights

January 6, 1982

F.J. Peacock
Box 97
Armour, South Dakota 57513

Dear Mr. Peacock:

This letter is in response to your letter of December 29, 1981, in which you inquired as to whether or not you should have Elton & Dwight Brenner, as lessors, fill out your questionnaire. If you could forward the questionnaire to them, it would be appreciated.

If the Brenners will be leasing this land in future years, it may be feasible to have the irrigation questionnaire sent directly to them. This would involve only attaching a note to the file indicating all correspondence be sent to the lessor. Your name(s) would still be kept on the permit. If this method is acceptable to you, please contact our office.

Please include the permit number on all correspondence mailed to our office. If you have any questions, please contact our office.

Sincerely,

Genny Young
Water Rights Specialist
Telephone (605) 773-3552

A10501GY.wr

**South Dakota Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

December 31, 1985

2143-3
4528-3

Jerry Peacock,
3303 Hall Street
Rapid City SD 57702

Dear Mr. Peacock:

I am writing in response to your letter dated December 25, 1985 regarding Water Permit Nos. 2143-3 and 4528-3 as you requested, the above referenced permits listed under F.J. or Jerry Peacock will be changed to Jerry Peacock.

Your address has been noted and our files changed accordingly. You mentioned in your letter that we may already have changed the address upon receipt of your irrigation questionnaires. I checked through the incoming questionnaires and as yet, have no record of receiving them.

Water Permit Nos. 2143-3 and 4528-3 are still in "permit" status and, as yet, have not been licensed. In order to be licensed, a Staff Engineer will need to make an inspection of your water use system(s). This process is done through our office and does not interfere with your use of the water. Your permits will remain active as long as water is used pursuant to SDCL 46-5-37. A copy of that portion of the water laws is enclosed for your information.

If you have any further questions, please contact us.

Sincerely,

GENNY MCMAITH
Natural Resources Analyst

GM:ks

enclosure

Equal Opportunity Employer



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 9, 1986

2143-3
4528-3

Jerry Peacock
3303 Hall Street
Rapid City SD 57701

Dear Mr. Peacock:

The water permit inspections you inquired about in your letter of January 4, 1986 are done on a county-by-county basis. Each of the Staff Engineers has an area of the State they do inspections in and usually they work on one county at a time. In areas where water availability data or other data is needed, such as the James River, inspections will be done along the river only with no specific county being done.

Your letter indicating your systems are ready for inspection will be placed in your water permit files. The letter serves as notification to us that your permits are ready for inspection and licensing. As soon as a member of our staff is in your area, you will be contacted and an inspection conducted.

In my letter to you dated December 31, 1985, I indicated our files had been changed by your request from F.J. Peacock to "Jerry" Peacock. After conferring with our Chief Engineer, it was decided a transfer form should be completed by you and placed in each of your water permits. This will make the transfer legal and be better documentation than my just changing the names "in house".

Enclosed are two partially completed transfer forms. Please complete by dating them and signing in the presence of a notary public. Each transfer notice will require a \$2.50 filing fee. Please return the completed transfer forms and filing fees to this office.

If you have any questions, please contact our office. Your assistance in this matter will be appreciated.

Sincerely

GENNY MCMAH
Natural Resources Analyst

GFK:ks

enclosures

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-17-86

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

280 acres - NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T98N, R63W

formerly owned by F.J. & Jerry Peacock
has been transferred to Jerry Peacock, 3303 Hall Street, Rapid City SD 57701
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 4528-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Penn.) ss.

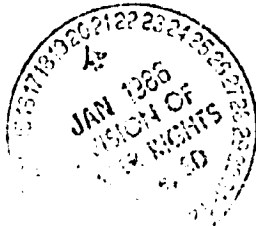
I, Jerry Peacock being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Jerry Peacock
(Signed)

Subscribed and sworn to before me this 17 Day of January, 1986.

Tommy Cyle
(Notary Public)

My commission expires 8/10/90



RECEIPT

Division of Water Rights

No 4 10298

South Dakota Department of Water and Natural Resources

Pierre, January 20, 1966

RECEIVED OF Jerry Peacock, 3303 Hall St., Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 No. 4528-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

No. 2143-3

4528-3



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

January 21, 1986

Jerry Peacock
3303 Hall Street
Rapid City, South Dakota 57701

Dear Mr. Peacock:

10297 &

Enclosed is receipt No. 10298 in the amount of \$2.50 each, which you
paid for transfer of Water Right No. 2143-3 & 4528-3.

Our records now show you as the owner of ^{these} this Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant III

ms/
Enc.

Department of Water & Natural Resources

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

January 29, 1988

ELTOR BRENNER, TENANT
RR #1 BOX 141
ARMOUR, SD 57313

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4528-3, 2143-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4528-3, 2143-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

cc: Jerry Peacock, 3303 Hall Street, Rapid City, SD 57702

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of
Water & Natural Resources

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

March 9, 1988

2214-3
2143-3
4505-3
4528-3

Elton Brenner
Rt 1, Box 141
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2143-3, 2214-3, 4505-3, 4528-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

2143-3

2214-3

4528-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

Eltor Brenner - Tenant
RR 1, Box 141
Armour, SD 57313

Dear Mr. Brenner:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

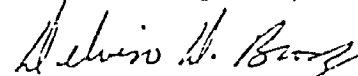


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division

4528-3

5-29-89

Dear Sir,

My correct address
for water permits #2143-3
and 4528-3 is 308 42nd
St. Rapid City, S.D. 57702.
These permits are located
in Douglas County, S.D.

Sincerely,

Greg Fawcett





4528-3

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

February 16, 1994

NOTICE

TO: JOE BRENNER, OPERATOR
RR 1, BOX 167
DELMONT, SD 57330

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 2143-3; 4528-3 &
4505-3

The first notice to file chemigation report(s) for Permit No(s) 2143-3; 4528-3 & 4505-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 2143-3; 4528-3 & 4505-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 2143-3; 4528-3 & 4505-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.



4528-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

JOE BRENNER, OPERATOR
RR 1 BOX 167
DELMONT SD 57330

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2143-3, 4505-3 & 4523-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave., Lead, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2143-3, 4505-3 & 4528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

cc: Eltor Brenner, PO Box 337, Armour, SD 57313-0337
Jerry Peacock, 308 42nd Street, Rapid City, SD 57702

4528-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 1994

2143-3
4505-3
4528-3 ✓

Joe Brenner
RR #1 Box 167
Delmont, SD 57330

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires and chemical reports. You may disregard the February 16, 1994, **Notice of Violation of Requirements to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use.**

The questionnaires and chemical report were 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
Environmental Scientist
Water Rights Division
(605) 773-3352

cc: Eltor Brenner, PO Box 337, Armour, SD 57313-0337
Jerry Peacock, 308 42nd Street, Rapid City, SD 57702

4528-3

Hi,

5-21-94

For water permits #2143-3
and 4528-3 in my name, please
change my address to:

1208 Mountain Springs Lane
Rapid City, S.D. 57702-0273

Thanks —



Sincerely,

[Handwritten signature]

Permit No. 4528-3
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by F.J. or Jerry Peacock of Box 97, Armour, SD 57313 holder of Permit No. 4528-3, bearing the priority of November 27, 1974 & June 17, 1980 authorizing the diversions of 3.14 & 4.00 (respectively) cu. ft. of water per second from groundwater for irrigation purposes, in Douglas County.

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

A. Works used to divert the water:

Pump: #2 (NE¼)

- 1) Make Western Land Roller
- 2) Serial No. E797
- 3) Pressure 40 PSI
- 4) Capacity 600 GPM

Pump: #3 (SW¼)

- 1) Make Western Land Roller
- 2) Serial No. E80315
- 3) Pressure 40 PSI
- 4) Capacity 600 GPM

Motor:

- 1) Make U.S. Electrical
- 2) Frame No. 324TP
- 3) Horsepower rating 40 hp

Motor:

- 1) Make U.S. Electrical
- 2) Frame No. 324TP
- 3) Horsepower rating 40 hp

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

DISTRIBUTION LINES:

- | | | |
|--------------------|-------------------------|----------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches | 3) Length <u>100</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>1550</u> feet |

C. Works used to apply water to beneficial use:

Center pivots: (2)

- 1) Make Zimmatics
- 2) Overall lengths 1240 feet
- 3) Number of towers 7
- 4) Distances between towers 177 feet
- 5) End guns Y
- 6) High or low pressure Low
- 7) Capacities 600 GPM

The system is in good condition. The points of diversion are located #2: 1420 feet S and 1320 feet W from the NE quarter corner; #3: 2630 feet E and 500 feet S from the W quarter corner (NE¼SW¼); both in Section 36 T98N-R63W. The works are capable of diverting and conveying to the place of use 2.67 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:

T98N-R63W

SECTION 36

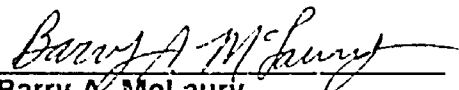
<u>NW¼ NE¼</u>	<u>34 acres</u>
<u>NE¼ NE¼</u>	<u>12 acres</u>
<u>SW¼ NE¼</u>	<u>34 acres</u>
<u>SE¼ NE¼</u>	<u>34 acres</u>
<u>NW¼ SW¼</u>	<u>34 acres</u>
<u>NE¼ SW¼</u>	<u>34 acres</u>
<u>SW¼ SW¼</u>	<u>34 acres</u>

comprising a total of 216 acres of land and the license should be issued for 2.67 CFS.

NOTE: Well #1 was not developed and the gravel pit is not used as a diversion as stated in the application for Water Permit No. 4528-3. Land covered under this permit was also covered under Water Permit No. 2143-3 which was canceled upon approval of Water Permit No. 4528-3.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: August 4, 1993


Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4528-3

DATE: August 4, 1994

Other permit(s) associated with the project: 2143-3

DIVERSION POINTS LEGAL LOCATIONS: #2: 1420 feet S and 1320 feet W from the NW quarter corner; #3: 2630 feet E and 500 feet S from the W quarter corner (NE¼SW¼); both in Section 36 T92N-R63W.

WELL INFORMATION: (#2 & #3 respectively)

- 1) Well Drilling Firm: Grosch Drilling Company
- 2) No. of Wells 2
- 3) Depth(s) 60/60 feet
- 4) Well logs are available Y

Casing:

- 1) Diameter 16/16 inches
- 2) Length 40/12 feet
- 3) Type concrete

Screen:

- 1) Type concrete
- 2) Length 20/48 feet
- 3) Static water level 16/12 feet

Pump: #2 (NE¼)

- 1) Make Western Land Roller
- 2) Serial No. E797
- 3) Pressure 40 PSI
- 4) Capacity 600 GPM

Motor:

- 1) Make U.S. Electrical
- 2) Frame No. 324TP
- 3) Horsepower rating 40 hp

Pump: #3 (SW¼)

- 1) Make Western Land Roller
- 2) Serial No. E80315
- 3) Pressure 40 PSI
- 4) Capacity 600 GPM

Motor:

- 1) Make U.S. Electrical
- 2) Frame No. 324TP
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES:

- | | | |
|--------------------|-------------------------|----------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches | 3) Length <u>100</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>1550</u> feet |

SYSTEM TYPE:

Center pivots: (2)

- 1) Make Zimmatics
- 2) Overall lengths 1240 feet
- 3) Number of towers 7
- 4) Distances between towers 177 feet
- 5) End guns Y
- 6) High or low pressure Low
- 7) Capacities 600 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 Single Piston
- 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) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

NOTE: Well #1 was not developed and the gravel pit is not used as a diversion as stated in the application for Water Permit No. 4528-3. Land covered under this permit was also covered under Water Permit No. 2143-3 which was canceled upon approval of Water Permit No. 4528-3.

Karen,

February 9, 1994

The well in the SW⁴ is in the wrong location according to the advertisement and the application (4528-3). Ron said to wait with this one until after July 1, '94, then an application to change the location of the diversion point won't be needed. It shouldn't need new soil/water compatibility because the well is located within 2,000 feet of where the sample was originally taken.

Barry

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: F.J.or Jerry Peacock

ADDRESS: Box 97, Armour SD COUNTY: Douglas

DATE: 7-25-94 TELEPHONE:

RE: Diversion Point Change

COMMENTS:

The 1994 Legislature passed legislation allowing diversion points to be changed or additional diversion points under certain circumstances.

Karen Schlaak

Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 21, 1994

Permit No. 4528-3

F. J. or Jerry Peacock
Box 97
Armour, SD 57313

Dear Sirs:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2143-3 and 4528-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2143-3 will be incorporated into 4528-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

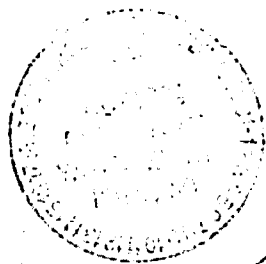
Please Remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

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

Sincerely,

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

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



10-24-94

This,

Here is your license fee. Please
note that F. J. Powell is deceased
and the permit is solely in my
name, as I am the landowner.
Also note my address is Rapid
City - I sent this change some
years ago and received a confirmation
letter back. Thanks.

Sincerely,

Permit

4528-3.

RECEIPT

414310

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 25, 19 94

RECEIVED OF Jerry W. Peacock, 1205 Mountain Springs Ln, Rapid City, SD 57702-0275
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. <u>4528-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John H. Havel*
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4528-3

(1) F J or Jerry Peacock made Application No. 4528-3, April 11, 1980 for a water permit to appropriate 0.84 cubic feet of water per second (cfs) from one well, Douglas County, South Dakota for irrigation purposes. Permit No. 4528-3, with a priority date of June 17, 1980 was approved July 24, 1980 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before July 24, 1983 and for the application to beneficial use of said water on or before July 24, 1986.

Water Permit No. 4528-3 was obtained to add 0.84 cfs, one well and an additional 60 acres to the project authorized under Water Permit No. 2143-3. The applicable portions of Water Permit No. 2143-3 have been incorporated into this Water License No. 4528-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this license. A priority date of November 27, 1974 was established under No. 2143-3 and a priority date of June 17, 1980, was established under Water Permit No. 4528-3.

(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 2.67 cubic feet of water per second for beneficial use. The location of the diversion points: 1420 feet south and 1320 feet west of the NE corner (approximate center of NE) and 2630 feet east and 500 feet south of the W 1/4 corner (NE 1/4 SW 1/4), both in Section 36, T98N, R63W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate 216 acres described below, all in Section 36, T98N, R63W

NW 1/4 NE 1/4	34 acres	November 27, 1974 priority date
NE 1/4 NE 1/4	12 acres	"
SW 1/4 NE 1/4	34 acres	"
SE 1/4 NE 1/4	34 acres	"
NW 1/4 SW 1/4	34 acres	June 17, 1980 priority date
NE 1/4 SW 1/4	34 acres	November 27, 1974 priority date
SW 1/4 SW 1/4	34 acres	"

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerry Peacock of 1208 Mountain Springs Lane, Rapid City, SD 57702-0273 the holder and/or owner of Incorporated Water Permit No. 4528-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from groundwater (two wells) with priority dates of November 27, 1974 and June 17, 1980 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. 4528-3 and subject to South Dakota State Law.



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

NOV 14 1984

date



NOV 14 1994

4528-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4528-3

Jerry Peacock
1208 Mountain Springs Lane
Rapid City, SD 57702-0273

Dear Mr. Peacock:

Enclosed is Water License No. 4528-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414310 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4528-3, 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 License, 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 Division
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2143-3 have been incorporated into this Water License No. 4528-3.



4528-3

February 4, 1997

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

NOTICE

JOE BRENNER, OPERATOR, RR 1 BOX 167, DELMONT, SD 57339

Re: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

Subject: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4505-3 & 4506-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has determined that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice to determine if any Board action is to be taken concerning the violation.

Hearings will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-12. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board will:

1. Deny Permit No(s) 4505-3 & 4506-3 to require the Irrigation Water Use Questionnaire to be submitted;
2. Suspend the permit;
3. Take any other action; or
4. Take no action.

This is an adversary proceeding. The permit owner has the right to be present or to be represented by counsel 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.

Comments must be received in this office on or before February 28, 1997, your name will be deleted from the agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

For more information, contact:
Mr. Flox 337, Armour, SD 57313
Mr. K, 1208 Mountain Springs Lane, Rapid City, SD 57702-0273

For more information, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) or call the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4528-3

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

February 13, 1997

Joe Brenner
RR 1 Box 167
Delmont, SD 57230

4528-3
4505-3

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire for Water Permit Nos. 4505-3 and 4528-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Eltor Brenner, Box 337, Armour, SD 57313
Jerry Peacock, 1208 Mountain Springs Lane, Rapid City, SD 57702-0273



4528-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JOE BRENNER, OPERATOR, RR 1 BOX 167, DELMONT SD 57330

**FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 4528-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 4528-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.

cc: Jerry Peacock, 1208 Ntn Springs, Rapid City SD 57702-0273



January 9, 1998

4528-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JOE BRENNER, OPERATOR, RR 1 BOX 167, DELMONT, SD 57330

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 4505-3 & 4528-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4505-3 & 4528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: Eltor Brenner, Box 337, Armour, SD 57313

Jerry Peacock, 1208 Mountain Springs Lane, Rapid City, SD 57702-0273

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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the Article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4528-3

JERRY PEACOCK

1208 MOUNTAIN SPRINGS LN

RAPID CITY, SD 57702-0273

4a. Article Number

Z 179 157 179

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1/12/98

5. Received By: (Print Name)

Jerry Peacock

6. Signature of addressee or Agent

X [Signature]

9. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

10.535 97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Services.

4528-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1998

4528-3

Dwight Brenner
RR 1 Box 141
Armour, SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of the 1997 irrigation questionnaire and chemical reporting form for Water Permit No. 4528-3 (Jerry Peacock). I completed the questionnaire for you during our February 11th telephone conversation. The chemical reporting form was received from you on January 13, 1998.

Thank you for clarifying the "renter" status for Water Permit No. 4528-3. I had been sending correspondence to Joe Brenner concerning this permit. I have made the correction to the file and next year's forms will be directed to your attention.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Jerry Peacock, 1208 Mountain Springs Lane, Rapid City, SD 57702-0273



4528-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DWIGHT BRENNER, OPERATOR, RR 1 BOX 141, DELMONT, SD 57330

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 4528-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

JERRY PEACOCK, 1208 MOUNTAIN SPRINGS RD, RAPID CITY, SD 57702-0273

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.



4528-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DWIGHT BRENNER, OPERATOR, RR 1 BOX 141, DELMONT SD 57330

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 4528-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 4528-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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. Prior to March 3, 1999, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3161 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.

C: JERRY PEACOCK, 1208 MOUNTAIN SPRINGS RD, RAPID CITY, SD 57702-0273

4528-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Dwight Brenner
RR #1 Box 141
Delmont SD 57330

4a. Article Number

P378 080 724

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-25-98

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Dwight Brenner

PS Form 3811, December 1994 102595 98 E-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jerry Peacock
1208 Mountain Springs Rd
Rapid City, SD 57702-0273

4a. Article Number

P378 080 622

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1/25/98

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Jerry Peacock

PS Form 3811, December 1994 102595 98 E-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.



4528-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOULS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 27, 1999

1805-3
4670-3
4528-3

Dwight Brenner
28053 397th Ave
Armour, SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of the 1998 irrigation questionnaire (for Jerry Peacock) and chemigation forms (for James Goetz). You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit No. 1805-3, 4670-3 and 4528-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: James T Goetz, PO Box 708, Yankton, SD 57078-0708
Jerry Peacock, 1208 Mountain Springs Rd, Rapid City, SD 57702-0273



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 4528-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: JERRY PEACOCK, 1208 MOUNTAIN SPRINGS RD, RAPID CITY, SD 57702-0273

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.

4528-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery	
1. Article Addressed to: DWIGHT BRENNER, OPERATOR 28053 397TH AVE ARMOUR SD 57313		C. Signature	
		X <i>Dwight Brenner</i> ☐ Agent	
		☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes	
		If YES, enter delivery address below: ☐ No	
		3. Service Type	
		☒ Certified Mail ☐ Express Mail	
		☐ Registered ☐ Return Receipt for Merchandise	
		☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label) <u>2 227 670 316</u>			



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 2, 2000

4528-3

Jerry Peacock
3654 Serendipity Ln
Rapid City, SD 57702-4956

Dear Mr. Peacock:

Enclosed is a "Notice" we mailed on January 14, 2000, notifying water permit holders that we have not yet received their 1999 irrigation questionnaire. The post office returned the correspondence to us with your new address.

The original irrigation questionnaire was mailed to your operator, Dwight Brenner in Armour. Copies of follow-up notices are always mailed to the land owner to ensure they know what is going on with their water permit.

If you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

4528-3

SENDER, COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☐ Print your name and address on the reverse so that we can return the card to you. ☐ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>8-30-00</u> C. Signature <u>X [Signature]</u> ☐ Agent ☒ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: Jerry Peacock 3654 Serendipity Ln Rapid City SD 57702-4956		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) <u>7 227670 248</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1999

Domestic Return Receipt

102595-99 M-1789

4528-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED

CERTIFIED

Z 227 670 317

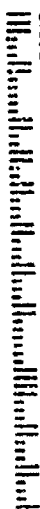
MAIL



Jerry Peacock
1208 Mountain Springs Rd

PEAC208* 577022032 1899 02 01/15/00
RETURN TO SENDER
PEACOCK/JERRY W
3654 STRENDISITY LN
RAPID CITY SD 57702-4956

RETURN TO SENDER



38
08

4528-3

SENDER COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jerry Peacock
1208 Mountain Springs Rd
Rapid City SD 57702-0273

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

☒ X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

Z 227 670 317

PS Form 3811, July 1999

Domestic Return Receipt

102595-9-14-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 25, 2000

4528-3

Dwight Brenner
28053 397th Ave
Armour, SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 4528-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Jerry Peacock, 3654 Serendipity Ln, Rapid City, SD

4320-3

☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jerry Peacock
 PO Box 6300 - PMB 218
 Rapid City SD 57709-6300

A. Received by (Please Print Clearly) **V. Schroeder** B. Date of Delivery
 C. Signature **X V. Schroeder** ☐ Agent ☐ Addressee
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
 7000 0600 0026 9814 1730

☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DWIGHT BRENNER, OPERATOR
 28053 397TH AVE
 ARMOUR SD 57313

A. Received by (Please Print Clearly) B. Date of Delivery **1-20-01**
 C. Signature **X Dwight Brenner** ☐ Agent ☐ Addressee
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
 7000 0600 0026 9814 3772



4528-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 4528-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 4528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

c: JERRY PEACOCK, 3654 SERENDIPITY LN, RAPID CITY, SD 57702-4956

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2001

4528-3

Dwight Brenner
28053 397TH Ave
Armour, SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit No. 4528-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Jerry Peacock



4528-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 4535-3, 4528-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 4528-3 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) 4535-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 4535-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4528-3 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 on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

cc: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2003

4535-3
4528-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Elsie Sanders



**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 14, 2004

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 4535-3, 4528-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 4528-3 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) 4535-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 4535-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4528-3 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 on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

cc: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527
JERRY PEACOCK, PMB 218, BOX 6300, RAPID CITY, SD 57709-6300

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.



4528-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0025

Your item was delivered at 9:21 am on January 22, 2004 in RAPID CITY, SD 57701. The item was signed for by J PEACOCK.

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SIGNATURE CONFIRMATION NUMBER:
5200 9T58 0000 8516 0025

JERRY PEACOCK
PMB 218 BOX 6300
RAPID CITY SD 57709-6300

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001

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JAN 23 2004
WATER RIGHTS
PROGRAM

January 14, 2004

4528-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 4535-3, 4528-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 4528-3 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) 4535-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 4535-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4528-3 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 on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

cc: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527
JERRY PEACOCK, PMB 218, BOX 6300, RAPID CITY, SD 57709-6300

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.

Note Please Correct my address to: 1/22/04

Thanks

Jerry Peacock
2032 Central Blvd.
Rapid City, SD 57702

Phone 1-605-348-7570



March 8, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Dwight Brenner, 28053 397th Ave, Armour SD 57313
Elsie Sanders, 3366 Midway Ave., Grants Pass, OR 97527
Jerry Peacock, 2032 Central Blvd, Rapid City SD 57702

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment of Water Right No. 4528-3 (Jerry Peacock – owner) and One Year Suspension of Water Right No. 4535-3 (Elsie Sanders – owner)

On March 3, 2004, the Water Management Board took the following actions on your water rights for failure to return the 2003 irrigation questionnaires:

1. Water Right No. 4528-3 was amended to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

2. In regard to Water Right No. 4535-3, the Board ordered:

Water Right No. 4535-3 is suspended until December 31, 2004, for failure to submit the 2003 irrigation questionnaire.

Suspension of the water right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2003 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

4528-3

I hereby certify that on March 8, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2004 regarding Notice of One Year Suspension Water Right No. 3451-3, 2366-3, 2453-3, 3332-3, 6165-3, 3198A-3, 2480A-3, 1723-2, 921-1, 1080-2, 2696-3A, 4414-3, 4658-3, 6073-3, Amendment of Water Right #470A-1 & one Year Suspension of Water Right #1554-1, Amendment of Water Right #4528-3 & One Year Suspension of Water Right #4535-3 Three Year Suspension of Water Right No. 932-2, One Year Suspension of Water Permit #2464-3, 5353-3, 5552-3, 1362-3, 1363-2 & 1365-2 addressed as stated below:

3451-3
Martin Bertrand
48342 W Authier Rd
Jefferson SD 57038

2366-3
Wayne W Brown
48113 SD 48
Akron IA 51001

2453-3
Jack & Gale Coleman
41247 SD Hwy 37
Springfield SD 57062-6324

3332-3
John W Collins
RFD 148
Aurora SD 57002

6165-3
Alex and Ann Falk
1301 N 4th St
Aberdeen SD 57401

3198A-3
J V Kenneally
PO Box 50
Raymond SD 57258-0050

2480A-3
Dennis H & Jackie McDowell
227 W Lakeshore Dr
Carrollton GA 30117

1723-2
Tim Palmer
HC 2 Box 19A
Martin SD 57551

921-1
Wendelyn Richter
RR 2 Box 198
Whitewood SD 57793

1080-2
Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

6073-3
Dirk Byers
Six Mile Creek Golf Course
PO Box 93
White SD 57267-0093

470A-1 & 1554-1
Stanley Wood
18950 137th Ave
Newell SD 57750

4528-3, 4535-3
Dwight Brenner
28-53 397th Ave
Armour SD 57313

4528-3, 4535-3
Elsie Sanders
3366 Midway Ave
Grant Pass OR 97527

4528-3, 4535-3
Jerry Peacock
2032 Central Blvd
Rapid City SD 57702

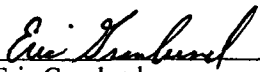
932-2
Wayne Sanderson
PO Box 306
Murdo SD 57559-0306

2464-3
John R Talsma
41125 Bottom Rd
Springfield SD 57062

5353-3
Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

5552-3
Robert V Kellen
Kellen & Streit Inc.
30662 SW Jim River Rd
Yankton SD 57078-6018

1362-2, 1363-2 & 1365-2
Oakley Eide
RR 2 Box 26
Burke SD 57523

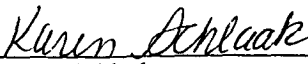

Eric Gronlund
Natural Resource Engineer
Water Rights

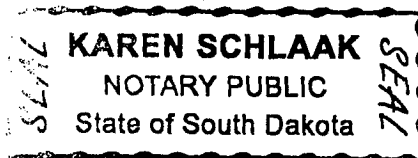
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





4528-3
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 20, 2005

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires has not been submitted for Permit Nos. 4528-3 & 4535-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit Nos. 4528-3 & 4535-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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 Permit Nos. 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12. Due to past violations, the Water Rights Staff is recommending: **Water Right No. 4528-3 be suspended for one year for the first violation and Water Permit No. 4535-3 be suspended for three years for the second violation;**
2. Postpone any action; or
3. 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 on/or before February 25, 2005, you will no longer be in violation of the permits and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

c: **ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527**
JERRY PEACOCK, 2032 CENTRAL BLVD, RAPID CITY, SD 57709-6300

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.



4528-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0209

Your item was delivered at 9:35 am on January 24, 2005 in ARMOUR, SD 57313. The item was signed for by D BRENNER.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0209

DWIGHT BRENNER, OPERATOR
28053 397TH AVE
ARMOUR SD 57313

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001



4528-3

Track & Confirm

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Your item was delivered at 12:26 pm on January 21, 2005 in RAPID CITY, SD 57702. The item was signed for by J PEACOCK.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2173

JERRY PEACOCK
2032 CENTRAL BLVD
RAPID CITY SD 57709-6300

Waiver of Signature ☐ YES ☐ NO

Postmark
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alling.

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PS Form 198, July 2001



4528-3

**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 28, 2005

4528-3

4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Elsie Sanders
Jerry Peacock



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3 & 4535-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4528-3 & 4535-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on the number of violations, the Water Rights Staff will recommend to the Board that No. 4528-3 be suspended for one year and No. 4535-3 be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527

c: JERRY PEACOCK, 2032 CENTRAL BLVD, RAPID CITY, SD 57709-6300

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.

4528-3

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January 28, 2008

4535-3
4528-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

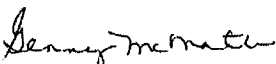
Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 4535-3 and 4528-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Elsie Sanders
Jerry Peacock



4528-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 23, 2009

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3 & 4535-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4528-3 & 4535-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation on Water Right No. 4535-3, Water Rights Staff will be recommending that the water right be suspended for three years;**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

c: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527
JERRY PEACOCK, 2032 CENTRAL BLVD, RAPID CITY, SD 57709-6300

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.

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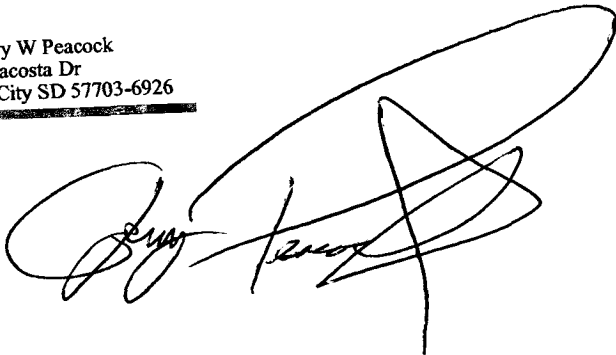
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Mr Jerry W Peacock
3700 Lacosta Dr
Rapid City SD 57703-6926

Thank you — 

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February 5, 2009

4528-3

4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Elsie Sanders, 3366 Midway Ave, Grants Pass OR 97527
Jerry Peacock, 3700 Lacosta Dr, Rapid City, SD 57703-6926



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 22, 2010

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3 & 4535-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4528-3 & 4535-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation on No. 4535-3 (for Elsie Sanders), the Water Rights Program is recommending it be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 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.aspx>

c: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527
JERRY PEACOCK, 3700 LACOSTA DR, RAPID CITY, SD 57703-6926

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.

4528-3

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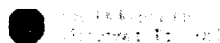
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DWIGHT BRENNER, OPERATOR
28053 397TH AVE
ARMOUR SD 57313

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February 18, 2010

4528-3
4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

c: Elsie Sanders
Jerry Peacock



4528-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 13, 2016

Jerry Peacock
3700 Lacosta Drive
Rapid City SD 57703-6926

Dear Mr. Peacock:

Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second from two wells located in the approximate center of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T98N, R63W to irrigate 216 acres in the SW $\frac{1}{4}$ (102 acres) and NE $\frac{1}{4}$ (114 acres) of Section 36, T98N, R63W.

You filed a request for authorization to change the well location approximately 150 feet north of the present well site into the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T98N, R63W. The request states the screen on the existing well is plugged and will in the future be used for livestock watering

Upon review of the request and pursuant to SDCL 46-5-13.1, the change of well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate from the Delmont aquifer is authorized.

The water right only authorizes 114 acres to be irrigated in the NE $\frac{1}{4}$ of Section 36. Based on the Farm Service Agency's aerial imagery, the pivot has been allowed to make full rotation irrigating a total of 132 acres. This is due to the reclamation of a gravel pit that was in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of the section owned by your cousin Don Grosz. Mr. Grosz has passed away and the N $\frac{1}{2}$ NE $\frac{1}{4}$ is now owned by his wife who lives in Arizona. In a telephone conversation with Eric Gronlund on May 12, 2016, you stated that the pivot's rotation will again be limited in a manner that no more than 114 acres are irrigated. At some point in the future, if agreement is entered into with the landowner, you understand that application will need to be made for the acreage irrigated in excess of the 114 authorized acres.

Finally, based on past irrigation questionnaire records and confirmed by aerial imagery, the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 that were originally authorized by Water Right No. 4528-3 are no longer irrigated. This area is now a gravel pit. These acres and accompanying diversion rate authority are subject to cancellation for abandonment and forfeiture. You will in the future receive notification of the cancellation of this portion of the water right. The water right will remain in effect for the irrigation in the NE $\frac{1}{4}$ of Section 36.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

Approval of Location Change Diversion Point

NAME: Jerry Peacock

ADDRESS: 3700 Lacosta Drive, Rapid City SD 57703-6926

DATE: May 12, 2016

COUNTY: Douglas

TELEPHONE: cell 605 381-4880

Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second from two wells located in the approximate center of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T98N, R63W to irrigate 216 acres in the SW $\frac{1}{4}$ (102 acres) and NE $\frac{1}{4}$ (114 acres) of Section 36, T98N, R63W.

On May 2, 2016, Mr. Peacock filed a request to replace the well located in the NE $\frac{1}{4}$ of Section 36 because the screen in the existing well is plugged. The new well is to be drilled approximately 150 feet north of the old well. The old well will be converted to a livestock well.

In reviewing the history of the irrigation questionnaires, irrigation last occurred in the SW $\frac{1}{4}$ of Section 36 in 2002. This is due to mining of gravel in this quarter section. This portion of Water Right No. 4528-3 is subject to cancellation due to abandonment and/or forfeiture.

When Water Right No. 4528-3 was licensed in 1994 the NE $\frac{1}{4}$ was licensed with 34 acres irrigated in each of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 12 acres irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of this section. The pivot did not make full rotation. Part of the review for a change in diversion point includes that no new land is to be irrigated. Both the 2014 Farm Service Agency (FSA) aerial imagery and Google Map show the center pivot now makes full rotation. Mr. Peacock was contacted regarding this issue. He indicated that long ago the pivot did not make full rotation due to a gravel pit. He says it has made full rotation now that gravel mining is completed at that location. The N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36 is owned by his cousin Don Grosz's widow and the pivot has been allowed to make full rotation since the gravel pit was reclaimed. Mr. Peacock contends that based on FSA calculation only 114 acres are being irrigated. But what is not included is the Grosz lands. Using the FSA aerial imagery which provides a clear outline of irrigation coverage and the ArcView digitizing function, I calculate 132 acres of irrigation coverage has occurred. See attached map. Mr. Peacock and I discussed two options:

1. Applying to transfer acres from the SW $\frac{1}{4}$ to the NE $\frac{1}{4}$ of Section 36. Although irrigation of the SW $\frac{1}{4}$ has not occurred since 2003, it is evident that the pivot in the NE $\frac{1}{4}$ has been making full rotation since at least 2004. Therefore there has likely not been forfeiture of the approximately 20 acres that would need to be transferred and this could be viewed as an after the fact amendment to transfer acres.
2. Mr. Peacock could go back to not allowing the pivot to make rotation and limiting the number of acres irrigated to 114 acres.

In personal communication with Mr. Peacock on May 12th, he stated at this time he will limit the pivot's rotation to original licensed amount of 114 acres. This will mean the pivot will be operated in a manner that does not irrigate into the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 36. In the future if he enters into an agreement with the landowner of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36 he fully understands that he will need to apply to irrigate the additional 18 acres.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The source remains the Delmont aquifer and the developed diversion rate does not exceed the permitted amount.

- **If irrigation, no new land is irrigated**

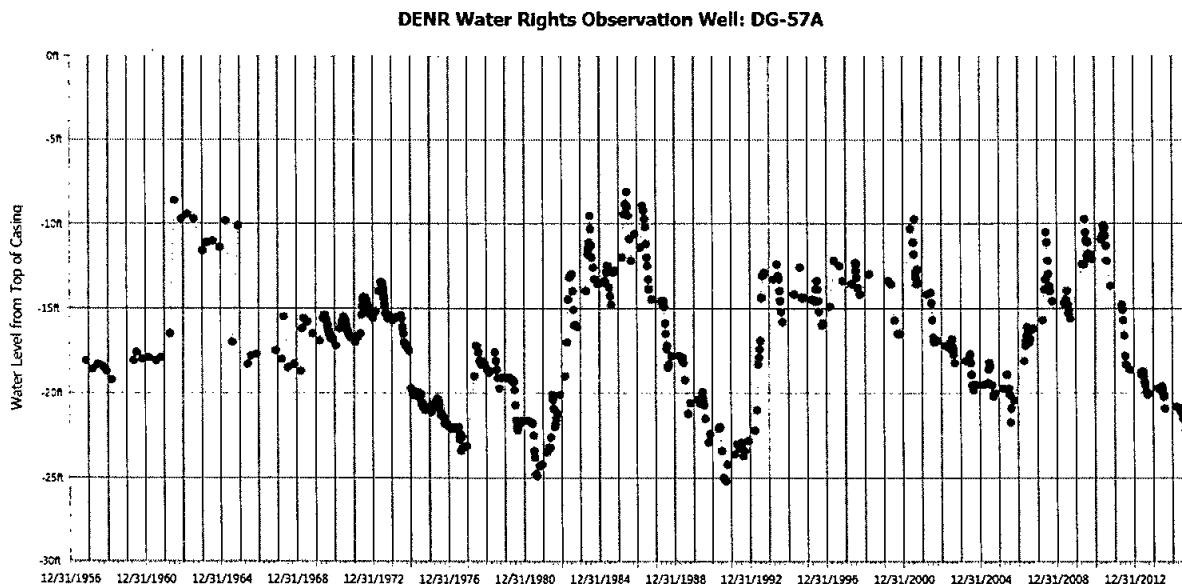
The permit authorizes irrigation of 114 acres in the NE ¼ of Section 36, T98N, R63W. See explanation above. Mr. Peacock indicated the pivot will not be allowed to make full rotation and limited to no more than the 114 acres authorized in the NE ¼ of this section.

- **Review of Existing Diversions**

There are no domestic wells on the Water Rights database in close proximity to the irrigation well.

This is an area with a cluster of water rights in neighboring sections. The request to change the diversion point is to move the well approximately 150 feet to the north as a replacement to the existing well. With no new diversion rate authority requested, there is not the potential for a significant effect on neighboring wells. Most of these water rights have been in place since the 1970's to 1980's without controversy.

There is observation well No. DG-57A located in the NE ¼ NE ¼ of Section 36. This observation well has been in place since the mid-1950's. The hydrograph below shows fluctuations associated with climatic conditions but does not indicate significant fluctuation due to pumping even though the production well for Water Right No. 4528-3 is approximately 1500 feet to the southwest.

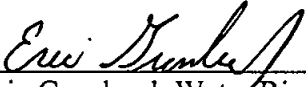


CONCLUSION

- The change of well location does not seek to increase the diversion rate.
- The well will be completed into the Delmont aquifer.
- Interference is not expected to be a concern.
- The authorization of the change of well location shall include that the total acreage irrigated shall not exceed 114 acres in the NE ¼ Section 36, T98N, R63W.
- The existing well will be used for livestock watering.

RECOMMENDED ACTION

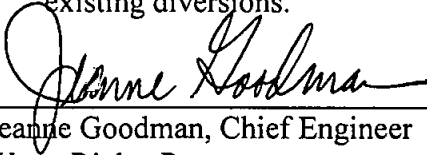
Based on the above criteria, it is recommended that the change of diversion point location be authorized under Water Right No. 4528-3.



Eric Gronlund, Water Rights Engineer
Water Rights Program

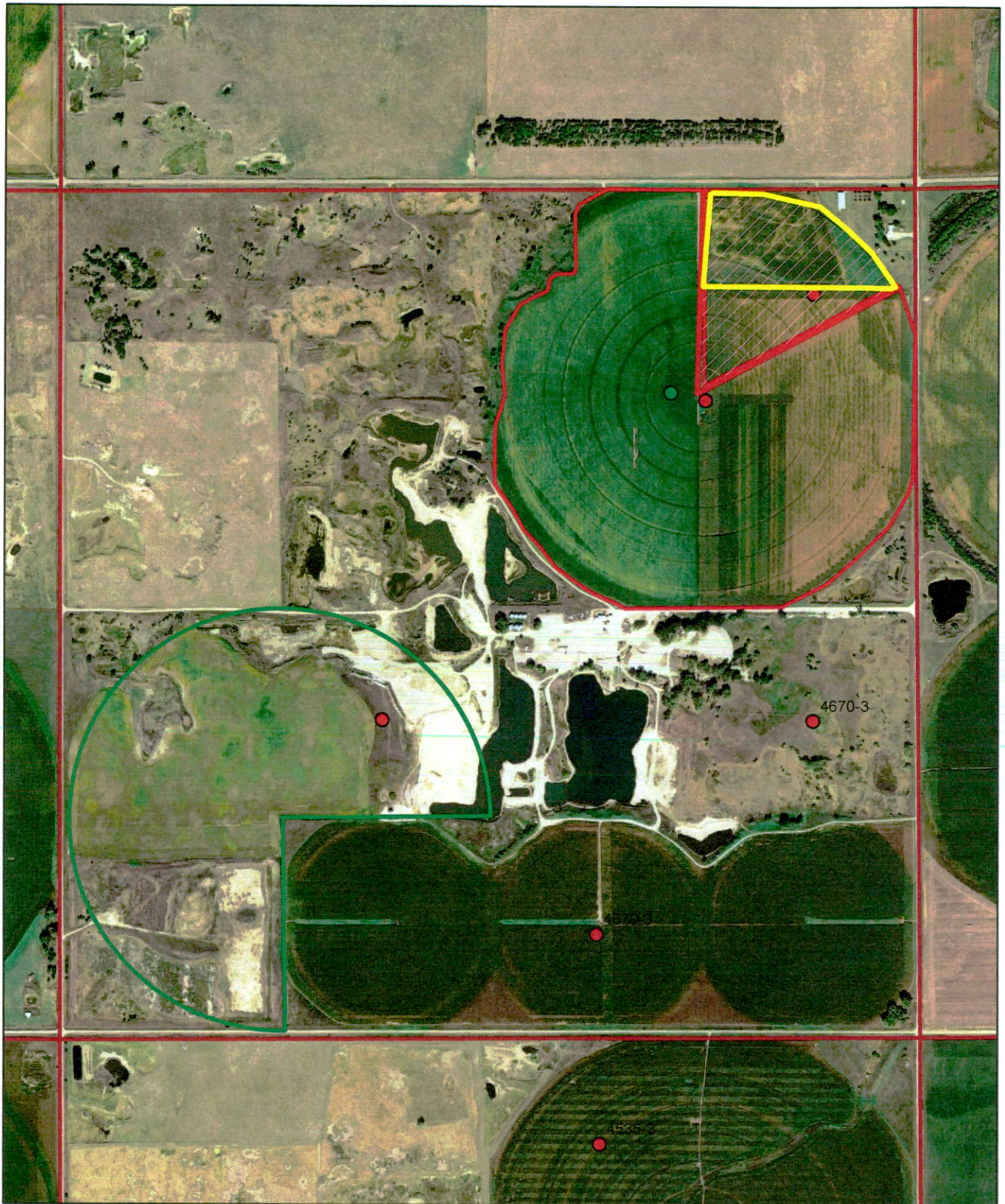
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location of the diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

WATER RIGHT No. 4528-3, Jerry Peacock



1,000 500 0 1,000 Feet



No longer irrigated



Land irrigated as authorized by Water Right No. 4528-3



Land owned by Don Grosz's widow that is not authorized for irrigation



Land owned by Mr. Peacock that is not authorized for irrigation



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. (office use only) Hydrologic Unit Basin <u>Missouri River Basin</u> Newspaper
---	--

RECEIVED
MAY - 2 2016
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Replacement well to Water Right No. 4528-3

1. Name to Appear on Irrigation Permit JP Terry Peacock

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 3700 Lacosta Dr. Rapid City SD 57703-6926
(Address) (City) (State) (Zip Code)

Phone 605-348-7570 Mobile 605-381-9880 Email twp@rap.midco.net

2. Amount of water claimed 2.67 *CFS or 1200 **GPM ***AF Total Acreage 114
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Groundwater

4. Location of point of diversion NE NE 36-98-63

(example - 3 wells in SW 1/4 NE 1/4 section 12, T10N R53W)

County Douglas

5. County or counties where water will be used Douglas

6. Annual period during which water is to be used April 1 - November 30

7. 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
<u>NE NE 36-98-63</u>	<u>12</u>		
<u>NW NE 36</u>	<u>34</u>		
<u>SW NE 36</u>	<u>34</u>		
<u>SE NE 36</u>	<u>34</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

The Replacement well is being installed because the screen on the old well is plugged.

The New well will be drilled 150ft North of old existing well.

The old well will be converted to a stock well

I, JP Terry Peacock, the applicant, certify under

Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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

Supplemental Information

(Type or print)

1. Well Information

(check one or both as applicable)

☒ Drilling new well☒ Using existing well ~~Stockwell~~a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by Grosch Irrigation Co.
(if yes, please provide copies of logs) O'Neill, NE

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 60' Depth to Top of Water Bearing Material 16' Depth to Water from Surface 16'd) Distance to nearest domestic well on applicant's property 1600' + Property owned by others yes

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 (e.g. 3 to 1 is a typical slope)

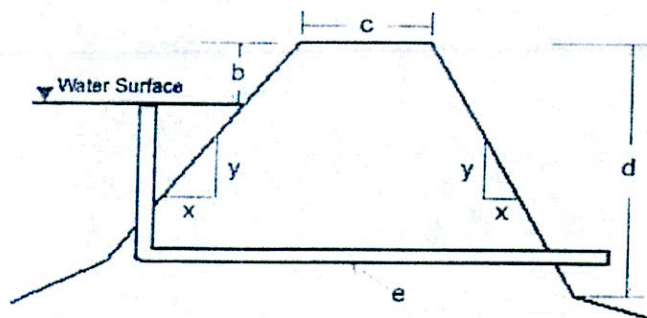
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



04/30/2016

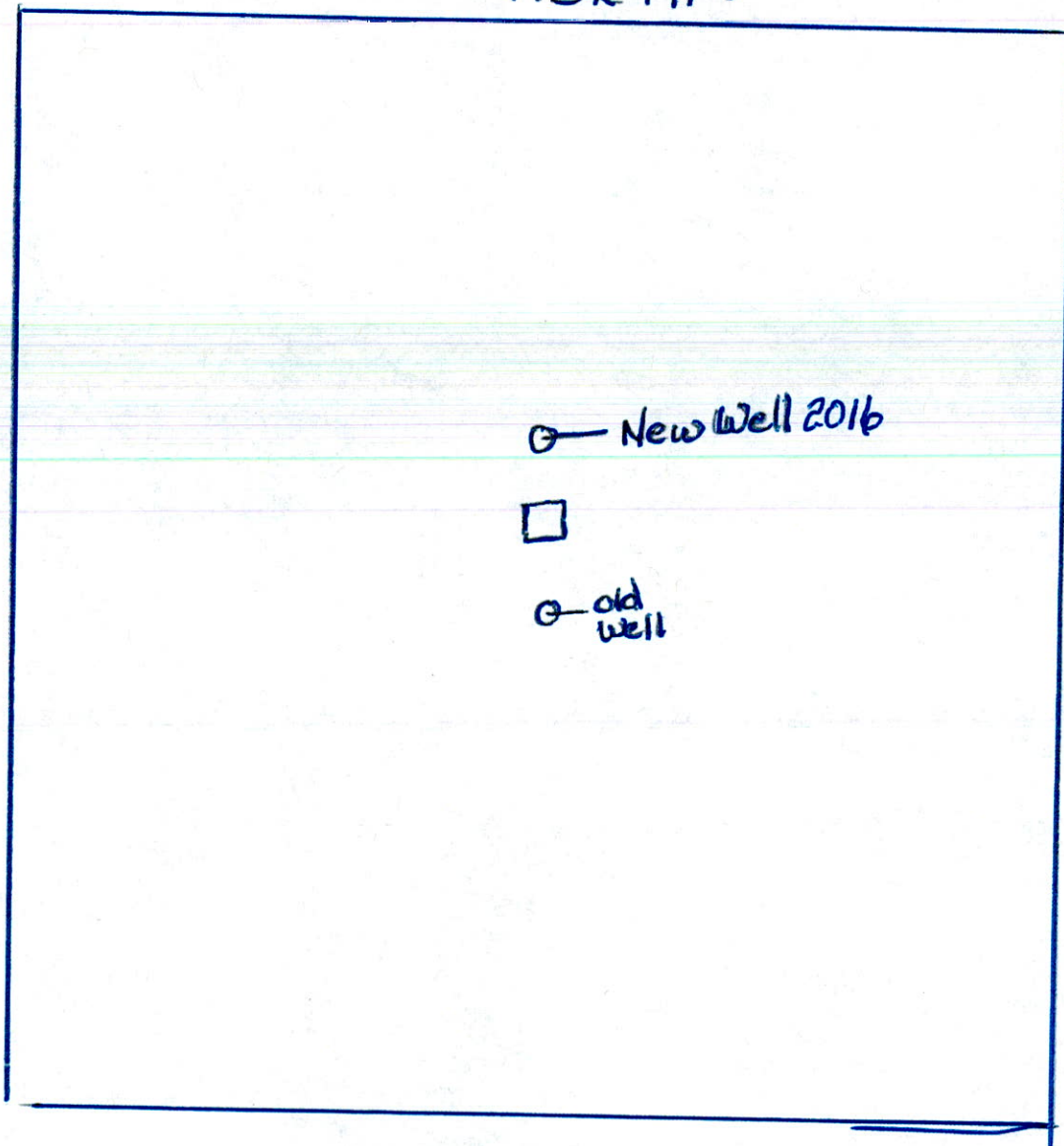
Jerry Peacock

Permit 4528-3

NE 36-98-63 W Douglas Co., S.D.

Replacement Well

NORTH ↑

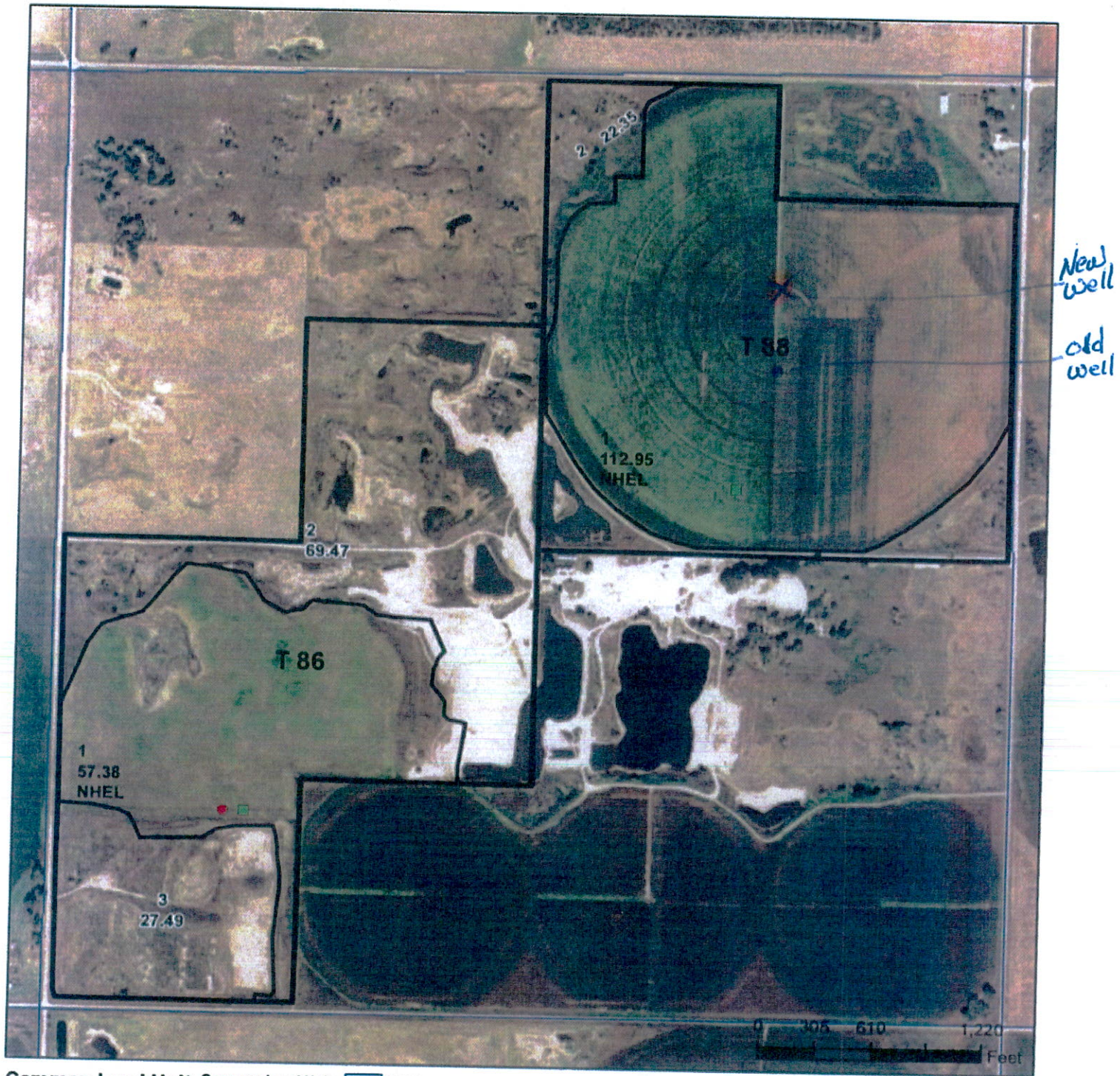


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MAY - 2 2016

WATER RIGHTS
PROGRAM

Not to Scale



Common Land Unit **Common Land Unit** **PLSS**
Other Ag Cropland Tract Boundary

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions



2016 Program Year
Map Created January 20, 2016

Farm 430

36 -98N -63W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

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MAY - 2 2016

WATER RIGHTS
PROGRAM

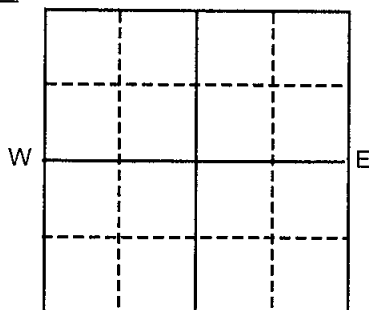
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ NE ¼ Sec 36 Twp 98 Rg 63

County DOUGLAS

North

Please mark well
location with an "X"

Well Completion Date

05/19/16

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:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	21.0 FT	28.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	50	15.5 Lb/gal	20.0 Ft	0.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

PUMPED TREMIE PIPE

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16.00 Inches Length 40.0 Feet

Material PVC

Slot Size .051 Set From 21.0 Feet to 61.0 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? HTH

☐ No, Why Not?
Lab to which water
quality sample sent for analysis

Well Owner: JERRY PEACOCK

Business Name:

Address: 3700 LACOSTA DRIVE

City, State, Zip: RAPID CITY SD 57703

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
gravel	2	31
blue clay	31	39
gravel	39	50
blue clay	50	65

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:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

50.0 Ft. After 2.0 Hrs. pumped 1,100.0 GPM

45.0 Ft. After 2.0 Hrs. pumped 1,000.0 GPM

If pump installed, pump rate: 650.0 GPM

REMARKS

RECEIVED

JAN 31 2017

WATER RIGHTS
PROGRAMThis well was drilled under license # 189 and this
report is true and accurate.

Drilling firm: GROSCH IRRIGATION CO., INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

August 29, 2017

NOTICE OF CANCELLATION

TO: Jerry Peacock, 3700 Lacosta Dr., Rapid City SD 57703-6926

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of the abandoned portions of Water Right No. 4528-3

Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer to irrigate 216 acres in the NE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T98N, R63W. Water Permit No. 4528A-3 amended No. 4528-3 by transferring 18 acres within the SW $\frac{1}{4}$ Section 36 to the NE $\frac{1}{4}$ Section 36. This allowed the center pivot in the NE $\frac{1}{4}$ Section 36 to make a full rotation. The remaining 84 acres authorized in the SW $\frac{1}{4}$ Section 36 is a gravel pit and no longer irrigated.

The Chief Engineer of the Water Rights Program is recommending cancellation of 84 acres in the SW $\frac{1}{4}$ Section 36, T98N, R63W and the associated diversion authority of 1.22 cfs described in Water Right No. 4528-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the portions of Water Right No. 4528-3 described above at 1:00 pm, Wednesday, October 4, 2017 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 4528-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by September 22, 2017. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

August 29, 2017
Jerry Peacock
Page 2

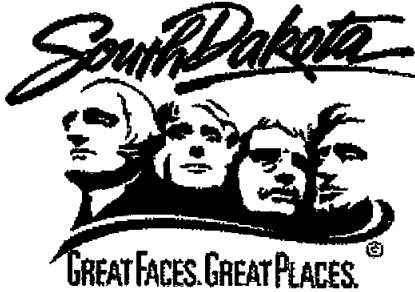
The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by September 22, 2017.

Prior to September 22, 2017, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 8, 2017.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 4528-3, JERRY PEACOCK**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning portions of Water Right No. 4528-3.

The Chief Engineer of the Water Rights Program is recommending cancellation of 84 acres in the SW $\frac{1}{4}$ Section 36, T98N, R63W and the associated diversion authority of 1.22 cfs described in Water Right No. 4528-3 due to abandonment and/or forfeiture.

Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer to irrigate 216 acres in the NE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T98N, R63W. Water Permit No. 4528A-3 amended No. 4528-3 by transferring 18 acres within the SW $\frac{1}{4}$ Section 36 to the NE $\frac{1}{4}$ Section 36. This allowed the center pivot in the NE $\frac{1}{4}$ Section 36 to make a full rotation. The remaining 84 acres authorized in the SW $\frac{1}{4}$ Section 36 is a gravel pit and no longer irrigated.

RON DUVALL, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
August 29, 2017

Note:

Upon cancellation of the abandoned 84 acres and associated diversion authority of 1.22 cfs, Water Right No. 4528-3 will be reissued for 1.45 cfs and the remaining 114 acres in the NE $\frac{1}{4}$ Section 36, T98N, R63W still being irrigated.

Water Permit No. 4528A-3 (18 acres) and the remaining portions of Water Right No. 4528-3 (114 acres & 1.45 cfs) authorize a total of 1.45 cfs to irrigate 132 acres in the NE $\frac{1}{4}$ Section 36. At such time as a field investigation is completed, a water license will be issued incorporating Nos. 4528-3 and 4528A-3 into one water right.

CERTIFICATION

I hereby certify that on August 29, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 29, 2017 regarding Notice of Cancellation addressed as stated below:

Water Permit No. 7807-3

Mark or Cindy Ulmer, 453 E Heil St, Menno SD 57045

Future Use Permit No. 4039-3

Linda Hentges, Finance Officer, City of Montrose, PO Box 97, Montrose SD 57048

Water Permit No. 1882-1

Tony Rizzo, 38 W 605 Silver Glen Rd, St Charles IL 60175

Water Right No. 4528-3

Jerry Peacock, 3700 Lacosta Dr., Rapid City SD 57703-6926

Eric Gronlund

Eric Gronlund

Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

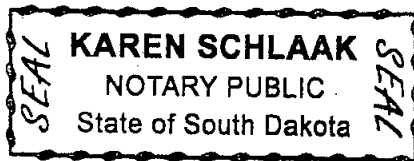
Sworn to, before me, this 29th day of August, 2017.

Karen Schlaak

Karen Schlaak

Notary Public

My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 10, 2017

NOTICE OF ENTRY OF ORDER

Jerry Peacock
3700 Lacosta Dr
Rapid City SD 57703-6926

Dear Mr. Peacock:

This will notify you that on October 4, 2017, the Water Management Board cancelled 84 acres located in the SW ¼ Section 36, T98N, R63W and a corresponding diversion authority of 1.22 cfs from Water Right No. 4528-3. The action to cancel was taken under the conditions outlined in our notice to you dated August 29, 2017.

In regards to the well in the SW ¼ of Section 36, SDCL 46-6-27 states that if the owner of an existing well has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

Enclosed is Reissued Water License No. 4528-3 authorizing irrigation of 114 acres in the NE ¼ Section 36, T98N, R63W. Water Permit No. 4528A-3 was approved in March, 2017 and authorizes irrigation of 18 acres in the NE ¼ Section 36. The additional acreage allows the center pivot to make a full rotation to irrigate 132 acres in the NE ¼ Section 36. Once a field investigation is conducted, the applicable portions of No. 4528-3 will be incorporated into No. 4528A-3.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,



Jeanne Goodman, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 4528-3

(1) Jerry Peacock, 3700 Lacosta Dr., Rapid City SD 57703-6926 was issued Water License No. 4528-3, November 14, 1994 for a water right to divert 2.67 cubic feet of water per second (cfs) from ground water, two wells (Delmont Aquifer), Douglas County, South Dakota for irrigation purposes. Water License No. 4528-3, with priority dates of November 27, 1974 and June 17, 1980 was issued to the water permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Right No. 4528-3 authorizes irrigation of 216 acres in the NE $\frac{1}{4}$ (114 acres) and SW $\frac{1}{4}$ Section 36, T98N, R63W (102 acres). On March 10, 2017, Water Permit No. 4528A-3 was approved which transferred 18 acres within the SW $\frac{1}{4}$ Section 36 to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36. This enabled the pivot in the NE $\frac{1}{4}$ to make a full rotation. The remaining 84 acres authorized in the SW $\frac{1}{4}$ are no longer irrigated.

On October 4, 2017, the Water Management Board cancelled the 84 acres in the SW $\frac{1}{4}$ Section 36, T98N, R63W and the corresponding diversion rate of 1.22 cfs. Water License No. 4528-3 is reissued for the 114 acres in the NE $\frac{1}{4}$ Section 36 still being irrigated and the diversion authority of 1.45 cfs.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.45 cubic feet of water per second for beneficial use. The location of the diversion point is 1,420 feet south and 1,320 feet west of the NE corner of Section 36, T98N, R63W (approximate center of the NE quarter).

(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 36, T98N, R63W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	Total	114 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerry Peacock, 3700 Lacosta Dr., Rapid City SD 57703-6926 the holder and/or owner of Water Right No. 4528-3 is issued a license to appropriate water, the right to use 1.45 cubic feet of water per second from ground water, one well (Delmont Aquifer) with a priority date of November 17, 1974 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. 4528-3.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 10 2017
date



CERTIFICATION

I hereby certify that on October 10, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated October 10, 2017 regarding Notice of Cancellation addressed as stated below:

Water Permit No. 1882-1:

Tony Rizzo, 38 W 605 Silver Glen Rd, St Charles IL 60175

Water Permit No. 1685-2:

Gary H Haag, US Forest Service, Black Hills National Forest, 1019 N 5th St, Custer SD 57730

Future Use Permit No. 4039-3:

Linda Hentges, Finance Officer, City of Montrose, PO Box 97, Montrose SD 57048

Future Use Permit No. 7807-3:

Mark or Cindy Ulmer, 453 E Heil St, Menno SD 57045

Water Right No. 4528-3:

Jerry Peacock, 3700 Lacosta Dr, Rapid City SD 57703-6926

Vickie Maberry

Vickie Maberry

Secretary

Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

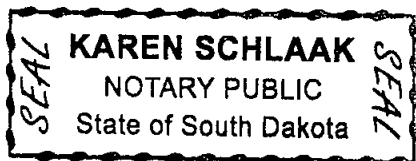
Sworn to, before me, this 10th day of October, 20 17.

Karen Schlaak

Karen Schlaak

Notary Public

My Commission expires April 1, 2019





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3, 4535-3 & 4528A-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4528-3, 4535-3 & 4528A-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 8, 2023 at 9:30 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) 4528-3, 4535-3 & 4528A-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on a previous suspension for Water Right No. 4535-3, the Board could suspend No. 4535-3 for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VFAOFA**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 31, 2023

4528-3
4528A-3
4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right or Permit Nos. 4528-3, 4535-3 & 4528A-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
Genny.mcmath@state.sd.us