

WATER PERMIT NO. 4612A-3

Name of Applicant: Oscar, Inc.

Address: 18892 390th Ave, Hitchcock SD 57348

Phone: 605 266-2747

Amount of Water Claimed: 1.78 cfs

Total Acres: 132

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 15 miles northeast of Hitchcock

PRIORITY

Date Received: 6-21-2002

Application/License Fee: \$100

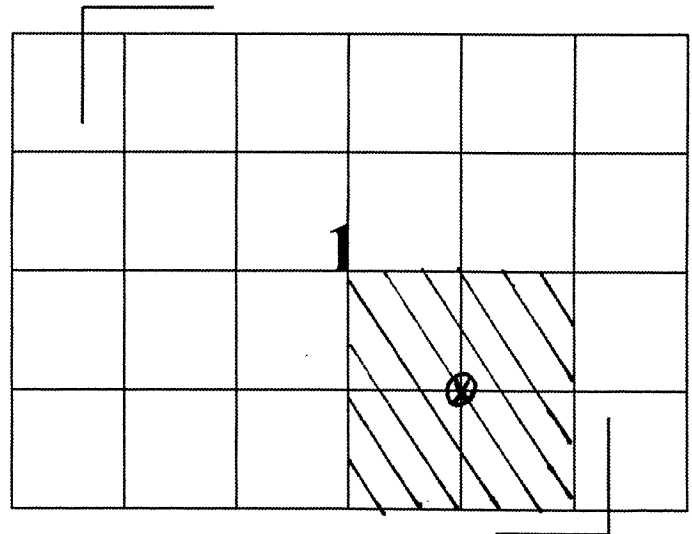
Corrected Application Received:

Period of Annual Use: April 1 – November 30

Remarks: Severe right to irrigate lands authorized by No. 4612-3 & simultaneously transfer to new lands

Diversion Point: SW ¼ Sec 1-T114N-R62W

Land to be Irrigated: SW ¼ Sec 1-T114N-R62W



Depth of Well: approximately 100 feet deep

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-25-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 4612A-3 FOR IRRIGATION

Date of first receipt of application June 21, 2002.

The Water Management Board approved Water Permit No. 4612A-3 on September 25, 2002 for Oscar, Inc., 18892 390th Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4612A-3 amends Water Right No. 4612-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4612-3 appropriates 1.78 cubic feet of water per second (cfs) from one well located in the center of the NE ¼ Section 3 to irrigate 132 acres located in the NE ¼ Section 3; all in T114N-R61W. This permit authorizes moving the center pivot approximately 4 miles west with the well to be located in the approximate center of SW ¼ Section 1 to irrigate 132 acres located in the SW ¼ Section 1; all in T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period April 1 – November 30.
3. The date from which applicant may claim right is December 22, 1980 (established by No. 4612-3).
4. One-fifth of the construction is to be completed on or before March 25, 2005.
5. All construction is to be completed on or before September 25, 2007.
6. Water is to be put to beneficial use on or before September 25, 2011.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 4612A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The 132 acres located in the NE ¼ Sec. 3-T114N-R61W originally authorized for irrigation by Water Right No. 4612-3 shall no longer be irrigated once the irrigation system begins operating in the SW ¼ Sec. 1-T114N-R62W. The well located in the center of the NE ¼ Sec. 3 shall be plugged in accordance with well construction standards.

WATER MANAGEMENT BOARD

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

OCT 25 2002

date



Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 4612A-3 Hydrologic Unit 10160006
Basin James River
Newspaper Redfield Press, Redfield

RECEIVED
JUN 21 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 4612-3
(Use predates Mar 2, 1955)

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

Severe right to irrigate lands currently authorized by Water Right No. 4612-3 and simultaneously transfer to new lands pursuant to SDCL 46-5-34 (including a new point of diversion)

- Name of Applicant Oscar, Inc. Phone 266-2747
(check one) Owner Tenant/lessee
Mailing Address 18892 390th Avenue, Hitchcock SD State 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground water - 1 well
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Approximate center of the SW 1/4 Section 1, T114N, R62W
County Spink
- County or counties where water will be used Spink
- Annual period during which water is to be used April 1 through November 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SW 1/4 Section 1, T114N, R62W	33	NE 1/4 SW 1/4 Section 1, T114N, R62W	33
SW 1/4 SW 1/4 Section 1, T114N, R62W	33	SE 1/4 SW 1/4 Section 1, T114N, R62W	33

- Give a description of the project. It is my intention to transfer the irrigation acres and change the point of diversion authorized by Water Right No. 4612-3 to the SW 1/4 of Section 1, T114N, R62W. I understand this can be done pursuant to SDCL 46-5-34 if it becomes impracticable to use all or any part of the beneficially or economically for irrigation of currently irrigated lands. My reasons for wanting to make this change are to: 1) have the system closer to the home place; and 2) most importantly because the soils at the proposed location are better and more suitable for irrigation. The field presently irrigated also has a number of low spots.

STATE OF SOUTH DAKOTA) SS

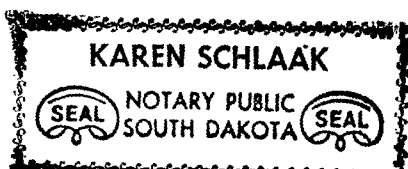
County of Hughes

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

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

Applicant's signature

Subscribed and sworn to before me this 21st day of June 20 02



Karen Schlaak
Notary Public signature
my commission expires 4/01/07

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth Approx. 100 feet
- b) Casing Type Plastic Diameter 16 in Thickness _____
- c) Screen Type ~~Stainless~~ Plastic Diameter 16 in Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property Approx. ¼ mile On property owned by others Approx. ½ mile

2. Wastewater Disposal System Information

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

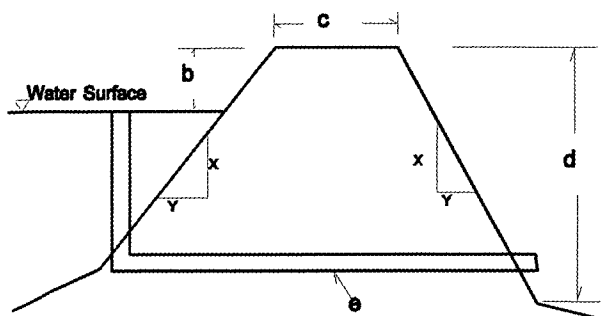
3. Dugout Information

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

4. Water Storage Dams

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

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



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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6287-3 (domestic)

07-92

Location SW 1/4 SW 1/4 Sec 1 Twp 114 Rg 62

County Spink

North

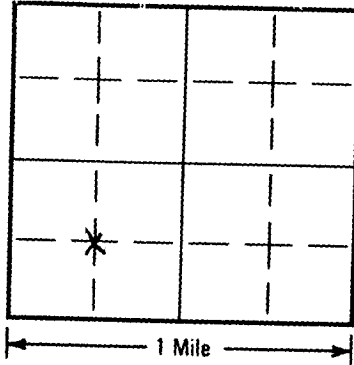
Please mark well location with an "X"

W

E

Well Completion Date

4/18/02



LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>16</u> IN	<u>0</u> FT	<u>73</u> FT	<u>25</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

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

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 20 FEET

Material PVC

Slot Size .057 Set From 73 Feet to 93 Feet

Other information _____

Gravel Packard

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

_____, NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Oscar Peterson

Business Name: _____

Address: 18392 390 av

Hutchinson S.D.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow clay</u>	<u>0</u>	<u>19</u>
<u>yellow sand</u>	<u>19</u>	<u>40</u>
<u>coarse yellow sand</u>	<u>40</u>	<u>55</u>
<u>med gray sand</u>	<u>55</u>	<u>60</u>
<u>med gray sand</u>	<u>60</u>	<u>70</u>
<u>coarse gray sand</u>	<u>70</u>	<u>93</u>

STATIC WATER LEVEL 29 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

47-8 ft. After 6 Hrs. pumped 950 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Drilling

Signature of License Representative: _____

R.E. Sechl

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

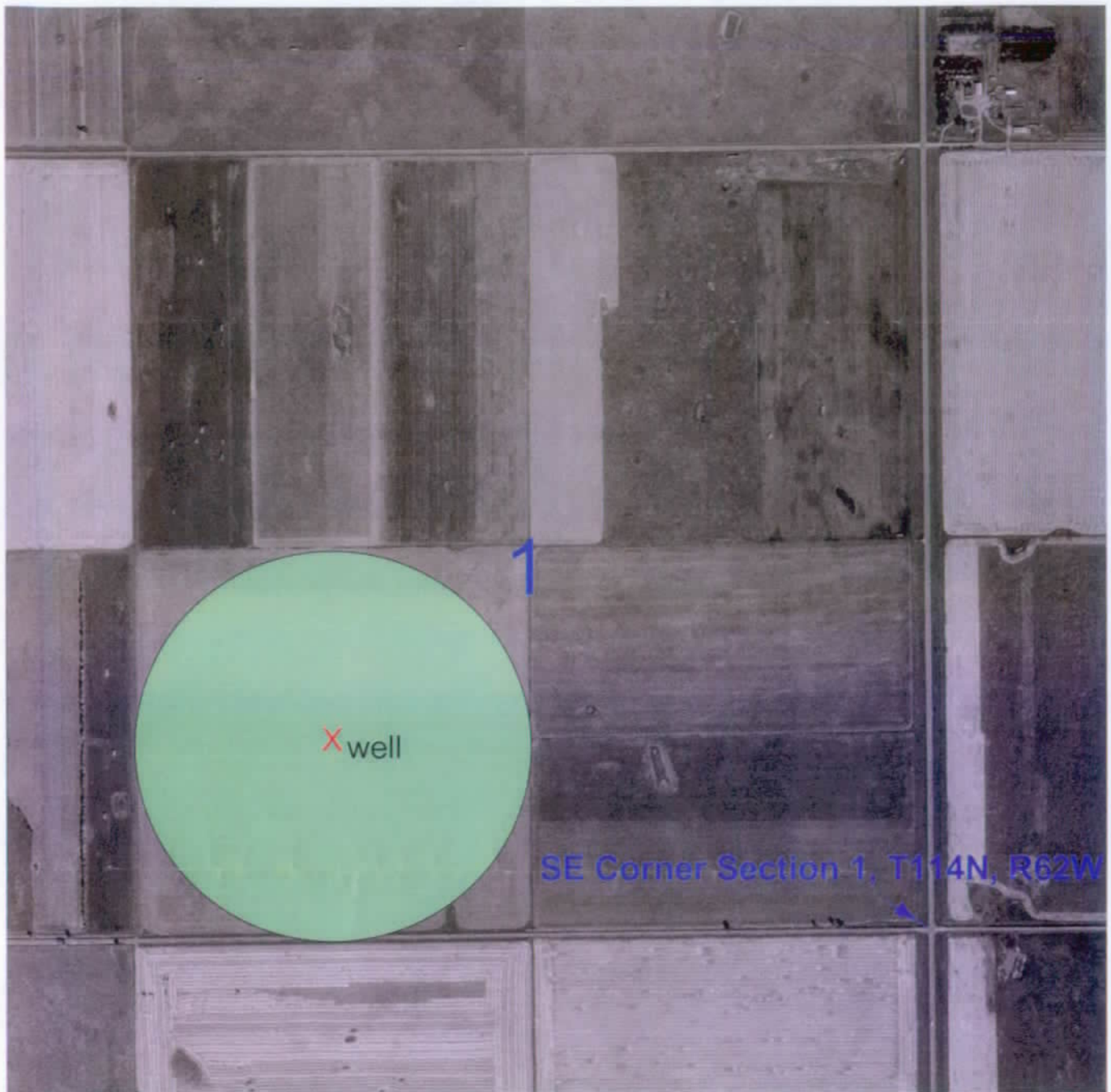
JAN 06 2003

Date: _____

WATER RIGHTS PROGRAM

Water Right Permit Application for Oscar, Inc. to amend Water Right No. 4612-3

Transfer of Irrigated Acreage and Change of Diversion Point



All in Section 1, T114N, R62W



Eric Gronlund
Eric Gronlund
Water Rights Program



4612A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April
October 27, 2002

Floyd Peterson
18892 390th Avenue
Hitchcock SD 57348

Dear Mr. Peterson:

Here is a partially completed application for you to transfer the irrigated acreage and change the diversion point authorized by Water Right No. 4612-3. In completing the application for these new acres, I followed the previous new application that was recently denied by the Water Management Board. Please review this application very carefully to ensure it accurately reflects your planned irrigation. If you need to make changes, I enclosed a blank application form for you to complete.

If everything is okay, then sign the application in the presence of a notary public and send back to me in the self addressed stamped envelope along with the application filing fee of \$100.

There are a few things I want to point out to you to make sure you are aware of:

- The amount of water under this application is only 1.78 cfs (800 gpm) whereas your recently denied application was for 1.94 cfs (870 gpm).
- The amount of acres that may be transferred are 132 acres since that is all that was developed under Water Right No. 4612-3. Your recently denied application proposed to irrigate 136 acres.

This application, if approved, will be limited to quantities developed and historically irrigated under Water Right No. 4612-3.

Finally, if this application to amend the water right is granted, you will no longer have the right to irrigate the NE ¼ of Section 3 T114N, R61W. The well located there will either have to plugged or capped in accordance with well construction standards.

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

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417198

Pierre, June 21, 20 02

RECEIVED OF Oscar Inc., 18892 390th Ave., Hitchcock, SD 57348-7707

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

Fee for Application for Permit No. <u>4612A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4612A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By

Chief Engineer

Danland E. E. E.

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 18, 2002

Floyd Peterson
Oscar, Inc.
18892 390th Ave.
Hitchcock, SD 57348

Dear Mr. Peterson:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Pullman Drilling Inc is authorized to construct a test well for Oscar, Inc., in the SW¼ Sec. 1, T114N-R62W. The well is to be completed into the East James management unit of the Tulare aquifer. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 4612A-3

For Oscar Inc.
August 8, 2002

Application No. 4612A-3 proposes to amend Water Right No. 4612-3 by transferring the irrigated acreage and point of diversion to other lands. Water Right No. 4612-3 appropriates 1.78 cfs from one well located in the center of the NE $\frac{1}{4}$ of section 3 to irrigate 132 acres located in the NE $\frac{1}{4}$ of section 3; all in T114N R61W. This application proposes to move the irrigated land and diversion point approximately four miles west. The well will be located in the approximate center of the SW $\frac{1}{4}$ of section 1 to irrigate 132 acres located in the SW $\frac{1}{4}$ of section 1; all in T114N R62W in Spink County. The water source for this irrigation system is the Tulare-East James aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

AQUIFER – TULARE – EAST JAMES (T-EJ)

The Tulare East James is an outwash (sand and gravel) which can be either under confined or artesian conditions. No test well has been drilled at this site however, nearby observation well information indicates the aquifer beginning 26 feet below land surface and extending to a depth of 87 feet. The water level in the aquifer has varied from a low of about 34 feet to a high of about 26 feet all below land surface. This observation well is SP-77U and a hydrograph (water levels vs. time) is included with this report. For a discussion of the hydrologic budget concerning the Tulare East James aquifer see the Report on Water Permit Application No. 6287-3 (Goodman, 2002).

The Water Management Board has determined that the Tulare East James is fully appropriated based upon water use from the aquifer. The Water Management Board denied water Permit Application No. 6287-3 in March of 2002.

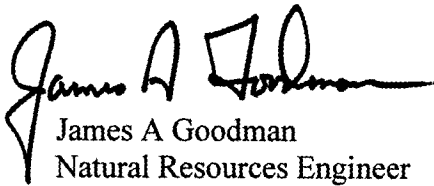
This application proposes to move or transfer irrigated lands and to drill a new well to supply water to those lands. Both the existing right No. 4612-3 and this proposed application obtain water from the Tulare East James aquifer, so the water source is the same. The new well is closer to existing irrigation wells but is still in an area where drawdown is not significant. This is shown by the observation well hydrograph (Water Rights, 2002).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water right No. 2729-3 located in the next quarter section west of this application. The well for that application is located about $\frac{1}{2}$ mile west of the proposed well. The next nearest water right is 2418-3 that is located about $\frac{1}{2}$ mile east of this application. The well for this right is more than $\frac{1}{2}$ mile east and south of the proposed well. Interference is not a concern. Drawdown created by pumping does not extend very far from individual production wells in this area of the aquifer.

CONCLUSIONS

1. This application and the existing water right No. 4612-3 obtain water from the Tulare East James aquifer.
2. Moving the irrigated lands and the diversion point will not adversely affect any other water permit/right holder in the area.
3. The well under right No. 4612-3 will now be considered abandoned and must be plugged pursuant to SD Well Construction Standards.
4. SDCL 46-5-34 allows for this type of transfer and the applicant indicates that this land is nearer to his home place and that the soils at the proposed location are better and more suitable for irrigation. Approval of this application will allow transfer of 1.78 cfs to irrigate 132 acres with a December 20, 1980 priority date.



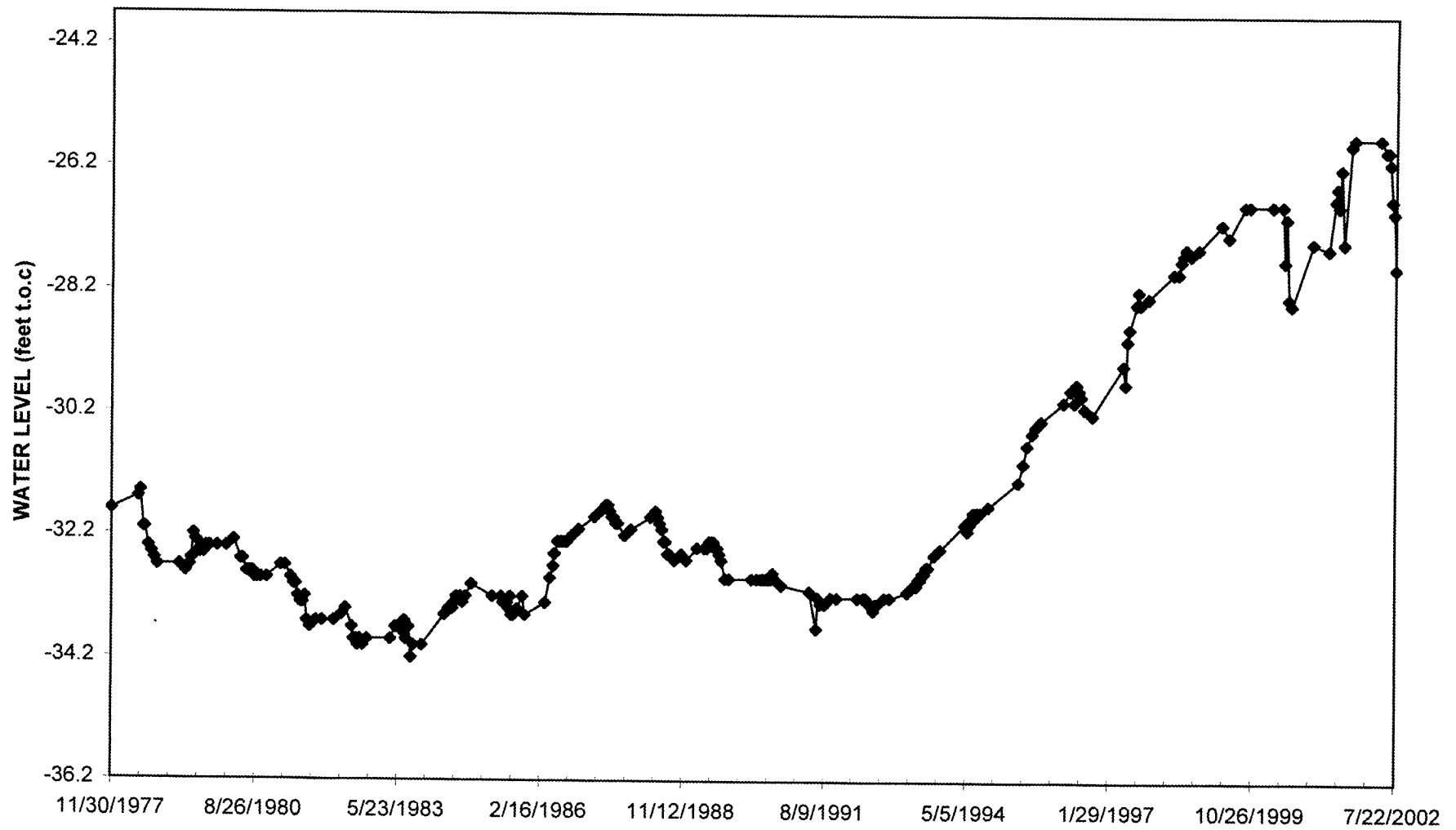
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 2002, Report on Water Permit Application No. 6287-3 for Oscar, Inc., SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2002, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
SP-77U**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4612A-3, Oscar, Inc.**

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. 4612A-3, Oscar, Inc., c/o Floyd Peterson, 18892 390th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 4612A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 4612A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 14, 2002

NOTE: The 132 acres located in the NE $\frac{1}{4}$ Section 3, T114N, R61W originally authorized for irrigation by Water Right No. 4612-3 shall no longer be irrigated once the irrigation system begins operating in the SW $\frac{1}{4}$ Section 1, T114N, R62W. The well located in the center of the NE $\frac{1}{4}$ Section 3 shall be plugged in accordance with well construction standards.

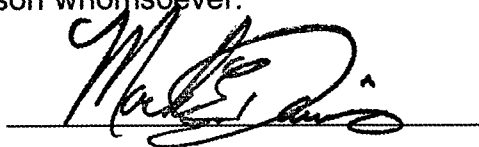
Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

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

#169 Notice of Application

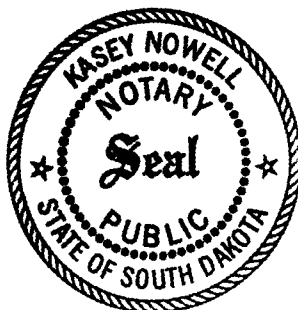
A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on August 21, 2002 and the last publication being made on August 28, 2002 that the full amount of the fee charged for publishing the same to-wit: the sum of Forty-Seven and 13/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 6th day
of September, 2002.


Notary Public, South Dakota

My term expires 08/16/08



Notice of Application

No. 169

NOTICE OF APPLICATION NO. 4612A-3

Notice is given that Oscar, Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed Application No. 4612A-3 which requests to amend Water Right No. 4612-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4612-3 appropriates 1.78 cubic feet of water per second (cfs) from one well located in the center of the NE 1/4 Section 3 to irrigate 132 acres located in the NE 1/4 Section 3; all in T114N-R61W. This application proposes to move the center pivot approximately 4 mile west with the well to be located in the approximate center of SW 1/4 Section 1 to irrigate 132 acres located in the SW 1/4 Section 1; all in T114N-R62W. The water source for this irrigation system is the Tulare: East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (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. Mr. Peterson indicates as his justification for this change that the land is nearer to his home place and the soils at the proposed location are better and more suitable for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4612A because 1) existing rates will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also 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 September 13, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the appli-

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SEP 09 2002
WATER RIGHTS
PROGRAM

cation, 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.

The Water Management Board will consider this application at 10:00A.M. September 25, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The September 25, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 13, 2002.

Any hearing may be adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 13, 2002, at the ~~above~~ Water Rights Program address to request copies of information ~~pertain~~ing to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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

(August 21, 28)

Instruction to Newspaper - Publish first Notice on August 21, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 4612A-3

Notice is given that Oscar, Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed Application No. 4612A-3 which requests to amend Water Right No. 4612-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4612-3 appropriates 1.78 cubic feet of water per second (cfs) from one well located in the center of the NE ¼ Section 3 to irrigate 132 acres located in the NE ¼ Section 3; all in T114N-R61W. This application proposes to move the center pivot approximately 4 miles west with the well to be located in the approximate center of SW ¼ Section 1 to irrigate 132 acres located in the SW ¼ Section 1; all in T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (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. Mr. Peterson indicates as his justification for this change that the land is nearer to his home place and the soils at the proposed location are better and more suitable for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4612A 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 September 13, 2002. 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.

The Water Management Board will consider this application at 10:00 A.M. September 25, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The September 25, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 13, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 13, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

(continued)

... application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, (46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru) 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.; Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 15, 2002

Oscar, Inc.
% Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Water Permit Application No. 4612A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Redfield Press printed at Redfield, SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 15, 2002

Redfield Press
PO Box 440
Redfield, SD 57469-0440

ATTENTION: Legal Public Notice

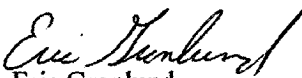
Enclosed is a Notice of Hearing on Application No. 4612A-3 to Appropriate Water to be published twice. Please publish the first notice on August 21, 2002 with the second publication 7 days later.

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

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 4612 A-3

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

Date _____

We are in receipt of your letter of August 15, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 4612A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 25 2002

Oscar Inc.
% Floyd Peterson
18892 390th Avenue
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is Water Permit No. 4612A-3 authorizing construction of your 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,

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

enclosures

Permit Nos. 4612A-3
James River - Water District

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

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

I have these days, June 30, 2005, made a thorough examination of the water use system constructed by Oscar, Inc., c/o Floyd "Oscar" Peterson, 18892 390th Avenue, Hitchcock SD 57348 holder of Permit No. 4612A-3, bearing the priority of December 22, 1980 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Tulare:East James Aquifer for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

One well completed into the Tulare:East James Aquifer equipped with Western Land Roller pump and Amarillo gear drive. A 150 hp John Deere John Deere diesel (4045) is used at the power source.

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

An 8" suction line from the well to the center pivot

C. Works used to apply water to beneficial use:

A T-L 8 tower center pivot

The system is in the following condition excellent. The point of diversion is located approximately 1,320 feet north and 1,320 east of the SW corner of Section 1, T114N, R62W (Lat N 44.708543 W-098.3235981). The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 1, T114N, R62W

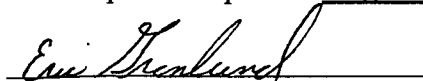
NW ¼ SW ¼	33 acres	NE ¼ SW ¼	33 acres
SW ¼ SW ¼	33 acres	SE ¼ SW ¼	33 acres

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs. Water Right No. 4612-3 and 4612A-3 should be incorporated in the licensing of No. 4612A-3.

Applicable permit qualifications have been complied with: No

Exceptions to compliance are: Could not find that well authorized by Water Right No. 4612-3 had been plugged as required by Permit No. 4612A-3. Diversion rate of 1.78 cfs authorized by Water Right No. 4612-3 may be being exceeded if the system actually produces 1.89 cfs as stated by Mr. Peterson.

Date Report Completed: August 2, 2005



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 4612A-3

DATE OF INVESTIGATION:	June 30, 2005
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Floyd "Oscar" Peterson 18892 390 th Avenue Hitchcock SD 57348
NAME & ADDRESS OF PERMIT HOLDER	Same

DIVERSION POINT LEGAL LOCATION: approximately 1,320 feet north and 1,320 east of the SW corner of Section 1, T114N, R62W (Lat N 44.708543 W-098.3235981).

WELL INFORMATION:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 93 feet
- 4) Well log is available yes

Comment

- 1) Diameter 16 inches
- 2) Length 73 feet
- 3) Type

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 29 feet

Pump on Well

- 1) Make Western Land Roller (Amarillo Gear Drive 560A)
- 2) Size
- 3) Capacity 850 gpm

Motor

- 1) Make John Deere (diesel)
- 2) Model No 4045 TF150
- 3) Horsepower rating 150 hp

DISTRIBUTION LINES OR CANALS: from well to center pivot

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length feet

SYSTEM TYPE:

Center pivot:

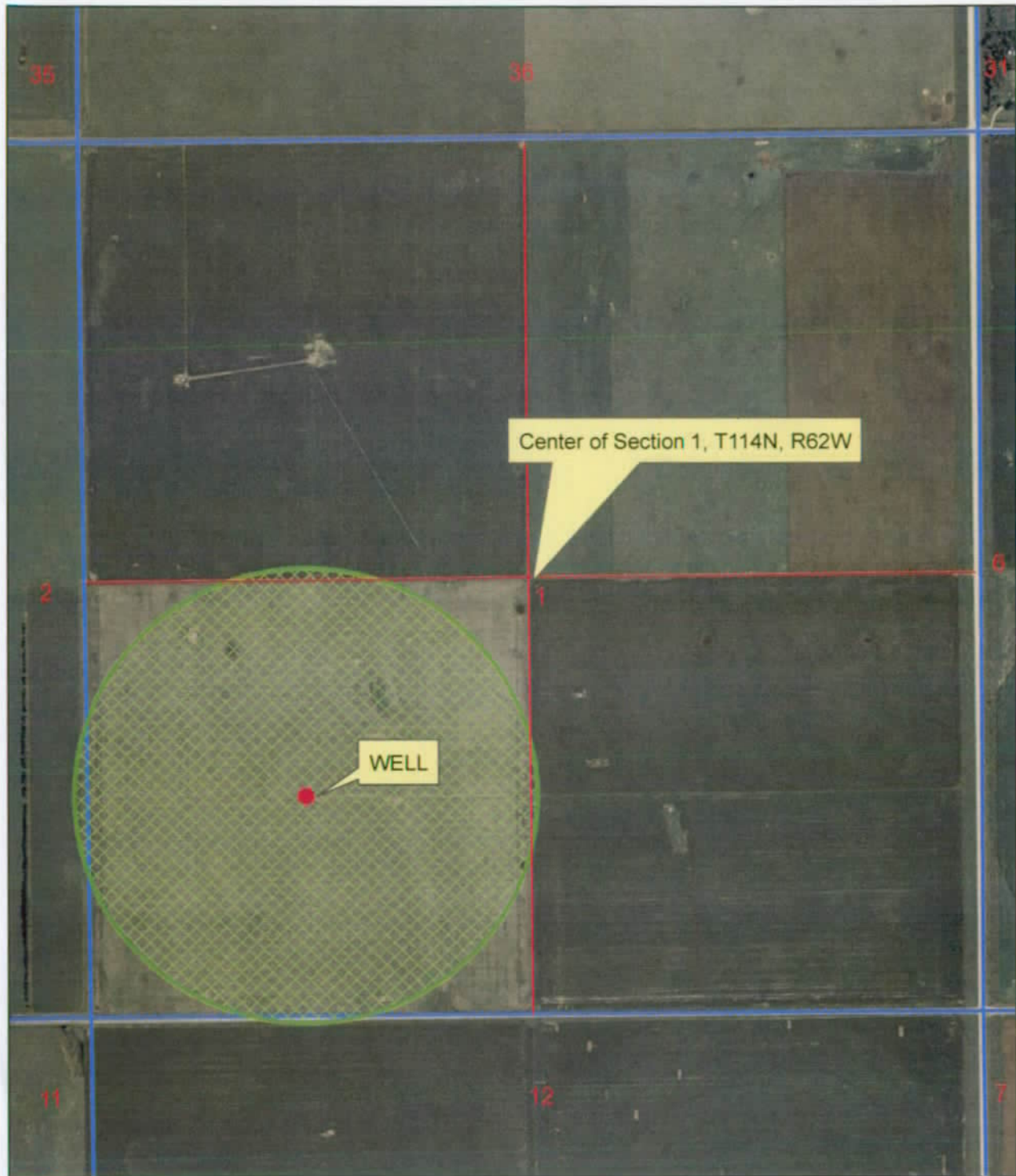
- 1) Make T-L
- 2) Overall length 1200 feet
- 3) Number of towers 8
- 4) Distance between towers 150 feet
- 5) End gun Yes
- 6) High or low pressure medium
- 7) Capacity 850 GPM

CHEMIGATION EQUIPMENT: no chemigation at time of licensing investigation

PERMIT QUALIFICATIONS:

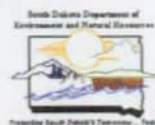
- 1) Special qualifications to permit being abided by No -- Could not find that well authorized by Water Right No. 4612-3 had been plugged as required by Permit No. 4612A-3. Diversion rate of 1.78 cfs authorized by Water Right No. 4612-3 may be being exceeded if the system actually produces 1.89 cfs as stated by Mr. Peterson.
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

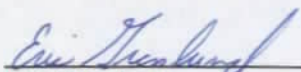
COMMENTS: With the recent rains the trail into the pivot was too wet to travel. Mr. Peterson said the well, motor and pivot was the same set-up as Permit Nos. 6332-3 and 6196-3



0 550 1,100 2,200 3,300 4,400 Feet

Well is located approximately 1,320 feet north and 1,320 feet east of
the SW corner of Section 1, T114N, R62W
Lat/Lon N44.708543 W-98.3235981




Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - June 30, 2005

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4612A-3

(1) Oscar, Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 made Application No. 4612A-3, June 21, 2002 for a water permit to amend Water Right No. 4612-3 by transferring the irrigated acreage and point of diversion to other land. The water source for this irrigation system is the Tulare:East James Aquifer. No. 4612A-3 did not allow for an increase in the diversion rate or number of acres irrigated. Permit No. 4612A-3, with a priority date of December 22, 1980 (established by No. 4612-3) was approved September 25, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 25, 2007 and for the application to beneficial use of water on or before September 25, 2011.

The applicable portions of Water Right No. 4612-3 are incorporated into Water Right No. 4612A-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 4612A-3 is issued a license, bearing a priority date of December 22, 1980 to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 132 acres.

The diversion point is located: approximately 1,320 feet north and 1,320 feet east of the southwest corner of Section 1-T114N-R62W (center SW ¼). The acres authorized for irrigation are as follows:

Section 1-114N-R62W			
NW ¼ SW ¼	33 acres	NE ¼ SW ¼	33 acres
SW ¼ SW ¼	33 acres	SE ¼ SW ¼	33 acres
Total 132 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4612A-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 4612A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- The 132 acres located in the NE ¼ Sec. 3-T114N-R61W originally authorized for irrigation by Water Right No. 4612-3 shall no longer be irrigated once the irrigation system begins operating in the SW ¼ Sec. 1-T114N-R62W. The well located in the center of the NE ¼ Sec. 3 shall be plugged in accordance with well construction standards.



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

SEP 30 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Oscar Inc.
c/o Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed are the following: Water License Nos. 4612A-3, 6182-3, 6183-3, 6196-3, 6200-3, 6231-3 and 6332-3. These are the final water right documents completing the process of obtaining Water Rights.

As long as you use the water beneficially, as stated in the Water Licenses, State Water Laws provides that you have a continuing right to use the water.

Sincerely,

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

enclosures

4612A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2010

Floyd Peterson
209 27th St NW
Huron SD 57350-5010

RE: Water Right or Permit Nos. 616-3, 1509-3, 3255-3, 4612A-3, 5601-3 6182-3, 6183-3,
6196-3, 6200-3, 6231-3, 6312A-3, 6332-3, 6400-3, 6655-3, 6711A-3, 6331A-3, 7125-3
& 7183-3

Dear Oscar:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaires.

The notice was originally mailed to 18892 30th Ave, Hitchcock SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures