

WATER PERMIT NO. 7444-3

Name of Applicant: Jeb,Shane, Mitch Peterson

Address: 39686 Hwy 28, Hitchcock SD 57348

Phone: 605 350-4563

Amount of Water Claimed: 1.93 cfs

Total Acres: 135

Source of Water Supply: James River

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 8 miles east of Hitchcock

PRIORITY

Date Received: 9-14-12

Application/License Fee: \$ 1050

Corrected Application Received: 9/28/12 Period of Annual Use: June 1 – Sept 1

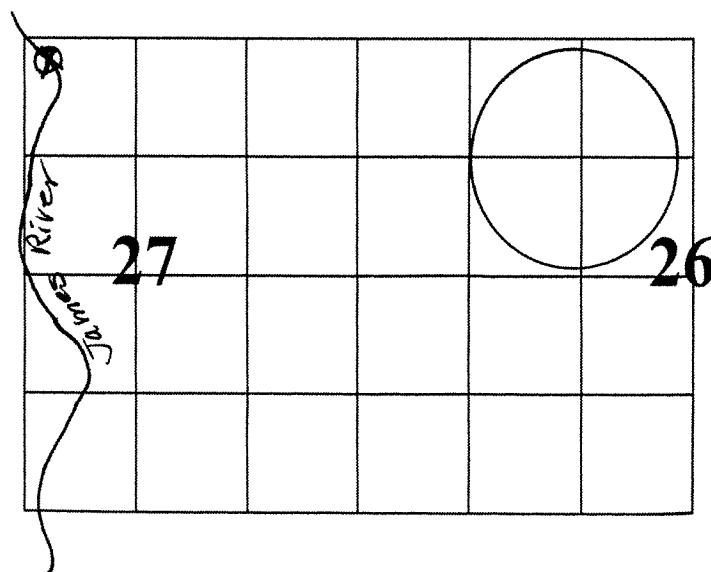
Remarks: Utilizing existing James River diversion point authorized by Water Right No. 6183-3

Diversion Point: NW 1/4 NW 1/4 Sec 27-T114N-

R62W

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

R62W



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-28-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

SEP 28 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7444-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	<u>605-352-6401 57350</u>
	Newspaper <u>Huron Plainsman PO Box 1278</u>	<u>Redfield Press PO Box 440 57469-472-0822</u>

originally received
9/14/12

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.)

1. Name of Applicant Teb, Shane, & Mitch Peterson Phone (605) 350-4563
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 39686 Hwy-28 Hitchcock SD 57348
 (Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.93 *CFS or 865 **GPM ***AF Total Acreage 135
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply James River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
WR No. 6183-3, NW 1/4 NW 1/4 Sec 27 T 114N, R 62W
5. County or counties where water will be used Spink
6. Annual period during which water is to be used June 1 - Sept. 1
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 Sec 26 - 114N 62W	135		

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

Center Pivot pumped out of James River. Barry Pipe along section line of Sec. 22 & 27 to get water to pivot

STATE OF SOUTH DAKOTA)

County of Spink) SS

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

I, Mitch 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 Mitch PetersonSubscribed and sworn to before me this 24 day of September 20 12

Notary Public signature

Deadle Co. S.D.

Exp. 12/04/15

Shawn Thelen

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 7444-3**

To reflect Chief Engineer action taken on behalf of the Water Management Board on November 9, 2020 authorizing the transfer of 33 acres and 0.47 cubic feet of water per second (cfs) diversion authority to Water Permit No. 7444A-3, Water Permit No. 7444-3 is being reissued as follows:

The Chief Engineer, on behalf of the Water Management Board, reissues Water Permit No. 7444-3 to Oscar Inc, c/o Floyd Peterson, 209 27th St NW, Huron SD 57350 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. 7444-3 appropriates 1.46 cfs from the James River utilizing the existing diversion point authorized by Water Right No. 6183-3 located in the NW 1/4 NW 1/4 Section 27 for irrigation of 102 acres located in the NW 1/4 Section 26; all in T114N-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: June 1 – September 1.
3. The date from which applicant may claim right is September 28, 2012.
4. The date of approval of Permit No. 7444-3 is December 17, 2012.
5. One-fifth of the construction is to be completed on or before June 17, 2015.
6. All construction is to be completed on or before December 17, 2017.
7. Water is to be put to beneficial use on or before December 17, 2021.
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. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

July 13 2021
date



**SOUTH DAKOTA
WATER PERMIT NO. 7444-3**

Date of first receipt of application September 28, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7444-3 to Jeb, Shane, & 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. 7444-3 appropriates 1.93 cubic feet of water per second from the James River utilizing the existing diversion point authorized by Water Right No. 6183-3 located in the NW 1/4 NW 1/4 Section 27 for irrigation of 135 acres located in the NW 1/4 Section 26; all in T114N-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: June 1 – September 1.
3. The date from which applicant may claim right is September 28, 2012.
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5. One-fifth of the construction is to be completed on or before June 17, 2015.
6. All construction is to be completed on or before December 17, 2017.
7. Water is to be put to beneficial use on or before December 17, 2021.
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. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

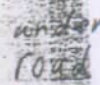
By: Garland Erbele

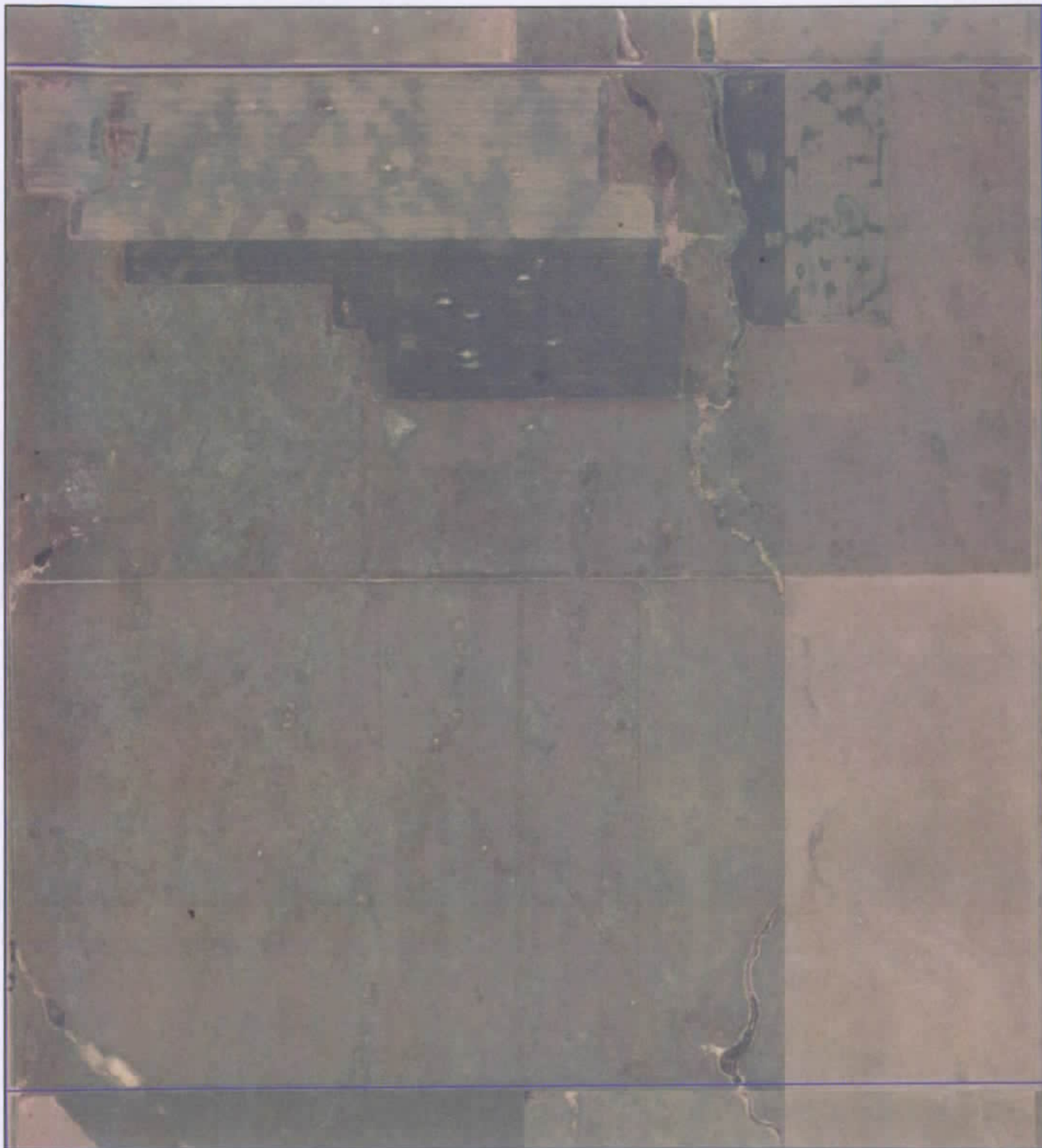
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 28 2013
date



8138





USDA - Farm Service Agency

Beadle County, SD

26-114N-62W

1 inch equals 711 feet

August 27, 2008



2004 Digital Orthophotography

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/28, 20 12

RECEIVED OF 4 Pete 19111 Maple Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>7444-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7444-3</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	1050 00

No. **05596**

By

Gordon Erbe
Chief Engineer

From: Mitch Peterson [<mailto:mepeterson4487@gmail.com>]
Sent: Friday, September 14, 2012 2:48 PM
To: Gronlund, Eric
Subject: Irrigation Application-Jeb, Shane, and Mitch Peterson

Eric,

Attached is an aerial map of Section 26-144N-62W. We are applying for the permit on the NW 1/4. The 2nd attachment is the application as we discussed along with a map of Section 27 that shows where the pump site is located on the James River and the section line it will be buried along. If I need anything else or need to change something please let me know.

Sincerely,

Mitch Peterson
mepeterson4487@gmail.com
[\(605\) 350-4563](tel:(605)350-4563)



**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. 7444-3, 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. 7444-3, Jeb, Shane and Mitch Peterson, c/o Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 7444-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned 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. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
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
November 26, 2012

REPORT ON WATER PERMIT APPLICATION NO. 7444-3
Jeb, Shane and Mitch Petersen
November 19, 2012

Application No. 7444-3; Jeb, Shane, and Mitch Peterson, propose a water permit to appropriate 1.93 cubic feet of water per second from the James River utilizing the existing diversion point authorized by Water Right No. 6183-3 located in the NW 1/4 NW 1/4 Section 27 for irrigation of 135 acres located in the NW 1/4 Section 26; all in T114N-R62W. The proposed project is located in southern Spink County.

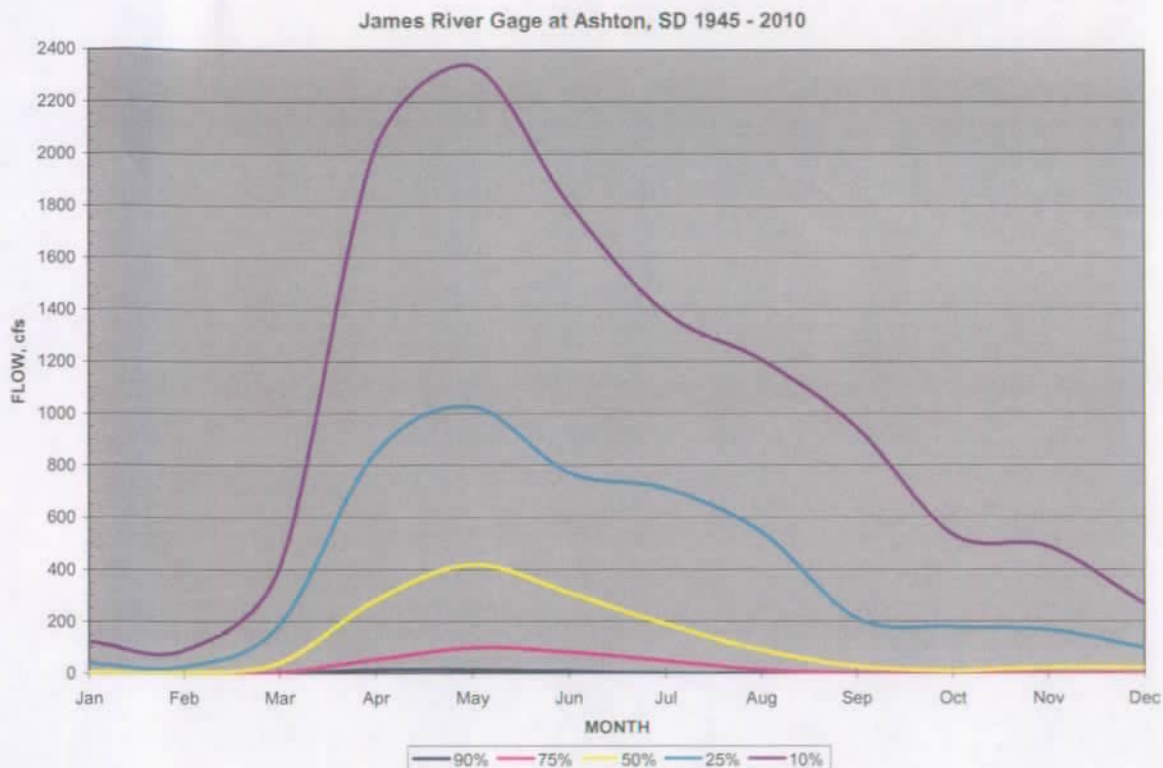
Review of Water Source

The water source for the proposed project is the James River in Spink County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River experiences extremely low flows and cannot be considered a reliable source of water.

The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Ashton, SD, approximately 38 river miles upstream of the proposed project. The historical data from 1945 to 2010 for the Ashton, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 9 to 418 cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 98 cfs for the same time period. (Table 1 and Hydrograph 1)

Table. 1 James River Monthly Median Flow (cfs) Ashton, SD

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	0	0	0	13	12	7	0	0	0	0	0	0
75%	0	0	4	53	98	81	47	12	1	0	0	0
50%	6	3	40	280	418	310	190	90	26	9	22	22
25%	38	25	186	848	1027	773	711	543	211	178	167	96
10%	122	89	407	2021	2340	1810	1391	1208	945	534	488	265

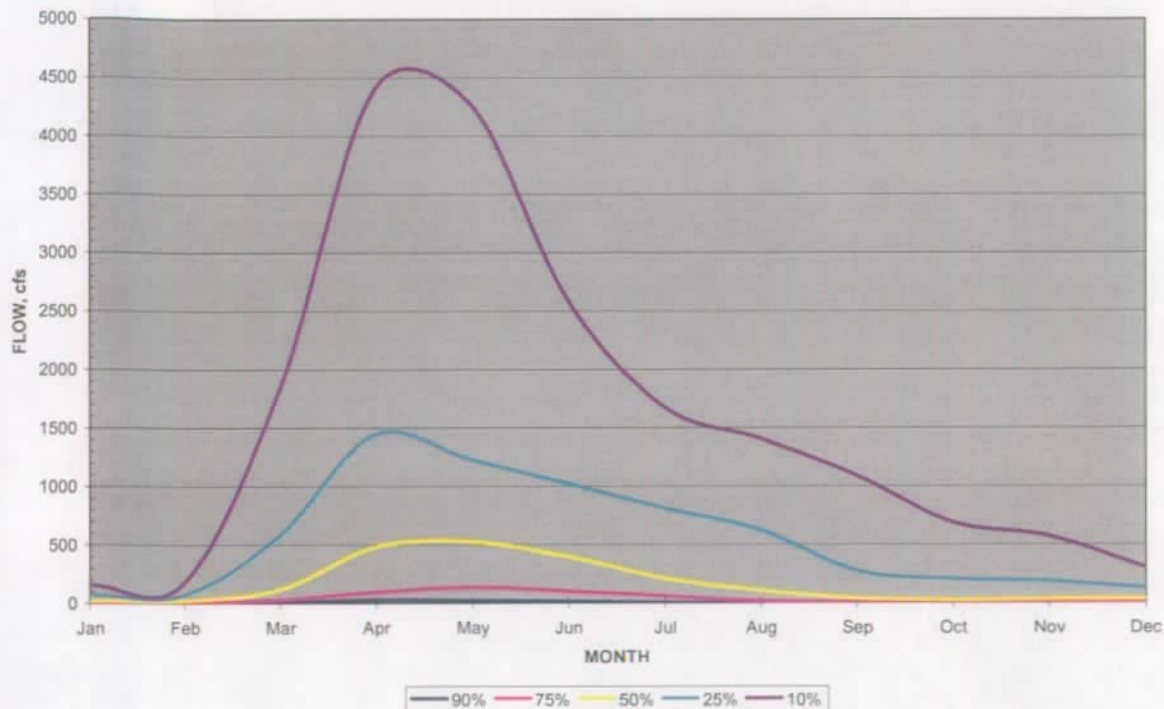


The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Huron, SD, approximately 39 river miles downstream of the proposed project. The historical data from 1943 to 2010 for the Huron, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 24 to 525 cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 131 cfs for the same time period. (Table 2 and Hydrograph 2)

Table. 2 James River Monthly Median Flow (cfs) Huron, SD

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	0	0	5	27	19	12	0	0	0	0	0	0
75%	0	2	29	91	131	99	56	15	0	0	0	0
50%	24	23	120	482	525	397	212	107	40	24	30	33
25%	68	64	574	1442	1224	1021	808	620	271	200	179	121
10%	155	172	1831	4404	4262	2597	1677	1407	1088	687	570	299

James River Gage at Huron, SD 1943 - 2010



As noted at the July 1980 Water Rights Commission Meeting, Findings of Fact, Conclusion of Law, and Final Decision, the presumption can be made that the stream flow rates recorded at the gaging stations cited above are post withdrawal of no more than 50-percent of those water right allocations authorized upstream of the gage's location during the normal irrigation season. As an example, during normal climatic conditions, a July median flow at the Huron gage of 212 cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdraws have taken place.

USGS historical data for the Ashton and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the April through October annual period. During late summer and early fall months, the James River cannot be considered a reliable source of water.

Review of Existing Water Rights

This application proposes to utilize the same diversion point as Water Right No 6183-3 held by Oscar Inc. c/o Floyd Peterson. No 6183-3 bearing a priority date of May 3, 2009 and appropriates 7.83 cfs to irrigate 548 acres.

In 1965 the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a 300 cfs diversion limit on the James River in South Dakota with a maximum combined diversion limit of 200 cfs from North Dakota border to Huron, SD. Due to the Missouri River backwater into the James River, the 300 cfs restriction has been applied from the North Dakota border to the Yankton-Hutchinson County Line.

Presently there are 105 water rights/permits with diversions totaling 274.91 cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 70 existing rights/ permits with diversions totaling 184.9 cfs. If Water Permit Applications 7444-3 is approved, diversions

for the total river would be 276.84 cfs and the North Dakota border to Huron, SD river reach would be 186.83 cfs, below the established limits for each reach.

If approved, with qualifications, the applicant's diversion of water would not be expected to adversely impact existing Water Rights or domestic use on the James River.

Review of Qualifications

In 2007, Water Rights staff reviewed all of the shut-off and by-pass qualifications on the existing James River water rights/permits. Based on this review, the Chief Engineer recommended amending the existing qualifications in order to standardize them. The Water Management Board adopted the standardized qualifications and amended the existing water rights/permits. In addition, it was the intent that future appropriations of water from the James River be administered with the same amended qualifications.

Therefore, if approved, Application No. 7444-3 should contain the following qualifications.

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the gage at Huron, SD after pumping.

Conclusions

1. No. 7444-3 proposes to appropriate 1.93 cubic feet of water per second from the James River utilizing the existing diversion point authorized by Water Right No. 6183-3 located in the NW 1/4 NW 1/4 Section 27 for irrigation of 135 acres located in the NW 1/4 Section 16; all in T114N-R62W
2. USGS historical data for the Ashton and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the April through October annual period.
3. If Application No 7444-3 is approved, the following qualifications should be included:
 - This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the gage at Huron, SD after pumping.
4. If Application No 7444-3 is approved, the total James River diversion of 276.84 cfs is below the 300 cfs limit. The total diversion from the North Dakota state line to Huron, SD, will be 186.83 cfs, within the 200 cfs limit set by the Water Rights Commission in 1965.



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

RECEIVED

Affidavit of Publication DEC - 6 2012

STATE OF SOUTH DAKOTA,
County of Spink: ss.

WATER RIGHTS
PROGRAM

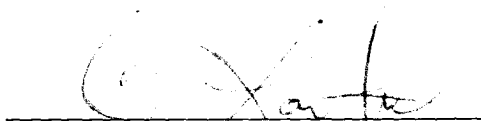
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

#702 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 December 5th, that Twenty-three and .10/100 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 5th day of December, 2012.


Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#702

NOTICE OF APPLICATION NO. 7444-3 TO APPROPRIATE WATER

Notice is given that Jeb, Shane, Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 have filed an application for a water permit to appropriate 1.93 cubic feet of water per second from the James River utilizing the existing diversion point authorized by Water Right No. 6183-3 located in the NW 1/4 NW 1/4 Section 27 for irrigation of 135 acres located in the NW 1/4 Section 26; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7444-3 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 December 17, 2012.

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
\$23.10. (Dec 5)

RECEIVED

DEC 21 2012

WATER RIGHTS
PROGRAM

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, TRISHA NELSON, 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:

**SD ENVIRONMENTAL & NATURAL – NOTICE
OF APPLICATION WATER RIGHTS**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 5TH day **DEC 2012** That the full **THIRTY-FOUR & 12/000** 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.

Trisha Nelson

Subscribed and sworn to before me this 20th day of DEC. 2012.

Shelly Kuehner
Notary Public, South Dakota

My term expires 10/25/17

Legal # 496

F.P. 12-05-12

**NOTICE OF
APPLICATION
NO. 7444-3**

to Appropriate Water

Notice is given that Jeb, Shane, Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 have filed an application for a water permit to appropriate 1.93 cubic feet of water per second from the James River utilizing the existing diversion point authorized by Water Right No. 6183-3 located in the NW 1/4 NW 1/4 Section 27 for irrigation of 135 acres located in the NW 1/4 Section 26; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7444-3 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.

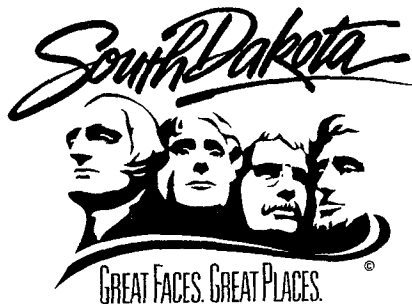
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December 17, 2012

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. 496 (adv.)
Published once at the
total approximate cost of
\$32.90.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 26, 2012

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7444-3 to Appropriate Water. Please publish the notice once on December 5, 2012. 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: Monday, November 26, 2012 1:06 PM
To: Schlaak, Karen
Subject: Re: 7444-3 Notice

I have received your email.
Thank you.

Ruby 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 Nov 26, 2012, at 11:42 AM, Schlaak, Karen wrote:

Please publish the attached Notice of Application No. 7444-3 for Jeb, Shane, Mitch Peterson on December 5, 2012 and send the affidavit ASAP.

Thank you,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7444-3public.short.docx>



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 26, 2012 *emailed*

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7444-3 to Appropriate Water. Please publish the notice once on December 5, 2012. 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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

November 26, 2012

Jeb Shane & Mitch Peterson
39686 Hwy 28
Hitchcock SD 57348

Dear Mssrs. Peterson:

Water Permit Application No. 7444-3 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 Plainsman printed at Huron SD (Ph # 605-352-6401) and the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 application.

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 the Notice on December 5, 2012. 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. 7444-3 to Appropriate Water

Notice is given that Jeb, Shane, Mitch Peterson, 39686 Hwy 28, Hitchcock SD 57348 have filed an application for a water permit to appropriate 1.93 cubic feet of water per second from the James River utilizing the existing diversion point authorized by Water Right No. 6183-3 located in the NW 1/4 NW 1/4 Section 27 for irrigation of 135 acres located in the NW 1/4 Section 16; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7444-3 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 December 17, 2012.

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

JAN 26 2013

Jeb Shane & Mitch Peterson
39686 Hwy 28
Hitchcock SD 57348

Dear Mssrs. Peterson:

Enclosed is Water Permit No. 7444-3 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

RECEIVED

SEP - 7 2016

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7444-3

Date: _____

I/We request that Water Right/Permit No. 7444-3

formerly owned by: Mitch, Jeb & Shane Peterson

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

Telephone No.

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

NW ¼ Section 26, T114N, R62W (water source – James River)

I/We understand that the validity of Water Right/Permit No. 7444-3 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 Jeb Peterson, the new owner, certify that the above information is true and correct.

Jeb Peterson
(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

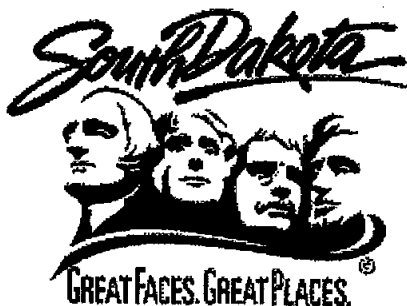
The following amount in fees for services rendered as provided for by law:

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>7444-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07915**

By J. Lane Goodman Jr
Chief Engineer

7444-3



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

AUG 14 2020

WATER RIGHTS
PROGRAM

Water Right/Permit No. 7444-3

Date: August 14, 2020

I/We request that Water Right/Permit No. 7444-3 formerly owned by:
Jeb, Shane and Mitch Peterson be transferred to:

New Owner Name: Oscar Inc.Address: 209 27th St 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. 7444-3 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 Peterson, the new owner, certify that the above information is true and correct.

Oscar Inc. by Gloyd A. 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.

7444-3

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>7444-3</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 vm

7444-3



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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

7444-3

7444A-3

8353A-3

JAN 19 2021

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

Dear Mr. Peterson:

Enclosed are Water Permit Nos. 7444A-3 and 8353A-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits. Also enclosed is Reissued Water Permit No. 7444-3 reflecting the transferred acres and diversion authority.

Two Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are 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,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program