

WATER PERMIT NO. 6333A-3

Name of Applicant: **Peterson Farms**

Address: **19111 Maple Ave, Hitchcock SD** Phone: **605 266-2793**

Amount of Water Claimed: **1.89** Total Acres: **100**

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

Water to be used for: **irrigation** County: **Spink**

Type of Waste Disposal System:

Location: **6 east of Hitchcock**

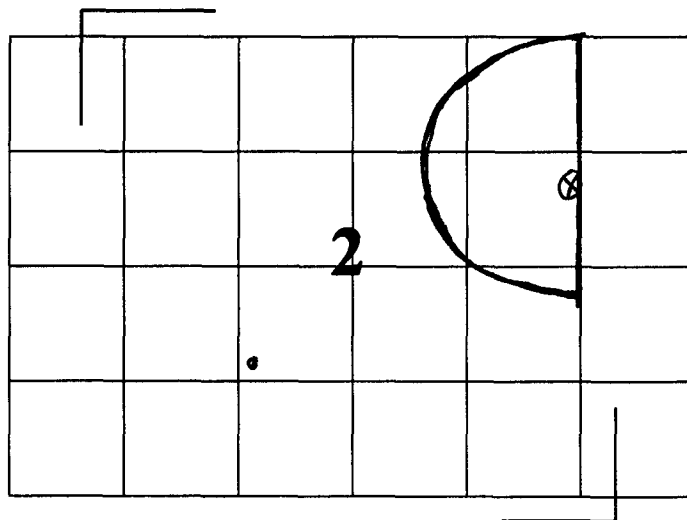
PRIORITY Date Received: **8-14-07** Application/License Fee: **\$50**

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

Remarks: **transfer acres acres and diversion rate**

Diversion Point: **SE ¼ NE ¼ Sec 2-T114N-R63W**

Land to be Irrigated: **NE ¼, NE ¼ SE ¼ Sec 2-T114N-R63W**



Depth of Well: **60**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **8-16-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>633A-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press PO Box 440</u> <u>605-4720822</u> <u>Redfield 57469</u>	

RECEIVED
AUG 14 2007
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6333-3
(Use predates Mar 2, 1955)

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

Transfer 100 acres from the NW 1/4 Section 21, T113N, R63W to irrigate a windshield wiper center pivot located in the NE 1/4 Section 2, T114N, R63W

1. Name of Applicant Peterson Farms Phone (605) 266-2793
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 19111 Maple Avenue Hitchcock State SD 57348
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.89 *CFS or 850 **GPM ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater

4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Spink
SE 1/4 NE 1/4 Section 2, T114N, R63W on well authorized by Water Permit No. 6330A-3
located at the NE 1/4 SW 1/4 Sec 2 T114N R 63W

5. County or counties where water will be used Spink

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

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

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 Section 2, T114N, R63W	38	NE 1/4 SE 1/4 Section Section 2, T114N, R63W	12
NW 1/4 NE 1/4 Section 2, T114N, R63W	5	(may overlap with No. 6330A-3)	
SW 1/4 NE 1/4 Section 2, T114N, R63W	5		
SE 1/4 NE 1/4 Section 2, T114N, R63W	40		

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

Proposing to transfer this acreage to different acres for economic purposes. This land has electrical line nearby enabling easier and cheaper set-up of an irrigation system

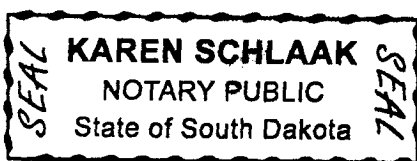
STATE OF SOUTH DAKOTA)
County of Hughes SS

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

Applicant's signature Lenny Peterson

Subscribed and sworn to before me this 14th day of August 20 07



Karen Schlaak
Notary Public signature

My commission expires 4/1/13

SOUTH DAKOTA
WATER PERMIT NO. 6333A-3

Date of first receipt of application August 14, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6333A-3 to Peterson Farms, 19111 Maple Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6333A-3 transfers the diversion authority of 1.88 cubic feet of water per second (cfs) to a well to be completed in the Tulare: Hitchcock Aquifer located SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2 or to use the existing well authorized by Water Permit No. 6330A-3 located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 and transfer 100 acres of the authorized irrigated acres located to the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2; all in T114N-R63W. This transfer constitutes moving location of the center pivot approximately 10 miles to the northeast of the presently authorized site. 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 (established by No. 6333-3).
4. The date of approval of Permit No. 6333A-3 is October 29, 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. The new well authorized by Permit No. 6333A-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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6333A-3 authorizes a maximum diversion rate of 1.88 cfs for the irrigation of 100 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. The applicable portions of Water Permit No. 6333-3 are incorporated into Permit No. 6333A-3.
5. 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

NOV 05 2007
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 60'
- 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 just over 1 mile west

On property owned by others approx. 3/4 mile SW

2. Wastewater Disposal System Information

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

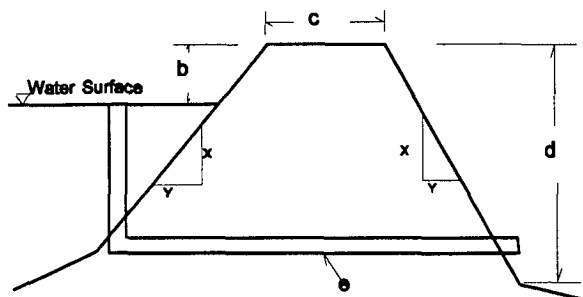
3. Dugout Information

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

4. Water Storage Dams

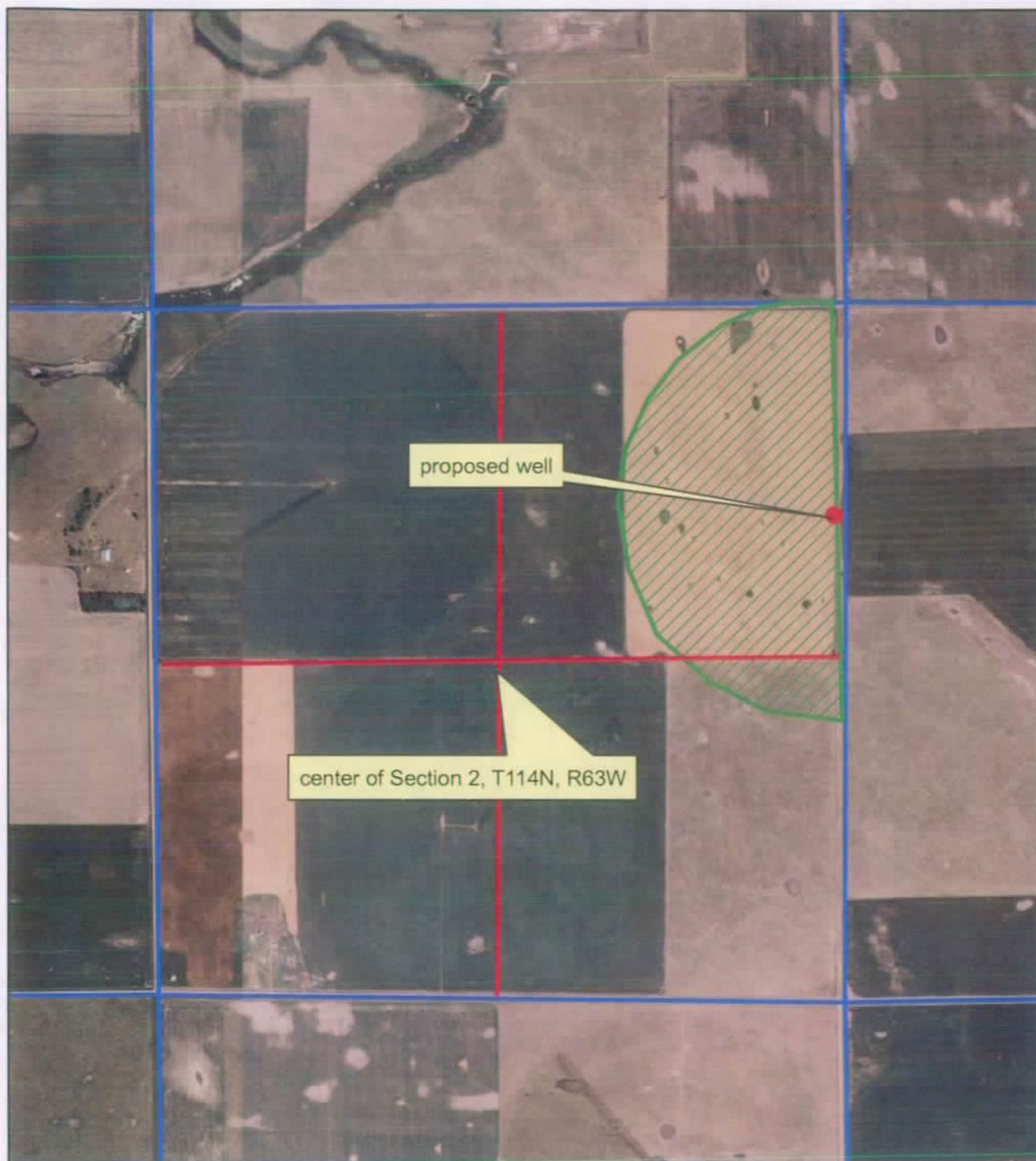
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Water Permit Application filed by Peterson Farms



0 460 920 1,840 2,760 3,680 Feet



Well located near the center of the
SE 1/4 NE 1/4 Section 2, T114N, R63W.
Irrigated acres - 100 acre in NE 1/4 &
NE 1/4 SE 1/4 Section 2, T114N, R63W

A handwritten signature in blue ink, appearing to read 'Eric Gronlund'.

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

based on information supplied by Peterson Farms

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/14, 2007

RECEIVED OF Peterson Farms 18111 Maple Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>11333A-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)	TOTAL	50 00

No.

03128

By

Harold Erbe
Chief Engineer

IN 7-12-07 3:00 PM 2 TOWN RD SW

Water Rights Program - File Documentation

NAME: Peterson Farms

ADDRESS: Hitchcock

DATE: 8-16-07 **COUNTY:** SP **TELEPHONE:** 605 266-2793

RE: License fee

COMMENTS:

The license fee submitted June 21, 2002 for Permit No. 6333-3 will be applied towards the license fee for 6333A-3.



Karen Schlaak
Environmental Scientist

Peterson Farms

19111 Maple Ave.
Hitchcock, SD 57348
Phone (605-266-2793)
Fax (605-266-2793)

August 29, 2007

Eric Gronlund
Department of Environment and Natural Resources
523 East Capital
Pierre, SD 57501-3182

Dear Eric,

On permit 633A-3 (NE $\frac{1}{4}$ Section 2-T114,R63W), we would like to request
and option to utilize water under permit 6330A-3 (SE $\frac{1}{4}$ Section 2,
T114,R63W). If you need more information, please don't hesitate to call
me.

Sincerely,



Lenny Peterson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6333A-3, Peterson Farms**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6333A-3, Peterson Farms, c/o Lenny Peterson, 19111 Maple Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6333A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 6333A-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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6333A-3 authorizes a maximum diversion rate of 1.88 cfs for the irrigation of 100 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. The applicable portions of Water Permit No. 6333-3 is incorporated into Permit No. 6333A-3.
5. 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
October 4, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6333A-3 and 6333B-3
For Peterson Farms
September 19, 2007

Application Nos. 6333A-3 and 6333B-3 propose to amend Water Permit No. 6333-3 by transferring the permitted acreage and points of diversion to other lands. Water Permit No. 6333-3 appropriates 3.77 cfs from two wells to be completed into the Tulare Western Spink aquifer located in the centers of the NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of section 21 to irrigate 320 acres located in the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of section 21; all in T113N R63W in Beadle County.

Application No. 6333A-3 proposes to transfer the diversion authority of 1.88 cfs from water permit No. 6333-3 to one well approximately 60 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 2 or the existing well authorized by Water Permit No. 6330A-3 and transfer 100 acres of authorized irrigation from 6333-3 for irrigation in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 2; all in T114N R63W in Spink County. This transfer constitutes moving a well and irrigated acreage approximately ten miles northeast of the permitted located. The diversion rate requested is greater than one cfs per 70 acres statutory limit but would be necessary to operate a center pivot at this site in the proposed manner.

Application No. 6333B-3 proposes to transfer the diversion rate authority of 1.89 cfs to a well approximately 70 feet deep located in the center of the SW $\frac{1}{4}$ of section 33 and transfer 134 acres to the SW $\frac{1}{4}$ of section 33; all in T114N R62W in Spink County. This transfer constitutes moving permitted acreage approximately 7 miles northeast of the presently authorized site.

There is no increase in the diversion rate or total acres irrigated authorized by these applications.

AQUIFER – TULARE HITCHCOCK (T-H)

The Tulare Hitchcock aquifer is a mostly surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 149,800 acres and contains an estimated 693,000 acre feet of recoverable water in storage in Spink and Beadle Counties (Hedges, 1982). Recharge to the aquifer has been estimated at approximately 0.83 inches per year (Kuiper, 1984). This equates to an annual recharge volume of about 10,360 acre-feet for the Tulare Hitchcock aquifer. The aquifer is hydraulically connected to the Tulare Western Spink aquifer to the west. Ground water movement is from southwest to northeast in southern Spink County in this area (Hamilton, 1996).

For all practical purposes the Water Management Board has linked the Tulare Western Spink and the Tulare Hitchcock aquifers together. At the December 2002 Water Management Board Hearing the Board determined that these two aquifers would be combined for Water Permit/Water Right management purposes (Goodman, 2002). The Board at that hearing deferred a group of permits from the aquifers for a five year period ending in December of 2007. The Board was concerned that the aquifers may be fully

appropriated based upon projected use from the aquifers. In December of 2007, the Board will determine if additional water is available for those deferred applications.

No test wells were drilled for these applications. However, there is sufficient information available from the county study, observation wells and other wells in this area to evaluate this application. The aquifer should be present under this site but test holes are needed to determine the thickness of the aquifer at these sites for well design purposes. Until testing is completed there is always chance that the sand and gravel thickness may not be sufficient to develop a single irrigation well at each site with sufficient capacity to supply these applications.

The Water Rights Program does monitor two observation wells within one mile of each of these applications. These are SP-77H (located about one mile southeast of No. 6333A-3) and SP-79N (located about one-quarter mile southwest of No. 6333B-3). Hydrographs for these two observation wells are included with this report. Note the fluctuation in water levels due climatic effects on the historical water level trends. Water levels rise during wet years (recharge) and gradually decline during dry years. In general, the water level record indicates the aquifer is capable of sustaining existing withdrawals (Water Rights, 2007).

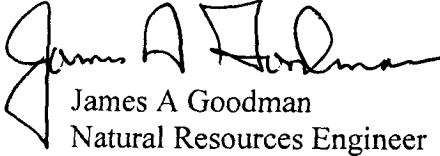
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are existing water permits/rights within one-half mile of each of these applications. Interference is expected to be a concern. At the distance between wells, drawdown is not expected to be significant and should not adversely affect the existing water permits/rights. This conclusion is reinforced by the observation well hydrographs included with this report.

CONCLUSIONS

1. The source of water for these applications is the Tulare Hitchcock aquifer. The source of water for the originating permit No. 6333-3 is the Tulare Western Spink aquifer. The Water Management Board has considered the Tulare Hitchcock and Tulare Western Spink aquifers the same for management purposes.
2. The Water Management Board has determined the Tulare Western Spink and Tulare Hitchcock aquifers are potentially fully appropriated. The Board has deferred permits from these aquifers for a five year period to allow development of existing permits. This time period ends in December of 2007. All the deferred applications will be considered at that time.
3. The wells authorized by these applications must be constructed in accordance with SD Well Construction Standards.
4. This aquifer is close to being fully appropriated based upon water use.
5. Interference is not expected to be a concern. It does not appear based upon the observation well record that significant drawdown occurs during pumping and certainly not at the distance of one-half mile the typical distance between wells.

6. Because no test wells were drilled at these proposed sites, it is not known if wells at the proposed sites will yield enough water for these applications. It can be argued that this is always the case without actually drilling and testing a production well. But in this instance the applicant only has until December of 2007 to fully develop both of these sites or the water permits will be cancelled. This puts the applicant on a tight time schedule but he has already had almost five years to develop.

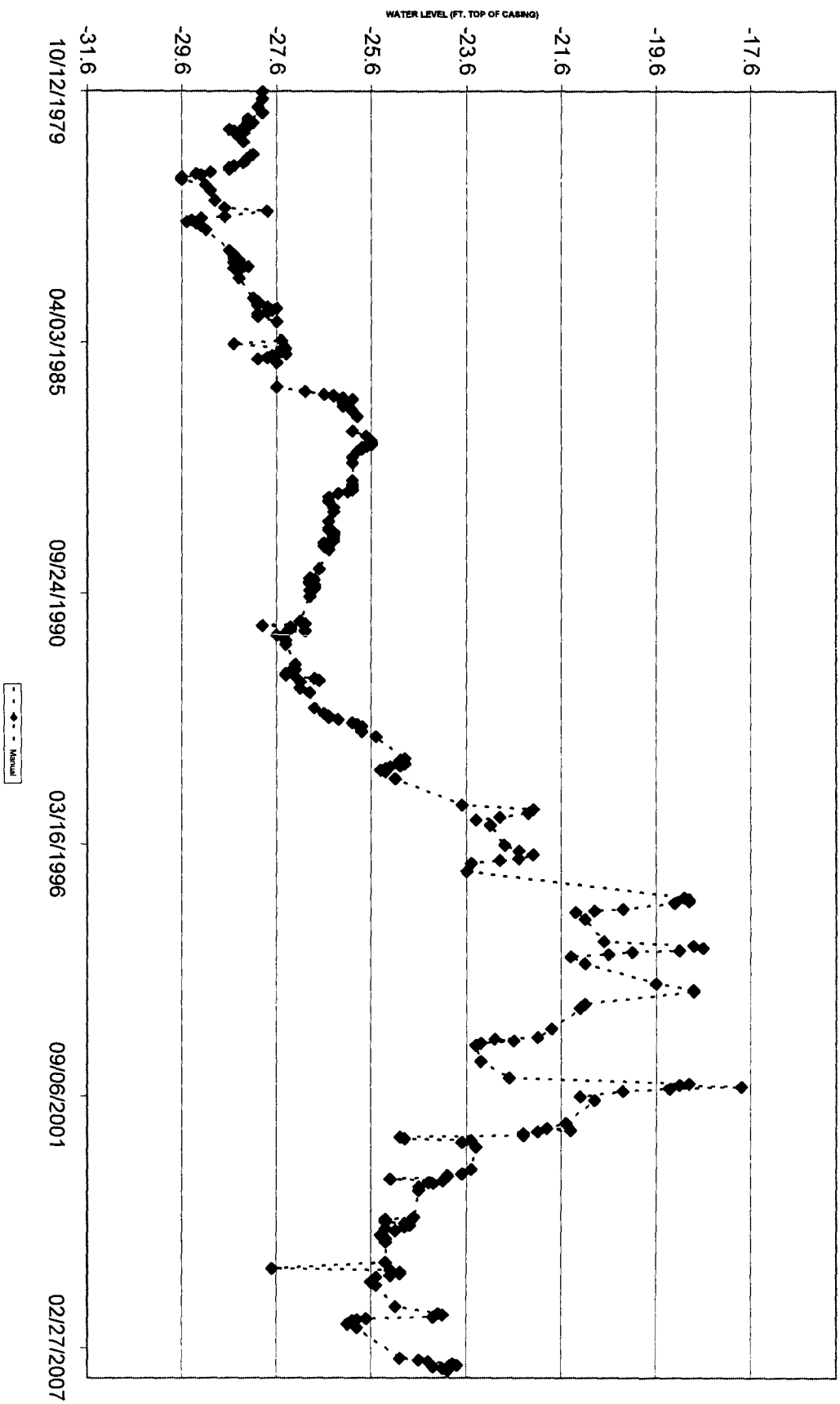


James A Goodman
Natural Resources Engineer

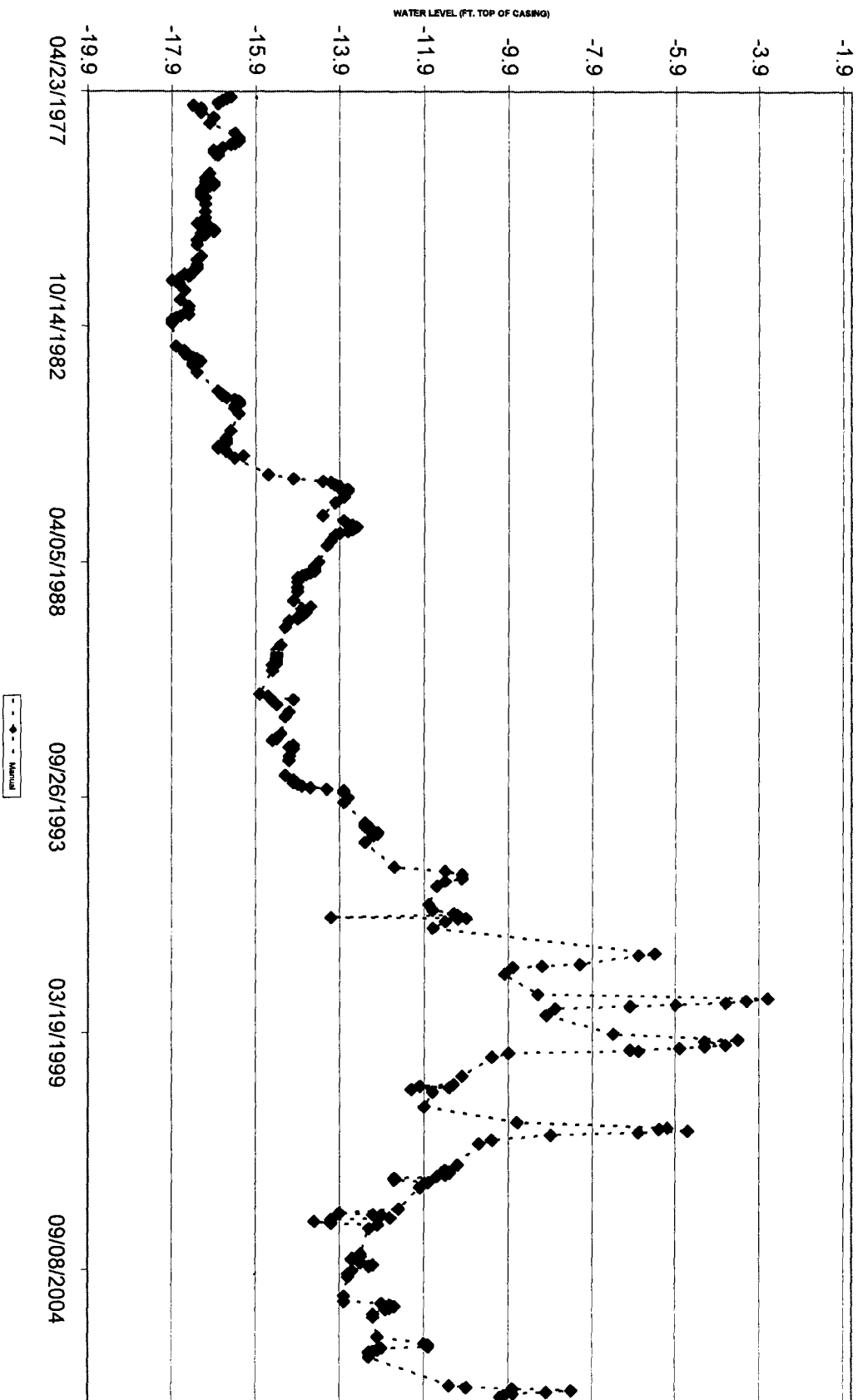
BIBLIOGRAPHY

- Goodman, J.A., 2002, Report on Water Permit Application Nos. 6330-3, 6331-3, 6332-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3, 6343-3, 6344-3, 6345-3, 6346-3, 6348-3, 6353-3, for Water From the Tulare Hitchcock Aquifer and Water Permit Nos. 6333-3, 6334-3, 6347-3, 6351-3, 6352-3, for Water From the Tulare Western Spink Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Hamilton, L.J., L.W. Howells, 1996, Water Resources of Spink County, South Dakota, Water Resources Investigations Report No. 96-4056, USGS, Rapid City, SD, 57702.
- Hedges, L.S., and others, 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kuiper, L.K., 1984, Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota, Water Resources Investigations Report No. 84-4078, USGS, Huron, SD, 57350.
- Water Rights, 2007, Unpublished Observation Well Data for the Tulare Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
SP-79N**



**WATER RIGHTS' OBSERVATION WELL
SP-77H**



Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

RECEIVED

OCT 19 2007

WATER RIGHTS
PROGRAM

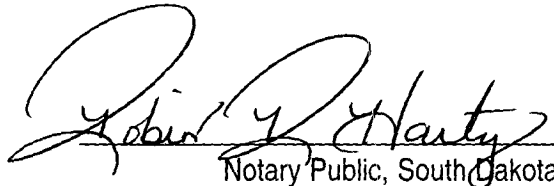
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

#383 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 Oct. 10th, 2007 and the last publication being made on Oct. 17th, 2007 that the full amount of Seventy Four and .74/100 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 10th day of Oct., 2007.


Notary Public, South Dakota

My commission expires 06/20/2012

Legal Notices

Notice of Application

#383

NOTICE OF APPLICATION NOS. 6333A-3 and 6333B-3

Notice is given that Peterson Farms, c/o Lenny Peterson, 19111 Maple Ave, Hitchcock SD 57348 has filed Application Nos. 6333A-3 and 6333B-3 which request to amend Water Permit No. 6333-3 by transferring the irrigated acreage and points of diversion to other land. Water Permit No. 6333-3 appropriates 3.77 cubic feet of water per second (cfs) from two wells to be completed in the Tulare:Western Spink Aquifer located

in the centers of the NW 1/4 and SE 1/4 Section 21 to irrigate 264 acres located in the NW 1/4 and SE 1/4 Section 21; all in T113N-R63W.

Application No. 6333A-3 proposes to transfer the diversion authority of 1.89 cfs to a well to be completed in the Tulare: Hitchcock Aquifer located SE 1/4 NE 1/4 Section 2 or to use the existing well authorized by Water Permit No. 6330A-3 located in the NE 1/4 SW 1/4 Section 2 and transfer 100 acres of the authorized irrigated acres located to the NE 1/4, NE 1/4 SE 1/4 Section 2; all in T114N-R63W. This transfer constitutes moving location of the center pivot approximately 10 miles to the northeast of the presently authorized site. No increase in the diversion rate or number of acres irrigated is authorized by this application. The diversion rate intended to irrigate the 100 acres is greater than the statutory limit of 1 cfs per 70 acres. The center pivot will make a windshield wiper rotation.

Application No. 6333B-3 proposes to transfer the remaining diversion authority of 1.89 cfs to a well to be completed in the Tulare: Hitchcock Aquifer located in the center of the SW 1/4 Section 33 and transfer 134 of the authorized acres to the center of Section 33; T114N-R62W. This transfer constitutes moving the center pivot

approximately 7 miles to the northeast of the presently authorized site. No increase in the diversion rate or number of acres irrigated are 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. Mr. Peterson indicates economics as his justifications for the proposed transfer. The land now proposed to be irrigated has electrical lines nearby enabling easier and less expensive set-up of the irrigation systems.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6333A-3 and 6333B-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 recommendation. If a petition opposing the applications or contesting the recommendation 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 October 29, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Oct. 10, 17)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 4, 2007

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6333A-3 and 6333B-3 to Appropriate Water to be published twice. Please publish the first notice on October 10, 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 Peterson Farms, Lenny Peterson, 19111 Maple Ave, Hitchcock SD 57348 (Ph # 605-472-0822).

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. 6333A-3 & 6333B-3

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

Date _____

We are in receipt of your letter of October 4, 2007 enclosing Notice to Appropriate Water by Application Nos. 6333A-3 & 6333B-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

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

October 4, 2007

Peterson Farms
Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Water Permit Application Nos. 6333A-3 & 6333B-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 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 newspaper to authorize publication of your Notice 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 October 10, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6333A-3 and 6333B-3

Notice is given that Peterson Farms, c/o Lenny Peterson, 19111 Maple Ave, Hitchcock SD 57348 has filed Application Nos. 6333A-3 and 6333B-3 which request to amend Water Permit No. 6333-3 by transferring the irrigated acreage and points of diversion to other land. Water Permit No. 6333-3 appropriates 3.77 cubic feet of water per second (cfs) from two wells to be completed in the Tulare:Western Spink Aquifer located in the centers of the NW ¼ and SE ¼ Section 21 to irrigate 264 acres located in the NW ¼ and SE ¼ Section 21; all in T113N-R63W.

Application No. 6333A-3 proposes to transfer the diversion authority of 1.88 cfs to a well to be completed in the Tulare: Hitchcock Aquifer located SE ¼ NE ¼ Section 2 or to use the existing well authorized by Water Permit No. 6330A-3 located in the NE ¼ SW ¼ Section 2 and transfer 100 acres of the authorized irrigated acres located to the NE ¼, NE ¼ SE ¼ Section 2; all in T114N-R63W. This transfer constitutes moving location of the center pivot approximately 10 miles to the northeast of the presently authorized site. No increase in the diversion rate or number of acres irrigated is authorized by this application. The diversion rate intended to irrigate the 100 acres is greater than the statutory limit of 1 cfs per 70 acres. The center pivot will make a windshield wipe rotation.

Application No. 6333B-3 proposes to transfer the remaining diversion authority of 1.89 cfs to a well to be completed in the Tulare:Hitchcock Aquifer located in the center of the SW ¼ Section 33 and transfer 134 of the authorized acres to the SW ¼ Section 33; T114N-R62W. This transfer constitutes moving the center pivot approximately 7 miles to the northeast of the presently authorized site. No increase in the diversion rate or number of acres irrigated are 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. Mr. Peterson indicates economics as his justifications for the proposed transfer. The land now proposed to be irrigated has electrical lines nearby enabling easier and less expensive set-up of the irrigation systems.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6333A-3 and 6333B-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 October 29, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



NOV 08 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

Peterson Farms
c/o Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed are Water Permit Nos. 6333A-3 and 6333B-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10s, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms 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

Note: The applicable portions of Water Permit No. 6333-3 are incorporated into Water Permit Nos. 6333A-3 and 6333B-3.

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 26 2016

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

No. 6333A-3

Date: Jan 25, 2016

I/We request that Water Right/Permit No. 6333A-3

formerly owned by: Peterson Farms

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

605 350 4717

Telephone No. 605 266-2876

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

NE 1/4, NE 1/4 SE 1/4 Section 2, T114N, R63W

I/We understand that the validity of Water Right/Permit No. 6333A-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>6333A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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	

No. 07699

By Jane Leeman
Chief Engineer



6333A-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

**Permit No. 6333A-3
(Incorporates 6330A-3)**

Contact Person & Address: **Danny Peterson, 38984 189th St., Hitchcock, SD 57438**

Report of Examination of Works

On **November 5, 2019** I made a thorough examination of the water use system constructed by **Danny Peterson** holder of Permit No. **6333A-3 & 6330A-3**, bearing the priority of **June 21, 2002** authorizing the diversion of **1.88 (6333A-3) and 2.22 (6330A-3)** cu. ft. per second of the waters of **Tulare: Western Spink Hitchcock Aquifer** for **irrigation** purposes, in **Spink** County.

The system is in the following condition **good**. The point of diversion is located **from the SW Corner of Section 2, T114N, R63W, 2,330' East and 1,345' North** with latitude of **44.70870** and a longitude of **-98.37304** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Section 2, T114N, R63W**

North pivot: NW ¼ NE ¼ - 2.5 ac NE ¼ NE ¼ - 34 ac SE ¼ NE ¼ - 38 ac
 SW ¼ NE ¼ - 3 ac NE ¼ SE ¼ - 2.5 ac

South pivot: NW ¼ SE ¼ - 33.75 ac NE ¼ SE ¼ - 33.75 ac SE ¼ SE ¼ - 33.75 ac
 SW ¼ SE ¼ - 33.75 ac

comprising a total of **215** acres of land and the license should be issued for **1.78** cfs.

Review of Permit Qualifications and Regulations:

- 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**.
- 4) Exceptions to compliance: **none**

Report On the Specifics of the System

Diversion Point Information: The same well is used for both pivots.

Well Information:

- 1) Well Drilling Firm: **NA** 2) No. of Wells **1** 3) Depth(s) **NA** feet 4) Well log is available **NO**

Casing:

- 1) Diameter **NA** inches 2) Length **NA** feet 3) Type **NA**

Screen:

- 1) Type **NA** 2) Length **NA** feet 3) Static water level **NA** feet

Pump:

- 1) Make **Submersible** 2) Model **NA** 3) Size **NA** 4) Capacity **800** GPM

Motor:

- 1) Make **NA** 2) Model No. **NA** 3) Horsepower rating **45** hp

DISTRIBUTION LINES FOR NORTH PIVOT:

- 1) Type PVC 2) Size 10 inches 3) Length 2,800 feet from the center pivot in the SE ¼ of Section 2, T114N, R63W to this pivot.

DISTRIBUTION LINES FOR SOUTH PIVOT:

- 1) Type PVC 2) Size 10 inches 3) Length 1,570 feet

SYSTEM TYPE (two pivots):

Center pivots:

- | | |
|------------------------------------|-------------------------------------|
| 1) Make <u>T & L</u> | 2) Overall length <u>1,300</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |

CHEMIGATION EQUIPMENT:

- | | |
|---|-------------------------------------|
| 1) Chemigation: <u>yes</u> | 2) Main line check valve <u>yes</u> |
| 3) Inspection port/air relief <u>yes</u> | 4) Low pressure drain <u>yes</u> |
| 5) Discharge is 20' from source <u>na</u> | 6) Interlock type <u>na</u> |
| 7) Injection pump type <u>na</u> | 8) Injection check valve <u>na</u> |
- 9) Injection line check valve or positive displacement pump na
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules: The equipment was not on site. The permit holder shall make sure the low pressure drain outlets at least 20' from the water source.

Dated: November 21, 2019



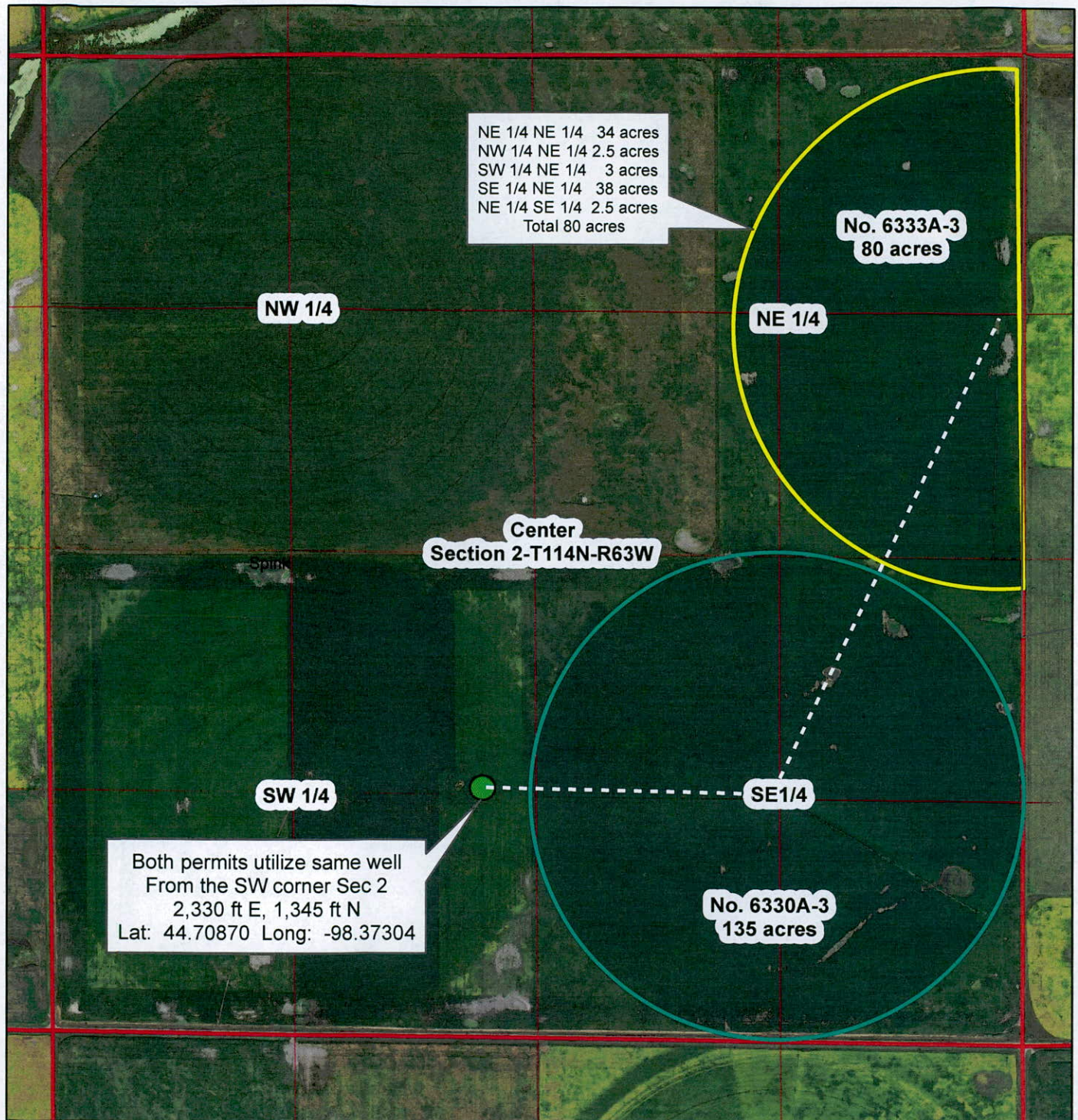
Terry D Helms

Water Rights Inspector

Comments:

A field investigation was done for both Permit Nos. 6330A-3 and 6333A-3. Based on the investigation, the permits will be incorporated together, with one water license issued for the system as developed. One well was developed for both pivots. The license will be limited to the well capacity of 1.78 cfs (800 gpm).

Water Right Nos. 6330A-3 & 6333A-3, Danny Peterson



0 315 630 1,260 1,890 2,520 Feet



Terry D Helms

Terry D Helms, PE
Water Rights Inspector
DENR, Water Rights Program
November 14, 2019

6333A-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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6333A-3

(1) Peterson Farms, Hitchcock SD made Application No. 6333A-3, August 14, 2007 for a water permit to transfer diversion authority of 1.88 cubic feet of water per second (cfs) to a well completed into the Tulare Western Spink Hitchcock or to use the existing well authorized by Water Permit No. 6330A-3 and transfer the location of 100 acres. The transfer constitutes moving the location of the center pivot approximately 10 miles to the northeast. No increase in the diversion rate or number of acres irrigated was authorized. The project is located in Spink County, South Dakota. Permit No. 6333A-3, with a priority date of June 21, 2002 (established under No. 6333-3) was approved October 29, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 4, 2007 and for the application to beneficial use of water on or before December 4, 2011.

Water Permit No. 6330A-3 amended Permit No. 6330-3 (priority date June 21, 2002) by transferring the irrigated acreage and point of diversion 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 was to be the well originally authorized by Water Right No. 3065A-3.

On January 26, 2016, Water Permit Nos. 6330A-3 and 6333A-3 were transferred to Danny Peterson.

An inspection of the water use system found one well located in the SW ¼ Section 2, T114N, R63W used to irrigate the land authorized under Nos. 6330A-3 and 6333A-3. The applicable portions of Water Permit Nos. 6330-3 and 6330A-3 are incorporated into this Water License. A priority date of June 21, 2002 is retained for all acreage and the diversion rate authority.

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

- 2,330' E and 1,345' N of the SW corner of Section 2, T114N, R63W (NE ¼ SW ¼)
Latitude 44.70870, Longitude -98.37304

(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 2, T114N, R63W	North pivot		South Pivot	
	NW ¼ NE ¼	2.5 acres	NW ¼ SE ¼	33.75 acres
	NE ¼ NE ¼	34.0 acres	NE ¼ SE ¼	33.75 acres
	SE ¼ NE ¼	38.0 acres	SE ¼ SE ¼	33.75 acres
	SW ¼ NE ¼	3.0 acres	SW ¼ SE ¼	33.75 acres
	NE ¼ SE ¼	2.5 acres		
215 acres				

continued

Water License No. 6333A-3

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Danny Peterson, 38984 189th St., Hitchcock SD 57348 the holder and/or owner of Incorporated Water Right No. 6333A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Tulare Western Spink Hitchcock Aquifer) with a priority date of June 21, 2002 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6333A-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right 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 well authorized by Permit No. 6333A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The new well was not drilled. System is set up to use an existing well originally authorized under No. 3065A-3 located in the NE ¼ SW ¼ Section 2, T114N, R63W.*
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, No. 6333A-3 was authorized a maximum diversion rate of 1.88 cfs for the irrigation of 100 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. *When irrigating the north pivot consisting of 80 acres, a maximum of 1.78 cfs is authorized based on the capacity of the well.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAY 26 2020

date

