

WATER PERMIT NO. 6201B-3

Name of Applicant: Peterson Farms

Address: 1911 Maple Ave, Hitchcock SD 57348 Phone:

Amount of Water Claimed: 1.93 cfs Total Acres: 135 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Spink

Type of Waste Disposal System:

Location: 6 miles east of Hitchcock

PRIORITY Date Received: 2-8-12 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: April 1 – November 30

Remarks: Moving the location of Permit No. 6201B-3 approximately 5 miles southeast

Diversion Point: SW ¼ NE ¼ Sec 33-T114N-
R62W

Land to be Irrigated: S ½ NE ¼, N ½ SE ¼ Sec 33-
T114N-R62W

Depth of Well: 62 feet

Well Driller: Pullman Drilling

Remarks:

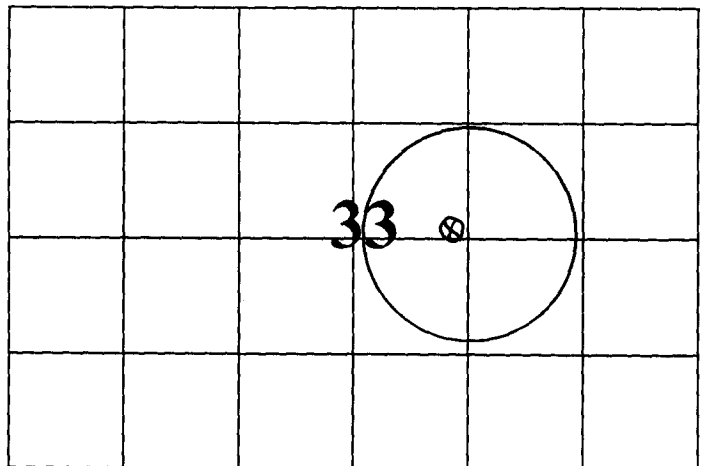
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-9-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED

FEB - 8 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>6201B-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press PO Box 440</u>
	<u>605-472-0822</u> <u>57469</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6201A-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
transfer acres and diversion to new location

1. Name of Applicant Peterson Farms Phone _____
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1911 Maple Avenue Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.78 *CFS or **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
SW 1/4 NE 1/4 Section 33, T114N, R62W

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - November 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

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

8. Give a description of the project. (Attach sheet if more space is needed)

Water Permit No. 6201A-3 has been developed but is currently flooded. Intend to transfer to new acres

STATE OF SOUTH DAKOTA)
County of Hughes) SS

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

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

Applicant's signature Lenny Peterson

Subscribed and sworn to before me this 8th day of February, 20 12

KAREN SCHLAACK
NOTARY PUBLIC
State of South Dakota

SEAL

Karen Schlaack
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6201B-3**

Date of first receipt of application February 8, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6201B-3 to Peterson Farms, 1911 Maple Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6201B-3 amends Water Right No. 6201A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 6201A-3 appropriates 1.78 cubic feet of water per second (cfs) from one well located in the NE 1/4 SW 1/4 Section 22 to irrigate 132 acres located in the SW 1/4 Section 22; all in T114N-R63W. This permit authorizes moving the center pivot approximately 5 miles southeast with the well to be located in the SW 1/4 NE 1/4 Section 33 to irrigate 132 acres located in the S 1/2 NE 1/4 and N 1/2 SE 1/4 Section 33; all in T114N-R62W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The dates from which applicant may claim right are May 8, 2000 (1.20 cfs & 84 acres) and July 26, 2002 (0.58 cfs & 48 acres) established by Water Right No. 6201A-3.
4. The date of approval of Permit No. 6201B-3 is April 16, 2012.
5. One-fifth of the construction is to be completed on or before October 16, 2014.
6. All construction is to be completed on or before April 16, 2017.
7. Water is to be put to beneficial use on or before April 16, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

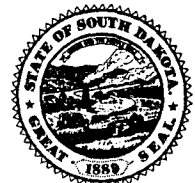
QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6201B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The well authorized by Water Permit No. 6201A-3 located in the NE ¼ SW ¼ Section 22, T114N, R63W may be temporarily abandoned by sealing the top of the casing with a watertight cap pursuant to Water Management Board Rule (ARSD 74:02:04:70.01). If this well is permanently abandoned it shall be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

SEP 14 2012
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 62 - 63 feet
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

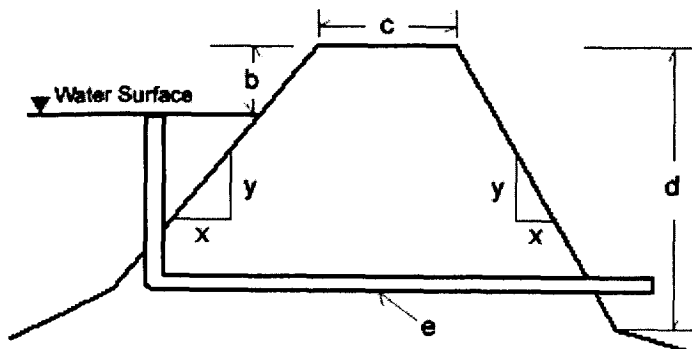
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____



- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

WATER PERMIT APPLICATION FOR PETERSON FARMS
TRANSFER ACRES, WELL LOCATION and DIVERSION RATE
AUTHORITY OF WATER PERMIT No. 6201A-3



0 310 620 1,240 1,860 2,480
Feet



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation by Lenny Peterson

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

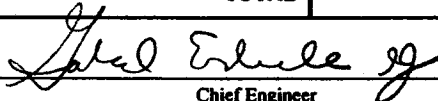
Date 2/8/, 2012

RECEIVED OF Peterson Farms 19111 Maple Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>6201B-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6201B-3</u>	200	00
Fee for Filing Transfer Form _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No. **05352**

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6201B-3, Peterson Farms**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6201B03, Peterson Farms, c/o Lenny Peterson, 1911 Maple Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6201B-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6201B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The well authorized by Water Permit No. 6201A-3 located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T114N, R63W may be temporarily abandoned by sealing the top of the casing with a watertight cap pursuant to Water Management Board Rule (ARSD 74:02:04:70.01). If this well is permanently abandoned it shall be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 20, 2012

REPORT ON WATER PERMIT APPLICATION NO. 6201B-3

For Peterson Farms

March 5, 2012

Application No. 6201B-3 proposes to amend Water Right No. 6201A-3 by transferring irrigated acreage and point of diversion to other lands. Water Right No. 6201A-3 appropriates 1.78 cfs from a well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 22 to irrigate 132 acres located in the SW $\frac{1}{4}$ of section 22; all in T114N R63W. This application proposes to move the permitted lands approximately 5 miles southeast with the new well to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 33 to irrigate 132 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 33; all in T114N R62W in Spink County. The water source for this application and the existing water right are both in the Tulare-Hitchcock aquifer.

State Law (SDCL 46-5-34) allows for an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water right beneficially or economically for irrigation on the current land. Mr. Peterson indicates justification for this change is the land authorized by Water Right No. 6201A-3 is currently flooded.

AQUIFER – TULARE HITCHCOCK (T-H)

The Tulare Hitchcock aquifer is a predominantly surficial outwash (sand and gravel) that is under water table conditions. The aquifer extends into Beadle County to the south, blends into the Tulare Western Spink aquifer to the west. The Water Management Board considers the Tulare Hitchcock and Tulare Western Spink aquifers to be the same for appropriations purposes. The Water Management Board concluded these aquifers to be fully appropriated based upon water use at the December 6, 2007 Water Management Board Hearing and adopted Findings of Facts and Conclusions of Law to that effect in “In the Matter of Water Permit Applications from Tulare:Hitchcock Aquifer and Tulare:Western Spink Aquifer, Finding of Fact, Conclusion of Law and Final Decisions”. Nothing factual has changed since that report was presented to the Water Management Board (Goodman, 2007) that would affect the status of the aquifer.

This will be a new well. Reportedly, test holes were drilled however there is no record on file. This application indicates the well will be 62 to 63 feet deep. Existing well data, test holes and observation well data in this area all indicate the likelihood the aquifer will be present at this site and that development potential is favorable. However until a production well is completed and tested the outcome will not be known.

The Water Rights Program monitors and observation well SP-79N located within one-half mile to the south of this application. Water levels show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates the aquifer is capable of sustaining additional withdrawals in this area (Water Rights, 2012). A hydrograph for this observation well is included with this report. Note that the water levels at present are about 10 feet higher than historically and would be expected to drop to that level again under normal conditions.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There is an existing Water Right No. 6333B-3 located in the SW ¼ of section 33. This proposed well will be about one-half mile northeast of this water right. The existing well for Water Right No. 6333B-3 is a seventy feet deep well that is capable of producing 1,000 gpm with eight feet of drawdown (specific capacity of 125 gpm/ft of drawdown). Interference is not a concern especially with a water table aquifer with this prolific pumping potential. Any other irrigation wells in the area are about one mile or more to the west and would not be impacted by this diversion.

CONCLUSIONS

1. Water for new appropriations is not available from the Tulare Hitchcock aquifer.
2. The applicant holds Water Right No. 6201A-3 (1.78 cfs, 132 acres) and the applicant can transfer all or part of this right pursuant to state law.
3. The applicant is not proposing to increase the rate of water use or the amount of acres irrigated. No change above the originating permit is requested nor authorized.
4. The applicant will be abandoning Water Right No. 6201A-3 and the well authorized by that right must be plugged pursuant to SD Well Construction Standards.
5. The new well authorized by this application must be constructed in accordance with SD Well Construction Standards.
6. This application is limited to the statutory limit of two acre feet per acre.
7. Approval of this application will not increase the water use from the aquifer nor cause adverse interference on existing users.
8. The applicant indicates the reason for transfer request is that lands under Water Right No. 6201A-3 are flooded and this transfer would allow better utilization of the water right.

for Eric Hundert
James A Goodman

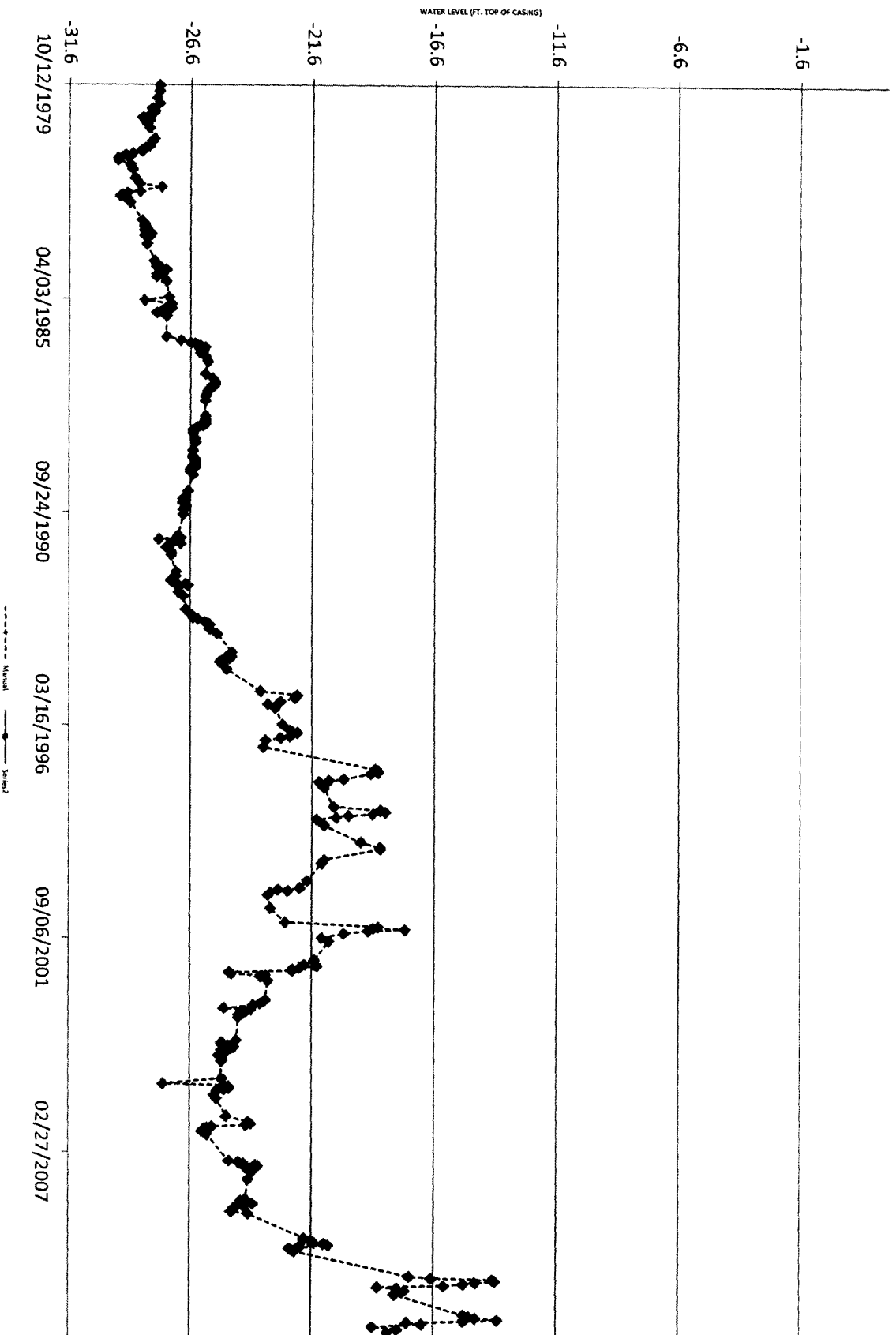
Natural Resource Engineer

BIBLIOGRAPHY

Goodman, J.A., 2007 Report on Deferred Water Permit Applications from the Tulare Hitchcock and Tulare Western Spink Aquifer in Spink, Hand and Beadle Counties, SD DENR, DES, Water Right Program, Pierre SD, 57501

Water Rights, 2012, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501

WATER RIGHTS' OBSERVATION WELL SP-79N



RECEIVED

APR - 5 2012

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

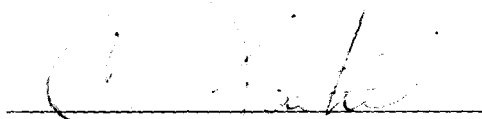
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

#269 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on March 28th and the last publication being made on April 4th, that Fifty-five and .44/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 4th day of April, 2012.



Notary Public, South Dakota

My commission expires 04/06/2016

Notice

#269

NOTICE OF WATER PERMIT APPLICATION NO. 6201B-3

Notice is given that Peterson Farms, c/o Lenny Peterson, 1911 Maple Ave, Hitchcock SD 57348 has filed an application to amend Water Right No. 6201A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 6201A-3 appropriates 1.78 cubic feet of water per second from one well located in the NE 1/4 SW 1/4 Section 22 to irrigate 132 acres located in the SW 1/4 Section 22; all in T114N-R63W. This application proposes to move the center pivot approximately 5 miles southeast with the well to be located in the SW 1/4 NE 1/4 Section 33 to irrigate 132 acres located in the S 1/2 NE 1/4 and N 1/2 SE 1/4 Section 33; all in T114N-R62W. The water source for this irrigation system is the Tulare-Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows for an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Peterson indicates his justification for this change being the land authorized for irrigation is currently flooded.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6201B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 16, 2012.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pimer, Secretary,

Department of Environment and
Natural Resources

Published twice at an approximate
cost of \$55.44. (Mar 28, Apr 4)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 20, 2012

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6201B-3 to Appropriate Water to be published twice. Please publish the first notice on March 28, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Peterson Farms, c/o Lenny Peterson, 19111 Maple Ave., Hitchcock SD 57348 (Ph # 605-266-2793).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6201B-3

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

Date _____

We are in receipt of your letter of March 20, 2012 enclosing Notice to Appropriate Water by Application No. 6201B-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 20, 2012

Lenny Peterson
Peterson Farms
1911 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Water Permit Application No. 6201B-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 Notices and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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.

Instruction to Newspaper - Publish first Notice on March 28, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 14 2012

Peterson Farms
Lenny Peterson
1911 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is Water Permit No. 6201B-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

6201B-3

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

RECEIVED

SEP 21 2012

WATER RIGHTS
PROGRAMDate 9-20-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Lenny Peterson
(name)19111 Maple Ave
(address)Hitchcock SD, 57348
(city, state, zip)

Cell Phone

605-354-4602
(phone)Home
605-266-2793

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6201 B-3 states that the water use system is to be constructed by
5-15-12 (date), and water is to be put to beneficial use by 6-10-12 (date).

The water use system was completed on 5-22-12 (date).

Applying the water to beneficial use was completed on 8-15-12 (date).

You may schedule an investigation so that the water license may be issued.

Lenny Peterson
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 24, 2012

6201B-3

Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system authorized under Water Permit No. 6201B-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SW 1/4 Sec 33 Twp 114 Rg 62

County

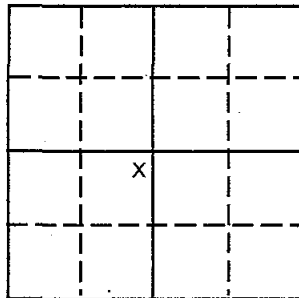
Cornwell

North

Please mark well
location with an "X"

W

E



Well Completion Date

1/15/2012

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	47.0	25.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From 0.0 Ft	To 43.0 Ft
Vol Clay	29			

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 15.0 Feet
Material Stainless SteelSlot Size 0.050 Set From 47.0 Feet to 62.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Pearock

Describe packer(s) and location

43-62

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____☐ No, Why Not? _____Lab sample sent to for
water quality analysisWell Owner: Lenny Peterson

Business Name: _____

Address: 19111 Maple AveCity, State, Zip: Hitchcock SD 57348

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay	0	10
Yellow Sand	10	20
Fine Gray Sand w/ Coal	20	38
Coarse Sand	38	43
Coarse Sand and Gravel	43	53
Gravel	53	62

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

MAR - 4 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative:

Ken Pullman

Signature of Well Owner or Equitable Property Holder:

Date: _____

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUN 22 2016

WATER RIGHTS
PROGRAM

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

No. 6201B-3

Date: 6/22/16

I/We request that Water Right/Permit No. 6201B-3

formerly owned by: Peterson Farms

be transferred to: (name & address) Lenny Peterson, 19111 Maple Avenue, Hitchcock SD 57348

Telephone No. 605 354-4062

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

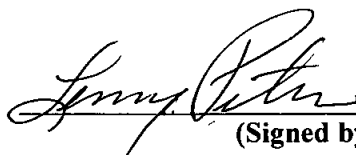
S ½ NE ¼ and N ½ SE ¼ Section 33, T114N, R62W

I/We understand that the validity of Water Right/Permit No. 6201B-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 _____, 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 6/22, 20 16

RECEIVED OF Lenny Peterson 19111 Maple 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>6201B-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. **07800**

By *John Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 24, 2016

Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

RE: Water Right/Permit Nos. 6201B-3, 6333B-3, 6334B-3, 6656-3, 6712A-3 and 7391-3

Lenny:

Thank you for stopping by the office to take care of the ownership changes involving water permits and water rights held by Peterson Farms. The ownership changes have been completed for Water Right/Permit Nos. 6201B-3, 6333B-3, 6334B-3, 6656-3, 6712A-3 and 7391-3. They are now listed in your name.

In regard to the ownership change filed for Water Right No. 6343-3, this one will be completed and confirmation sent to you at a later date. The water right covers land in the SW ¼ Section 2 and NW ¼ Section 11, T113N, R63W. I am waiting on the paperwork from Brad for the SW ¼ Section 2. Once he submits the transfer form and fee, the water right will be divided and reissued to reflect separate ownership.

Enclosed are your receipts for the fees paid for filing the ownership changes. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



6201B-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 2019

6201B-3
7391-3

Mitch Peterson
39686 Hwy 28
Hitchcock SD 57348

Dear Mr. Peterson:

I am writing in follow-up to our phone conversation concerning land described in Water Permit Nos. 6201B-3 and 7391-3. During our discussion you indicated you had purchased the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, T114N, R62W which may require dividing the permits up to reflect separate ownership.

Both water permits cover the same land. The difference between the two would be the diversion points.

- Permit No. 6201B-3 is for a well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T114N, R62W.
- Permit No. 7391-3 is for use of spring flow with a diversion point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T114N, R62W.

In reviewing the permits, only the diversion point location for No. 7391-3 is on land you own. The acreage is located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 33. Do you irrigate land in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33?

I have enclosed copies of both permits for your review. When you have a chance to look over the permits, we will need to talk about what needs to be done as far as ownership. You can call either myself or Eric Gronlund (605 773-3352) with our program for assistance.

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. **6201B-3**

I have this day, **June 26, 2024**, made a thorough examination of the water use system constructed by **Lenny Peterson** of **19111 Maple Ave, Hitchcock SD 57348** holder of Permit No. **6201B-3**, bearing the priority of **May 8, 2000** authorizing the diversion of **1.2** cu. ft. per second; priority of **July 26, 2002** authorizing the diversion of **0.58** cu. ft. per second of the waters of **groundwater Tulare:Western Spink Hitchcock Aquifer** for **irrigation** purposes, in **Spink** County.

Inspection contact & relationship **Lenny Peterson, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling Inc**
- 2) No. of Wells **1**
- 3) Depth(s) **62** feet
- 4) Well log is available **Y** If no, explain in comments

Casing:

- 1) Diameter **16** inches
- 2) Length **47** feet
- 3) Type **plastic**

Screen:

- 1) Type **stainless steel**
- 2) Length **15** feet
- 3) Static water level **6** feet

Pump:

- 1) Make **Berkley**
- 2) Model **centrifugal**
- 3) Size **10**
- 4) Capacity **800** GPM

Motor:

- 1) Make **John Deere**
- 2) Model No. **diesel**
- 3) Horsepower rating **90** hp

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

- 1) Type **PVC**
- 2) Size **8** inches
- 3) Length **15** feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Zimmatic**
- 2) Overall length **1280** feet
- 3) Number of towers **7**
- 4) End gun **Y**
- 5) Capacity **800** GPM

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drains Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
If no, describe: #
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in poor, good, etc condition with the point(s) of diversion located as follows: from the SE corner of Sec 33 T114N-R62W 1350 ft W and 2480 ft N, latitude of 44.63944 and longitude of -98.28669, NW ¼ SE ¼.
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 33 T114N-R62W
SE ¼ NE ¼ - 32 ac SW ¼ NE ¼ - 32 ac NW ¼ SE ¼ - 34 ac NE ¼ SE ¼ - 34 ac

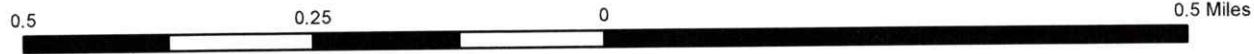
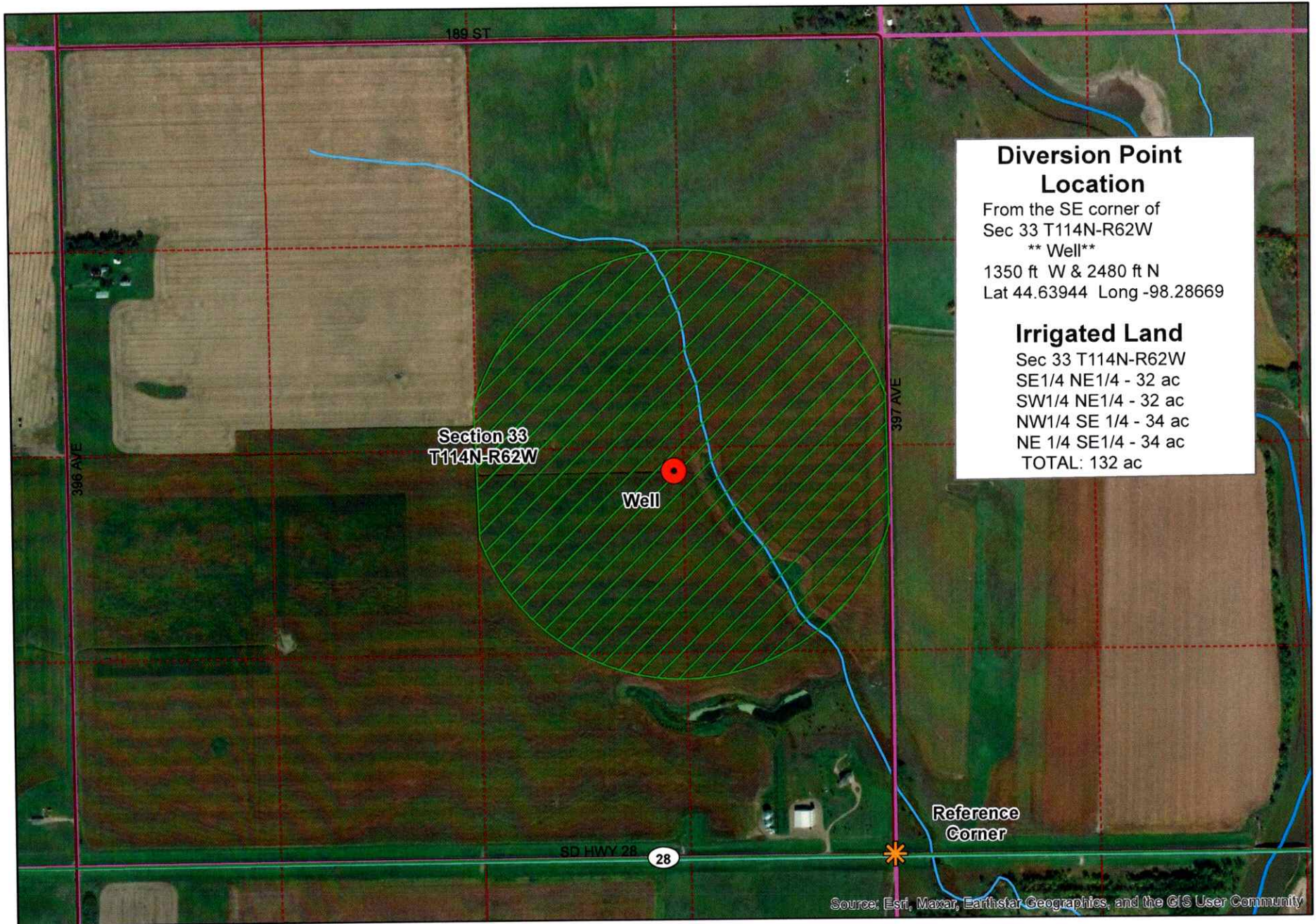
comprising a total of 132 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project: none

Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: 7/17/2024



Mark D Rath
Water Right Inspector
DANR-Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Lenny Peterson COUNTY: SpinkADDRESS: 19111 Maple Ave, Hitchcock SD 57348 DATE: July 29, 2024**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

The permit holder is authorized to construct one well into the Tulare: Western Spink Hitchcock Aquifer, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, to divert 1.78 cubic feet of water per second (cfs) for the irrigation of 132 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33; all in T114N, R62W.

AUTHORITY:

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

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

The permit holder completed the well into the Tulare: Western Spink Hitchcock Aquifer, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T114N, R62W. No additional diversion was developed.

If irrigation, no new land is irrigated

Permit No. 6201B-3 authorized the irrigation of 132 acres. No additional irrigation was developed.

Review of Existing Diversions

There are eight existing water permits/rights also appropriating from the Tulare: Western Spink Hitchcock Aquifer (T:WSH) within approximately 2 miles of where the well was developed for Permit No. 6201B-3, the nearest of which being 0.4 miles southeast (7391-3) held by Lenny Peterson. The closest permit/right authorized for withdrawals from the T:WSH, on property not owned by the permit holder is 0.9 miles west (1509-3) held by Oscar Inc. It was determined that there was reasonable probability any well interference due to pumping of the original well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

There are two domestic wells within Section 33, T114N, R62W. The first is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ on property owned by Mitch Peterson (according to Regrid) and appears to be completed into the Dakota Aquifer. The second is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ on property owned by John Kingdom (according to Regrid) and is completed into the Tulare: Western Spink Hitchcock Aquifer. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change in diversion point location be approved.



Amanda Dewell, Permitting Administrator
Water Rights Program

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

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Grönlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 30 2024

6201B-3

Lenny Peterson
19111 Maple Ave
Hitchcock SD 57347

Dear Mr. Peterson:

Enclosed is Water License No. 6201B-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6201B-3**

(1) Peterson Farms made Application No. 6210B-3, February 8, 2012, for a water permit to amend Permit No. 6201A-3, transferring the irrigated acres and point of diversion to a new location. Permit No. 6201B-3, with priority dates of May 8, 2000 & July 26, 2002, was approved April 16, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 16, 2017, and for the application to beneficial use of water on or before April 16, 2021.

Ownership of Water Permit No. 6201B-3 was transferred to Lenny Peterson, 19111 Maple Ave, Hitchcock SD 57348, in September 2012.

An investigation conducted for licensing purposes found the diversion point developed authorized by Water Permit No. 6201B-3 outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,350 ft W & 2,480 ft N of the SE corner Section 33, T114N, R62W (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 44.63944 & Longitude -98.28669)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.

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

Section 33, T114N, R62W, Spink County

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres

TOTAL: 132 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Lenny Peterson, the holder and/or owner of Water Right No. 6201B-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Tulare: Western Spink Hitchcock Aquifer), with priority dates of May 8, 2000 (1.2 cfs & 84 acres) & July 26, 2002 (0.58 cfs & 48 acres), from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6201B-3 and subject to the following qualifications:

continued

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6201B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The well authorized by Water Permit No. 6201A-3 located in the NE ¼ SW ¼ Section 22, T114N, R63W may be temporarily abandoned by sealing the top of the casing with a watertight cap pursuant to Water Management Board Rules (ARSD 74:02:04:70.01). If this well is permanently abandoned, it shall be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 30 2024

date

