

WATER PERMIT NO. 6312A-3

Name of Applicant: **Floyd Peterson**

Address: **18892 390th Ave, Hitchcock SD 57348**

Phone:

Amount of Water Claimed: **1.56 cfs**

Total Acres: **132**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **5 miles east of Hitchcock**

PRIORITY

Date Received: **3-28-07**

Application/License Fee: **\$100**

Corrected Application Received:

Period of Annual Use: **April 1 – November 30**

Remarks: **transfer a total of 1.56 cfs diversion authority from the corners authorized by Nos. 6331-3, 6333-3 and 6312-3 to drill a new well in the SE ¼ Sec 32-T114N-R62W**

Diversion Point: **center SE ¼ Sec 32-T114N-R62W**

Land to be Irrigated: **S ½ Sec 32-T114N-R62W**

Depth of Well: **70 feet deep**

Well Driller:

Remarks:

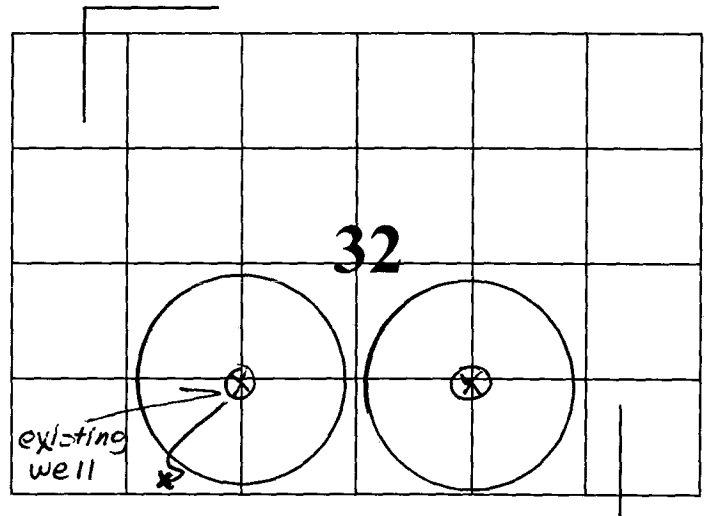
Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **4-2-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED
MAR 28 2007
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6312A-3</u>	(office use only) Hydrologic Unit <u>101160006</u>
	Basin <u>James River</u>	
	Newspaper <u>The Redfield Press & Plainsman</u>	

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.)

transfer a total of 1.56 cfs diversion authority from the corners authorized under Water Permit Nos. 6331-3, 6333-3 and 6312-3 (see below) to drill a new well in the SE 1/4 Section 32, T114N, R62W

- Name of Applicant Floyd Peterson Phone _____
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18892 390th Avenue Hitchcock State SD 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *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)
- Source of water supply Tulare:Hitchcock Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Beadle Spink
approximate center of the SE 1/4 Section 32, T114N, R62W
- County or counties where water will be used Spink
- Annual period during which water is to be used April 1 - November 30
- 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)

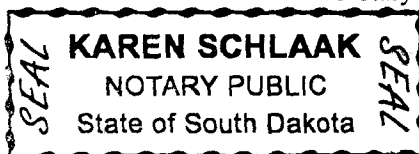
Land Description	Acres	Land Description	Acres
NW 1/4 SW 1/4 Section 32, T114N, R62W	32	NW 1/4 SE 1/4 Section 32, T114N, R62W	
NE 1/4 SW 1/4 Section 32, T114N, R62W	32	NW 1/4 SE 1/4 Section 32, T114N, R62W	
NW 1/4 SW 1/4 Section 32, T114N, R62W	32	NW 1/4 SE 1/4 Section 32, T114N, R62W	
NW 1/4 SW 1/4 Section 32, T114N, R62W	32	NW 1/4 SE 1/4 Section 32, T114N, R62W	

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

see attachment

STATE OF SOUTH DAKOTA) SS
County of Hughes)

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, Floyd 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 Floyd PetersonSubscribed and sworn to before me this 28th day of March 20 07Karen Schlaak
Notary Public signatureMy Commission Expires
April 1, 2007

Attachment

WR No. 5421-3 authorizes 2.11 cfs from one well to irrigate 264 acres in the S 1/2 Section 32, T114N, R62W. Intend to transfer 0.40 cfs (28 acres from No. 6312-3), 0.8 cfs (56 acres from No. 6333-3) and 0.36 cfs (25 acres from No. 6331-3) for a total of 1.56 cfs so two pivots can run indepently. The irrigation of the 109 associated with the 1.56 cfs will be forfeited.

There will now be two wells to run the pivots in the S 1/2 of Section 32. The systems will be connected to allow the wells to serve either center pivot.

**SOUTH DAKOTA
WATER PERMIT NO. 6312A-3**

Date of first receipt of application March 28, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6312A-3 to Floyd Peterson, 18892 390th 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. 6312A-3 amends Water Permit Nos. 6312-3, 6331-3 and 6333-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6312-3 appropriates 2.28 cubic feet of water per second (cfs) from one well to irrigate 160 acres located in the NE 1/4 Section 22-T114N-R63W. Water Permit No. 6331-3 appropriates 2.23 cfs from one well to irrigate 157 acres located in the SE 1/4 Section 5-T115N-R62W. Water Permit No. 6333-3 appropriates 4.57 cfs from two wells to irrigate 320 acres located in the NW 1/4 and the SE 1/4 Section 21-T113N-R63W. The wells are located in the Tulare:Hitchcock Aquifer and Tulare:Western Spink Aquifer and each permit is still within the five year period to complete construction of works.

This permit authorizes transferring the diversion authority of 0.40 cfs (28 acres from No. 6312-3), 0.8 cfs (56 acres from No. 6333-3) and 0.36 (25 acres from No. 6331-3) for a total of 1.56 cfs. The appropriation of water that will be transferred is 1.56 cfs to be diverted from an additional well (70 feet deep) constructed in the approximate center of the SE 1/4 Section 32-T114N-R62W. Water Right No. 5421-3 authorizes 2.11 cfs from one well to irrigate 264 acres in the S 1/2 Section 32-T114N-R62W. This permit allows the construction of an additional well to run the pivots in the S 1/2 Section 32. The systems will be connected to allow the wells to serve either center pivot.

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 date from which applicant may claim right is March 13, 2002 – 0.40 cfs and June 21, 2002 – 1.16 cfs.
4. The date of approval of Permit No. 6312A-3 is July 2, 2007.
5. All construction is to be completed on or before December 4, 2007.
6. Water is to be put to beneficial use on or before December 4, 2011.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

Water Permit No. 6312A-3

Floyd Peterson

Page 2

2. The well authorized by Permit No. 6312A-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. The applicable portions of Water Permit Nos. 6312-3, 6331-3 and 6333-3 are incorporated into Permit No. 6312A-3. Permit No. 6312A-3 is quantified for 1.56 cfs. (Nos. 6312-3 and 6333-3 were reissued to reflect remaining diversion rate and acreages.)
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

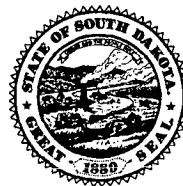
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 18 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth approx 70 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 applicants property approx. 3/4 west On property owned by others 1/2 northwest

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

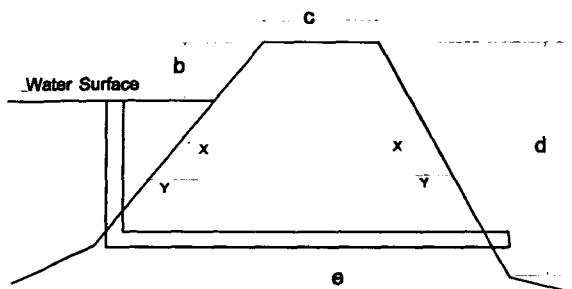
3. Dugout Information

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

4. Water Storage Dams

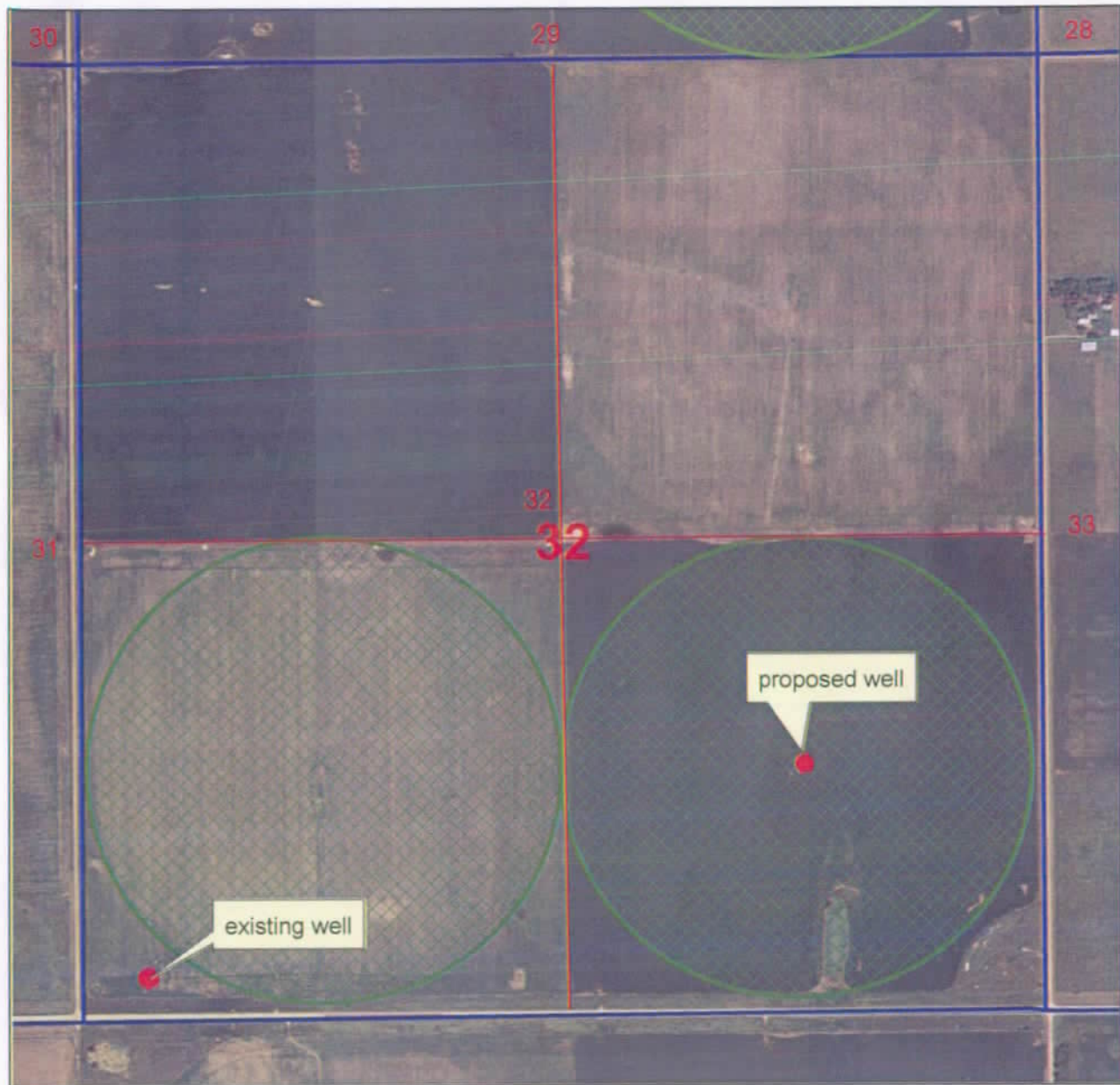
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

Water Permit Application to Transfer Diversion authority of
portions of Water Permit Nos. 6331-3, 6333-3 and 6312-3

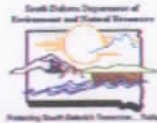


0 550 1,100 2,200 3,300 4,400 Feet

New well to be drilled in the approximate center of the SE 1/4 of Section 32, T114N, R62W

Acreage is authorized under Water Right No. 5421-3

A total of 1.56 cfs diversion authority will be transferred to allow the two center pivots to operate independently



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR

(map prepared based on representation by Floyd Peterson)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/28, 20 07

RECEIVED OF OSCAR INC FLOYD PETERSON 18892 390TH AVE HITCHCOCK SD 57348

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

Fee for Application for Permit No. <u>6312A-3</u> 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. <u>6312A-3</u>	50	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	100	00

No.

082151

By

[Signature]
Chief Engineer

[Signature]

NOTICE OF WELL CONSTRUCTION

Spinks Co.

(1) WELL CONSTRUCTION

Location of well: S.W. 1/4 Section 32 Township 114 Range 62

Well owner: Peterson (Name) 745 (Address)

Date well drilling completed: 8-4-77 Purpose of well: Irrigation (domestic, irrigation, municipal, industrial, other)

INSUFFICIENT LOCATION SCHEDULE

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0 - 8	Top Soil	Depth to static water level	19 ft.
8 - 34	Fine Sand	Name of producing aquifer (if known)	
34 - 54	Med. Sand	Total depth of drill hole	68 ft.
54 - 64	Coarse Sand	Depth to bottom of casing	60 ft.
64 - 68	Clay	Casing information in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
		16" Concrete	
		Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		16" Concrete	
		If a flowing well, flow of completed well	

Attach sheet if more space is needed

Grosch Irrigation
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP
Type of pump _____ Capacity of installed pump _____ G.P.M.
Depth of pump placement _____ ft. Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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

Grosch Irrigation

Name of Pump Installation Contractor

Water Rights Program

I hereby authorize Floyd Peterson to transfer the 0.80 cfs (56 acres) authorized under Water Permit No. 6333-3.

Lenny Peterson

A handwritten signature in cursive script, appearing to read "Lenny Peterson". The signature is written in black ink and is positioned to the right of the printed name "Lenny Peterson".

Water Rights Program

I hereby authorize Floyd Peterson to transfer the 0.40 cfs (28 acres) authorized under Water Permit No. 6312-3.

for

Danny Peterson

A handwritten signature in cursive script, appearing to read "Floyd Peterson".



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6312A-3, Floyd Peterson.**

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. 6312A-3, Floyd Peterson, 18892 390th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6312A-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. 6312A-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. The applicable portions of Water Permit Nos. 6312-3, 6331-3 and 6333-3 is incorporated into Permit No. 6312A-3.
4. 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 1, 1007

NOTE: This application proposes to transfer the 1.56 cfs diversion authority for 109 acres of land. This will allow the two pivots authorized by Water Right No. 5421-3 to operate independently. The intent of this application is to transfer the diversion authority. The 109 acres that is part of this transfer will not be developed and therefore will be forfeited.

REPORT ON WATER PERMIT APPLICATION NO. 6312A-3
For Floyd Peterson
May 23, 2007

Application No. 6312A-3 proposes to amend Water Permit Nos. 6312-3, 6331-3 and 6333-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6312-3 appropriates 2.28 cfs from one well to irrigate 160 acres located in the NE $\frac{1}{4}$ of section 22, T114N R63W in Spink County. Water Permit No. 6331-3 appropriates 2.23 cfs from one well to irrigate 157 acres located in the SE $\frac{1}{4}$ of section 5, T115N R62W in Spink County. Water Permit No. 6333-3 appropriates 4.57 cfs from two wells to irrigate 320 acres located in the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of section 21, T113N R63W in Beadle County. The first two permits would obtain water from the Tulare Hitchcock aquifer and the last permit would obtain water from the Tulare Western Spink aquifer.

The applicant proposes to transfer the diversion authority 0.40 cfs (28 acres) from Water Permit No. 6312-3, 0.8 cfs (56 acres) from Water Permit No. 6333-3 and 0.36 cfs (25 acres) from Water Permit No. 6331-3 for a total diversion rate of 1.56 cfs. This appropriation will be transferred to an additional well drilled in the SE $\frac{1}{4}$ of section 32, T114N R62W. Water Right No. 5421-3 authorizes 2.11 cfs from one well to irrigate 264 acres in the S $\frac{1}{2}$ of section 32, T114N R62W. This application if approved will allow the construction of an additional well to provide water to the two pivots in the S $\frac{1}{2}$ of section 32, T114N R63W.

AQUIFER – TULARE HITCHCOCK (T-H)

The Tulare Hitchcock aquifer is predominantly a surficial outwash (sand and gravel) that is under water table conditions in this area. The Water Management Board determined in December of 2002, (Goodman, 2002) that the aquifer may be fully appropriated and deferred additional permits from both the Tulare Hitchcock and Tulare Western Spink aquifers for a period of five years to monitor the development in these aquifers. This process has been followed since 2002 and presently there are 33 permit applications either deferred or will be deferred for 78.3 cfs and 5,987 acres. These applications will all be scheduled for hearing in December of 2007.

Water Rights monitors an observation well SP-79N located within one-half mile of the well for this application. Water levels for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. In general the water level record indicates that drawdown created by pumping is not significant in this area. A hydrograph for this observation well is included with this report (Water Rights, 2007).

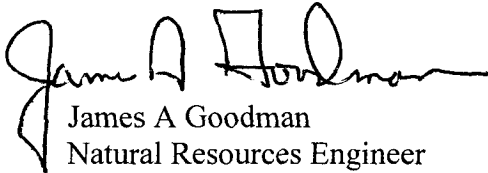
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The closest existing irrigation wells are located about one-quarter mile south (Water Right No. 5671-3) and one-quarter mile north (Water Right No. 1509-3). At this distance

drawdown should not be significant. Interference is not a concern. What is a concern is the relatively thin saturated thickness of the aquifer. It is likely that during an extended drought the water levels will decline another five feet or more from present levels. This could impact existing irrigation wells by diminishing their yield. This is probably why some of the systems in this area use two wells to supply water to the same system.

CONCLUSIONS

1. This water has already been appropriated and will simply be put to use in another area of the aquifer.
2. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
3. Approval of this application will leave Water Permit No. 6312-3 with 1.88 cfs and 132 acres, Water Permit No. 6331-3 with 1.87 cfs and 132 acres, and Water Permit No. 6333-3 with 3.77 cfs with 264 acres remaining.



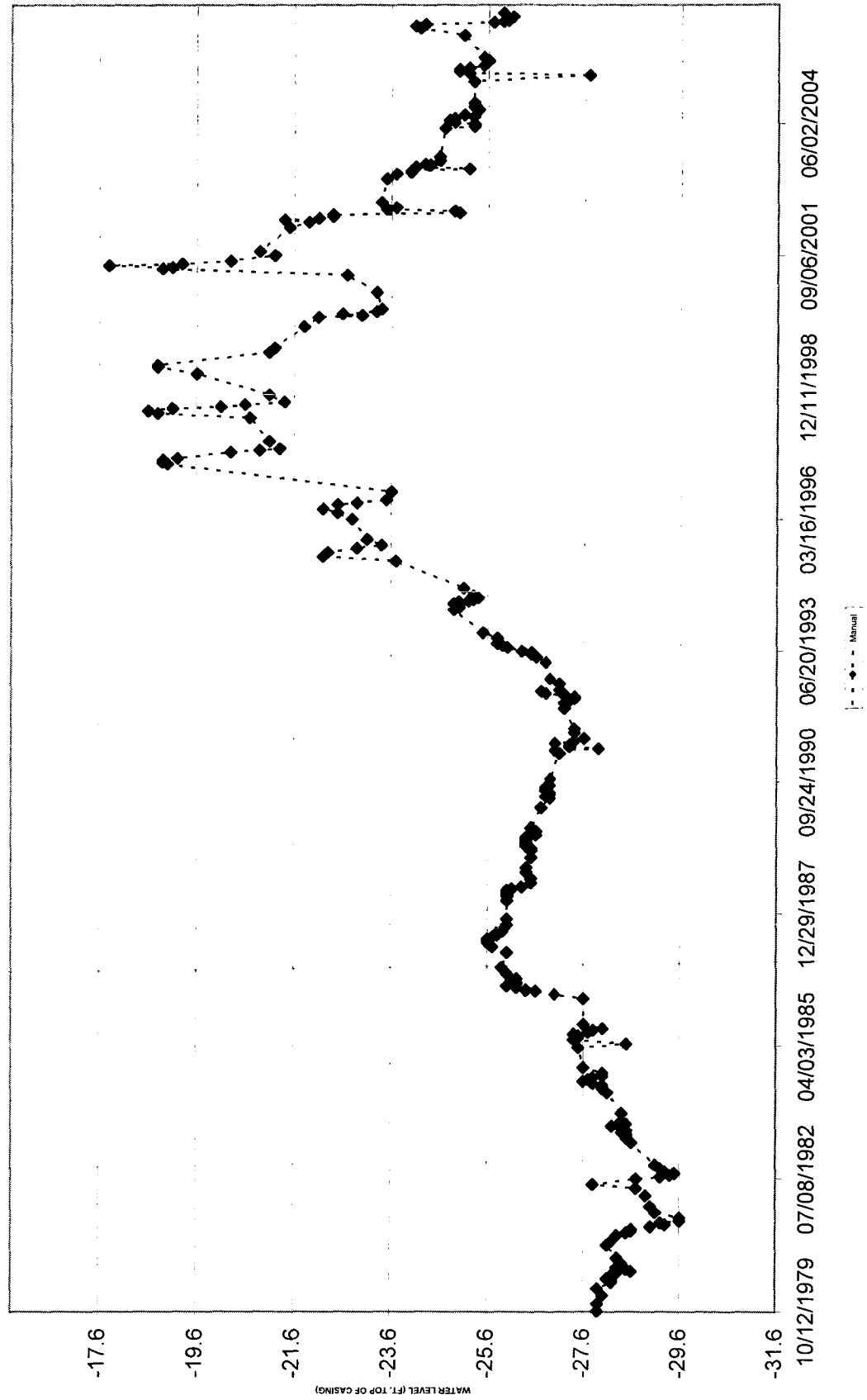
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 2002, Report on Water Permit Application Nos. 6330-3, 6331-3, 6332-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3, 6343-3, 6344-3, 6345-3, 6346-3, 6348-3, 6353-3, for Water from the Tulare Hitchcock Aquifer and Water Permit Nos. 6333-3, 6334-3, 6347-3, 6351-3, 6352-3, for Water from the Tulare Western Spink Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2007, Unpublished Observation Well Data for the Tulare Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
SP-79N





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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 NEWSPAPERS RIGHT AWAY.

June 4, 2007

FLOYD PETERSON
18892 390TH AVE
HITCHCOCK SD 57348

Dear Mr. Peterson:

Water Permit Application No. 6312A-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 Publishers of the following papers.

Redfield Press
Redfield SD (605) 472-0822

The Plainsman
Huron SD (605) 352-6401

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application is 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 4, 2007

THE PLAINSMAN
PO BOX 1278
HURON SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6312A-3 to Appropriate Water to be published twice. Please publish the first notice on June 13, 2007 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 Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 (Ph # 605-266-2747).

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. 6312A-3

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

Date _____

We are in receipt of your letter of June 4, 2007 enclosing Notice to Appropriate Water by Application No. 6312A-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
www.state.sd.us/denr

June 4, 2007

THE REDFIELD PRESS
PO BOX 440
REDFIELD SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6312A-3 to appropriate Water to be published twice. Please publish the first notice on June 13, 2007 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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6312A-3

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

Date _____

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Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 13, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6312A-3 to Amend
Water Permit Nos. 6312-3, 6331-3 and 6333-3

Notice is given that Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed an application to amend Water Permit Nos. 6312-3, 6331-3 and 6333-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6312-3 appropriates 2.28 cubic feet of water per second (cfs) from one well to irrigate 160 acres located in the NE $\frac{1}{4}$ Section 22-T114N-R63W. Water Permit No. 6331-3 appropriates 2.23 cfs from one well to irrigate 157 acres located in the SE $\frac{1}{4}$ Section 5-T115N-R62W. Water Permit No. 6333-3 appropriates 4.57 cfs from two wells to irrigate 320 acres located in the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ Section 21-T113N-R63W. The wells are located in the Tulare:Hitchcock Aquifer and Tulare:Western Spink Aquifer and each permit is still within the five year period to complete construction of works.

The applicant proposes to transfer the diversion authority of 0.40 cfs (28 acres from No. 6312-3), 0.8 cfs (56 acres from No. 6333-3) and 0.36 (25 acres from No. 6331-3) for a total of 1.56 cfs. The appropriation of water that will be transferred is 1.56 cfs to be diverted from an additional well (70 feet deep) constructed in the approximate center of the SE $\frac{1}{4}$ Section 32-T114N-R62W. Water Right No. 5421-3 authorizes 2.11 cfs from one well to irrigate 264 acres in the S $\frac{1}{2}$ Section 32-T114N-R62W. This application, if approved, will allow the construction of an additional well to run the pivots in the S $\frac{1}{2}$ Section 32. The systems will be connected to allow the wells to serve either center pivot.

State Law (SDCL 46-5-34) allows 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6312A-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 these applications, 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 recommendations 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 2, 2007.

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.

Affidavit of Publication RECEIVED

JUL - 5 2007

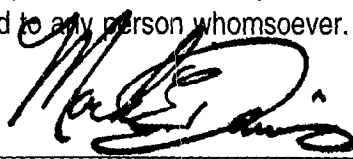
STATE OF SOUTH DAKOTA,
County of Spink: ss.

WATER RIGHTS
PROGRAM

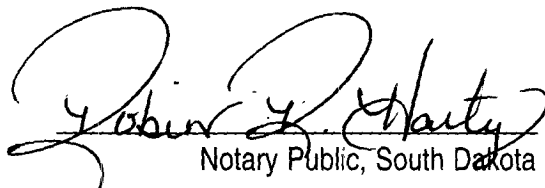
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, 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:

#256 Notice of Application

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 June 13th, 2007 and the last publication being made on June 20th, 2007 that the full amount of Fifty One and .94/100 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 21st day of June, 2007.



Notary Public, South Dakota

My commission expires 06/20/2012

Notice of Application

#256

NOTICE OF APPLICATION NO.
6312A-3 to Amend
Water Permit Nos. 6312-3, 6331-3
and 6333-3

Notice is given that Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed an application to amend Water Permit Nos. 6312-3, 6331-3 and 6333-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6312-3 appropriates 2.28 cubic feet of water per second (cfs) from one well to irrigate 160 acres located in the NE 1/4 Section 22-T114N-R63W. Water Permit No. 6331-3 appropriates 2.23 cfs from one well to irrigate 157 acres located in the SE 1/4 Section 5-T115N-R62W. Water Permit No. 6333-3 appropriates 4.57 cfs from two wells to irrigate 320 acres located in the NW 1/4 and the SE 1/4 Section 21-T113N-R63W. The wells are located in the Tulare-Hitchcock Aquifer and Tulare-Western Spink Aquifer and each permit is still within the five year period to complete construction of works.

The applicant proposes to transfer the diversion authority of 0.40 cfs (28 acres from No. 6312-3), 0.8 cfs (56 acres from No. 6333-3) and 0.36 (25 acres from No. 6331-3) for a total of 1.56 cfs. The appropriation of water that will be transferred is 1.56 cfs to be diverted from an additional well (70 feet deep) constructed in the approximate center of the SE 1/4 Section 32-T114N-

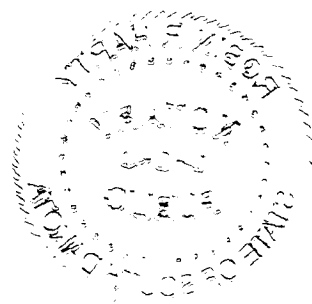
R62W. Water Right No. 5421-3 authorizes 2.11 cfs from one well to irrigate 264 acres in the S 1/2 Section 32-T114N-R62W. This application, if approved, will allow the construction of an additional well to run the pivots in the S 1/2 Section 32. The systems will be connected to allow the wells to serve either center pivot.

State Law (SDCL 46-5-34) allows 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6312A-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 these applications, 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 recommendations 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 2, 2007.

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 the Groundwater and Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
(June 13, 20)



RECEIVED

JUN 29 2007

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) SS

I, Terah Peterson

certify that the attached printed Notice was
taken

from the Hansman

printed and published in Huron

County of Beadle and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 13th, 07

June 20th, 07

Cost of Printing June 13 - \$43.74

June 20 - \$34.98

Terah Peterson
(Signature)

Business Manager
(Title)

6/24/2007
(Date Signed)

FP 06-13-07L 2 06-20-07
NOTICE OF APPLICATION
NO. 6312A-3 to Amend
Water Permit No. 6312-3
6331-3 & 6333-3

Notice is given that
Floyd Peterson, 18892
390th Ave, Hitchcock SD
57348 has filed an appli-
cation to amend Water
Permit No. 6312-3, 6331-3
and 6333-3 by severing a
portion of these permits
and simultaneously trans-
ferring to other land. Water
Permit No. 6312-3 appro-
priates 2.28 cubic feet of
water per second (cfs)
from one well to irrigate
160 acres located in the
NE 1/4 Section 22-T114N-
R63W. Water Permit No.
6331-3 appropriates 2.23
cfs from one well to irri-
gate 157 acres located in
the SE 1/4 Section 5-
T115N-R62W. Water
Permit No. 6333-3 appro-
priates 4.57 cfs from two
wells to irrigate 320 acres
located in the NW 1/4 and
the SE 1/4 Section 21-
T113N-R63W. The wells
are located in the
Tulare-Hitchcock Aquifer
and Tulare-Western Spink
Aquifer and each permit is
still within the five year
period to complete con-
struction of works.

The applicant proposes
to transfer the diversion
authority of 0.40 cfs (28
acres from No. 6312-3),
0.8 cfs (56 acres from No.
6333-3) and 0.36 (25
acres from No. 6331-3) for
a total of 1.56 cfs. The
appropriation of water that
will be transferred is 1.56
cfs to be diverted from an
additional well (70 feet
deep) constructed in the
approximate center of the
SE 1/4 Section 32-T114N-
R62W. Water Right No.
5421-3 authorizes 2.11 cfs
from one well to irrigate
264 acres in the S 1/2
Section 32-T114N-R62W.
This application, if
approved, will allow the
construction of an addi-
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State Law (SDCL 46-5-
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water right to be severed
from one parcel of land
and simultaneously trans-
ferred to another parcel if it
becomes impracticable to
use all or any part of the
water beneficially or eco-
nomically for irrigation on
the current land.

Pursuant to SDCL 46-
2A-2, the Chief Engineer
recommends APPROVAL
of the application. The
applicant's water rights
will not be unlawfully
impaired, 2) it is a benefi-
cial use of water, and 3) it
is in the public interest. In
accordance with SDCL
46-2A-23, the Chief
Engineer will act on these
applications, as recom-
mended, unless a petition
is filed opposing the appli-
cation or the applicant files
a petition contesting the
Chief Engineer's recom-
mendation. If a petition
opposing the application
or contesting the recom-
mendation 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 recom-
mendations must file a
written petition with BOTH
the applicant and Chief
Engineer. The applicant
must file a petition if
contesting the Chief
Engineer's recommenda-
tion. 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 2, 2007.

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 petition-
er's legal counsel, if legal
counsel is obtained.
Contact Eric Gronlund at
the above Water Rights
Program address to
request copies of informa-
tion pertaining to this
application.

Steven M. Pirner
Secretary, Department
of Environment and
Natural Resources
No. 224 (adv.)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 18 2007

6312-3
6312A-3
6331-3
6331A-3
6333-3

Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed are Water Permit Nos. 6312A-3 and 6331A-3 which amend several water permits by severing portions of the permits and simultaneously transferring to other land. To reflect action taken on July 2, 2007 by the Chief Engineer on behalf of the Water Management Board to transfer diversion authority, Water Permit Nos. 6312-3 and 6333-3 are also being reissued.

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 for Water Permit No. 6312A-3 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

c: Lenny Peterson, with copy of Reissued Water Permit No. 6333-3
Danny Peterson, with copy of Reissued Water Permit No. 6312-3

07-92

Well Completion Date

Well Owner: Oscar Petterson
Business Name:
Address: 18892 390th Ave
Hitchcock, SD 57348

DEPTH

FORMATION	FROM	TO
~~top~~ + ROCKS	0	10
red sand	10	40
Coarse gravel	40	60
blue clay	60	70

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 5000 ft. from septic tank (identify source).

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

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
DR 26 LB/FT	16 IN	0 FT	30 FT	28 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type CEMENT No. of Sacks _____ Grout Weight _____ lb./gal _____ From 0 ft. To 30 ft.

_____ lb./gal _____ ft. _____ ft.

Describe grouting procedure Repeat cement grout
down hole

Other information

If so, what material?

Describe packer(s) and location?

X YES. How: Chlorine

Laboratory sent to for water quality analysis

STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

☒ Pumped Describe: Turbine Pump
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface
26 ft. After 2 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 750 GPM

REMARKS

RECEIVED

FEB - 4 2008

**WATER RIGHTS
PROGRAM**

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Hydrac Well & Supply

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

Date:

6312A-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

October 21, 2010

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

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

Dear Oscar:

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosures

6312A-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 24, 2020

5421-3
6312A-3

Brad Peterson
Twisted Land & Cattle LLC
19030 391st Ave
Hitchcock SD 57348

Dear Mr. Peterson:

I am writing to acknowledge receipt of your irrigation questionnaires and notes about the needed ownership changes.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on Water Right No. 5421-3 and Water Permit No. 6312A-3. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please let me know.

Sincerely,

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

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

PAID
DEC - 2 2020
Ck# 31018

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
DEC 02 2020
WATER RIGHTS
PROGRAM

No. 6312A-3
Date: 11/30/2020

I/We request that Water Permit No. 6312A-3

formerly owned by: Floyd Peterson

be transferred to: (name & address) Twisted Land & Cattle LLC
19030 391st Ave
Hitchcock, SD 57348 Telephone No. 605-350-0802

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

264 acres - S 1/2 Section 32, T114N, R62W

I/We understand that the validity of Water Permit No. 6312A-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 Twisted Land & Cattle LLC, the new owner, certify that the above information is true and correct.

Brian Peterson for Twisted Land & Cattle LLC
(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.

6312A-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date December 2, 2020RECEIVED OF Twisted Land & Cattle, LLC 19030 391st 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	\$
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>6312A-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer *ym*

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Shantel Krebs**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

Twisted Land And Cattle, LLC

BUSINESS ID# DL157084

with an effective date of: December 4, 2018, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, December 4, 2018.

Shantel Krebs

Shantel Krebs
Secretary of State

12/04/2018 10:51 AM



DL157084

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Filing Fee: \$150

Total Fee: \$150

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Article I

The name of the Company: **Twisted Land And Cattle, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**19030 391ST AVENUE
HITCHCOCK, SD 57348**

Mailing Address

**P.O. BOX 65
MILLER, SD 57362**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **DAKOTA LAW FIRM, PROF. L.L.C. (0000049)**

Actual Street Address in this State

**103 W 3RD ST
MILLER, SD 57362**

Mailing Address in this State

**PO BOX 65
MILLER, SD 57362**

Article IV

The name and address of each organizer

Name

Address

**Brad Peterson Living Trust, u/t/d
November 30, 2018**

19026 391st Avenue, Hitchcock, SD 57348

**Denise Peterson Living Trust,
u/t/d November 30, 2018**

19026 391st Avenue, Hitchcock, SD 57348

Trent Peterson

19026 391st Avenue, Hitchcock, SD 57348

Shane Peterson

39027 SD Hwy 28, Hitchcock, SD 57348

Jeb Peterson

18892 390th Avenue, Hitchcock, SD 57348

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is:

B0081-7241 12/04/2018 10:51AM Rec'd by SD SOS



Article VI

☒ Member-Managed ☐ Manager-Managed

Article VII

Whether one or more of the members of the company are to be liable for its debts and obligations as set forth under SDCL 47-34A-303(c).

☐ Yes ☒ No

Article VIII

Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Clay A. Anderson

Clay A. Anderson

Registered Agent - 12/04/2018
Attorney at Law

PRINTED NAME

SIGNATURE

TITLE

DATED



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 2020

5421-3
6312A-3

Brad Peterson
Twisted Land & Cattle LLC
19030 391st Ave
Hitchcock SD 57348

Dear Mr. Peterson:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right No. 5421-3 and Water Permit No. 6312A-3.

The ownership changes have been completed. Nos. 5421-3 and 6312A-3 formerly held by Floyd Peterson are now listed under Twisted Land & Cattle LLC.

Enclosed for your records are receipts for the filing fees you paid.

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6312A-3 & License No. 5421-3

I have this day, **June 26, 2024**, made a thorough examination of the water use system constructed by **Twisted Land and Cattle Company** of **19030 391st Ave, Hitchcock SD 57348** holder of Permit No. **6312A-3**, bearing the priority of **March 13, 2002** authorizing the diversion of **0.40** cu. ft. per second and the priority of **June 21, 2002** authorizing the diversion of **1.16** cu. ft. per second and Water Right No. **5421-3**, bearing the priority of **May 14, 1990** authorizing the diversion of **2.11** cu. ft. per second of the waters of **groundwater** for **irrigation** purposes, in **Spink** County.

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

A. Works used to divert the water:

Well Information: east well

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 70 feet
- 4) Well log is available Y If no, explain in comments
Comments: none

Casing:

- 1) Diameter 16 inches
- 2) Length 30 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 20 feet

Pump:

- 1) Make Berkley
- 2) Model Centrifugal
- 3) Size 12
- 4) Capacity 600 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. NA
- 3) Horsepower rating 50 hp

Well Information: west well

- 5) Well Drilling Firm: Pullman Well Drilling
- 6) No. of Wells 1
- 7) Depth(s) 66 feet
- 8) Well log is available Y If no, explain in comments
Comments: none

Casing:

- 4) Diameter 16 inches
- 5) Length 51 feet
- 6) Type plastic

Screen:

- 4) Type stainless steel
- 5) Length 15 feet
- 6) Static water level 15 feet

Pump:

- 5) Make Grundfos
- 6) Model Submersible
- 7) Capacity 600 GPM

Motor:

- 4) Make Grundfos
- 5) Model No. submersible
- 6) Horsepower rating 50 hp

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

- 1) Type PVC 2) Size 10 inches 3) Length 5060 feet
Comments: #

C. Works used to apply water to beneficial use:

Center pivot: east pivot

- 1) Make Zimmatic
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 600 GPM

Center pivot: west pivot

- 6) Make Zimmatic
- 7) Overall length 1280 feet
- 8) Number of towers 7
- 9) End gun Y
- 10) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

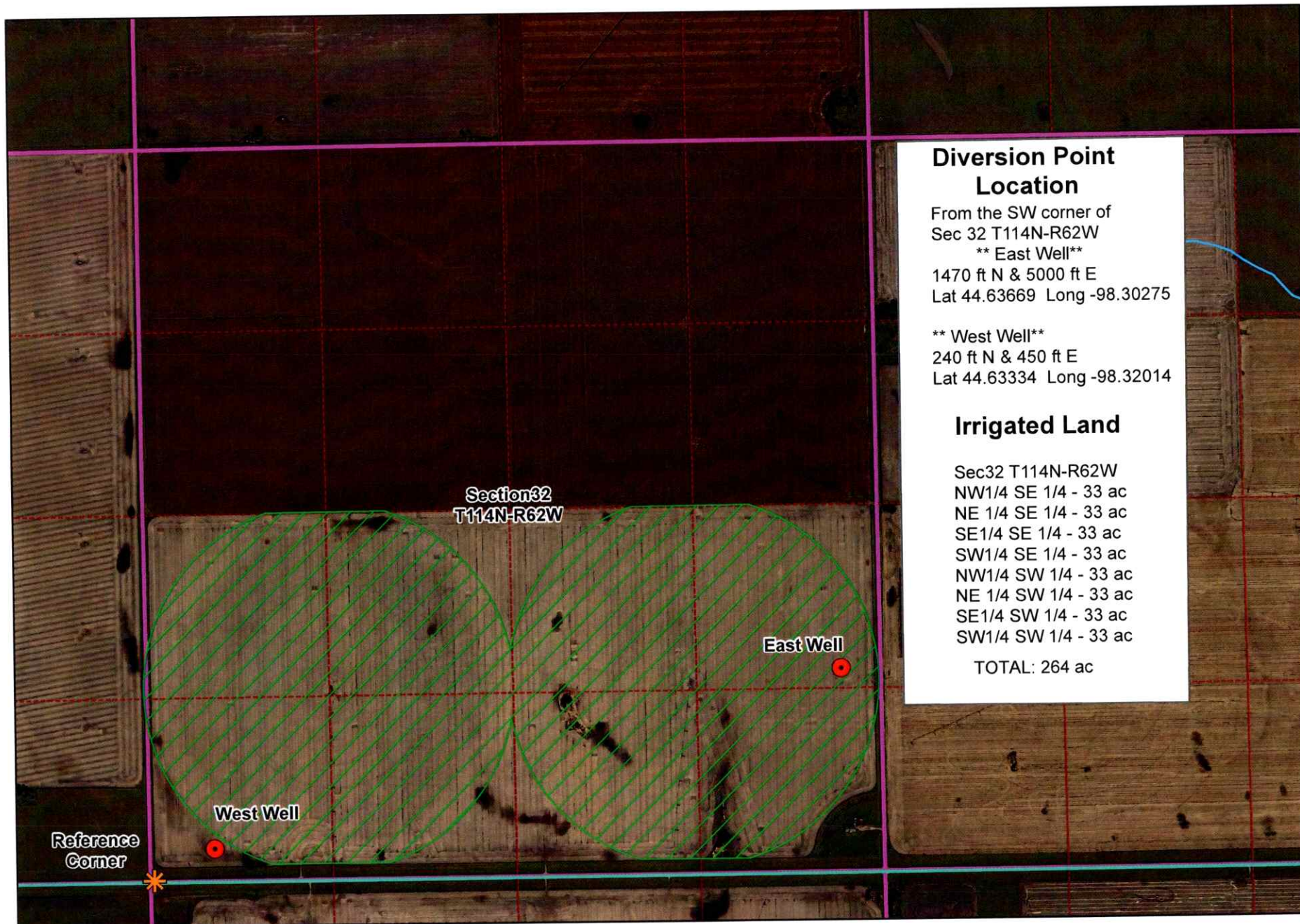
1. The system is in good condition with the point(s) of diversion located as follows: from the SW corner of Sec 32 T114N-R62W; East Well - 1470 ft N and 5000 ft E, latitude of 44.63669 and longitude of -98.30275, NE ¼ SE ¼ and the West Well - 240 ft N and 450 ft E, latitude of 44.63334 and longitude of -98.32014, SW ¼ SW ¼.
2. The works are capable of diverting and conveying to the place of use 2.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 32 T114N-R64W
NW ¼ SE ¼ - 33 ac NE ¼ SE ¼ - 33 ac SE ¼ SE ¼ - 33 ac SW ¼ SE ¼ - 33 ac
NW ¼ SW ¼ - 33 ac NE ¼ SW ¼ - 33 ac SE ¼ SW ¼ - 33 ac SW ¼ SW ¼ - 33 ac
comprising a total of 264 acres of land and the license should be issued for 2.67 cfs.
3. All structures, wells and lands on map Y
If no, describe: none

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



Mark D Rath
Natural Resources Engineer
DANR, Water Rights Program

Date report completed: 07/16/2024



0.55

0.275

0

0.55 Miles

Approval of Location Change and/or Additional Diversion Point(s)NAME: Twisted Land & Cattle LLCCOUNTY: SPINKADDRESS: 19030 391st Ave, Hitchcock SD 57348DATE: July 19, 2024**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Water Permit No. 6312A-3 authorized construction of a well, to supplement the well authorized by WR No. 5421-3, to be located in the approx. center of the SE 1/4 Section 32, for irrigation of 264 acres authorized by WR No. 5421-3 located in the S 1/2 Section 32; all in T114N-R63W.

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

A licensing inspection found the well authorized by WP No. 6312A-3 was drilled in the NE 1/4 SE 1/4 (280 ft from the section line). The water source remains in the Tulare: Western Spink Hitchcock Aquifer. The permit authorized transfer of 1.56 cfs of diversion rate authority from WP Nos. 6312-3, 6331-3, and 6333-3 to a new location. The licensing inspection found the well capable of producing a 1.33 cfs. The two wells, authorized by WP No. 6312A-3 and WR No. 5421-3 are capable of diverting a combined 2.67 cfs.

If irrigation, no new land is irrigated

Water Right No. 5421-3 authorizes the irrigation of 264 acres in the S 1/2 Section 32, T114N, R62W. No additional acres were developed for irrigation.

Review of Existing Diversions

There are 14 water permits/rights appropriating from the T:WS-H Aquifer within 2 miles of the well drilled for WP No. 6312A-3, the nearest of which is WR No. 1509-3 (Oscar Inc), located 0.3 miles N. The wells have co-existed for several years without issue. No unlawfully impairment is expected. The nearest domestic well completed into the T:WSH Aquifer is located 0.4 miles NE on property owned by John Kingdom, according to Regrid. 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 well be licensed as developed.



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 Gronlund, 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 22 2024

6312A-3

Twisted Land & Cattle LLC
c/o Brad Peterson
19030 391st Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is Water License No. 6312A-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

NOTE: The applicable portions of Water Right No. 5421-3 have been incorporated into Water Right No. 6312A-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6312A-3

(1) Water Right No. 5421-3, held by Twisted Land & Cattle LLC, 19030 391st Ave, Hitchcock SD 57348, authorizes the diversion of 2.11 cubic feet of water per second (cfs) from groundwater, one well (Tulare: Western Spink Hitchcock Aquifer), for the irrigation of 264 acres.

The applicable portions of Water Right No. 5421-3 have been incorporated into this license.

Floyd Peterson made Application No. 6312A-3, March 28, 2007, for a water permit to amend Permit Nos. 6312-3, 6331-3, and 6333-3, transferring a portion of each diversion rate to the acres developed under Water Right No. 5421-3, Spink County, South Dakota for irrigation purposes. Permit No. 6312A-3, with priority dates of March 13, 2022 & June 21, 2022, was approved July 2, 2007, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 4, 2007, and for the application to beneficial use of water on or before December 4, 2011.

Ownership of Water Permit No. 6312A-3 was transferred to Twisted Land & Cattle LLC on November 30, 2020.

An investigation conducted for licensing purposes found the diversion point authorized by Permit No. 6312A-3 developed 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 2.67 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- East Well: 1,470 ft N & 5,000 ft E of the SW corner Section 32, T114N, R62W (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 44.63669 & Longitude -98.30275)
- West Well: 240 ft N & 450 ft E of the SW corner Section 32, T114N, R62W (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 44.63334 & Longitude -98.32014)

(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 32, T114N, R62W			
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
TOTAL: 264 acres			

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Twisted Land & Cattle LLC, the holder and/or owner of Water Right No. 6312A-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from groundwater, two wells (Tulare: Western Spink Hitchcock Aquifer), with priority dates outlines in the chart below, from the locations specified in (2) of this license for irrigation purposes.

Priority Dates	Diversion Rates	Irrigated Acres
March 14, 1990	2.11 cfs	264 acres
March 13, 2002	0.4 cfs	
June 21, 2002	0.16 cfs	

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6312A-3 and subject to 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. 6312A-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. *(The well was drilled in 2008 by Christianson Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.)*
3. The applicable portions of Water Permit Nos. 6312-3, 6331-3, and 6333-3 are incorporated into Permit No. 6312A-3. Permit Nos. 6312A-3 is quantified for 1.56 cfs. (Nos. 6312-3 and 6333-3 were reissued to reflect remaining diversion rate and acreages.) *(Water Right No. 6312A-3 authorizes a combined diversion rate of 2.67 cfs for the irrigation of 267 acres, based on the system as developed.)*
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUL 22 2024

date

