

WATER PERMIT NO. 6206-3

Name of Applicant: Dwayne K Pederson

Address: 47468 280th St, Worthing SD 57077 Phone: 605 372-4228

Amount of Water Claimed: 0.22 cfs Total Acres: 110

Source of Water Supply: Beaver Creek

Water to be used for: irrigation County: Lincoln

Type of Waste Disposal System:

Location: 2 east, 1 north of Worthing

PRIORITY Date Received: 5-15-2000 Fee: \$\$225

Corrected Application Received:: Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: SE ¼ SW ¼ Sec 35-T99N-R50W

Land to be Irrigated: N ½ SW ¼, SE ¼ SW ¼
Sec 35-T99N-R50W

Depth of Well: NA

Well Driller: :

Remarks:

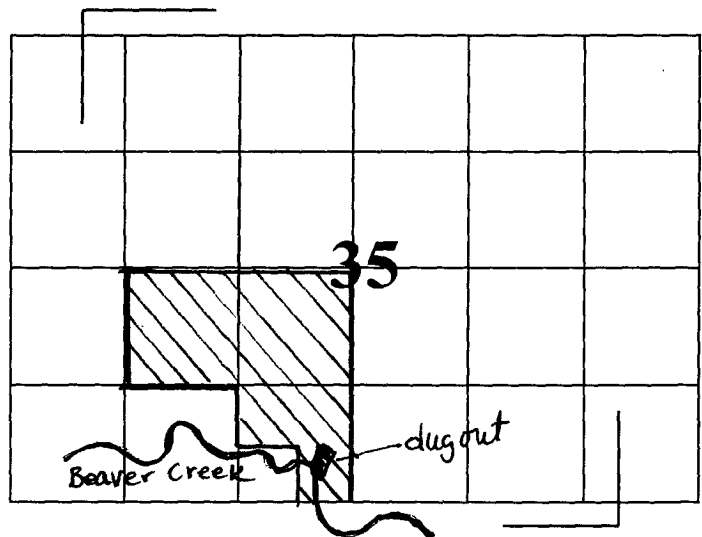
Type of Map: aerial

Prepared by: Wayne Bochman, SCS

Reviewed and the Number Assigned on: 5-22-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6206-3 FOR IRRIGATION

Date of first receipt of application May 15, 2000.

Date of return to applicant for corrections, amendments or changes May 15, 2000.

Date of receipt of corrected application May 22, 2000.

The Water Management Board approved Water Permit Application No. 6206-3 on December 6, 2000 for Dwayne K Pederson, 47468 280th St, Worthing SD 57077 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. 6206-3 appropriates 0.22 cubic feet of water per second from a dugout located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W. Water will be pumped from the dugout (approximately 3.0 acre feet capacity) to irrigate portion of 110 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is May 15, 2000.
4. One-fifth of the construction is to be completed on or before March 28, 2003.
5. All construction is to be completed on or before December 6, 2005.
6. Water is to be put to beneficial use on or before December 6, 2009.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Flows as needed for downstream domestic use, including livestock water and prior water rights, must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. This permit allows withdrawals only from the dugout and does not allow a diversion from Beaver Creek.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

FEB 15 2001

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>6206-3</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Sioux Valley News, Canton</u>	

Attn: Ron D.
or Jim Goodman



Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Dwayne K. Pederson Phone 605-372-4228
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 47468 280th St Worthing State S.D. 57077
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.22 *CFS or 506,100 **GPM ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply creek or well (Beaver Creek spring fed) dugout
will pump from dugout
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SW 1/4 Sec. 35-T99N-R50W County Lincoln
- County or counties where water will be used Lincoln
- Annual period during which water is to be used April 1 to Oct 31
- 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	and Description	Acres
NW 1/4 SW 1/4	40	> Sec. 35-T99N-R50W	
NE 1/4 SW 1/4	40		
SE 1/4 SW 1/4	30		
see attached map.			

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

Need water for trees Planting up to 80 acres of trees
Copy left with Lincoln Co Soil Conservation Dist.
Lynda Johnson 5100
District Manager

STATE OF SOUTH DAKOTA) SS
County of Lincoln)

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

I, Dwayne K. Pederson, 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 Dwayne K. Pederson

Subscribed and sworn to before me this 11 day of May 19 2000

Barbara K. Schmidt
Notary Public signature

My Commission Expires February 12, 2004.

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- 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 applicants 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 _____

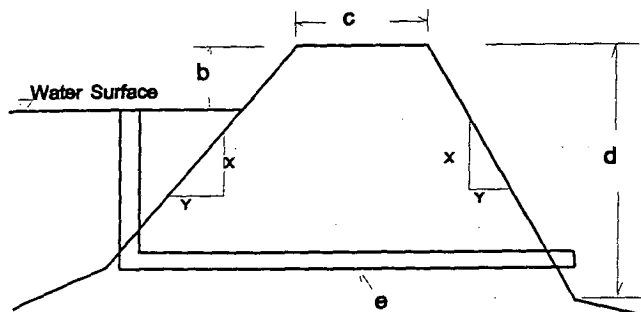
3. Dugout Information

- a) Surface Dimensions 75' x 150' Depth _____
- b) Depth to water (ground surface to water level) 12'

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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

*Water Rights Program
Attn: Ron Duval*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 15, 2000

Dwayne K Pederson
47468 280th St
Worthing SD 57077

Dear Mr. Pederson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of trees. Your application indicates the source of water supply as spring fed dugout near Beaver Creek or a well both located in the SE ¼ SW ¼ Section 35-T99N-R50W. Water permits are issued by source of water supply. Two different water sources can not be applied for on one application. Enclosed is another application form.

To complete an application with the dugout/spring as the water source, please complete Item No. 3 Dugout Information on the enclosed supplemental information sheet (Form 2A).

To complete an application with a well as the water source, please complete Item No. 1 Well Information on the enclosed supplemental information sheet (Form 2A) and submit a well log or test hole log signed by a South Dakota licensed well driller.

Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Lynda Johnson, District Manager of the Lincoln County Soil Conservation District could sign the map.

Your application states the amount of water claimed is between 50-100 gallons per minute (gpm). State law requires that a permit be obtained for the peak diversion rate. Therefore, I will clarify your application request for 100 gpm.

You are proposing to irrigate a total of 90 acres. The application filing fee to irrigate 90 acres is \$225. In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit a total of \$275. If you apply for a second water source, an additional \$275 will be required for that application.

Mr. Pederson, this may be somewhat confusing. If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Water Rights Program - File Documentation

NAME: Dwayne K Pederson

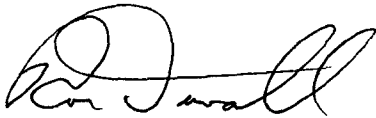
ADDRESS: Worthing SD

DATE: 5-18-2000 **COUNTY:** Lincoln **TELEPHONE:** 605 372-4228

RE: Pending Application

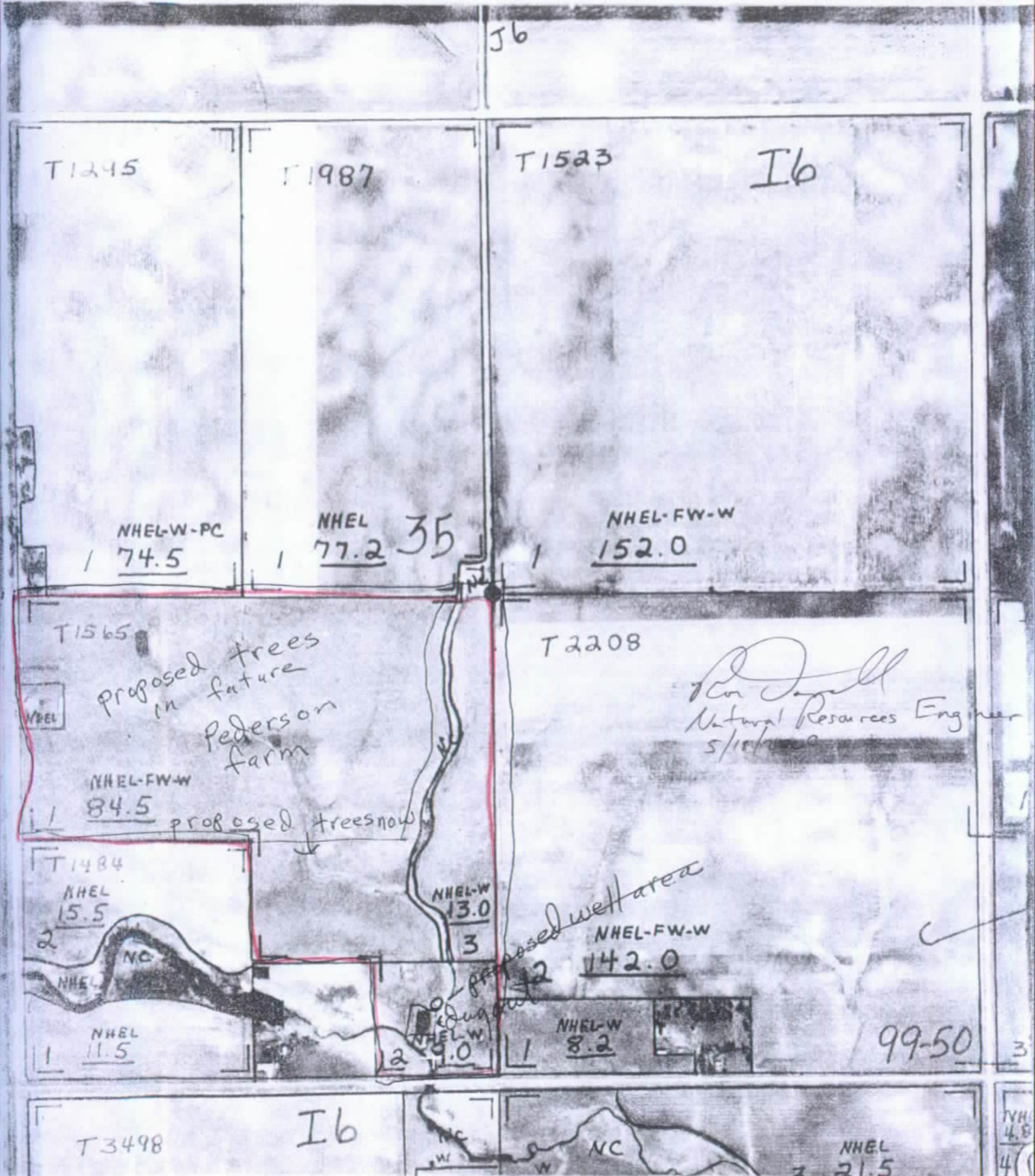
COMMENTS:

Dwayne Pederson called regarding our letter dated May 15, 2000. Mr. Pederson indicated he wanted to delete the well as a water source on his application and change the number of acres to be irrigated from 90 to 110 acres. He would be submitting the fee, signed map and the Form 2A regarding the size of the dugout.

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with the first name "Ron" and last name "Duvall" clearly distinguishable.

Ron Duvall
Natural Resource Engineer

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



6206-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416523

Pierre, May 22, 2000

RECEIVED OF Dwyane K. or Evelyn J. Pederson, 47668 280th St., Worthing, SD 57077
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6206-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6206-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By Harland Erbele
Chief Engineer

REPORT ON WATER PERMIT APPLICATION 6206-3

Dwayne K. Pederson

June 5, 2000

Water Permit Application No. 6206-3, Dwayne K. Pederson, proposes to appropriate 0.22 cubic feet of water per second (98.7 gpm) from Beaver Creek in Lincoln County to irrigate 110 acres in the N½ SW¼ and SE¼ SW¼ of Section 35 T99N-R50W (Attachment 1). The period of annual use would be from April 1 to October 31. Irrigation water would be pumped from the creek and stored in a presently constructed dugout of approximately 3 acre-feet capacity, then onto the land from the dugout.

Proposed Project Review

This project proposes to divert water from Beaver Creek at a maximum rate of 0.22 cubic feet per second (0.44 acre-feet per day) into an intermediate storage dugout of approximately 3 acre-feet capacity. This diversion rate and low volume of storage may present irrigation problems during periods of low precipitation unless the system is augmented from another water source.

Review of Water Source and Existing Water Rights

The water source for the proposed project is Beaver Creek in Lincoln County, SD. Beaver Creek originates near Grass Lake in Minnehaha County and flows south-southeast through Turner and Lincoln Counties joining with the Big Sioux River south of Canton, SD.

From 1983 to 1989 the U.S. Geological Survey's (USGS) staging gage, approximately 7.5 miles downstream from the project site near Canton, SD, registered Beaver Creek flows with a median of 7 cubic feet per second (cfs), a maximum of 2280 cfs, and zero flow on several occasions (Attachment 2). The monthly median hydrograph (Attachment 3) shows there is a 50 percent probability the flow in Beaver Creek will be 5 cfs or greater during an April through October interval. During the same interval there is a 75 percent probability the flow in the creek will be 2 cfs or greater. Beaver Creek would not be a reliable source of water during low precipitation periods.

There are no licensed or permitted diversions downstream from the proposed project to the Big Sioux River. The median hydrograph probabilities indicate there is non-appropriated water available in Beaver Creek for this project. During dry periods there may be extremely low flows in Beaver Creek and water will have to be bypassed for downstream domestic use.

Conclusions

1. Water Permit Application No. 6206-3, Dwayne K. Pederson, proposes to divert 0.22 cfs (98.7 gpm) from Beaver Creek for storage in a 3 acre-foot dugout. The stored water will then be used to irrigate 110 acres in Lincoln County.
2. The 50 and 75 percent probabilities calculated from the limited USGS Canton, SD stream flow data indicate non-appropriated water is available in Beaver Creek during years of normal precipitation for the proposed irrigation project.
3. During dry periods there may be times when water has to be bypassed for downstream domestic use.

4. The diversion rate and volume of storage may present irrigation problems during periods of low precipitation unless the system is augmented from another water source.



Donald E. Stroup
Natural Resources Engineer I
Water Rights Program

Reviewed by:

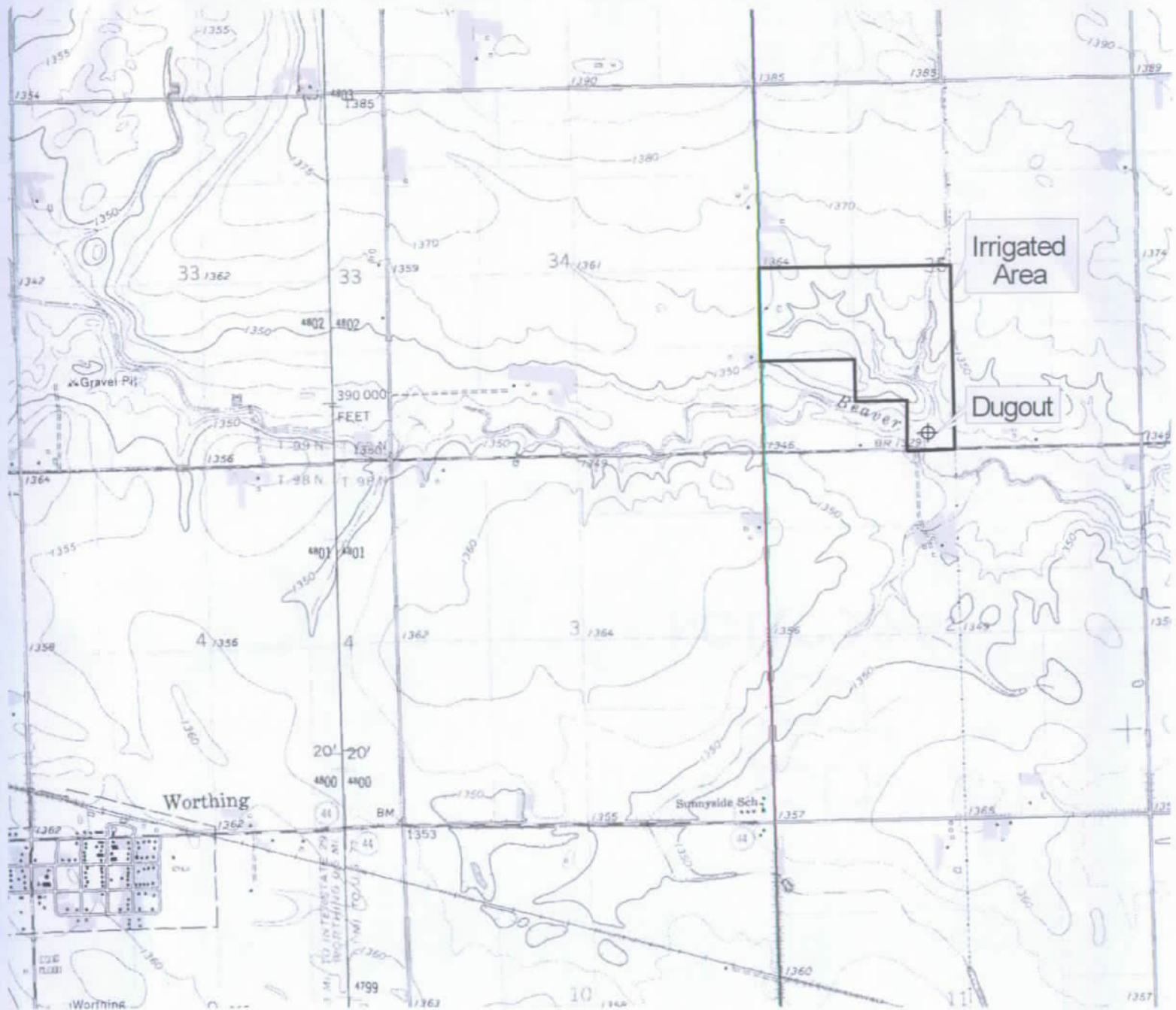


Mark D. Rath
Natural Resources Engineer III
Water Rights Program

References

U.S. Geological Survey Daily Mean Discharge Data retrieved from the National Water Information System Files (ADAPS)

South Dakota Department of Environment and Natural Resources, Water Rights Program Records



Permit # 6206-3
Dwayne K. Pederson

Diversion Point: SE1/4 SW1/4 Sec. 35 T99N R50W

Irrigated Land: N1/2 SW1/4, SE1/4 SW1/4 Sec.35 T99N R50W

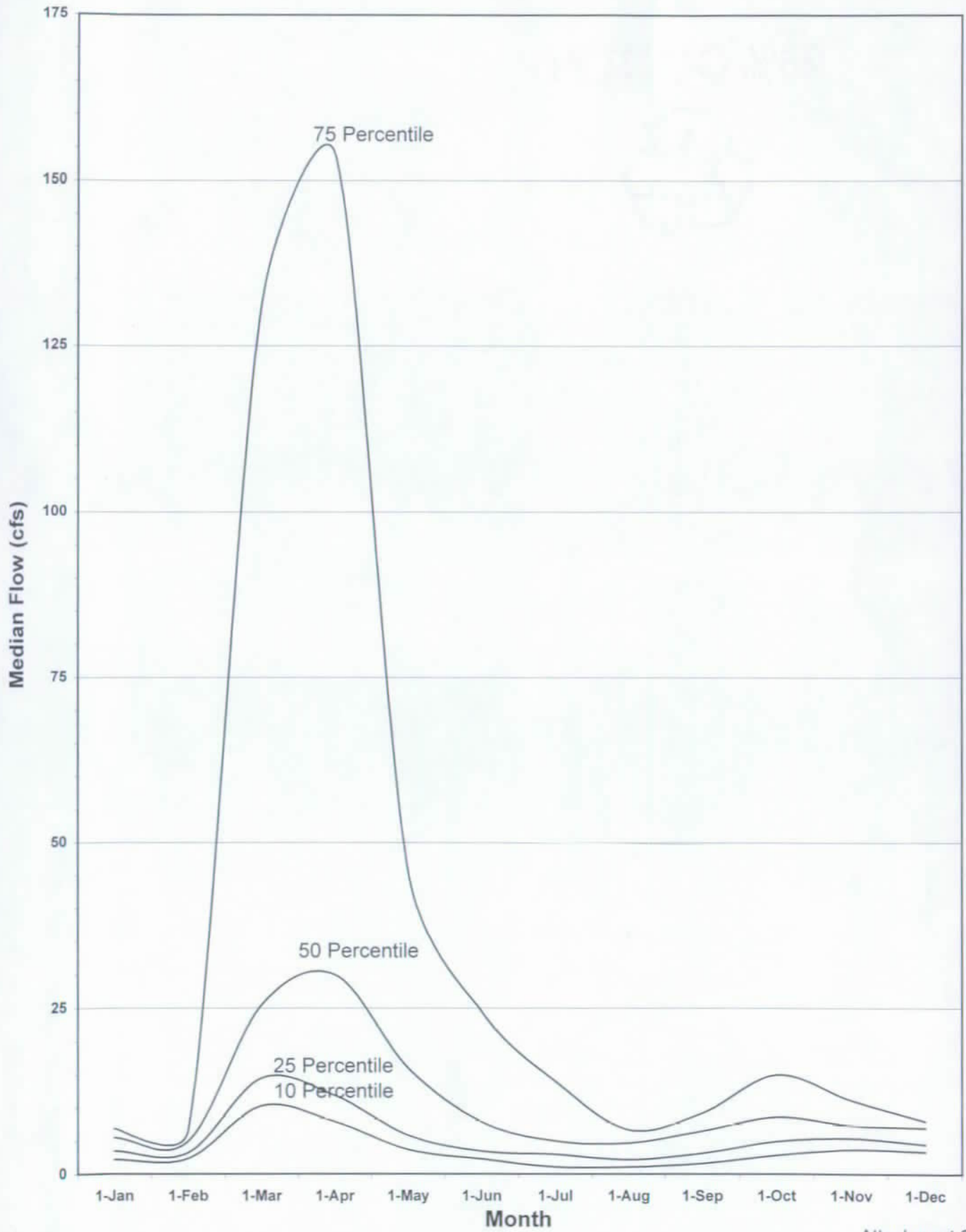
Monthly Median Percentiles

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Percentile
2	2	10	7	4	2	1	1	2	3	4	3	10
4	3	15	12	6	3	3	2	3	5	5	5	25
6	5	26	30	16	8	5	5	7	9	7	7	50
7	7	132	154	46	25	14	7	9	15	11	8	75
7	10	366	291	66	319	25	8	26	32	40	11	90

Beaver Creek 1983-1989

Mean: 45
Median: 7
Maximum: 2280
Minimum: 0

Beaver Creek
1983-1989





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6206-3, Dwayne K. Pederson**

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. 6206-3, Dwayne K. Pederson, 47468 280th St., Worthing, SD 57077.

The Chief Engineer is recommending APPROVAL of Application No. 6206-3 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) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 16, 2000

NOTE: Beaver Creek may not be a reliable source of water during periods of low precipitation. The applicant may need another source of water to provide sufficient water for irrigation during low flow periods. A new water right permit will need to be obtained if another water source is to be used.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 21, 2000

Dwayne K. Pederson
47468 280th St.
Worthing, SD 57077

Dear Mr. Pederson:

Water Permit Application No. 6206-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Sioux Valley News printed at Canton, SD (Ph # (605) 987-2631). 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 57501-3182
www.state.sd.us/denr

June 21, 2000

Sioux Valley News
Box 255
Canton, SD 57013-0255

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6206-3 to Appropriate Water to be published twice. Please publish the first notice on June 29, 2000, 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 Dwayne K. Pederson, 47468 280th St., Worthing, SD 57077 (Ph # (605) 372-4228).

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

-----CU T HERE-----

No. 6206-3

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

Date _____
We are in receipt of your letter of June 21, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6206-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Water Rights Program - File Documentation

NAME: Dwayne K Pederson

ADDRESS: Worthing SD

DATE: 6-23-2000 **COUNTY:** Lincoln **TELEPHONE:** 605 372-4228

RE: Publication notice

COMMENTS:

Dwayne Pederson called and talked with Ron Duvall on June 22. Mr. Pederson stated he would rather have his Notice of Application published in the Lennox paper rather than the Canton. Mr. Pederson indicated the Lennox paper was closer to the area to be irrigated.

Ron stated we choose the Canton paper because the distances from both the towns was approximately the same and the Canton paper had a larger circulation.

Based on Ron's decision, I called the Canton paper, June 23 and asked them to disregard publication of the notice. We then resent the Notice to the Lennox paper for publication on June 29 and July 6, 2000.

Karen Schlaak

Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 23, 2000

Dwayne K. Pederson
47468 280th St.
Worthing, SD 57077

Dear Mr. Pederson:

Water Permit Application No. 6206-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Lennox Independent printed at Lennox, SD (Ph # (605) 647-2284) (copy 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 57501-3182
www.state.sd.us/denr

June 23, 2000

Lennox Independent
Box 76
Lennox, SD 57039-0076

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6206-3 to Appropriate Water to be published twice. Please publish the first notice on June 29, 2000, 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 Dwayne K. Pederson, 47468 280th St., Worthing, SD 57077 (Ph # (605) 372-4228).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6206-3

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

Date _____

We are in receipt of your letter of June 23, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6206-3 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 June 29, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6206-3 to Appropriate Water

Notice is given that Dwayne K Pederson, 47468 280th St, Worthing SD 57077 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from Beaver Creek located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W. Water will be pumped from the creek into a dugout (approximately 3.0 acre feet capacity) to irrigate 110 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6206-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the 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 the 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 July 17, 2000.

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. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 3, 2000

Larry Nelson
P.O. Box 38
Canton, SD 57013

Dear Mr. Nelson:

As per your request, enclosed is information on Dwayne Pederson's water right permit application.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 6, 2000

Larry Nelson
PO Box 38
Canton, SD 57013

Dear Mr. Nelson:

Enclosed is a copy of the revised notice of hearing in the matter of Dwayne Pederson's water permit application. This notice is scheduled to be published July 6 and 13, 2000, in the Lennox Independent.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 5, 2000

Lennox Independent
Box 76
Lennox, SD 57039-0076

ATTENTION: Legal Public Notice

Enclosed is an amended Notice of Hearing on Application No. 6206-3 to Appropriate Water to be published twice. Please publish the first notice on July 6, 2000, with the second publication 7 days later. It is my understanding that Mr. Pederson has contacted you regarding this change. The notice that was published last week will now be disregarded and replaced with this amended notice.

Please **BILL** the **APPLICANT** for the cost of publication. The **APPLICANT** is Dwayne K. Pederson, 47468 280th St., Worthing, SD 57077 (Ph # (605) 372-4228).

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. 6206-3

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

Date _____

We are in receipt of your letter of June 23, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6206-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

WATER RIGHT PROGRAM
SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO: Lennox Independent	FROM: Eric Gronlund
COMPANY:	DATE: July 5, 2000
FAX NUMBER: 605 647-2218	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER: (605) 773-3352
RE: Amended notice for a water permit application filed by Dwayne Pederson	SENDER'S FAX NUMBER: (605) 773-4068

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Amended notice of hearing for Dwayne Pederson's water right permit application No. 6206-3. It is my understanding that Mr. Pederson has contacted you regarding the need to make this change and to get this published July 6 and 13.

If you have any questions, please give me a call.

WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501

Instruction to Newspaper - Publish first Notice on July 13, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6206-3 to Appropriate Water

Notice is given that Dwayne K Pederson, 47468 280th St, Worthing SD 57077 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from a dugout located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W. Water will be pumped from the dugout (approximately 3.0 acre feet capacity) to irrigate portion of 110 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W. Mr. Pederson amended his application to delete diversion of water from Beaver Creek to the dugout. Water use will now be solely from the dugout.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6206-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the 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 the 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 July 31, 2000.

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. Pirner, Secretary, Department of Environment and Natural Resources.

WATER RIGHT PROGRAM

*SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES*

FACSIMILE TRANSMITTAL SHEET

TO:	Dwayne Pederson	FROM:	Eric Gronlund
COMPANY:		DATE:	July 5, 2000
FAX NUMBER:	605 372-4227	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:		SENDER'S TELEPHONE NUMBER:	(605) 773-3352
RE:	Revised notice	SENDER'S FAX NUMBER:	(605) 773-4068

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Here is the revised notice for your water right permit application to be published in the Lennox Independent. This was faxed to the newspaper this morning a ½ hour after we talked.

Upon looking at the recommendation – we do not intend to revise the recommendation.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }

COUNTY OF LINCOLN }

88.



Debbie Schmidt

being first duly sworn, disposes and says: That (he) (she) is a resident of the County of Lincoln and State of South Dakota; that the LENNOX INDEPENDENT is a weekly legal newspaper of general circulation, printed and published in Lennox, in said County and State, and is now, and has been such newspaper continuously, during all the times hereinafter mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed

Notice of Application
#6206-3

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 2 successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday, the 13 day of July A.D., 19-2000 and that the succeeding publication was severally
on Thursday the 20 day of July A.D., 19-2000
on Thursday the _____ day of _____ A.D., 19 _____
on Thursday the _____ day of _____ A.D., 19 _____
on Thursday the _____ day of _____ A.D., 19 _____
on Thursday the _____ day of _____ A.D., 19 _____
on Thursday the _____ day of _____ A.D., 19 _____
that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 37 Dollars 57 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox Independent, 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.

Debbie Schmidt

Subscribed and sworn to before me this 29 day of

July, 19-2000

[Signature]

Notary Public.

Lincoln County, South Dakota.

My Commission expires July 10 2003

NOTICE OF APPLICATION

NO. 6206-3

to Appropriate Water

Notice is given that Dwayne K. Pederson, 47468 280th St., Worthing, SD 57077, has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from a dugout located in the SE 1/4 SW 1/4, Section 35-T99N-R50W. Water will be pumped from the dugout (approximately 3.0 acre feet capacity) to irrigate portion of 110 acres located in the N 1/2 SW 1/4, SE 1/4 SW 1/4, Section 35-T99N-R50W. Mr. Pederson amended his application to delete diversion of water from Beaver Creek to the dugout. Water use will now be solely from the dugout.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6206-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the 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 the 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 July 31, 2000.

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. Pirner, Secretary, Department of Environment and Natural Resources.

(64/7-13,20)

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: WP Application No. 6206-3, Dwayne Pederson

ADDRESS: COUNTY:

DATE: July 7, 2000 TELEPHONE:

RE: Call to Lennox Independent

COMMENTS:

Debbie Schmidt from the Lennox Independent had left an message on my voice mail saying they were unable to get published July 6, 2000. She wondered if publishing on July 13 and 20, 2000 would work. I call her back and said it would as long as they change the date to intervene to July 31, 2000. She would make that change.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:



July 13, 2000,
Canton, South Dakota 57013.

The Chief Engineer,
Water Rights Program,
Foss Building,
523 E. Capitol,
Pierre, South Dakota 57501.



Dear Sir (Madam),

I hereby wish to register my opposition to Mr. Pederson's application (No. 6206-3) for the privilege to irrigate 110 acres from the Beaver Creek. This application was publicized in the June 29, 00 issue of the Lennox, South Dakota Independent. At times, and that includes the present time, the water flow in the Beaver Creek is extremely low. To withdraw any amount of water from this creek would be a gross mistake and an injustice to those of us who need and enjoy the water downstream. Not only an injustice to us, but also to the fish and other wildlife that need the water and the habitat it provides to the Beaver Valley.

Sincerely,

Harry Dykstra,
48048 281st St.,
Lincoln County,
Canton, South Dakota 57013.

Mailing Address:
102 W. 5th St.,
Canton, South Dakota 57013.

c.c. Mr. Dwayne K. Pederson.

Saturday, July 15, 2000,
Canton, South Dakota 57013.

The Chief Engineer,
Water Rights Program,
Foss Building,
523 E. Capitol,
Pierre, South Dakota 57501.



Re: Notice of application No. 6206-3... to appropriate water.

Please register our opposition to the request of Mr. Dwayne K. Pederson to withdraw water from the Beaver Creek for irrigation purposes. (Notice of Application No. 6206-3, and published in the July 13, 2000 issue of the Lennox, South Dakota Independent). Those of us downstream both need and enjoy the water, and to withdraw water from a stream that often has only a nominal flow, is a mistake and an injustice. Not only does this adversely effect those of us through whose properties the Beaver flows, but it will certainly result in being unkind to the fish and other wildlife that now enjoy the natural habitat of the Beaver valley.

Sincerely,

Harry and Lorie Dykstra,
48048 281st St.,
Lincoln County,
Canton, South Dakota 57013.

Mailing Address:
102 W. 5th St.,
Canton, South Dakota 57013

c.c. Mr. Dwayne K. Pederson.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 2000

Harry Dykstra
102 West 5th Street
Canton, SD 57013

Dear Mr. Dykstra:

I am writing to let you know we received your letter in opposition to Mr. Pederson's water right permit application.

I also want to make you aware that Mr. Pederson has amended his application to delete the Beaver Creek diversion from his application. Water will now be solely from the spring fed dugout that is not located on the creek channel. Mr. Pederson contacted us when he learned that there may be opposition to his application. Based on our conversation, I believe there was a misunderstanding and that is was not his intent to divert directly from Beaver Creek. However, the original public notice was published to include the Beaver Creek diversion. For this reason, the application is being readvertised to reflect that the sole point of diversion is the dugout.

Enclosed is a copy of the amended notice of application. This notice is to be public noticed on July 13 and 20, 2000 in the Lennox Independent. I believe that the notice originally published June 29th is no longer applicable.

You are still a petitioner of record in this matter and a hearing before the Water Management Board will be scheduled unless you choose to withdraw your petition. All parties will receive future notice when the hearing will be scheduled before the Board.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

cc: Dwayne A. Pederson, 47468 280th St., Worthing, SD 57077



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 2, 2000

NOTICE

TO: Dwayne K. Pederson
47468 280th Street
Worthing, SD 57077

Harry and Lorie Dykstra
102 W. 5th Street
Canton, SD 57013

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Notice of Hearing on Contested Water Permit Application No. 6206-3, Dwayne K. Pederson

A petition to Application No. 6206-3 has been filed in response to the Notice of Application to appropriate water published July 13 and 20, 2000, in the Lennox Independent.

As specified in the publication notice, Application No. 6206-3 proposes to appropriate 0.22 cubic feet of water per second from a dugout located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W. Water will be pumped from the dugout (approximately 3.0 acre feet capacity) to irrigate portion of 110 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T99N-R50W. Mr. Pederson amended his application to delete diversion of water from Beaver Creek to the dugout. Water use will now be solely from the dugout.

The Water Management Board will conduct a hearing to consider Application No. 6206-3 at 8:30 am, on September 28, 2000, in the Angostura Room, Radisson Hotel, 445 Mt. Rushmore Road, Rapid City, SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The agenda time is an estimate and may be delayed due to prior agenda items.

As the Board meeting approaches, changes in agenda times may need to be made. Future notice will be provided to all parties if there is a change in the hearing time.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6206-3 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. 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 evidence presented at the public hearing.

The September 28, 2000, 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 September 18, 2000.

This hearing is an adversary proceeding. Any party of record 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.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by September 18, 2000, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

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, 46-2A-23; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

CERTIFICATION

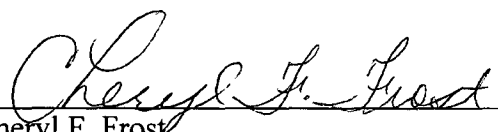
I hereby certify that on August 2, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 2, 2000, regarding Notice of Hearing on Contested Water Permit Application No. 6206-3, Dwayne K. Pederson, addressed as stated below:

Dwayne K. Pederson, 47468 280th Street, Worthing, SD 57077.

Harry and Lorie Dykstra, 102 W. 5th Street, Canton, SD 57013.

A copy of the above described Notice was sent Inter-office to:

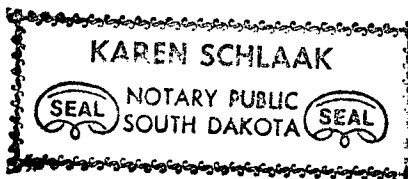
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of August, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 16, 2000

NOTICE

TO: Dwayne K. Pederson Harry and Lorie Dykstra
47468 280th Street 102 W. 5th Street
Worthing, SD 57077 Canton, SD 57013

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

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of Water Permit Application No. 6206-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 PM on December 6, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Parties of Record (names listed above) by November 16, 2000. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and all Parties of Record by November 27, 2000

Oral arguments by parties filing written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on December 6, 2000. The public hearing was completed September 28, 2000. No additional testimony will be received on December 6, 2000.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

WATER MANAGEMENT BOARD MEMBERS

Francis E. Brink, Chairman
1214 South Wells Street
Aberdeen, SD 57401-7351

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Marian Gunderson
811 West 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S
Brookings SD 57006-2741

BOARD ATTORNEY

John Guhin, Deputy Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

WATER RIGHTS PROGRAM

Department of Environment and
Natural Resources

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

STAFF ATTORNEY

Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

CERTIFICATION

I hereby certify that on October 16, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 16, 2000, regarding preparation of Findings in the matter of Water Permit Application No. 6206-3, addressed as stated below:

Dwayne K. Pederson
47468 280th Street
Worthing, SD 57077

Harry and Lorie Dykstra
102 W. 5th Street
Canton, SD 57013

A copy of the above described Notice was sent Inter-office to:

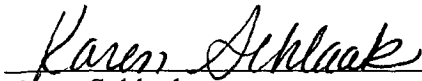
John Guhin, Deputy Attorney General, Capitol Building
Diane Best, Assistant Attorney General, Capitol Building



Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of October, 2000.



Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



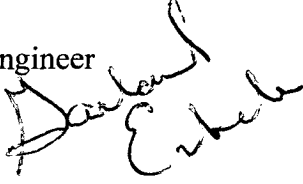
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 2000

NOTICE

TO: Dwayne K. Pederson Harry and Lorie Dykstra
47468 280th Street 102 W. 5th Street
Worthing, SD 57077 Canton, SD 57013

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

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted December 6, 2000, by the Water Management Board approving Water Right Permit Application No. 6206-3, Dwayne Pederson. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on December 19, 2000 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 19, 2000 regarding adoption of Findings in the matter of Water Right Permit Application No. 6206-3 addressed as stated below:

Dwayne K. Pederson
47468 280th Street
Worthing, SD 57077

Harry and Lorie Dykstra
102 W. 5th Street
Canton, SD 57013

A copy of the above described Notice was sent Inter-office to:

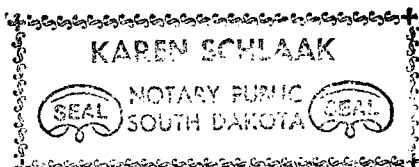
Diane Best, Assistant Attorney General, Capitol Building
John Guhin, Deputy Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of December, 2000.


Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	
APPLICATION FOR WATER	)	FINDINGS OF FACT,
PERMIT NO. 6206-3;	)	CONCLUSIONS OF LAW,
DWAYNE K. PEDERSON	)	AND FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate .22 cubic feet of water per second from a dugout.

2. Water is proposed to be pumped from the dugout, which is spring fed, and which is approximately 3 acre-feet in capacity. The purpose of the pumping is to flood irrigate 50 to 60 acres of trees to be planted within a 110-acre plot located nearby.

3. The applicant originally applied for a diversion of water from Beaver Creek to the dugout. The application has now been amended to delete the diversion of water from Beaver Creek to the dugout, and the Final Decision issued herein does not allow a diversion from Beaver Creek.

4. Testimony from both the applicant and opponent indicate that, at least occasionally, there will be sufficient runoff water flowing into the dugout to allow the irrigation. Therefore, there is a reasonable probability that there is unappropriated water available for the applicant's proposed use.

5. The use of water to flood irrigate 50 to 60 acres of trees within a 110-acre plot is a beneficial use. The trees, which include both deciduous trees and evergreens, will enhance the environment. Therefore, the proposed use is a beneficial use.

6. No serious issue has been raised as to whether the use of runoff water will deprive any downstream user of any existing permit or domestic right. The permit will in any event be conditioned to disallow such use.

7. The Board notes, in this regard, that trees which become well established do not need to be watered, at least in ordinary conditions, and that the amount of the water needed might be decreased in the future. The Board has also considered that the applicant might seek to use the area as a nursery, which would tend to demand that the use of water remain at the same level. In making its determination, the Board has therefore assumed the "worst case," i.e., that the demand on the water supply would remain at the level requested in the application.

8. The primary question raised in this case is whether the use of water is in the public interest. The Board has considered, on the side of the issue favoring the public interest, that the use of water to grow trees is a beneficial use which enhances the environment. The Board has also considered the public interest in maintaining Beaver Creek, which is below the dam, in its present condition. Beaver Creek is a small, picturesque creek which provides water for wildlife, recreation, and livestock. It has been, and remains, an amenity and a valuable resource to those who live in the area. The Board finds, however, that the use of runoff water will not have any significant impact upon the flow of the stream. Therefore, in weighing the public interest, the benefits outweigh any detriments.

9. The Board does not find it necessary to determine whether or not the public interest determination would be calculated in the same way if the applicant sought to make a diversion directly from Beaver Creek as originally planned.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.
3. The proposed diversion can be developed without unlawful impairment of existing rights, as set forth above.
4. The proposed use to flood irrigate trees is a beneficial use.
5. The proposed use is in the public interest as set forth above.

FINAL DECISION

The application for Water Permit No. 6206-3 is granted with the following qualifications:

1. Flows as needed for downstream domestic use, including livestock water and prior water rights, must be bypassed.
2. This permit is approved subject to irrigation water use questionnaire being submitted each year.
3. This permit allows withdrawals only from the dugout and does not allow a diversion from Beaver Creek.

Dated this 14 day of December, 2000.

BY THE BOARD:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of proposed Findings of Fact, Conclusions of Law, and Final Decision in In the Matter of the Application for Water Permit No. 6206-3, Dwayne K. Pederson, was served by United States mail, first class, postage prepaid upon:

Francis E. Brink, Chairman
1214 S. Wells Street
Aberdeen, SD 57401-7351

Dwayne Rollag
320 Lincoln Lane S.
Brookings, SD 57006

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Dwayne K. Pederson
47468 280th Street
Worthing, SD 57077

Marian Gunderson
811 W. 3rd
Yankton, SD 57078

Harry and Lorie Dykstra
102 W. 5th Street
Canton, SD 57013

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

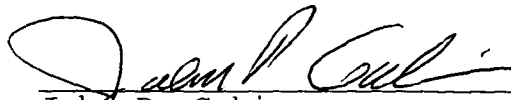
by interoffice mail upon:

Garland Erbele, Chief Engineer
Department of Environment and
Natural Resources
Water Rights Program
Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3181

and by hand delivery upon:

Diane Best
Assistant Attorney General
500 E. Capitol Avenue
Pierre, SD 57501-5070

on this 15th day of November, 2000.



John P. Guhin
Deputy Attorney General
500 E. Capitol Avenue
Pierre, South Dakota 57501-5070
Telephone: (605) 773-3215



FEB 15 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dwayne K. Pederson
47468 280th St.
Worthing, SD 57077

Dear Mr. Pederson:

Enclosed is Water Permit No. 6206-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2002

6206-3

Dwayne K Pederson
47468 280th St
Worthing SD 57077

Dear Mr. Pederson:

I am contacting you in regard to your 2001 irrigation questionnaire. The form was received back in October and I laid it aside until I was able to contact you to obtain some more information.

Enclosed is a copy of the form you submitted. On the backside of the form, you wrote in that you applied water for 4 days in June, July and August. In order for me to calculate how much water was used, I need the pump rate and the hours per day. If you don't have figures for those amounts, do you happen to have the total amount of water ran through the truck?

Any additional information you could supply would be helpful. You can either call me with the information or write it on the form and send it back in the enclosed envelope. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

6206-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DWAYNE K PEDERSON, 47468 280TH ST, WORTHING, SD 57077
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6206-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 6206-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 6206-3 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 on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



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Delivery Status

You entered 2301 0370 0000 7541 4050

Your item was delivered at 1:48 pm on January 18, 2003 in WORTHING, SD 57077. The item was signed for by D DPETERSEN.

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SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4050

DWAYNE K PEDERSON
47468 280TH ST
WORTHING SD 57077

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Here

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(See Reverse)

PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2003

6206-3

Dwayne K Pederson
47468 280th St
Worthing SD 57077

Dear Mr. Pederson:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit No. 6206-3.

I completed a questionnaire for you based on your January 21st telephone conversation with Ron Duvall with our program. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Permit No. 6206-3
Big Sioux River - Water District

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

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

I have this day, June 28, 2006, made a thorough examination of the water use system constructed by Dwayne K. Pederson of 47468 280th St, Worthing SD 57077 holder of Permit No. 6206-3, bearing the priority of May 15, 2000 authorizing the diversion of 0.22 cu. ft. per second and the storage of 3.0 acre-feet of the waters of runoff and spring water for irrigation purposes, in Lincoln County.

Inspection contact & relationship **Dwayne Pederson - owner**
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make Homelite Trash Pump
- 2) Model HTP 3-B
- 3) Size 3"
- 4) Capacity 328 GPM

Motor:

- 1) Make Honda
- 2) Model No. 6X240
- 3) Horsepower rating 8 hp

Dugout Information:

- 1) Surface area 0.25 acres
- 2) Depth 12 feet
- 3) Approx. storage 1.86 ac-ft

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

A 4" hose used to pump from dugout to tank on firetruck.

C. Works used to apply water to beneficial use:

Firetruck with a valved pipe extension waters the trees as the truck moves down the row at 0.22 cfs.

D. Compliance with Permit Requirements:

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

Report of Examination of Works

Permit No. 6206-3

The system is in good condition with the point(s) of diversion located as follows: 330' N and 2230' E of the SW corner of Section 35, T99N, R50W (43.345503/-96.719036). The works are capable of diverting and conveying to the place of use 0.22 cu. ft. per second of water and storing 1.86 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

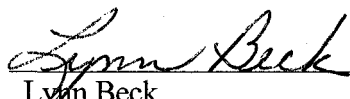
All in Section 35-T99N-R50W:

NE SW 13 acres NW SW 12 acres SE SW 20 acres

Comprising a total of 45 acres of land and the license should be issued for 0.22 cfs and/or 1.86 acre-feet of storage.

All structures, wells and lands on map yes

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



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: September 12, 2006

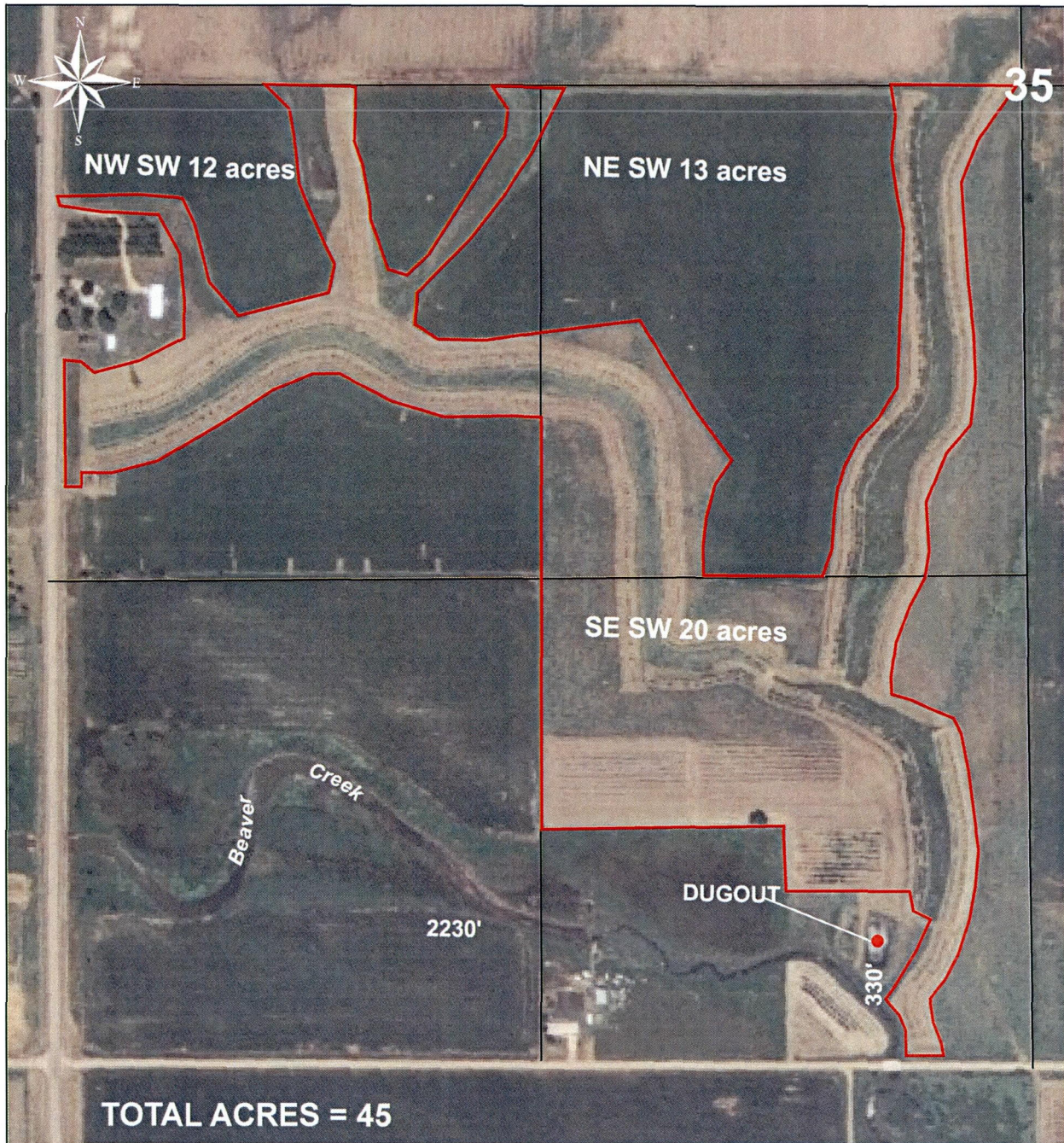
WATER RIGHT NO. 6206-3

Dwayne K. Pederson

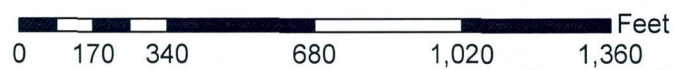
September 12, 2006

R50W

T99N



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program
September 12, 2006





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2008

6206-3

Dwayne K Pederson
47468 280th St
Worthing SD 57077

Dear Mr. Pederson:

Enclosed is Water License No. 6206-3. This is the final water right document completing your process of obtaining a Water Right.

As 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.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6206-3

(1) Dwayne K Pederson, 47468 280th St, Worthing SD 57077 made Application No. 6206-3, May 15, 2000 for a water permit to divert 0.22 cubic feet of water per second from runoff and spring water (dugout), Lincoln County, South Dakota for irrigation purposes. Permit No. 6206-3, with a priority date of May 15, 2000 was approved December 6, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 6, 2005 and for the application to beneficial use of water on or before December 6, 2009.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6206-3 is issued a license, bearing a priority date of May 15, 2000 to appropriate 0.22 cubic feet of water per second from runoff and spring water (dugout – 1.86 acre-feet storage capacity) to irrigate 45 acres.

The diversion point (dugout) is located: 330 feet north and 2,230 feet east of the southwest corner of Section 35-T99N-R50W (SE ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 35-T99N-R50W		
NE ¼ SW ¼ 13 acres	NW ¼ SW ¼ 12 acres	SE ¼ SW ¼ 20 acres
Total 45 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6206-3 including the following now applicable qualifications:

- Flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- This permit allows withdrawals from the dugout and does not allow a diversion from Beaver Creek.



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

NOV 01 2008

date





6206-3
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 21, 2011

NOTICE

TO: DWAYNE K PEDERSON, 47468 280TH ST, WORTHING, SD 57077
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6206-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 6206-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 6206-3 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 on/or before **March 4, 2011**, 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.

6206-3

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Search Results

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Service(s): **Signature Confirmation™**Status: **Delivered**

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Detailed Results:

- Delivered, January 22, 2011, 9:22 am, WORTHING, SD 57077
- Arrival at Post Office, January 22, 2011, 7:42 am, WORTHING, SD 57077
- Processed through Sort Facility, January 22, 2011, 3:52 am, SIOUX FALLS, SD 57104

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0485	DWAYNE K PEDERSON 47468 280TH ST WORTHING SD 57077	
	Waiver of Signature ☐ YES ☐ NO	
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☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel		



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PMB 2020
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 1, 2011

6206-3

Dwayne K Pederson
47468 280th St
Worthing SD 57077

Dear Mr. Pederson:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 6206-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

6206-3

Konst, Shannon

From: Konst, Shannon
Sent: Thursday, November 6, 2025 2:42 PM
To: 'evelyn_pederson1@yahoo.com'; 'kellyh@barkcattle.com'
Cc: Dewell, Amanda
Subject: Irrigation Questionnaire

Hello, we received your Irrigation Questionnaire for WR#6206-3, with a note stating that this land was leased out. I tried calling both phone numbers listed for you and Dwayne but got a recording saying that they are no longer in service. If you could please email me the following information: NAME, ADDRESS, and PHONE NUMBER of the person that this was leased to. If you have a current phone number for you and Dwayne, could you please include it in this email.

Thank you



Shannon Konst
Program Assistant I
Water Rights Program

Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.8204
Shannon.konst@state.sd.us

Dewell, Amanda

From: JAY LEMS <jml.properties01@gmail.com>
Sent: Thursday, November 13, 2025 10:09 AM
To: Dewell, Amanda
Subject: Re: [EXT] Irrigation Water Rights_6206-3

Amanda,

Irrigation of this property has been abandoned.

Thank you.

On Thu, Nov 13, 2025 at 8:38 AM Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Good morning, everyone,

I have included multiple parties on this email in an attempt to finally determine who is operating irrigation in 45 acres of irrigation in the SW ¼ Section 35-T99N-R50W, from a dugout, located in the SE ¼ SW ¼ Section 35-T99N-R50W. This property is authorized for irrigation under Water Right No. 6206-3, currently held in the name of Dwayne Pederson (property owned by Pederson Ag LLC). Water Right No. 6206-3 ([the full file is linked in this email](#)), has a qualification placed on it by the Water Management Board that requires annual water use reporting to be submit. If irrigation of this property has been abandoned, that's acceptable, I just need to know.

There are two aerial images below, the first of which very clearly shows the property lines and the dugout. The second is more telling of the surrounding area.

Please make sure you "REPLY ALL" with any responses to this email, so that all parties can be involved in the conversation.

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, November 13, 2025 8:38 AM
To: 'agroman02@aol.com'; kellyh@barkcattle.com; evelyn_pederson1@yahoo.com; 'jml.properties01@gmail.com'
Cc: Konst, Shannon
Subject: Irrigation Water Rights_6206-3

Good morning, everyone,

I have included multiple parties on this email in an attempt to finally determine who is operating irrigation in 45 acres of irrigation in the SW ¼ Section 35-T99N-R50W, from a dugout, located in the SE ¼ SW ¼ Section 35-T99N-R50W. This property is authorized for irrigation under Water Right No. 6206-3, currently held in the name of Dwayne Pederson (property owned by Pederson Ag LLC). Water Right No. 6206-3 ([the full file is linked in this email](#)), has a qualification placed on it by the Water Management Board that requires annual water use reporting to be submit. If irrigation of this property has been abandoned, that's acceptable, I just need to know.

There are two aerial images below, the first of which very clearly shows the property lines and the dugout. The second is more telling of the surrounding area.

Please make sure you "REPLY ALL" with any responses to this email, so that all parties can be involved in the conversation.

Property details viewed: 2 / 5

[Get a free Starter account](#)
to increase your limit to 25/day.

Parcel Highlights

Full Address
**27860 Sd Highway 115,
Worthing, SD 57077**

Measurements

110 Acres

Owner
PEDERSON AG LLC

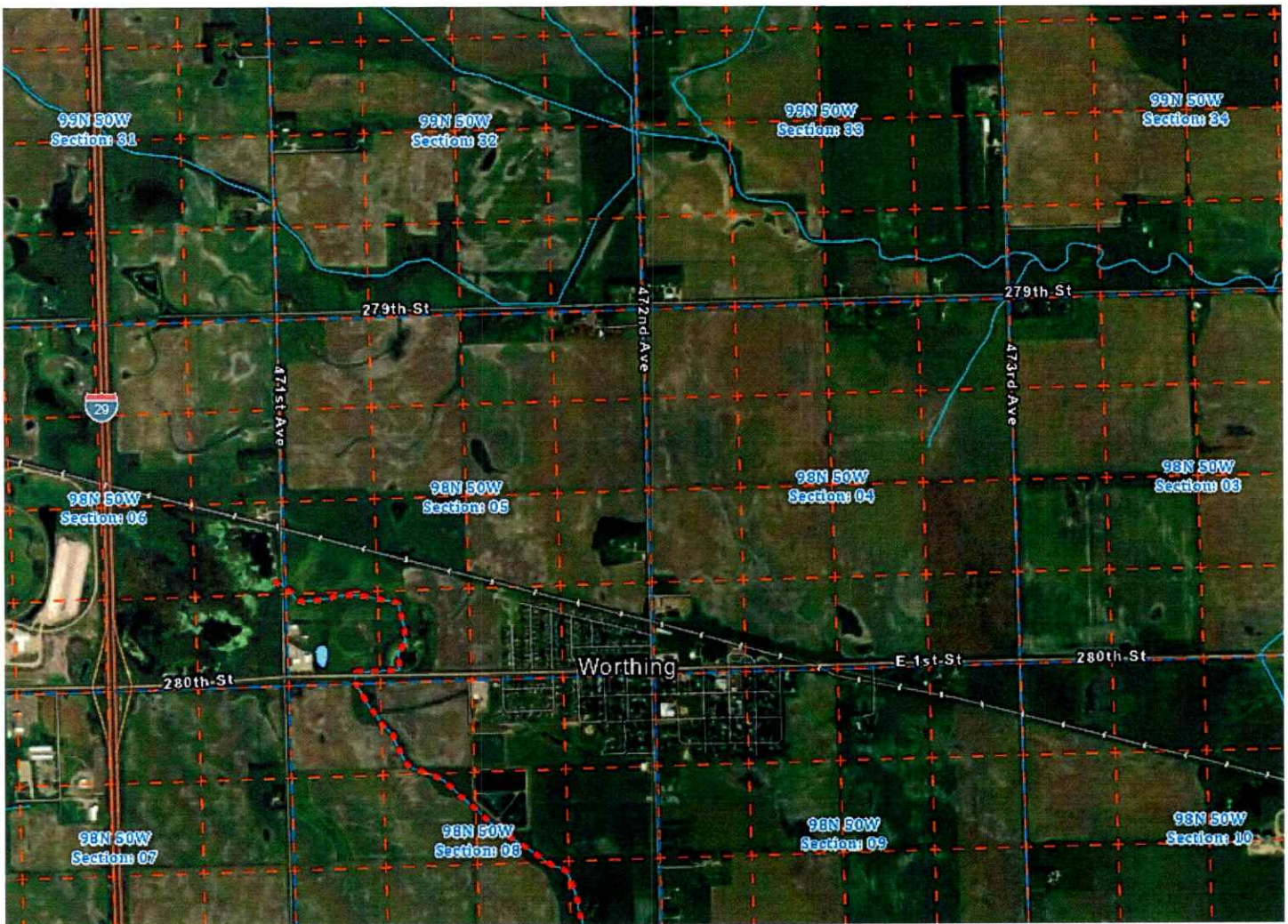
Zoning type
Not Zoned

Parcel Details

Parcel ID
099.50.35.3010

Parcel Address
27860 SD HIGHWAY 115

DUGOUT



Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



Konst, Shannon

From: Konst, Shannon
Sent: Friday, November 7, 2025 3:09 PM
To: 'agroman02@aol.com'
Cc: Dewell, Amanda
Subject: Water Right Permit 6206-3

Dear Mr. Beek, we have been in contact with Jay Lems, he claims that you are the farm operator for La Valley Township, Northeast of Worthing, SW ¼ Section 35-T99N-R50W, which is authorized for irrigation (from the dugout) under WR No. 6206-3, held by Dwayne Pederson. An irrigation questionnaire will need to be filled out for 2025. You may do this online; we have attached the Link and password below. If you have any questions, you may contact us at 605-773-3352.

<https://danr.sd.gov/iq/>

Password: ZHCMNE

Permit No. 6206-3

Thank you



Shannon Konst
Program Assistant I
Water Rights Program

Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

Sherwood Beek
605-351-5377

Konst, Shannon

From: Dewell, Amanda
Sent: Friday, November 7, 2025 2:38 PM
To: Konst, Shannon
Subject: FW: [EXT] FW: Irrigation Questionnaire

Shannon – I've chased this down all day (two long phone calls and a string of emails) and think we've finally gotten an answer. Yahoo! Can you give Mr. Beek a call and see what the heck is going on.

He leases property from Dwayne Pederson and if it's irrigated, we need to know.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: JAY LEMS <jml.properties01@gmail.com>
Sent: Friday, November 7, 2025 2:35 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] FW: Irrigation Questionnaire

Amanda,

This is located in La Valley Township, Northeast of Worthing. Not even close to where the feedlot is located down by Hudson. No one runs cattle in this quarter section. The farm operator is Sherwood Beek. His contact info is as follows if you'd like to get ahold of him:

Email: agroman02@aol.com
Phone: 605-351-5377 – *Sherwood Beek*

On Fri, Nov 7, 2025 at 2:11 PM Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Jay,

Attached is an aerial image showing the SW ¼ Section 35-T99N-R50W, which is authorized for irrigation (from the dugout) under WR No. 6206-3, held by Dwayne Pederson.

On this year's annual irrigation questionnaire, which is required to be submit reporting any water use from the dugout for the season, a note was made that the property was leased to Hulsteins'. Based on the email thread (see below) there seems to be some confusion on who actually operates that quarter-section.

If you could take a look and let me know if you have someone other than Hulsteins', it would be greatly appreciated.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Kelly Hulstein <kellyh@barkcattle.com>
Sent: Friday, November 7, 2025 10:48 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] Irrigation Questionnaire

Nothing looks familiar on that map but Jay Lems is handling the rental contracts. His cell is 605-366-4808

Get [Outlook for iOS](#)

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, November 7, 2025 11:43:10 AM
To: Kelly Hulstein <kellyh@barkcattle.com>; evelyn_pederson1@yahoo.com <evelyn_pederson1@yahoo.com>
Cc: Konst, Shannon <Shannon.Konst@state.sd.us>
Subject: FW: Irrigation Questionnaire

Thank you for taking a few minutes just now to speak on the phone. I've included in this email a larger aerial image showing the feedlot you operate in Section 36, and outlining in red the area authorized for irrigation in Section 35, with the dugout circled in green.

If you do not operate any of these areas in Section 35, we will need the information of the individuals that do.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Dewell, Amanda

Sent: Friday, November 7, 2025 8:17 AM

To: 'Kelly Hulstein' <kellyh@barkcattle.com>; evelyn_pederson1@yahoo.com

Cc: Konst, Shannon <Shannon.Konst@state.sd.us>

Subject: RE: [EXT] Irrigation Questionnaire

Water Right No. 6206-3 authorized the diversion of water from springs and runoff (collected in a dugout) at the location shown in the map below. Additionally, Water Right No. 6209-3 has a qualification requiring the irrigation water use questionnaire to be submitted each year.

If any water is being mixed with the feedlot wastewater, irrigation does need to be reported (how many acres, pump rate, and hours of operation). However, if the sole source of water being spread is the effluent (with no other water mixed in to thin), you would report that the wastewater lagoon was used in place of regular irrigation and leave the rest of the form blank.

Since Hulstein's are leasing the property, would you please provide a mailing address so that these forms can be mailed directly to them in the future?

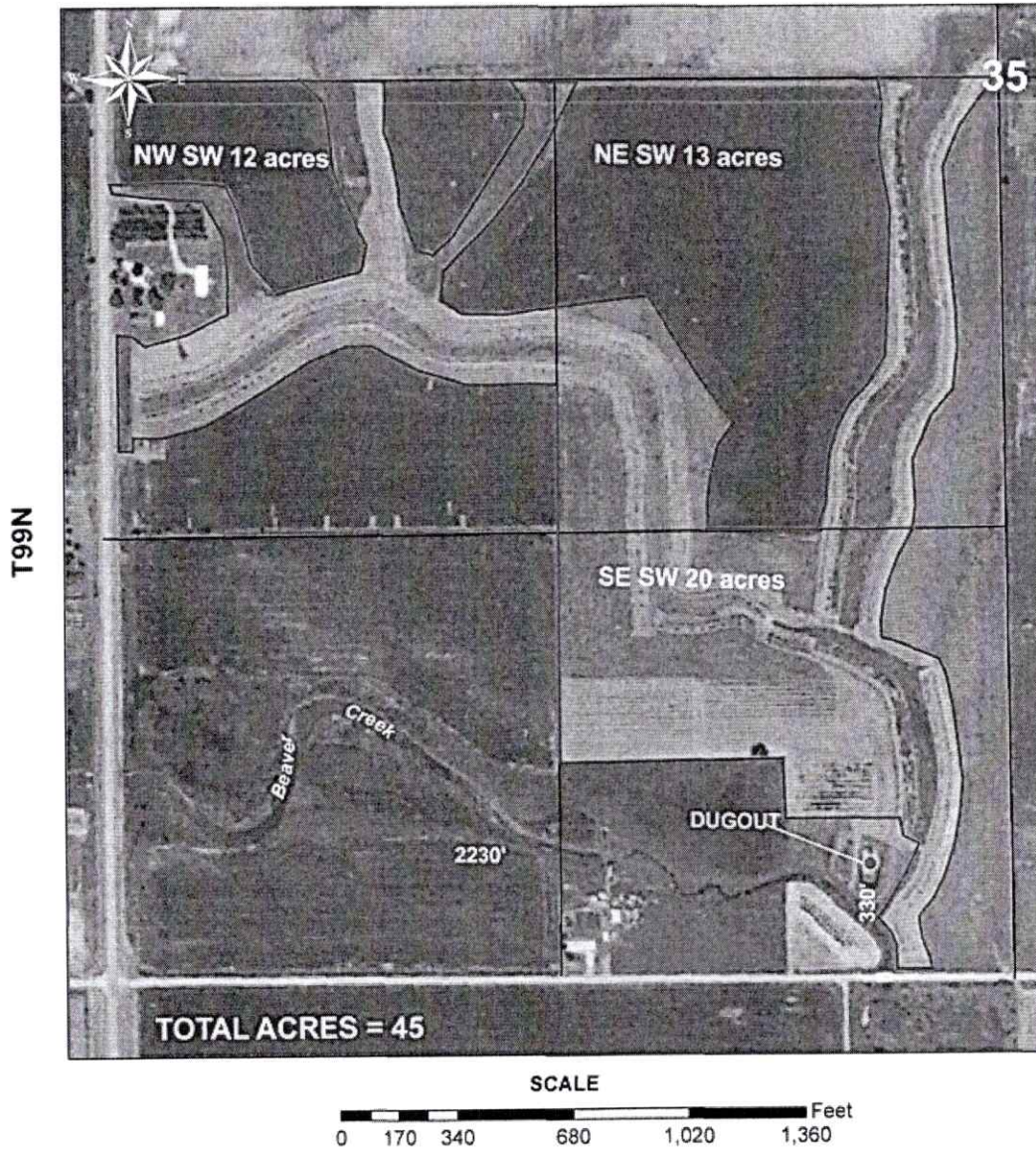
If there are any questions regarding my response, please feel free to give me a call (605) 910-5187 for further discussion.

WATER RIGHT NO. 6206-3

Dwayne K. Pederson

September 12, 2006

R50W



Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Kelly Hulstein <kellyh@barkcattle.com>
Sent: Thursday, November 6, 2025 4:27 PM
To: Konst, Shannon <Shannon.Konst@state.sd.us>; evelyn_pederson1@yahoo.com
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Re: [EXT] Irrigation Questionnaire

Hulstein Brothers lease it.

My phone is 712-441-1665

Is a report necessary for a waste water containment system? There is no well and we have a class B Feedlot with under 1000 head so that's why I'm wondering if an Irrigation your report is even necessary??

Get Outlook for iOS

From: Konst, Shannon <Shannon.Konst@state.sd.us>
Sent: Thursday, November 6, 2025 3:41:39 PM
To: evelyn_pederson1@yahoo.com <evelyn_pederson1@yahoo.com>; Kelly Hulstein <kellyh@barkcattle.com>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Irrigation Questionnaire

Hello, we received your Irrigation Questionnaire for WR#6206-3, with a note stating that this land was leased out. I tried calling both phone numbers listed for you and Dwayne but got a recording saying that they are no longer in service. If you could please email me the following information: NAME, ADDRESS, and PHONE NUMBER of the person that this was leased to. If you have a current phone number for you and Dwayne, could you please include it in this email.

Thank you