

**WATER PERMIT NO. 6331A-3**

Name of Applicant: Oscar, Inc.

Address: 18892 390<sup>th</sup> Ave, Hitchcock SD Phone:

Amount of Water Claimed: 1.89 Total Acres: 132

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Beadle

Type of Waste Disposal System:

Location: 4 miles southeast of Hitchcock

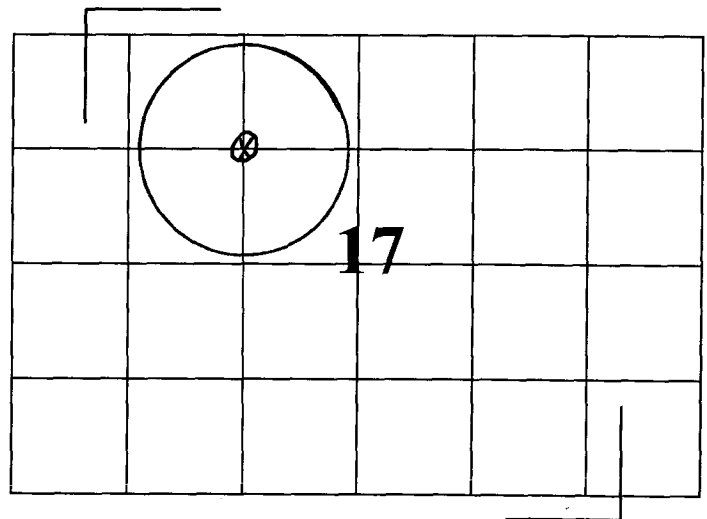
PRIORITY Date Received: 3-28-07 Application/License Fee: \$50

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

Remarks: Transfer 132 of the 157 acres and 1.89 of the 2.23 cfs authorized by Water Permit No. 6331-3

Diversion Point: center of NW ¼ Sec 17-T113N-  
R62W

Land to be Irrigated: NW ¼ Sec 17-T113N-R62W



Depth of Well: 60 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: \_\_\_\_\_

|                                                                                                                    |                                                     |                                 |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>6331A-3</u> (office use only)                | Hydrologic Unit <u>10160006</u> |
|                                                                                                                    | Basin <u>James River</u>                            |                                 |
|                                                                                                                    | Newspaper <u>The Plainsman &amp; Redfield Press</u> |                                 |
|                                                                                                                    |                                                     |                                 |

RECEIVED  
MAR 28 2007  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6331-3

(Use predates Mar 2, 1955)

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

transfer 132 acres and 1.89 cfs of the diversion authority granted under Water Permit No. 6331-3 to new lands

- Name of Applicant Oscar, Inc 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 1.89 \*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  
approximate center of the NW 1/4 Section 17, T113N, R62W  
two wells FP
- County or counties where water will be used Beadle
- 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 NW 1/4 Section 17, T113N, R62W | <u>33.32</u> |                  |       |
| NE 1/4 NW 1/4 Section 17, T113N, R62W | <u>33.32</u> |                  |       |
| NW 1/4 NW 1/4 Section 17, T113N, R62W | <u>33.32</u> |                  |       |
| NW 1/4 NW 1/4 Section 17, T113N, R62W | <u>33.32</u> |                  |       |

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

Plan is to transfer 132 acres of the 160 acres and 1.89 cfs of the 2.23 cfs authorized by Water Permit No. 6331-3.

157

*Transfer being requested in order to move closer to farm's other irrigation systems F.P.*

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)

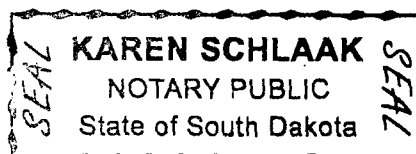
I, Floyd Peterson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Oscar Inc. by Floyd Peterson

Subscribed and sworn to before me this 28<sup>th</sup> day of March 20 07

Karen Schlaak

Notary Public signature



My Commission Expires  
April 1, 2007

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter \_\_\_\_\_ Depth approx 60 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 1 1/2 miles north On property owned by others 1/2 mile east

**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

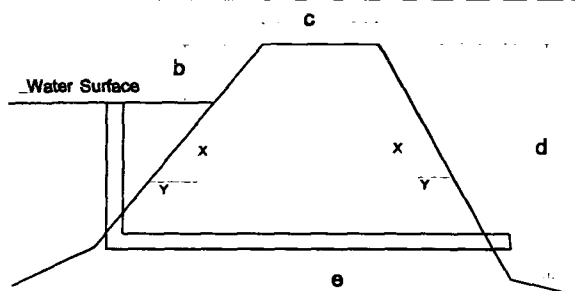
**3. Dugout Information**

- 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

**SOUTH DAKOTA  
WATER PERMIT NO. 6331A-3**

---

Date of first receipt of application March 28, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6331A-3 to Oscar, Inc., 18892 390<sup>th</sup> 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. 6331A-3 amends Water Permit No. 6331-3 by transferring a portion of the irrigated acreage and point of diversion to other land. Water Permit No. 6331-3 appropriates 2.23 cubic feet of water per second from one well to be completed into the Tulare:Hitchcock Aquifer (120 feet deep) located in the center of the SE 1/4 Section 5 to irrigate 157 acres located in the SE 1/4 Section 5; all in T115N-R62W. This permit authorizes transferring 1.89 cfs diversion authority and moving 132 of the 157 acres approximately 15 miles south with up to two wells to be located near the center of the NW 1/4 Section 17 to irrigate 132 acres located in the NW 1/4 Section 17; all in T113N-R62W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit. Water Permit No. 6312A-3 transfers the remaining 0.34 cfs and 25 acres originally held under Water Permit No. 6331-3.
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. 6331A-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 wells 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 wells authorized by Permit No. 6331A-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.

(continued)

Water Permit No. 6331A-3

Oscar, Inc.

Page 2

3. The applicable portions of Water Permit No. 6331-3 is incorporated into Permit No. 6331A-3. Permit No. 6331A-3 is quantified for 1.89 cfs to irrigate 132 acres.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: Garland Erbele

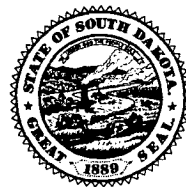
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

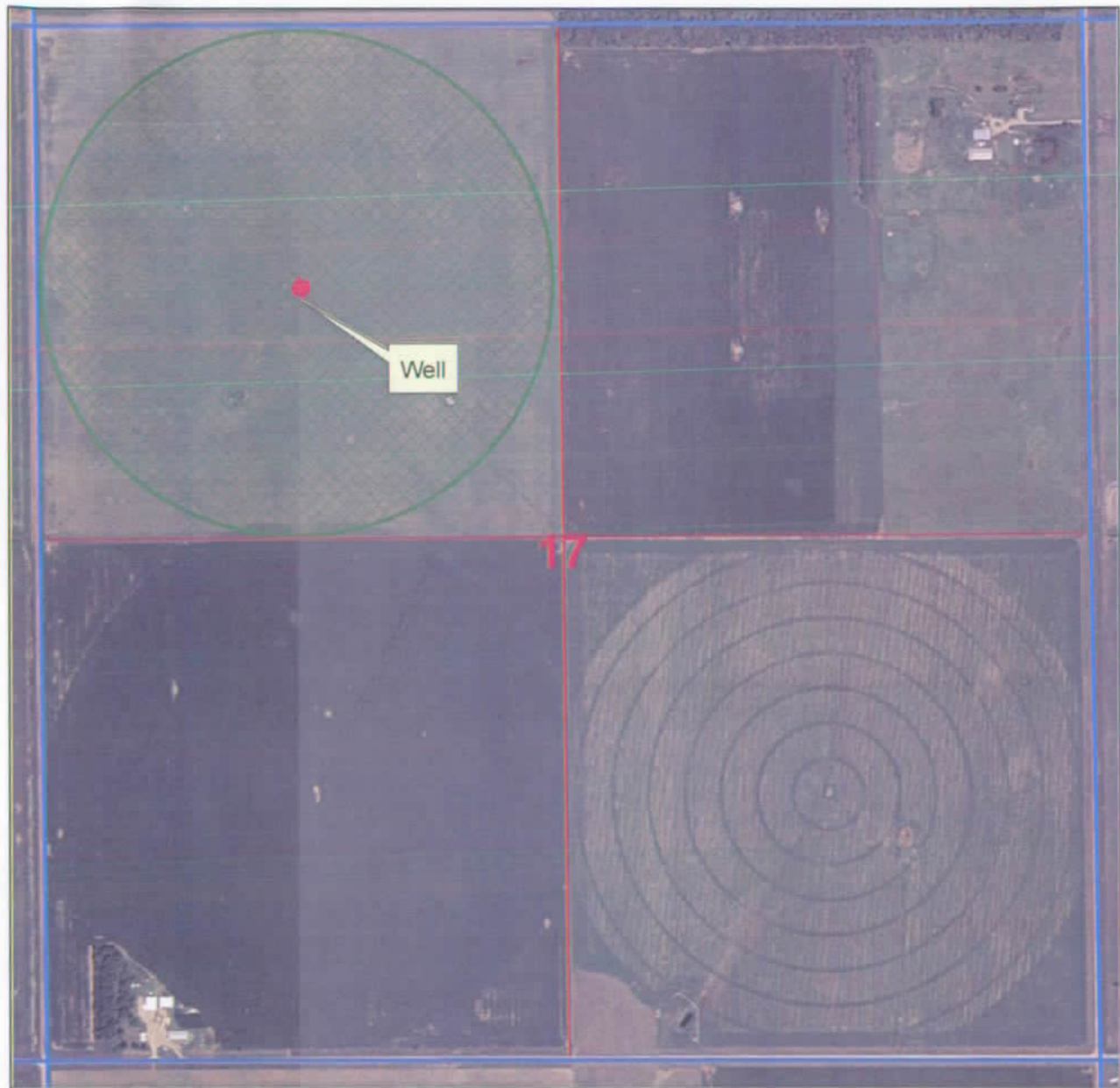
JUL 18 2007

date



6159  
~~6240~~-3

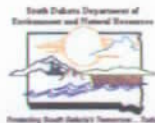




0 485 970 1,940 2,910 3,880 Feet



Well is to be located in the approximate center of NW 1/4 Section 17, T113N, R62W  
Irrigated acres are 132 acres in the NW 1/4 Section 17, T113N, R62W



*Eric Gronlund*  
Eric Gronlund

Water Rights Program, DENR

(map prepared based on representation by Floyd Peterson)

Water Permit Application for Oscar, Inc  
for Irrigation of the SE 1/4 Section 5, T115N, R62W



Intent of application is to irrigate the SE 1/4 Section 5, T115N, R62W  
from a well located in the approximate center of the quarter section



*Eric Gronlund*  
Eric Gronlund  
Water Rights Program

6331-3

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/28/07, 2007

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>6331-3-16331A-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. _____                             |           |           |
| 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)                                                                                                |           |           |
| <b>TOTAL</b>                                                                                                                    | <b>50</b> | <b>00</b> |

No.

**03016**

By

*[Signature]*  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 6331A-3, Oscar, Inc.**

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. ~~6711A-3~~ 6331A-3, Oscar, Inc., c/o Floyd Peterson, 18892 390<sup>th</sup> Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6331A-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 wells 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 wells authorized by Permit No. 6331A-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 No. 6331-3 is incorporated into Permit No. 6331A-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, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6331A-3  
For Oscar, Inc.  
May 23, 2007

Application No. 6331A-3 proposes to amend Water Permit No. 6331-3 by transferring a portion of this permit and point of diversion to other land. Water Permit No. 6331-3 appropriates 2.23 cfs from one well approximately 120 feet deep located near the center of the SE  $\frac{1}{4}$  of section 5 to irrigate 157 acres located in the SE  $\frac{1}{4}$  of section 5, T114N R63W in Spink County. This application proposes to move 132 acres of the 157 acres approximately 15 miles south with up to two wells to be located near the center of the NW  $\frac{1}{4}$  of section 17 to irrigate 132 acres located in the NW  $\frac{1}{4}$  of section 17; all in T113N R62W in Beadle County. The water source remains the same and 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 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.

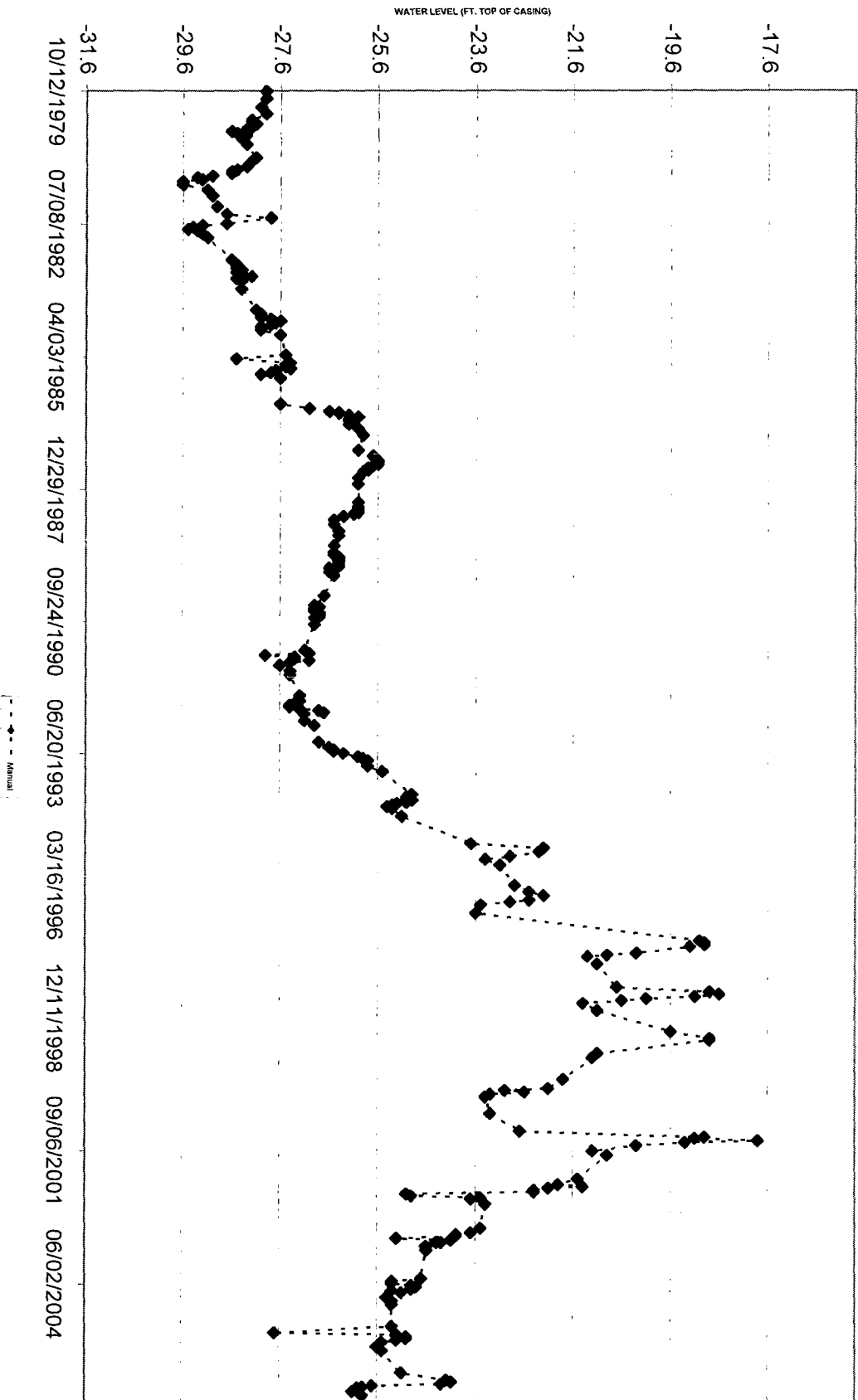
No test well was drilled for this application. However data for irrigation tests in the SW  $\frac{1}{4}$  of this same section indicate the aquifer is present at this site but may require two wells to produce the amount of water needed. Testing will be necessary before developing a system on this land. There is no indication that there was any attempt to develop Water Permit 6331-3. Under SDCL 46-5-25 one fifth of the work was to be completed within one half the time allowed (this would amount to about two and one-half years). The Water Management Board clearly has discretion in this matter but also the intent of the statute was to expedite development where there were deferred permit applications waiting in line for water.

Water Rights monitors an observation wells SP-79N and BD-80C located within three miles 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. Hydrographs for these observation wells are included with this report (Water Rights, 2007).

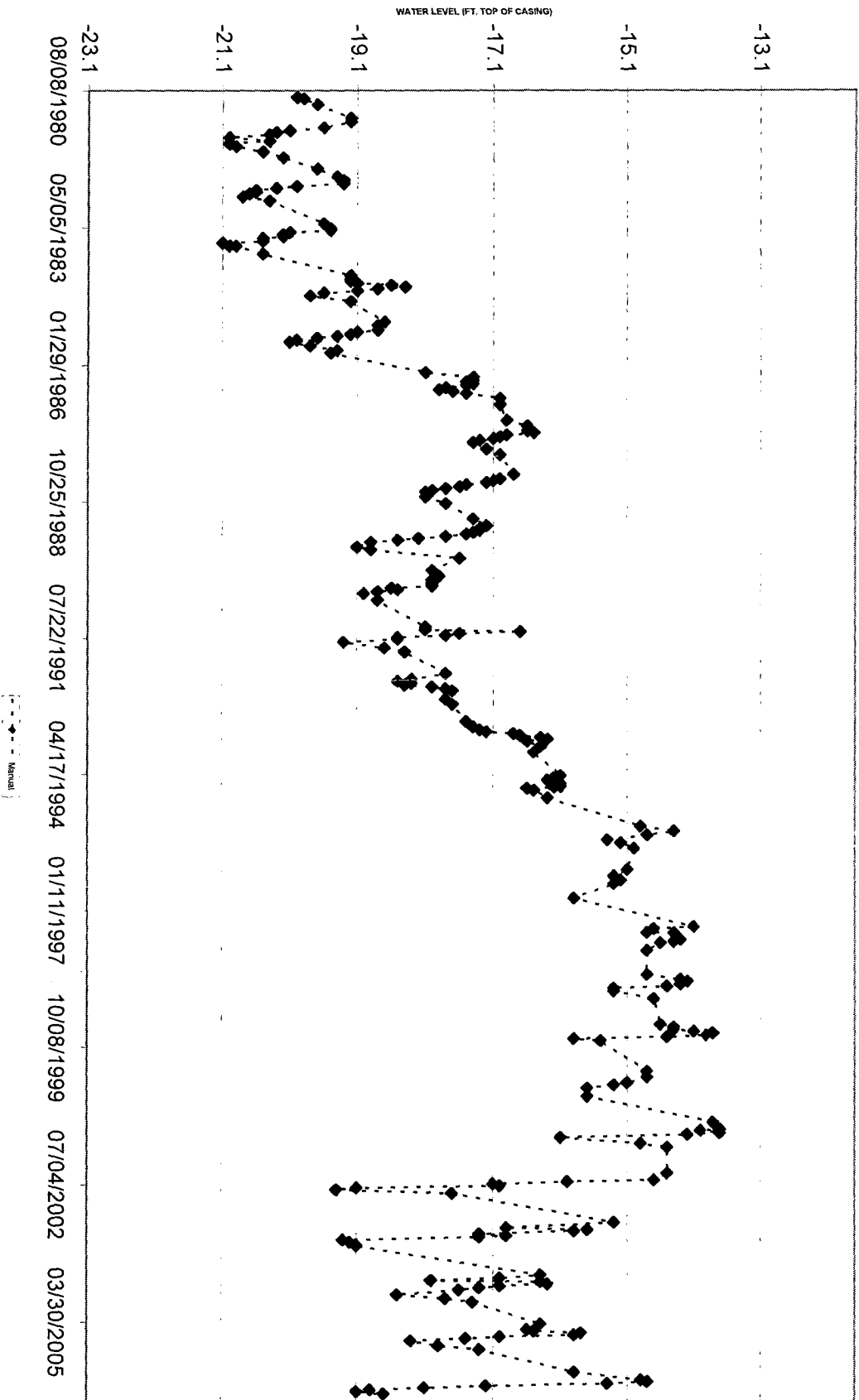
#### REVIEW OF EXISTING WATER PERMITS/RIGHTS

The closest existing irrigation wells are located about one-half mile south (Water Permit No. 6159-3), located about three-fourths mile southeast (Water Right No. 4350-3) and

WATER RIGHTS' OBSERVATION WELL  
SP-79N



WATER RIGHTS' OBSERVATION WELL  
BD-80C





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://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 390<sup>TH</sup> AVE  
HITCHCOCK SD 57348

Dear Mr. Peterson:

Water Permit Application No. 6331A-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:

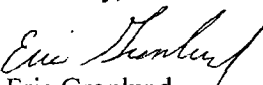
Redfield Press  
Redfield SD (605) 472-0822

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](http://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. 6331A-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 390<sup>th</sup> 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. 6331A-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. 6331A-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](http://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. 6331A-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 390<sup>th</sup> 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. 6331A-3

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

Date \_\_\_\_\_

We are in receipt of your letter of June 13, 2007 enclosing Notice to Appropriate Water by Application No. 6331A-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

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

---

NOTICE OF APPLICATION NO. 6331A-3  
to Amend Water Permit No. 6331-3

Notice is given that Oscar, Inc., c/o Floyd Peterson, 18892 390<sup>th</sup> Ave, Hitchcock SD 57348 has filed an application for a water permit to amend Water Permit No. 6331-3 by transferring a portion of the irrigated acreage and point of diversion to other land. Water Permit No. 6331-3 appropriates 2.23 cubic feet of water per second from one well to be completed into the Tulare:Hitchcock Aquifer (120 feet deep) located in the center of the SE ¼ Section 5 to irrigate 157 acres located in the SE ¼ Section 5; all in T115N-R62W. This application proposes to move 132 of the 157 acres approximately 15 miles south with up to two wells to be located near the center of the NW ¼ Section 17 to irrigate 132 acres located in the NW ¼ Section 17; all in T113N-R62W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows 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. 6331A-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.

RECEIVED

JUL - 5 2007

WATER RIGHTS  
PROGRAM

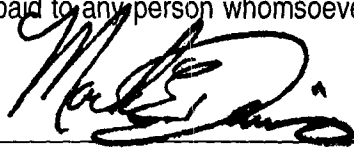
## Affidavit of Publication

STATE OF SOUTH DAKOTA,  
County of Spink: ss.

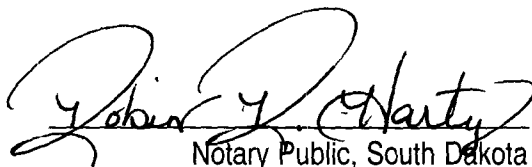
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

### #255 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 13<sup>th</sup>, 2007 and the last publication being made on June 20<sup>th</sup>, 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 21<sup>st</sup> day of June, 2007.



Notary Public, South Dakota

My commission expires 06/20/2012

## Notice of Application

#255

NOTICE OF APPLICATION NO.  
6331A-3

to Amend Water Permit No. 6331-3

Notice is given that Oscar, Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed an application for a water permit to amend Water Permit No. 6331-3 by transferring a portion of the irrigated acreage and point of diversion to other land. Water Permit No. 6331-3 appropriates 2.23 cubic feet of water per second from one well to be completed into the Tulare-Hitchcock Aquifer (120 feet deep) located in the center of the SE 1/4 Section 5 to irrigate 157 acres located in the SE 1/4 Section 5; all in T115N-R62W. This application pro-

poses to move 132 of the 157 acres approximately 15 miles south with up to two wells to be located near the center of the NW 1/4 Section 17 to irrigate 132 acres located in the NW 1/4 Section 17; all in T113N-R62W. The water source for this irrigation system is the Tulare-Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows 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. 6331A-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.

(June 14, 2007)

RECEIVED

JUN 29 2007

WATER RIGHTS  
PROGRAM

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Beadle ) SSI, Alexander Renocertify that the attached printed Notice was  
takenfrom the Hausmanprinted and published in HuronCounty of Beadle andstate of South Dakota. The notice was  
published

in the newspaper on the following two dates:

June 13, 07June 20, 07Cost of Printing 13th - \$ 37.2720th - \$ 29.81Alexander Reno  
(Signature)Business Manager  
(Title)6/24/07

(Date Signed)

F.P. 06-13-07 L.P. 06-20-07  
NOTICE OF APPLICATIONNO. 6331A-3 to Amend  
Water Permit No. 6331-3

Notice is given that Oscar, Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed an application for a water permit to amend Water Permit No. 6331-3 by transferring a portion of the irrigated acreage and point of diversion to other land. Water Permit No. 6331-3 appropriates 2.23 cubic feet of water per second from one well to be completed into the Tulare:Hitchcock Aquifer (120 feet deep) located in the center of the SE 1/4 Section 5 to irrigate 157 acres located in the SE 1/4 Section 5; all in T115N-R62W. This application proposes to move 132 of the 157 acres approximately 15 miles south with up to two wells to be located near the center of the NW 1/4 Section 17 to irrigate 132 acres located in the NW 1/4 Section 17; all in T113N-R62W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows 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. 6331A-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  
No. 225 (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](http://www.state.sd.us/denr)

JUL 18 2007

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

Floyd Peterson  
18892 390<sup>th</sup> 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

**Permit No. 6331A-3**  
**James River** - Water District

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

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

I have this day, September 12, 2007, made a thorough examination of the water use system constructed by Oscar, Inc. Floyd Peterson, 18892 390<sup>th</sup> Avenue, Hitchcock SD 57348 holder of Permit No. 6331A-3, bearing the priority of June 21, 2002 authorizing the total diversion of as reissued 1.89 cu. ft. per second from the Tulare:Hitchcock Aquifer for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

**Two wells are in place each with a submersible pump system that Lenny Peterson indicates is capable of producing 300 gpm for a total of 600 gpm which equates to 1.34 cfs.**

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

**Well heads are located north of the pivot center. Water from the well is conveyed to the pivot point in a 8 inch pipe. This is an electrically powered system.**

C. Works used to apply water to beneficial use:

**A 7 tower T-L center pivot with an operating pressure of 45 psi is in use. The pivot was just constructed and was not used in 2007 because of flooding conditions.**

The system is in the following condition excellent. The points of diversion (wells) are located specifically at Lat/Lon - N44.601350 W-098.316233 & N44.600200 W-098.316250 which are in the NE ¼ NW ¼ Section 17, T113N, R62W referenced from the NW corner as 850 feet south and 1,350 feet east & 1,275 feet south and 1,350 feet east.

The works are capable of diverting 1.34 cfs from two wells which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

**All in Section 17, T113N, R62W**

|           |          |
|-----------|----------|
| NW ¼ NW ¼ | 33 acres |
| NE ¼ NW ¼ | 33 acres |
| SW ¼ NW ¼ | 33 acres |
| SE ¼ NW ¼ | 33 acres |

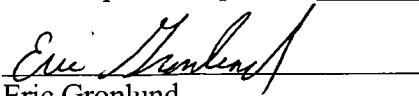
This breakdown of acres is a best estimate based on 1) information provided by the applicant, 2) viewing the orthoquadrangle using ArcMap, and 3) calculating the area based on the pivot radius.

comprising a total of 132 acres of land and the license should be issued for 1.34 cfs from the well

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: Yes

Date Report Completed: October 29, 2007

  
Eric Gronlund

Natural Resources Engineer  
DENR, Water Rights Program

**SYSTEM TYPE:**

**Center pivot: Pivot motor has a model number of WE6W21**

- 1) Make T-L
- 2) Overall length approx.1,300 feet
- 3) Number of towers 7 tower
- 4) Distance between towers \_\_\_\_\_ feet
- 5) End gun Yes (length with gun 1,350 feet)
- 6) High or low pressure 45 psi
- 7) Capacity 600 GPM

**CHEMIGATION EQUIPMENT: No chemigation equipment is in place**

**PERMIT QUALIFICATIONS:**

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes – system was constructed in 2007 so no previous years of irrigation are reported.

**COMMENTS:**

- Currently do not have any information on well construction and the pump in place. The diversion rate is based on information provided by Mr. Lenny Peterson. The drilling company will be contacted to submit the well completion report and provide pump information. This report will be edited accordingly at that time. System is complete and operational.
- Irrigation questionnaires indicate irrigation has not taken place. The system was just installed in 2007.
- Permit No. 6331A-3 authorized up to two wells to be completed near the center of the NW ¼ of Section 17, T113N, R62W. The two wells are located with 500 feet of the center of the NW ¼ of Section 17. It is my opinion that the well locations as constructed are authorized by the permit.

## FIELD INVESTIGATION REPORT FOR PERMIT NO. 6331A-3

|                                                                                          |                                                                                      |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| DATE OF INVESTIGATION:                                                                   | September 12, 2007                                                                   |
| NAME & ADDRESS OF PERMIT HOLDER                                                          | Oscar Inc.<br>Floyd Peterson<br>18892 390 <sup>th</sup> Avenue<br>Hitchcock SD 57348 |
| NAME & ADDRESS OF INVESTIGATION CONTACT/<br>RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE | Lenny Peterson (accompanied me on<br>site visit)                                     |
| DIVERSION POINT LEGAL LOCATION                                                           | NE 1/4 NW ¼, Section 17, T113N, R62W                                                 |

Other permit(s) associated with the project: Water Permit No. 6331A-3 transferred 132 acres originating under Permit No. 6331-3 to the NW ¼ Section 17, T113N, R62W. The remaining 0.34 cfs and 25 acres under Permit No. 6331-3 were transferred to other acres under Permit No. 6312A-3

### WELL INFORMATION:

- 1) Well Drilling Firm: **Pullman Drilling**
- 2) No. of Wells two
- 3) Depth(s) approx. 60 feet
- 4) Well log is available No
- 5) Comment: Pullman drilling will be contacted to submit completion report

### Casing:

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

### Screen:

- 1) Type stainless steel
- 2) Length unknown feet
- 3) Static water level unknown feet

### Pump:

- 1) Make submersible
- 2) Model \_\_\_\_\_
- 3) Size
- 4) Capacity each 300 GPM

### Motor:

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating

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

Date

9/11/07

TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

FROM:

Oscar Inc.

(name)

18892 390<sup>th</sup> Avenue

(address)

Hitchcock SD 57348

(city, state, zip)

(phone)

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

Water Permit No. 6331A-3 states that the water use system is to be constructed by

12/4/07

(date)

, and water is to be put to beneficial use by

12/4/11

(date)

The water use system was completed on 2007

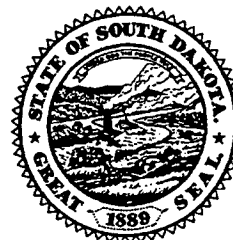
(date)

Applying the water to beneficial use was completed on \_\_\_\_\_

(date)

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

Oscar Inc.  
my [Signature]  
(signature)

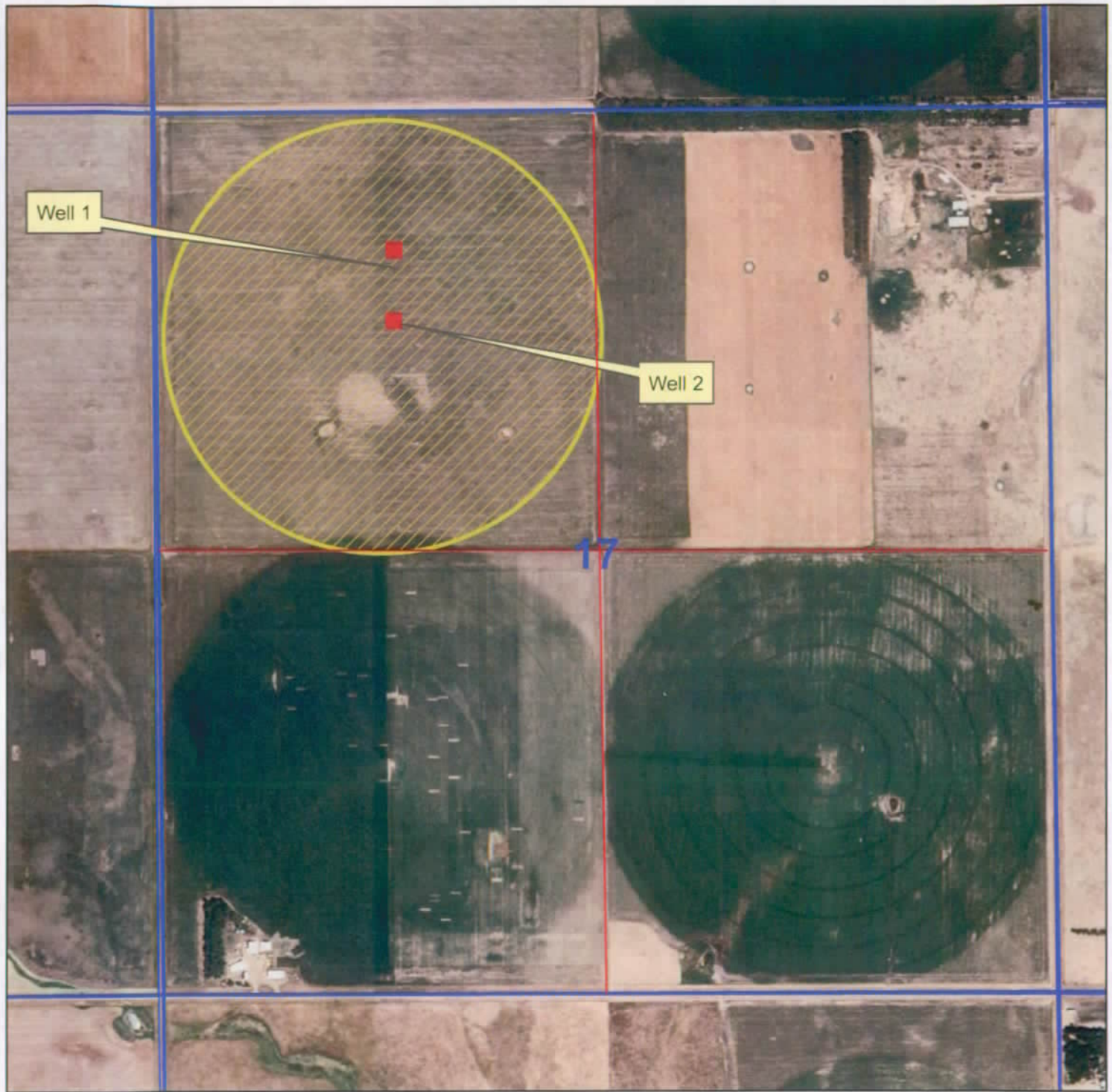


Picture of one of Well Heads for Water Permit No. 6331A-3 with pivot in background



Picture taken September 12, 2007

Water Permit No. 6331A-3, Peterson Farms



1,700 850 0 1,700 Feet

Wells located in the NE 1/4 NW 1/4 Section 17 of 113N, R62W  
referenced from the NW corner Section 17 as 850 feet south and  
1,340 feet east & 1,275 feet south and 1,350 feet east



Well 1 -- Lat/Lon - N44.601350 W-098.316233  
Well 2 -- Lat/Lon - N44.600200 W-098.316250

*Eric Gronlund*

Eric Gronlund  
Water Rights Program  
Date of Investigation - 9/12/2007



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**JAN 24 2008**

6331A-3

Floyd Peterson  
Oscar Inc  
18892 390<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is your Water License No. 6331A-3. This is the final water right document completing your process of obtaining a Water Right. Also 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 the owner of an existing well, such as the well authorized by Water Right No. 6331A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 6331A-3**

(1) Oscar Inc., % Floyd Peterson, 18892 390<sup>th</sup> Ave., Hitchcock SD 57348 made Application No. 6331A-3, March 28, 2007 for a water permit to divert 1.89 cubic feet of water per second from ground water (two wells – Tulare:Hitchcock Aquifer), Spink County, South Dakota for irrigation purposes. Permit No. 6331A-3, with a priority date of June 21, 2002 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 said water on or before December 4, 2011.

Water Permit No. 6331A-3 amended Permit No. 6331-3 by transferring 132 of the 157 irrigated acres and the point of diversion 15 miles south with up to two wells to be located near the center of the SW ¼ Section 17, T113N, R62W. The remaining acreage and diversion rate under No. 6331-3 were transferred to Water Permit No. 6312A-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion points are as follows:

- **850 feet S and 1,350 feet E of the NW corner of Section 17, T113N, R62W (NE ¼ NW ¼);**
- **1,275 feet S and 1,350 feet E of the NW corner of Section 17, T113N, R62W (NE ¼ NW ¼).**

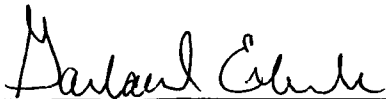
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

| Section 17, T113N, R62W |          |           |          |
|-------------------------|----------|-----------|----------|
| NW ¼ NW ¼               | 33 acres | NE ¼ NW ¼ | 33 acres |
| SW ¼ NW ¼               | 33 acres | SE ¼ NW ¼ | 33 acres |
| Total – 132 acres       |          |           |          |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Oscar Inc., % Floyd Peterson, 18892 390<sup>th</sup> Ave., Hitchcock SD 57348 the holder and owner of Water Right No. 6331A-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from ground water (two wells – Tulare:Hitchcock Aquifer) with a priority date of June 21, 2002 from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6331A-3 and subject to the following qualifications:

- The wells 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.
- The wells authorized by Permit No. 6331A-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) from the producing formation to the surface pursuant to Section 74:02:04:28.
- The applicable portions of Water Permit No. 6331-3 were incorporated into Water Permit No. 6331A-3. ***(No. 6331A-3 was originally quantified for 1.89 cfs and irrigation of 132 acres. The license is issued for the developed diversion rate of 1.34 cfs for irrigation of 132 acres described above.)***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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

JAN 24 2008

date





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 21, 2010

Floyd Peterson  
209 27<sup>th</sup> 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 30<sup>th</sup> Ave, Hitchcock SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures