

Considered: _____

WATER PERMIT NO. 5443-3

HAP No. Ph# 873-2636

Name of Applicant Jerald Peterson

Post Office Address RR2 Box 140

Amount of Water Claimed 2.5 cfs (0.84 add'l) Total Acres 180 acre (48 add'l)

Source of Water Supply 3 well - 2 existing - 1 proposed

Water to be used for irrigation County Hamlin

About 1 miles S of Estelline

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 4/12/90 Fee \$150⁰⁰ Remarks additional

diversion point, additional Acreage, increase diversion rate

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

WATER QUALITY APPROVAL RECEIVED 5/7/90 APPROVED / CONDITIONAL (Circle one)

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

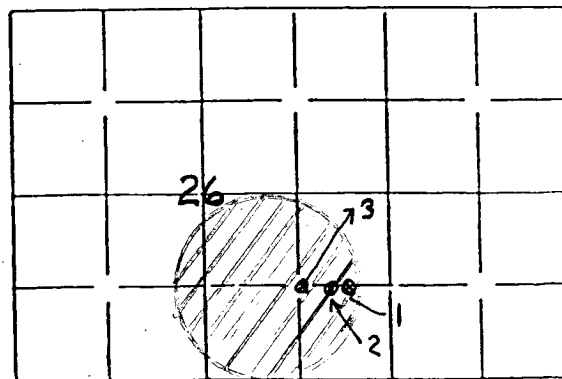
Diversiion Point(s) #1 N30°W, 1390ft from SE corner

#2 N32°W, 1450ft from SE corner

#3 SE 1/4 SE 1/4; all in Section 26-T113N-R51W

Land to be Irrigated SE 1/4, E 1/2 SW 1/4 Section

26-T113N-R51W



Well Log: Driller Pullman Licensed YES X NO _____

Depth of Well 26 foot REMARKS _____

Type of Map ASCS Aerial PREPARED BY Dan Bendpeh ? CE Reviewed and the Number

assigned on _____ By _____

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 5443-3 Hydrologic Unit 10170202
Basin Big Sioux
Newspaper Estelline Journal, Box 159 Estelline SD

57234

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

- Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. 4345-3
☒ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
☒ Add Acreage ☒ Increase diversion rate ☐ Other _____
- Name of Applicant Jerald A. Peterson Phone No. 1-605-873-2636
Post Office Address RR2 Box 40 Bruce State SD 57220
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 2.5 Total acres irrigated 180
3. Source of Water supply 3- Wells
4. Location of point of diversion 600' West of Well #2 on existing
Permit SE 1/4 Sec 26 T113N 51W County Hamlin
5. Counties where water will be used Hamlin
6. Annual period during which water is to be used April - October 31
7. 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.
SE 1/4 of SE 1/4	30
NE 1/4 of SE 1/4	30
SW 1/4 of SE 1/4	40
NW 1/4 of SE 1/4	40

Land Description	No. Acres Irr.
SE 1/4 of SW 1/4	20
NE 1/4 of SW 1/4	20

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: (Specify) _____
9. Crops to be Irrigated: Corn Beans Hay Small grain
10. Give a description of proposed project. (Attach sheet if more space is needed)
Purchased Land Sprins 1990 - Installing Valley Corner
System which Picks up more Acres so we need
more Water Installing Additional Well
wish To have Permit changed To this Name

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

STATE OF SOUTH DAKOTA)
County of Brookings, ss

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

Signed

Jerald A. Peterson

Subscribed and sworn to before me this 10th day of April 1990

Beth Kessler

Notary Public

My Commission Expires Aug. 31, 1995

SOUTH DAKOTA
WATER PERMIT No. 5443-3 FOR IRRIGATION

Date of first receipt of application April 12, 1990.

Date Soil/Water Compatibility Permit received May 7, 1990.

The Water Management Board approved Water Permit Application No. 5443-3 on July 25, 1990 for Jerald A. Peterson, RR #2, Box 140, Bruce, SD 57220 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. 5443-3 appropriates 0.84 cubic feet of water per second (cfs) from one additional well (Big Sioux Brookings Aquifer) 26 feet deep to irrigate 132 acres located in the SE1/4, E1/2 SW1/4 authorized by Water Right No. 4345-3 plus an additional 48 acres located in the SE1/4, E1/2 SW1/4; all in Section 26 T113N-R51W. The existing two wells authorized by Water Right No. 4345-3 will also be used to irrigate the 48 additional acres. The three wells are located along the quarter-quarter line between the SE1/4 SE1/4 and NE1/4 SE1/4 of Section 26 T113N-R51W. The combined diversions of Right No. 4345-3 and Permit No. 5443-3 is not to exceed 2.5 cfs for irrigation of 180 acres
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is April 12, 1990 for 0.84 cfs and December 2, 1974 for 1.66 cfs appropriated by Water Right No. 4345-3.
4. One-fifth of the construction is to be completed on or before January 25, 1993.
5. All construction is to be completed on or before July 25, 1995.
6. Water is to be put to beneficial use on or before July 25, 1999.
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 authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The wells 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.

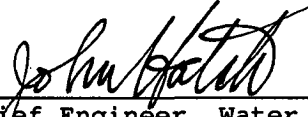
(continued)

Water Permit No. 5443-3
Page 2

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

WATER MANAGEMENT BOARD

By: _____


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 17 1990

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 26" Depth 26'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type Stainless Diameter 16" Thickness 3/8"
- d) Gravel Pack Thickness 5' Length of Gravel Pack 12'
- e) Depth to Top of Water Bearing Material 18'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
On applicants property 1200' On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

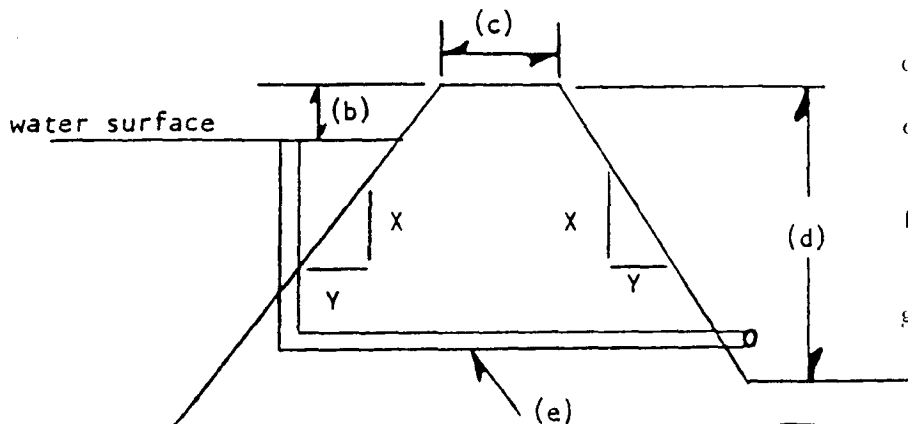
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Gerald A. Peters
Signature of Applicant



Telephone (605) 692-6153

New Holland
Hesston
Valley
Deutz
Kinze

Farmers Implement and Irrigation

BROOKINGS, SO. DAK.
57006

P.O. Box 29
East Highway 14 Bypass



Water Rights Division
Ron Duvall
523 E. Capitol
Pierre, SD. 57501

4/11/90

Dear Ron,

This is the water permit application For Jerald A. Peterson that we talked on the phone about 4/10/90. Please change the name of the permit to his name.

I have also filled the new application out to include the proposed new well and increased the diversion rate accordingly. The acreage applied for is the total for this project.

We have included the existing permit on the land.

Thank You,

Tom Pierce

An up dated Soils Map will
Follow in a couple of
Days

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412200

Pierre, April 13, 1990

RECEIVED OF D. Jerald Peterson, Box 140 Route 2, Bruce, SD 57220

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

Fee for Application for Permit No. <u>54433</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	, 150 00

By John Hatchman
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4492

WR#

OWNERS NAME: PETERSON, JERALD A.

OWNERS ADDRESS: RR 2, Box 140
Bruce, SD 57270

COUNTY LAND LOCATED IN: Hamlin PHONE: 873-2636

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: SE $\frac{1}{4}$ 26-T113N-R51W

Depth: _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26-T113N-R51W	30	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 26-T113N-R51W	20
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26-T113N-R51W	30	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 26-T113N-R51W	20
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26-T113N-R51W	40		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 26-T113N-R51W	40		

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

3. CROPS TO BE IRRIGATED: Corn, Beans, Hay, Small Grain

WATER QUALITY:

4. WATER SAMPLE NUMBER: 75-1149

7. ADJUSTED (SAR): N/A

5. SALINITY (EC X 10⁶): 650

8. PERCENT SODIUM: 4.12

6. SODIUM (SAR): 0.16

Requirements:



[Signature]
Director, Division of Conservation

April 26, 1990

Date

XXX APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

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

Appl. No. 5443-3

Hamlin Co. ASCS

NOT TO SCALE

1990



479-210-L
A15

570
37.0

71.1

T2253
132.9

Listed in Brookings Co

Listed in Brookings Co

113-51

479-210-L
A15

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

WELL CONSTRUCTION

Location of well: NW 1/4 NW 1/4 NW Section 26 Township 113 Range S. 34

Well owner Lawrence Gatz (Name) Estelline S.D. 125 (Address)

Date well drilling completed 12-3-74 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

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

Ed A. Hovey & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Peerless pumps HP

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

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

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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

Ed H. Lacey & Sons
Name of Pump Installation Contractor

IRRIGATION SUPPLIES

- * Berkeley Pumps
- * E-Z Rain Machines
- * Aluminum or Plastic Pipe
- * Nelson Volume Guns
- * Traveling Gun Hose
- * Hygro-Matic Center Pivot
- * Deep Well Turbine Pumps
- * Hot Vulcanized Hose Repair
- * Gravel Packed Irrigation Wells
- * Test Boring

ED H. LACEY & SONS

Box 796

TRENT, SOUTH DAKOTA 57065

Phone (605) 428-5686 Ed (605) 428-5979 Jim



John,

Aug. 13, 1978

There have been questions brought up about the wells that Jim and I dug for Lawrence Gratz of Kestelline. Jim dug two wells in '77 in the S $\frac{1}{2}$ of Section 26, Township 113, Range 51, Hamlin County. He had to dig two to get the gallons per minute that he needed to run a pivot because of the material that he encounter would not produce the water. So two wells were dug there under one permit.

I dug a well in '77 in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 19, Township 113, Range 50-W, Deuel County. He needed more gallons per minute, so I called and asked you about a siphon well, and you told me it would be all right to dig. So that is why he has two wells there and never went through the expense of advertising and paying for a permit.

I would appreciate it if you could help the man out.

Thank-you

Mike Lacey

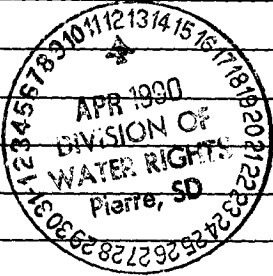
map
1540-3
2146-3

PULLMAN DRILLING — DRILLERS LOG

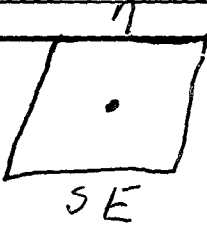
Phone: 1-800-451-4884

Jerry Peterson JOB NAME	26-113-51 SW 1/4 LOCATION	4-9-90 DATE	11 RIG NO.	Ray Pullman FOREMAN
----------------------------	------------------------------	----------------	---------------	------------------------

Jt No.	DEPTH	TIME	REMARKS
1	20		0-1 POP 1-14 yellow gravel 18-20 gray gravel
2	40		20-26 gray gravel 26-40 Blue clay
3			
4			
5			Ray Pullman
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			



REMARKS:



Report On
Application Number 5443-3
Jerald Peterson
June 12, 1990

Application No. 5443-3 for Jerald Peterson proposes to add 48 acres of land to existing Permit No. 4345-3 and to add an additional production well to the two existing wells. The proposed well and lands are located in the SE 1/4, E 1/2 SW 1/4 section 26, T113N, R51W.

AQUIFER: Big Sioux Brookings (BS:B)

The Big Sioux Brookings aquifer is a pliestocene alluvium sand and grave outwash. The majority of the aquifer is under water table conditions.

The Big Sioux Brookings aquifer in Hamlin county underlies approximately 88,500 acres and contains an estimated 331,880 acre feet of recoverable water.

The BS:B aquifer is recharged by direct infiltration of precipitation and from the Big Sioux River. Recharge to the BS:B aquifer is estimated at 3.6 to 4.0 inches per year. This would yield a minimum of 26550 acre feet annually. (Hedges 1983)

Water use for 1988 was reported to be 8181 acre feet (1988 Irrigation Report). This would show that in 1988 only 30% of the minimum yearly recharge was utilized.

The Division of Water Rights monitors 19 observation wells completed into the BS:B aquifer. Typical water levels fluctuate 1 to 3 feet per year with a maximum fluctuation from highest to lowest of 10 feet for the period of recorded.

COMMENTS:

There are several existing water permits in close proximity to the proposed well. Interference between these wells should not be a problem with the aquifer being under water table conditions.

CONCLUSIONS:

1. Water is available from the Big Sioux Brookings aquifer for Application No. 5443-3.
2. There should be no interference between the proposed well and existing wells because of the water table conditions of the aquifer.



Gale N. Selken P.E.
Natural Resources Engineer IV

References

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion SD
- Hedges, L.S., J. Allen, and D.E. Holly, 1983 Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground-Water Recharge, Prepared for the U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD
- Water Rights Division, 1990 "Drillers logs, Observation Well Files, and Water Permit files", DWNR Joe Foss Building, Pierre, SD

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5443-3, Jerald A. Peterson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5443-3, Jerald A. Peterson, RR 2, Box 140, Bruce SD.

The Chief Engineer is recommending APPROVAL of Application No. 5443-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The wells 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
June 15, 1990



Department of Water & Natural Resources

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

June 18, 1990

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

Jerald A Peterson
RR 2, Box 140
Bruce SD 57270

Dear Mr. Peterson:

Water Permit Application No. 5443-3 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 Estelline Journal printed at Estelline SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

June 18, 1990

Estelline Journal
Box 159
Estelline SD 57234

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5443-3 to be published twice. Please publish the first notice on or before June 28, 1990 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 Jerald A Peterson, RR 2, Box 140, Bruce SD 57270.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

June 22, 1990

The Bryant Dakotan
101 Main
Box 127
Bryant, SD 57221

ATTENTION: Legal Department

Enclosed are Notice of Hearings on Application Nos. 5439-3, 5441-3, 5443-3, and 5450-3 to be published twice. Please publish the first notice on or before June 28, 1990 with the second publication 7 days later.

The APPLICANTS MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANTS for the cost of publication. The APPLICANTS are.

1. 5439-3 - Ross Ritchie, Box 31, Estelline, SD 57234
2. 5441-3 - Barry Little, RR 1, Box 40, Castlewood, SD 57223
3. 5443-3 - Jerald Peterson, RR 2, Box 140, Bruce, SD 57270
4. 5450-3 - Poinsett Hutterian Brethren, Inc., Box 146, Estelline, SD 57234

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form for each application. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before June 28, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5443-3 to Appropriate Water

Notice is given that Jerald A Peterson, RR 2, Box 140, Bruce SD 57270 has filed an application for a water permit for one additional well to irrigate 132 acres authorized by Water Right No. 4345-3 in the SE 1/4, E 1/2 SW 1/4 plus an additional 48 acres in the SE 1/4, E 1/2 SW 1/4; all in Section 26-T113N-R51W. The existing two wells authorized by No. 4345-3 are also used to irrigate the 48 additional acres. This application appropriates 0.84 cubic feet of water per second (cfs) from the additional well (Big Sioux Brookings Aquifer) 26 feet deep with all three wells located along the quarter-quarter line between the SE 1/4 SE 1/4 and the NE 1/4 SE 1/4 of Section 26-T113N-R51W. The combined diversions of License No. 4345-3 and this application, if approved, is not to exceed 2.5 cfs for irrigation of 180 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5443-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on July 25, 1990 at 10:00 am. 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.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 13, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

NOTICE

STATE OF SOUTH DAKOTA)
 County Hamlin) ss.

I, Paeje Kruse
 certify that the attached printed Notice was taken
 from the Bryant Dakotan

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

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

6-27-90

7-4-90

Paeje L. Kruse
 (Signature)

Mrgs editor
 (Title)

7-5-90

(Date Signed)

Cost of Printing: \$40.43

6-27 117 lines x 19.2 - 22.46

7-4 117 lines x 19.2 x 80% 17.97

NOTICE OF HEARING
 ON APPLICATION NO. 5443-3
 TO APPROPRIATE WATER

Notice is given that Jerald A. Peterson, RR 2, Box 140, Bruce SD 57270 has filed an application for a water permit for one additional well to irrigate 132 acres authorized by Water Right No. 4345-3 in the SE 1/4, E 1/2 SW 1/4 plus an additional 48 acres in the SE 1/4, E 1/2 SW 1/4; all in Section 26-T113N-R51W. The existing two wells authorized by No. 4345-3 are also used to irrigate the 48 additional acres. This application appropriates 0.84 cubic feet of water per second (cfs) from

the additional well (Big Sioux Brookings Aquifer) 26 feet deep with all three wells located along the quarter-quarter line between the SE 1/4 SE 1/4 and the NE 1/4 SE 1/4 of Section 26-T113N-R51W. The combined diversions of License No. 4345-3 and this application, if approved, is not to exceed 2.5 cfs for irrigation of 180 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5443-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD on July 25, 1990 at 10:00 AM. 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.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or petitioner. The request for a delay must be received by July 13, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.





**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 10-15-90

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Serald A Peterson, R2 Box 140, Bruce S.D. 57220
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5443-3.

Water Permit No. 5443-3 states that the diversion system is to be constructed by 25 July 1995, and that the water it put to beneficial use by 25 July 1995.

The diversion system was completed on 1 Aug 1990.
Applying the water to beneficial use was completed on 1 Aug 1990

You may schedule an inspection so that the Water License may be issued.

you may inspect diversion anytime

Serald A Peterson
signature



Department of Water & Natural Resources

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

SEP 17 1990

Jerald A. Peterson
RR #2 Box 140
Bruce SD 57220

Dear Mr. Peterson:

Enclosed is Water Permit No. 5443-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

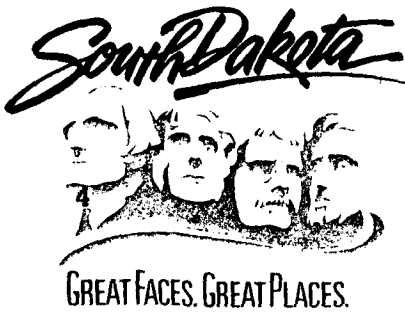
A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Hatch".

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

enclosures

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.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

September 10, 1992

SECOND NOTICE

PERMIT NO: 5443-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Jerald Peterson
RR 2, Box 140
Bruce, SD 57220

Dear Mr. Peterson:

On July 2, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5443-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

5443-3

Jerald Peterson
RR 2, Box 140
Bruce, SD 57220

4a. Article Number

P 906 559 929

4b. Service Type

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

7. Date of Delivery

9-10-92

5. Signature (Addressee)

Jerald Peterson

6. Signature (Agent)

[Signature]

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 1992

Permit No. 5443-3

Jerald Peterson
RR 2, Box 140
Bruce, SD 57220

Dear Mr. Peterson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4345-3 and 5443-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 4345-3 will be incorporated into 5443-3.

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

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

Sincerely,

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

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

RECEIPT

413420

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 14 _____, 19 92

RECEIVED OF Dr. Jerald A Peterson, Box 140 Rte 2, Bruce, SD 57220

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5443-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatfield
Chief Engineer

Permit No. 5443-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, June 27, 2001, made a thorough examination of the water use system owned by Jerald A Peterson of 46727 197th St, Bruce SD 57220 holder of Permit No. 5443-3, bearing the priority of April 12, 1990 and December 2, 1974 (No. 4345-3) authorizing the diversion of 2.50 cu. ft. per second of the waters of ground water (Big Sioux Brookings aquifer) for irrigation purposes, in Hamlin County.

Inspection contact & relationship to permit holder, if applicable: **Jerald Peterson**

A. Works used to divert the water: Three wells listed in following information as 1, 2, 3, respectively

Well Information:

- 1) Well Drilling Firm: 1 & 2 (Lacey), 3 (Pullman)
- 2) No. of Wells 3
- 3) Depth(s) 32, 28, 26 feet

Casing: Wells 1, 2, 3

- 1) Diameter 12, 14, 16 inches
- 2) Length 22, 18, 20 feet
- 3) Type steel, steel, PVC

Screen: Wells 1, 2, 3

- 1) Type Stainless steel
- 2) Length 10, 10, 6 feet

Pump: Wells 1, 2, 3

- 1) Make Peerless, Peerless, Crown
- 2) Size 8 in, 8 in, 7 in
- 3) Capacity 350, 350, 300 GPM

Motor: Wells 1, 2, 3

- 1) Make GE, GE, Hitachi
- 2) Horsepower rating 40, 30, 15 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,200 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley corner system
- 2) Overall length 1,500 feet
- 3) Number of towers 8 + corner
- 4) End gun Y

- 5) Low pressure 30 psi
- 6) Capacity 1,000 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 5443-3

The system is in **good** condition with the points of diversion located as follows: **Well #1: 725 feet W and 1,320 feet N (SE $\frac{1}{4}$ SE $\frac{1}{4}$, latitude 44.56195 longitude -96.90833); Well #2: 890 feet W and 1,320 feet N (SE $\frac{1}{4}$ SE $\frac{1}{4}$ latitude 44.56196 longitude -96.90895); *Well #3: 1,880 ft W and 1,320 feet N (SW $\frac{1}{4}$ SE $\frac{1}{4}$ latitude 44.56203 longitude -96.91271); all from the SE corner section 26-T113N-R51W. The works are capable of diverting and conveying to the place of use **2.22** cu. ft. per second of water which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows: **All in section 26-T113N-R51W****

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 ac

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30 ac

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 ac

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 30 ac

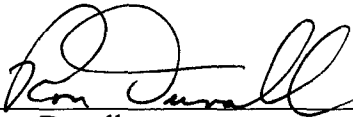
comprising a total of **170** acres of land and the license should be issued for **2.22** cfs.

Comments or other permit(s) associated with the project:

Water Permit No. 4345-3 needs to be incorporated into No. 5443-3. A priority date of December 2, 1974 needs to be assigned to 132 acres of the 170 irrigated acres. The remaining 38 acres has a priority date of April 12, 1990.

All structures, wells and lands on map **Y**

* See the attached file documentation correcting the location of well #3 from the quarter line between the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.



Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **September 20, 2001**

Approval of Diversion Point Location Change

NAME: Jerald A Peterson

ADDRESS: 46727 197th St, Bruce SD 57220

DATE: September 20, 2001

COUNTY: Brookings

TELEPHONE: 873-2636

Cell 695-3163

AUTHORITY:

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

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

The developed water source is the same as originally permitted (Big Sioux – Brookings) and there is no increase in the authorized diversion rate. The license for No. 5443-3 is to be issued for 2.22 cfs which is within the total appropriation of 2.50 cfs authorized by Nos. 5443-3 and Water Right No. 4345-3 (to be incorporated into No. 5443-3.)

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

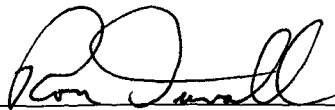
All of the irrigated property is within the areas described on Nos. 4345-3 and 5443-3. The 170 acres being irrigated is within the 180 acres allowed by Nos. 4345-4 and 5443-3.

- **Review of Existing Diversions**

The nearest other existing water right is No. 775-3, Mark and Mary Mack, located in the NE $\frac{1}{4}$ section 26-T113N-R51W immediately to the North of the SE $\frac{1}{4}$, section 26 where Nos. 5443-3 and 4345-3 are located. The third well authorized under No. 5443-3 was to be located on the quarter line between the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ section 26 but was actually developed on the quarter line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ section 26. This location actually increases the distance between the wells. The aquifer is under water table conditions which limits the drawdown caused by well pumping and both wells have been in use for numerous years with no reported interference between the irrigation wells.

RECOMMENDED ACTION

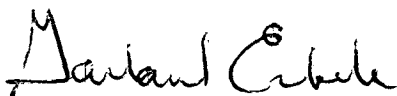
Based on the above criteria, it is recommended that the diversion point be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

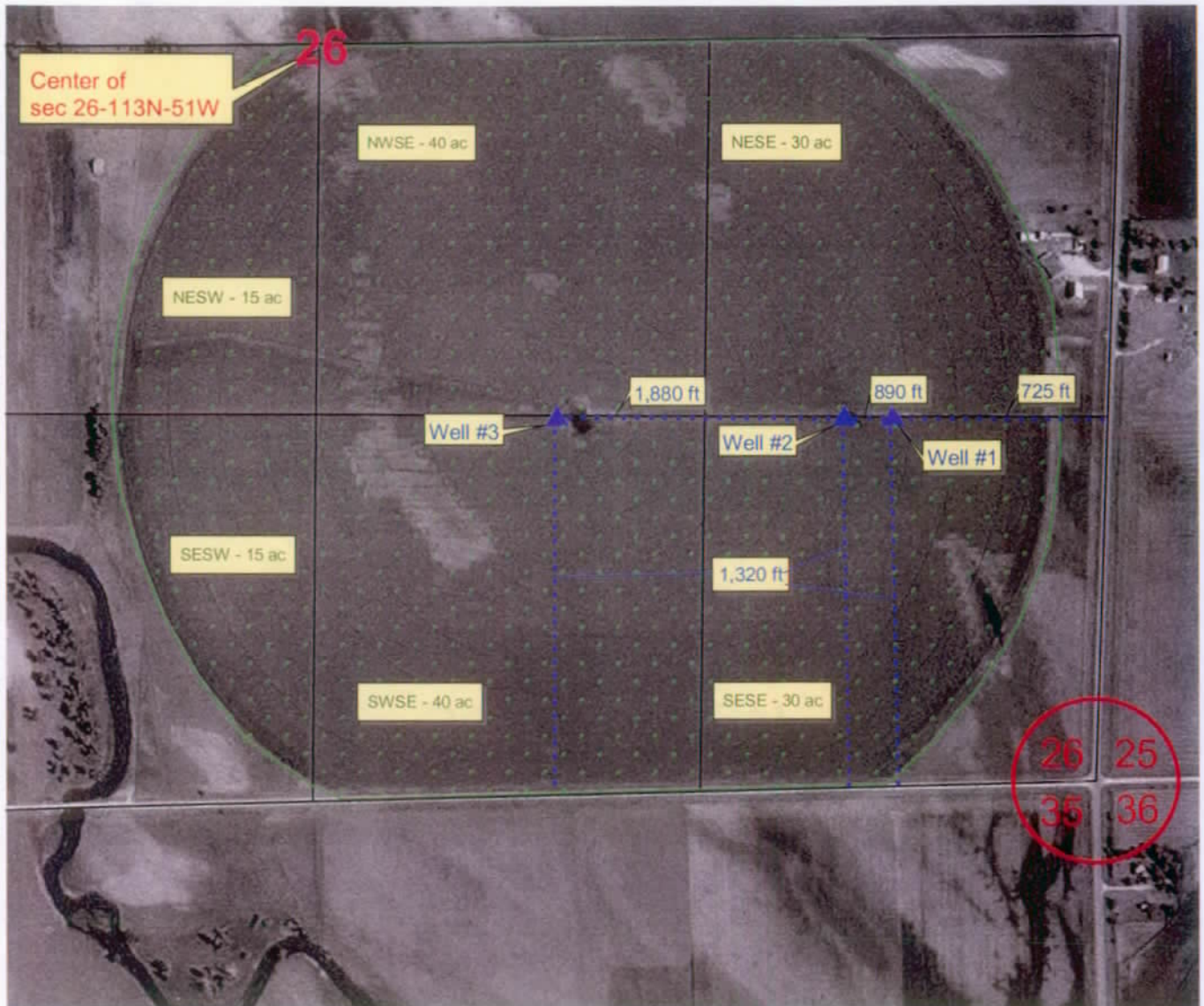
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

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



Garland Erbele, Chief Engineer
Water Rights Program

600 0 600 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
September 20, 2001

No. 5443-3

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5443-3**

(1) Jerald A Peterson, 46727 197th St, Bruce, SD 57220 made Application No. 5443-3, April 12, 1990 for a water permit to divert 0.84 cubic feet of water per second (cfs) from ground water (one additional well – Big Sioux Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 5443-3, with a priority date of April 12, 1990 was approved July 25, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 25, 1995 and the application to beneficial use of said water on or before July 25, 1999.

Water Permit No. 5443-3 specified the location of the diversion point was to be located on the quarter line between the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$. An investigation of the water use system found the diversion point located on the quarter line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in diversion point location does not increase the potential for adverse effects to existing diversions.

Water Permit No. 5443-3 authorized an additional well, 48 additional acres and appropriated an additional 0.84 cfs to the system authorized under Water Right No. 4345-3. No. 4345-3, with a priority date of December 2, 1974, authorizes diversion of 1.66 cfs of water from two wells to irrigate 132 acres.

The applicable portions of Water Right No. 4345-3 have been incorporated into this Water License No. 5443-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use. The location of the diversion points are:

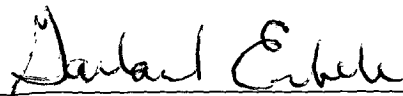
- Well #1 – 725'W and 1,320'N of the SE corner of Section 26, T113N, R51W (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
- Well #2 – 890'W and 1,320'N of the SE corner of Section 26, T113N, R51W (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
- Well #3 – 1,880'W and 1,320'N of the SE corner of Section 26, T113N, R51W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate **170 acres (listed below) all in Section 26, T113N, R51W:**

NE $\frac{1}{4}$ SW $\frac{1}{4}$	15 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	15 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30 acres

Note: A priority date of December 2, 1974 (No. 4345-3) is retained for 132 acres of the above described land. The remaining 38 acres have a priority date of April 12, 1990 (No. 5443-3).

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerald A Peterson, 46727 197th St, Bruce, SD 57220 the holder and/or owner of Incorporated Water Right No. 5443-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water (3 wells) with priority dates of December 2, 1974 (1.66 cfs) and April 12, 1990 (0.56 cfs) from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 5443-3 and subject to South Dakota State Law.


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

NOV 07 2001
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 07 2001

Jerald A Peterson
46727 197th St
Bruce, SD 57220

Dear Mr. Peterson:

The investigation and issuance of your water licenses have been completed. Enclosed are the following:

- **Water License No. 3556A-3**
- **Water License No. 3556B-3**
(For ease of reporting, Water Right No. 3556-3 was divided and reissued as "A" & "B" to reflect the separate systems.)
- **Water License No. 5170-3 and map**
(This license incorporated the applicable portions of Water Permit Nos. 3416-3 and 4507-3.)
- **Water License No. 5443-3 and map**
(This license incorporated the applicable portions of Water Right No. 4345-3.)

For your information SDCL 46-6-27 requires that if the owner of an existing well(s), such as the wells authorized by Water Right Nos. 3556A-3, 3556B-3, 5170-3 and 5443-3, 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.

Also enclosed are your Receipt Nos. 413420 and 411734. As long as you use the water beneficially, as stated in each of 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.

Sincerely,

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

enclosures



5443-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: JERALD A PETERSON, 46727 197TH ST, BRUCE, SD 57220

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2437A-3, 3556-3A, 3556B-3 & 4362-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4940-3, 4981-3, 5170-3 & 5443-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4940-3, 4981-3, 5170-3 & 5443-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2437A-3, 3556-3A, 3556B-3 & 4362-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



5443-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 14, 2017

Jerald A Peterson
46727 197th St
Bruce SD 57220

RE: Water Right Nos. 2437A-3, 3556-3A, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 2437A-3, 3556-3A, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3. 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
email: 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

November 12, 2024

2437A-3, 3556A-3, 3556B-3,
4362-3, 4940-3, 4981-3, 5170-3 & 5443-3

Jerald A Peterson
46727 197th St
Bruce SD 57220

Dear Mr. Peterson:

Enclosed are the 2024 Irrigation Questionnaires for Water Right/Permit Nos. 2437A-3, 3556A-3, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3.

The questionnaires were originally mailed to you on October 23, 2024. However, based on your telephone call to our office notifying us that you had not received the forms, they have been re-mailed.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password **YATGQK**.

Sincerely,

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

enclosures