

WATER PERMIT NO. 4528A-3

Name of Applicant: **Jerry Peacock**

Address: **3700 Lacosta Dr, Rapid City SD 57703**

Phone: **605 381-9880**

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

Total Acres: **no add'l**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **irrigation**

County: **Douglas**

Type of Waste Disposal System:

Location: **6 miles southeast of Armour**

PRIORITY

Date Received: **12-27-16**

Application/License Fee: **\$ 300**

Corrected Application Received:

Period of Annual Use: **April 1- Nov 30**

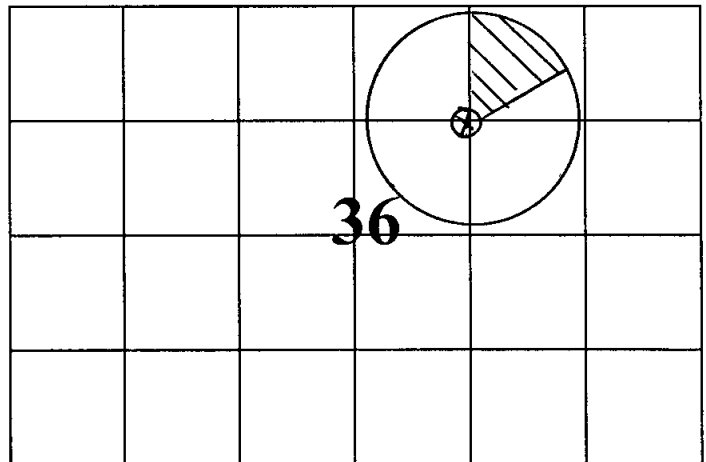
Remarks: **Amend Water Right No. 4528-3 by transferring acreage**

Diversion Point: **center of NE 1/4 Sec 36-T98N-**

R63W

Land to be Irrigated: **NE 1/4 NE 1/4 Sec 36-T98N-**

R63W



Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **12-27-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>4528A-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Armour Chronicle</u>	<u>605-724-2747</u>
	<u>Daily Republic Mitchell</u> <u>605-996-5514</u>	

RECEIVED
DEC 27 2016
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4528-3
(Use predates Mar 2, 1955)

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

Transfer 18 acres from SW 1/4 Section 36, to NE 1/4
NE 1/4 Section 36, T98N, R63W.

1. Name to Appear on Irrigation Permit Jerry 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 Drive Rapid City SD 57703
(Address) (City) (State) (Zip Code)

Phone 605-348-7570 Mobile 605-381-9880 Email JWP@Rap.Midco.Net

2. Amount of water claimed NO *CFS or ADD'L **GPM ***AF Total Acreage 18 acres
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Ground Water

4. Location of point of diversion approximate Center NE 1/4 Section 36 - T98N-R63W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-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 thru 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 1/4 NE 1/4 Section 36</u>	<u>18</u>		
<u>T98N R63W</u>			

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

Transferring 18 acres to allow full rotation, 8 acres owned
by myself and 10 acres owned by Mary Grosz, N 1/2 NE 1/4 NE 1/4
Section 36, T98N R63W. Remaining acreage in SW 1/4 of this
Section will no longer be irrigated.

I, Jerry Peacock, the applicant, certify under
Name of Person 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.

SOUTH DAKOTA
WATER PERMIT NO. 4528A-3

Date of first receipt of application December 27, 2016.

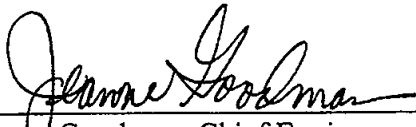
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4528A-3 to Jerry Peacock, 3700 Lacosta Drive, Rapid City SD 57703 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4528A-3 amends Water Permit No. 4528-3 by transferring a portion of the irrigated acreage to other land. Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (60 feet deep) located in the center of the NE 1/4 and the NE 1/4 SW 1/4 Section 36 for irrigation of 216 acres located in the NE 1/4 and the N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T98N-R63W. This permit transfers 18 acres from the SW 1/4 to the NE 1/4 NE 1/4 Section 36 and will utilize the well located in the approximate center of the NE 1/4 Section 36; all in T98N-R63W. This will allow the center pivot in the NE 1/4 to make a complete rotation. The remaining acreage in the SW 1/4 Section 36-T98N-R63W is no longer irrigated. Water Right No. 4528-3 and Water Permit No. 4528A-3 authorize a diversion rate of 1.45 cfs to irrigate a total of 132 acres in the NE 1/4 Section 36.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is November 27, 1974 (established by Water Right No. 4528-3).
4. The date of approval of Permit No. 4528A-3 is March 10, 2017.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeannie Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 26 2017

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s) 4528-3

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

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) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

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)

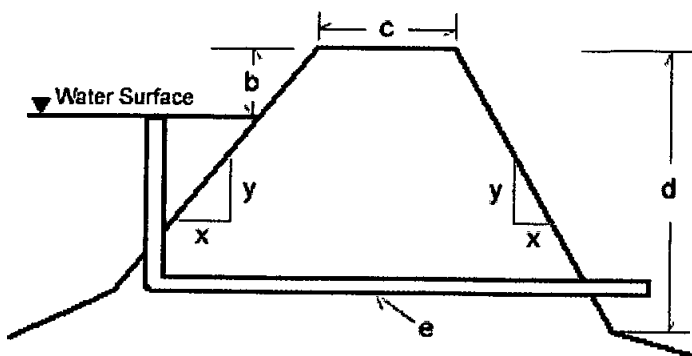
Upstream _____

Downstream _____

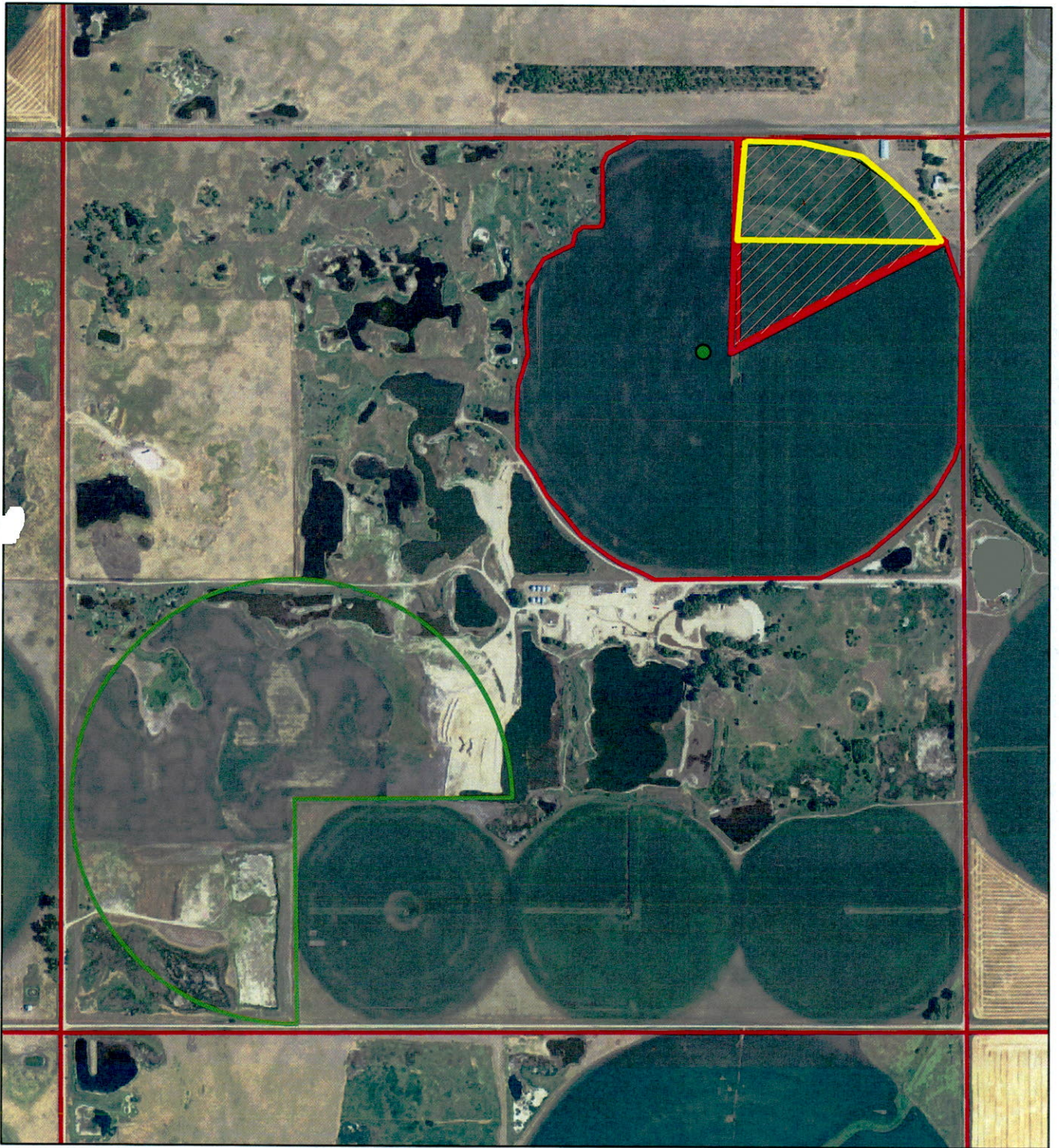
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



WATER RIGHT APPLICATION FOR JERRY PEACOCK



1,000 500 0 1,000 Feet



No longer to be irrigated



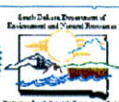
Land irrigated as authorized by Water Right No. 4528-3



Land owned by Mary Grosz that is not authorized for irrigation



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



Eric Gronlund
Eric Gronlund
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12-27, 20 16

RECEIVED OF JW Peacock, 3700 LaCosta Drive, Rapid City SD 57703

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

Fee for Application for Permit No. <u>4528A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4528A-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300.00

No. **08022**

By Jeanne Steelman
Chief Engineer (KS)

September 2, 2016

Jerry Peacock
3700 Lacosta Drive
Rapid City SD 57703-6926

Dear Mr. Peacock:

Last May, your request to change the well location authorized by Water Right No. 4528-3 was approved. The well replacement was needed since the screen in the existing well was getting plugged. DENR understands that the old well will be used for livestock watering.

Through the review process, DENR became aware that while only 114 acres were authorized for irrigation in the NE ¼ Section 36, T98N, R63W there were 132 acres being irrigated. This was due to reclamation of the gravel pit in the N ½ NE ¼ of the section owned by your cousin Don Grosz now allows the pivot to make full rotation.

Also, DENR became aware that the acres in the N ½ SW ¼ and SW ¼ SW ¼ of Section 36 that were authorized by Water Right No. 4528-3 are no longer irrigated since the area is now a gravel pit. It was DENR's intention to proceed with cancellation of this portion of the water right.

When this issue came up you indicated that you would limit the pivot's rotation in the NE ¼ of Section 36 such that no more than 114 acres are irrigated. You also expressed intent to discuss with Mr. Grosz's widow about entering in an agreement to allow irrigation of this land that would allow the pivot to again make full rotation. If agreement was reached you intended to transfer 18 acres from the SW 1/4 to the NE ¼ of the section. DENR held off on scheduling cancellation the part of the water right associated with those acres in the SW 1/4 that are now a gravel pit.

I am writing to inquire about your effort to reach agreement with Mr. Grosz's widow and file an application to transfer acres such that the pivot in the NE ¼ can make full rotation. Those acres where irrigation is no longer occurring due to the existence of the gravel pit may become forfeited for nonuse. State water rights law provides that any part of a water right where water fails to be used beneficially for the purpose for which it was appropriated, for a period of three years shall be forfeited for nonuse.

Please let me know by September 30, 2016, your progress in transferring acres to the NE ¼ Section 36 or if DENR should proceed with cancellation of the acres that were authorized in the SW ¼ of Section 36.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

December 17, 2016

To Whom It May Concern:

As sole landowner of the 10 acre land parcel located on N1/2, N1/4,
Section 36, T98N, R63W in Douglas County, South Dakota, I hereby
authorize Jerry Peacock to hold the water rights on this aforementioned
land parcel under his Water Rights Permit No. 4528-3.

A handwritten signature in cursive script, reading "Mary A. Grosz". The signature is fluid and stylized, with the first and last names being more prominent than the middle initial.

Mary A. Grosz
28407 398th Avenue
Delmont, South Dakota 57330
(605) 481-0225

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 4528A-3, Jerry Peacock

ADDRESS: COUNTY: Douglas

DATE: December 27, 2016 TELEPHONE

RE: acreage under irrigation

Over the past months, Mr. Peacock and I had been in discussion regarding needing to transfer acres under Water Right No. 4528-3 since the gravel operation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T98N, R63W had been reclaimed and the center pivot was now able to make full rotation. The land in the SW $\frac{1}{4}$ of this same section that is authorized for irrigation is now part of a gravel operation and no longer irrigated.

Based on Barry McLaury's licensing inspection in 1994, there were 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 $\frac{1}{4}$ of the section and only 12 acres irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$. The water license states there are 114 acres authorized for irrigation in the NE $\frac{1}{4}$ of Section 36, T98N, R63W.

Mr. Peacock stated that the pivot now applies irrigation water to 132 acres. That is how he arrived at the need to transfer 18 acres from the SW $\frac{1}{4}$ of Section 36 to the NE $\frac{1}{4}$ of the section.

NAME: Eric Hunter

Jerry Peacock

From: "Gronlund, Eric" <Eric.Gronlund@state.sd.us>
Date: Wednesday, December 28, 2016 8:58 AM
To: "Jerry Peacock" <jwp@rap.midco.net>
Subject: RE: Water permit application to amend Water Right No. 4528-3

Jerry – do you know the diversion rate (pump rate in gallons per minute) from the well that supplies the pivot in the NE ¼ Section 36, T98N, R63W?

The inspection report from when a Water Rights staff person was there in 1994 (almost 23 years ago) states the well is capable of 600 gpm.

The 2015 Irrigation Questionnaire submitted also states a pump rate of 600 gpm.

Thanks - Eric

*Eric, Here is the bill as he repaired pump
put in I believe in 2012. Sincerely, Jerry*

12/28/2016



Grosch Irrigation Co., Inc.
49226 - 873 Road
O'Neill, NE 68763
402-336-1805 / 800-603-1805

Date Invoice
8/31/16 10284

Jerry Peacock 3700 Lacosta Drive Rapid City, SD 57703		NE 1/4 36-98-63 / Armour Co. SD	
		61' - 16" PVC Well	Work Completed
			05/19/16
QTY	DESCRIPTION	RATE	AMOUNT
100	16" PVC Well / Drilled & Cased - 05/19/16 61' Well - 100' Minimum charge	72.80	7,280.00T
1	Pit Excavation	156.00	156.00T
100	Test Pumping & Development	10.40	1,040.00T
1	Mobilization	572.00	572.00T
40	16" PVC Perf. Casing / SDR 26 / .080 ← Casing	39.52	1,580.80T
21	16" PVC Plain Casing / SDR 26 ← Screen	36.40	764.40T
1	Gravel - Net - Hauling (Slotted)	645.00	645.00T
1	Drilling Materials / Bentonite	208.00	208.00T
1	20' Surface Seal &/ or Formation Seal - SD Required (Casing)	780.00	780.00T
1	Pump Base	208.00	208.00T
			13,234.20
	Taxable Well Sales \$4186.20 Taxable Well Service \$9048.00		
	Deduct Well Discount of \$		
	if Payment Made by September 9, 2016 SD Excise Tax	2.00%	264.68
Total Well Cost \$17,930.62 with down payments of \$3857.52 made before work began, + taxes etc, down payments was made 4/29/16.			
Balances over 30 days are subject to a finance charge of 1.5% per month		Total	\$13,498.88



Grosch Irrigation Co., Inc.
49226 - 873 Road
O'Neill, NE 68763
402-336-1805 / 800-603-1805

Date Invoice
8/31/16 10283

Jerry Peacock 3700 Lacosta Drive Rapid City, SD 57703		NE 1/4 36-98-63 / Armour Co. SD	
		Repair 8" WLR Pump 50' - Column 3-12 IS Bowl Assembly Pulled from old well - set in new well	Work Completed
			05/24/16
QTY	DESCRIPTION	RATE	AMOUNT
1	Inlet Bowl Bearing	73.27	73.27T
3	Drive Collets	39.98	119.94T
3	Center Bowl Bearing	50.21	150.63T
1	Outlet Bowl Bearing	73.27	73.27T
1	Seal	17.37	17.37T
1	Grease Cap	13.87	13.87T
1	Sand Collar & Set Screw	76.63	76.63T
12	Bolts & Nuts - Stainless Steel	1.61	19.32T
36	Capscrews / Stainless Steel	0.89	32.04T
2	Lineshaft Bearing	35.76	71.52T
5	Spider Liners	9.78	48.90T
40	Bolts & Nuts - Stainless Steel	3.29	131.60T
8	Bolts & Nuts - Stainless Steel	2.99	23.92T
3	Oil	11.32	33.96T
1	8" Midwest Chemigation Valve / F x F	421.58	421.58T
1	Flange x Starter Coupler	97.02	97.02T
1	Bowl Labor	670.00	670.00T
1	Disassemble Oil Tube & Shaft	340.00	340.00T
	Clean / Straighten / Balance		
1	Pull & Reset 50' Column	1,390.00	1,390.00T
1	Mileage	540.00	540.00T
			4,344.84
	Taxable Sales \$1404.84		
	Taxable Service \$2940.00		
	SD Excise Tax	2.00%	86.90
Balances over 30 days are subject to a finance charge of 1.5% per month		Total	\$4,431.74

Jerry Peacock

From: "Gronlund, Eric" <Eric.Gronlund@state.sd.us>
Date: Wednesday, December 28, 2016 8:58 AM
To: "Jerry Peacock" <jwp@rap.midco.net>
Subject: RE: Water permit application to amend Water Right No. 4528-3

Jerry - do you know the diversion rate (pump rate in gallons per minute) from the well that supplies the pivot in the NE ¼ Section 36, T98N, R63W?

The inspection report from when a Water Rights staff person was there in 1994 (almost 23 years ago) states the well is capable of 600 gpm.

The 2015 Irrigation Questionnaire submitted also states a pump rate of 600 gpm.

Thanks - Eric

Hi Eric,

12/28/16

This is what was sent to me by Grosch Irrigation Company, with final bill. Not sure what all of this means for GPM as to which number is used. Sincerely, Jerry Peacock

P.S. Curious what GPM is, as it says pumped for 3 hours?

12/28/2016

Gronlund, Eric

From: Jerry Peacock <jwp@rap.midco.net>
Sent: Wednesday, December 28, 2016 11:44 AM
To: Gronlund, Eric
Subject: Re: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

Dale said it was ok or he would have replaced it. Jerry

From: Gronlund, Eric
Sent: Wednesday, December 28, 2016 10:31 AM
To: 'Jerry Peacock'
Subject: RE: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

This was a test pump conducted by Grosch to determine the drawdown associated with various pump rates. It likely was used in determining sizing for the pump to be placed in the well. If Grosch installed a new pump after this test pump last fall, simply ask them or your renter what the capacity of the installed pump is. Eric

From: Jerry Peacock [<mailto:jwp@rap.midco.net>]
Sent: Wednesday, December 28, 2016 11:21 AM
To: Gronlund, Eric
Subject: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

Your message is ready to be sent with the following file or link attachments:

GPM report from Grosch Irrigation for Eric at DENR0001

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Gronlund, Eric

From: Jerry Peacock <jwp@rap.midco.net>
Sent: Wednesday, December 28, 2016 11:40 AM
To: Gronlund, Eric
Subject: Re: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

We used the same pump as I had to replace it a few years ago. Jerry

From: Gronlund, Eric
Sent: Wednesday, December 28, 2016 10:31 AM
To: 'Jerry Peacock'
Subject: RE: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

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Grosch Irrigation co.

O'Neill, NE.

Test Pump

Name Jerry Peacock

Contact Dwight Brenner

Phone 605-381-9880

Cell 0

Cell Dwight 605-680-1717

DATE 5/20/16

Legal NE 36-98-63 Douglas Co, SD

Pump Set 55 Ft

Well Depth 61 Ft.

SWL 17 Ft.

TA Trace air

GPM D.D. Air Sand

1100	50	ft	SURGE	NONE
1000	45	ft	AIR	0
900	41	ft	TA	0
800	40	ft	NONE	0
750	38	ft	0	0
700	36	ft	0	0
0	0	ft	0	
0	0	ft		
0	0	ft		

Pumped 3 Hrs.

DATE 5/20/16

Foreman Bruce

Helper Markus

Note

Well
61' deep

40'
Casing
21'
Slotted
Casing
(Screen)

Gronlund, Eric

From: Jerry Peacock <jwp@rap.midco.net>
Sent: Wednesday, December 28, 2016 12:13 PM
To: Gronlund, Eric
Subject: Re: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

See info/bill I sent on old pump repaired and set in new well. Thanks-Jerry

From: Gronlund, Eric
Sent: Wednesday, December 28, 2016 10:31 AM
To: 'Jerry Peacock'
Subject: RE: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

This was a test pump conducted by Grosch to determine the drawdown associated with various pump rates. It likely was used in determining sizing for the pump to be placed in the well. If Grosch installed a new pump after this test pump last fall, simply ask them or your renter what the capacity of the installed pump is. Eric

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To: Gronlund, Eric
Subject: Emailing: GPM report from Grosch Irrigation for Eric at DENR0001

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GPM report from Grosch Irrigation for Eric at DENR0001

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 4528A-3, Jerry Peacock

ADDRESS: COUNTY: Douglas

DATE: December 30, 2016 TELEPHONE

RE: diversion rate for center pivot system in the NE ¼ Section 36, T98N, R63W

Dwight Brenner who is the operator of the irrigation system located in the NE ¼ Section 36, T98N, R63W called in response to my email to him regarding the irrigation system's capacity. Mr. Peacock indicated that it was best to contact Mr. Brenner to get this information.

Mr. Brenner stated the center pivot system is nozzled for 650 gallons per minute.

NAME: Eric Brenlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 16, 2017

Mary A Grosz
28407 398th Avenue
Delmont SD 57330

Dear Ms. Grosz:

Please find the report, recommendation and publication notice for a water permit filed by Jerry Peacock to transfer acres for irrigation under Water Right No. 4528-3. This is being sent to you as owner of the land in the N ½ NE ¼ NE ¼ of Section 36, T98N, R63W. There is a letter on file that you are in agreement with Mr. Peacock holding a water right that includes these acres. DENR still wants to make you aware of the application in the event you have any concerns.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4528A-3, Jerry Peacock**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 4528A-3, Jerry Peacock, 3700 Lacosta Drive, Rapid City SD 57703.

The Chief Engineer is recommending APPROVAL of Application No. 4528A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
February 15, 2017

NOTE: The remaining land and diversion rate authorized by Water Right No. 4528-3 in the SW ¼ Section 36, T98N, R63W is subject to abandonment and/or forfeiture for nonuse. The area is currently a gravel pit. You will receive notice of cancellation in the future scheduling cancellation of this unused portion of the water right. Upon cancellation, the water license will be reissued for only the NE ¼ of Section 36. If you have any questions, please contact Eric Gronlund at (605) 773-3352 or eric.gronlund@state.sd.us

REPORT ON APPLICATION NO. 4528A-3

For Jerry Peacock

February 10, 2017

Water Permit Application No. 4528A-3 proposes to amend Water Right No. 4528-3 by transferring a portion of the authority to irrigate to other land. Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second (cfs) from two wells completed in to the Delmont Aquifer (approximately 60 feet deep) located approximately 6 miles southeast of Armour, South Dakota. The wells are located in the center of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36 for irrigation of 216 acres located in the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, all in T98N-R63W in Douglas County. This application proposes to transfer the authority to irrigate 18 acres from the SW $\frac{1}{4}$ to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36 and to utilize the well located in the approximate center of the NE $\frac{1}{4}$ Section 36; all in T98N-63W. This will allow the center pivot located in the NE $\frac{1}{4}$ to make a complete rotation. The remaining portion of authority to irrigate land located in the SW $\frac{1}{4}$ Section 36 will no longer be irrigated and can be scheduled for cancellation. This application, if approved, will authorize a diversion rate of 1.45 cfs to irrigate a total of 132 acres located in the NE $\frac{1}{4}$ Section 36, T98N-R63W.

AQUIFER – DELMONT (D)

The Delmont Aquifer is composed of alluvium and glacial deposits ranging from medium grained sand to coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application; therefore, drawdown will not extend very far from an individual production well. The aquifer underlies 15,700 acres and contains an estimated 35,320 acre feet of recoverable water in Douglas County (Hedges, 1982). Recharge to the Delmont Aquifer has been estimated at 5.6 inches per year (Hedges, 1983); and therefore approximately 7,300 acre-feet per year. Groundwater movement is from northeast to southwest across the area of this application (Kume, 1977). The aquifer extends into Charles Mix County to the south and is hydraulically connected to Choteau Creek.

The Water Rights Program monitors an observation well (DG-57A) completed into the Delmont Aquifer located approximately $\frac{1}{4}$ mile north of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. (Water Rights, 2017). A hydrograph for this observation well is included and labeled as Figure 1.

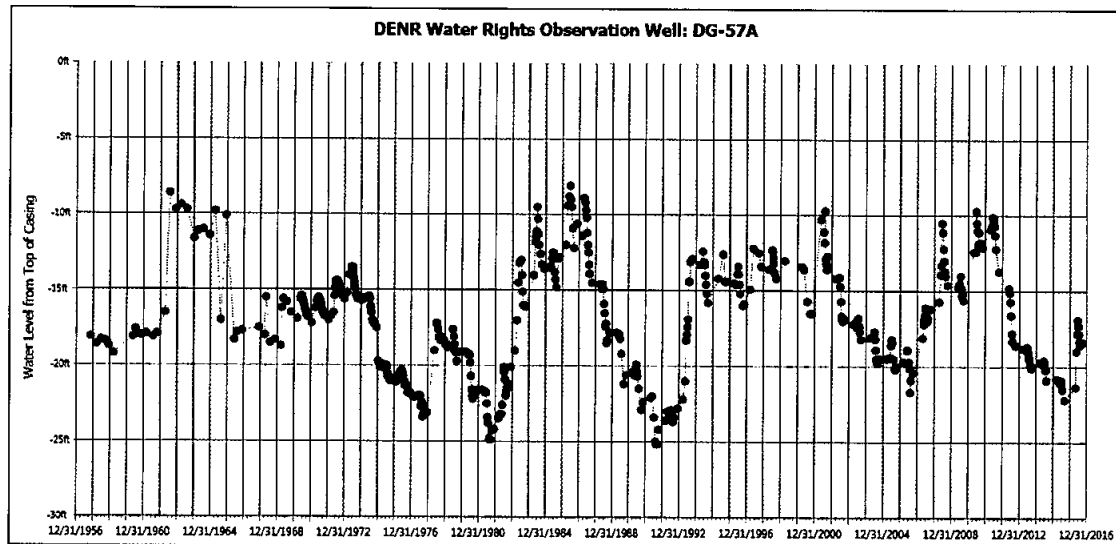


Figure 1. Hydrograph of observation well DG-57A.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The applicant indicates "In order to allow full rotation of center pivot" as reason for the transfer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. The nearest water right appropriating from the Delmont Aquifer is Water Right No. 2010-3 located approximately ¼ mile to the northeast (1.89 cfs for fish and wildlife propagation). The status of this water right is unknown. The water right is held in the name of Byron Runge, but the 2017 plat book indicates the land is owned by Donald and Mary Grosz. Furthermore, a review of current imagery does not indicate a hatchery is in place. This water right should be investigated to determine if it is still in use. Since the Delmont aquifer is under unconfined conditions and that there has not been any reported problems in this area, interference is not expected to be a problem. Existing water rights/permits appropriating ground water located within a one mile radius of this application are shown in Table 1 and Figure 2.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
1805-3	GOETZ	D	IRR	1.9
1895-3	FECHNER	D	IRR	1.91
2010-3	RUNGE	D	FWP	1.89
2144-3	GROSZ	D	IRR	1.67
4528-3	PEACOCK	D	IRR	2.67
4535-3	SANDERS	D	IRR	1.56
4670-3	GOETZ	D	IRR	1.78
6396-3	BUHLER	D	IRR	1.11

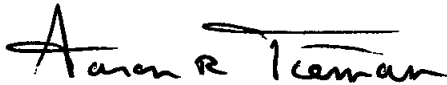
Table 1. Water rights/permits within a one mile radius of the application.



Figure 2. Approximate location of diversion points for water rights/permits appropriating water from the Delmont aquifer within a one mile radius of Application No 4528A-3.

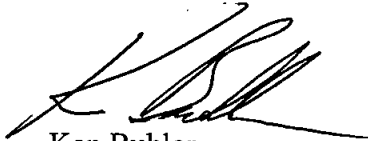
CONCLUSIONS

1. Water Permit Application No. 4528A-3 proposes to amend Water Right No. 4528-3 by transferring a portion of the irrigated acreage to other land.
2. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel, subject to existing rights.
3. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
4. Diversions from the well site proposed by this application are not expected to adversely impact existing water rights.



Aaron R. Tieman
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

BIBLIOGRAPHY

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., and others, 1983, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57769.

Water Right, 2017, Unpublished Observation Well Data for Douglas County, SD DENR, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Affidavit Of Publication

STATE OF SOUTH DAKOTA

County of Douglas

RECEIVED

MAR - 6 2017

WATER RIGHTS
PROGRAM

GERRI K. OLSON of said County and State, being first duly sworn, on her oath says: **THE ARMOUR CHRONICLE** is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by **GERRI K. OLSON** and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bonafide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Water Notice

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 2 28 20 17
the second publication being made on 20
the third publication being made on 20
the fourth publication being made on 20
the fifth publication being made on 20
the sixth publication being made on 20
the seventh publication being made on 20
the eighth publication being made on 20

that \$ 25.94 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Gerri K. Olson

Gerri K. Olson

Subscribed and sworn to before me this _____ day of _____, 20____

Gerri K. Olson

Notary Public, Douglas County, South Dakota

My Commission Expires Aug. 2020

Notice of application No. 4528A-3 to Amend Water Right No. 4528-3

Notice is given that Jerry Peacock, 3700 Lacosta Dr, Rapid City SD 57703, has filed an application to amend Water Permit No. 4528-3 by transferring a portion of the irrigated acreage to other land.

Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (60 feet deep) located in the center of the NE 1/4 and the NE 1/4 SW 1/4 Section 36 for irrigation of 216 acres located in the NE 1/4 and the N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T98N-R63W. This application proposes to transfer 18 acres from the SW 1/4 to the NE 1/4 NE 1/4 Section 36 and to utilize the well located in the approximate center of the NE 1/4 Section 36; all in T98N-R63W. This will allow the center pivot in the NE 1/4 to make a complete rotation. The remaining acreage in the SW 1/4 Section 36-T98N-R63W is no longer irrigated. This application, if approved, will authorize a diversion rate of 1.45 cfs to irrigate a total of 132 acres in the NE 1/4 Section 36.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4528A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 10, 2017.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner,
Secretary, Department of Environment
and Natural Resources.

Published two times at the total approximate cost of \$25.94.

7/12/28

RECEIVED

MAR - 2 2017

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION NO.
4528A-3 to Amend
Water Right No. 4528-3**

Notice is given that Jerry Peacock, 3700 La-costa Dr, Rapid City SD 57703 has filed an application for a water permit to amend Water Permit No. 4528-3 by transferring a portion of the irrigated acreage to other land. Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (60 feet deep) located in the center of the NE 1/4 and the NE 1/4 SW 1/4 Section 36 for irrigation of 216 acres located in the NE 1/4 and the N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T98N-R63W. This application proposes to transfer 18 acres from the SW 1/4 to the NE 1/4 NE 1/4 Section 36 and to utilize the well located in the approximate center of the NE 1/4 Section 36; all in T98N-R63W. This will allow the center pivot in the NE 1/4 to make a complete rotation. The remaining acreage in the SW 1/4 Section 36-T98N-R63W is no longer irrigated. This application, if approved, will authorize a diversion rate of 1.45 cfs to irrigate a total of 132 acres in the NE 1/4 Section 36.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4528A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 10, 2017.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner,
Secretary,
Environment and
Natural Resources.
Published once at the total approximate cost of \$78.57

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Tuesday, February 28, 2017

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$78.57

Signed: Penny Hohbach

Subscribed and sworn to before me this 28th day of February, 2017.

Melina Seppala

Notary Public
County of Davison

My Commission Expires: 4-15-20

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

MELISSA SEPPALA
Notary Public
SEAL
South Dakota

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, February 16, 2017 9:58 AM
To: Armour Chronicle (chronicle@unitelsd.com)
Subject: 4528A-3, Jerry Peacock
Attachments: 4528A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on February 28, 2017.

Jerry Peacock, 3700 Lacosta Dr, Rapid City SD 57703 (605 348-7570 or cell 605 381-9880) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, February 16, 2017 9:59 AM
To: 'phohbach@mitchellrepublic.com'
Subject: 4528A-3, Jerry Peacock
Attachments: 4528A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on February 28, 2017.

Jerry Peacock, 3700 Lacosta Dr, Rapid City SD 57703 (605 348-7570 or cell 605 381-9880) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

February 16, 2017

Jerry Peacock
3700 Lacosta Dr
Rapid City SD 57703

Dear Mr. Peacock:

Water Permit Application No. 4528A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Armour Chronicle printed at Armour SD (Ph # 605-724-2747) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 4528A-3 to Amend Water Right No. 4528-3

Notice is given that Jerry Peacock, 3700 Lacosta Dr, Rapid City SD 57703 has filed an application for a water permit to amend Water Permit No. 4528-3 by transferring a portion of the irrigated acreage to other land. Water Right No. 4528-3 appropriates 2.67 cubic feet of water per second (cfs) from two wells completed into the Delmont Aquifer (60 feet deep) located in the center of the NE 1/4 and the NE 1/4 SW 1/4 Section 36 for irrigation of 216 acres located in the NE 1/4 and the N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T98N-R63W. This application proposes to transfer 18 acres from the SW 1/4 to the NE 1/4 NE 1/4 Section 36 and to utilize the well located in the approximate center of the NE 1/4 Section 36; all in T98N-R63W. This will allow the center pivot in the NE 1/4 to make a complete rotation. The remaining acreage in the SW 1/4 Section 36-T98N-R63W is no longer irrigated. This application, if approved, will authorize a diversion rate of 1.45 cfs to irrigate a total of 132 acres in the NE 1/4 Section 36.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4528A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 10, 2017.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

APR 26 2017

Jerry Peacock
3700 Lacosta Drive
Rapid City SD 57703

Dear Mr. Peacock:

Enclosed is Water Permit No. 4528A-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



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



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

January 14, 2025

NOTICE

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

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528A-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4528A-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 4528A-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.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JMSDGS**

cc: 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

4528A-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4528A-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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

cc: JERRY PEACOCK, 3700 LACOSTA DR, RAPID CITY, SD 57703-6926