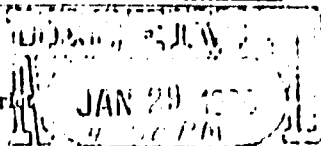


1. Considered 4-6, 1960 Appl. No. 686-2
2. Name of Applicant Marton H. Peterson
3. Post Office Address Sioux Falls
4. Amount of water claimed 1.8
5. Source of water supply Spring & well
6. Water to be used for irrigation & resort operation
Acres to be irrigated 68 ac
7. Water to be diverted and used in Minnehaha County about
2 miles East of Sioux Falls.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred ✓

10. Remarks:

No. 686-3-
 Water Division No. 3 Big Sioux River District
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Merton H. Peterson
 Postoffice address Sioux Falls, County Minnehaha, State South Dakota

- I. If a corporation
- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract and Employment

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Cactus Heights Diversion No. 1 Dam, No. 2 Well3. Amount of water claimed 1.8 cubic feet per second or 800 G. P. M. No. 1
0.11 OR 50 G.P.M. No. 2, (WELL)4. Source of water supply Springs, with earth dam below springs No. 1
No. 2 IS A WELL5. Location of point of diversion Northwest Quarter of Section 12, Township 101, Range
49, West of the 5th P. M. No. 1 on bank Minnehaha County.
No. 2 IS IN S. W. 1/4 OF SEC 126. Annual period or periods during which water is to be used April 1 to October 1 each year No. 1
AS NEEDED ALL YEAR FROM NO. 2 WELL

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation,
FROM NO. 1 ONLY, SPRINKLING FAIRWAYS, GREENS AND TEES.(a) Number of acres to be irrigated 65.0 acres.(b) Legal subdivisions to be irrigated 65 acres in the S 1/2 NW 1/4 and N 1/2 SW 1/4 of
Sec. 12 except S. 5701 of W. 4931

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None FROM NO. 1FROM NO. 2 USE IS FOR CLUB HOUSE, LOCKER ROOMS, KITCHEN AND TO FILL SWIMMING POOL

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use NONE FROM NO. 1, FROM NO. 2 MEMBERSHIP RECREATION AS STATED
 Name any of the above user claimed ABOVE(b) Amount of power to be generated NONE horse power.Amount claimed for engine cooling NONE

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map 1

3. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

No. 1 - Dam with Pumping Plant. SEE FORM 2A FOR RIVER DIVISION No. 2

II. Dimensions of works:

(a) Dam: Height 18 feet; length at bottom 124 feet; length at top

200 feet; thickness at bottom 131 feet; thickness at top 15

feet; slope at front water face 4:1; slope at back face 2:1

material used in construction Earth dam, overflow culvert, earth, concrete spillway

(b) Reservoir: Capacity when filled 5.5 acre feet. Surface area 6, water mark 75 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-FEET CAPACITY

(c)* Head gate: Width 18" Culvert feet; height 7' below top of dam feet;

Material Corrugated Metal Culvert, 6" PIPE WITH VALVE 15 FEET BELOW DAM, FOR FLOW AT LOW WATER

(d) Canal: Total length none miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1 years.

11. Time required for complete application of water to the proposed beneficial use 7 mo. each year.

12. Choice of newspaper for publication of notice of intention to appropriate Argus-Leader

Sioux Falls, South Dakota

STATE OF SOUTH DAKOTA

County of

Musselshell

ss.

I, MERTON H. PETERSON

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Merton H. Peterson

Subscribed and sworn to before me this

29th

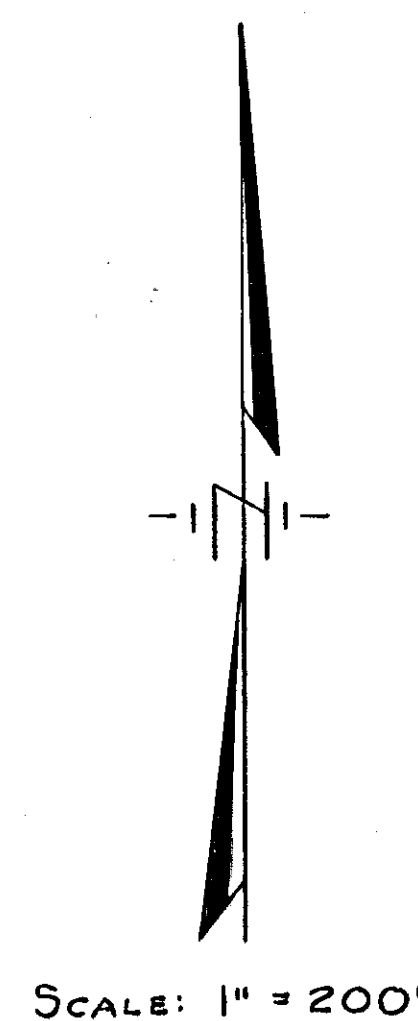
day of

January

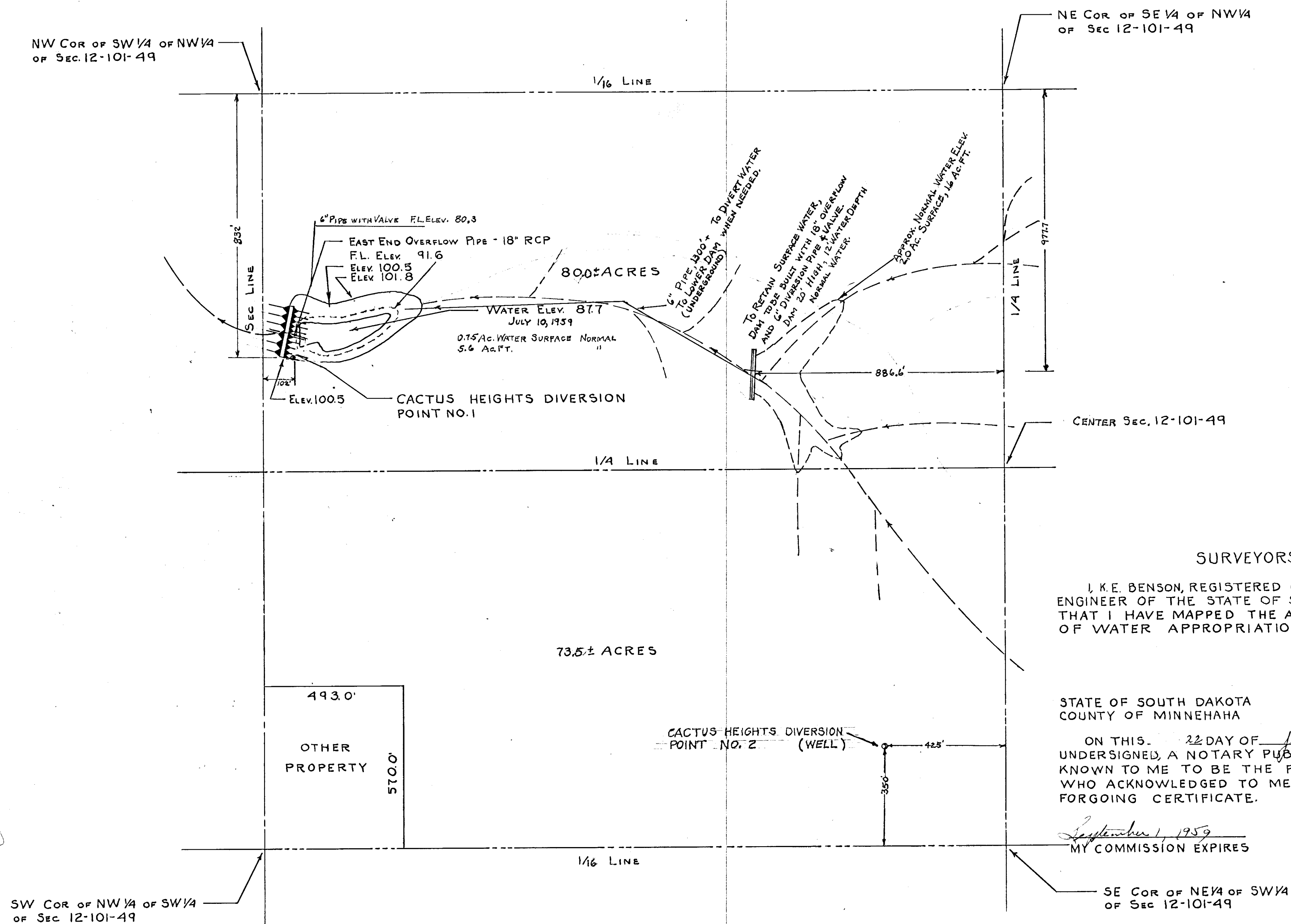
1960

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SCALE: 1" = 200'



SURVEYORS CERTIFICATE

I, K.E. BENSON, REGISTERED LAND SURVEYOR AND PROFESSIONAL ENGINEER OF THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT I HAVE MAPPED THE AREA AS SHOWN FOR PURPOSES OF WATER APPROPRIATION FOR IRRIGATION.

K.E. Benson
K. E. BENSON

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

ON THIS 22 DAY OF July, 1959, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, APPEARED K.E. BENSON WELL KNOWN TO ME TO BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FORGOING CERTIFICATE.

September 1, 1959
MY COMMISSION EXPIRES

Laurel E. McCormick
NOTARY PUBLIC

CACTUS HEIGHTS DIVERSION NO. 1 AND 2.

NO. 1 - IN THE S 1/2 OF THE NW 1/4 SEC. 12-101-49

NO. 2 - IN THE N 1/2 OF THE SW 1/4 SEC. 12-101-49

Map No 526-3
(App. No 686-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 26, 1960

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock
P.m. upon the 29th day of January, 1960

State Water Resources Commission

By: Donald J. Jones

for Chief Engineer, Executive Officer

Number of permit 686-3

Date of first receipt of application January 29, 1960

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right January 20, 1960

Approved June 8, 1960, Recorded in Book 6 Page 97

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

December 8, 1960

2nd. The whole of said work is to be completed on or before June 8, 1961

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

June 8, 1961

4th. The water appropriated shall be used for the purpose of irrigation & operation

of Country Club

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.8 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 8, 1961; said water to be used during the following described annual period:

1.8 cfs - April to September inclusive

.11 cfs continuously

Witness my hand this 26th day of July, 1960

State Water Resources Commission

By: John Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 17, 1970

Water License Issued DECEMBER 17, 1970

D. (Continued) CACTUS HEIGHT'S DIVERSION No. 2

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 6" , Depth 270'

Type of casing STEEL 19.45#
(wood, concrete, steel, etc.)

Size of casing 6" Thickness of casing 0.28'

Length of casing 270' If collection gallery, length, size and depth of gallery NONE

(b) Screens

Type of perforated screen ONE

Size of perforated screen (diameter) (length)

Thickness of gravel pack NONE , length of gravel pack

(c) Water Bearing Materials

Distance to water 265' Character of water bearing materials BLACK SHALE

Thickness of water bearing material DRILLED 5' INTO STRATA

(d) Pump and Motor

Type of pump SUBMERSIBLE
(centrifugal, propeller, mixed flow, etc.)

Name of pump RAPID DAYTON , size 6"

Kind of motor ELECTRIC
(gasoline, electric, diesel, etc.)

Horsepower 3 Name of Motor NEMO

e) Complete well

Capacity 50 G.P.M. at drawdown of 20 Estimated cost 2300.00

(f) Owner of land upon which well is located MERTON H PETERSON
Name

3014 EAST 10 ST, SIOUX FALLS, S.D.
Address

(g) Distance to nearest existing wells

On same owner's property NONE rods. On property owned by others 120 rods

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 686-3

(1) WHEREAS, On the 29th day of January A. D. 19 60
Merton H. Peterson

made Water Right Application No. 686-3 for a permit to use 1.2 cubic feet per second of the waters
of a spring, runoff and ground water

County of Minnehaha State of South Dakota, for irrigation and blubhouse use
purposes; and

(2) WHEREAS, On the 26th day of July A. D. 19 60
Permit No. 586-3 with a date of priority of January 29, 1960

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 8th day of June A. D. 19 62 and for the
application to beneficial use of said water on or before the 8th day of June A. D. 19 62

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .67 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

For irrigating 65 acres of the 153.5 acres owned by Merton H. Peterson

in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12, T101N, R49W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Merton H. Peterson

_____ of Sioux Falls, S.D.

the holder _____ and owner _____ of said permit No. 686-3 a water right, dating from January 29, 1960

_____ to use of .67 cubic feet per second of the waters of _____ , runoff and ground water

in the County of Minnehaha and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a Dam 832 feet South and 102 feet East of the NW

Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and a well, 350 feet North and 425 feet West of the SE

Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T101N, R49W

and conduct to and upon 65 acres of the 153.5 acres owned by Merton H. Peterson in the

S $\frac{1}{2}$ NW $\frac{1}{4}$ and R $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12, T101N, R49W

for the purpose of irrigation and clubhouse use

Subject to any limitations listed in Water Right Permit No. 686-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 17th day of December A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 686-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Nerton H. Peterson

_____ the holder _____ of
Permit No. 686-3, issued upon Application No. 686-3, bearing date of priority of January 29,
1960 authorizing the diversion of 1.8 cu. ft. per second of the waters of _____
a spring, runoff and County of Minnehaha, State of South Dakota at _____
ground water
a Dam 832 feet South and 102 feet East of the NW Corner of the SW 1/4 NW 1/4
and a well, 350 feet North and 425 feet West of the SE Corner of the NE 1/4 SW 1/4,
Section 12, T101N, R42W, for irrigation and clubhouse use

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.8 cu. ft. per second of water.

Date December 17, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

(First Publication ~~on or before March 10, 1960~~)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., February 1, 1960

Notice is hereby given that Merton H. Peterson whose postoffice address is Sioux Falls S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.7 cubic feet of water per second of time from ~~the ground water and springs~~ through the Cactus Heights Diversion, the point of diversion of which ~~is~~ ^{are} to be located ~~on~~ ⁱⁿ the SE 1/4 NW 1/4 and ~~the~~ ⁱⁿ the NE 1/4 of the NE 1/4 of Section 12 Twp. 101N Range 49W. Said water to be used for the purpose ~~of irrigating the land~~ ^{for commercial uses in proposed club house, locker rooms, swimming pool, and for irrigating a 65 acre golf course.}

~~XXXXXX~~ proposed

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 1960, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

Enc: **W.H. Leopard-Manager**
Sioux Falls Argus Leader
Sioux Falls, Sov. Dakota

~~Chief Executive Officer~~
Burton F. Jones
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Minnehaha } ss.

W. T. Haggar being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Sioux Falls Argus Leader a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the _____

City of Sioux Falls County of Minnehaha and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 8, 1960

February 15, 1960

February 22, 1960

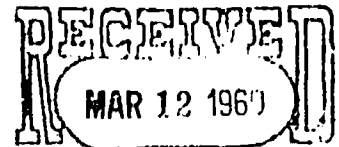
February 29, 1960

in each and every issue of the full number thereof, the first publication being made on the 8th day of February 1960 and the last publication on the 29th day of February 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was comptroller the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 29th day of February A. D. 1960

Notary Public Minnehaha County, S. D.

Eleanor Tague
 My Commission Expires
 June 30, 1966



STATE WATER RESOURCES COMM
 MEMPHIS, TENN.

APPROPRIATION OF WATER No. 3463
 Office of State Water Resources Commission, Pierre, S.D., Feb. 4, 1960.

Notice is hereby given that Merton H. Peterson whose postoffice address is Sioux Falls, S.D., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from ground water and springs through the Cactus Heights Diversion, the points of diversion of which are to be located in the SE 1/4 NW 1/4 and in the NE 1/4 of the NW 1/4 of Section 12, Twp. 131N, Range 40W. Said water to be used for the purpose commercial uses in proposed club house, locker rooms, swimming pool, and for irrigating a 65 acre golf course. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of April, 1960, at 2 p.m. All interested person may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

—State Water Resources Commission.
 —Burton F. Jones,
 Water Right Specialist.
 Enc: W. H. Leonard-Manager,
 Sioux Falls Argus-Leader,
 Sioux Falls, South Dakota
 (Feb. 4, 15, 22, 29)

580
 SE 1/4 NW 1/4 12

WATER RESOURCES COMMISSION
OF THE
STATE OF SOUTH DAKOTA

IN RE APPLICATION OF MERTON *
H. PETERSON TO APPROPRIATE * No. 686-3
WATER * OBJECTIONS

* * * * *

Come now Margaret Hayes and Blanche Hayes and objects to the foregoing Application to appropriate 1.8 cubic feet of water per second of time from ground water and springs insofar as the same relates or is intended to relate to the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, Township 101, Range 49, Minnehaha County, South Dakota, or works constructed or to be constructed thereon, for the following reasons, to wit:

I

That the objectors are the owners in fee of the NE $\frac{1}{4}$ of Section 11, in said Range and Township, abutting the above described property on the west, and that a natural stream having its source from springs located near the west boundary of the first above described property has flowed therefrom from time immemorial over the above described property of the objectors and that the flow of said stream has at all times prior to the acts hereinafter mentioned been sufficient to meet all stock watering needs of the objectors and their tenants; that the section line between said pieces of real property is a highway by virtue of the provisions of SDC 28.0102 and 28.0105 as amended by Chapter 132 of the Laws of 1953.

II

That in about the month of September, 1958, the above named applicant, his agents, employees and assigns, constructed a large earthen dam across said stream and mainly upon said section line highway without complying with Chapter 430 of the South Dakota Session Laws of 1955 and the rules and regulations of the above named Water Resources Commission, and without making any application therefor or filing any location certificate and without any authority of law whatsoever and in such

manner as to completely obstruct the flow of said natural stream and to appropriate all of the water therefrom and that since said time no water has flowed through the course of said stream except periodic overflows of surface water.

III

That said dam is so constructed that the overflow therefrom does not immediately flow into the course of said stream, but flows onto the land of the objectors in such manner as to erode and wash away the same and eventually to destroy a considerable area thereof.

IV

That in addition to said acts, the said Merton H. Peterson, his agents, employees and assigns, have dug out and tampered with said springs and partially obstructed the flow thereof by the construction of said dam over a portion of said springs and the storing of the flow thereof and additional surface water thereover, and by the sinking of a well below said dam and in said section line highway and in a portion of said springs capable of withdrawing large quantities of water therefrom and by pumping from the same into the reservoir above said dam.

V

That the said Merton H. Peterson, his agents, employees and assigns, have been using all of the water thus appropriated to irrigate the grounds of a golf course known as the Cactus Heights Country Club and that during the summer of 1959 the objectors and their tenant were compelled to obtain water for the livestock pastured and kept upon their said land from other sources.

WHEREFORE, the objectors pray that said application be in all things denied.

Margaret Hayes
Blanche Hayes
Objectors

State of South Dakota)
 : ss
County of Minnehaha)

Margaret Hayes and Blanche Hayes, being first severally

duly sworn, each for herself deposes and says that she is one of the objectors above named; that she has read the foregoing Objections and knows the contents thereof; and that the same are true of her own knowledge.

Margaret H. H. H.
vs Blanche H. H. H.

Subscribed and sworn to before me
this 2nd day of April, 1960.

Thas H. H.

Notary Public - South Dakota

My commission expires June 27, 1961.

April 11, 1960

Mr. Merton H. Peterson
120 S. Duluth
Sioux Falls, South Dakota

Dear Mr. Peterson:

You are hereby notified that your application No. 686-3 for a permit to appropriate water from Springs and Ground Water through the Cactus Heights Diversion has been duly examined, that notice of your intention has been duly published, and that the matter was taken up by the State Water Resources Commission at their office on April 6, 1960, and one objection was received.

The Commission deferred action on your application pending further investigation by the Water Resources Commission staff.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:BJ:ls

AGREEMENT
EASEMENTS AND COVENANTS

WITNESSETH THIS INSTRUMENT, made this 25th day of May, 1960, by and between Margaret Hayes, a widow, and Blanche Hayes, a widow, parties of the first part, and Morton H. Peterson, Sioux Falls, South Dakota and Cactus Heights Country Club, a corporation, of South Dakota, parties of the second part, to-wit:

WHEREAS, the parties of the first part are the owners in fee of the Northeast Quarter (NE $\frac{1}{4}$), except that portion thereof lying North and West of the Big Sioux River, in Section Eleven (11), Township One Hundred One (101), Range Forty-nine (49), West of the 5th P.M., Minnehaha County, South Dakota, and the second parties are the owners of the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$), and the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) except the South Five Hundred Seventy Feet (S.570') of the West Four Hundred Ninety-three Feet (W.493') thereof, in Section Twelve (12), Township One Hundred One (101) North, Range Forty-nine (49), West of the 5th P.M., in said County and State.

WHEREAS, a natural stream having its source from springs located upon said property of the parties of the second part, flows therefrom through the said property of the first parties to the Big Sioux River, the parties hereto being the sole riparian owners upon said stream, and

WHEREAS, the parties of the second part have constructed a dam across said stream, and the parties hereto are desirous of adjusting their rights in and to the waters of said stream.

NOW, THEREFORE, the parties of the first part, in consideration of the covenants hereinafter contained and the continued performance of said covenants, grant to the parties of the second part, their heirs, successors and assigns the easement, right, use, and privilege to use the whole flow of water from said springs and stream, after furnishing water to the first parties, their heirs, successors and assigns as hereinafter provided, for the irrigation, use and beautification of the said property of the second parties.

In consideration of the grant of the foregoing easement, the parties of the second part for themselves, their heirs, successors and assigns, do covenant and agree to and with the parties of the first part, their heirs, successors and assigns, to install and perpetually maintain

an adequate stock-watering tank conveniently located upon said property of the first parties, together with all fittings, piping and attachments necessary to supply and regulate the flow of water therein and thereto and to continuously and perpetually supply a flow of water into said tank, before any water is used for any other purpose whatsoever, sufficient to water the livestock kept upon said property of the parties of the first part and such additional pastures, not exceeding 160 acres, as may be owned, leased, or used appurtenant thereto, from all waters, including surface waters, impounded by the dam constructed by the second parties upon their said property hereinbefore referred to;

AND IT IS FURTHER COVENANTED AND AGREED that the parties of the second part will perpetually maintain said dam and do such grading around it as is necessary to eliminate washing and erosion upon the said land of the first parties.

IT IS FURTHER AGREED by and between the parties hereto, their heirs, successors and assigns, that in the event the parties of the second part, their heirs, successors or assigns, shall at any time fail to perform their covenants and agreements herein contained, and such failure to perform shall continue for a period of thirty days after written notice thereof, then, and in that event, all rights, easements and privileges herein granted to the second parties by the first parties, shall be terminated and shall revert to the parties of the first part, their heirs, successors and assigns, and such grants herein contained shall become null and void.

It is distinctly covenanted and agreed between the parties hereto that all the grants, covenants and agreements above expressed shall be held to run with and bind the land of the respective parties, and the subsequent owners and occupants thereof.

IN WITNESS WHEREOF, the parties hereto have placed their hands and seals on the day first above written.

Margaret H. Hayes
Blanche Hayes
Parties of First Part.

Merton H. Peterson
Merton H. Peterson

CACTUS HEIGHTS COUNTRY CLUB

By Merton H. Peterson
Its President

(CORPORATE SEAL)

Parties of Second Part

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } SS

On this 25th day of May, 1960, before me,
Chas. Lacey, the undersigned officer, personally
appeared ~~Margaret Hayes, a widow, and~~ Blanche Hayes, a widow, known
to me or satisfactorily proven to be the persons whose names ^{is} ~~are~~
subscribed to the within instrument and acknowledged that she executed
the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires
(Seal)

June 27, 1961

Chas. Lacey
Notary Public - South Dakota

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } SS

On this 25th day of May, 1960, before me,
Raymond E. Dana, the undersigned officer, personally appeared
Merton H. Peterson, known to me or satisfactorily proven to be the person
whose name is subscribed to the within instrument and acknowledged that
he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires
(SEAL)

Oct 1, 1961

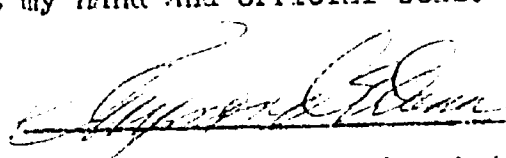
Raymond E. Dana
Notary Public - South Dakota

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) SS

On this 25th day of May, 1960, before me,
personally appeared Merton H. Peterson, who acknowledged himself
to be the President of CACTUS HEIGHTS COUNTRY CLUB, a
corporation, and that he, as such President being authorized
so to do, executed the foregoing instrument for the purposes therein
contained, by signing the name of the corporation by himself as
President.

In witness whereof I hereunto set my hand and official seal.

My commission expires Oct 25, 1965

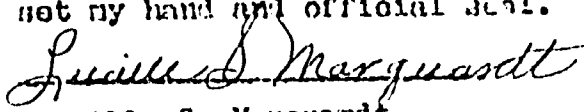

Notary Public - South Dakota

(SEAL)

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) SS

On this the 25th day of May, 1960, before me,
Lucille S. Marquardt, the undersigned officer, personally
appeared Sibyl M. Riewert, known to me or satis-
factorily proven to be the person whose name is subscribed as
attorney in fact for Margaret Hayes, a widow, and acknowledged
that she executed the same as the act of her principal for the
purposes therein contained.

In witness whereof I hereunto set my hand and official seal.


Lucille S. Marquardt
Notary Public - South Dakota

My commission expires July 10, 1960.

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

March 13, 1961

(date)

Dear Sirs:

I hereby request that an extension of time from June 8, 1961
to June 8, 1962 be granted me for the completion of works to be done under Permit No.
686-3 and that the time for proof of beneficial use of water be extended to June 8, 1962

Said works are located in Minnehaha County and are described
as follows: Sixty-five acres in the South Half of the Northwest Quarter, and the North
half of the Southwest Quarter of Section 12, except the South 570 Feet of the West 493 feet,
Township 101 North, Range 49 West.
Location of headworks: In the (1) Southeast 1/4 of the Northwest 1/4
of Section 12 Township 101 North Range 49 West and
(2) Northeast 1/4 of the Northwest 1/4 of Section 12, Township 101 North, Range 49 West.
E., B.H.M.

The water is to be used for the purpose of No. 1 Only, sprinkling fairways, greens and tees;
No. 2 for club-house, locker-rooms, kitchen and fill swimming pool.

The extension of time for the completion of these works is requested for the following reasons: _____
Fairways and greens for nine holes of the eighteen-hole golf course could not be
completed during the 1960 growing season and the irrigation system could not be in-
stalled prior to June 8, 1961.

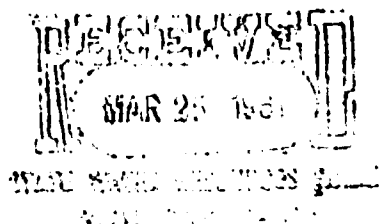
APPROVED:

State Water Resources Commission

March 15, 1961
Tracy B. Allen
PRES., CACTUS HEIGHTS COUNTRY CLUB
Holder of Permit No. 686-3

By:

Chief Engineer, Executive Officer
Water Rights Specialist



REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 686-3 Approval Date June 8, 1960

This Permit authorized the diversion of 1.8 cubic feet
per second of water from 65 Springs + Earth Dam to irrigate
65 (Golf Course) acres in Section 12, Township 101,
Range 49, County Minnehaha.

Name and Address shown on Permit Marton H. Peterson
3014 E 10th
Sioux Falls, S. Dak

Name and Address of present owner of land Same

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE
SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed.
The present landowner has been informed that cancellation of
Water Permit No. _____ will be considered by the Water
Resources Commission and he will be notified of the date, time
and place of such consideration. _____
2. Some questions exists and further consideration is advisable.

3. ☒ The irrigation system was completed within the five year period
and is being used. A final inspection should be scheduled.

REMARKS: Used still for irrigating Cactus Heights
Golf Course. Ready for inspection

Contact Date 7-30-69

Signature Wm. J. Elliott

Permit No. 686-3Water Division 3 BIG SIOUX RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Merton H. Peterson
of R.R. #2, Box 42B, Sioux Falls, S.D. holder
of Permit No. 686-3, bearing date of priority of January 29th, 1960
authorizing the diversion of 1.8 cu. ft. per second of the waters of spring, runoff and ground water
for golf course irrigation & clubhouse use purposes, in Minnehaha County.

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

The Water Use System consists of.

A. Works used to divert the water:

Well, 270 ft. deep, 6 in. casing, with Rapid Dayton, 3 HP submersible pump.
Low earth dam, 0.75 acres surface area, 5.5 acre-feet volume, fed by spring and
runoff waters
Peerless centrifugal 4 inch pump
Chrysler, Industrial engine, Mod. 52, Natural gas

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

6200 yards of underground pipe, 3 to 8 inch transite, but mostly 2 and 3 in. plastic.

C. Works used to apply water to beneficial use.

Ten Rainbird 70-B sprinklers

The system is in the following condition: good

The point of diversion is located Dam, 832 ft. south and 102 ft. east of NW Corner of
SW $\frac{1}{2}$ of NW $\frac{1}{2}$, Sec. 12, T101N, R49W and a well, 350 ft. north and 425 ft. west of SE
Corner of NE $\frac{1}{2}$ of SW $\frac{1}{2}$, Section 12, T101N, R49W

Corner of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 12, 1101N, R45W

The works are capable of diverting and conveying to the place of use 0.67

cu. ft. per second of water which is to be used for golf course irrigation and club house use

Water has been put to beneficial use to the maximum extent as follows: 18 fairways, 18 tees and
18 greens covering 65 acres of the 153.5 acres owned by Merton H. Peterson
in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12, T101N, R49W

comprising a total of 65 acres of land.

Depth of water less than 10'

Date December 2, 1970

Date _____
Donald P. MacCall

 (Signature)

DONALD DRISCOLL, ^(Signature) Deputy Chief Engineer, W. R. C.



CACTUS HEIGHTS GOLF COURSE • HIGHWAY 11 EAST • R.R. #6 • BOX 422
SIOUX FALLS • SOUTH DAKOTA • 57101 • PHONE 605-332-9675
GOLF SHOP • FLOYD FARRAND

1/3/82

Water Management Board
Joe Foss Bldg.
Pierre, S.D.

Dear Sir:

Sorry that this is so late, but it was given to me this
past month, and as I also teach did not get to this.

I do not have any idea of the rate our pumps puts out water,
and all who I have visited with do not know either.

We run 13 one inch hoses sprinklers at 80 lb. pressure, if
that will help.. It would be my guess that the rate would be 200 to
300 gal. per m.

If we can do anything else please write to me at the
address below: Floyd Farrand
191 So. First Ave. 338-1093
Sioux Falls, S.D. 57105

Sincerely,
Floyd Farrand
Floyd Farrand

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

MERTON H. PETERSON
1911 S 1ST
SIOUX FALLS, SD 57105

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

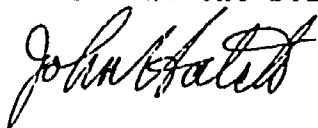
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 686-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 686-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 13, 1987

686-3

Merton Petersen
1911 S 1st
Sioux Falls, SD 57105

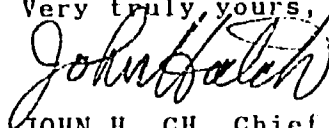
Dear Mr. Peterson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 686-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN H. CH, Chief Engineer
Water Rights Division
605 773-3352



January 5, 1993

686-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

No. 686-3

R. Peterson
298 Ranch Oak Place
Sioux Falls, SD 57107

Dear Mr. Peterson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 686-3. The water right is currently listed in the name of Merton H. Peterson.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.5 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



686-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 31, 1993

SECOND NOTICE
PERMIT NO. 686-3

R. Peterson
29B Ranch Oak Place
Sioux Falls, SD 57107

Dear Mr. Peterson:

On January 5, 1993, notice was sent to you concerning the transfer of Water Right No. 686-3 in the name of Merton H. Peterson. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATION SIGNATURE

SENDER

- Attach to mail to be sent by registered mail or insured mail.
- Attach to mail to be sent by certified mail.
- Attach to mail to be sent by registered mail or insured mail on the reverse of this form so that we can return it to you.
- Attach to mail to be sent by registered mail or insured mail on the front of the mail piece, or on the back of space provided.
- Write your name and address on the mail piece below the article number.
- Write the date of delivery on the mail piece below the article number.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

Article Addressed to:

686-3

4a. Article Number

P 318 052 511

R. Peterson
29B Ranch Oak Place
Sioux Falls, SD 57107

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

4-193

Signature (Addressee)

Signature (Sender)

L. G. Goshaw RR12

8. Addressee's Address (Only if requested and fee is paid)

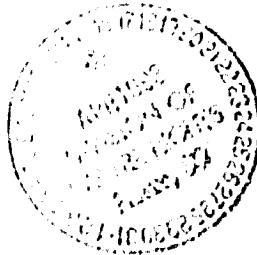
NOTICE OF TRANSFER OF OWNERSHIP

686-3

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

No. 686-3

Date: April 2, 1993



I/We request that Water Right No. 686-3

formerly owned by Merton H Peterson

be transferred to (name & address) Kelly Peterson

686-3 (Telephone No) 332-7338

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

66 acres - S 1/2NW 1/4 and N 1/2SW 1/4 Section 12, T10N, R49W

I/We understand that the validity of Water Right No. 686-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of _____)

I/We Kelly Peterson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Kelly Peterson
(Signed)

Subscribed and sworn to before me this 2 day of April, 19 93.

Kelly Peterson
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

Division of Water Rights

Pierre, April 15, 1993

Information is being provided in this document as required as provided for by law;

By John H. Hatch (Snr)
Chief Engineer



686-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 16, 1993

No. 686-3

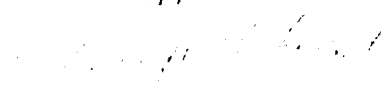
Richard T. Peterson
29B Ranch Oak Place
Sioux Falls, SD 57103

Dear Mr. Peterson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 686-3.

Our records now show you as the owner of Water Right No. 686-3.

Sincerely,


Cheryl P. Frost
Secretary
Water Rights Division
(605) 773-2452

enclosure



686-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 16, 1994

RICHARD T PETERSON
29B RANCH OAK P
SIOUX FALLS SD 57103

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 686-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 686-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



686-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

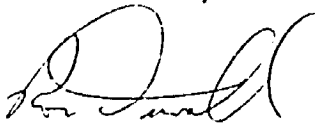
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 7, 1994

686-3

NOTICE

TO: Richard T Peterson, 29B Ranch Oak Place, Sioux Falls, SD
57103

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division 

SUBJECT: Unclaimed Certified Mail - Irrigation Questionnaire
Violation

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 17, February 22 and March 5, 1994 to pick up and sign for the certified mail.

The meeting time and place, specified in the attached notice, has been changed. The hearing has been rescheduled as follows:

April 6, 1994 at 9:30 a.m. in the Conference Room of the
Floyd Matthew Training Center, Joe Foss Building, 523 E
Capitol, Pierre, SD.

If you have any questions, please contact Genny McMath, (605)
773-3352.

enclosure

CERTIFICATION

I hereby certify that on March 7, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1994, along with the Notices dated February 16, 1994, regarding Unclaimed Certified Mail, Return Receipt Requested - Irrigation Questionnaire Violation. The Notices dated February 16, 1994, were regarding violation for not submitting the 1993 Irrigation Questionnaire's. These notices were sent out certified, Return Receipt Requested, but were returned by the U.S. Post Office as "Unclaimed." These notices were mailed out to the names and addresses stated below:

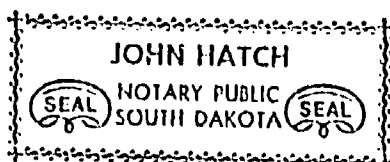
- Water Permit No. 1797-2: Lyle Hartshorn
RR 3, Box 16
Hermosa, SD 57744
- Water Permit No. 686-3: Richard T. Peterson
29B Ranch Oak Place
Sioux Falls, SD 57103
- Water Permit No. 3628-3: Kelvin Kronaizl
RR 1, Box 63
Gayville, SD 57031
- Water Permit No. 5382-3: John & Joe Arthur
RR 1, Box 56
Clark, SD 57225

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of March, 1994.



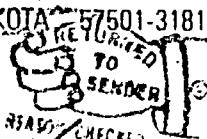
John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

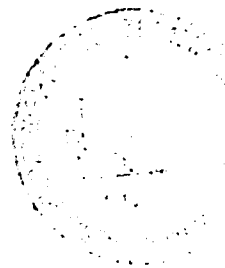
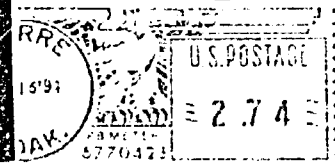


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181



READY CHECKED
Unclaimed ☒ Refused ☐
Attempted Not known ☐
Insufficient Address ☐
No such street number ☐
No such office in state ☐
Do not re-mail in this form



Name _____
1st Notice 2-17
2nd Notice 2-27
Return 3-5

FINAL NOTICE

686-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 7, 1994

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Richard T Peterson, 29B Ranch Oak Place, Sioux Falls, SD 57103

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

A handwritten signature in black ink, appearing to read "Ron Duvall", is placed next to the "FROM:" line.

SUBJECT: Amendment to Water Right No. 686-3

Pursuant to the provisions of the notice dated February 16, 1994, and following the hearing April 6, 1994, the Water Management Board has amended Water Right No. 686-3 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Water Right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right. Suspension would mean that no water may be pumped for up to one year, for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.



686-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: RICHARD T PETERSON, #9 CLUB VIEW DRIVE, SIOUX FALLS, SD 57110
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 686-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 686-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 686-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

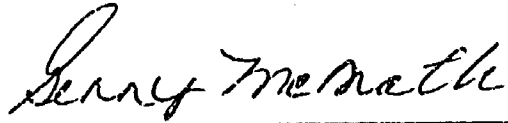
If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

CERTIFICATION

I hereby certify that on February 15, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 15, 2001, regarding Unclaimed Certified Mail Concerning Violation of Water Right No. 686-3, addressed:

Richard T. Peterson
#9 Club View Dr
Sioux Falls, SD 57110

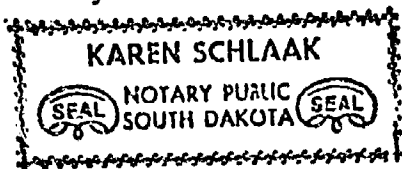


Genny Mc Math
Environmental Scientist

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of February, 2001


Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

RETURN SERVICE REQUESTED



7000 0600 0026 9814 2119



RICHARD PETERSON
#9 CROSBY VIEW DRIVE
SIOUX FALLS SD 57110

1-20
1-20
1-20

NAME
1st Notice
2nd Notice
Return





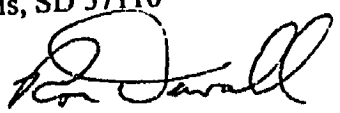
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2001

NOTICE

TO: Richard T Peterson, #9 Club Drive, Sioux Falls, SD 57110

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 686-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 29th and 25th to pick up and sign for the certified mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

. enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

March 9, 2001

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Richard T Peterson, #9 Club View Dr., Sioux Falls, SD 57110

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 686-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board has ordered:

That Water Right No. 686-3 be suspended until December 31, 2001, for failure to submit the 2000 Irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 Irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the 2000 Irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Richard Peterson, 29B North Ranch Oak Place, Sioux Falls, SD 57110

DATE: April 17, 2001

TELEPHONE: 360-9403

RE: irrigation questionnaire for Water Right No. 686-3

COMMENTS:

The irrigation questionnaire for Water Right No. 686-3 was received from Mr. Peterson on April 9, 2001. I called Mr. Peterson to find out if he received the January "Notice" from us scheduling a hearing concerning the delinquent irrigation questionnaire and also the "Notice" dated March 9, 2001 concerning the Board's action to suspend his water right. He said no. The only correspondence he received from us was the questionnaire back in October.

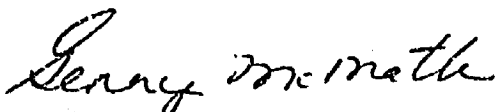
The address the initial questionnaire was mailed to was #9 Club View Drive, Sioux Falls, SD. Mr. Peterson stated that is their old business address and not his home address.

The follow-up notice in January was sent Certified Mail. Mr. Peterson did not sign for the notice and it was returned to us marked "unclaimed". I resent the notice regular mail and did not receive it back as undeliverable so I assumed he received it. The March 9th notice was sent regular mail also and was not returned to us.

Mr. Peterson contends that he didn't receive either of those notices. I told him that the matter would be brought back before the Board at their May 2nd hearing. At that time, I would request the Board to rescind the suspension because the notices were mailed to the incorrect address.

RECOMMENDED ACTION:

- Change the address on the files for Mr. Peterson to "29B North Ranch Oak Place, Sioux Falls, SD 57110".
- Schedule the matter before the WMB to have the suspension of the water right rescinded.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 2001

NOTICE

TO: Richard Peterson, 29B N Panch Oak Place, Sioux Falls, SD 57110

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Reinstatement of Water Right No. 686-3

On May 2, 2001, the Water Management Board passed a motion to reinstate Water Right No. 686-3, effective immediately.

The staff recommended to the Board that the water right be reinstated because correspondence sent to you on January 19, 2001 and March 7, 2001 were not mailed to your correct address. The address has been corrected and future correspondence will be mailed to the address listed above until you notify us otherwise.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program. Your irrigation questionnaire was received on April 9, 2001. The deadline for submitting the form was December 1, 2000. Please keep in mind that violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires in a timely manner will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General



686-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: RICHARD T PETERSON, 29B N RANCH OAK PL, SIOUX FALLS, SD 57110

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 686-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 686-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 686-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 5319

Detailed Results:

- Delivered, February 14, 2006, 5:31 am, PIERRE, SD 57501
- Unclaimed, February 11, 2006, 11:45 am, SIOUX FALLS, SD
- Notice Left, January 25, 2006, 1:39 pm, SIOUX FALLS, SD 57110
- Acceptance, January 24, 2006, 11:45 am, PIERRE, SD 57501

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
4TES 6660 0000 0799 5319RICHARD T PETERSON
29B N RANCH OAK PL
SIOUX FALLS SD 57110

ng.

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811**CHECK ONE (POSTAL USE ONLY)**

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

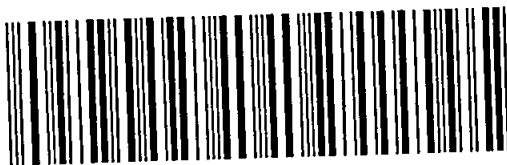
PS Form 153, May 2002

(See Reverse)

PMB 2020
DENR - WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 EAST CAPITOL AVENUE
PIERRE SD 57501-3182

REASON CHECKED
Unclaimed

United States Postal Service®
SIGNATURE CONFIRMATION™



2303 2160 0000 0799 5319

☐ **WAIVER OF SIGNATURE**

If addressee or addressee's agent is not available to sign for delivery, I authorize that the delivery employee's signature constitutes valid delivery if the item can be left in a secure location.

CUSTOMER SIGNATURE

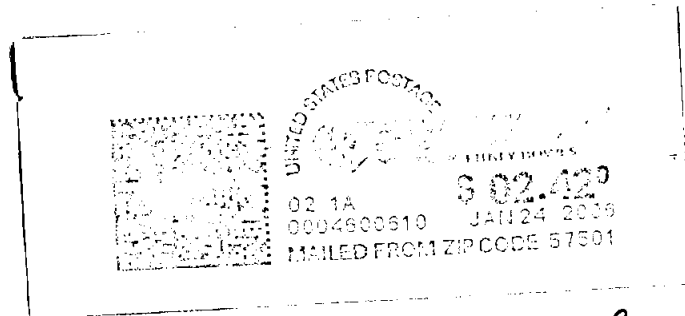
RICHARD T PETERSON

2021 1 06 02/13/06

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD
RETURN TO SENDER



Post Office
Post Office In State
Post Office



De RR22
1-25-06

Peterson
N 1-309
R 2-9



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2006

NOTICE

TO: Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Division

SUBJECT: Refused Mail Concerning Violation of Water Right No. 686-3

The attached notice was sent "Signature Confirmation". The post office returned the mail to our office on February 13th marked "refused". The envelope indicated the post office notified you January 25th and February 9th to pick up and sign for the "signature confirmation" mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

enclosure

CERTIFICATION

I hereby certify that on February 16, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 16, 2006 regarding Notice of Refused Mail Concerning Violation of Water Right No. 686-3 addressed as stated below:

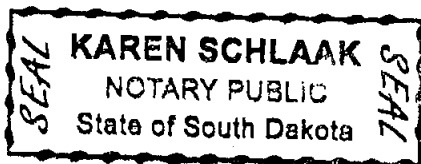
Richard T Peterson
29B Ranch Oak Place
Sioux Falls SD 57110


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of February, 2006.


Karen Schlaak
Notary Public
My Commission expires April 1, 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

March 6, 2006

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 686-3

On March 2, 2006, the Water Management Board ordered:

That effective April 3, 2006, Water Right No. 686-3 be suspended for the 2006 irrigation season for failure to submit the 2005 irrigation questionnaire.

If the 2005 irrigation questionnaire is received prior to April 3, 2006 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2006 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2006 unless the irrigation questionnaire is submitted by April 3rd.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2005 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2006 in Pierre, SD. The letter should include your reasons for not completing the 2005 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Right No. 686-3 was originally issued for irrigation of a small golf course and operation of a resort. If the water is no longer being used for those purposes, please contact our office.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

686-3

I hereby certify that on March 6, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2006 addressed as stated below:

Notice of Amendment:

Rick Lantgen, Prairie Winds Golf Club, PO Box 681, Watertown SD 57201 (1612-3 & 1997-3)
Don Hight Partnership, 14116 N Hwy 79, Piedmont SD 57769 (1040-1)
Edward Patrick Henry, PO Box 11, Whiteclay NE 69365-0011 (672-2)

Notice of Three Year Suspension:

J V Kenneally, PO Box 50, Raymond SD 57258-0050 (3198A-3)
James Jenkins, HCR 1 Box 20, Raymond SD 57258-9530 (4957-3)
Gordon Flesner, HCR Box 45, Milesville SD 57553 (2197-2)
Michael A Koslowski, 13329 443rd Ave., Waubay SD 57273 (5353-3)
Dennis & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117 (2480A-3)

Notice of One Year Suspension:

Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811 (1172-3)
Stuart & Pamela Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701 (2106-2)
Susan Porter, Manager, 28271 370th Ave, Geddes SD 57342 (962A-1)
Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110 (686-3)
Calvin & Jana Meyers, 1409 Willow Creek Estates, Belle Fourche SD 57717 (402-1)
John Larabee, LSW of South Dakota LLC, 42557 295th St, Scotland SD 57059 (375-2)
Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 (6168-3)
Bret, Gary & Kristine Fliehs, 39865 137th St, Groton SD 57445 (5640-3)
Harlan Eisenbraun, 21362 Creighton Rd., Wall SD 57790 (495-2)

Notice of One Year Suspension of Water Permit and Amendment of Water Right

Percy Tjeerdsma, 41175 309th St, Springfield SD 57062 (6413-3 – suspend; 3581-3 – amend)



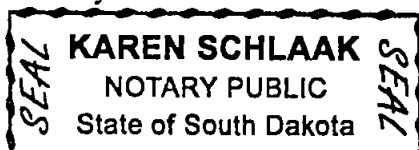
Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000.



Notary Public



My Commission Expires
April 1, 2007

INTERNAL MEMORANDUM

TO: Water Right Files

FROM: Aaron Tieman, Natural Resource Engineer

Aaron R. Tieman

SUBJECT: Irrigation

During the summer of 2006, several on-site field investigation were conducted to determine if Water Management Board action to suspend irrigation for the 2006 irrigation season was being complied with. A list of these permits is given below:

Inspections Summer 2006

Permit No.	County	Date	Description
375-2	Shannon	9/13/2006	No irrigation system in place or visible.
402-1	Butte	7/20/2006	No visual signs of irrigation/system.
686-3	Minnehaha	7/18/2006	Housing development, no visible signs of water use/irrigation or system in place.
843-1	Meade	7/20/2006	No irrigation system in place or visible.
932-3	Jones	7/19/2006	No visible signs of water use or irrigation system.
1172-3	Spink	5/11/2006	No system visible, pasture is all grassland.
1237-3 1395-3	Charles Mix	7/19/2006	No visible signs of water use/irrigation system.
2116-2	Gregory	7/19/2006	No system in place, no irrigation.
2197-3	Haakon	7/20/2006	No visible irrigation system or water use of any kind.
2480A-3	Beadle	5/11/2006	Center pivot in place with no towers, drainage pattern may limit pivot rotation.
3198A-3	Clark	5/11/2006	Pivot in place in SE ¼ - No visible signs of irrigation.
4957-3	Clark	5/11/2006	No system visible, planted with wheat.
5124-3	Davison	7/18/2006	System not in working condition (wind damaged).
5353-3	Day	5/10/2006	Well under water – No visible system in place.
5640-3	Marshall	5/10/2006	Unable to locate due to water over roads.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 8, 2025

TO: Silvercreek Trust, PO Box 2193, Sioux Falls SD 57101
Merton & Mark Peterson, 5115 E Fairway Pl, Sioux Falls SD 57110

FROM: Amanda Dewell, Permitting Administrator, SD Water Rights Program
523 E Capitol Ave, Pierre SD 57501 

SUBJECT: Water Right No. 686-3

This letter is being sent to you regarding the property authorized for irrigation under Water Right No. 686-3, held in the name of Richard T Peterson, which authorized the diversion of water from groundwater and springs for use in a club house, swimming pool, and irrigation of a 65 acre golf course located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12-T101N-R49W, Minnehaha County.

A previous site inspection was briefly conducted by Water Rights Program staff who noted the absence of recent irrigation or irrigation system, adding that the property authorized for irrigation had been made into a housing development.

It is the intention of the Water Rights Program to have Water Right No. 686-3 reviewed by the Water Management Board for cancellation; however, our Program would like to make contact with the current owners of the above-described property prior to taking any action.

Please contact me to discuss the status of irrigation/water use as authorized by Water Right No. 686-3.

Amanda.Dewell@state.sd.us or (605) 773-3352

Dewell, Amanda

From: Merton Peterson <mertpeterson@yahoo.com>
Sent: Tuesday, June 17, 2025 3:02 PM
To: Dewell, Amanda
Subject: Re: [EXT] water rights 686-3

I understand that our brother Richard is the current named holder of said water right. You had contacted me in April of this year by letter as one of several owners of the property in question. I would appreciate an opportunity to respond to your statement as to absence of a system - in place and in the same place since the time of approval of the water rights. You mention a housing development, much of which has been in place - again since the 1960s. The original water license indicated that only 65 of 153 acres would be used for the purposes of the license- the housing is in place on the other property in the quarter section of land.

Please advise what you would require. I would be happy to secure a notarized letter from Richard if you require in order to further communicate with me.

Thank you in advance for your reply.

On Monday, June 16, 2025 at 09:54:33 AM CDT, Dewell, Amanda <amanda.dewell@state.sd.us> wrote:

Merton,

Water Right No. 686-3 is currently held by Richard Peterson and authorizes the diversion of water from a single well & springs for use in a clubhouse, swimming pool, and irrigation of a golf course. A previous site inspection conducted by Water Rights Program staff noted that the site had been made into a housing development. Before scheduling the water right for cancellation, I wanted to confirm that this water right is no longer being exercised.

Thank you,

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



extended period of stopped mailing
 for 686-3 Irrigation Questionnaires
 due to 2006 report by WR
 Staff indicating that the property
 had been converted to a housing
 development - Merton Peterson
 (Richard's brother) has confirmed
 that water use & irrigation practices
 are still in effect which is supported
 by aerial imaging showing golf course,
 club house, and pool. - resuming
 IQ mailing for 2025 (AD)

From: Merton Peterson <mertpeterson@yahoo.com>
Sent: Saturday, June 14, 2025 10:08 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] water rights 686-3

I am corresponding in response to your previous email relative to the above identified matter. I am the person that you can communicate with relative to said matter. I believe you have my mailing address but it is as follows.

Merton Peterson

5115 E Fairway Place

Sioux Falls, SD 57110

Thank you