

WATER PERMIT NO. 6330A-3

Name of Applicant: Floyd Peterson

Address: 18892 390th Ave, Hitchcock SD 57348

Phone:

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 7 miles northeast of Hitchcock

PRIORITY

Date Received: 1-5-07

Application/License Fee: \$100

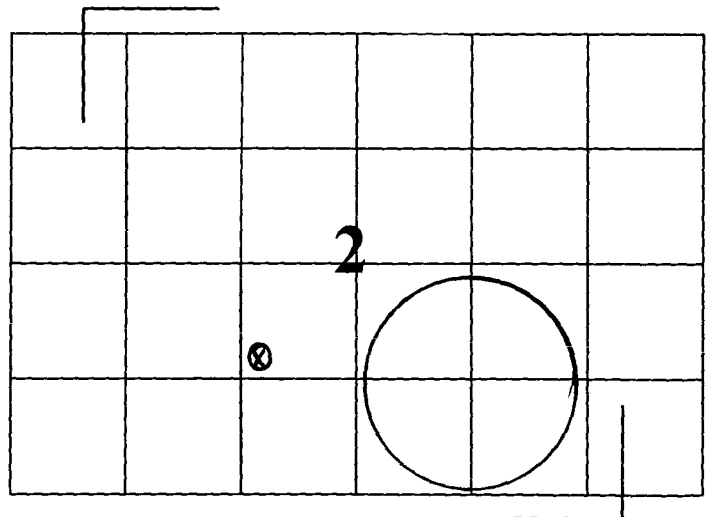
Corrected Application Received: 1-19-07

Period of Annual Use: April 1 – November 30

Remarks: Move pivot approximately 6 miles to the southwest

Diversion Point: NE ¼ SW ¼ Sec 2-T114N-R63W

Land to be Irrigated: SE ¼ Sec 2 – T114N-R63W



Depth of Well: 63 feet deep

Well Driller: : XX

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 1-29-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6330A-3</u> (office use only) Hydrologic Unit <u>10162006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press PO 440 57469</u>
	<u>605-412-0822</u>

RECEIVED
JAN - 5 2007
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6330-3
(Use predates Mar 2, 1955)

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

Transfer irrigated acres from the SW 1/4 Section 5, T115N, R62W to the SE 1/4 Section 2, T114N, R63W

- 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 no add'l *CFS or **GPM ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well completed into the Tulare:Hitchcock Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
approximate center of the SE 1/4 Section 2, T114N, R63W (existing well NE 1/4 SW 1/4)
authorized by 3065A-3
- 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 SE 1/4 Section 2, T114N R63W	40		
NE 1/4 SE 1/4	39		
SW 1/4 SE 1/4	39		
SE 1/4 SE 1/4	39		

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

Propose to transfer the acres authorized by WR No. 6330-3 to the SE 1/4 Section 2, T114N, R63W. This transfer is taking place to provide efficiency to the operation of the center pivots. This application also seeks to shift the pivot authorized by WR No. 3065A-3 to the west so it is located in the SW 1/4 Section 2, T114N, R63W.

STATE OF SOUTH DAKOTA)
County of Hughes SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. 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 Peterson

Subscribed and sworn to before me this 5th day of January 2007

Kathy R. Bruckner
Notary Public signature

My Commission expires 09/06/2010.

SOUTH DAKOTA
WATER PERMIT NO. 6330A-3

Date of first receipt of application January 5, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6330A-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. 6330A-3 amends Water Permit No. 6330-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 6330-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Tulare:Hitchcock Aquifer located in the center of the SW ¼ Section 5 to irrigate 157 acres located in the SW ¼ Section 5; all in T115N-R62W. This permit authorizes moving the permitted areas approximately 6 miles to the southwest to irrigate 157 acres located in the SE ¼ Section 2-T114N-R63W. The well to be utilized for this system will be the existing well originally authorized by Water Right No. 3065A-3 located in the NE ¼ SW ¼ Section 2-T114N-R63W. The well authorized by No. 6330-3 is not constructed. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is June 21, 2002.
4. The date of approval of Permit No. 6330A-3 is May 14, 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Transfer of permit does not extend the five year period of construction granted under the original permit.

WATER MANAGEMENT BOARD

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

JUN 20 2007
date



Water Permit Application to Transfer Acreage under Water Right No. 6330-3 to the SE 1/4 Section 2, T114N,R63W and shift acreage under Water Right No. 3065A-3 approximately 1,200 feet west



0 275 550 1,100 1,650 2,200 Feet



depicts where the acreage under Water Permit No. 6330-3 will be transfer to.



depicts the shift in acres by moving the center pivot under Water Right No. 3065A-3 approximately 1,200 feet west.



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
January 5, 2007

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 5, 20 07

RECEIVED OF Oscar Inc., 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>6330A-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>6330A-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.

2764

By

Darland Ebele

Chief Engineer

[Signature]

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Floyd Peterson

ADDRESS: 18892 390th Avenue, Hitchcock COUNTY: Spink

DATE: January 19, 2006 TELEPHONE:

RE: Application to amend Water Permit No. 6330-3 by transferring acres

COMMENTS:

Mr. Peterson has filed an application to transfer acres authorized by Water Permit No. 6330-3. This application proposes to construct a new well in the approximate center of the SE ¼ Section 2, T114N, R63W. Mr. Peterson asked that the application include the ability to divert from the well authorized by Water Right No. 3065A-3 for irrigation of the SE ¼ Section 2, T114N, R63W.

NAME: Eric Henderson

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Applications for Floyd "Oscar" Peterson

ADDRESS: 18892 390th Avenue, Hitchcock SD COUNTY: Spink

DATE: January 25, 2007 TELEPHONE:

RE: Call from Lenny Peterson regarding Oscar Peterson's water permit application

COMMENTS:

Lenny Peterson called on behalf of his dad.

Oscar Peterson currently has two applications pending with the Water Rights Program. First is to shift the acres authorize by Water Right No. 3065A-3 approximately $\frac{1}{4}$ mile to the west so the pivot irrigated solely the SW $\frac{1}{4}$ Section 2, T114N, R63W. It was proposed to use the existing well in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2 to supply water. The other application proposed to transfer the acres authorized by Water Permit No. 6330-3 to the SE $\frac{1}{4}$ Section 2 and complete a new well in the center of the SE $\frac{1}{4}$ to supply water.

Lenny Peterson said the well driller had completed test drilling in the S $\frac{1}{2}$ of Section 2, T114N, R63W. They found better water in the SW $\frac{1}{4}$ of the section than the SE $\frac{1}{4}$. He asked me to amend the applications to reflect that the SW $\frac{1}{4}$ will be irrigated from a new well located in the center of the SW $\frac{1}{4}$ and the existing well authorized by WR No. 3065A-3 will serve the SE $\frac{1}{4}$ of Section 2, T114N, R63W.

NAME: *Eric D. Lund*



**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. 6330A-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. 6330A-3, Floyd Peterson, 18892 390th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6330A-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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Transfer of permit does not extend the five year period of construction granted under the original permit.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 16, 2007

REPORT FOR WATER PERMITS APPLICATION NOS. 3065B-3 & 6330A-3
For Floyd Peterson
March 6, 2007

Application No. 3065B-3 proposes to amend Water Right No. 3065A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3065A-3 appropriates 1.66 cfs from one well approximately 63 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 2 to irrigate 130 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 2; all in T114N R63W. This application proposes to move the center pivot approximately $\frac{1}{4}$ mile to the west with a new well to be constructed in the approximate center of the SW $\frac{1}{4}$ of section 2 to irrigate 130 acres located in the SW $\frac{1}{4}$ of section 2; all in T114N R63W. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 6330A-3 proposes to amend Water Permit No. 6330-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 6330-3 appropriates 2.22 cfs from one well located in the center of the SW $\frac{1}{4}$ of section 5 to irrigate 157 acres located in the SW $\frac{1}{4}$ of section 5; all in T115N R62W. This application proposes to move the permitted acreage approximately 6 miles to the southwest to irrigate 157 acres located in the SE $\frac{1}{4}$ of section 2; T114N R63W. The well to be utilized for this system will be the existing well originally authorized by Water Right No. 3065A-3 located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 2, T114N R63W. The well for Water Permit No. 6330-3 was not constructed. No increase in the diversion rate or number of acres irrigated is authorized by this application.

AQUIFER – TULARE HITCHCOCK (T-H)

The Tulare Hitchcock aquifer is a predominantly surficial outwash (sand and gravel) under water table conditions in Spink County. The Water Management Board in December of 2002, (Goodman, 2002) approved some new permits and deferred additional new permit applications because of concerns the aquifer (along with the Tulare Western Spink aquifer) may be fully appropriated. The Board at the December 2002 hearing determined to allow five years for development of existing permits from these two aquifers and also determined to defer any additional applications from these two aquifers until a hearing in December of 2007. This has been the process followed and as of this date there 29 deferred applications requesting 69.4 cfs for irrigation of 5,312 acres.

The Water Rights Program monitors three observation wells within two miles of this application. These are SP-80B (located about one mile northwest), SP-80D (located about one mile south) and SP-77H (located about two miles east) from this application. Hydrographs for these observation wells are included with this report. The water level record indicates good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates the aquifer is capable of sustaining existing withdrawals (Water Rights, 2007).

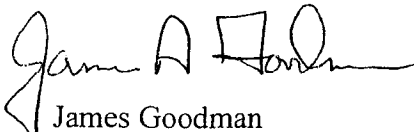
These two applications do not request any additional water or additional acreage but only to transfer existing permits. There are a couple of technical problems with these transfers. First, the licensed well location for 3065A-3 appears to be where the proposed "new" well will be. Apparently the permit holders moved the well location sometime since 1992 (license date) without permission to do so (the chief engineer under SDCL 46-5-13.1 can authorize this if requested). Second, the transfer of 6330-3 is interesting. There is no indication that there was any attempt to develop this permit at the authorized location. Under SDCL 46-5-25 one fifth of the work has not been completed within one-half the time allowed. The Board has discretion in this matter but clearly the intent of this statute is to expedite development where there would be deferred applications waiting in line for the use of this water. There is Board precedence handling permits in this manner.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

These two applications end up with wells approximately 1,000 feet apart. This is close enough to cause some overlapping drawdown (cones of depression) between these wells. Interference is likely, however it is not expected to be adverse. What could become a problem is that during an extended drought water levels may decline enough to affect the pumping rates of the individual wells. If this application is approved there would be three irrigation wells approximately within one-half mile. It would minimize any potential impacts if the production well was moved to the SE $\frac{1}{4}$ of section 2, T114N R63W. The applicant has drilled a test well in the proposed location that indicates sand and coarse sand from about 14 feet to a depth of 57 feet with a static water level of about 17 feet below land surface. The test well does look favorable for development of a production well. This proposed well is about 1,800 feet from an existing irrigation well authorized by Water Right No. 4591-3 and interference is not expected to be adverse.

CONCLUSIONS

1. Water Permit No. 3065B-3 is an existing water right and can be transferred with no increase in diversion rate or acreage and the priority is also transferred to these lands.
2. The new well location for 3065B-3 should not adversely affect the nearest existing well (owned by someone other than this applicant) authorized by Water Right No. 4591-3.
3. Interference will occur between the existing well under No. 3065A-3 and this proposed well. It is not possible to determine if this will be adverse until actual use begins.
4. No well log is available for the existing irrigation well. This should have been submitted with the application.
5. Any well authorized by these applications must be constructed in accordance with SD Well Construction Standards.



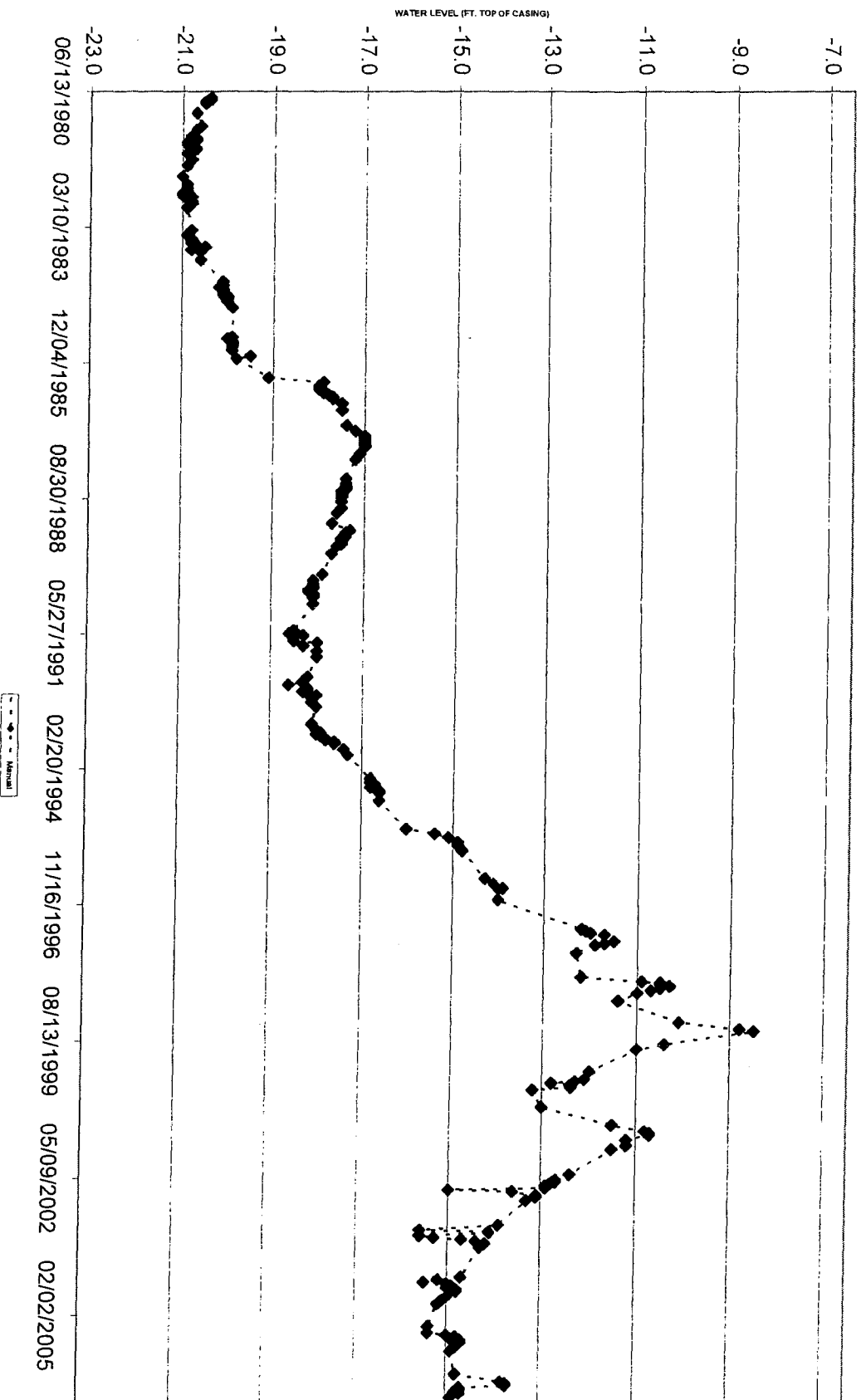
James Goodman
Natural Resource Engineer

BIBLIOGRAPHY

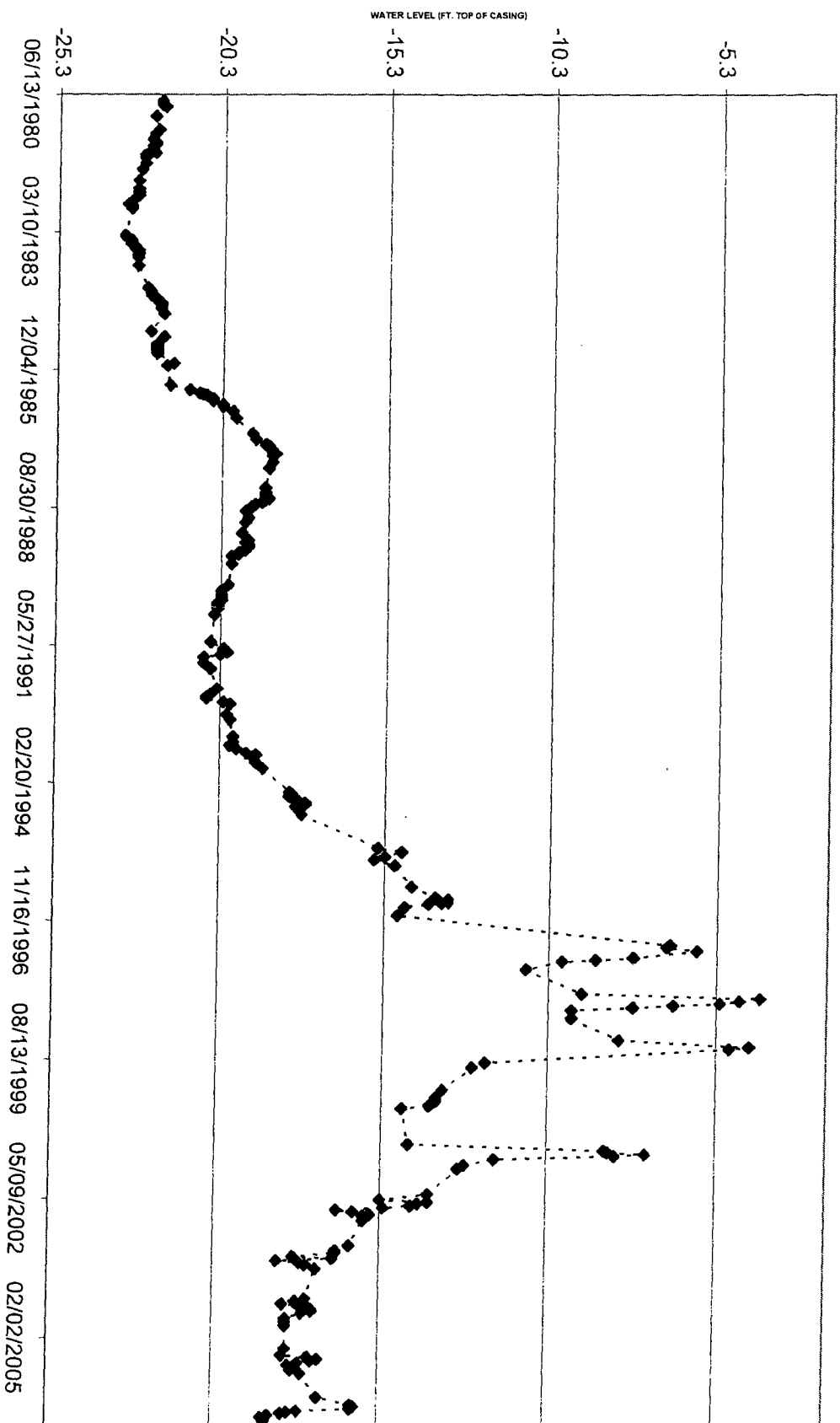
Goodman, J.A., 2002, Report on Water Permit Application Nos. 6330-3, 6331-3, 6332-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3, 6343-3, 6344-3, 6345-3, 6346-3, 6348-3, 6353-3, for Water from the Tulare Hitchcock Aquifer and Water Permit Nos. 6333-3, 6334-3, 6347-3, 6351-3, 6352-3, for Water from the Tulare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

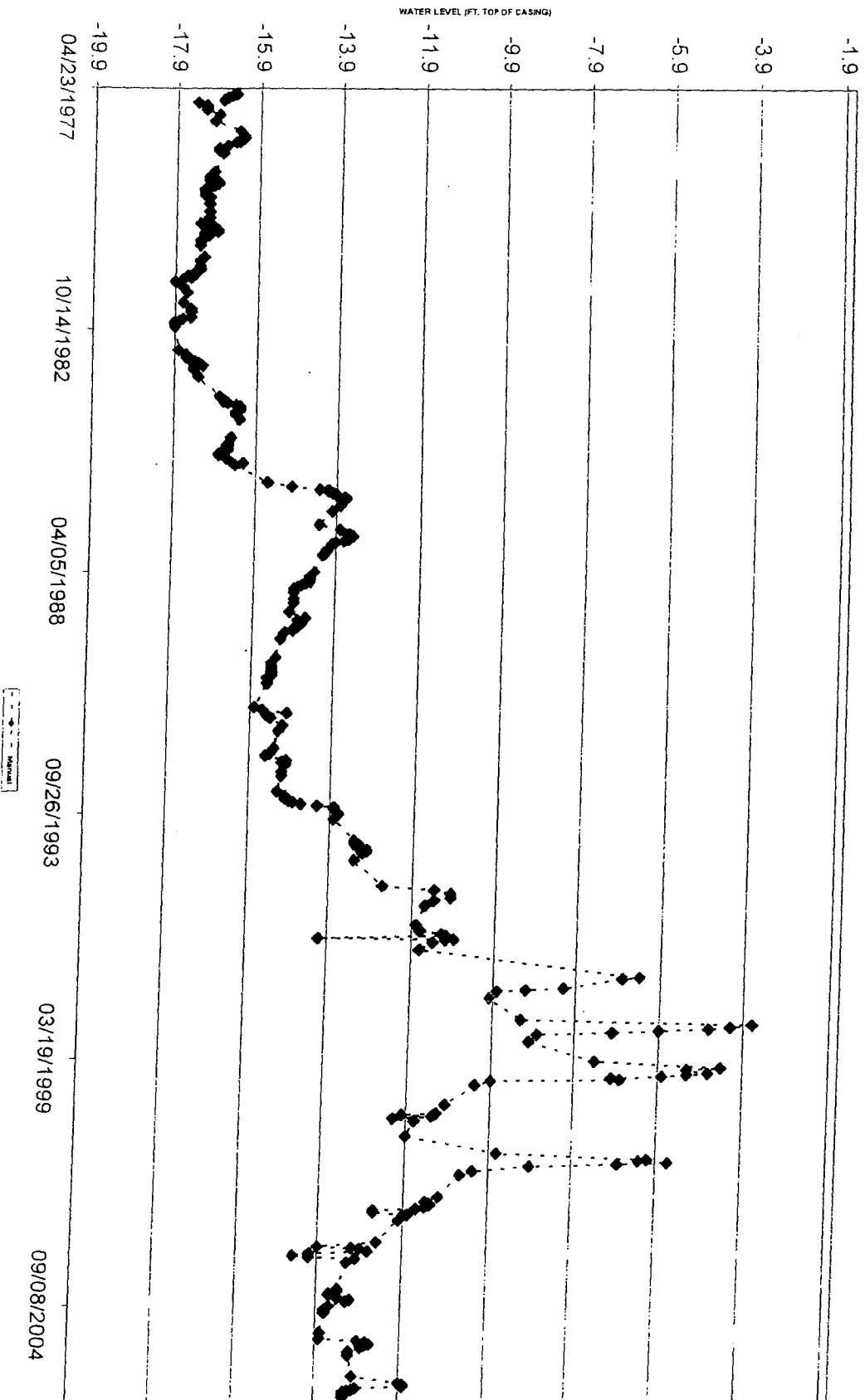
WATER RIGHTS' OBSERVATION WELL
SP-80B



WATER RIGHTS' OBSERVATION WELL SP-80D



WATER RIGHTS' OBSERVATION WELL
SP-77H



Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

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

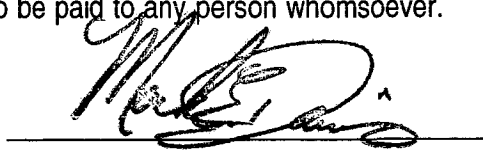
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MAY - 4 2007

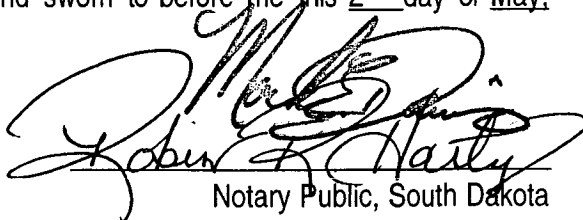
WATER RIGHTS
PROGRAM

173 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 April 25th, 2007 and the last publication being made on May 2nd, 2007 that the full amount of Sixty Four and .63/100 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 2nd day of May,
2007.



Notary Public, South Dakota

My commission expires 06/20/2012

Notice of Application

#173

NOTICE OF APPLICATION NOS. 3065B-3 and 6330A-3

Notice is given that Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed the following applications for a water permit.

Application No. 3065B-3 proposes to amend Water Right No. 3065A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3065A-3 appropriates 1.66 cubic feet of water per second (cfs) from one well completed into the Tulare-Hitchcock Aquifer (63 feet deep) located in the NE 1/4 SW 1/4 Section 2 to irrigate 130 acres located in the SW

Legal Notices

1/4, W 1/2 SE 1/4 Section 2; all in T114N-R63W. This application proposes to move the center pivot approximately 1/4 mile to the west with a new well to be constructed in the approximate center of the SW 1/4 Section 2 to irrigate 130 acres located in the SW 1/4 Section 2; all in T114N-R63W. The water source for this irrigation system is the Tulare-Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 6330A-3 proposes to amend Water Permit No. 6330-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 6330-3 appropriates 2.22 cfs from one well to be completed into the Tulare-Hitchcock Aquifer located in the center of the SW 1/4 Section 5 to irrigate 157 acres located in the SW 1/4 Section 5; all in T115N-R62W. This application proposes to move the permitted areas approximately 6 miles to the southwest to irrigate 157 acres located in the SE 1/4 Section 2-T114N-R63W. The well to be utilized for this system will be the existing well originally authorized by Water Right No. 3065A-3 located in the NE 1/4 SW 1/4 Section 2-T114N-R63W. The well authorized by No. 6330-3 is not constructed. The water source for this irrigation system is the Tulare-Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 3065B-3 and 6330A-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 applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 May 14, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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.

(April 25, May 5)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 17, 2007

REDFIELD PRESS
PO BOX 440
REDFIELD SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 3065B-3 and 6330A-3 to Appropriate Water to be published twice. Please publish the first notice on April 25, 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-----

Nos. 3065B-3 & 6330A-3

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

Date _____

We are in receipt of your letter of April 17, 2007 enclosing Notice to Appropriate Water by Application Nos. 3065B-3 & 6330A-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**

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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.

April 17, 2007

FLOYD PETERSON
18892 390TH AVE
HITCHCOCK SD 57348

Dear Mr. Peterson:

Water Permit Application Nos. 3065B-3 & 6630A-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notices and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on April 25, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 3065B-3 and 6330A-3

Notice is given that Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed the following applications for a water permit.

Application No. 3065B-3 proposes to amend Water Right No. 3065A-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3065A-3 appropriates 1.66 cubic feet of water per second (cfs) from one well completed into the Tulare:Hitchcock Aquifer (63 feet deep) located in the NE 1/4 SW 1/4 Section 2 to irrigate 130 acres located in the SW 1/4, W 1/2 SE 1/4 Section 2; all in T114N-R63W. This application proposes to move the center pivot approximately 1/4 mile to the west with a new well to be constructed in the approximate center of the SW 1/4 Section 2 to irrigate 130 acres located in the SW 1/4 Section 2; all in T114N-R63W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 6330A-3 proposes to amend Water Permit No. 6330-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 6330-3 appropriates 2.22 cfs from one well to be completed into the Tulare:Hitchcock Aquifer located in the center of the SW 1/4 Section 5 to irrigate 157 acres located in the SW 1/4 Section 5; all in T115N-R62W. This application proposes to move the permitted areas approximately 6 miles to the southwest to irrigate 157 acres located in the SE 1/4 Section 2-T114N-R63W. The well to be utilized for this system will be the existing well originally authorized by Water Right No. 3065A-3 located in the NE 1/4 SW 1/4 Section 2-T114N-R63W. The well authorized by No. 6330-3 is not constructed. The water source for this irrigation system is the Tulare:Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 3065B-3 and 6330A-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 applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 May 14, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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**

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

JUN 20 2007

Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is Water Permit Nos. 3065B-3 and 6330A-3 authorizing construction of your water diversion systems 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

RECEIVED

AUG 14 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6330A-3

Date: _____

I/We request that Water Permit No. ³~~63~~30A-3

formerly owned by: Floyd Peterson

be transferred to: (name & address) Peterson Farms, 19111 Maple Ave., Hitchcock SD 57348

Telephone No.

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

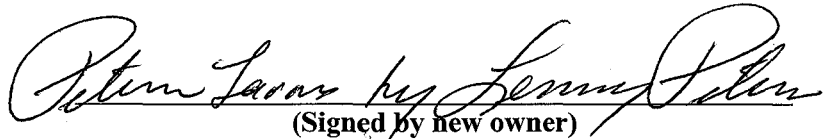
SE ¼ Section 2, T114N, R63W

I/We understand that the validity of Water Permit No. 6330A-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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/14, 2007

RECEIVED OF Peterson Farms 19111 Maple Ave Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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>6330A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

3126

By

Laurel Erbe
Chief Engineer

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 15, 2007

1509-3
3065B-3
6330A-3

Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

Oscar & Lenny;

Thank you for stopping by the office to take care of the ownership changes for Water Right No. 1509-3 and Water Permit Nos. 3065B-3 and 6330A-3.

The transfers have been completed as follows:

- Water Right No. 1509-3 (NE ¼ Section 32, T114N, R62W) was transferred from Peterson Farms to Oscar Inc.;
- Water Permit No. 3065B-3 (SW ¼ Section 2, T114N, R63W) was transferred from Floyd Peterson to Peterson Farms;
- Water Permit No. 6330A-3 (SE ¼ Section 2, T114N, R63W) was transferred from Floyd Peterson to Peterson Farms.

Receipt Nos. 03124, 03125 and 03126 in the amounts of \$2.50 each are included in Lenny's letter.

If I can answer any questions for you, give me a call.

Sincerely,

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

enclosures

RECEIVED

JAN 26 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6330A-3

Date: Jan. 25, 2016

I/We request that Water Right/Permit No. 6330A-3

formerly owned by: Peterson Farms

be transferred to: (name & address) Danny Peterson, 38984 189th Street, Hitchcock SD 57348

605-350-4767

Telephone No. 605-266-2876

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

SE ¼ Section 2, T114N, R63W

I/We understand that the validity of Water Right/Permit No. 6330A-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 Danny Peterson, the new owner, certify that the above information is true and correct.

Danny Peterson
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/26, 20 16

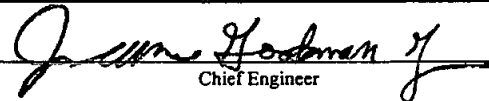
RECEIVED OF Danny Peterson 38984 189th St Hitchcock Sd 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6330A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07698

By


Chief Engineer



6330A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 27, 2016

Danny Peterson
38984 189th St
Hitchcock SD 57348

RE: Water Permit/Right Nos. 1033A-3, 1512-3, 3065B-3, 6330A-3, 6333A-3 and 7411-3

Dear Mr. Peterson:

I am writing to acknowledge the transfer forms and filing fees you submitted for changing ownership on the above listed water permits and rights.

The ownership changes have been completed. Water Permit/Right Nos. 1033A-3, 1512-3, 3065B-3, 6330A-3, 6333A-3 and 7411-3 formerly held by Peterson Farms are now listed in your name.

Enclosed for your records are Receipt Nos. 07695, 07696, 07697, 07698, 07699 and 07700 in the amount of \$50 each which you paid for filing the ownership records. If you have any questions, please contact me.

Sincerely,

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

enclosures

6330A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 26 2020

6330-3
6330A-3
6333A-3

Danny Peterson
38984 189th St
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is Water License No. 6333A-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.

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

Sincerely,


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

enclosures

Note: Upon licensing, the applicable portions of Water Permit Nos. 6330-3 and 6330A-3 were incorporated into Water License No. 6333A-3.