

WATER PERMIT NO. 6334-3

Name of Applicant: Peterson Farms

Address: 19111 Maple Ave, Hitchcock SD 57348

Phone: 605 266-2793

Amount of Water Claimed: 3.82 cfs

Total Acres: 267.4

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: ½ south of Hitchcock

PRIORITY

Date Received: 6-21-2002

Application/License Fee: \$350

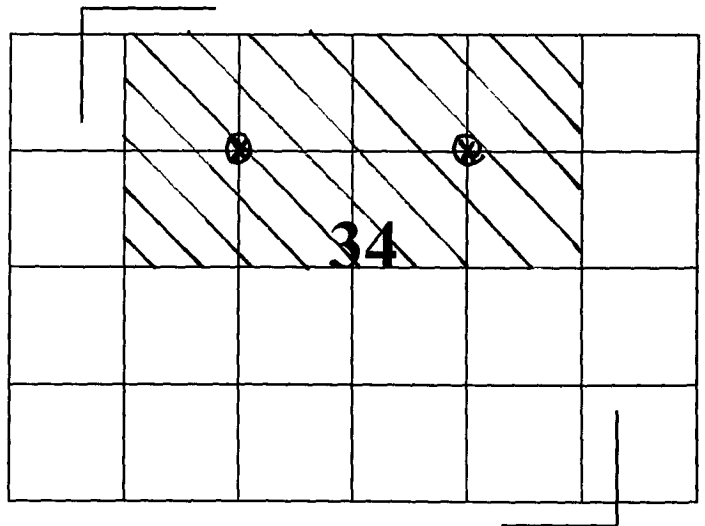
Corrected Application Received:

Period of Annual Use: April 1 – November 30

Remarks:

Diversion Point: centers of NE ¼ & NW ¼ Sec 34-T115N-R64W

Land to be Irrigated: N ½ Sec 34-T115N-R64W



Depth of Well: 100 feet deep

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-25-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene:

SOUTH DAKOTA
WATER PERMIT NO. 6334-3 FOR IRRIGATION

Date of first receipt of application June 21, 2002.

The Water Management Board approved Water Permit No. 6334-3 on December 4, 2002 for Peterson Farms, 19111 Maple Avenue, 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. 6334-3 appropriates 3.82 cubic feet of water per second from two wells (Tulare: Western Spink Aquifer) approximately 100 feet deep located in the centers of the NE ¼ and NW ¼ Section 34 to irrigate 267.4 acres located in the N ½ Section 34; all in T115N-R64W.
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. One-fifth of the construction is to be completed on or before June 4, 2005.
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. 6334-3 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. 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

MAR 13 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6334-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press, Redfield</u>

RECEIVED
JUN 21 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Peterson Farms Phone 266-2793
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 19111 Maple Ave Hitchcock State SD 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 3.82*CFS or 1700 **GPM ***AF Total Acreage 160 267.4
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
approx center of NE 1/4 Section 34, T115N R64W
& NW 1/4 County Spink
- County or counties where water will be used Spink
- Annual period during which water is to be used April 1 - November 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 Section 34	160		
NW 1/4 Section 34	107.4		

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

STATE OF SOUTH DAKOTA) SS

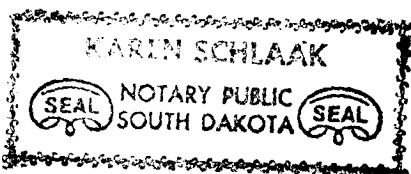
County of Hughes

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, 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 21 day of June 20 02



Karin Schlaak

Notary Public signature

my commission expires 4/10/07

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 100
- b) Casing Type Plastic Diameter 16" Thickness _____
- c) Screen Type Stainless Diameter 16 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others < 1/4 mile

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 _____

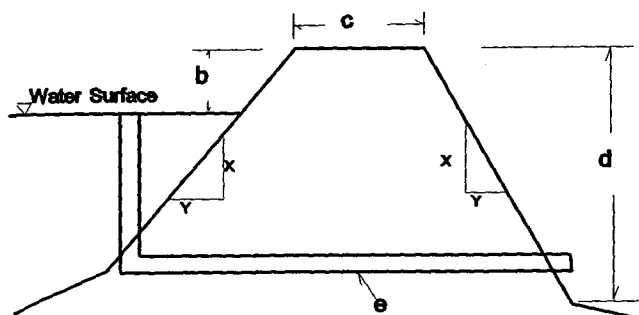
3. Dugout Information

- 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 for Peterson Farms for Irrigation of
the NE 1/4 and NW 1/4 Section 34, T115N, R64W



Intent of application it to irrigate the N 1/2 Section 34, T115N, R64W
from wells located in the approximate centers of the quarter sections



Eric Gronlund
Eric Gronlund
Water Rights Program

6334-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417202

Pierre, June 21, 20 02

RECEIVED OF Peterson Farms, 19111 Maple Ave., Hitchcock SD 57348
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>4334-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	300	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4334-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	350 00

By [Signature]
Chief Engineer

REPORT ON WATER PERMIT 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

September 10, 2002

These applications are all for irrigation and propose to appropriate a total of 62.87 cfs for irrigation of 4,604.4 acres located in Beadle and Spink County. Specifically, these applications request 45.85 cfs for irrigation of 3,397 acres from the Tulare Hitchcock aquifer and 17.02 cfs for irrigation of 1,207.4 acres from the Tulare Western Spink aquifer.

AQUIFER – TULARE WESTERN SPINK (T-WS), TULARE HITCHCOCK (T-H)

The Tulare Western Spink is a mostly buried outwash (sand and gravel) which is under predominantly confined or artesian conditions. The Tulare Hitchcock is a predominantly surficial outwash (sand and gravel) which is under water table conditions. The Tulare Western Spink is hydraulically connected to the Tulare Hitchcock and ground water movement is from southwest to northeast and towards the James River (Hamilton, 1996). For practical purposes the two management units are the same aquifer system. The Hamilton report refers to the Tulare aquifer in general terms whereas the terms Tulare Hitchcock and Tulare Western Spink are management units of the Tulare aquifer as defined in an earlier report (Hedges, 1982). The boundary line between the two management units roughly follows a line from the town of Hitchcock to the town of Tulare. Everything east of that imaginary line is Tulare Hitchcock and everything west of the line is Tulare Western Spink. The Water Rights Program has continued to use the management units as described in the Hedges report for water use and water allocation purposes. However, because of the similarities between the aquifer management units and because of continuing irrigation development from both management units, the management units need to be combined to fully utilize the development potential of the aquifer. This report will consider the Tulare Western Spink and the Tulare Hitchcock management units as the same aquifer.

The Tulare Hitchcock underlies 96,000 acres and contains an estimated 360,000 acre-feet of recoverable water in Spink County and underlies 53,800 acres and contains an estimated 333,000 acre-feet of recoverable water in storage in Beadle County (Hedges, 1982). This totals to 149,800 acres and 693,000 acre-feet of recoverable water in storage for the entire aquifer. Recharge to the aquifer has been estimated to approximate 0.83 inches per year (Kuiper, 1984). This equates to an average recharge of 6,640 acre-feet per year for Spink County and 3,720 acre-feet per year for Beadle County. The total annual recharge for the Tulare Hitchcock is approximately 10,360 acre-feet.

The Tulare Western Spink aquifer underlies 57,000 acres and contains an estimated 162,000 acre-feet of recoverable water in storage in Beadle County, underlies 72,300 acres and contains an estimated 270,930 acre-feet of recoverable water in storage in

Spink County and underlies 9,600 acres and contains an estimated 86,400 acre-feet of recoverable water in storage in Hand County (Hedges, 1982). This totals to 138,900 acres and 519,330 acre-feet of recoverable water in storage for the entire Tulare Western Spink. Recharge to the aquifer has been estimated to approximate 0.83 inches per year (Kuiper, 1984). This equates to an average recharge of 3,940 acre-feet per year for Beadle County, 5,000 acre-feet per year for Spink County and 664 acre-feet per year for Hand County. The total annual recharge for the Tulare Western Spink management unit is approximately 9,600 acre-feet.

The combined aquifer statistics for the Tulare Western Spink and Tulare Hitchcock management units would include, 288,700 acres underlain by aquifer, 1.212 million acre-feet of recoverable water in storage, and 19,960 acre-feet of annual recharge to the entire aquifer system.

Water use from the Tulare Hitchcock aquifer in Beadle County has exceeded the estimated average annual recharge (3,720 acre-feet) to the aquifer five times in the last 23 years. Water use from the Tulare Hitchcock aquifer in Spink County has never exceeded the estimated average annual recharge (6,640 acre-feet) to the aquifer and has peaked at 4,813.5 acre-feet as reported in 2001. However, there are twelve recently approved water permits located in Spink and Beadle County that have either not reported irrigation or have not fully developed yet. If these permits develop completely and use water at a rate comparable to the existing users, then the water use from the Tulare Hitchcock would increase by about 1,600 acre-feet. This calculated volume added to the reported use of 4,813.5 acre-feet in 2001 would approach the average annual recharge estimate for Spink County. In all likelihood, pumping the Tulare Hitchcock management unit in Spink County would probably exceed average annual recharge during a drought.

The combined water use for Spink and Beadle Counties for the Tulare Hitchcock has never exceeded the combined estimated recharge (10,360 acre-feet) but a peak volume of 9,874 acre-feet was pumped in 1989. Adding in the estimated pumping volumes of 1,600 acre-feet (the newer permits) would mean that pumping from the Tulare Hitchcock would have exceeded the annual recharge estimate three times since 1979. Combining pumping volumes from the two counties in this manner indicates that the aquifer is probably fully appropriated based upon actual plus estimated potential water use.

Water use for the Tulare Western Spink peaked at just over 5,100 acre-feet in 1989. With a total recharge to the aquifer of about 9,600 acre-feet annually, there is water available for appropriation from this aquifer. There are no newer water permits from the Tulare Western Spink to account for. The only other major user of water from this aquifer is the small rural water system, Water Right No. 4774-3 that uses 70 to 80 acre-feet of water per year (personal communication with Scott Gross, operator of the rural water system on September 9, 2002). Also, this system will apparently begin using water from Mid Dakota RWS when that water is available in the next year or two and abandon the Tulare Western Spink as a water source.

Combining the two management units and considering them as a unit indicates a total recharge of 19,960 acre-feet annually. Also, a maximum water use of 14,981 acre-feet occurred in 1989. These estimates leave about 5,000 acre-feet available for appropriation from the entire combined aquifer minus 1,600 acre-feet to account for development of permits issued but not yet utilized. This would leave approximately 3,400 acre-feet of water use to be developed from the combined aquifer.

The Water Rights Program monitors 24 observation wells completed into the Tulare Hitchcock in Spink and Beadle Counties and 26 observation wells completed into the Tulare Western Spink in Beadle, Spink and Hand counties. Water levels for these wells indicate fluctuation due to climatic conditions, that recharge does occur and that the effects of pumping are generally not significant. Hydrographs for observation wells (SP-53A, SP-53B, BD-77A and BD-66A) are included with this report. These records are representative of the general water level trends for both management units. The historical water level record is excellent and accurately reflects the conditions of the aquifer in this area for the last 50 years.

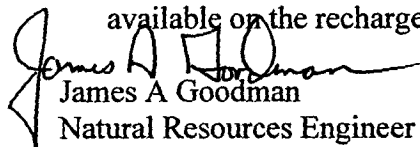
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are 77 existing water permits/rights that obtain water from the Tulare Hitchcock in Spink and Beadle Counties. These permits/rights appropriate 156.07 cfs and potentially irrigate 12,990 acres in Spink and Beadle Counties. There are 50 water permits/rights that obtain water from the Tulare Western Spink aquifer in Hand, Beadle and Spink Counties. These permits/rights appropriate 91.604 cfs and potentially irrigate 7,691.9 acres in these three counties. Interference has never been a problem for either aquifer. The Tulare Hitchcock is under water table conditions and drawdown created by pumping does not extend very far from individual production well. This is shown by the hydrographs for SP-53A, SP-77A and BD-66A. The Tulare Western Spink is a confined aquifer and fluctuation due to pumping does occur. The drawdown has not been significant and has not created adverse impacts. This is shown by the hydrograph for SP-53B and by water level records for the other observation wells in the area (Water Rights, 2002).

SDCL 46-6-3.1 states that "no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." Clearly the intent of this statute is to limit development of aquifers to a volume of water which approximates average annual recharge. The only exception to the statute would be for water distribution systems that obtain water from formations older than or stratigraphically lower than the Greenhorn Formation. All the applications in this report fail both of tests of the exception to the statute.

CONCLUSIONS

1. Water is available from the combined Tulare Western Spink and Tulare Hitchcock management units.
2. Based upon water use plus estimates for undeveloped permits there is approximately 3,400 acre-feet of water available for appropriation from the combined Tulare Hitchcock and Tulare Western Spink management units. Conservatively this volume would allow about 2,500 acres of additional irrigation.
3. The wells authorized by these applications, if approved, must be constructed in accordance with SD Well Construction Standards.
4. Interference is not expected to be a concern. The observation well data clearly shows that drawdown created by existing withdrawals does not seriously impact water levels over most of the aquifer especially the Tulare Hitchcock management unit.
5. Application Nos. 6330-3, 6331-3, 6332-3, 6333-3, 6334-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3 and 6343-3 all obtain water from the Tulare Hitchcock or Tulare Western Spink management units and can be approved. These permits total about 2,554 acres of additional irrigation. The estimated water use for these permit applications should be about 3,400 acre-feet.
6. The Tulare Hitchcock and Tulare Western Spink management units of the Tulare aquifer should be declared fully appropriated and no additional permits from the aquifer will be considered until abandonment and/or forfeiture of existing rights non-development of a recently approved water permit, or additional information becomes available on the recharge rate to the aquifer.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- 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., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, 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, WRI 84-4078, USGS, Huron, SD, 57350.
- Water Rights, 2002, Unpublished Observation Well Records for Beadle, Spink and Hand Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

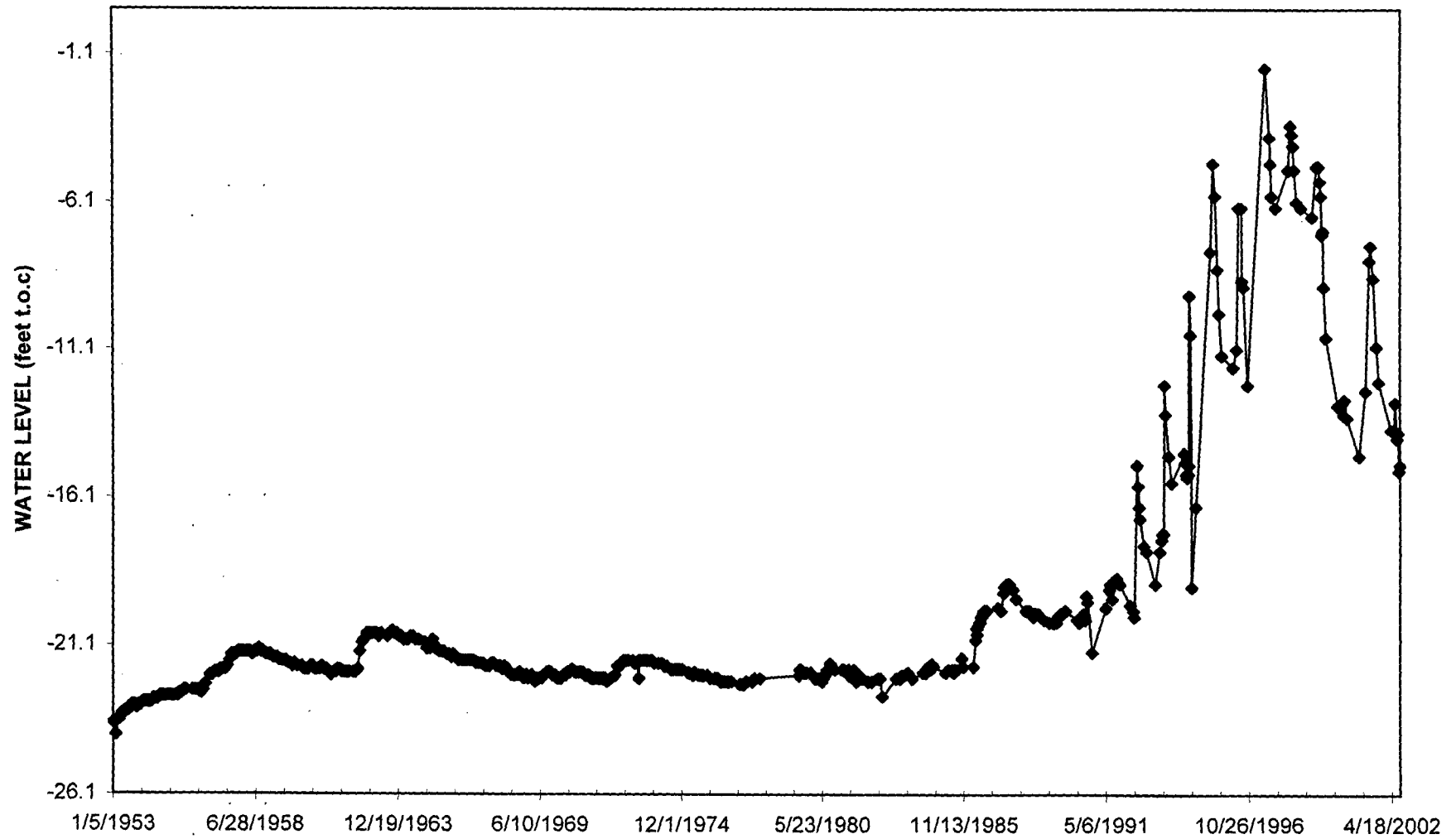
WATER USE (ACRE-FEET)
TULARE-WESTERN SPINK AQUIFER

	SPINK	BEADLE	HAND	TOTAL
2001	3,589 AF	336 AF	62 AF	3,986 AF
2000	3,693 AF	172 AF	218 AF	4,083 AF
1999	2,250 AF	78 AF	0 AF	2,328 AF
1998	1,284 AF	0 AF	0 AF	1,284AF
1997	475 AF	16 AF	0 AF	491 AF
1996	3,108 AF	310 AF	99 AF	3,517 AF
1995	1,672 AF	184 AF	0 AF	1,856 AF
1994	2,096 AF	96 AF	113 AF	2,305 AF
1993	644 AF	252 AF	0 AF	896 AF
1992	973 AF	122 AF	53 AF	1,148 AF
1991	3,819 AF	544 AF	147 AF	4,510 AF
1990	3,915 AF	502 AF	145 AF	4,562 AF
1989	4,456 AF	554 AF	97 AF	5,106 AF
1988	3,779 AF	633 AF	111 AF	4,523 AF
1987	2,399 AF	350 AF	41 AF	2,789 AF
1986	349 AF	82 AF	0 AF	431 AF
1985	2,689 AF	89 AF	191 AF	2,969 AF
1984	3,138 AF	241 AF	83 AF	3,462 AF
1983	2,447 AF	187 AF	90 AF	2,724 AF
1982	2,411 AF	65 AF	166 AF	2,641 AF
1981	3,790 AF	922 AF	32 AF	4,744 AF
1980	3,197 AF	130 AF	0 AF	3,327 AF
1979	2,432 AF	342 AF	0 AF	2,774 AF

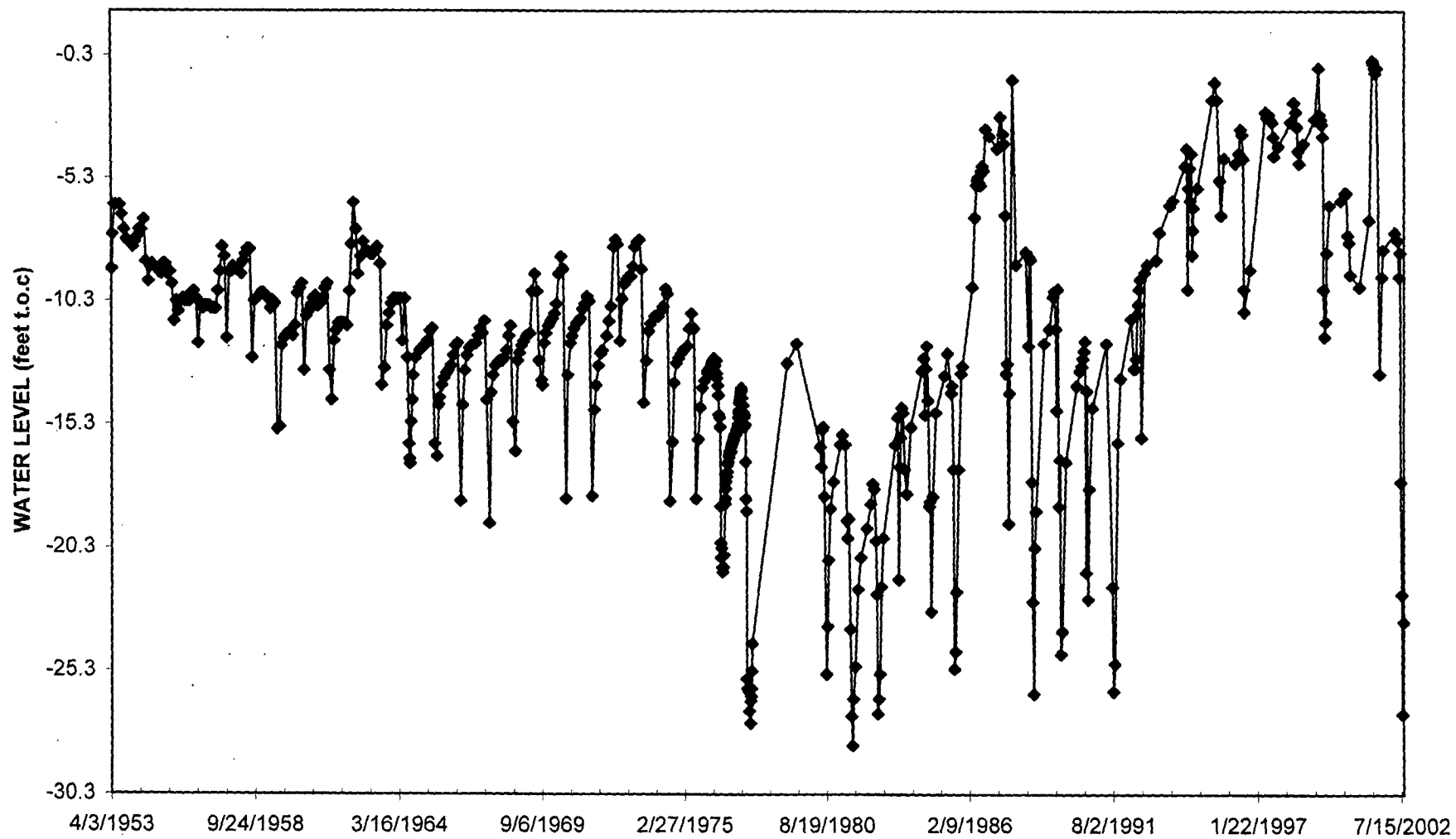
**WATER USE (ACRE-FEET)
TULARE-HITCHCOCK AQUIFER**

	SPINK	BEADLE	TOTAL
2001	4,814 AF	3,503 AF	8,316 AF
2000	4,081 AF	3,528 AF	7,610 AF
1999	3,229 AF	3,077 AF	6,306 AF
1998	1,536 AF	3,360 AF	4,896 AF
1997	1,169 AF	1,405 AF	2,574 AF
1996	4,350 AF	4,729 AF	9,079 AF
1995	2,956 AF	1,755 AF	4,711 AF
1994	2,266 AF	1,279 AF	3,545 AF
1993	1,122 AF	237 AF	1,359 AF
1992	1,939 AF	2,303 AF	4,242 AF
1991	4,307 AF	3,586 AF	7,894 AF
1990	3,020 AF	4,219 AF	7,239 AF
1989	3,736 AF	6,139 AF	9,875 AF
1988	3,596 AF	5,233 AF	8,829 AF
1987	3,333 AF	3,402 AF	6,735 AF
1986	1,622 AF	1,475 AF	3,097 AF
1985	2,356 AF	2,293 AF	4,649 AF
1984	2,193 AF	2,601 AF	4,794 AF
1983	1,442 AF	4,891 AF	6,333 AF
1982	1,624 AF	1,851 AF	3,475 AF
1981	2,872 AF	2,639 AF	5,511 AF
1980	1,607 AF	1,743 AF	3,349 AF
1979	1,192 AF	1,299 AF	2,491 AF

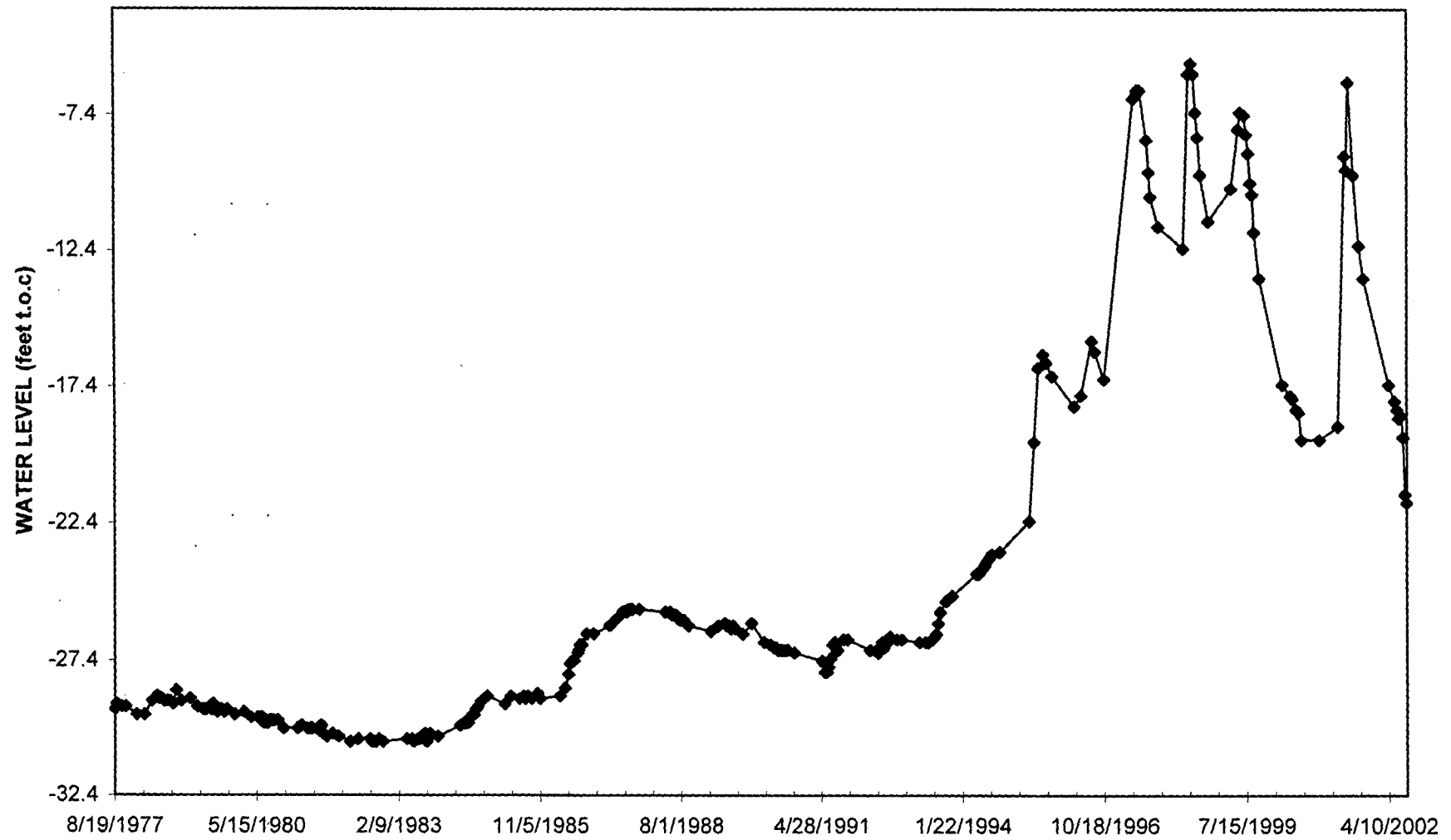
**WATER RIGHTS' OBSERVATION WELL
SP-53A**



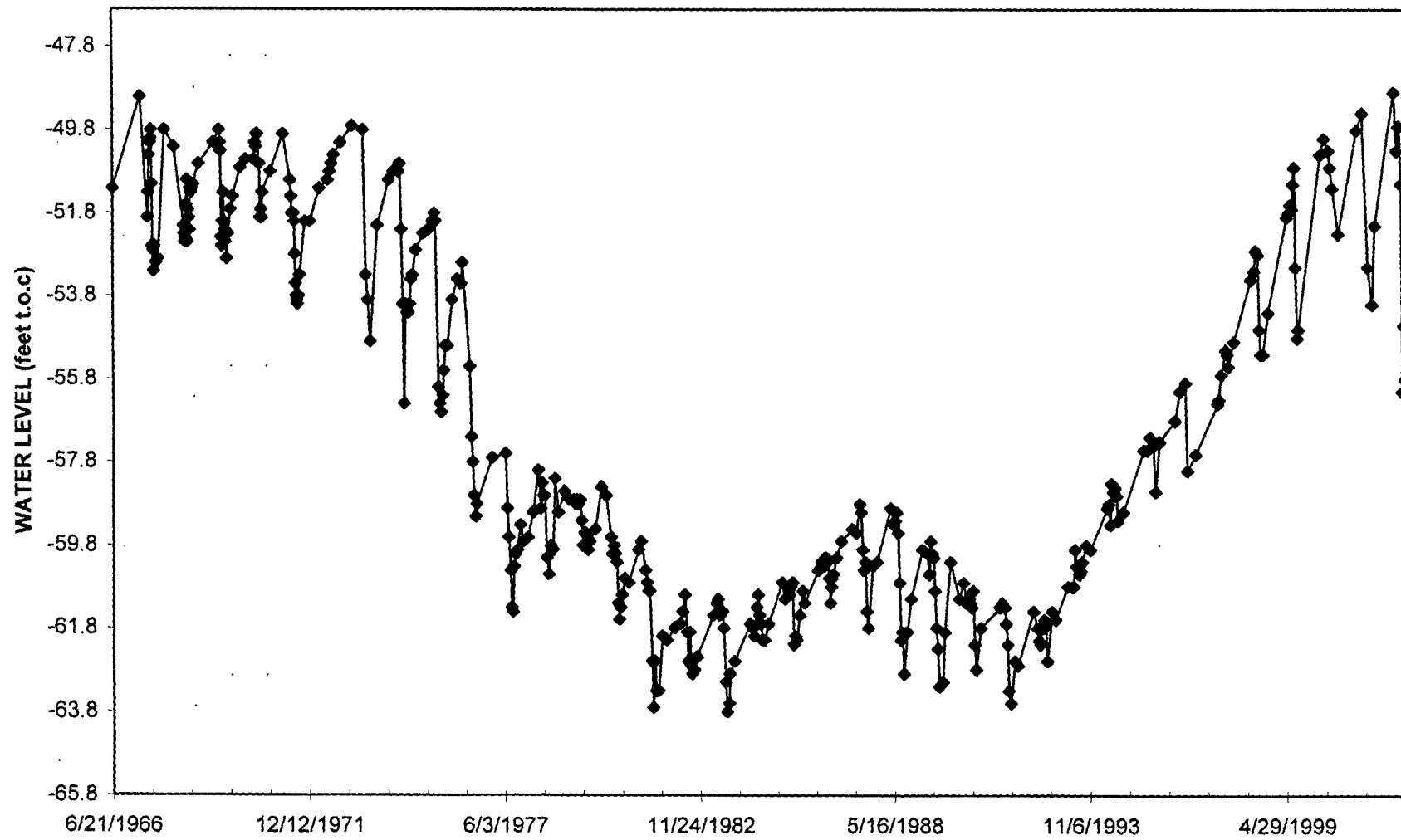
**WATER RIGHTS' OBSERVATION WELL
SP-53B**

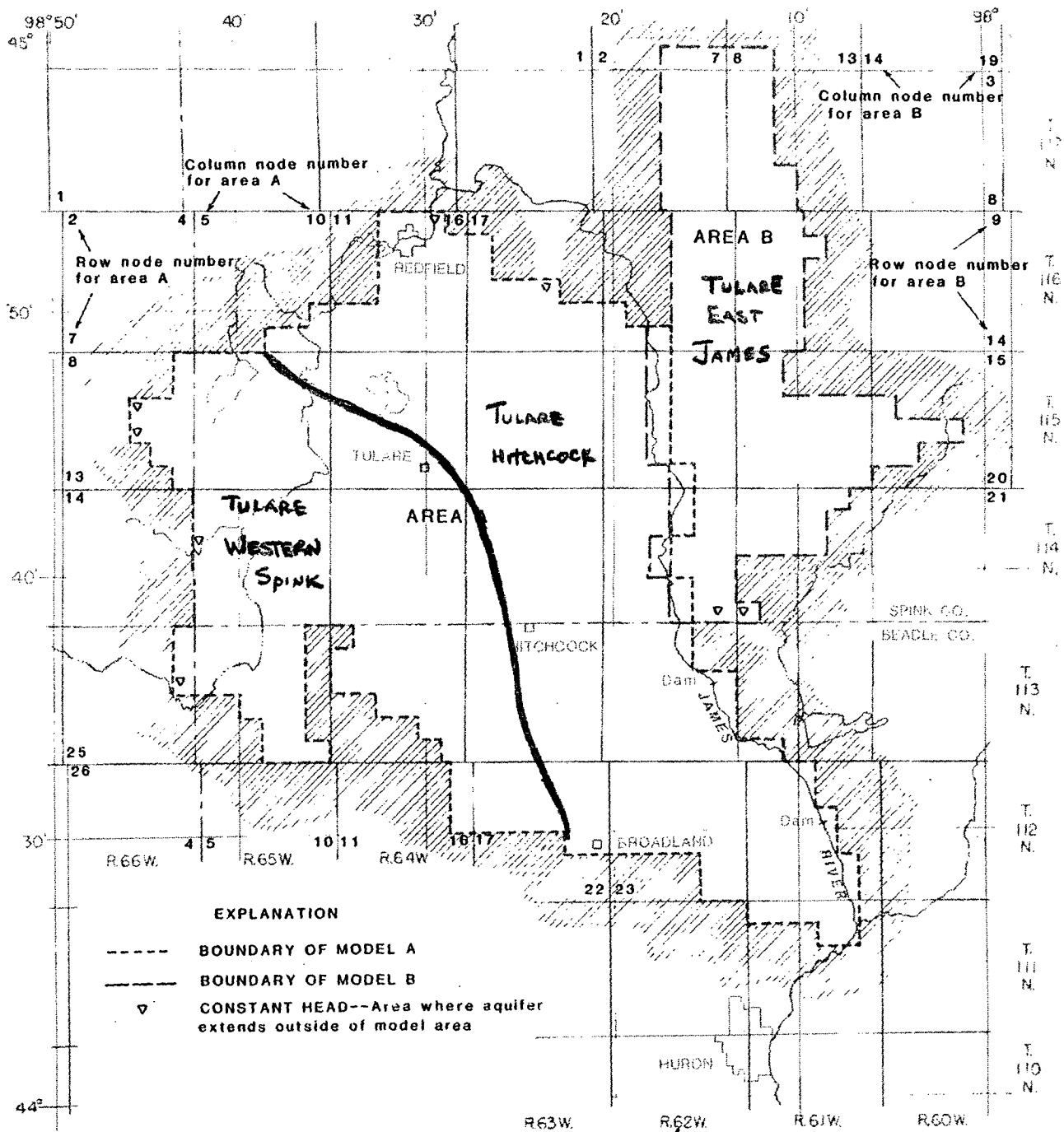


**WATER RIGHTS' OBSERVATION WELL
BD-77A**



WATER RIGHTS' OBSERVATION WELL
BD-66A





(Kuiper, 1984)

Figure 2.--Location of aquifer model areas.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6334-3, 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. 6334-3, Peterson Farms, c/o Lenny Peterson, 19111 Maple Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6334-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. 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. 6334-3 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. 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 30, 2002

NOTE: The Water Rights Program received twenty two applications to appropriate water from the Tulare:Hitchcock and Tulare:Western Spink Aquifer. The Chief Engineer's recommendation is to approve eleven of these applications based upon priority. The Chief Engineer is recommending denial of eleven applications because the aquifer is fully appropriated. Please review the staff report carefully.

If the Board accepts the recommendation at their December 4th hearing, the aquifer will be considered fully appropriated. In that event, the Water Rights Program will

recommend denial of new appropriations from this aquifer unless water becomes available by 1) abandonment and/or forfeiture of existing water rights, 2) non-development of a recently approved water permit, or 3) additional information becomes available on the recharge rate to the aquifer.

Applicants that obtain a water permit need to be aware that the works must be completed within 5 years of obtaining the permit and water put to beneficial use within an additional four years. Also, in accordance with state law, if one-fifth of work is not completed within 2½ years of obtaining the permit, the Board may accept and approve a new application for the use of all or any of the water included in the original permit and the right to use water under the original permit shall be forfeited.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

October 30, 2002

Floyd Peterson
Oscar, Inc.
18892 390th Avenue
Hitchcock SD 57348

Dear Mr. Peterson:

The water permit applications you filed for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. The Chief Engineer's recommendation is for APPROVAL of Application No. 6330-3 filed in the name of Floyd Peterson and APPROVAL of Nos. 6331-3 and 6332-3 and DENIAL of the Application Nos. 6344-3, 6345-3, 6346-3 and 6347-3 filed in the name of Oscar Inc.. Enclosed for your information are separate notices for the applications being recommended for approval and the applications recommended for denial, the recommendations of the Chief Engineer and a staff report. Please review the notices prior to authorizing publication and notify this office, if you have any corrections or questions. Also enclosed is a table showing the pending status of the 22 new applications we have processed from this aquifer.

In the case of Application Nos. 6330-3, 6331-3 and 6332-3, notice of hearings have been sent to the publisher of the Redfield Press printed at Redfield (ph# 472-0822). Be sure to contact the newspaper immediately to authorize publication of these two notice of hearings and to arrange for payment so these applications are scheduled for the December 4th Board meeting. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish these notices once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting.

If you wish to proceed to hearing with Application Nos. 6344-3, 6345-3, 6346-3 and 6347-3 which are being recommended for denial and schedule a December 4, 2002 hearing before the Water Management Board, you must also authorize publication of the notice on these applications by contacting the Redfield Press (ph# 472-0822) to publish. A copy of this notice was also sent to the newspaper with instructions to publish only if you authorize publication. Since we are on a tight scheduling timeframe for the upcoming meeting, you must contact the newspaper immediately if you want to proceed with a December 4th hearing.

If the notices are published on November 6 and 13, 2002, a hearing will then be scheduled at 1:30 PM, December 4, 2002 in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue in Pierre SD.

State law provides that if the Chief Engineer recommends denial of an application, the applicant has 20 days from the date the recommendation was mailed to state whether they intend to oppose the recommendation. Failure to submit a statement of intent to oppose the recommendation to deny constitutes withdrawal of the applications. If you authorize the newspaper to publish the notice this will constitute your formal intent to oppose the recommendation and schedule a Board hearing on December 4, 2002. You may also choose to delay consideration of the applications until the March Board meeting. If you want to delay the hearing, do not authorize publication of the notice on Application Nos. 6344-3, 6345-3, 6346-3 and 6347-3 at this time. Contact me by November 20th to state your intent to proceed with the applications but wait until the March 5 - 6, 2003 meeting. Failure to: 1) authorize publication of the notice scheduling a December 4th hearing, 2) contact me by November 20th to delay consideration until the March meeting, or 3) submit a written statement of intent to oppose the recommendation to deny Application Nos. 6344-3, 6345-3, 6346-3 and 6347-3 by November 20, 2002, will constitute withdrawal of the applications.

Mr. Peterson, I realize this may be somewhat confusing, please contact Karen Schlaak or myself if you have any questions on the recommendation or the process of scheduling these applications for the December meeting.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2002

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed are eleven Notice of Hearings on numerous water right permit applications to appropriate water to be published twice. Please publish the first notice on November 6, 2002 with the second publication 7 days later. Publication should only take place for those notices in which the applicant or a representative of the applicant contacts you to authorize publication and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT's are:

Notices	Applicant	Address	Phone
6330-3	Floyd Peterson	18892 390 th Avenue, Hitchcock SD 57348	605 266-2747
6331-3 & 6332-2	Oscar, Inc.	c/o Floyd Peterson, 18892 390 th Ave. Hitchcock SD 57348	605 266-2747
6334-3	Peterson Farms, Lenny Peterson	19111 Maple Avenue, Hitchcock SD 57348	605 266-2793
6336-3	Lee Gatzke	18479 389 th Avenue, Tulare SD 57476	605 266-2790
6337-3	Brian Gatzke	1521 Calumet Rd., Brookings SD	605 692-2119
6338-3, 6339-3 & 6340-3	Allen Gatzke	39351 187 th Street, Hitchcock SD 57348	605 226-2711
6341-3	Jeffery Gatzke	39334 187 th Avenue, Hitchcock SD 57348	605 266-2574
6344-3, 6345-3, 6346-3 6347-3	Oscar, Inc.	c/o Floyd Peterson, 18892 390 th Ave. Hitchcock SD 57348	605 266-2747
6348-3,	Allen Gatzke	39351 187 th Street, Hitchcock SD 57348	605 226-2711
6352-3 & 6353-3	Lee Gatzke	18479 389 th Avenue, Tulare SD 57476	605 266-2790
6359-3, 6360-3 & 6361-3	Darin, Brett, Chad Binger	18410 382 Avenue, Tulare SD 57476	605 596-4295

Please send the Water Rights Program the first publication immediately for notices that are published. The publications are checked for accuracy so any corrections can be made in the second publication. You may send to Water Rights Program at 523 E. Capitol Avenue, Pierre SD 57501 or fax 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 for each published notice. 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,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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:

#268 Notice of Hearing

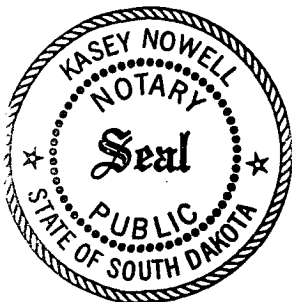
A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on November 6, 2002 and the last publication being made on November 13, 2002 that the full amount of the fee charged for publishing the same to-wit: the sum of Thirty-eight and 57/100 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 13th day
of November, 2002.


Notary Public, South Dakota

My term expires 08/16/08



Notice of Hearing

No. 268

NOTICE OF HEARING

Notice of Hearing on Application
No. 6334-3 to Appropriate Water

Notice is given that Peterson Farms, c/o Lenny Peterson 19111 Maple Ave, Hitchcock SD 57348 has filed an application for a water permit to appropriate 3.82 cubic feet of water per second from two wells (Tulare: Western Spink Aquifer) approximately 100 feet deep located in the centers of the NE 1/4 and NW 1/4 Section 34 to irrigate 267.4 acres located in the N 1/2 Section 34; all in T115N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6334-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 November 25, 2002. The petition may be informal,

RECEIVED

NOV 14 2002

WATER RIGHTS
PROGRAM

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.

The Water Management Board will consider this application at 1:30 P.M. December 4, 2002 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 4, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 25, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(November 6, 13)

Instruction to Newspaper - Publish first Notice on November 6, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6334-3 to Appropriate Water

Notice is given that Peterson Farms, c/o Lenny Peterson 19111 Maple Ave, Hitchcock SD 57348 has filed an application for a water permit to appropriate 3.82 cubic feet of water per second from two wells (Tulare: Western Spink Aquifer) approximately 100 feet deep located in the centers of the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Section 34 to irrigate 267.4 acres located in the N $\frac{1}{2}$ Section 34; all in T115N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6334-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 November 25, 2002. 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.

The Water Management Board will consider this application at 1:30 P.M. December 4, 2002 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 4, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 25, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



MAR 13 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Peterson Farms
% Lenny Peterson
19111 Maple Avenue
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed are Water Permit Nos. 6333-3, 6334-3 and 6343-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Water Permit No. 6334-3 is being divided and reissued based on action by the Chief Engineer on behalf of the Water Management Board which transferred portions of the acreage to be irrigated and point of diversion to other lands.

Water Permit No. 6334A-3 authorizes 1.91 cfs from one well (Tulare:West  Spink Aquifer) located in the center of the NW ¼ Section 2 to irrigate 133.7 acres located in the NW ¼ Section 2; all in T113N-R63W.

Water Permit No. 6334B-3 authorizes 1.91 cfs from one well (Tulare:Western Spink Aquifer) located in the center of the NE ¼ Section 34 to irrigate 133.7 acres located in the NE ¼ Section 34; all in T115N-R64W.