

10170102

VR

1. Considered: \_\_\_\_\_, 19\_\_\_\_ Water Right No. 4961-3
2. Name of Applicant PAUL A PETERSON
3. Post Office Address Rt. 1, Box 4A, Hurley 57036
4. Amount of Water Claimed 1.14 maximum acre feet \_\_\_\_\_
5. Source of Water Supply one 40' well (Parker - Centerville aquifer)
6. Water to be used for \_\_\_\_\_ IRR \_\_\_\_\_ acres to be irrigated 80.00
7. County Turner about 1 miles N of Hurley
8. PROOF OF PUBLICATION: Received 6-3-83 (6/19/83) Not Received \_\_\_\_\_
- APPLICATION: Approved 7-20-83 Subject to Well Interference, I.Q.
- Not Approved \_\_\_\_\_ Action Deferred \_\_\_\_\_

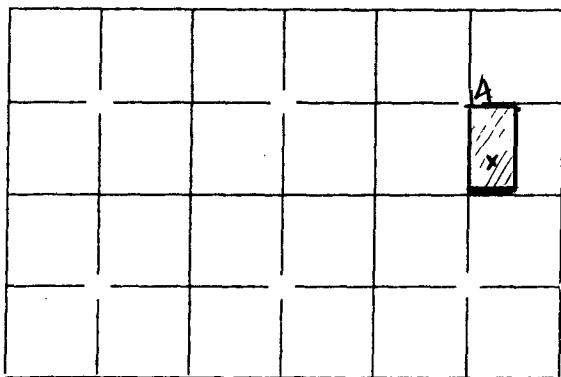
PRIORITY

Dated Received 4/25/83 Application complete-yes \_\_\_\_\_ no \_\_\_\_\_ FEE 225.00

Remarks \_\_\_\_\_

Corrected Application received \_\_\_\_\_ Period of Annual Use 4/1 to 11/1Received yes 5/9/83 no \_\_\_\_\_ APPROVED CONDITIONAL (Circle one)WI-1 Description same as application yes no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_ Returned \_\_\_\_\_

Diversion Point \_\_\_\_\_  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  14-98-53Land to be irrigated \_\_\_\_\_  
W $\frac{1}{2}$  SE $\frac{1}{4}$  14-98-53

LOG

Driller Jon Reimers Licensed - yes 478 no \_\_\_\_\_Depth 40' well

Remarks \_\_\_\_\_

Water Right No. \_\_\_\_\_

MAP Map No. 4961-3 Map located in Water Right ✓ Map file \_\_\_\_\_  
Type of Map Aerial Prepared by scs Turner County

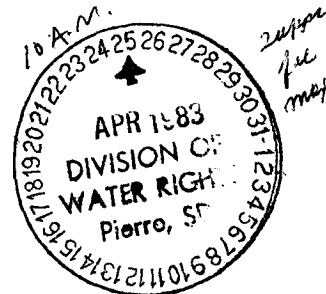
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

5/10/83

Bjornlund  
(Signed)

PROTESTS Letters/Petitions in File - yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

REMARKS Date  
F.F. & C. Final Decision, including F.F. & C. of Law were adopted \_\_\_\_\_  
OF LAW, Date  
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was  
DECISIONS adopted \_\_\_\_\_  
ETC. Remarks \_\_\_\_\_



No. 4961-3  
 Map No. 4961-3 Water Division No. 3 VERMILLION RIVER District  
 Above for Office Use 10170102

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

Check one of the following:

New ☒ Vested Right \_\_\_\_\_ Future Use \_\_\_\_\_

Change in Diversion \_\_\_\_\_ Additional Diversion \_\_\_\_\_

Change in Acreage \_\_\_\_\_ Additional Acreage \_\_\_\_\_

1. Name of Applicant Paul A. Petersen Phone No. 238-5791  
 Post Office Address Rt. 1 Box 4A, Hurley State S. D. 57036  
 (Street, RR, or Box) (Town) (Zip Code)  
 If a corporation show date and place of incorporation no

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work Paul A. Petersen Irrigation System #14. Amount of water claimed (cubic feet per second) -1.6- (1.14 MAX ALLOWABLE) 720 gpm required to run Center Pivot5. Source of water supply well

6. Location of point of diversion Approx. 120 rods NW of the SE corner of Sec. 14-98-53  
(SW<sup>4</sup>SE<sup>4</sup>)

County Turner  
 7. Annual period or periods during which water is to be used April - November

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 80

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

| Land Description                             | No. Acres Irr. |
|----------------------------------------------|----------------|
| The NW <sup>1</sup> SE <sup>4</sup> 14-98-53 | 40             |
| The SW <sup>4</sup> SE <sup>4</sup> 14-98-53 | 40             |
|                                              |                |
|                                              |                |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 5 years. Additional time required to complete application of water to the proposed beneficial use 2 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Hurley Leader, Hurley, S. D. 57036

12. Principal Features of the Proposed Water Supply System.

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

Elec. Pump

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

Buried Pipeline to C. P.

C. Works proposed to apply water to beneficial use.

C. P. Sprinkler System (tow to 4 2 locations)  
 C.P. on hand

Estimated Total Cost \$ 10,000.00

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

STATE OF SOUTH DAKOTA )

County of Turner ) ss.

I, Paul Petersen the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Paul Petersen  
 Subscribed and sworn to before me this 16th day of April, 1983  
Carlene Serber  
 Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4961-3

Paul Peterson

(Applicant)

RT. 1 Box 4A

Hurley

(Post Office Address)

South Dakota

(State)

With the following qualifications:

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

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

Date of first receipt of application

April 25, 1983

Date of return to applicant for correction, amendments or changes required

—, 19—

Date of receipt of corrected application

—, 19—

Approved

July 20

, 1983

Recorded in Book

—

Page

—

WATER RIGHT PERMIT NO.

4961-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4961-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 25, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 20, 1986
3. The whole of said work is to be completed on or before July 20, 1988
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 20, 1992
5. The water appropriated shall be used for the purpose of irrigation

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

7. The amount of the appropriation herein granted shall not exceed 1.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before July 20, 1992; said water to be used during the following described annual period: April 1 thru November 1

Witness my hand this

2nd

day of

August

, 1983

THE WATER MANAGEMENT BOARD

By:

John Halch  
Chief Engineer, Water Rights

Certificate of Construction Issued

, 19—

Water License Issued

, 19—

D. Well Information

- (1) Drill Hole, Diameter 30", Depth 40'
- (2) Casing, Type Plastic, Diameter 16", Thickness 3/8"  
(wood, concrete, steel, etc.)
- (3) Screen, Type Plastic, Diameter 16", Length 20'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 35'

E. Dugout Information or Estimates

- (1) Surface dimensions, n/a, Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Copy of log attached

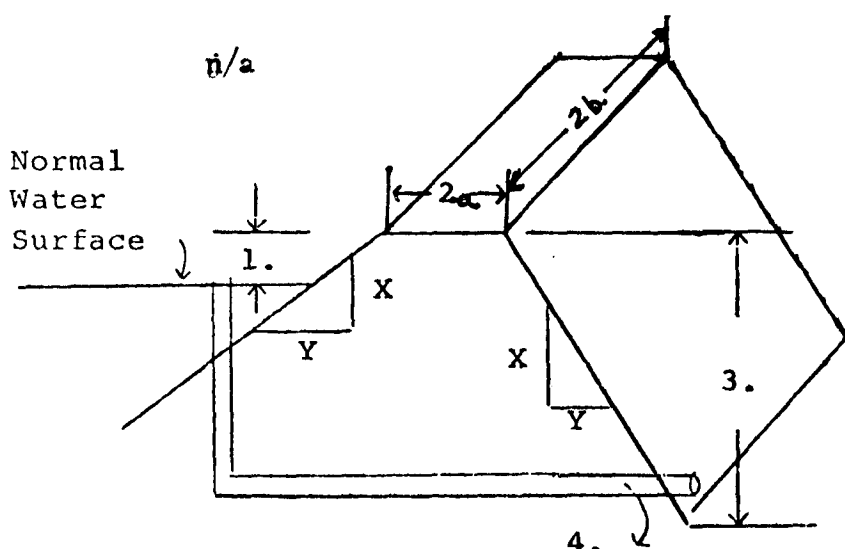
- Depth to top of water bearing material \_\_\_\_\_
- Depth to bottom of water bearing material \_\_\_\_\_
- Depth to water (ground surface to water level) \_\_\_\_\_

- (2) Distance to nearest existing household or livestock watering well.

- On same owner's property 130 rds.
- On property owned by others 60 rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard \_\_\_\_\_
- 2a Crest width \_\_\_\_\_ b. length \_\_\_\_\_
3. Height of Dam \_\_\_\_\_
4. Outlet dimensions:  
Pipe diameter \_\_\_\_\_  
Spillway width \_\_\_\_\_
- X & Y slope:  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_  
Surface area of impoundment \_\_\_\_\_  
Drainage area above dam \_\_\_\_\_

Paul Release  
Signature of Applicant

WELL DRILLERS REPORT  
Division of Water Rights  
Department of Water & Natural Resources

6/60

Address Aurley So. DASH

County TURNER 1 mile  
W 1/2 Sec. 14 Twp. 98 Rg. 53

☐ Domestic    ☐ Municipal    ☐ Test  
☒ Irrigation    ☐ Industrial    ☐ Holes  
Stock

☐ Forward Rotary ☒ Bored ☐ Jetted  
☐ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 30"  
Depth 40'  
Casing ☐ Steel ☒ Concrete  
☒ Plastic ☐ Other  
If other, specify \_\_\_\_\_

Was casing end left open Yes  
Was a well screen installed Yes  
Describe Well Screen  
Diameter 16" Material Plastic  
Slot size 1/2"  
Was well gravel packed Yes  
Was well grouted Yes  
Was water sample taken Yes

Remarks:

Static water level: 5' below land surface  
if flowing: closed in pressure      PSI  
rate of flow      GPM

Controlled by: ☒ Valve ☐ Reducers ☐ Other  
If other, specify \_\_\_\_\_

☒ Pumped  
☐ Balled  
☐ Other

Descriptor: 1001 1401

| Below Land Surface |             |     |  |
|--------------------|-------------|-----|--|
| ft. After          | Hrs. pumped | GPM |  |
| 6                  | 3           | 30  |  |
| " "                | " "         | "   |  |
| " "                | " "         | "   |  |

[illegible]

(Use Back If Necessary)

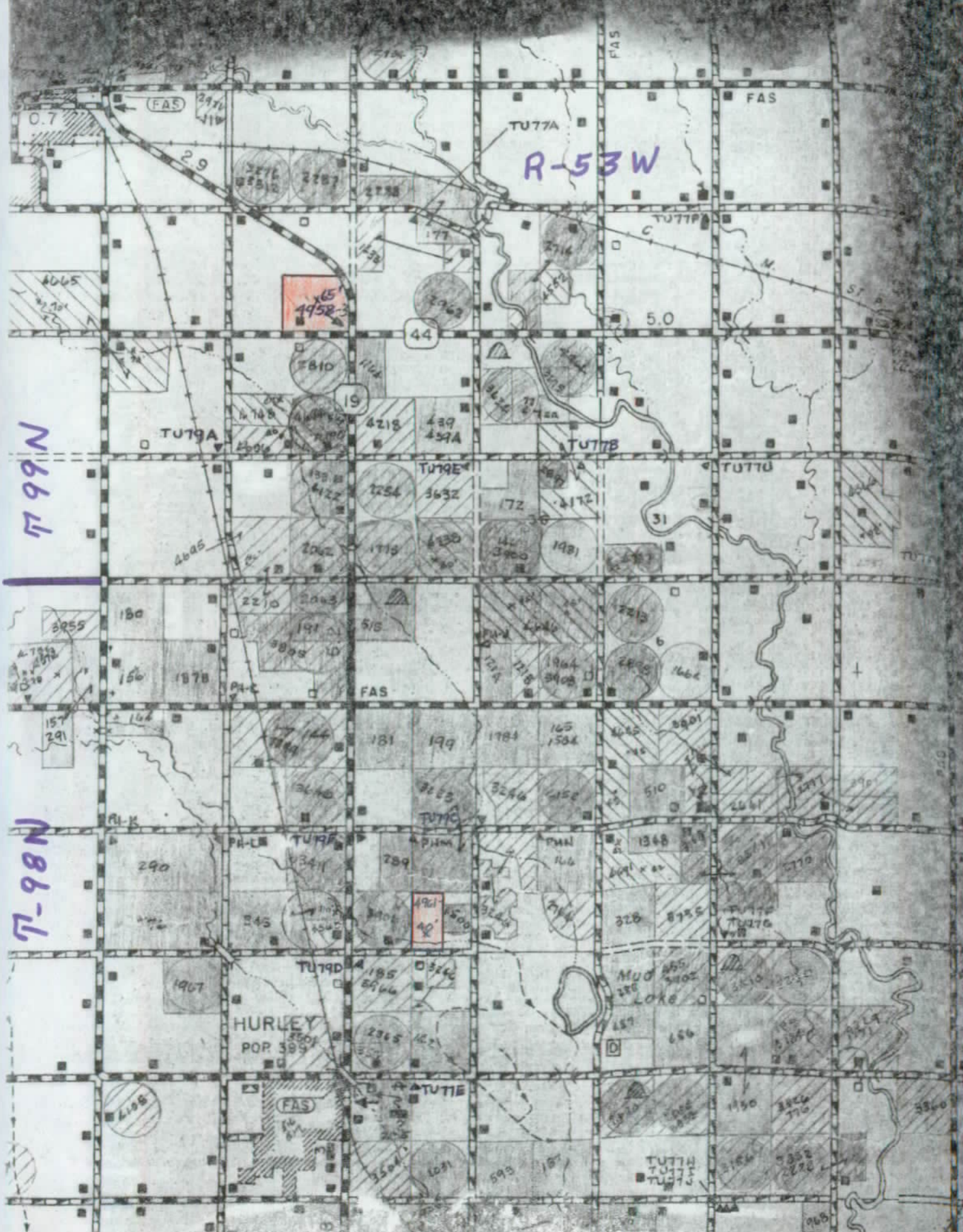
Date Completed: 4-11-83

Driller: Jon Reiner 478  
Driller's or Firm's Name License NO.

Address 100 So. Du  
John Remyers 6-11-198  
 Signed By \_\_\_\_\_ Date \_\_\_\_\_



Driller: Jon Reimers 478  
Driller's or Firm's Name License NO.  
Hurley, So. Dat  
Address  
Jon Reimers 4-11-1983  
Signed By Date



R-53W

N66L

N86L

45  
1952-3

44

19

5.0

TUT9A

TUT7B

TUT9E

TUT7D

FAS

TUT7C

TUT9F

TUT7E

TUT7F

TUT9D

HURLEY  
POP 399

TUT7I

TUT7H

TUT7J

TUT7K

TUT7L

TUT7M

TUT7N

TUT7O

TUT7P

TUT7Q

TUT7R

TUT7S

TUT7T

TUT7U

TUT7V

TUT7W

TUT7X

TUT7Y

TUT7Z

Paul A. Petersen Irrigation System #1  
Owner: Paul A. Petersen  
Rt. 1 Box 4A, Hurley, S. D. 57036



# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 9237

PIERRE, April 25, 1983

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

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

|                                                                                                                |     |    |
|----------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit to Appropriate Water No. 4961-3 (examination, processing, recording and filing) | 225 | 00 |
| Fee for inspecting Construction, and issuing Cert. of Construction No.                                         |     |    |
| Fee for inspecting Beneficial Use, and issuing Water License No.                                               |     |    |
| Fee for issuing Location Certificate-Dry Draw, No.                                                             |     |    |
| Fee for filing                                                                                                 |     |    |
| Fee for certified copy of                                                                                      |     |    |
| Fee for Print copy of map                                                                                      |     |    |
| Fee for Certifying                                                                                             |     |    |
| Fee for (any other work as provided by law)                                                                    |     |    |
| TOTAL                                                                                                          | 225 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH/ms



# Department of Agriculture

## DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501  
Phone 605/773-3258

April 29, 1983

Paul A. Petersen  
Rt. 1, Box 4A  
Hurley, SD 57036

Dear Mr. Petersen:

In reviewing your soil and water compatibility application for the W $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 14-98-53, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their May 5, 1983, meeting. The Conditional recommendation is based on the total salt load of the water of the intended irrigation project. Restrictions and management recommendations are as follows:

### RESTRICTIONS:

Baltic silty clay loam (Ba) is subject to excess wetness and ponding from runoff. We have noted from the information sent to us that you do not intend to irrigate this area. (See attached.)

### MANAGEMENT RECOMMENDATIONS:

We recommend using management practices that leave crop residue on the field surface and conservation tillage to control soil erosion and conserve moisture. Management practices such as these are very important due to the shallow depths to gravelly material in Delmont soils which make them droughty.

If you have any questions concerning your application, please feel free to contact this office.

Sincerely,

Jim Stukel  
Irrigation Program Director

JS/ah

Enc.



CONSERVATION COMMISSION  
WI#1  
9/81

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

Office Use Only

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

4036  
57036

OWNERS NAME: Paul A. Petersen OWNERS ADDRESS: Rt. 1 Box 14, Hurley, S. D.

COUNTY LAND LOCATED IN: Turner PHONE: 238-5791

TENANT'S NAME AND ADDRESS: Same

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION Approx. 120 rods NW (73Degrees W) of the SE corner of Sec. 14-98-53

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: n/a

| Legal Description                       | Acres     | Legal Description | Acres |
|-----------------------------------------|-----------|-------------------|-------|
| <u>The NW 1/4 &amp; SW 1/4 14-98-53</u> | <u>80</u> |                   |       |
|                                         |           |                   |       |
|                                         |           |                   |       |
|                                         |           |                   |       |

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED none

LEGAL DESCRIPTION: \_\_\_\_\_

IN WHAT NAME: \_\_\_\_\_

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: ☒ GUN: \_\_\_\_\_ OTHER: \_\_\_\_\_ (Specify)

6. CROPS TO BE IRRIGATED: Corn

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 83-0132

8. SALINITY (EC X 10<sup>6</sup>): 1500

9. SODIUM (SAR): 0.33

10. ADJUSTED (SAR): 0.92 (0.64)



I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 3:00 a.m./p.m., on 4-17, 1983, at the following location: Well at SE 1/4 14-98-53 by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

16th DAY OF April, 1983

Arden E. Linder  
(NOTARY PUBLIC)

Paul A. Petersen  
APPLICANT'S SIGNATURE

Paul M. Gifford  
Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
DISAPPROVED

☒ CONDITIONALLY APPROVED

5-5-83

CONDITIONAL APPROVALAPPL. #4036

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
DIVISION OF CONSERVATION

NAME OF APPLICANT: Paul A. PetersenLEGAL DESCRIPTION: NW1/4 & SW1/4 Sec. 14-98-53 = 80 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Baltic silty clay loam (Ba) is subject to excess wetness and ponding from runoff. We have noted from the information sent to us that you do not intend to irrigate this area.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED  
WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT:

We recommend using management practices that leave crop residue on the field surface and conservation tillage to control soil erosion and conserve moisture. Management practices such as these are very important due to the shallow depths to gravelly material in Delmont soils which make them droughty.

Paul A. Petersen  
SIGNATURE5-5-83  
DATE

## SOILS INFORMATION

Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

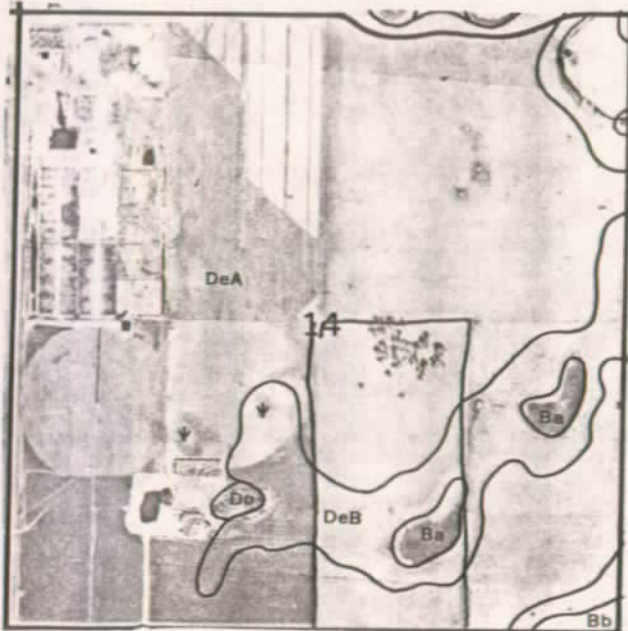
Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

NOTE: 1. If at all possible, provide information concerning subsoil physical conditions.

2. Indicate non-irrigated areas and approximate acres on map. (Farmstead, shelterbelts, etc).

## MAP

PLEASE READ LEGAL DESCRIPTION #1 THROUGH #3 ON THE WI #1 FORM BEFORE COMPLETING THIS SECTION.



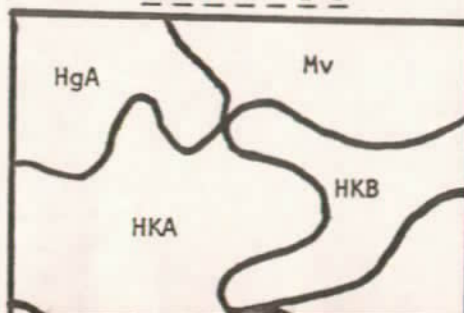
DeA - Delmont-Enet loam, 0-2%  
Well drained soils with 10-24" of  
loamy material over sand and gravel.  
Capability is IIIs and IIs.

DeB - Delmont-Enet loams, 2-6%  
Well drained soils with 10-15" of loamy  
material over sand and gravel.  
Capability is IVs.

Ba\* - Baltic silty clay loam, 0-1%  
Capability (drained) is IIIw  
(This area will not be irrigated)

PLEASE USE THIS SHEET FOR NARRATIVE OR ATTACH SEPARATE SHEET

## E X A M P L E



Report on Water Permit

Application No. 4961-3

Paul A. Peterson

May 23, 1983

Application 4961-3 proposes to irrigate 80 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$  Section 14, T98N, R53W from one forty foot well withdrawing 1.14 cubic feet per second of groundwater from the Parker-Centerville aquifer. The Parker-Centerville aquifer has a surface area of 38,300 acres and contains 114,900 acre feet of recoverable water in storage (Hedges, Burch, Illes Evaluation of Ground-Water Resources, 1983). The Water Management Board has issued 115 permits to appropriate up to 49051 Ac. ft of water to irrigate 16,922 acres of land. Water useage is as follows:

| <u>Year</u> | <u>Acre Ft. Used<br/>(Reported)</u> | <u>% of total recoverable</u> |
|-------------|-------------------------------------|-------------------------------|
| 1979        | 7388                                | 6                             |
| 1980        | 7474                                | 7                             |
| 1981        | 9319                                | 8                             |

Appropriated water:

$$49051 \text{ Acre feet} \div 114,900 \text{ Acre feet} = \underline{43\%}$$

Water Rights presently monitors 22 observation wells. A review of observation well records show that the water levels are at an all time high. The records also show seasonal fluctuations of the water level due to pumping and precipitation.

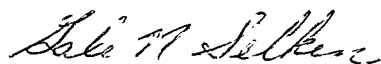
Although the appropriated water is at 43% of the estimated storage, this writer after reviewing well logs, cross-section, test hole data and observation well records is of the opinion that the estimated storage is very conservative and that unappropriated water is available for this application. The aquifer is under water table conditions at the applicant's well site so the direct affects on existing permits will be minimal.

Conclusions:

1. Unappropriated water is available
2. Observations well are being monitored in the Parker-Centerville aquifer.

Recommendations:

The staff recommends that application 4961-3 be approved with the well interference and irrigation questionnaire qualifications.



Gale N. Selken, PE  
Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION  
NO. 4961-3, Paul A Peterson

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4961-3, Paul A Peterson, Rt #1, Box 4A, Hurley SD.

The Chief Engineer is recommending APPROVAL of Application No. 4961-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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

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

The attached report is a part of this recommendation.

A handwritten signature in cursive script, reading "John Hatch", written over a horizontal line.

JOHN HATCH, Chief Engineer  
May 25, 1983

Instructions to Newspaper - Publish first publication of following Notice on or before

June 2, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 4961-3 to Appropriate Water  
and/or to Amend Water Permit or Water Right No. \_\_\_\_\_

Route #1  
Box 4A

Notice is hereby given that Paul A. Peterson whose mailing address is \_\_\_\_\_  
Hurley, South Dakota has made an application pursuant to the provisions of  
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legis-  
lature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10,  
thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4,  
5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; (~~ground~~) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10,  
46-6-13, 46-6-14; (~~future use~~) ~~46-5-38 thru 46-5-40, Section 71 of HB 1001; (transfer lands)~~  
~~46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-20.1; and Board Rules ARSD 74:02:01:01~~  
~~thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:26, (10,000 AFA) 74:02:01:15.02~~  
~~thru 74:02:01:15.03; (several of the preceeding SDCL Sections are amended by HB 1001 & 1002~~  
of 1983 Legislature) for a permit to appropriate 1.14 cubic feet per second from groundwater  
one well 40' deep (Parker-Centerville Aquifer) #1 point of diversion to be located in the  
SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, Twp. 98N, Range 53W. Said water to be used for the purpose of  
providing irrigation on 80 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 14, T98N-R53W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends  
Approval of Application No. 4961-3 because 1) unappropriated water is available, 2) will  
be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the  
public interest

This application will be considered by the Water Management Board at Community Room, Day  
County Court House, 710 W 1st, Webster, SD upon the 19th day of July, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the  
Board is authorized to make a determination on this application after it reaches a con-  
clusion based upon facts presented at the public hearing. Any interested person who may  
be affected by a Board decision and who intends to participate in the hearing before the  
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a  
written petition with the Chief Engineer and the Applicant by July 8, 1983.  
The petition may be informal, but it must include a statement describing the petitioners  
interest in the application, the reason for the petitioner's opposition to or support of  
the application, and the signature and mailing address of the petitioner or his legal counsel  
if legal counsel is obtained. The applicant need not file a petition. The time of the  
hearing will be automatically extended for at least twenty days upon written request of the  
applicant or any person who has filed a petition to oppose or support the application. The  
request for extension must be filed with the Chief Engineer by July 8, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a  
petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on  
this application or to assure access to the hearing by the handicapped can contact the  
Water Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance  
prior to the hearing date.

No. 4961-3

PROOF OF PUBLICATION

STATE \_\_\_\_\_

County \_\_\_\_\_

Page 6 — Leader

Thursday, June 2, 1983

I, James E. Wipf hereby

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

Water was taken from the Hurley Leader

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

city of Hurley

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

June 2, 1983

June 9, 1983

NOTICE OF HEARING  
ON APPLICATION  
No. 4961-3 TO  
APPROPRIATE WATER

James E. Wipf  
(Signature)

Publisher & Owner  
(Title)

6-9-83  
(Date Signed)

Notice is hereby given that  
Paul A. Peterson whose  
mailing address is Route #1,  
Box 4A, Hurley, South Dakota  
has made an application pur-  
suant to the provisions of SD-  
CL 46-1-1 thru 46-1-9, 46-1-12  
thru 46-1-14, Section 13 of HB  
1001 enacted by 1983



Cost of Printing: \_\_\_\_\_

Legislature; 46-2-3.1, 46-2-9,  
46-2-11, 46-2-13, Section 32 of  
HB 1001; 46-5-1 thru 46-5-8,  
46-5-10 thru 46-5-16, 46-5-24,  
46-5-25, 46-5-31, Sections 38,  
47, 59 & 67 of HB 1001, Sec-  
tions 1, 4, 5, 6, 11, 12, 13, 16,  
18, 19 & 21 of HB 1002; 46-6-3,  
46-6-3.1, 46-6-6.1, 46-6-10, 46-6-  
13, 46-6-14; and Board Rules  
ARSD 74:02:01:01 thru  
74:02:01:15; (several of the  
preceding SDCL Sections are  
amended by HB 1001 & 1002  
of 1983 Legislature) for a per-  
mit to appropriate 1.14 cubic  
feet per second from ground-  
water one well 40' deep  
(Parker-Centerville Aquifer) #1  
point of diversion to be located  
in the SW¼ SE¼ of Section  
14, Twp. 98N, Range 53W.  
Said water to be used for the  
purpose of providing irrigation  
on 80 acres in the W¼SE¼,  
Section 14, T98N-R53W.

Pursuant to Section 4 of HB  
1002 the Chief Engineer of the  
Water Rights Division recom-  
mends Approval of Ap-  
plication No. 4961-3 because 1)  
unappropriated water is  
available, 2) will be no unlawful  
impairment of existing rights,  
3) is beneficial use of water and  
4) is in the public interest. This  
application will be considered  
by the Water Management  
Board at Community Room,  
Day County Court House, 710  
W. 1st, Webster, S.D., upon  
the 19th day of July, 1983, at  
10:00 a.m.

The recommendation of the  
Chief Engineer is not final or  
binding upon the Board and  
the Board is authorized to  
make a determination on this  
application after it reaches a  
conclusion based upon facts  
presented at the public  
hearing. Any interested person

who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by July 8, 1983. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by July 8, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Right Division, DWR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

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

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
(605) 773-3352

4961-3

August 3, 1983

Paul A. Peterson  
Route #1, Box 4A  
Hurley, South Dakota 57036

Dear Mr. Peterson:

Enclosed herewith is your Water Permit No. 4961-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4961-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

**South Dakota** Department of  
**Water & Natural Resources**  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181  
Water Rights Division  
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

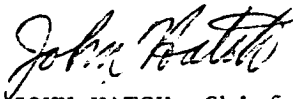
Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

March 20, 1984

4961-3

Paul A. Peterson  
Rt #1, Box 4A  
Hurley, SD 57036

Dear Mr. Peterson:

This will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaire. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4961-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions please contact us.

Very truly yours,

John Hatch, Chief Engineer  
Water Rights Division  
(605)773-3352

Dear Sir

While going through

my usual Personal Papers

I found this: I don't know

if it was to be filled and

and send or not but felt

it should be sent along with

papers.

Yours truly  
Paul Jones

NOTICE OF COMPLETION OF WORKS AND/OR  
APPLICATION OF WATER TO BENEFICIAL USE

Post Office \_\_\_\_\_

Date 10-26-88

TO: Water Rights  
Joe Foss Building  
Pierre, South Dakota 57501

Dear Sirs:

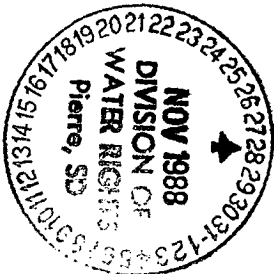
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4961-3.

Water Right Permit No. 4961-3 states that the diversion system is to be constructed by July 20-1988, and that the water is put to beneficial use by July 20 1992.

The diversion system was completed on Aug 20 1983. Applying the water to beneficial use was completed on May 6 1984.

You may schedule an inspection so that ~~the Certificate of Construction and/or~~ the Water License may be issued, thus completing my acquisition of a water right.



Paul Peters  
(Signature)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

APR 7 1997

3906A-3  
5261-3  
5555-3

Paul Petersen  
45610 282nd Street  
Hurley, SD 57036

Dear Mr. Petersen:

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

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 3906A-3, 5261-3 and 5555-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks  
enclosures

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