

Considered: _____

WATER PERMIT NO. 5601-3

Phone: 266-2747

Name of Applicant: Floyd Peterson

Post Office Address: RR 1, Box 22, Hitchcock SD 57348

Amount of Water Claimed: 0.10 Total Acres: 5

Source of Water Supply: groundwater

Water to be used for: irrigation & domestic County: Spink

About 1 miles north of Hitchcock

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12-2-91 Fee: \$50 Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED 12-18-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SW 1/4 Sec 28-114-63

Land to be Irrigated: SW 1/4 SW 1/4 Sec 28-114-63

			28		

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

Depth of Well: 78' REMARKS _____

Type of Map: aerial PREPARED BY: Tim Schaal Reviewed and the Number

Assigned on 12-19-91 By Karen Schlaak

(See instructions)

No. 5601-3 Hydrologic Unit 10160006
Basin James River
Newspaper The Redfield Press, Box 440 (Wed)

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

- Name of Applicant Floyd Peterson Phone No. 266-2747
Post Office Address RR 1, Box 22 Hitchcock State SD 57348
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 0.10 Total acres irrigated 5 acres
- Source of Water supply Groundwater (1 well)
- Location of point of diversion 430 ft. North and 80 ft. East of the SW corner
of Section 28-T114N-R63W (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
County Spink
- Counties where water will be used Spink
- Annual period during which water is to be used January 1 thru December 31
- 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.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28-T114N-R63W	5

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Lawn Sprinklers (Specify)
- Crops to be Irrigated: _____
- Give a description of proposed project. (Attach sheet if more space is needed)

This application is for a well that is being used to irrigate 5 acres of

Lawn and Trees and supplying water to 2 homes for household and domestic use.

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

STATE OF SOUTH DAKOTA)
County of Spink) ss

I, Floyd 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 Floyd Peterson

Subscribed and sworn to before me this 25 day of Nov. 1991

Warren Gilchrist

Notary Public



**SOUTH DAKOTA
WATER PERMIT No. 5601-3 FOR IRRIGATION**

Date of first receipt of application December 2, 1991.
Date Soil/Water Compatibility Permit received December 18, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5601-3 to Floyd Peterson, RR 1, Box 22, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5601-3 appropriates 0.10 cubic feet of water per second from one well (Tulare-Hitchcock) 78 feet deep located in the SW 1/4 SW 1/4 Section 28 to irrigate 5 acres located in the SW 1/4 SW 1/4 Section 28; all in T114N-R63W. The water will also be used for domestic purposes.
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: January 1 - December 31.
3. The date from which applicant may claim right is December 2, 1991.
4. The date of approval of Permit No. 5601-3 is March 31, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 7 1992
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 11 7/8 Depth 78 ft.
- b) Casing Type PVC Diameter 6 in Thickness _____
- c) Screen Type PVC Diameter 8 in Thickness _____
- d) Gravel Pack Thickness 2 in Length of Gravel Pack 20
- e) Depth to Top of Water Bearing Material 50 ft.
- f) Depth to Water (ground surface to water level) 23 1/2
- g) Distance to nearest existing domestic well:
 On applicants property 1700 ft. On property owned by others 1/2 mile

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 _____

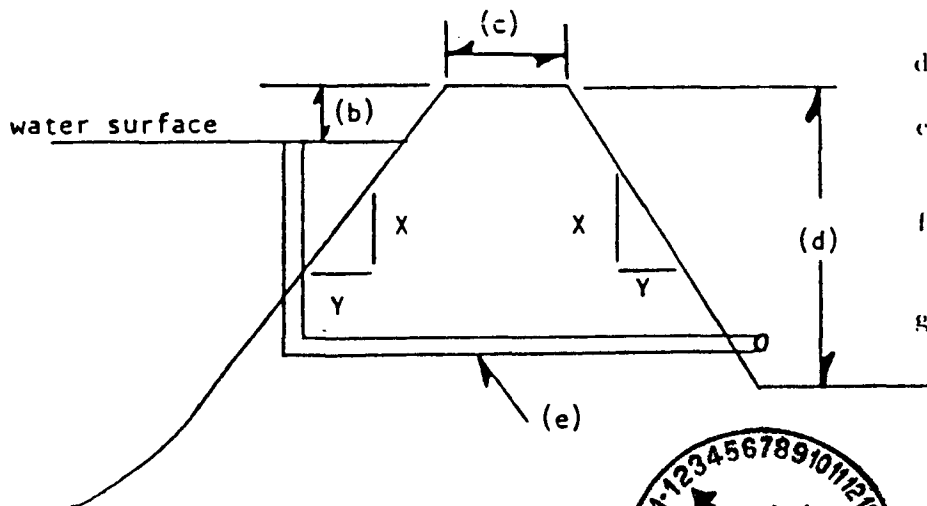
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



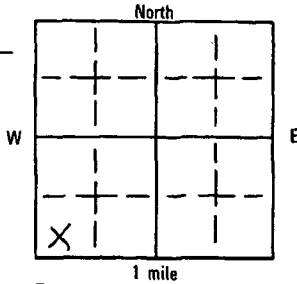
Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 28 Twp 114 N Rg 63 WCounty Spink

Please mark well location with an "X"

Well Completion Date 3-8-91

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>8</u> IN	<u>0</u> FT	<u>78</u> FT	<u>11 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 50 FEETWhat is grouting material? Cement & BentoniteIf cement, number of sacks? 8Describe grouting procedure line to 50 ft.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 20 FEETMaterial PVCSlot Size 0.16 Set From 58 Feet To 78 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? Gravel PackedWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NOLaboratory sent to Did not make a sample

Well Owner:

Name Oscar PetersonAddress RR Hitchcock, SD 57348

Well Log:

Depth

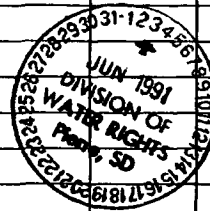
Formation

From

To

Yellow Clay w/ rock020Yellow Clay2025Blue Clay &2540Blue Clay w/ sand streaks4050Medium-Fine Sand5075Blue Clay7580

TD 78'

STATIC WATER LEVEL 28 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped4.0 B.P.M.☐ BailedDescribe: air compressor☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

R. E. Huel

Signature of Well Owner:

Date 5-31-91

5601-3



NOT TO SCALE

HEL FIELD

HEL FIELD

HEL FIELD

HEL FIELD

HEL FIELD

379-237R

A-8

Handwritten: Section 28
Beaver County

HEL FIELD

114-63

Handwritten: Timothy L. Neal
October 16, 1991

80'
430'

SW 1/4 SW 1/4
5 Acre

125.5

NC

25.6

T298

HEL FIELD

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412944

Pierre, December 3, 1991

RECEIVED OF Floyd H. Peterson, RR 1, Box 22, Hitchcock, SD 57348

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

Fee for Application for Permit No. <u>5601-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	50	00

By John Hatch (CF)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4665

WR#

OWNERS NAME: PETERSON, FLOYD

OWNERS ADDRESS: RR 1, BOX 22
HITCHCOCK, SD 57348-9717

COUNTY LAND LOCATED IN: SPINK PHONE: 266-2747

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T114N-R63W (430' North & 80' East of the SW corner)

Depth: _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T114N-R63W	5		

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

3. CROPS TO BE IRRIGATED: Lawn & Trees and supplying water to 2 homes for household & domestic use.

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-0570

7. ADJUSTED (SAR): 3.47

5. SALINITY (EC X 10⁶): 2700

8. PERCENT SODIUM: 11.24

6. SODIUM (SAR): 1.09

Requirements:

Due to the clay contents of the underlain material (about 3'), the leaching of salts may be hindered on the long term and a form of artificial drainage may be necessary; i.e., tile. Artificial drainage shall be installed, as deemed necessary.

Director, Division of Conservation

DECEMBER 17, 1991

Date

XXX APPROVED

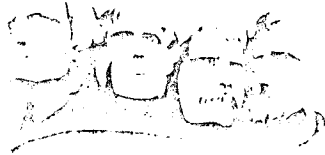
 DISAPPROVED

 WAIVER

XXX REQUIREMENTS

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

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 16, 1991

Floyd Peterson
RR 1, Box 22
Hitchcock, SD 57348

Dear Mr. Peterson:

Enclosed is a partially completed application form for the well you are using to irrigate your lawn and trees, along with supplying water for domestic use. As we discussed, I used 0.10 cfs (45 gpm) for the amount of water claimed.

The well construction information on Form 2A needs to be completed, along with submitting a Well Completion Report from the driller. Also enclosed is a mailing label for the water sample that needs to be sent to Brookings.

The forms need to be completed, signed and notarized and returned to us along with the filing fee of \$50.00.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Timothy G. Schaal".

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures

REPORT ON
WATER PERMIT APPLICATION NO. 5601-3
FLOYD PETERSON
FEBRUARY 13, 1992

Water Permit Application No. 5601-3 has been filed by Floyd Peterson to appropriate 0.10 cfs (45 gpm) of water from an existing well (Tulare-Hitchcock) which is 78 feet deep and located in the SW 1/4 SW 1/4 of Section 28-T114N-R63W. The well is being used to irrigate 5 acres of trees and lawn and supplying water to 2 homes for household and domestic use.

Water Source: Tulare-Hitchcock Aquifer

The source of water for Application No. 5601-3 is the Tulare Aquifer (Hitchcock Management Unit) which is part of the Central James Aquifer Complex. The formation underlies 96,000 acres in Spink County and has an estimated 360,000 acre-feet of recoverable water in storage (Hedges, 1982). The Tulare-Hitchcock Aquifer is a surficial formation composed primarily of outwash deposits of sand and gravel. A layer of till with an average thickness of 35 feet overlies the aquifer in most areas in Beadle County. As a result of this confining layer, the formation is normally under artesian conditions in Beadle County. However, in Spink County, water table conditions do exist where the formation is exposed at the surface (Howells, 1969).

The well log submitted with this application indicates blue and yellow clay from 0 to 50 feet and a sand layer from 50 to 75 feet. The total well depth is 78 feet and it had a static water level at 28 feet at the time it was constructed.

The Division of Water Rights has an observation well (SP-80F) located in the SE 1/4 of Section 21-T114N-R63W, which is approximately 1 mile away from Mr. Peterson's well. Observation well records indicate that this well has very little response to pumping or seasonal changes.

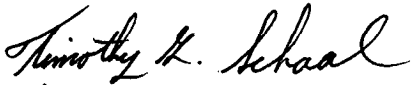
Review of Existing Water Rights:

According to Water Rights Division records and 1990 Irrigation Questionnaires, Spink County has 32 permits in the Tulare-Hitchcock Aquifer which represents an annual appropriation of up to 12,911.6 acre-feet (approximately 4% of the total recoverable water). Use of this amount of water each year is unlikely. The reported pumpage in Spink County from this formation was 3,020.00 acre-feet in 1990.

Conclusion:

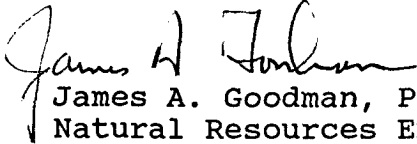
Water Permit Application No. 5601-3 should be approved since there is

unappropriated water available in the Tulare-Hitchcock Aquifer and the small amount of appropriation with this application should not cause well interference problems.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer IV

References:

Division of Water Rights, 1990, Irrigation Summary Report, DENR,
Division of Water Rights, Joe Foss Building, Pierre, SD.

Division of Water Rights, 1992, Observation Well Files, DENR, Division
of Water Rights, Joe Foss Building, Pierre, SD.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., 1982, Evaluation
of Groundwater Resources in Eastern South Dakota and Upper Big
Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers
contact No. DACW 45-80-C0185, DWNR, Office of Geological Survey,
Vermillion, SD.

Howells, L.W., Stephens, J.C., 1969, Geology and Water Resources of
Beadle County, South Dakota, Part II: Water Resources,
Geological Survey, Vermillion, SD.

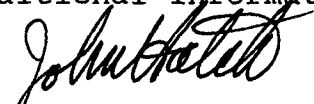
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5601-3, Floyd Peterson

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. 5601-3, Floyd Peterson, RR 1 Box 22, Hitchcock, SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 5601-3 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 approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 14, 1992



**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.

February 21, 1992

Floyd Peterson
RR 1 Box 22
Hitchcock, SD 57348

Dear Mr. Peterson:

Water Permit Application No. 5601-3 for irrigation and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Redfield Press printed at Redfield, SD. 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1992

The Redfield Press
Box 440
Redfield, SD 57469

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5601-3 to be published twice. Please publish the first notice on March 4, 1992, 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 Floyd Peterson, RR 1 Box 22, Hitchcock, SD 57348.

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
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 March 4, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5601-3 to Appropriate Water

Notice is given that Floyd Peterson, RR 1 Box 22, Hitchcock, SD 57348 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Tulare-Hitchcock) 78 feet deep located in the SW 1/4 SW 1/4 Section 28 to irrigate 5 acres located in the SW 1/4 SW 1/4 Section 28; all in T114N-R63W. The water will also be used for domestic purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5601-3 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 March 23, 1992. 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.

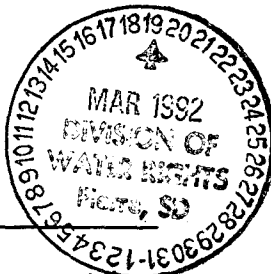
For purposes of publishing 1) the notice of hearing on Application No. 5601-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 31, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the March 31, 1992, 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 March 31, 1992, 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 March 23, 1992.

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 Spink) ss.



I, Margaret Mundstach

certify that the attached printed Notice was taken
 from the Redfield Press

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 Redfield of Redfield

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

March 4 and 11, 1992

Margaret Mundstach
 (Signature)

Bookkeeper
 (Title)

March 11, 1992
 (Date Signed)

Cost of Printing: \$47.88

No. 69

NOTICE OF HEARING on Application No. 5601-3 to Appropriate Water

Notice is given that Floyd Peterson, RR 1 Box 22, Hitchcock, SD 57348 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Tulare-Hitchcock) 78 feet deep located in the SW 1/4 SW 1/4 Section 28 to irrigate 5 acres located in the SW 1/4 SW 1/4 Section 28; all in T114N-R63W. The water will also be used for domestic purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5601-3 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 March 23, 1992. 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. 5601-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 31, 1992, 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 March 31, 1992, 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 March 31, 1992, 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 March 23, 1992.

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.

(March 4, 11)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 7 1992

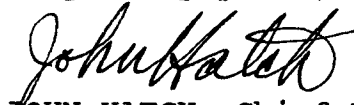
Floyd Peterson
RR 1 Box 22
Hitchcock, SD 57348

Dear Mr. Peterson:

Enclosed is Water Permit No. 5601-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,


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

enclosures

Permit No. 5601-3
James River - Water District

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

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

I have this day, 7-24-96 made a thorough examination of the water use system constructed by Floyd Peterson of HC 77 Box 30, Hitchcock SD 57348 holder of Permit No. 5601-3, bearing the priority of December 2, 1991 authorizing the diversion of 0.10 cu. ft. per second of the waters of Tulare-Hitchcock Aquifer for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

One well 80 feet deep with 58 feet of 8 inch pvc casing and 20 feet of pvc screen. Submersible pump and motor with a capacity of 35 gpm and 5 hp.

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

Lawn sprinkler system

C. Works used to apply water to beneficial use:

Lawn sprinkler system

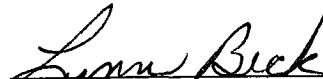
The system is in the following condition good. The point of diversion is located 430 feet north and 80 feet east of the SW corner of Section 28, T114N, R63W in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28. The works are capable of diverting and conveying to the place of use 0.078 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T114N, R63W.

comprising a total of 5 acres of land and the license should be issued for 0.078 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Lynn Beck

Natural Resources Engineer
DENR, Water Rights Program

8-29-96

Date

REPORT ON INSPECTION OF PERMIT NO. 5601-3

DATE OF INSPECTION: 7-24-96

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Floyd Peterson, HC 77 Box 30, Hitchcock SD 57348

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: 430' north and 80' east of the SW corner Section 28, T114N, R63W in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28.

WELL INFORMATION:

- 1) Well Drilling Firm: Pullman
- 2) No. of Wells 1
- 3) Depth(s) 80 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 8 inches
- 2) Length 58 feet
- 3) Type plastic

Screen:

- 1) Type pvc
- 2) Length 20 feet
- 3) Static water level 28 feet

Pump:

- 1) Make Submersible
- 2) Model #
- 3) Size #
- 4) Capacity 35 GPM

Motor:

- 1) Make Franklin submersible
- 2) Model No. #
- 3) Horsepower rating 5 hp

DISTRIBUTION LINES OR CANALS: Lawn sprinkler system.

- 1) Type # 2) Size # inches 3) Length # feet

SYSTEM TYPE: Lawn sprinkler system

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

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

5601-3



NOT TO SCALE

HEL FIELD

HEL FIELD

HEL FIELD

HEL FIELD

HEL FIELD

379-237R

A-8

Handwritten: 28
Beaver Creek

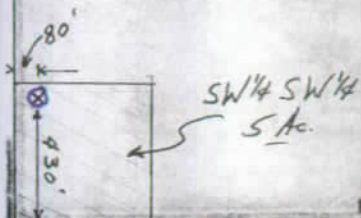
Lynn Beck
Lynn Beck
Natural Resource Engineer
DENR, Water Rights Program

HEL FIELD

8-29-96

114-63

Handwritten: Timothy L. Schaal
October 16, 1991



125.5

NC

25.6

T298

HEL FIELD

5601-3

STATE OF SOUTH DAKOTA

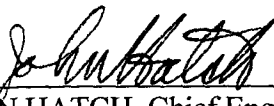
WATER LICENSE NO. 5601-3

(1) Floyd Peterson, HC 75 Box 22, Hitchcock SD 57348 made Application No. 5601-3, December 2, 1991 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Spink County, South Dakota for irrigation purposes. Permit No. 5601-3, with a priority date of December 2, 1991 was approved March 31, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.078 cubic feet of water per second for beneficial use. The location of the diversion point is 430 feet north and 80 feet east of the southwest corner of Section 28-T114N-R63W (SW 1/4 SW 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: **5 acres located in the SW 1/4 SW 1/4 Section 28-T114N-R63W.**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Floyd Peterson, HC 75 Box 22, Hitchcock SD 57348 the holder and/or owner of Water Permit No. 5601-3 is issued a license to appropriate water, the right to use 0.078 cubic feet of water per second from groundwater (one well) with a priority date of December 2, 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. 5601-3 and subject to South Dakota State Law.



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

OCT 17 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 13, 1996

5601-3

Floyd Peterson
HC 77, Box 30
Hitchcock, SD 57348

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 No. 5601-3, has been completed. Your final water right document, the Water License, can now be issued.

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.

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

Sincerely,

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

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

RECEIPT

415122

Division of Water Rights

South Dakota Department of Environment and Natural Resources

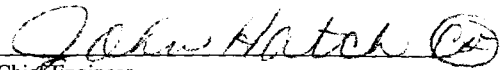
Pierre, _____ September 26, 19 96

RECEIVED OF Oscar, Inc. (Floyd Peterson), HC 75, Box 22, Hitchcock, SD 57348

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>5601-3</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 Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

5601-3

Floyd Peterson
HC 75, Box 22
Hitchcock, SD 57348

Dear Mr. Peterson:

Enclosed is Water License No. 5601-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415122 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5601-3, 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 License, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2010

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

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

Dear Oscar:

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 2012

5601-3

Jeb Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

I am writing in follow-up to our phone conversation concerning ownership of land authorized for irrigation under Water Right No. 5601-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
DEC 31 2012
WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5601-3

Date: 12-26-12

I/We request that Water Right No. 5601-3

formerly owned by: Floyd Peterson

be transferred to: (name & address) Jeb Peterson

18892 390th Ave Hitchcock SD 57348

Telephone No. 605-354-4603

Title to the following described land(s)/property has been transferred as described above:

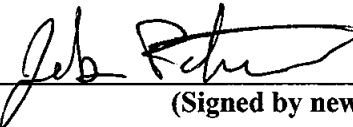
5 acres – SW ¼ SW ¼ Section 28, T114N, R63W

I/We understand that the validity of Water Right No. 5601-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jeb Peterson, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/3, 20 13

RECEIVED OF Jeb Peterson 18892 390th Ave Hitchcock SD 57348

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5601-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **05839**

By *John J. Entele*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2013

5601-3

Jeb Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5601-3.

The ownership change has been completed. Water Right No. 5601-3 formerly held by Floyd Peterson is now listed in your name.

Enclosed for your records is Receipt No. 05839 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



5601-3
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: JEB PETERSON, 18892 390TH AVE, HITCHCOCK, SD 57348
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5601-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5601-3 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) 5601-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 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 questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <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.



5601-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

5601-3

Jeb Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 5601-3. 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

5601-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 25, 2017

5601-3

Jeb Peterson
19050 376th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is a "Notice" dated October 20, 2017 concerning the 2017 irrigation questionnaire.

The notice was originally mailed to 18892 390th Ave., Hitchcock SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

PAID

APR 23 2019

Ck# 5348

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

APR 23 2019

No. 5601-3

WATER RIGHTS
PROGRAM
JND

Date: _____

I/We request that Water Right No. 5601-3

formerly owned by: Jeb Peterson

be transferred to: (name & address)

MATTHEW VAN BUSKIRK
18892 390TH AVE BOX 98 HITCHCOCK SD. 57348

Telephone No. 605-350-5671

Title to the following described land(s)/property has been transferred as described above:

5 acres - SW 1/4 SW 1/4 Section 28, T114N, R63W

I/We understand that the validity of Water Right No. 5601-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We MATTHEW VAN BUSKIRK, the new owner, certify that the above information is true and correct.

MATTHEW VAN BUSKIRK
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 23, 20 19

RECEIVED OF Matthew CanBuskirk P0898x 98 Hitchcock SD 57348

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5601-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09128**

By

Jeane Goodman
Chief Engineer
vm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 23, 2019

5601-3

Matthew Van Buskirk
PO Box 98
Hitchcock SD 57348-0098

Dear Mr. Van Buskirk:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring Water Right No. 5601-3.

The ownership change has been completed. Water Right No. 5601-3, formerly held by Jeb Peterson, is now listed in your name.

Enclosed for your records is Receipt No. 09128 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



5601-3
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 25, 2019

NOTICE

TO: JEB PETERSON, 19050 376th AVE, HITCHCOCK, SD 57348 8500
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5601-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5601-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5601-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

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5601-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Jeb Peterson, 19050 376th Ave, Hitchcock SD 57348-8500

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 5601-3

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right No. 5601-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire.

If the 2018 irrigation questionnaire is received prior to April 6, 2019, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2018 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

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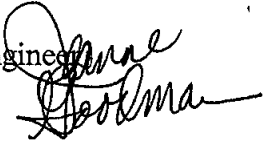
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 9, 2019

NOTICE

TO: Matt Van Buskirk, PO Box 98, Hitchcock SD 57348-0098

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Reinstatement of Suspended Water Right No. 5601-3

On May 8, 2019, the Water Management Board passed a motion to lift the suspension of Water Right No. 5601-3. **The Board's action allows you to irrigate in 2019.**

The Board's action took into consideration the land had changed ownership since the original irrigation questionnaire mailing in October, 2018. Jeb Peterson contacted our office on April 8, 2019 indicating he sold the land to you. While the Board action to suspend was directed to Mr. Peterson for failure to return his irrigation questionnaire, he did not own the land and therefore improper notice was given.

Ownership has been changed to your name. The 2019 irrigation questionnaire for Water Right No. 5601-3 will be directed to your attention in mid-October, 2019.

Please contact Genny McMath (605) 773-3352, if you have any questions.

5601-3

CERTIFICATION

I hereby certify that on May 9, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelope containing a Notice dated May 9, 2019 regarding the Reinstatement of the following Water Rights or Water Permits addressed as stated below:

Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3

- Andrea Koch, Timber8 LLC, 56809 893rd, Wynot NE 68792

Water Right No. 5601-3

- Matt Van Buskirk, PO Box 98, Hitchcock SD 57348-0098

Vickie Maberry

Vickie Maberry
Water Rights Program
Environment and Natural Resources

STATE OF SOUTH DAKOTA)

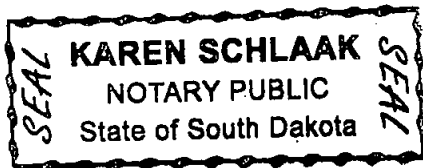
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 20 19.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025





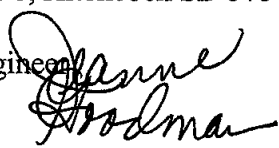
DEPARTMENT of ENVIRONMENT
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www.denr.sd.gov

April 8, 2019

NOTICE

TO: Matt Van Buskirk, PO Box 98, Hitchcock SD 57348-0098

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Reconsideration of Suspended Water Right No. 5601-3

On March 6, 2019, the Water Management Board ordered Water Right No. 5601-3 suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire. On April 8, 2019, Eric Gronlund spoke with Jeb Peterson, who indicated he sold the land covered under the water right to you in November, 2018.

While the Board action to suspend was directed to Mr. Peterson for failure to return his irrigation questionnaire, he did not own the land and therefore improper notice was given. The Water Rights Staff cannot reverse a Board action once it takes place. The matter will need to be brought back before the Board for rescinding the action to suspend the water right.

The hearing to consider rescinding the suspension has been scheduled for **8:45 am, Wednesday May 8, 2019 (Central Time) in the LRC Conference Room 414, State Capitol Building, 500 E Capitol, Pierre, SD.**

In order to get the water right transferred to your name, enclosed is a partially completed Notice of Transfer of Ownership form. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program. A postage paid envelope is enclosed for your convenience.

Please contact Genny McMath (605) 773-3352, if you have any questions.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: VAN BUSKIRK FARMS LLP, MATT VAN BUSKIRK, PO BOX 98, HITCHCOCK, SD 57348
0098

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1723-3 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) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1723-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LZTUNL**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
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February 2, 2024

1504B-3, 3390-3A, 3191-3
5601-3, 7264-3, 7315A-3
1723-3, 7316-3 & 8261-3

Van Buskirk Farms LLC
c/o Matt Van Buskirk, Mgr
PO Box 98
Hitchcock SD 57348

Dear Mr. Van Buskirk:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1504B-3, 1723-3, 3390-3A, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The irrigation questionnaire for Scott Mueller's Permit No. 3191-3 has not been received. Permit No. 3191-3 is still scheduled to be reviewed by the Water Management Board on Wednesday, March 6, 2024. If the irrigation questionnaire is returned prior to the March 6th meeting, it will be removed from the agenda.

cc: STEVEN NICOLAI, 4535 MORMAN COULEE RD, LACROSS WI
SCOTT A MUELLER, 19221 397TH AVE, HITCHCOCK SD 57348



also add to: 8261-3, 7315A-3, 7264-3
7316-3, 8108-3, 8109-3, 8110-3
8748-3, 8752-3, 8751-3, 8750-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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danr.sd.gov

8749-3
5601-3

January 21, 2025

7316-3

Van Buskirk Farms LLP
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Van Buskirk:

Enclosed is a "Notice" dated January 14, 2025, concerning the 2024 Irrigation Questionnaire.

The notice was originally mailed to Van Buskirk Farms LLP, PO Box 98, Hitchcock SD 57348. The post office notified our office that your address has changed, and your records have been updated accordingly.

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

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

55E NFE 114192410001/15/25
RETURN TO SENDER
VANBUSKIRK
18892 390TH AVE
HITCHCOCK SD 57348-7707

RETURN TO SENDER