

WATER PERMIT NO. 7235A-3

Name of Applicant: **Jeb, Shane and Mitch Peterson**

Address: **39686 Hwy 28, Hitchcock SD 57348** Phone: **605 350-4563**

Amount of Water Claimed: **1.94 cfs** Total Acres: **136 acres**

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

Water to be used for: **irrigation** County: **Spink**

Type of Waste Disposal System:

Location: **6 miles northeast of Hitchcock**

PRIORITY Date Received: **3-19-13** Application/License Fee: **\$ 300**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks: **Transfer acreage authorized by Permit No. 7235-3 to new land**

Diversion Point: **center NW 1/4 Sec 26-T114N-**
R62W

Land to be Irrigated: **NW 1/4 Sec 26-T114N-**
R62W

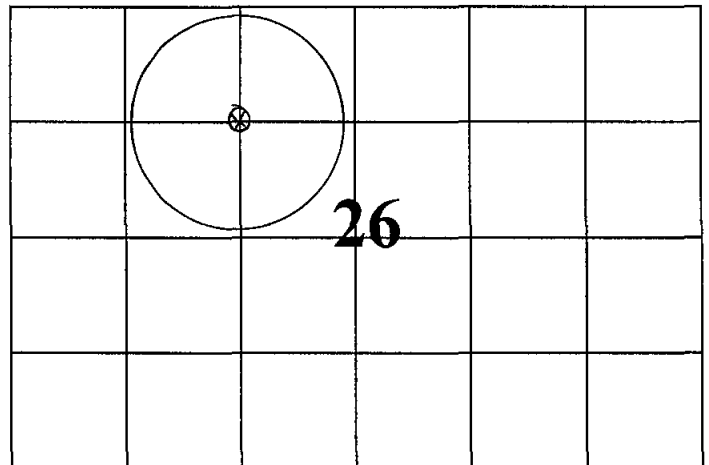
Depth of Well: **75 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **3-21-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7235A-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	<u>605-472-0822</u>
	Newspaper <u>Redfield Press Box 440</u>	<u>57469</u>
	<u>Plainsman Box 1278 Huron</u>	<u>57350</u>

RECEIVED
MAR 19 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7235-3
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Jeb, Shane and Mitch Peterson

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 39686 Hwy 28 Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 350-4563 Email _____

2. Amount of water claimed 1.94 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare:East James Aquifer

4. Location of point of diversion new point is in the NW 1/4 Section 26, T114N, R62W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - October 31

7. 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 NW 1/4 Section 26, T14N, R62W	34		
NE 1/4 NW 1/4 Section 26, T14N, R62W	34		
SW 1/4 NW 1/4 Section 26, T14N, R62W	34		
SE 1/4 NW 1/4 Section 26, T14N, R62W	34		

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

Transferring acreage authorized by Permit No. 7235-3 to new land since the current land is authorized for irrigation from the James River. This allows for the more efficient irrigation of land to provide for optimum crop production.

Brad Peterson

I, Brad Peterson on behalf of Shane, Jeb & Mitch Peterson, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7235A-3**

Date of first receipt of application March 19, 2013.

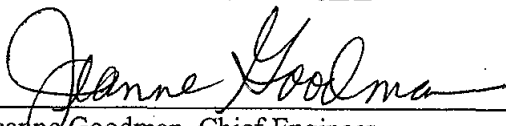
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7235A-3 to Jeb, Shane and Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7235A-3 amends Water Permit No. 7235-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7235-3 appropriates 1.94 cubic feet of water per second from one well located in the center of the NE 1/4 Section 22 to irrigate 136 acres located in the NE 1/4 Section 22; all in T114N-R62W. This permit authorizes moving the center pivot approximately 1/2 mile southeast with the well to be located in the approximate center of the NW 1/4 Section 26 to irrigate 136 acres located in the NW 1/4 Section 26; all in T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is March 1, 2011.
4. The date of approval of Permit No. 7235A-3 is June 3, 2013.
5. One-fifth of the construction is to be completed on or before November 9, 2013.
6. All construction is to be completed on or before May 9, 2016.
7. Water is to be put to beneficial use on or before May 9, 2020.
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. 7235A-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: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 27 2013

date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☒ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by ____

c) Well Depth 75 feet Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property Oscar's just north

On property owned by others irrigation well in Sec 24

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 (e.g. 3 to 1 is a typical slope)

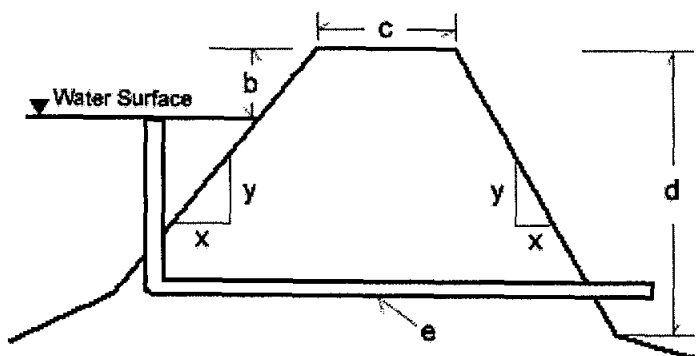
Upstream ____

Downstream ____

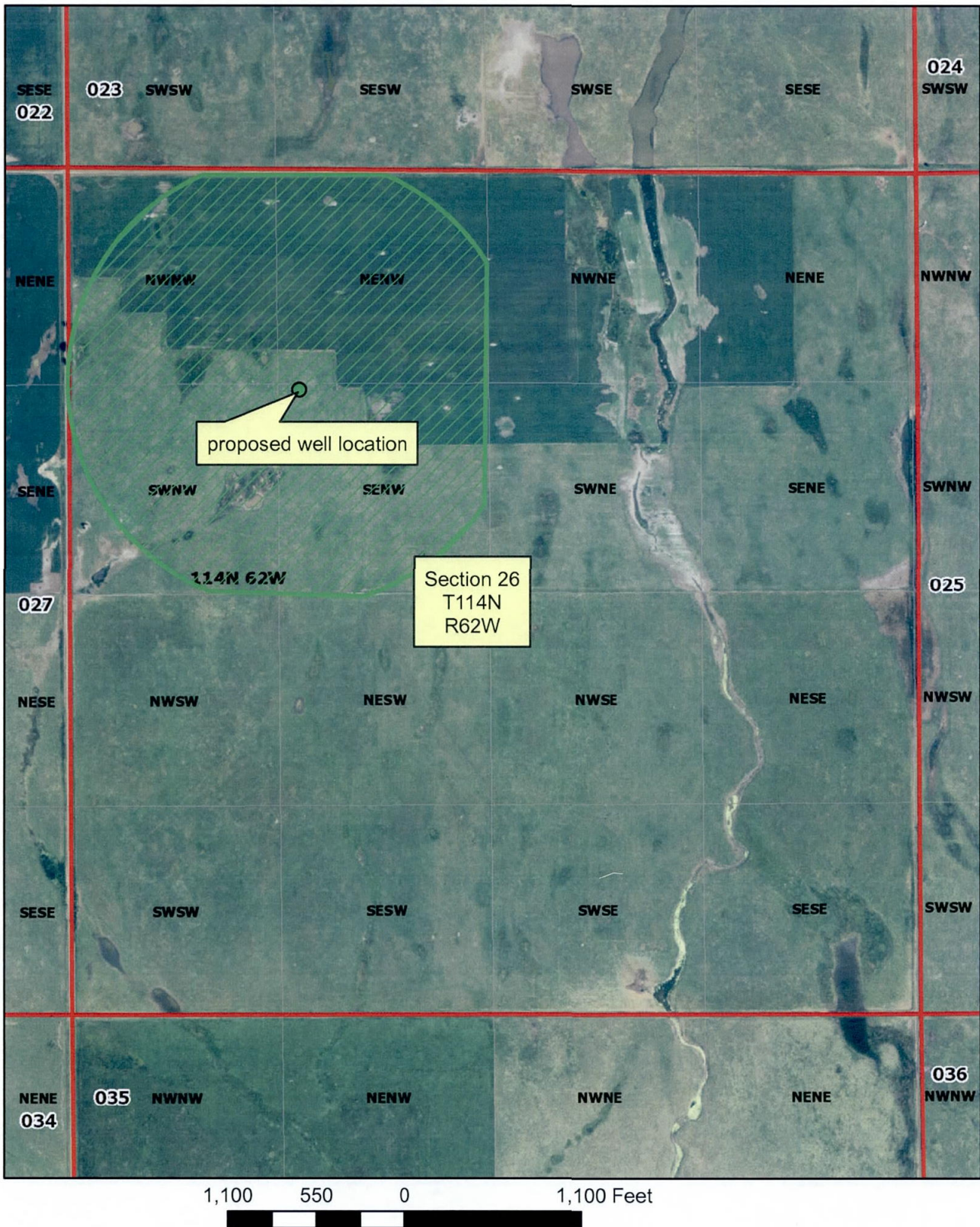
h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



Water Permit Application to Transfer Acres of Water Permit No. 7235-3



RECEIVED

MAR 19 2013

WATER RIGHTS
PROGRAM

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation by
Brad Peteson on behalf of applicants

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/19, 20 13

RECEIVED OF Peterson 209 27th St NW Huron SD 57350

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

Fee for Application for Permit No. <u>7235A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>7235A-3</u>	200	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	300	00

No. 06250

By

Larry E. Eberle
Chief Engineer

RECEIVED

MAR 19 2013

WATER RIGHTS
PROGRAM

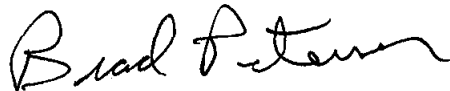
March 19, 2013

Chief Engineer
Water Rights Program, DENR
523 E Capitol Avenue
Pierre SD 57501
Chief Engineer:

We request authorization to complete a test well located in the approximate center of the NW ¼ Section 26, T114N, R62W. Shane, Jeb and Mitch Peterson have filed an application to transfer the acreage authorized by Water Permit No. 7235-3 to the NW ¼ Section 26, T114N, R62W. It is our intention to consult with a well driller and have the flexibility to complete a test well if test drilling appears favorable.

We fully understand that authorization for a test well is not a guarantee that the water permit will be approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Peterson". The signature is fluid and cursive, with the first name "Brad" being more prominent than the last name "Peterson".

Brad Peterson

On behalf of Shane, Jeb and Mitch Peterson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 21, 2013

Brad Peterson
39686 Hwy 28
Hitchcock, SD 57348

Dear Mr. Peterson:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a licensed well driller construct a test well approximately 75 feet deep into the East James management unit of the Tulare aquifer prior to approval of a water permit. The test well will be located in the NW ¼ Section 26-T114N-R62W. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

 GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7235A-3, Jeb, Shane and Mitch 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. 7235A-3, Jeb, Shane and Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 7235A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The 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. 7235A-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.

Jeanne Goodman, Chief Engineer
May 15, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7235A-3
MITCH, JEB, AND SHANE, PETERSON
MAY 15, 2013

Water Permit Application No. 7235A-3 proposes to amend Water Right No. 7235-3 by transferring both the diversion point and irrigated acreage authorized by the water right to a new location approximately one-half mile southeast. Water Right No. 7235-3 authorizes a maximum diversion rate of 1.94 cubic feet of water per second (cfs) from one well located in the center of NE ¼ Section 22, T114N-R62W to irrigate 136 acres located in NE ¼ Section 22; all in T114N-R62W in Spink County. Water Permit Application No. 7235A-3 proposes to change the diversion point authorized by Water Right No. 7235-3 to the approximate center of NW ¼ Section 26, T114N-R62W. The new well is expected to be 75 feet deep. This amendment also proposes to change the location of acreage authorized for irrigation to 136 acres located in the NW ¼ Section 26, T114N-R62W. The water source for this irrigation system is the East James management unit of the Tulare aquifer. If approved, this application would not authorize an increase in irrigated acreage or diversion rate.

AQUIFER: East James management unit of the Tulare aquifer (T: EJ)

SDCL 46-6-34

South Dakota Codified Law 46-5-34 allows:

“if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed under this section.”

The justification for the transfer of acreage and diversion point is that acreage authorized under Water Permit No. 7235-3 is also authorized for irrigation under Water Permit No. 7234-3 from the James River, and this transfer would allow for a more efficient irrigation of land to provide optimum crop production.

Following a December 6, 2012, hearing, the Water Management Board approved water permit applications totaling an amount of water approximately equal to the probable quantity of water remaining unappropriated from the aquifer. The best available information indicates that there is no additional unappropriated water available and that any additional withdrawals from the Tulare: East James aquifer would exceed the estimated average recharge to the aquifer. This application proposes to transfer the authorization to irrigate 136 acres (i.e. 272 ac-ft of water) from NE ¼ Section 22 to NW ¼ Section 26, T114N-R62W. Based on Buhler (2012), the average irrigation application rate for the Tulare: East James aquifer has been 7.68 inches per year for the period of 1979 to 2011. Thus, the expected water use by this application, if approved, is approximately 87 ac-ft/yr. Figure 1 is a map of the area of Water Permit No. 7235-3 and Water Permit Application 7235A-3.

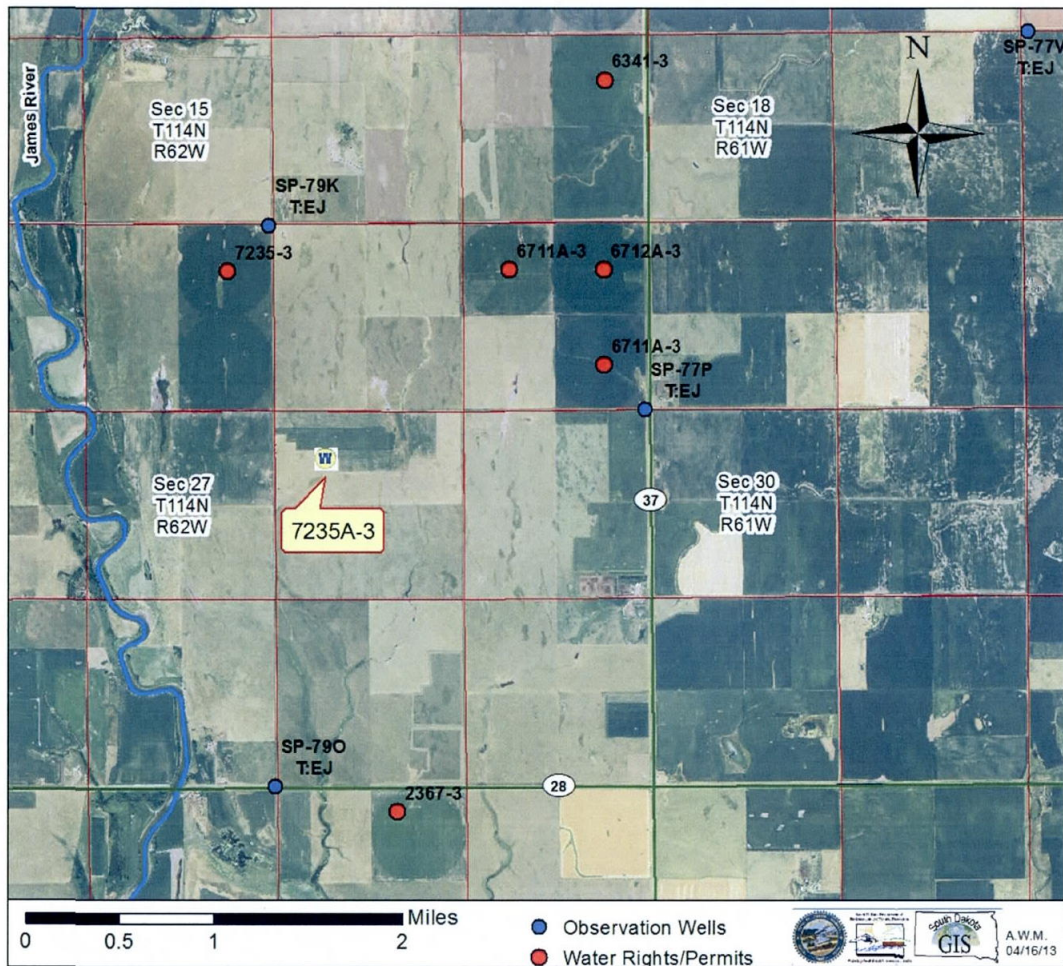


Figure 1- Map of area near Water Permit No. 7235-3 and Water Permit Application 7235A-3 (Water Rights, 2013a and 2013b)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. Since no increase in total appropriation of water or diversion rate is requested by this application, only the effects of this proposed diversion on existing water rights/permits and domestic users will be addressed in this report.

EXISTING WATER RIGHTS:

There have been a total of 184 applications to appropriate water from the Tulare: East James aquifer. The status of the applications is shown in table 1. Development from the Tulare: East James aquifer dates back to the mid 1950's and well interference has never been an issue from the aquifer.

STATUS	NUMBER OF APPLICATIONS
LICENSED	69
PERMITTED	34
INCORPORATED	27
CANCELLED	29
DENIED	9
WITHDRAWN	16

Table 1- Status of water permit applications from the Tulare: East James aquifer (modified from Buhler, 2012)

There are three water rights/permits authorizing wells within approximately two miles of the proposed well site, with the nearest being approximately 1.3 miles away (Water Rights, 2013b). Those water rights/permits are shown in table 2. The nearest domestic well on file with the SD DENR-Water Rights Program is approximately one-half mile from the proposed well site (Water Rights, 2013c).

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
2367-3	Peterson Farms	LC	IRR	1.77	124
6711A-3	Oscar Inc.	PE	IRR	4.34	304
6712A-3	Peterson Farms	PE	IRR	1.94	136
7235-3*	Mitch, Jeb & Shane Peterson	PE	IRR	1.96	136
LC= Water Rights, PE= Water Permit, IRR= Irrigation, *= to be transferred by this application					

Table 2- Water rights/permits within approximately 1.5 miles of proposed well site (Water Rights, 2013b)

Figures 2 and 3 are the hydrographs for observation wells SP-79K and SP-77P, respectively. Observation well SP-79K is approximately 1.3 miles north and SP-77P is approximately 1.6 miles east of the proposed well site (Water Rights, 2013a). The hydrographs do not show the significant effects of pumping even though observation well SP-77P is less than one mile from three irrigation wells. Considering how close other water rights/permits are to each other within the aquifer, the distance from existing wells to the proposed well site, the hydrographs for observation wells SP-79K and SP-77P, and the development history of the aquifer, there is a reasonable probability that this proposed transfer of acres and diversion point can be made without adversely impacting existing water rights/permits or domestic users.

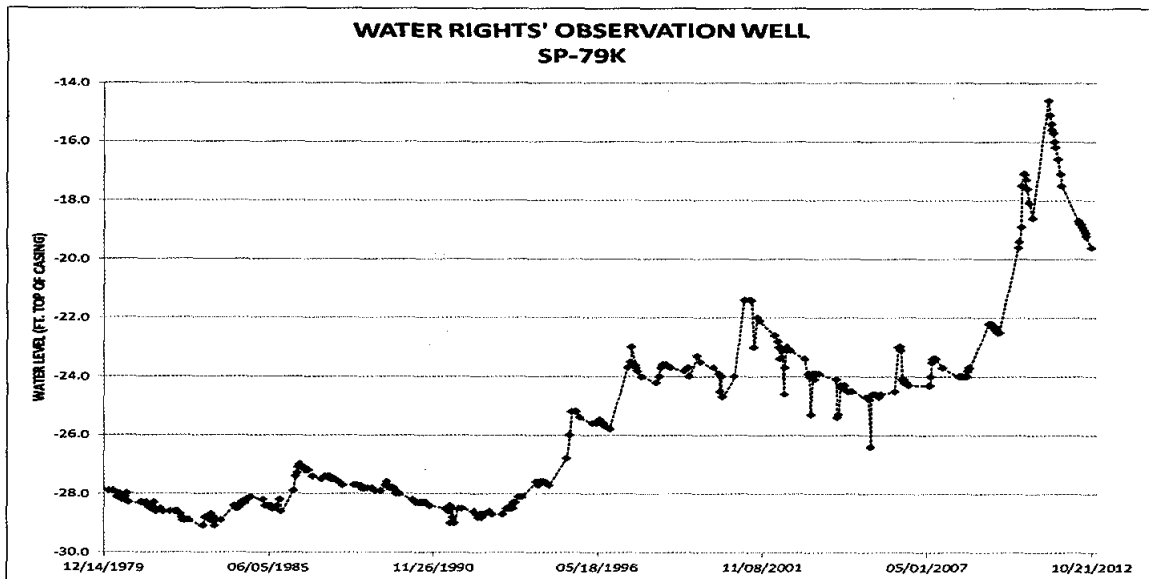


Figure 2- Hydrograph for observation well SP-79K (Water Rights, 2013a)

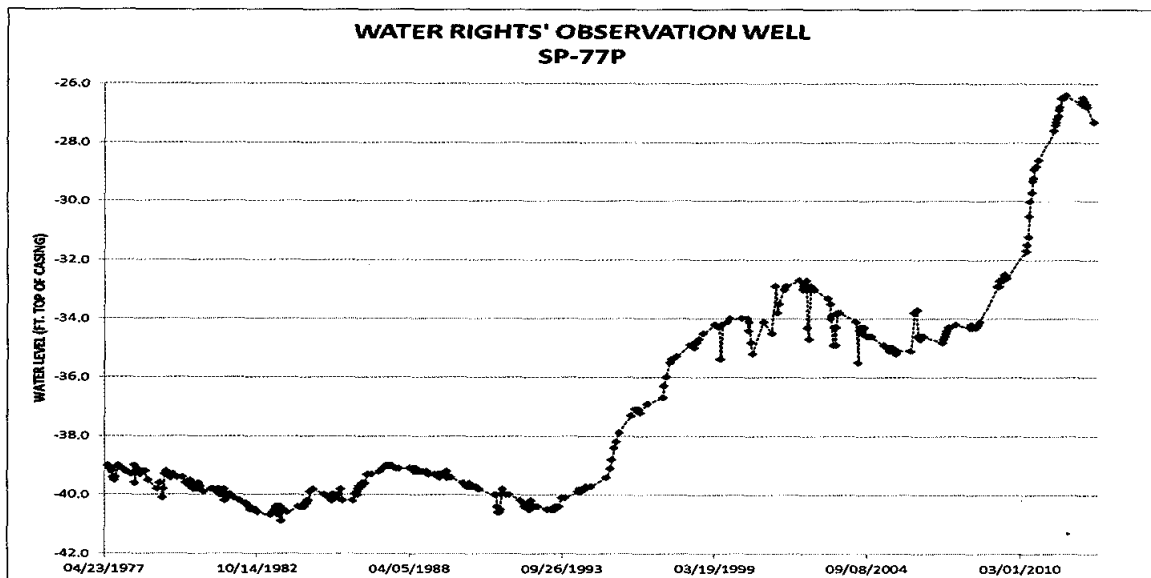


Figure 3- Hydrograph for observation well SP-77P (Water Rights, 2013a)

CONCLUSIONS:

1. Water Permit Application No. 7235A-3 proposes to transfer irrigation authority for 136 acres from the NE $\frac{1}{4}$ Section 22 to the NW $\frac{1}{4}$ Section 26; all in T114N-R62W in Spink County.
2. The well authorized by Water Right No. 7235-3 has not been constructed, but is to be completed into the Tulare: East James aquifer. The new well proposed by Water Permit Application No. 7235A-3 must also be completed into the Tulare: East James aquifer.

3. The Tulare: East James aquifer is considered fully appropriated. However, this application is not requesting any increase in water or diversion rate, and therefore, there is no need to consider if unappropriated water is available from the aquifer.
4. There is a reasonable probability that the transfer of diversion point and irrigated acres can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved By:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Buhler, K.A. 2012. Report on Water Permit Application No. 7295-3, 7316-3, 7348-3, 7364-3, 7365-3, 7366-3, 7367-3, 7368-3, 7369-3, and 7370-3. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

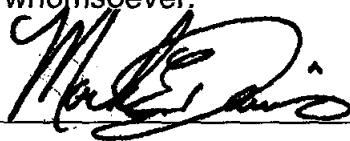
Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

#343 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on May 22nd, that Thirty-one and .50/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

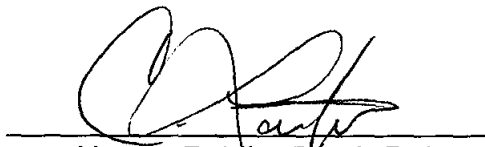


Subscribed and sworn to before me this 22nd day of May, 2013.

RECEIVED

MAY 23 2013

WATER RIGHTS
PROGRAM


Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#343

NOTICE OF APPLICATION NO. 7235A-3 TO APPROPRIATE WATER

Notice is given that Jeb, Shane and Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 have filed an application to amend Water Permit No. 7235-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7235-3 appropriates 1.94 cubic feet of water per second from one well located in the center of the NE 1/4 Section 22 to irrigate 136 acres located in the NE 1/4 Section 22; all in T114N-R62W. This application proposes to move the center pivot approximately 1/2 mile southeast with

the well to be located in the approximate center of the NW 1/4 Section 26 to irrigate 136 acres located in the NW 1/4 Section 26; all in T114N-R62W. The water source for this irrigation system is the Tulare-East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The Peterson's justification for this change is the current land is authorized for irrigation from the James River also. This transfer allows for the more efficient irrigation of land to provide optimum crop production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7235A-3 because 1) existing rights will not be unlawfully impaired; 2) it is a beneficial use of water; and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on 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 3, 2013.

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
Published at an approximate cost of
\$31.50. (May 22)

PRINTER'S AFFIDAVIT

RECEIVED

MAY 23 2013

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

WATER RIGHTS
PROGRAM

I, ELDON JACOBS, 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:

WATER RIGHTS PROGRAM – MITCH PETERSON

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 22ND day MAY 2013 That the full FORTY-SIX & 31/100 dollars insures to the benefit of the publisher 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 whom so ever.



Subscribed and sworn to before me this 22ND day of MAY 2013.



Notary Public, South Dakota

My term expires 10/25/2017

Legal # 776

-FP 05-22-13

**NOTICE OF
APPLICATION
NO. 7235A-3**

to Appropriate Water
Notice is given that Jeb, Shane and Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 have filed an application to amend Water Permit No. 7235-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7235-3 appropriates 1.94 cubic feet of water per second from one well located in the center of the NE 1/4 Section 22 to irrigate 136 acres located in the NE 1/4 Section 22; all in T114N-R62W. This application proposes to move the center pivot approximately 1/2 mile southeast with the well to be located in the approximate center of the NW 1/4 Section 26 to irrigate 136 acres located in the NW 1/4

Section 26; all in T114N-R62W. The water source for this irrigation system is the Tulare East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The Peterson's justification for this change is the current land is authorized for irrigation from the James River also. This transfer allows for the more efficient irrigation of land to provide optimum crop production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7235A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on 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 3, 2013.

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. Pimer,
Secretary, Department
of Environment and
Natural Resources.

No. 776 (adv.)
Published once at the
total approximate cost of
\$45.08.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 16, 2013

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7235A-3 to Appropriate Water. Please publish the notice once on May 22, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jeb, Shane & Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348. (Ph # 605-350-4563).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 16, 2013

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7235A-3 to Appropriate Water. Please publish the notice once on May 22, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jeb, Shane & Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 (Ph # 605-350-4563).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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

Schlaak, Karen

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Thursday, May 16, 2013 10:18 AM
To: Schlaak, Karen
Subject: Re: 7235A-3 and 7747-3

I have received your email.
Thank you.

Ruby (Newman) Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On May 16, 2013, at 10:06 AM, Schlaak, Karen wrote:

Attached is the Notice of Application No. 7235A-3, Jeb, Shane & Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 (ph 605 350-4563) and
Application No. 7747-3, Gordie Hofer, 40058 185th St, Frankfort SD 57440 (ph 605 266-2555)

The notices are to be published on May 22, 2013 and applicants have been advised to authorize publication and arrange for payment.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

<7235A-3public.short.docx><7747-3public.wmb.docx>

Instruction to Newspaper - Publish the Notice on May 22, 2013. 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. 7235A-3 to Appropriate Water

Notice is given that Jeb, Shane and Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 have filed an application to amend Water Permit No. 7235-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7235-3 appropriates 1.94 cubic feet of water per second from one well located in the center of the NE 1/4 Section 22 to irrigate 136 acres located in the NE 1/4 Section 22; all in T114N-R62W. This application proposes to move the center pivot approximately 1/2 mile southeast with the well to be located in the approximate center of the NW 1/4 Section 26 to irrigate 136 acres located in the NW 1/4 Section 26; all in T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The Peterson's justification for this change is the current land is authorized for irrigation from the James River also. This transfer allows for the more efficient irrigation of land to provide optimum crop production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7235A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on 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 3, 2013.

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.

Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUN 27 2013

Jeb Shane & Mitch Peterson
39686 Hwy 28
Hitchcock SD 57348

Dear Sirs:

Enclosed is Water Permit No. 7235A-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,

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

enclosures

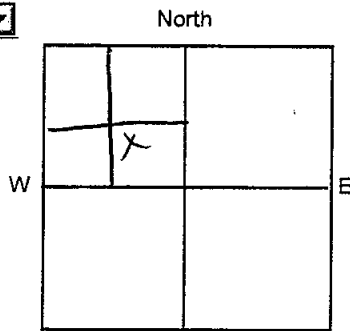
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 26 Twp 114 Rg 62

County Spink

Please mark well location with an "X"



Well Completion Date

06/18/2013

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16 IN	0 FT	72 FT	24 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
volclay	45	Lb/gal	0 Ft	68 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 15 Feet
Material Stainless Steel
Slot Size .057 Set From 72 Feet to 87 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? pearock

Describe packer(s) and location

72

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Brad Peterson

Business Name:

Address: 19026 391st St

City, State, Zip: Hitchcock ☒ SD ☒ 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	10
Yellow sand	10	47
coarse white sand strks of gravel & ro	47	87

STATIC WATER LEVEL

20 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

800 gpm

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN - 8 2014

WATER RIGHTS PROGRAM

This well was drilled under license # 440 and this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative

Ken Palmer

Signature of Well Owner or Equitable Property Holder:

Date:

773-3151
Eric

Form 10

RECEIVED
JUN 17 2014
WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate June 13 - 2014TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

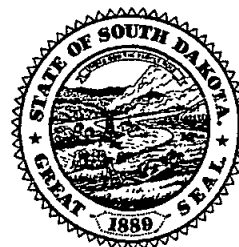
FROM:

Brad Peterson
(name)19026 - 391 Ave
(address)Hitchcock S. Dak 57348
(city, state, zip)266-2817
(phone)

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. 7235-A-3 states that the water use system is to be constructed byJune 15
(date), and water is to be put to beneficial use by June 30
(date)The water use system was completed on June 15 2013
(date)Applying the water to beneficial use was completed on June 15 2013
(date)

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

Brad Peterson
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 2014

7235A-3

Mitch, Jeb & Shane Peterson
39686 Hwy 28
Hitchcock SD 57348

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form submitted by Brad Peterson for Water Permit No. 7235A-3. The completion of works form indicated the irrigation system authorized under this permit has been completed.

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 completion of the 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive.

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

RECEIVED

SEP - 7 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7235A-3

Date: Sept 6 - 2016

I/We request that Water Right/Permit No. 7235A-3

formerly owned by: Mitch, Jeb & Shane Peterson

be transferred to: (name & address) Trent, Jeb & Shane Peterson

Telephone No. 461-9792

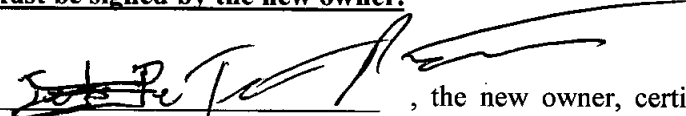
Title to the following described land(s)/property has been transferred as described above:

NW ¼ Section 26, T114N, R62W (water source – Tulare:East James aquifer)

I/We understand that the validity of Water Right/Permit No. 7235A-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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We , the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/7, 20 16

RECEIVED OF Twisted Land & Cattle 19026 391st Ave Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>7235A-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07914**

By J. Elaine Gooden
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 9, 2016

Brad Peterson
Twisted Land and Cattle
19026 391st Ave
Hitchcock SD 57348

RE: Water Permit/Right Nos. 2367-3, 5671-3, 6334A-3, 7234-3, 7235A-3 and 7444-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed water permits and water rights. The ownership changes have been completed as follows:

- **Water Right No. 2367-3**, formerly held by Peterson Farms is now listed in the name of Twisted Land and Cattle;
- **Water Right No. 5671-3**, formerly held by Peterson Farms is now listed in the name of Twisted Land and Cattle;
- **Water Right No. 6334A-3**, formerly held by Peterson Farms is now listed in the name of Twisted Land and Cattle;
- **Water Right No. 7234-3**, formerly held by Peterson Farms is now listed in the name of Twisted Land and Cattle;
- **Water Permit No. 7235A-3**, formerly held by Mitch, Jeb & Shane Peterson is now listed in the names of Trent, Jeb and Shane Peterson (in-care-of your address);
- **Water Permit No. 7444-3**, formerly held by Mitch, Jeb & Shane Peterson is now listed in the names of Trent, Jeb and Shane Peterson (in-care-of your address);

Enclosed for your records are the receipts in the amount of \$50 each which you paid for filing the ownership changes. The two water rights that need to be divided and reissued to reflect separate ownership are being processed separately. If I can answer any questions for you, please let me know.

Sincerely,


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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

AUG 14 2020

Ck# 504

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

AUG 14 2020

Water Right/Permit No. 7235A-3Date: August 14, 2020

I/We request that Water Right/Permit No. 7235A-3 ^{WATER RIGHTS}_{PROGRAM} formerly owned by:

Jeb, Shane, Mitch Peterson be transferred to:

New Owner Name: Oscar IncAddress: 209 27th NWCity, State, Zip Huron ☒ SD ☒ 57350 Telephone No. _____

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

NW 1/4 Section 26-T114N-R62W

☒ I understand that the validity of Water Right/Permit No. 7235A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Oscar Inc, the new owner, certify that the above information is true and correct.

Oscar Inc by Lloyd H. Peterson Pres.
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

7235A-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date August 14, 2020RECEIVED OF Oscar Inc. 209 27th St. NW Huron SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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. _____	\$
Fee for Filing Transfer Form <u>7235A-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By Eric Gronlund

Chief Engineer

dm

7235A-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2020

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

RE: Water Right/Permit Nos. 7234-3, 7235A-3, 7347-3, 7348-3, 7348A-3, 7349-3 & 7444-3

Dear Mr. Peterson:

I am writing in reference to the transfer forms and filing fees you completed while in the office last Friday.

The ownership changes have been completed. The above listed water rights and water permits, formerly held by Michael Sentell, Twisted Land & Cattle or Jeb, Shane & Brad Peterson are now listed in your name.

Enclosed for your records are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7235A-3

I have this day, 06/26/2024, made a thorough examination of the water use system constructed by Oscar Inc of 209 27th NW, Huron SD 57350 holder of Permit No. 7235A-3, bearing the priority of March 1, 2011 authorizing the diversion of 1.94 cu. ft. per second of the waters of groundwater Tulare: East James Aquifer for irrigation purposes, in Spink County.

Inspection contact & relationship Floyd Peterson, owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Well Drilling Inc.
- 2) No. of Wells 1
- 3) Depth(s) 87 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 72 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 15 feet
- 3) Static water level 20 feet

Pump:

- 1) Make Berkley
- 2) Model centrifugal
- 3) Size 12
- 4) Capacity 800 GPM

Motor:

- 1) Make John Deere
- 2) Model No. diesel
- 3) Horsepower rating 90 hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 200 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T-L
- 2) Overall length 1280 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
List any extended period of nonuse: none
3) Exceptions to compliance are: none

E. Condition and Location:

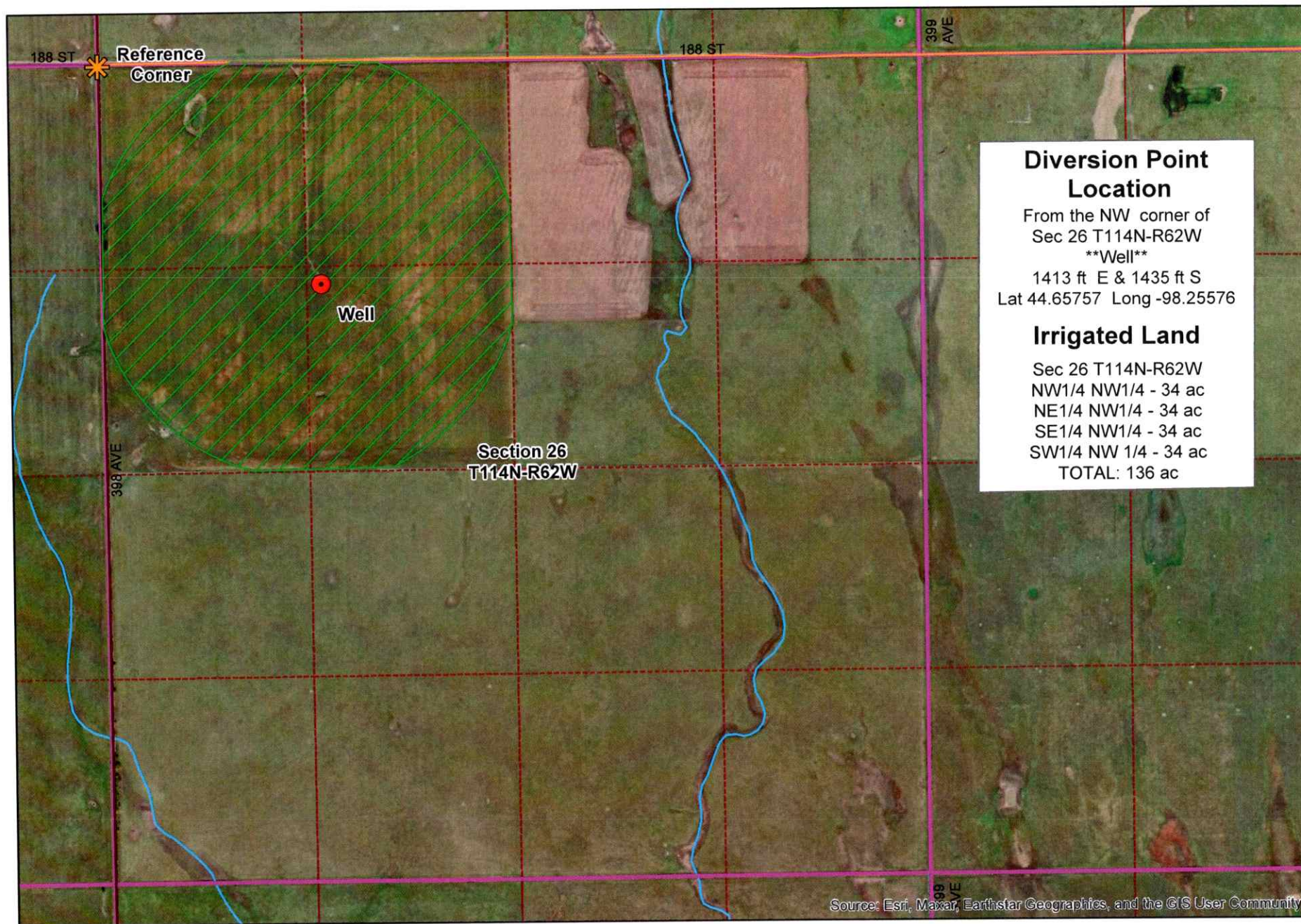
1. The system is in good condition with the point(s) of diversion located as follows: from the NW corner of Sec 26 T114N-R62W 1413 ft E and 1435 ft S, latitude of 44.65757 and longitude of -98.25576 , SE ¼ NW ¼.
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 26 T114N-R62W NW ¼ NW ¼ - 34 ac NE ¼ NW ¼ - 34 ac SE ¼ NW ¼ - 34 ac SW ¼ NW ¼ - 34 ac comprising a total of 136 acres of land and the license should be issued for 1.78 cfs.
3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project: none



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: 07/18/2024



0.5 0.25 0 0.5 Miles

Mark D Rath
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 12 2024

7235A-3

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

Dear Mr. Peterson:

Enclosed is Water License No. 7235A-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 our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7235A-3**

(1) Jeb, Shane, and Mitch Peterson made Application No. 7235A-3, March 19, 2013, for a water permit to amend Water Permit No. 7235-3, transferring the irrigated acres and point of diversion to other lands. Permit No. 7235A-3, with a priority date of March 1, 2011 (established by 7235-3), was approved June 3, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 9, 2016, and for the application to beneficial use of water on or before May 9, 2020.

Ownership of Water Permit No. 7235A-3 was transferred to Oscar Inc., 209 27th Street NW, Huron SD 57350, in August 2020.

(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:

- 1,413 ft E & 1,435 ft S of the NW corner Section 26, T114N, R62W (SE ¼ NW ¼)
(Latitude 44.65757 & Longitude -98.25576)

(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. The water is to be used during the following described annual period: April 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 26, T114N, R62W, Spink County

NE ¼ NW ¼ 34 acres

NW ¼ NW ¼ 34 acres

SW ¼ NW ¼ 34 acres

SE ¼ NW ¼ 34 acres

TOTAL: 136 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Oscar Inc., the holder and/or owner of Water Right No. 7235A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Tulare: East James Aquifer), with a priority date of March 1, 2011, 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. 7235A-3 and subject to 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.

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2. The well authorized by Permit No. 7235A-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. *(The well was drilled in 2013 by Pullman Well Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 12 2024

date

