

Considered: _____

WATER PERMIT NO. 5555-3

Phone: 238-5791

Name of Applicant: Paul Petersen

Post Office Address: Rt 1, Box 4A, Hurley SD 57036

Amount of Water Claimed: 1.07 Total Acres: 75

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 4 miles N of Hurley

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4-24-91 Fee: \$225 Remarks _____

Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

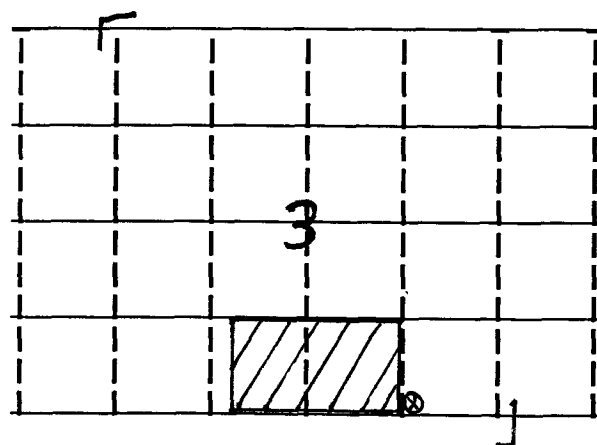
WATER QUALITY APPROVAL RECEIVED 5-17-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 SE 1/4 3-98-53

Land to be Irrigated: SE 1/4 SW 1/4, SW 1/4 SE 1/4

3-98-53



Well Log: Driller: Wetmore Drilling Licensed YES X NO _____

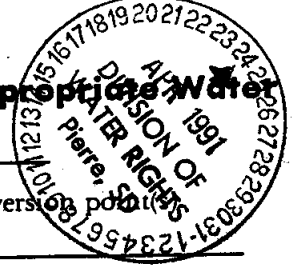
Depth of Well: 105' REMARKS _____

Type of Map: aerial PREPARED BY: Nyle S Hesbeuer Reviewed and the Number

Assigned on 5-20-91 By Karen Schlaak

(See instructions)

No. 5555-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper The New Era - Parker S.D.
Box 577 57053-0577 (Thurs)



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

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Paul Petersen Phone No. 238-5791
- Post Office Address Rt 1 Box 4A Hulby State S.D Zip Code 57036
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 1.07 Total acres irrigated 75
3. Source of Water supply 1 Well
4. Location of point of diversion 12.75' West and 20 Ft North of the SE Corner
Sec 3 - 98-53 or SE 1/4 of 3-98-53
SE 1/4 SE 1/4 County Turner
5. Counties where water will be used Turner
6. Annual period during which water is to be used May 1 - Sept 30
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 SW 1/4 3-98-53	35
SW 1/4 SE 1/4 3-98-53	40

Land Description	No. Acres Irr.

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 Soybean
10. Give a description of proposed project. (Attach sheet if more space is needed)
A test well was constructed by Wetmore drilling in the SE corner of the SW 1/4 of the SE 1/4 of 3-98-53 for the use of irrigating 75 Acres of ground from May-Sept. The water will be pumped 1250' west to pivot Nozzled at 400 gpm

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 Turner)^{ss}

I, Paul Petersen, 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 Paul Petersen

Subscribed and sworn to before me this 18th day of April 1991

Charlotte Lange
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5555-3 FOR IRRIGATION

Date of first receipt of application April 24, 1991.

Date Soil/Water Compatibility Permit received May 17, 1991.

Date of return to applicant for corrections, amendments or changes April 25, 1991.

Date of receipt of corrected application April 30, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5555-3 to Paul Petersen, Rt 1, Box 4A, Hurley SD 57036 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. 5555-3 appropriates 1.07 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) 105 feet deep located in the SE 1/4 SE 1/4 Section 3, to irrigate 75 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 3; all in T98N-R53W.
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: May 1 - September 30.
3. The date from which applicant may claim right is April 24, 1991.
4. The date of approval of Permit No. 5555-3 is August 28, 1991.
5. One-fifth of the construction is to be completed on or before February 28, 1994.
6. All construction is to be completed on or before August 28, 1996.
7. Water is to be put to beneficial use on or before August 28, 2000.
8. 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 by Permit No. 5555-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

Water Permit No. 5555-3
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 Environment and Natural Resources

FEB 17 1992

date



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 105'
- b) Casing Type PVC - Plastic Diameter 16" Thickness 1/2"
- c) Screen Type plastic 100 slot Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 54'
- f) Depth to Water (ground surface to water level) 34'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others Approx 2500'

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 _____

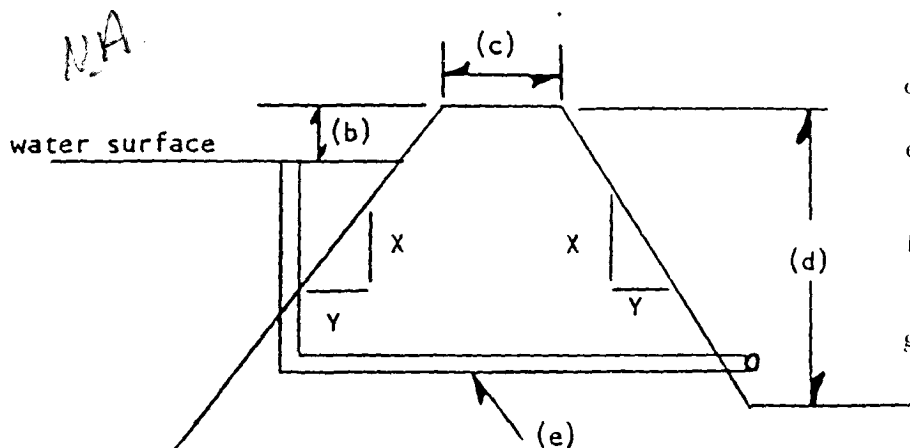
g) X & Y Slope
Upstream _____

Downstream _____

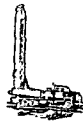
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

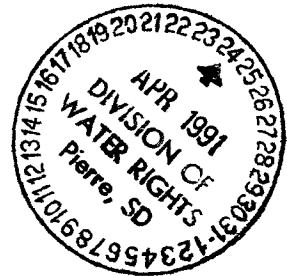


Paul Peters
Signature of Applicant



WETMORE DRILLING

P.O. BOX 577 - ELK POINT, SOUTH DAKOTA 57025 - (605) 356-3272



December 21, 1990

Paul Peterson
Rt. 1
Hurley, SD 57036

SE 1/4 SW1/4 SE 1/4 Sec 3 - 98-53

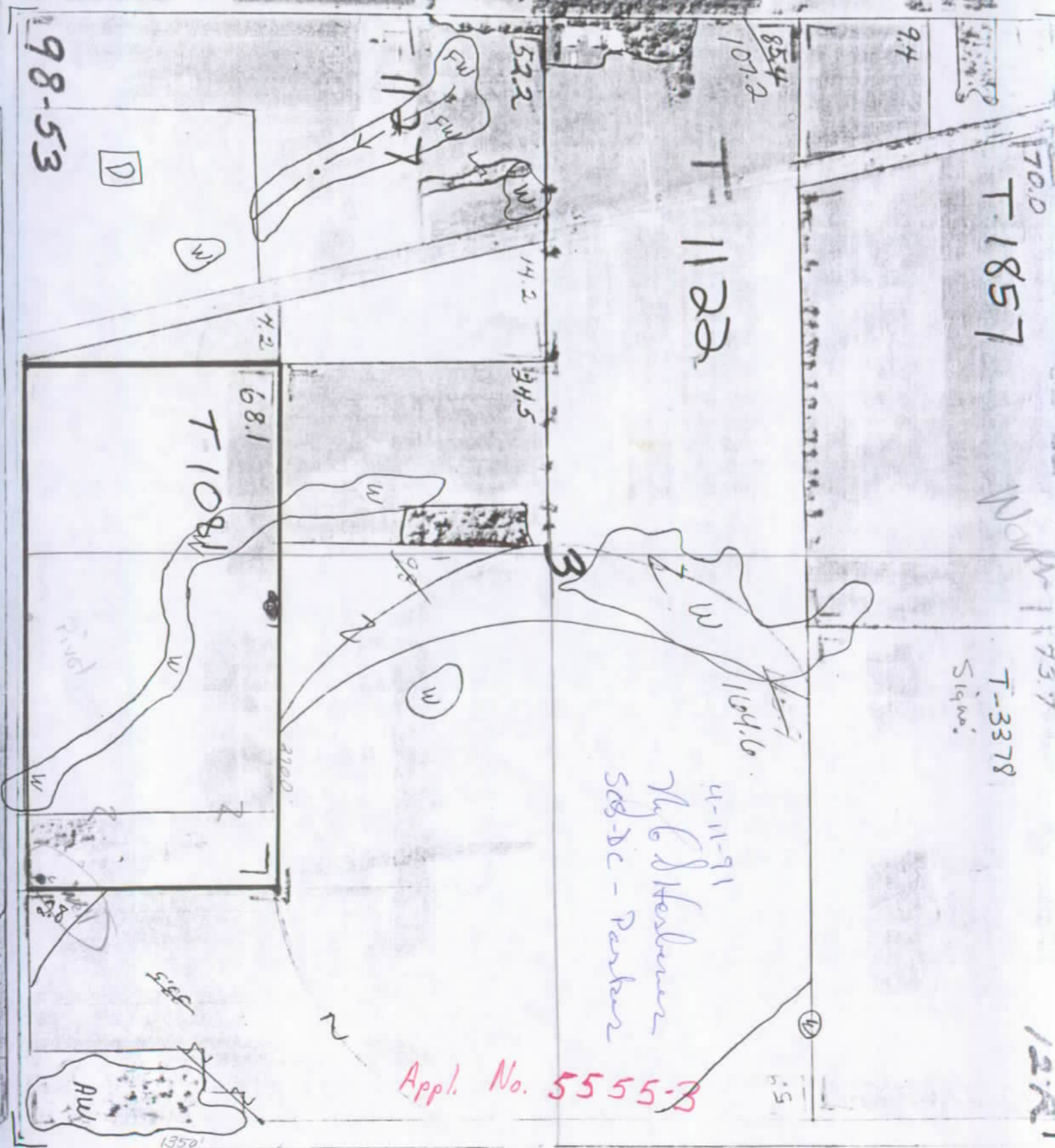
TEST HOLE:

0	-	2'	Topsoil
2	-	30'	clay
30	-	54'	sand clay mix
54	-	92'	gravel
92	-	105'	clay
105	-	106'	quartz

James Wetmore

James Wetmore
Wetmore Drilling
P.O. Box 577
Elk Point SD 57025

NOT TO SCALE



T-1857

T-1122

98-53

T-1081

T-3378

4-11-91
M. G. Hester
Sed-De - Parker

Appl. No. 5555-3

D

3

W

W

W

AW

1350'

6B - Soils moderately deep and shallow to sand and gravel

6R - Soils moderately deep to bedrock

Delmont-Enet loams, 0-2% slopes

Well drained soils with 10 to 24 inches of loamy material over sand and gravel. Permeability is moderate in the upper part and rapid in the underlying sand and gravel. Capability is IIIs3 and IIIs.

Range site is SwG (shallow to gravel) - This site includes shallow soils that are underlain at a depth of 10 to 20 inches with coarse sand or gravel. Principal plants in the original vegetation were: needleandthread, little bluestem, prairie dropseed, sideoats grama and blue grama.

Pasture Group is D2 - Shallow over gravel soils where choice of species and yields are severely limited by shallow rooting depth and low or very low available water capacity associated with sand and/or gravel 10-20 inches below the surface.

Mindbreak Suitability Group is 6 - Droughty soils - The soils in this group are well drained, loamy, silty and moderately deep or shallow. They are limited in their ability to grow trees well because they are droughty. Careful selection of species is necessary and optimum growth and survival is not expected.

DeB

Delmont-Enet loams, 2-6% slopes

Well drained soils with 10 to 15 inches of loamy material over sand and gravel. Permeability is moderate in the upper part and rapid in the underlying sand and gravel.

capability is IVs.2

Range-site is SwG (shallow to gravel) - This site includes shallow soils that are underlain at a depth of 10 to 20 inches with coarse sand or gravel. Principal plants in the original vegetation were: needleandthread, little bluestem, prairie dropseed, sideoats grama and blue grama.

Pasture Group is D2 - Shallow over gravel soils where choice of species and yields are severely limited by shallow rooting depth and low or very low available water capacity associated with sand and/or gravel 10-20 inches below the surface.

Mindbreak Suitability Group is 6 - Droughty soils - The soils in this group are well drained, loamy, silty and moderately deep or shallow. They are limited in their ability to grow trees well because they are droughty. Careful selection of species is necessary and optimum growth and survival is not expected.

DgB

Dempster silty clay loam, 1-5% slopes

Dempster-Graceville silty clay loams, 1-5% slopes

Fine silty over sandy. Capability is IIIs2.

Range site is Si (silty) - This site includes deep or moderately deep soils that have a fine sandy loam to silty clay loam surface and subsoil. The principal plants in the original vegetation were: big and little bluestem, green needlegrass, western wheatgrass and needleandthread.

Pasture Group is D1 - Loamy over gravel where the choice of species and yields are limited by moderate rooting depth and limited water capacity.

Windbreak Suitability Group 10 - Unsited - Soils
in this Group are unsited for windbreaks. Scalp
or specialized plantings along with special
treatment can be made on some soils. Soils in
this Group have one or more characteristic which
limits planting, survival or growth, such as soil
depth, texture, drainage, available water
capacity, slope or salts. Plantings are not
practical.

Blendon fine sandy loams, 0-2% slopes

Deep, well drained loamy soils. Permeability is
moderately rapid in the upper part and rapid in
the underlying material.

Capability is IIc3 Deep, well drained soils with
loamy to clayey surface layers and slowly
permeable clay subsoils on nearly level (0-2%)
slopes. Clay subsoils limit rooting, water intake
and moisture release to plants.

Range site is Sy (sandy) - This site includes
deep, well drained soils that have a sandy loam or
fine sandy loam surface that grades into sandy
loam or sand in the subsoil. Principal plants in
the original vegetation were: big bluestem, little
bluestem and prairie sandreed.

Pasture Group is H - Sandy soils where choice of
species and yields are limited by limited
available water capacity and wind erosion hazards.

Windbreak Suitability Group is 5 - Sandy soils -
soils in this Group are well suited to all
climatically adapted species except those that
have high moisture requirements. They are mainly
loamy and sandy soils that have moderate or low
available water capacity. These soils are
susceptible to soil blowing.

BmB Blendon-Henkin fine sandy loams, 2-6% slopes

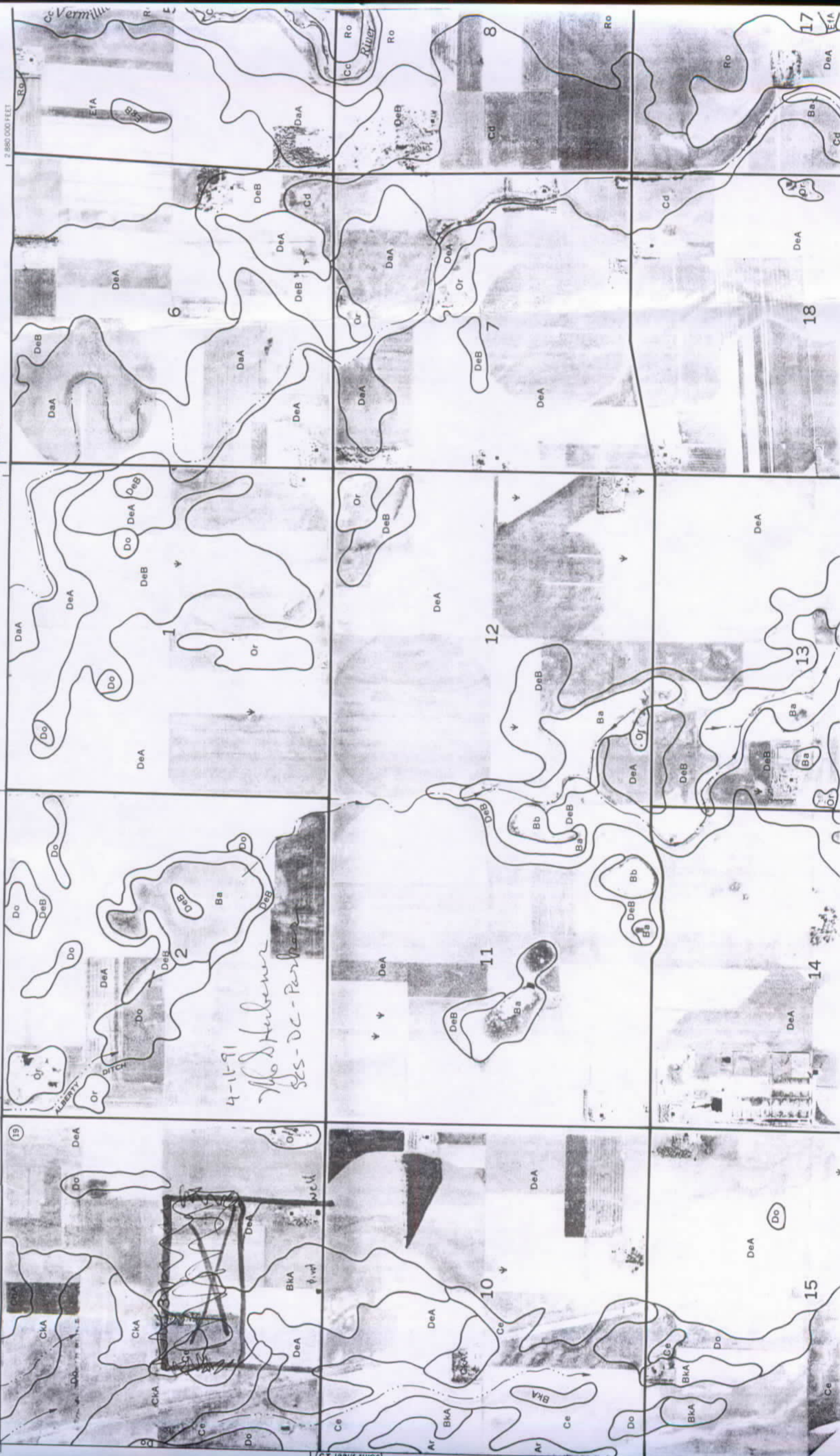
Deep, well drained loamy soils with with
moderately rapid permeability.

Capability is IIIe7 Deep, well drained, sandy
soils on gently undulating (2-6%) slopes or eroded
phases of these soils on nearly level slopes.
They have a severe wind erosion hazard.

Range site is Sy (sandy) - This site includes
deep, well drained soils that have a sandy loam or
fine sandy loam surface that grades into sandy
loam or sand in the subsoil. Principal plants in
the original vegetation were: big bluestem, little
bluestem and prairie sandreed.

Pasture Group is H - Sandy soils where choice of
species and yields are limited by limited
available water capacity and wind erosion hazards.

Windbreak Suitability Group is 5 - Sandy soils -
soils in this Group are well suited to all



4-11-91
The DeHebner
SES - DC - Parkman

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412659

Pierre, May 1, 19 91

RECEIVED OF Paul Beterseh Farms, Rt 1, Box 4A, Hurley, SD 57036

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

Fee for Application for Permit No. <u>5555-3</u> to Appropriate Water, to construct works and to put water to beneficial use	225	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	225 00

By

John A. Hatcher
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4610

WR#

OWNERS NAME: PETERSEN, PAUL OWNERS ADDRESS: RT. 1, BOX 4A
HURLEY, SD 57036

COUNTY LAND LOCATED IN: TURNER PHONE: 238-5791

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T98N-R53W

Depth _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T98N-R53W	35		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3-T98N-R53W	40		

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

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-0181

7. ADJUSTED (SAR): 0.79

5. SALINITY (EC X 10⁶): 1400

8. PERCENT SODIUM: 4.46

6. SODIUM (SAR): 0.29

Requirements:



[Signature]

Director, Division of Conservation

MAY 15, 1991

Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

____ REQUIREMENTS

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 25, 1991

Paul Petersen
Rt 1, Box 4A
Hurley SD 57036

Dear Mr. Petersen:

In regard to your water permit application received on April 24, 1991, the following information needs to be submitted and/or clarified in order to process your application.

1. Enclosed is your check for \$250.00. The filing fee for irrigation of 75 acres is \$225.00.
2. Item No. 2 of the application indicates the amount of water claimed to be 1.55 cfs. Under State Statutes you are allowed 1 cubic foot of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 1.07 for the 75 acres to be irrigated. Please let us know if you concur with this change.
3. Item No. 4, the location of the point of diversion is somewhat confusing. From the aerial photo submitted with the application it would appear that the well is to be located in the SW 1/4 SE 1/4. If the well is located 1275 feet west and 20 feet north of the SE corner of Section 3 as stated on Item No. 4., then the location would be the SE 1/4 SE 1/4. Which is correct?

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the fee and clarification of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Karen,

Thank you for your response concerning the application for water Permit. I have enclosed a Check for the correct Amount.

I am satisfied with applying for 1.07 cfs of water - I was unaware of the guidelines on 1 cfs per acre.

The Well will be in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec 3 - 48-53. Thank you for your corrections, if there are any further questions please write me back.

Thank
Paul Peters

REPORT ON APPLICATION NO. 5555-3
for Paul Peterson
June 26, 1991

Application No. 5555-3 proposes to appropriate 1.07 cfs from one well approximately 92 feet deep located in the SE 1/4 SE 1/4 of section 3, to irrigate 75 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 of section 3; all in T98N R53W in Turner County.

AQUIFER - UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri aquifer is a buried glacial outwash under predominantly artesian conditions. Test well data submitted with this application indicates gravel from 54 to 92 feet below land surface. The Upper Vermillion Missouri aquifer underlies 268 square miles and contains 2.367 million acre feet of water in storage in Turner and Hutchinson counties nearly all of which is in Turner County (Lindgren, 1990). The SDGS estimated the Upper Vermillion Missouri aquifer underlies 106,400 acres and contains 1.037 million acre feet of recoverable water in Turner County (Hedges, 1982). Part of the difference between these estimates can be attributed to a better aquifer map available for the USGS study (area better defined) but most of the difference can be attributed to the calculation of water in storage versus total water recoverable. The recoverable water is about 25% less than the amount of water in storage.

The Upper Vermillion Missouri is hydraulically connected to the Parker Centerville aquifer in some areas. The Parker Centerville directly overlies the Upper Vermillion Missouri in T99N R53W and in T96N R52W. This application is located in an area where the two aquifers are potentially interconnected. The Parker Centerville aquifer is over appropriated and nearly fully appropriated based upon use but the Upper Vermillion Missouri is not. The Upper Vermillion Missouri is also hydraulically connected to the Vermillion River in southern Turner County and potentially connected to the Niobrara Formation and the Sioux Quartzite.

The Division of Water Rights monitors 61 observation wells in Turner County, 21 completed into the Parker Centerville and 20 into the Upper Vermillion Missouri. Water levels for these wells show good response to climatic conditions, that is, rising during wet years (recharge) and declining during dry years due pumping and natural discharge. The observation well record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

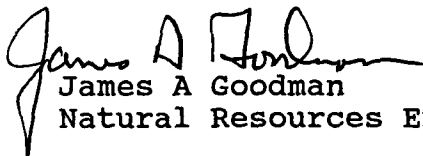
REVIEW OF EXISTING WATER PERMITS/RIGHTS

This area of Turner County is intensively irrigated. There are two permits Nos. 5261-3 and 3899-3 with diversion points approximately 1/2 from this application and completed into the Upper Vermillion Missouri aquifer. Interference is not expected to be a concern. The observation well record indicates fluctuations due to pumping can be expected but this does not adversely affect water availability from the aquifer. There are shallow diversions from the Parker Centerville

aquifer which are also within 1/2 mile of this proposed diversion. Interference is unlikely; however, during extended drought, the pumping capacity from the Parker Centerville may be diminished because of water level declines. Geologic and hydrologic information indicates that the two aquifers may be hydraulically connected in this immediate area. It is likely that diversions from the Upper Vermillion Missouri will affect water levels in the Parker Centerville in the immediate area because of the hydraulic connection.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. Interference is not expected to be a problem. There is evidence suggesting that in the area immediately to the east of this site the two aquifers are hydraulically connected. However, this does not cover a large area. Drawdowns caused by this diversion are not expected to adversely affect diversions from the Parker Centerville or the Upper Vermillion Missouri aquifers.
3. This area is intensively irrigated with diversions from both the Parker Centerville and the Upper Vermillion Missouri aquifers. Sorting out which diversions are causing what drawdown would be very difficult. The observation well record indicates both aquifers are capable of sustaining additional withdrawals.
4. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Lindgren, J.L., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1991, Observation Well Records for Turner County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5555-3, Paul Peterson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5555-3, Paul Peterson, Rt 1, Box 4A, Hurley, SD 57036.

The Chief Engineer is recommending APPROVAL of Application No. 5555-3 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 well authorized by Permit No. 5555-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 3, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 23, 1991

Paul Petersen
Rt 1 Box 4A
Hurley, SD 57036

Dear Mr. Petersen:

Water Permit Application No. 5555-3 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 The New Era printed at Parker, 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 action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

South Dakota

GREAT FACES. GREAT PLACES.

July 23, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5555-3 to be published twice. Please publish the first notice on August 1, 1991, 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 Paul Petersen, Rt 1, Box 4A, Hurley, SD 57036.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
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

Instruction to Newspaper - Publish first Notice on August 1, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5555-3 to Appropriate Water

Notice is given that Paul Petersen, Rt 1, Box 4A, Hurley, SD 57036 has filed an application for a water permit to appropriate 1.07 cubic feet of water per second from groundwater one well (Upper Vermillion Missouri Aquifer) 105 feet deep located in the SE 1/4 SE 1/4 Section 3, to irrigate 75 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 3; all in T98N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5555-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 19, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5555-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 28, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 28, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 28, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 19, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Turner) ss.

I, Bruce J. Bormann

certify that the attached printed Notice was taken
 from the The New Era

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 Parker

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

August 1, 1991

August 8, 1991

Bruce J. Bormann
 (Signature)

Publisher
 (Title)

August 8, 1991
 (Date Signed)

Cost of Printing: 46.94



My Commission Expires Nov. 29, 1998

Walter L. Landa

NOTICE OF HEARING on Application No. 5555-3 to Appropriate Water

NOTICE IS GIVEN that Paul Petersen, Rt. 1, Box 4A, Hurley, SD 57036 has filed an application for a water permit to appropriate 1.07 cubic feet of water per second from groundwater one well (Upper Vermillion Missouri Aquifer) 105 feet deep located in the SE 1/4 SE 1/4 Section 3, to irrigate 75 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 3; all in T98N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5555-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 19, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

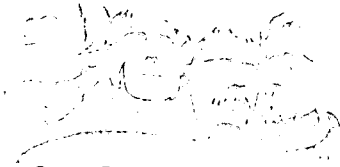
For purposes of publishing (1) the notice of hearing on Application No. 5555-3 and (2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 28, 1991 at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the August 28, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 28, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 19, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may

ask the water Rights Division to request
copies of information pertaining to this
application or to assure access to the
hearing by the handicapped.

This application is made pursuant to
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-
1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13,
46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12.

South Dakota



GREAT FACES. GREAT PLACES.

FEB 17 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Paul Petersen
Rt 1 Box 4A
Hurley, SD 57036

Dear Mr. Petersen:

Enclosed is Water Permit No. 5555-3 authorizing construction of your water diversion system and beneficial use of the water, 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,

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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 6-18-96

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Paul Peterson 45610 282nd ST
(name) (address)
Hurley, SD 57036 605-238-5791
(city) (state) (zip) (phone)

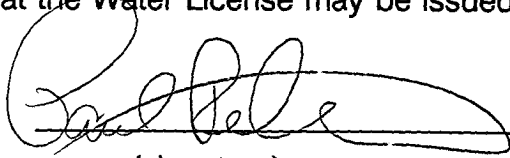
I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5555-3.

Water Permit No. 5555-3 states that the diversion system is to be constructed by August 28, 1996, and that the water is put to beneficial use by August 28, 2000.
(date) (date)

The diversion system was completed on 5-10-93.
(date)

Applying the water to beneficial use was completed on 6-10-93.
(date)

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


(signature)

Permit No. 5555-3
Vermillion 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 18, 1996**, made a thorough examination of the water use system constructed by **Paul Petersen** of **45610 282ND Street** holder of Permit No. **5555-3**, bearing the priority of **April 24, 1991** authorizing the diversion of **1.07** cu. ft. of water per second from **ground water** for **irrigation** purposes, in **Turner** County.

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

A. Works used to divert the water:

A 100 HP US Electric motor with an 800 GPM Aurora pump.

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

1320 feet of 8" PVC.

C. Works used to apply water to beneficial use:

A 7 tower Valley center pivot nozzled for 800 gpm.

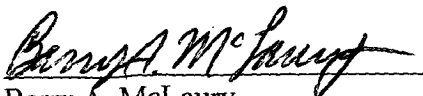
The system is in the following condition **good**. The point of diversion is located **1320 feet directly West of the SE corner of Section 3; T098N R53W**. The works are capable of diverting and conveying to the place of use **1.77** cu. ft. of water per second which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

T098N R53W	SECTION 3	SE1/4 SW1/4	34 ACRES
		SW1/4 SE1/4	34 ACRES

comprising a total of **68** acres of land and the license should be issued for **0.97** cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: **None** Date Report Completed: **March 12, 1997**



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5555-3

Other permit(s) associated with the project: None.

DATE OF INSPECTION: June 18, 1996.

NAME OF INSPECTION CONTACT: Paul Petersen, owner.

NAME & ADDRESS OF PERMIT HOLDER: Paul Petersen, 45610 282ND Street, Hurley, SD 57036.

DIVERSION POINT LEGAL LOCATION: 1320 feet directly W of the SE corner of Section 03; T098N R53W.

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 105 feet
- 4) Well log is available N

Casing:

- 1) Diameter 16 inches
- 2) Length 65 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 8 feet

Motor:

- 1) Make US Electric
- 2) Frame No. 404 TP
- 3) Horsepower rating 100 HP

Pump:

- 1) Make Aurora
- 2) Model No. verdiline
- 3) Capacity 800 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1320 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) High or low pressure low
- 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type diaphragm pump
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

COMMENTS:

On June 18, 1996, Mr. Petersen signed a form 10 "Notice of Completion of Works and Application of Water to Beneficial Use."

NOT TO SCALE

Water Permit NO. 5555-3
Paul Petersen - Hurley, SD



Barry A. McLaury
Environmental Scientist
Water Rights Program
Date March 12, 1997

SE 1/4 SW 1/4
34 Acres

SW 1/4 SE 1/4
34 Acres

8" PVC

Diversion Point

5555-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5555-3

(1) Paul Petersen, 45610 282nd Street, Hurley SD 57036 made Application No. 5555-3, April 24, 1991 for a water permit to divert 1.07 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5555-3, with a priority date of April 24, 1991 was approved August 28, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 28, 1996 and for the application to beneficial use of said water on or before August 28, 2000.

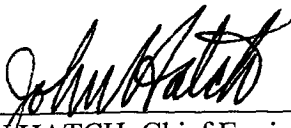
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 18, 1996. The *Notice* stated the diversion system was completed on May 10, 1993 and the water placed to beneficial use on June 10, 1993.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.97 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet directly west of the southeast corner of Section 3-T98N-R53W (SE 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 3-T98N-R53W	SE 1/4 SW 1/4	34 acres
	SW 1/4 SE 1/4	34 acres
Total		68 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Petersen, 45610 282nd Street, Hurley SD 57036 the holder and/or owner of Water Permit No. 5555-3 is issued a license to appropriate water, the right to use 0.97 cubic feet of water per second from groundwater (one well) with a priority date of April 24, 1991 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5555-3 and subject to South Dakota State Law.



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

APR 7 1997

date



RECEIPT

415283

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 24, 19 97

RECEIVED OF Paul Petersen Farms, 45610 - 282nd St., Hurley, SD 57036

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>5555-3</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 Statch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 1997

Permit Nos. 3906A-3
5261-3
5555-3

Paul Petersen
45610 282nd Street
Hurley, SD 57036

Dear Mr. Petersen:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 3906A-3, 5261-3 and 5555-3, has been completed. Your final water right documents, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit Nos. 3906-3 and 4961-3 will be incorporated into 3906A-3.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$150.00 fee from you, we will begin processing your Water Licenses.

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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 fee per license (\$150.00 total) has been paid. Please contact us if you have any questions.

Sincerely,

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

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



**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.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



No. 5555-3 and 199-3

August 1, 2014

Paul Peterson
45610 282nd Street
Hurley SD 57036

Dear Mr. Peterson:

The irrigation season is in full swing. This has led to the Department of Environment and Natural Resources (DENR) fielding inquiries regarding end gun overspray on to roads. DENR recently distributed the attached press release to the media.

DENR received an inquiry alleging the irrigation systems located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T98N, R53W and the NE $\frac{1}{4}$ Section 11, T98N, R53W are having irrigation water from the end gun hitting the road. The water right for the system in Section 3 is held in your name under Water Right No. 5555-3 and it is our understanding you farm the ground in NE $\frac{1}{4}$ Section 11 owned by the Mershon's that is authorized by Water Right No. 199-3.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

DENR Reminds Irrigators to Avoid Overspray

FOR IMMEDIATE RELEASE: Thursday, July 24, 2014

PIERRE, S.D. – The Department of Environment and Natural Resources (DENR) reminds irrigators to check their center pivots to ensure they are operating properly and are adjusted to spray only upon land authorized for irrigation by their water permit.

“It is important that irrigators do everything they can to avoid overspraying onto nearby roads or neighboring properties,” said DENR Secretary Steve Pirner. “Irrigation overspray can damage roadways, lead to unsafe driving conditions and impact neighbors.”

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes spraying water on land not covered by the water permit. Irrigation systems and especially end guns must be constantly monitored to make sure they are not applying water where it is not allowed. Irrigators who fail to prevent overspray can be subject to fines or required to appear before the Water Management Board for possible suspension of their right to irrigate.

South Dakota has nearly 5,300 active irrigation permits authorizing irrigation of up to 879,000 acres.

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Friday, August 01, 2014 7:45 AM
To: Gronlund, Eric
Subject: water sprayed on road

This last week these were spraying water on the roads. They are all in the same township. Hurley Town ship Turner county

T98N R53W

sec 11 nw1/4 of sw 1/4

on hwy 19

sec 10 ne 1/4

on 280th st

sec 11ne 1/4

on 280th st

sec 12ne 1/4

on 280th st

sec 1 se 1/4

on 280th st

sec 35 se 1/4

on hwy 18

sec 3 sw 1/4 of se 1/4

this happen all time during the day and night. you don't see this at night until you hit it and then you can't see the road.

Also this morning I was driving and the same pivot that was over spraying the road that caused my accident was spraying water on the road again. this is the 2nd time that I have had to file a complaint about its in the nw 1/4 of sec 12 T98N R53W. I was told that they wont be doing that anymore and they still are.

If you have any questions just email me or call me at 605 929 6340

thanks

Kelly Knittel



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: PAUL PETERSEN, 45610 282ND ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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 3, 2021** 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: <https://denr.sd.gov/iq> using this password: XTHTSS**

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.

5555-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

Paul Petersen Farms
45610 282nd St
Hurley SD 57036

RE: Water Permit or Right Nos. 121-3A, 164-3, 199-3, 289-3, 1773-3, 2053-3, 2852-3, 3411-3, 3632-3, 3633-3, 3648-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3

Dear Mr. Petersen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us