

WATER PERMIT NO. 7087-3

Name of Applicant: **Jay A Peterson**

Address: **7233 Babilonia St, LaCosta CA 92009**

Phone: **760-599-1977**

Amount of Water Claimed: **1.20 cfs**

Total Acres: **139**

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

Water to be used for: **irrigation**

County: **Brookings**

Type of Waste Disposal System:

Location: **15 miles northwest of Brookings**

PRIORITY

Date Received: **12-22-08**

Application/License Fee: **\$200.00**

Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks: **This application increases the diversion rate authorized by Water Right No. 4363A-3 (0.78 cfs)**

Diversion Point: **E ½ SW ¼ Sec 5-T112N-R50W**

Land to be Irrigated: **SW ¼ Sec 5-T112N-R50W**

Depth of Well: **45 feet**

Well Driller: : **Kaiser Well Drilling**

Remarks:

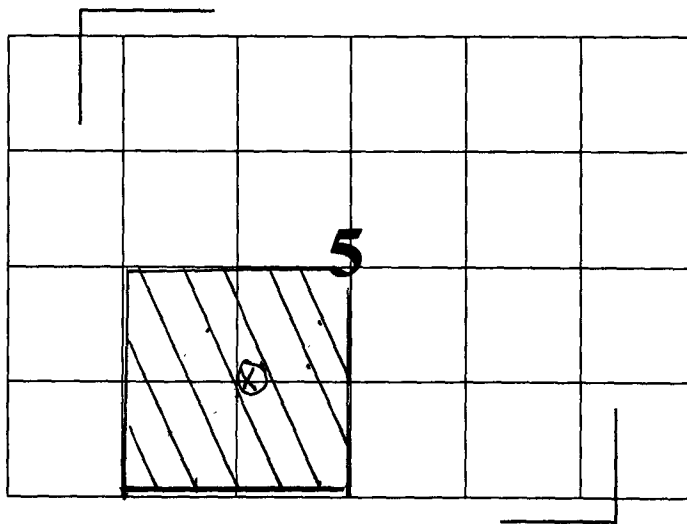
Type of Map: **aerial**

Prepared by: **Steve Meier, Brookings Co FSA**

Reviewed and the Number Assigned on: **12-29-08**

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>7087-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register PO Box 177</u>	
	<u>605-692-6271</u>	<u>Brookings 52006</u>

RECEIVED
DEC 22 2008
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

NA Water Right NO. 4363 A-3 Authorizes Diversion Rate 0.78 cfs

- Name of Applicant Jay A. Peterson Phone 760-599-1977
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 7233 Babilonia St, La Costa State Calif 92009
(Street, RR, or Box and City) (Zip Code)
- Amount of water additional 1.20 *CFS or 4 **GPM 178.63 ***AF Total Acreage 178.63
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground, 1 well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
E 1/2 of SW 1/4 Sect 5 T112N R50W
County BROOKINGS
- County or counties where water will be used BROOKINGS
- Annual period during which water is to be used April - Sept Nov 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 Sec 5 T112N R50W	4		

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

We drilled a new well, I'm asking for 1.20 cfs additional water + the 0.78 cfs transferred from permit NO. 4363-3.

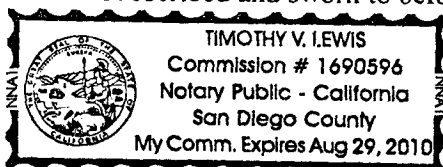
California
STATE OF ~~SOUTH DAKOTA~~ SS
County of San Diego

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

X Applicant's signature Jay A. Peterson

Subscribed and sworn to before me this 17 day of December 20 08



X

Timothy V. Lewis
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7087-3

Date of first receipt of application December 22, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7087-3 to Jay A Peterson, 7233 Babilonia St, LaCosta CA 92009 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. 7087-3 appropriates 1.20 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 4363A-3 and the irrigation of 4 additional acres. Water Right No. 4363A-3 authorizes 0.78 cfs to irrigate 135 acres. This permit authorizes appropriation of an additional 1.20 cfs from one well completed into the Big Sioux:Brookings Aquifer (45 feet deep) located in E ½ SW ¼ Section 5 to irrigate a total of 139 acres located in the SW ¼ Section 5; all in T112N-R50W. This permit and Water Right No. 4363A-3, will authorize a total diversion rate of 1.98 cfs for irrigation of 139 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is December 22, 2008 (additional 1.20 cfs diversion authority and 4 additional acres).
4. The date of approval of Permit No. 7087-3 is March 2, 2009.
5. One-fifth of the construction is to be completed on or before September 2, 2011.
6. All construction is to be completed on or before March 2, 2014.
7. Water is to be put to beneficial use on or before March 2, 2018.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7087-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 12 2009
date



Form 2A **Supplemental Information**
(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction — *See well drillers log from John Kaiser*

- 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 1/8 mi On property owned by others 1/4 mile

2. Wastewater Disposal System Information

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

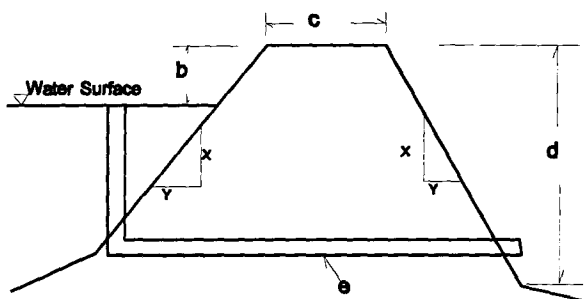
3. Dugout Information

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

4. Water Storage Dams

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

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



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



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WATER RIGHTS
PROGRAM

- Tract Boundaries
- Common Land Units
- CRP
- Rangeland
- Easements

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions



USDA - Farm Service Agency
Brookings County, SD
5-112N-50W

April 03, 2008

1:7,930



SW1/4 5 112 50

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability of the data. FSA maps DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data as is and assumes all risks associated with its use. National Wetlands Inventory (NWI) data is provided as a reference only and may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific delineations of the wetlands. Refer to your original delineations (CPA-021 and attached maps) for exact wetland boundaries and delineations, as limited NRCS.

134.19

150

X New well

4.44

1846 ft

SKR m= CEO
11.12.08
- Acres measured
Brookings Co. FSA

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW $\frac{1}{4}$ Sec 5 Twp 112N Rg 50W

County

North

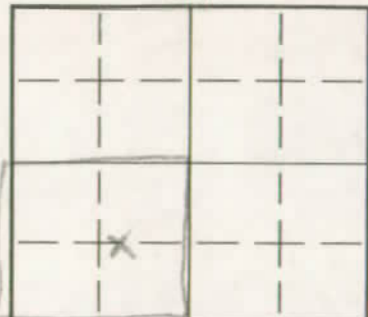
Brookings

Please mark well location with an "X"

W

E

Well Completion Date

10-8-08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 3000 ft. from Well (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Boring RigCASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.440</u> LB/FT	<u>18</u> IN	<u>200</u> FT	<u>27</u> FT	<u>30</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>P.C.</u>	<u>60</u>	<u>57</u> lb./gal	<u>0</u> ft	<u>20</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure pack methodSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 18 IN Length 15 FEETMaterial Stainless SteelSlot Size .085 Set From 27 Feet to 42 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?

YES, How: HTH Tablets_____NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Jay A. Peterson

Business Name: _____

Address: 7233 Babilonia St
Rancho La Costa Calif

WELL LOG:

92009

DEPTH

FORMATION	FROM	TO
Top Soil	0	1
yellow sandy clay	1	10
Fine to medium	10	20
medium to coarse	20	42
clay	42	45

STATIC WATER LEVEL 8

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:

☒ PumpedDescribe: Syb☐ Bailed☐ Other

Pumping Level Below Land Surface

27 ft. After 12 Hrs. pumped 600 GPM27 ft. After 16 Hrs. pumped 600 GPM

If pump installed, pump rate _____ GPM

REMARKS

Sent to State 10-28-08

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OCT

This well was drilled under license # 689

And this report is true and accurate.

Drilling firm Raise Well Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 27 Oct 08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/29, 20 08

RECEIVED OF Jay Peterson 7233 Babilonia St La Costa CA 92009

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

Fee for Application for Permit No. <u>7087-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>7087-3</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	200 00

No.

63075

By

Richard Ebel
Chief Engineer

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

RECEIVED

DEC 22 2008

WATER RIGHTS
PROGRAM

State of California

County of San Diego

On Dec. 17, 2008 before me, Timothy V. Lewis, notary public,
(Here insert name and title of the officer)

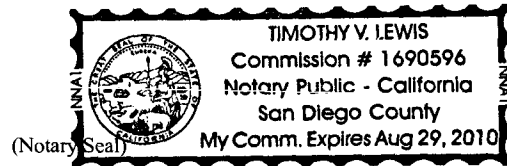
personally appeared Jay Arden Peterson

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Timothy V. Lewis
Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Application for Irrigation
(Title or description of attached document)

in South Dakota
(Title or description of attached document continued)

Number of Pages 6 Document Date 12-17-08

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document



**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. 7087-3, Jay A. Peterson**

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. 7087-3, Jay A. Peterson, 7233 Babilonia Street, LaCosta CA 92009.

The Chief Engineer is recommending APPROVAL of Application No. 7087-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7087-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer

NOTE: Water Right No. 4363A-3 and Application No. 7087-3, combined, with authorize a total diversion rate of 1.98 cfs from one well to irrigate 139 acres in the SW ¼ Section 5, T112N, R50W.

**Report on Water Permit Application No. 7087-3
for Jay A. Peterson
January 7, 2009**

Application No. 7087-3 proposes to appropriate 539 gallons per minute (1.20 cfs) by increasing the diversion rate authorized by Water Right No. 4363A-3 from one well approximately 45 feet deep located in the E ½ SW ¼ of Section 5 to irrigate 139 total acres located in the SW ¼ Section 5; all in T112N R50W in Brookings County. The annual period during which water will be used is April 1 through November 30.

AQUIFER: Big Sioux Brookings

This report will address the availability of unappropriated water from the Brookings management unit of the Big Sioux aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Big Sioux Brookings aquifer is a buried outwash (sand and gravel) that is under predominantly water table conditions in the area of this application. The aquifer underlies 74,500 acres and contains an estimated 245,850 acre-feet of recoverable water in storage in Brookings County (Hedges, 1982). The entire Big Sioux aquifer (in Brookings and Kingsbury Counties) underlies 540 square miles and contains an estimated 2.0 million acre-feet of water in storage (Hamilton, 1989). Ground water movement is generally from north to south in the area of this application (Hamilton, 1989).

Observation Well Data:

The Water Rights Program monitors two observation wells, BG-77A and DU-77F, located within one mile of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these observation wells are included with this report.

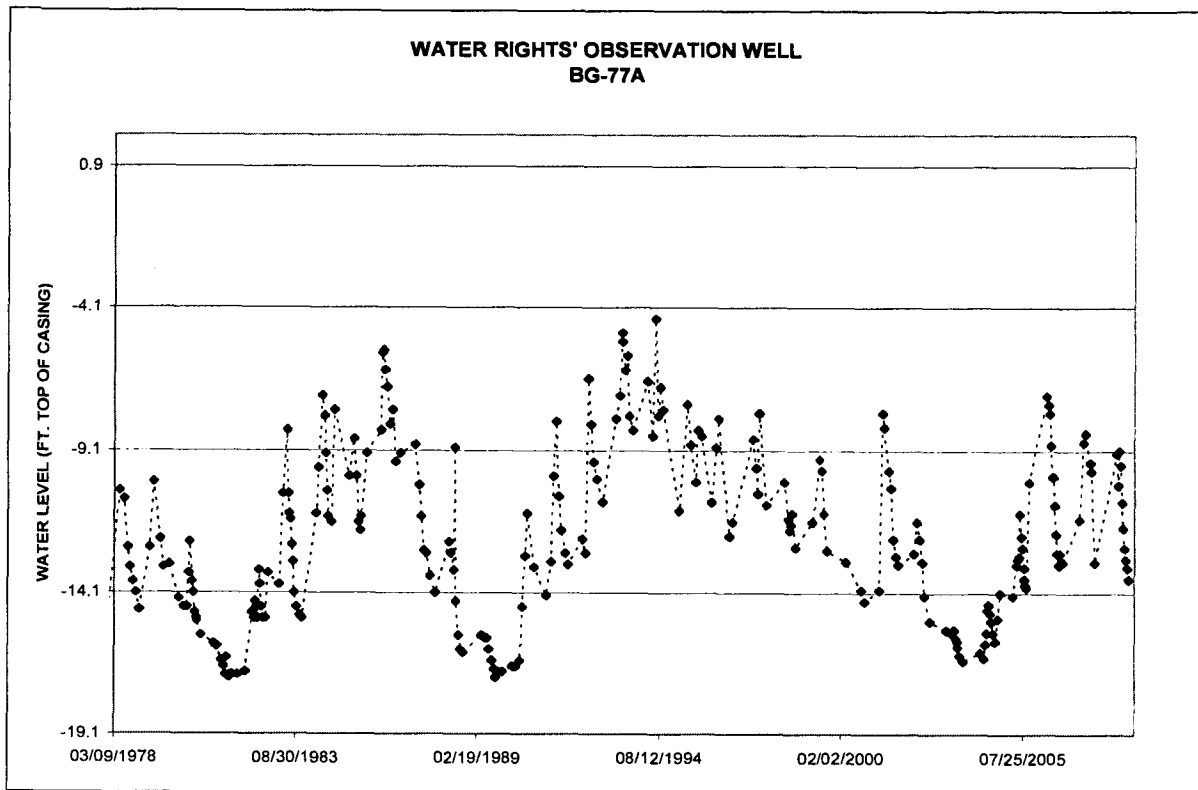


Figure 1. Hydrograph for Water Rights Observation Well BG-77A, completed into the Big Sioux Brookings Aquifer within one mile of 7087-3

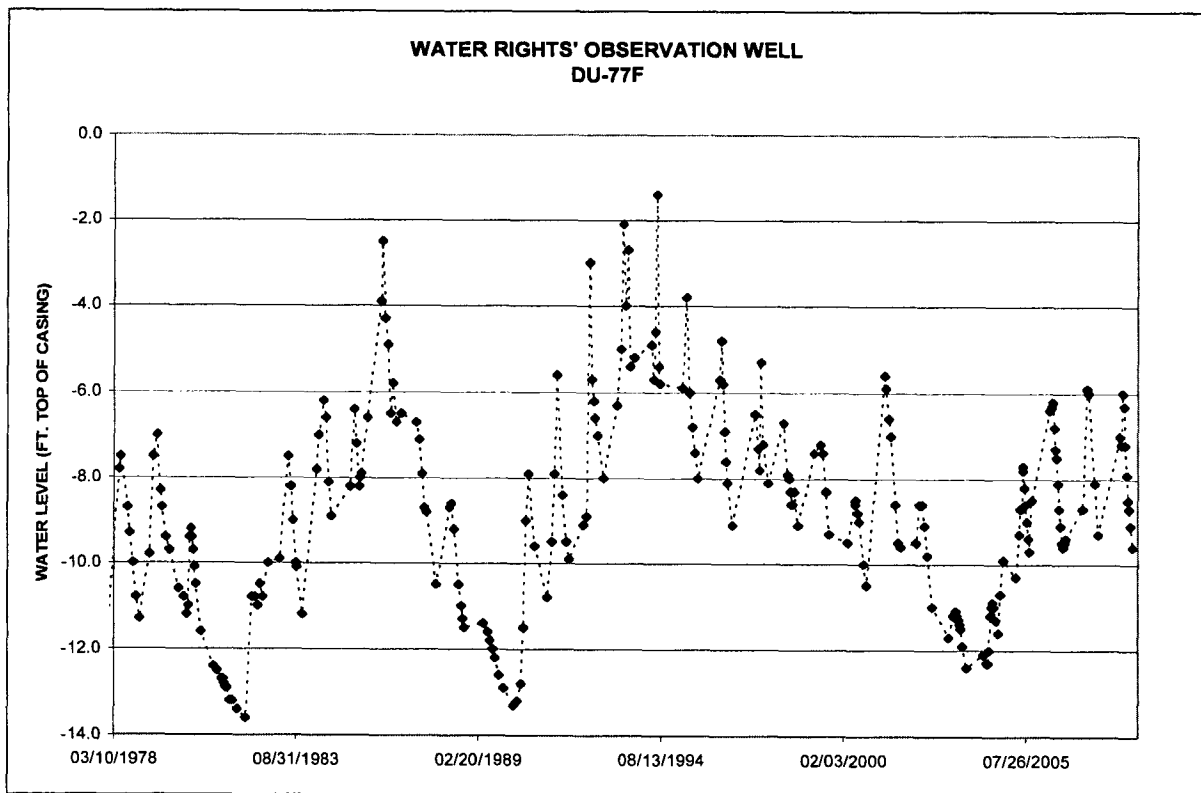


Figure 2. Hydrograph for Water Rights Observation Well DU-77F, completed into the Big Sioux Brookings Aquifer within one mile of 7087-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Brookings management unit of the Big Sioux Aquifer date back to 1979.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 164, with the average annual appropriation being nearly 70,000 acre-feet and the average annual pumpage reported at over 8,000 acre-feet.

IRRIGATION USE (ac-ft/yr) BS:B			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac- ft/yr)
2007	164	62374.8	12730.13
2006	161	61075.8	14325.04
2005	159	61435.8	11513.48
2004	156	60695.8	11809.91
2003	149	58970.8	11380.47
2002	149	59186.8	12410.94
2001	149	59312.8	8384.81
2000	153	60799.8	8933.72
1999	155	62181.3	7841.04
1998	157	63306.2	8109.71
1997	153	62281.7	5650
1996	154	62575.2	7220.95
1995	161	62961.2	3862.25
1994	160	64395.2	2854.62
1993	162	64963.7	1042.9
1992	162	64603.7	2331.6
1991	165	65534.97	7771.74
1990	175	71616.95	5862.92
1989	166	69391.27	13930.7
1988	167	74615.27	18521.4
1987	171	76624.07	10015
1986	179	80788.57	2854.7
1985	181	81385.57	4951.4
1984	188	84188.07	8177.6
1983	161	74854.57	8227.46
1982	155	77754	4551.86
1981	196	91361	9040
1980	187	87093	9837
1979	184	85701	6144
AVERAGE	164.79	69380.31	8285.77
MAXIMUM	196	91361	18521.4
MINIMUM	149	58970.8	1042.9

Table 1. Irrigation usage from the Brookings management unit of the Big Sioux aquifer (Water Rights, 1979-2008).

There are eight existing water permits/rights located within one mile of this application. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

The Big Sioux aquifer is recharged from several sources. Recharge to the Big Sioux aquifer occurs through infiltration of precipitation and by slow seepage through till, lake deposits, and underlying aquifers (Hamilton, 1989).

Conclusions:

1. Water is available from the Brookings management unit of the Big Sioux aquifer.
2. The aquifer appears to be under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the wells or periods of operation or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Hamilton, L.J., Water Resources of Brookings and Kingsbury Counties, South Dakota, Water Resources Investigations Report 88-4185, USGS, Huron, SD 57350

Hedges, L.S. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Water Rights, 2008, Unpublished Observation Well Records for Brookings County, SD DENR, Division of Water Rights, Pierre, SD, 57501

State of South Dakota

ss

MAR - 4 2009

Exhibit "A"

County of Brookings

WATER RIGHTS
PROGRAM

Katy VanMaanen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal #509" Jay Peterson"

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

February 13, 2009

February 20, 2009

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; 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; that the fees charged for the publication thereof are:

Fifty three dollars and fifty-seven cents \$53.57

Subscribed and sworn to before me this 20th day of February 2009

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2012

Legal 509, 2x, 2/13, 2009
NOTICE OF APPLICATION NO. 7087-3 to Appropriate Water
Notice is given that Jay A. Peterson, 7233 Babilonia St, La Costa CA 92009 has filed an application for a water permit to appropriate 1.20 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 4363A-3 and the irrigation of 4 additional acres. Water Right No. 4363A-3 authorizes 0.78 cfs to irrigate 135 acres. This application proposes to appropriate an additional 1.20 cfs from one well completed into the Big Sioux: Brookings Aquifer (45 feet deep) located in E1/2 SW1/4 Section 5 to irrigate a total of 139 acres located in the SW1/4 Section 5; all in T112N-R50W. This application, if approved, and Water Right No. 4363A-3, will authorize a total diversion rate of 1.98 cfs for irrigation of 139 acres.
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7087-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, 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 recommendation 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 March 2, 2009. 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.



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 9, 2009

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7087-3 to Appropriate Water to be published twice. Please publish the first notice on February 13, 2009 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 Jay A Peterson, 7233 Babilonia St., La Costa CA 92009 (Ph # 760-599-1977).

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. 7087-3

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

Date _____

We are in receipt of your letter of February 9, 2009 enclosing Notice to Appropriate Water by Application No. 7087-3 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.

February 9, 2009

Jay A Peterson
7233 Babilonia St
La Costa CA 92009

Dear Mr. Peterson:

Water Permit Application No. 7087-3 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 Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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

cc: Jerald Peterson, 46717 197th St., Bruce SD 57220

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 February 13, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7087-3 to Appropriate Water

Notice is given that Jay A Peterson, 7233 Babilonia St, LaCosta CA 92009 has filed an application for a water permit to appropriate 1.20 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 4363A-3 and the irrigation of 4 additional acres. Water Right No. 4363A-3 authorizes 0.78 cfs to irrigate 135 acres. This application proposes to appropriate an additional 1.20 cfs from one well completed into the Big Sioux:Brookings Aquifer (45 feet deep) located in E ½ SW ¼ Section 5 to irrigate a total of 139 acres located in the SW ¼ Section 5; all in T112N-R50W. This application, if approved, and Water Right No. 4363A-3, will authorize a total diversion rate of 1.98 cfs for irrigation of 139 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7087-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, 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 recommendation 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 March 2, 2009.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2009

Jay A Peterson
7233 Babilonia St
La Costa CA 92009

Dear Mr. Peterson:

Enclosed is Water Permit No. 7087-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

JUL - 9 2009

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

7087-3

Date 30 Jun 2009

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

FROM: Jay A Peterson
(name)
7233 Babylonia St
(address)
LaCosta, Calif. 92009 760-804-0714
(city, state, zip) (phone)
wk < 800-356-1778
760-599-1977

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

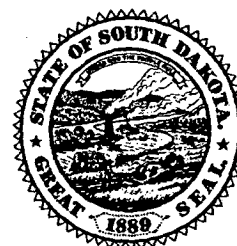
Water Permit No. 7087-3 states that the water use system is to be constructed by
2 March 2014, and water is to be put to beneficial use by 2 March 2018.
(date) (date)

The water use system was completed on 3 Oct 2008 (well)
(date)

Applying the water to beneficial use was completed on 4 Jun 2009.
(date)

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

X Jay A Peterson
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 2009

7087-3

Jay A Peterson
7233 Babilonia St
LaCosta CA 92009

Dear Mr. Peterson:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



7087-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JAY A PETERSON, 7233 BABILONIA ST, LA COSTA, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3222-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4363A-3, 6722-3 7087-3 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, 2012** 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) 4363A-3, 6722-3 7087-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3222-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 24, 2012

Jay A Peterson
7233 Babilonia St
La Costa CA 92009

RE: Water Right or Permit Nos. 3222-3, 4363A-3, 6722-3 and 7087-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right or Permit Nos. 3222-3, 4363A-3, 6722-3 and 7087-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7087-3

I have this day, 28 October 2014, made a thorough examination of the water use system constructed by Jay A. Peterson, 7233 Babilonia St, LaCosta, CA 92009 holder of Permit No. 7087-3, bearing the priority of 22 December 2008 authorizing the diversion of 1.20 cu. ft. per second of the waters of the Big Sioux: Brookings aquifer for irrigation purposes, in Brookings County.

Inspection contact & relationship to permit holder, if applicable: **Vel Peterson, Mother**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells one
- 3) Depth(s) 42 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 18 inches
- 2) Length 27 feet
- 3) Type Sch. 40 PVC

Screen:

- 1) Type Stainless Steel
- 2) Length 15 feet
- 3) Static water level 8 feet (8 October 2008)

Pump:

- 1) Make Western Land Roller
- 2) Model Turbine
- 3) Size 3-stage
- 4) Capacity 600 GPM @ 160 ft TDH (700 GPM as installed)

Motor:

- 1) Make John Deere (diesel)
- 2) Model No. PE405T72052
- 3) Horsepower rating 60 hp

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

- 1) Type PIP 2) Size 8 inches 3) Length 200 feet

Comments: xx

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley (Lat/Lon: 44.53294/-96.86230)
 2) Overall length 1298 feet
 3) Number of towers 7
 4) End gun Nelson 100
 5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate No

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
 3) Exceptions to compliance are: na

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: 1310 feet north and 1520 feet east of the southwest corner of Sec.5, T112N-R50W (Lat/Lon: 44.53288/-96.86167, NW¼NW¼SE¼SW¼ Sec. 5, T112N-R50W).
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
NE¼ SW¼ Sec.5, T112N-R50W: 35 acres
NW¼SW¼ Sec.5, T112N-R50W: 34.7 acres
SW¼SW¼ Sec.5, T112N-R50W: 28.4 acres
SE¼SW¼ Sec.5, T112N-R50W: 21.5 acres

comprising a total of 119.6 acres of land and the license should be issued for 1.56 cfs.

3. All structures, wells and lands on map Yes

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

Report of Examination of Works

Permit No. 7087-3

Water Right No. 4363A-3 authorized a diversion rate of 0.78 cfs to irrigate 135 acres. Water Permit No. 7087-3 authorized an addition diversion rate of 1.20 cfs from the well. A center pivot irrigation system replaced a traveling gun and trees located near the center of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, 112N-R51W were taken out to accommodate the center pivot. As a result of removing the trees four acres are now irrigated.



Ken Buhler

DENR, Water Rights Program

Date report completed: **5 December 2014**

- Buried 8-inch PIP
- W Well
- Center Pivot
- ▨ Irrigated Acres
- Section Boundaries - PLSS



NW 1/4 SW 1/4

NE 1/4 SW 1/4

34.7 acres

35.0 acres

28.4 acres

21.5 acres

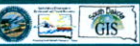
SW 1/4 SW 1/4

SE 1/4 SW 1/4

SW corner of Section 5, T112N-R50W

660 330 0 660 Feet

1520'



10
5 December 2014

7087-3

Handwritten signature

7087-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 19 2015

4363A-3
7087-3

Jay A Peterson
7233 Babilonia St
LaCosta CA 92009

Dear Mr. Peterson:

Enclosed is Water License No. 7087-3. 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 well authorized by Water Right No. 7087-3, 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.

Upon licensing, the applicable portions of Water Right No. 4363A-3 were incorporated into No. 7087-3. 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. 7087-3**

(1) Jay A Peterson, 7233 Babilonia St., LaCosta CA 92009 made Application No. 7087-3, December 22, 2008 for a water permit to divert 1.20 cubic feet of water per second (cfs) from ground water (one well – Big Sioux Brookings Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 7087-3, with a priority date of December 22, 2008 was approved March 2, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 2, 2014 and for the application to beneficial use of said water on or before March 2, 2018.

Water Right No. 4363A-3, with a priority date of December 15, 1978 authorizes diversion of 0.78 cfs from one well to irrigate 135 acres in the SW $\frac{1}{4}$ Section 5, T112N, R50W. Water Permit No. 7087-3 was obtained to add four additional acres and 1.20 cfs to the existing system.

An inspection of the water use system found a total of 119.6 acres irrigated with a diversion rate of 1.56 cfs. The application portions of Water Right No. 4363A-3 are incorporated into Water License No. 7087-3. A priority date December 15, 1978 as established under No. 4363A-3 is retained for 0.78 cfs and the remaining 0.78 cfs retains a priority date of December 22, 2008 as established under No. 7087-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,310 feet N and 1,520 feet E of the SW corner of Section 5, T112N, R50W (SE $\frac{1}{4}$ SW $\frac{1}{4}$).

(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 5, T112N, R50W	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0 acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.7 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.4 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	21.5 acres
Total		119.6 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jay A Peterson, 7233 Babilonia St., LaCosta CA 92009 the holder and/or owner of Incorporated Water Right No. 7087-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water (one well, Big Sioux Brookings Aquifer) with priority dates of December 15, 1978 (0.78 cfs) and December 22, 2008 0.78 cfs) 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. 7087-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

- The well authorized by Permit No. 7087-3 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. *Well drilled in October, 2008 by Kaiser Well Drilling. A copy of the log is on file with the Water Rights Program.*
- 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

MAR 19 2015

date

