

WATER PERMIT NO. 6711A-3

Name of Applicant: Oscar Inc.

Address: 18892 390th Ave, Hitchcock SD 57348

Phone: 605 266-2747

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 9 miles northwest of Hitchcock

PRIORITY

Date Received: 2-9-07

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: April 1 – October 31

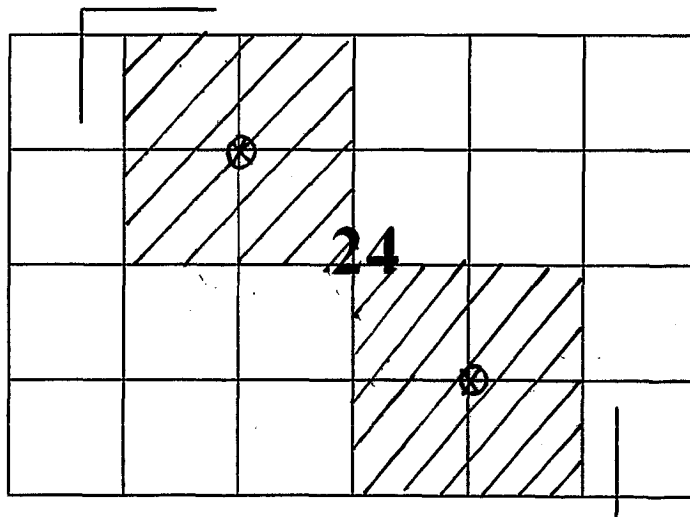
Remarks: Change the location of diversion point and irrigated acreage authorized by Water Permit No. 6711-3

Diversion Point: center NW ¼ and center SE ¼

Sec 24-T114N-R62W

Land to be Irrigated: NW ¼ & SE ¼ Sec 24-

T114N-R62W



Depth of Well: 100 feet deep

Well Driller: : Pullman Drilling

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 2-12-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6711A-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press</u>	<u>Redfield SD</u>
		<u>57469</u>

RECEIVED
FEB 09 2007
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6711-3
(Use predates Mar 2, 1955)

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

Application to change the location of permitted acreage covered by Water Permit No. 6711-3

- Name of Applicant Oscar Incorporated Phone (605) 266-2747
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18892 390th Ave Hitchcock State SD 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.000 *CFS or **GPM ***AF Total Acreage 0
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Groundwater - 2 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
Center of NW1/4 and center of SE1/4 section 24-T114N-R62W
- County or counties where water will be used Spink
- Annual period during which water is to be used Apr 1 - Oct 31
- 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
NW1/4 section 24-T114N-R62W	152		
SE1/4 section 24-T114N-R62W	152		

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

Application is to transfer acreage covered by No. 6711-3 from E1/2 sec 8-T114N-61W to acreage described above. No increase in acreage or amount of water appropriated. Proposed acreage is closer to home place and pasture land for grazing purposes.

STATE OF SOUTH DAKOTA)

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

Applicant's signature Oscar Inc. by David Peterson

Subscribed and sworn to before me this 9 day of Feb 20 07

Sandra Schwellenbach

Notary Public signature

8-8-2010

**SOUTH DAKOTA
WATER PERMIT NO. 6711A-3**

Date of first receipt of application February 9, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6711A-3 to Oscar Incorporated, 18892 390th Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6711A-3 amends Water Permit No. 6711-3 by transferring the irrigated acreage and point of diversions to other land. Water Permit No. 6711-3 appropriates 4.34 cubic feet of water per second from two wells to be completed into the Tulare:East James Aquifer (approximately 100 feet deep) located in the centers of the SE ¼ and NE ¼ Section 8 to irrigate 304 acres located in the E ½ Section 8; all in T114N-R61W. This permit authorizes moving the center pivots approximately 2 miles to the southwest with the wells to be located in the centers of the NW ¼ and SE ¼ Section 24 to irrigate 304 acres located in the NW ¼ and SE ¼ Section 24; all in T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and 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 – October 31.
3. The date from which applicant may claim right is April 4, 2006 (established by Permit No. 6711-3).
4. The date of approval of Permit No. 6711A-3 is April 30, 2007.
5. One-fifth of the construction is to be completed on or before April 11, 2009.
6. All construction is to be completed on or before October 11, 2011.
7. Water is to be put to beneficial use on or before October 11, 2015.
8. 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 well authorized by Permit No. 6711A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The applicable portions of Water Permit No. 6711-3 are incorporated into Permit No. 6711A-3.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 10 2007
date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction*test holes by Pullman*

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property approx 600 ftOn property owned by others approx 1/2 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

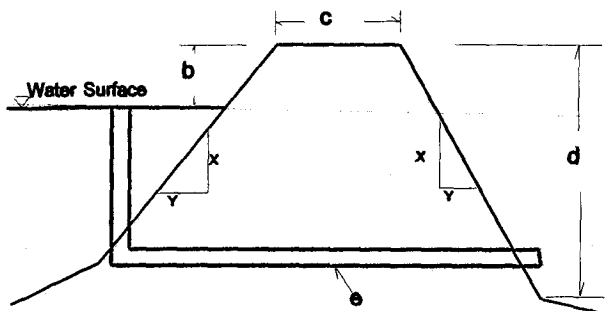
3. Dugout Information

- 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:



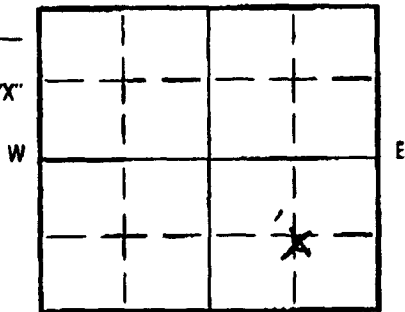
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

OSCAR Peters SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S 1/2 1/4 Sec 24 Twp 114 Rg 62
County SPINK

Please mark well location with an "X"



Well Completion Date

JAN 07

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>3</u> IN	<u>0</u> FT	<u>56</u> FT	<u>5"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>2</u>	_____ lb./gal	<u>0</u> ft	<u>20</u> ft
<u>UREA</u>	<u>2</u>	_____ lb./gal	<u>20</u> ft	<u>54</u> ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 3 IN Length 20 FEET

Material PVC

Slot Size 1025 Set From 56 Feet to 76 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: Re-Disinfect

Laboratory sent to for water quality analysis _____

NO, Why Not? _____

Well Owner: OSCAR PETERSON

Business Name: OSCAR INC

Address: 18892 390th and

Nitchcock Rd.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow clay</u>	<u>0</u>	<u>10</u>
<u>yellow sand</u>	<u>20</u>	<u>40</u>
<u>coarse yellow sand</u>	<u>40</u>	<u>50</u>
<u>coarse grey sand</u>	<u>50</u>	<u>76</u>
<u>Shale</u>	<u>76</u>	<u>80</u>

STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: w/air 1100 gpm

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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WATER RIGHTS PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm _____

Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 12, 2007

RECEIVED OF Oscar, Inc., 18892 390th Ave, Hitchcock SD 57348

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

Fee for Application for Permit No. <u>6711A-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6711A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

2938

By

Garland Erbele

Chief Engineer

(VK)

Scale: 1 inch equals 889 feet

1,250

Feet

N



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall

Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Feb 9, 2007

Application No.



**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. 6711A-3, Oscar, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6711A-3, Oscar, Inc., c/o Floyd Peterson, 18892 390th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6711A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6711A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The applicable portions of Water Permit No. 6711-3 is incorporated into Permit No. 6711A-3.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 5, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6711A-3

For Oscar, Inc.
March 20, 2007

Application No. 6711A-3 proposes to amend Water Permit No. 6711-3 by transferring the irrigated acreage and points of diversion to other lands. Water Permit No. 6711-3 appropriates 4.34 cfs from two wells approximately 100 feet deep located in the centers of the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of section 8 to irrigate 304 acres located in the E $\frac{1}{2}$ of section 8; all in T114N R61W. This application proposes to move the center pivots approximately 2 miles to the southwest with the wells to be located in the centers of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of section 24 to irrigate 304 acres located in the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of section 24; all in T114N R62W. The water source for both this application and the existing permit No. 6711-3 is the Tulare East James aquifer.

AQUIFER – TULARE EAST JAMES (T-EJ)

The Tulare East James is a fully appropriated aquifer based upon water use as determined by the Water Management Board at the July 12th, 2006 Water Management Board Hearing (Goodman, 2006).

At this site the Tulare East James aquifer is under water table conditions. A driller's test well for the site indicates sand beginning at about 20 feet grading to coarse sand to a total depth 76 feet where shale was encountered. The test well had a reported static water level of about 20 feet below land surface and was capable of producing over 100 gpm using air to develop. This test hole was drilled in the SE $\frac{1}{4}$ of section 24 and another very similar test hole was drilled in the NW $\frac{1}{4}$ of section 24.

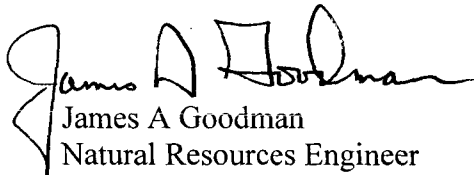
There is an observation well SP-77P located in this immediate area (SE corner of section 24). Water levels for this well show good response to climatic conditions. Water levels rise during wet years (recharge) and gradually decline during dry years. The effects of pumping appear to very slightly. In general, the water level record indicates that the aquifer is capable of sustaining existing withdrawals and that drawdown is not a significant concern (Water Rights, 2007). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/right are located over one mile to the north. Interference is not a concern. At this distance between permitted users drawdown should not be significant. This is also shown by the observation well hydrographs for the area.

CONCLUSIONS

1. This application requests an amendment to Water Permit No. 6711-3. Water Permit No. 6711-3 is a valid permit and can be transferred in accordance with SDCL 46-5-34. Also this request is within the one-half time allowed construction period specified by the permit conditions and by statute (SDCL 46-5-25).
2. Any wells authorized by this amendment must be constructed in accordance with SD Well Construction Standards.
3. Approval of this application should not increase the potential for interference nor adversely affect existing permitted users.
4. The applicant does not offer sufficient justification as required by statute for this amendment request, however this is a board decision.



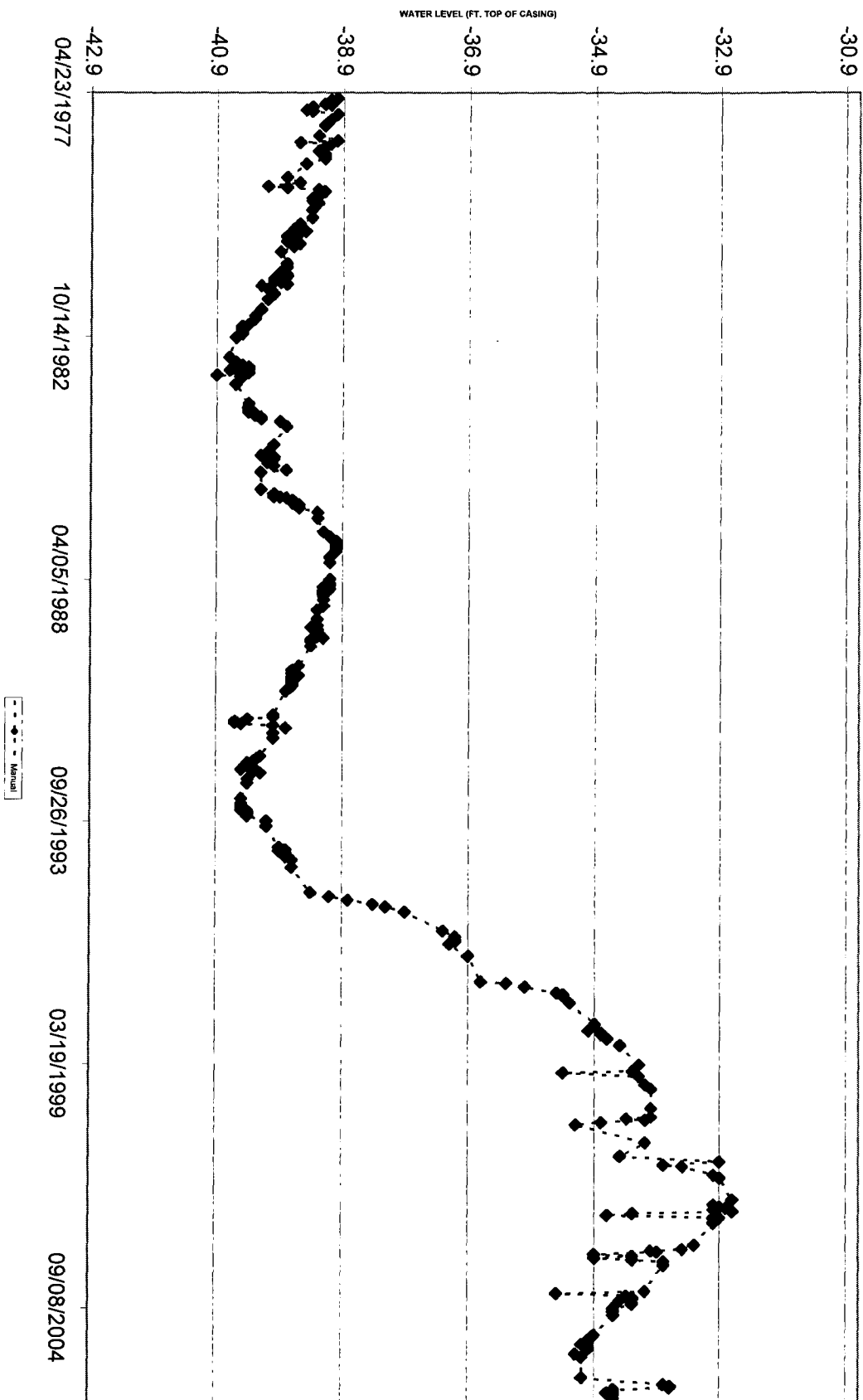
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 2006, Report on Water Permit Application No. 6711-3 for Oscar Inc. and Nos. 6712-3 and 6713-3 for Peterson Farms, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2007, Unpublished Observation Well Records for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
SP-77P



Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

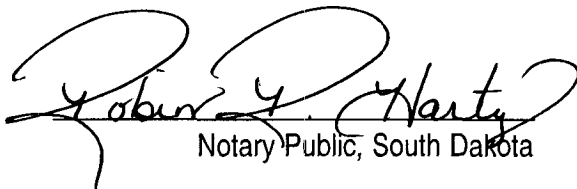
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

160 Notice of Application

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on April 11th, 2007 and the last publication being made on April 18th, 2007 that the full amount of Fifty Five 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 18th day of April, 2007.



Notary Public, South Dakota

My commission expires 06/20/2012

RECEIVED
APR 20 2007
WATER RIGHTS
PROGRAM

Notice of Application

#160

NOTICE OF APPLICATION NO.
6711A-3 to Amend Water Permit No.
6711-3

Notice is given that Oscar, Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed an application for a water permit to amend ~~Water Permit No. 6711-3~~ by transferring the irrigated acreage and point of diversions to other land. Water Permit No. 6711-3 appropriates 4.34 cubic

feet of water per second from two wells to be completed into the Tulare:East James Aquifer (approximately 100 feet deep) located in the centers of the SE 1/4 and NE 1/4 Section 8 to irrigate 304 acres located in the E 1/2 Section 8; all in T114N-R61W. This application proposes to move the center pivots approximately 2 miles to the southwest with the wells to be located in the centers of the NW 1/4 and SE 1/4 Section 24 to irrigate 304 acres located in the NW 1/4 and SE 1/4 Section 24; all in T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Peterson indicates as his justification for this change that the land is nearer to his home place and pasture land for grazing purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6711-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief

Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 30, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. ~~Contact Eric Grenlund at the above Water Rights Program address to request copies of information pertaining to this application.~~ Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
(April 11, 18)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 5, 2007

REDFIELD PRESS
PO BOX 440
REDFIELD SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6711A-3 to Appropriate Water to be published twice. Please publish the first notice on April 11, 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 Oscar Inc, 18892 390TH Ave, Hitchcock SD 57348(Ph # 605-266-2747).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6711A-3

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

Date _____

We are in receipt of your letter of April 5, 2007 enclosing Notice to Appropriate Water by Application No. 6711A-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.

April 5, 2007

OSCAR INC
18892 390TH AVE
HITCHCOCK SD 57469

Dear Messrs. Peterson:

Water Permit Application No. 6711A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on April 11, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6711A-3 to Amend Water Permit No. 6711-3

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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 is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Peterson indicates as his justification for this change that the land is nearer to his home place and pasture land for grazing purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6711-3, because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 30, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



MAY 10 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

6711-3
6711A-3

Oscar Incorporated
c/o Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is Water Permit No. 6711A-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

Note: The applicable portions of No. 6711-3 are incorporated into No. 6711A-3.

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

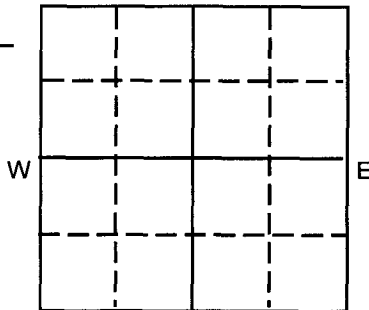
11-02

Location NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24 Twp 114 Rg 62

County

Spink

North



Please mark well location with an "X"

W

E

Well Completion Date

5/18/2007

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	52.0	25.00
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0	50
<u>Volcum</u>	<u>33</u>			
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 15.0 FeetMaterial Stainless SteelSlot Size .057 Set From 52.0 Feet to 67.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Pearock

Describe packer(s) and location

52

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not? _____

Lab sample sent to for water quality analysis

Well Owner: Oscar Peterson

Business Name: _____

Address: 18892 390th AveCity, State, Zip: Hitchcock SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	10
Yellow Gravel	10	18
Yellow Clay few sand strks	18	40
Yellow Gravel	40	50
Sand & Gravel	50	67
Shale	67	

STATIC WATER LEVEL

_____ FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: w/air☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN - 2 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative: _____

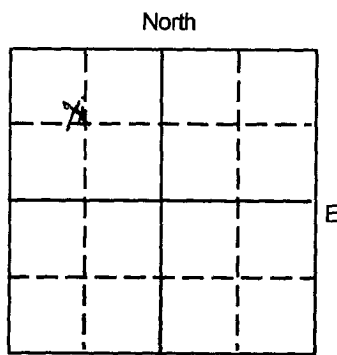
Signature of Well Owner or Equitable Property Holder: _____

Date: _____

1-3-08

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 24 Twp 114 Rg 62County
SpinkPlease mark well
location with an "X"

Well Completion Date

5/23/2007

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	60.0	25.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
Cement	100		0.0	14.0

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 15.0 FeetMaterial Stainless SteelSlot Size .057 Set From 60.0 Feet to 75.0 FeetOther information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? PearockDescribe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?
 Lab sample sent to for
water quality analysis
Well Owner: Oscar PetersonBusiness Name: Address: 18892 390th AveCity, State, Zip: Hitchcock SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	15
Yellow Sand	15	40
Med to coarse Yellow sand	40	54
Med grey Sand	54	75
Shale	75	

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

PSI

GPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPMCan well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air
☐ Bailed

☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

RECEIVED

JAN 16 2008

WATER RIGHTS
PROGRAMThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Ken Palmer

Signature of Well Owner or Equitable Property Holder:

Date:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2010

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

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

Dear Oscar:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6711A-3

I have this day, May 11, 2012, made a thorough examination of the water use system constructed by Oscar Inc, c/o Floyd Peterson, 209 27th St NW, Huron SD 57350 of Water Permit Nos. 6711-3* and 6711A-3, bearing the priority of April 4, 2006 authorizing the diversion of 4.34 cu. ft. per second of the Tulare:East James aquifer for irrigation purposes, in Spink County.

* Permit No. 6711-3 is the originating water permit and No. 6711A-3 transferred to new location. A condition of the permit incorporated No. 6711-3 into 6711A-3.

Inspection contact:

Lenny Peterson, who is Floyd Peterson's son, accompanied me on licensing investigation

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman
- 2) No. of Wells 2
- 3) Depth(s) 75 and 67 feet
- 4) Well logs is available yes

Casing:

- 1) Diameter 16 inches (for both wells)
- 2) Length 60 and 52 feet
- 3) Type Plastic (for both wells)

Screen:

- 1) Type stainless steel (for both wells)
- 2) Length 15 feet (for both wells)
- 3) Static water level no static water level provided on either log. However a test hole in the SE ¼ of Section 24 had a static water level of 20 feet.

Pump:

- 1) Make submersible
- 2) Model _____
- 3) Size _____
- 4) Capacity 800* GPM for each well

* Based on statement by Mr. Peterson on what the well produces to run pivot.

Motor:

- 1) Make _____
- 2) Model No. _____
- 3) Horsepower rating hp

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

- 1) Type _2_ 2) Size 8 inches 3) Length approx. 1,750 feet

Comments: **Well in NW ¼ is very near pivot center and is connected by above ground 8" pipe. Well in approximate center of Section 24 is piped underground approximately 1,750 feet to the pivot center in the center of the the SE ¼ Section 24. Presumably it is a 8" pipeline.**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T-L (both pivots)
- 2) Overall length approx. 1,370 feet (including area with water applied by end gun)
- 3) Number of towers 7
- 4) End gun Yes (both pivots)
- 5) Capacity 800 GPM (both pivots)

Comments:

Chemigation Equipment:

- 1) Does chemigate Yes -chemigation equipment was in place but not hooked up at time of inspection
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electrical
- 7) Injection pump type
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes

Comments:

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes - irrigation commenced in 2007

List any extended period of nonuse: none

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in excellent condition with the point(s) of diversion located as follows: approximately 1,370 feet south and 1,360 feet east of the NW corner Section 24 T114N, R62W (Lat 44.67218 Lon - 98.23572) & approximately 2720 feet south and 2,670 feet east of the NW corner Section 24 T114N, R62W (Lat 44.66848 Lon -98.23065)

2. The works are capable of diverting and conveying to the place of use 3.57 cu. ft. per second of water (800 gpm each well) and is used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 24, T114N, R62W

NW ¼ NW ¼ 33.75 acres

NE ¼ NW ¼ 33.75 acres

SW ¼ NW ¼ 33.75 acres

SE ¼ NW ¼ 33.75 acres

NW ¼ SE ¼ 33.75 acres

NE ¼ SE ¼ 33.75 acres

SW ¼ SE ¼ 33.75 acres

SE ¼ SE ¼ 33.75 acres

comprising a total of 270 acres of land and the license should be issued for 3.57 cfs.

3. All structures, wells and lands on map yes

F. Comments or other permit(s) associated with the project:

- System capacity is based largely on what Mr. Peterson stated that each pivot produces which is (1.78 cfs) 800 gpm for a total of 3.56 cfs.
- Using ArcMap and map.google.com to arrive at 135 acres being irrigated by each pivot.
- Water Permit No. 6711-3 has already been incorporated into No. 6711A-3.

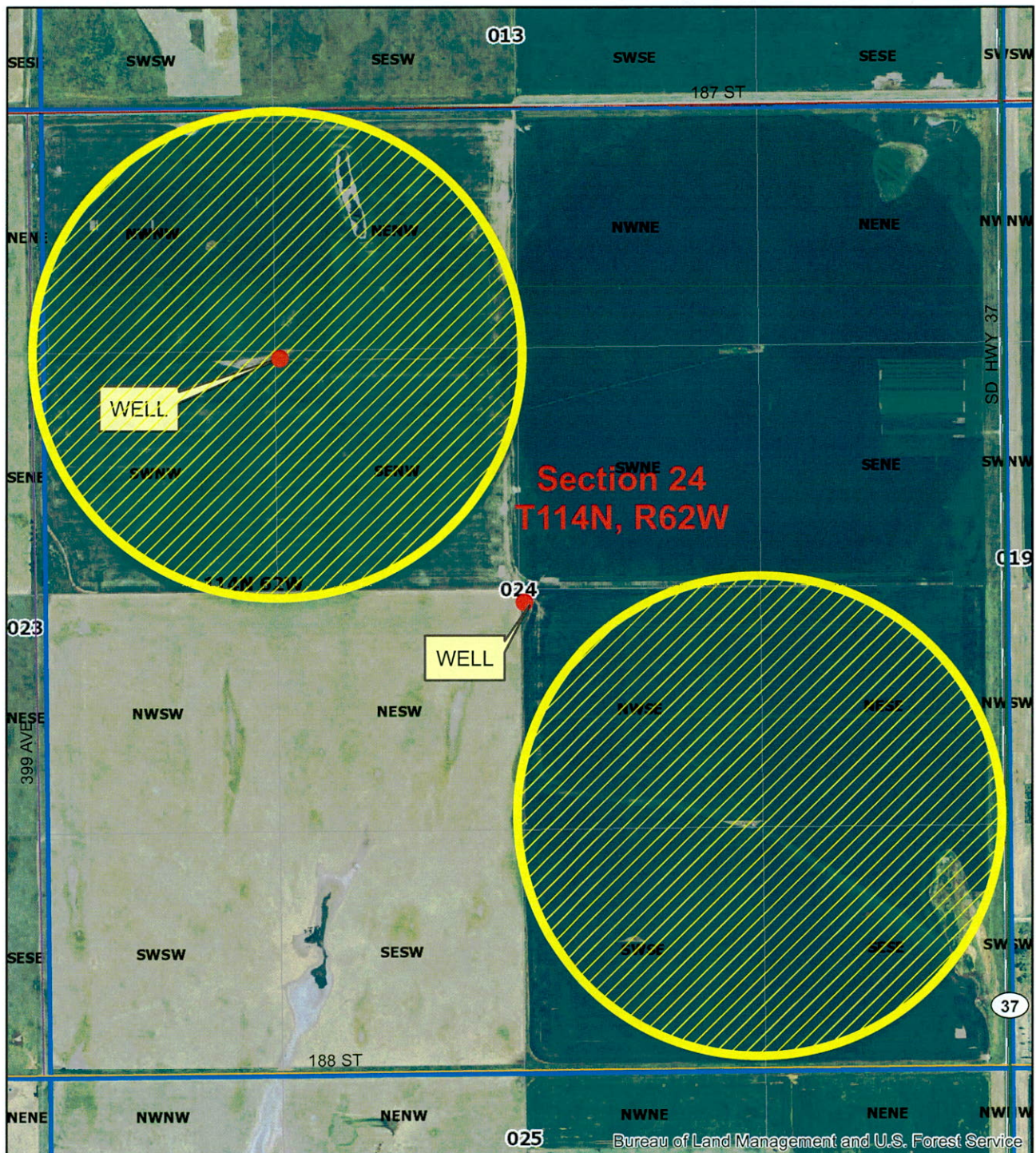


Eric Gronlund

Natural Resources Engineer III
DENR, Water Rights Program

Date report completed: September 8, 2014

Water Permit No. 6711A-3 filed by Peterson Farms (Section 24, T114N, R62W)



0 330 660 1,320 1,980 2,640 Feet



Both wells located in Section 24, T114N, R62W

Reference from NW corner of section

- approximately 1,370 feet south and 1,360 feet east
- approximately 2,720 feet south and 2,670 feet east

Irrigated acres are in NW 1/4 and SE 1/4 Section 24, T114N, R62W

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
licensing investigation - May 24, 2012



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



SEP 24 2014

6711A-3

Floyd Peterson
Oscar Inc
209 27th St NW
Huron SD 57350

Dear Mr. Peterson:

Enclosed is Water License No. 6711A-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 the owner of an existing well, such as the wells authorized by Water Right No. 6711A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6711A-3**

(1) Oscar Inc., 209 27th St NW, Huron SD 57350 made Application No. 6711A-3, February 9, 2007 for a water permit to divert 4.34 cubic feet of water per second from ground water (two wells – Tulare East James Aquifer), Spink County, South Dakota for irrigation purposes. Permit No. 6711A-3, with a priority date of April 4, 2006 was approved April 30, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 11, 2011 and for the application to beneficial use of said water on or before October 11, 2015.

Water Permit No. 6711A-3 amended Water Permit No. 6711-3 by transferring the entire irrigated acreage and points of diversion to other land. An April 4, 2006 priority date as established under No. 6711-3 was retained.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.57 cubic feet of water per second for beneficial use. The location of the diversion points are:

- approximately 1,370 feet south and 1,360 feet east of the NW corner of Section 24, T114N, R62W (SE $\frac{1}{4}$ NW $\frac{1}{4}$ - approximate center of the NW $\frac{1}{4}$);
- approximately 2,720 feet south and 2,670 feet east of the NW corner of Section 24, T114N, R62W (NW $\frac{1}{4}$ SE $\frac{1}{4}$ - approximate center of Section 24);

(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 24, T114N, R62W			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.75 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.75 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.75 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.75 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.75 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.75 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.75 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.75 acres

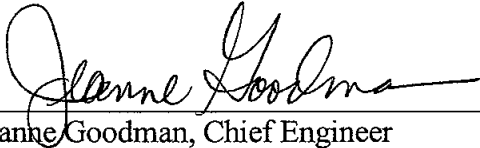
Total – 270 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Oscar Inc., 209 27th St NW, Huron SD 57350 the holder and/or owner of Water Right No. 6711A-3 is issued a license to appropriate water, the right to use 3.57 cubic feet of water per second from ground water (two wells, Tulare East James Aquifer) with a priority date of April 4, 2006 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 Water Right No. 6711A-3 and subject to the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 6711A-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. ***Both wells drilled in May, 2007 by Pullman Well Drilling. Copies of the logs are on file with the Water Rights Program.***

- The applicable portions of Water Permit No. 6711-3 are incorporated into Permit No. 6711A-3.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 24 2014

date

