

WATER PERMIT NO. 7125-3

Name of Applicant: **Oscar Inc.**

Address: **18892 390th Ave, Hitchcock SD 57348**

Phone: **605 266-2747**

Amount of Water Claimed: **2.28 cfs**

Total Acres: **160**

Source of Water Supply: **groundwater (2 existing wells)**

Water to be used for: **irrigation**

County: **Beadle**

Type of Waste Disposal System: **NA**

Location: **1 mile east of Huron**

PRIORITY

Date Received: **4-13-09**

Application/License Fee: **\$300**

Corrected Application Received:

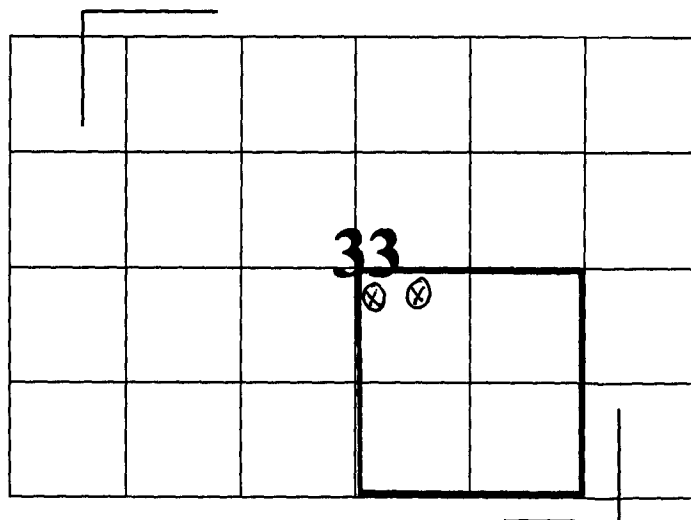
Period of Annual Use: **March 1 – October 31**

Remarks: **Acreage once authorized by cancelled Water Permit No. 6166-3**

Diversion Point: **NW ¼ SE ¼ Sec 33-T111N-**

R62W

Land to be Irrigated: **SE ¼ Sec 33-T111N-R62W**



Depth of Well: **90 feet**

Well Driller: **Huron Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **4-13-09**

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>7125-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>The Plainsman PO Box 1278</u>	
	<u>605-352-6401</u> <u>Huron 57350</u>	

RECEIVED
APR 13 2009
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Oscar Inc. Phone (605) 266-2747
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18892 390th Avenue, Hitchcock State SD 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.28 *CFS or **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply two existing wells completed into the Warren : West James Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Beadle
NW 1/4 SE 1/4 Section 33, T111N, R62W
- County or counties where water will be used Beadle
- Annual period during which water is to be used March 1 - October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SE 1/4 Section 33	40		
NE 1/4 SE 1/4 Section 33	40	<u>all in T 111N R62W</u>	
SW 1/4 SE 1/4 Section 33	40		
SE 1/4 SE 1/4 Section 33	40		

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

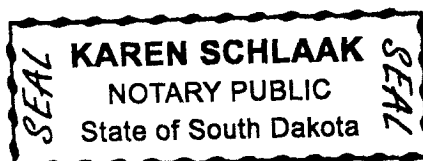
Plan to develop irrigation on acreage once authorized by canceled Water Permit No. 6166-3. Existing well logs on file with Water Rights Program.

STATE OF SOUTH DAKOTA)
County of Hughes SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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

Applicant's signature Floyd Peterson
Subscribed and sworn to before me this 13th day of April 20 09



Karen Schlaack

Notary Public signature

My Commission expires 4/1/13

**SOUTH DAKOTA
WATER PERMIT NO. 7125-3**

Date of first receipt of application April 13, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7125-3 to Oscar Inc, c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7125-3 appropriates 2.28 cubic feet of water per second from two existing wells completed into the Warren:West James Aquifer (90 feet deep) located in NW ¼ SE ¼ Section 33 to irrigate 160 acres located in the SE ¼ Section 33; all in T111N-R62W.
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: March 1 – October 31.
3. The date from which applicant may claim right is April 13, 2009.
4. The date of approval of Permit No. 7125-3 is June 22, 2009.
5. One-fifth of the construction is to be completed on or before December 22, 2011.
6. All construction is to be completed on or before June 22, 2014.
7. Water is to be put to beneficial use on or before June 22, 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

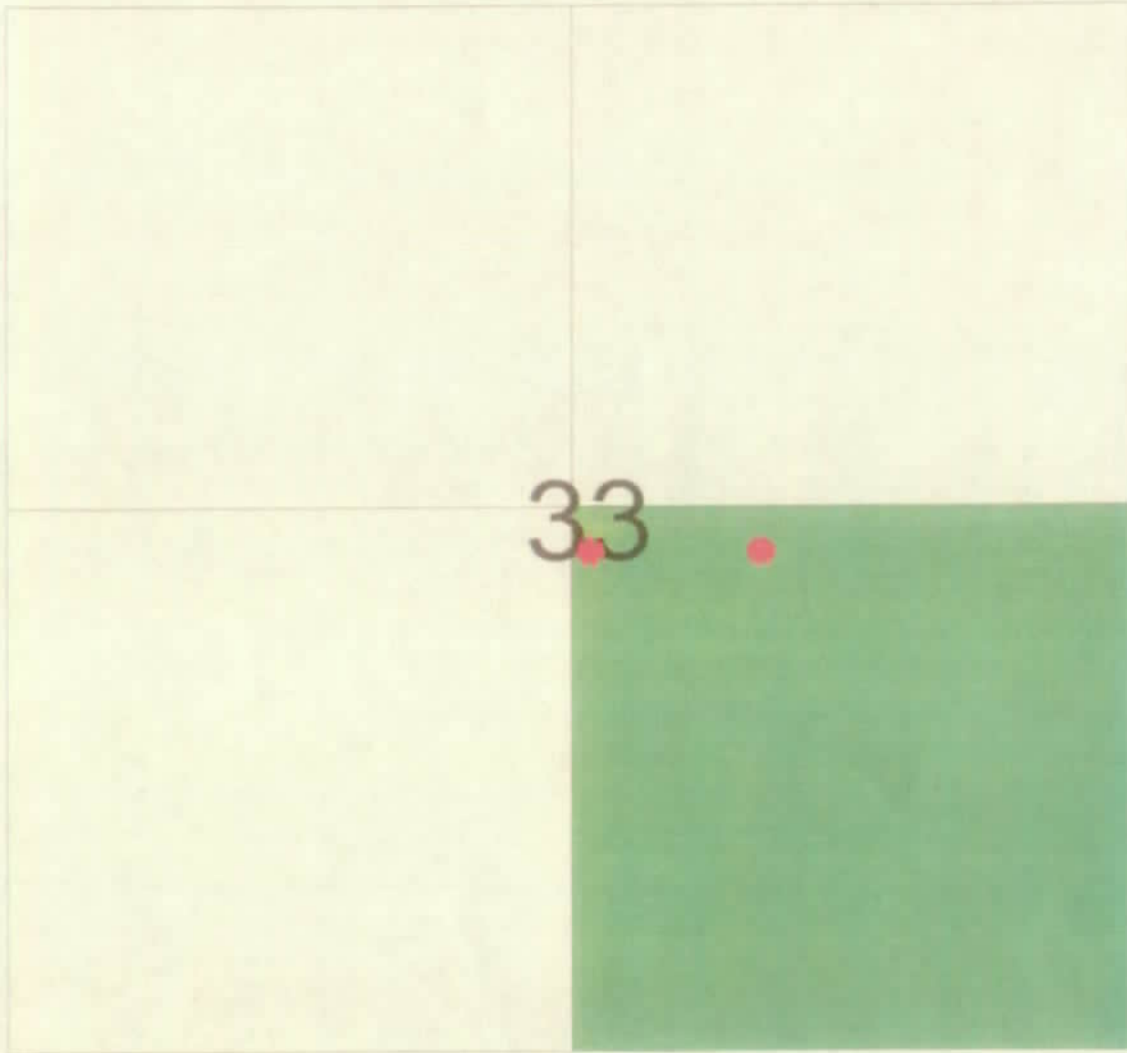
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 26 2009

date



Floyd Peterson Application

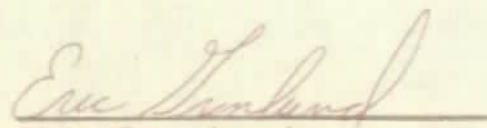


SECTION 33, T111N, R62W

Well Locations -

1900' West and 150' South of
E1/4 Corner

100 ft Southeast of Center of
Section 33


Eric Gronlund
Water Rights Program

60166-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/13, 2009

RECEIVED OF Oscar Inc 18892 390th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>7125-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>7125-3</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	380 00

No.

04114

By

Lela Entolo
Chief Engineer



**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. 7125-3, Oscar Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7125-3, Oscar Inc, c/o Floyd Peterson, 18892 390th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 7125-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
May 29, 2009

NOTE: An important consideration in developing an irrigation project is assessing the compatibility of the soils with the quality of the water to be used for irrigation. The staff report on this application indicates that the Warren:West James Aquifer may be of poor quality for irrigation use. A soil/water analysis and implementation of an irrigation management plan may prove valuable in successfully developing this irrigation project without damaging the soil structure.

WATER PERMIT APPLICATION NO. 7125-3
OSCAR, INC.
MAY 8, 2009

Water Permit Application No. 7125-3 proposes to appropriate 2.28 cubic feet of water per second from two existing wells completed into the West James management unit of the Warren aquifer, located in the NW¼ SE¼ Section 33, T111N-R62W to irrigate 160 acres located in the SE¼ Section 33, T111N-R62W.

AQUIFER: Warren: West James

AQUIFER CHARACTERISTICS:

The West James management unit of the Warren Aquifer is predominantly a buried outwash (sand and gravel) deposit that underlies approximately 268,700 acres of Beadle, Jerauld and Sanborn Counties (Hedges and others, 1982) see figure 1. The aquifer contains an estimated 1,404,150 acre-feet of recoverable water in storage (Hedges and others, 1982). The management unit is mostly under confined (artesian conditions) although unconfined (water table) conditions do occur. The driller's logs filed for the existing wells that are to be used to supply this permit, indicate the aquifer is over 35 feet thick in this area and is confined by approximately 40 feet of glacial till. Information is not available to determine if these wells are constructed in accordance with current SD Well Construction Standards.

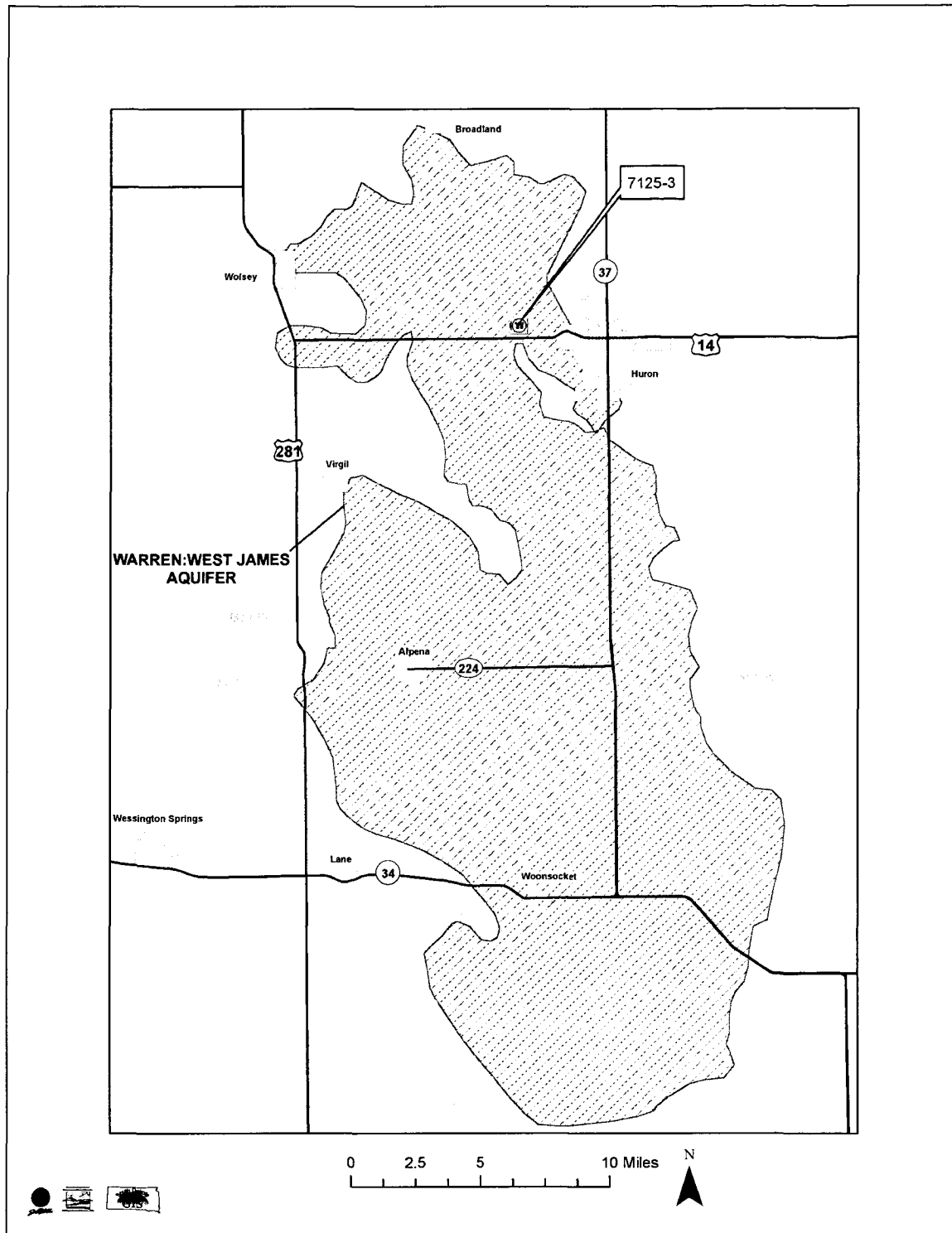


Figure 1. Areal extent of the Warren: West James aquifer (modified from Hedges and others, 1982)

WATER AVAILABILITY:

The availability of unappropriated water from the Warren: West James aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that an application to appropriate

groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

Recharge:

Recharge to the West James management unit of the Warren aquifer occurs primarily through direct infiltration of precipitation and runoff from adjacent areas onto the aquifer. Recharge also occurs through losses from intermittent streams crossing the aquifer and leakage from the hydraulically connected Niobrara Aquifer. Estimated recharge rates for the unconfined portion of the aquifer range from 0.9-3.4 in/yr and 0.24-0.72 in/yr for the confined portions of the aquifer (Emmons, 1988). Based on the area of the aquifer, average annual recharge to the Warren: West James Aquifer is estimated to be up to 16,122 ac-ft/yr.

Withdrawals:

There are several domestic wells completed into the West James management unit of the Warren aquifer and currently a total of 38 water rights/permits appropriating water from the aquifer. Water rights and permits are for irrigation (31 appropriations), municipal use (3 appropriations (City of Huron)); commercial use (3 appropriations) and domestic use (1 appropriation).

Irrigation Use:

The water use from the Warren: West James aquifer for irrigation is shown in table 1.

YEAR	NUMBER OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE (AC-FT/YR)
1979	62	27804	3238
1980	67	29354	3800
1981	77	33296	5783
1982	57	28125.4	1866.04
1983	51	25123.4	2392.45
1984	63	31816.4	2240.5
1985	60	3114.4	1641.5
1986	55	27740.4	696
1987	48	23,992.40	1807
1988	47	23842.4	4690.7
1989	45	22892.3	4095
1990	45	21011	2520.7
1991	42	19301	1833.3
1992	41	19115	820.5
1993	40	18650	283
1994	39	18708	1478.88
1995	39	18708	416.88
1996	38	18648	2007.67
1997	39	19098	416
1998	38	18363	844.93
1999	38	18363	1487.46
2000	39	18683	1824.28
2001	38	17621	1315.63
2002	38	17621	3503.78
2003	36	16625	2991.61
2004	33	15050	2066.19
2005	33	15050	2145.58
2006	32	14630	3040.78
2007	32	14630	2055.58
2008	32	14602*	2265.15*
AVERAGE	45	20,386*	2,186*
MAXIMUM	77	33,296	5,783
*2008 data is provisional			

Table 1. Irrigation appropriations from the Warren: West James (Water Rights, 1979-2008)

Municipal Use:

The City of Huron has three permits/rights that appropriate 6.00 cfs for municipal use from the aquifer. A reasonable estimate for a “practical maximum diversion” for a municipal system is up to 60 percent of the amount that would be pumped under continuous pumping conditions. Therefore, if the City of Huron were to exercise their rights to the maximum amount that is practical, the City could use up to 2,600 ac-ft/yr. Historic water use from the city is shown in Table 2. (Written communication from Vince Juelfs, May 12, 2008).

YEAR	Pumpage (ac-ft/yr)
2006	586.8
2007	599.8
2008	550.8
AVERAGE	579

Table 2. City of Huron appropriations from the Warren: West James aquifer

Other uses:

The combined diversions from the Warren: West James aquifer for commercial, domestic use is estimated to be less than 200 ac-ft/yr.

Total maximum withdrawals:

The maximum total withdrawal due to pumping from the Warren: West James aquifer, (irrigation maximum + Municipal maximum use scenario + other uses combined) is estimated to be less than 8,600 ac-ft/yr.

Average annual use

The average annual use from the Warren: West James aquifer This amount of water is within the range of recharge estimates, considering the accuracy of both numbers. Review of the historic usage from the aquifer indicates that even with the 320 ac-ft/yr maximum withdrawal represented by this appropriation, withdrawals from the aquifer is not likely to exceed recharge to the aquifer.

Observation Well Data

The availability of unappropriated water can also be evaluated upon examination of observation well data. The DENR-Water Rights Program monitors 41 observation wells completed into the West James management unit of the Warren aquifer. The aquifer appears to respond well to climatic conditions and the area pumping. A hydrograph of a typical observation well in the Warren: West James Aquifer with almost 50 years of record (Figure 2) shows the magnitude of the water level fluctuation in the aquifer. The observation well is located approximately three miles northwest of the wells this application proposes to use. The existing level of development from the aquifer, as evidenced by observation well data, has not exceeded recharge. In general, the water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2009).

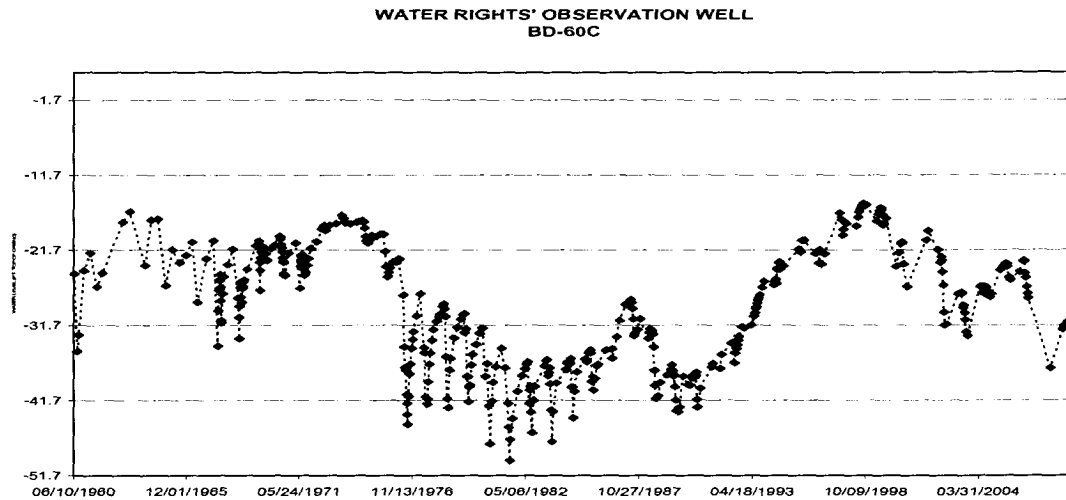


Figure 2. Typical Warren West James Aquifer Hydrograph

Water Rights' observation wells BD-79C and BD-76K are located within approximately two and one-half miles of this application. Hydrographs for these wells (figures 3 & 4) compare well with figure 2.

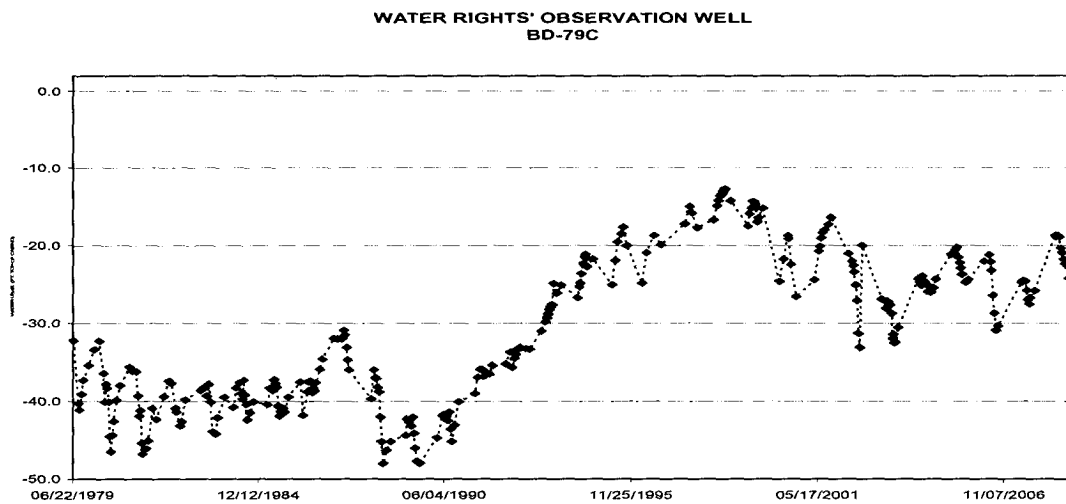


Figure 3. Water Rights' Observation Well BD-79C, located approximately three-fourths of a mile west of this well site

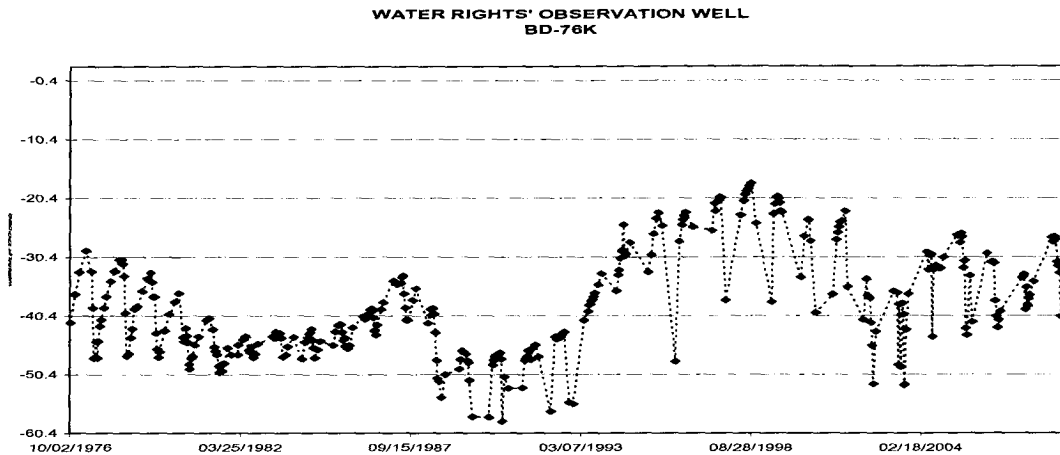


Figure 4. Water Rights' Observation Well BD-79K, located approximately 2.4 miles south west of this well site

REVIEW OF EXISTING WATER PERMITS/RIGHTS:

There are 38 Water Rights/Permits appropriating water from the Warren: West James aquifer. The nearest appropriation from the management unit, Water Right No. 5999-3, Hefty Seed Company, is located over one mile east of the wells to be used to supply 7125-3. Although drawdown from this proposed pumping may be measurable over a fairly large area since the management unit is confined, the affect of the pumping is not expected to be adverse to adequate wells.

In 1976, the Chief Engineer issued an order to the holder of Water Permit No. 2680-3 (the original irrigation appropriation for this land with these wells) to reduce pumping to no more than 16 hours per day. Restricted pumping was ordered due to concerns with loss of water in domestic wells in the area. Eventually a second order was issued to cease pumping completely. Ultimately, the permit holder made arrangements to provide domestic water to the "affected" domestic well owner and was allowed to resume irrigating on a reduced pumping schedule. SD Water Law has evolved since 1976 and irrigation is no longer required to be regulated to absolutely protect artesian pressure for domestic uses. It is unlikely that Water Permit No. 2680-3 would be restricted to provide protection of domestic wells under current water law.

OTHER:

In 1975 Huron Dressed Beef applied for a water permit to (No. 2680-3) to irrigate 440 acres including the acreage proposed for irrigation by this application. At the time of the application The State Conservation Commission was required to approve a permit assuring that the groundwater and soil were compatible. On November 4, 1975, the Water Quality Lab informed Huron Dressed Beef that this water was "in the high salinity, high sodium category and is very poor water indeed. In fact, with the soils which are indicated to be in the area you propose to irrigate, I say there should be no further consideration of this [water] sample". On April 21, 1976, the Division of Conservation reversed their decision regarding the soil-water compatibility and sent a very guarded approval notification. Huron Dressed

Beef was informed that "the water you intend to use could tend to destroy soil structure" and advised to obtain assistance in soils management.

In the late 1970's several water permit applications for irrigation from the Warren: West James Aquifer were deferred because water levels were declining in the aquifer (see figure2). The applications have subsequently been either approved or withdrawn.

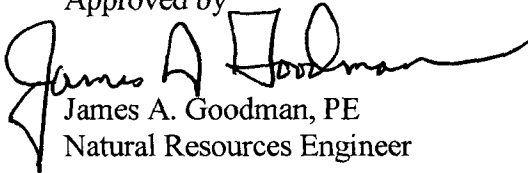
CONCLUSIONS:

1. Unappropriated water is available from the Warren: West James aquifer for this appropriation.
2. The aquifer is confined and under artesian conditions. Drawdown created by pumping the aquifer will extend fairly far. However, adequate wells will not be adversely impacted by this appropriation.
3. The water quality from the Warren: West James Aquifer is questionable for irrigation on this acreage.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer system in Sanborn and Parts of Beadle, Miner, Hanson, Davison, and Jerauld Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 87-4082, 59 p.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa: U.S. Army Corps of Engineers Contract DACW 45-80-C-0185

Water Rights, 2009a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2009b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2009c, Water Well Completion Report, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

JUN 22 2009

PRINTER'S AFFIDAVIT

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Mary Mitchell, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**OSCAR INC - NOT. WATER APPLICATION
37125-3**

Was published for Two days, once each week, on the same day, in said newspaper, and not in any supplement of the said newspaper. The first publication being the 5th day of JUNE 2009 and the last publication was on the 12th day of JUNE 2009. That the full amount of the fee charged for publishing is: FIFTY SEVEN & 03/00 Dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there of has been made with any other person, and that no part there of has been agreed to be paid to any person whom so ever.

Mary A. Mitchell

Subscribed and sworn to before me this 30th day of JUNE, 2009

Tera Rae McMillan
Notary Public, South Dakota

My term expires 08/27/2010

Legal # 239

PLAINSMAN
P.O. Box 1278
Huron, SD 57350
(605) 352-6400

F.P. 06-05-09

L.P. 06-12-09

NOTICE OF
APPLICATION NO.
7125-3 to

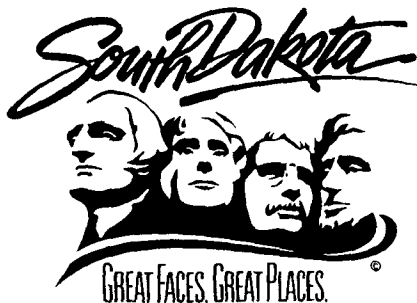
Appropriate Water
Notice is given that Oscar Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from two existing wells completed into the Warren: West James Aquifer (90 feet deep) located in NW 1/4 SE 1/4 Section 33 to irrigate 160 acres located in the SE 1/4 Section 33; all in T111N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7125-3 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 the 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 June 22, 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
No. 239 (adv.)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2009

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7125-3 to Appropriate Water to be published twice. Please publish the first notice on June 5, 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 Oscar Inc., c/o Floyd Peterson, 18892 390th Ave., Hitchcock SD 57348 (Ph # 605-266-2747).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 7125-3

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

Date _____

We are in receipt of your letter of May 29, 2009 enclosing Notice to Appropriate Water by Application No. 7125-3 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.

May 29, 2009

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

Dear Mr. Peterson:

Water Permit Application No. 7125-3 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 Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on June 5, 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. 7125-3 to Appropriate Water

Notice is given that Oscar Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from two existing wells completed into the Warren:West James Aquifer (90 feet deep) located in NW ¼ SE ¼ Section 33 to irrigate 160 acres located in the SE ¼ Section 33; all in T111N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7125-3 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 June 22, 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

JUN 26 2009

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

Dear Mr. Peterson:

Enclosed is Water Permit No. 7125-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2010

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

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

Dear Oscar:

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7125-3

I have this day, November 20, 2025, made a thorough examination of the water use system constructed by Oscar, Inc, 18892 390th Ave, Hitchcock, SD 57348 of Permit No. 7125-3, bearing the priority of April 13, 2009 authorizing the diversion of 2.28 cu. ft. per second of the waters of the Warren:West James Aquifer for irrigation purposes, in Beadle County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Driling
- 2) No. of Wells 1
- 3) Depth(s) 85 feet
- 4) Well log is available Y

Comments:

Casing:

- 1) Diameter 10 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 25 feet
- 3) Static water level 30 feet

Pump:

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

Motor:

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

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

- 1) Type Buried PVC 2) Size 8 inches 3) Length 1800 feet

Comments: **xx**

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make T & L
2) Overall length 1300 feet
3) Number of towers 7
4) End gun Y
5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the SE corner Sec 33 T111N R62W, 2641 ft N & 2635 ft W, Lat 44.37767 Long -98.28532
NW 1/4 SE 1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- | <u>legal description/acreage</u> | <u>legal description/acreage</u> |
|--|----------------------------------|
| All in Sec 33 T111N R62W | |
| NW 1/4 SE 1/4 - 32 acres | |
| NE 1/4 SE 1/4 - 32 acres | |
| SE 1/4 SE 1/4 - 31 acres | |
| SW 1/4 SE 1/4 - 31 acres | |
| comprising a total of <u>126</u> acres of land and the license should be issued for <u>1.78</u> cfs. | |
3. All structures, wells and lands on map Y

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

Used FSA photos and ArcGIS to construct the map.

Used the reported pump discharge of 800 on a 2023 IQ for system flow rate.

Used the 1986 constructed well data set for the system found in the DANR Well Completion data base. It appears the notation on the location sketch is in error as it shows the well on the NE of the SE quarter while the well is in the NW of the SE quarter. There are five (5) very similar well logs for the general area in the DANR data base.

Make an address change from 18892 390th Ave, Hitchcock, SD 57348 to 209 27th St NW, Huron, SD 57350

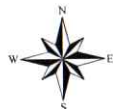
Current phone number for Mr. Peterson is 605/350-4892 and his daughter Adele (another contact) is 605/354-4605.

Visited with Mr. Peterson while reviewing his Spink County Permits at an earlier date.



Darrell DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: December 1, 2025



0 385 770 1,540 2,310 3,080 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 31 2026

7125-3

Oscar Inc.
c/o Floyd Peterson
209 27th St NW
Huron SD 57350

Dear Mr. Peterson:

Enclosed is Water License No. 7125-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Permitting Administrator, at 605-773-3352.

Sincerely,

Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights Program

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7125-3**

(1) Oscar Inc. c/o Floyd Peterson, 209 27th St NW, Huron SD 57350, made Application No. 7125-3, April 13, 2009, for a water permit to divert 2.28 cubic feet of water per second from, ground water, two wells (Warren: West James Aquifer), for irrigation purposes in Beadle County, South Dakota. Permit No. 7125-3 was approved on June 22, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 22, 2014, and for the application to beneficial use of water on or before June 22, 2018.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,641 ft N & 2,635 ft W of the SE corner Section 33-T11N-R62W (NW ¼ SE ¼)
(Latitude 44.37767 & Longitude -98.28532)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation purposes. The water is to be used during the following described annual period: March 1 – October 31.

(4) 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 33-T11N-R62W
NE ¼ SE ¼ - 32 acres SW ¼ SE ¼ - 31 acres
NW ¼ SE ¼ - 32 acres SE ¼ SE ¼ - 31 acres
TOTAL: 126 acres

(5) Pursuant to South Dakota Water Law 46-5-30, Oscar Inc., the holder and/or owner of Water Right No. 7125-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Warren: West James Aquifer) with a priority date of April 13, 2009, 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. 7125-3 and subject to the following qualifications:

1. The wells approved under this permit will located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights. *(The inspection of this permit found only one well to be in use.)*
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.



Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights Program

JUL 31 2026

date

