

WATER PERMIT NO. 7619-3

Name of Applicant: **Oscar, Inc.**

Address: **209 27th NW, Huron SD 57350**

Phone: **605 352-2728**

Amount of Water Claimed: **no additional**

Total Acres: **90 acres**

Source of Water Supply: **James River**

Water to be used for: **irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **6 miles northeast of Hitchcock**

PRIORITY

Date Received: **1-4-13**

Application/License Fee: **\$ 950**

Corrected Application Received:

Period of Annual Use: **March 1 – Nov 30**

Remarks: **additional acres to Water Right No. 6183-3**

Diversion Point: **between NW 1/4 NW 1/4 Sec 27**
and NE 1/4 NE 1/4 Sec 16; T114N-R62W

Land to be Irrigated: **Sec 15-T114N-R62W**

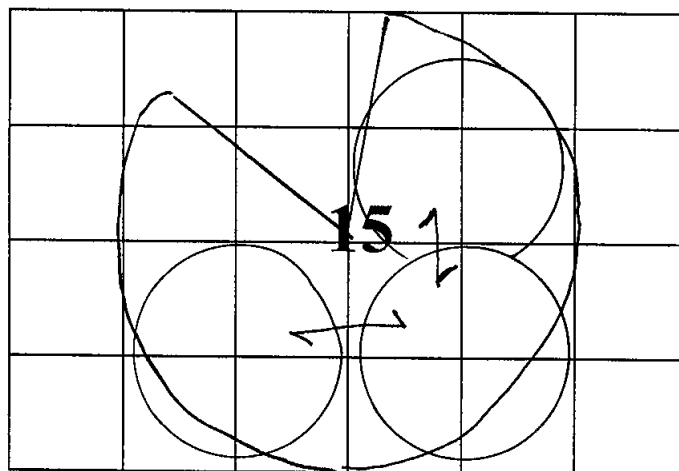
Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**



replace three pivots
with 1 large pivot

Reviewed and the Number Assigned on: **1-9-13**

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>7619-3</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 57469</u> <u>605-352-6401</u>
	<u>Plainsman Box 1278 Huron 57350</u>

RECEIVED
JAN - 4 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
additional acres to Water Right No. 6183-3

1. Name to Appear on Irrigation Permit Oscar Inc

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

(name and complete address if different than above name)

Mailing Address 209 27th NW Huron SD 57350
(Address) (City) (State) (Zip Code)

Home Phone 352-2728 Cell _____ Email _____

2. Amount of water claimed no add *CFS or _____ **GPM _____ ***AF Total Acreage 90
(*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 between NW 1/4 NW 1/4 Section 27 and NE 1/4 NE 1/4 Section 16, T114N,
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

R62W County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used March 1 - November 30

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 Section 15, T114N, R62W	70		
NE 1/4 Section 15, T114N, R62W	10		
SW 1/4 Section 15, T114N, R62W	5		
SE 1/4 Section 15, T114N, R62W	5		

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

Intend to replace the three pivot in Section 15 authorized by Water Right No. 6183-3 with a full section pivot. This will allow more acres to be irrigated primarily in the NW 1/4 of Section 15. There will be no increase in the developed diversion rate from the river as authorized by Water Right No. 6183-3 and Permit Nos. 7444-3, 7183-3, 616-3 and 7376-3 which all jointly use the same diversion works.

I Oscar Inc. by David H. 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. 7619-3

Date of first receipt of application January 4, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7619-3 to Oscar Inc., c/o Floyd H Peterson, 209 27th 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. 7619-3 authorizes irrigation of additional acres to Water Right No. 6183-3. Water Right No. 6183-3 authorizes 7.83 cubic feet of water per second (cfs) from the James River between the NW 1/4 NW 1/4 Section 27 and the NE 1/4 NE 1/4 Section 16 for irrigation of 548 acres located in the SE 1/4 Section 22, E 1/2 NE 1/4 Section 21 and E 1/2, SW 1/4 Section 15; all in T114N-R62W. This permit authorizes irrigation of an additional 90 acres located in Section 15-T114N-R62W utilizing the existing James River diversion point. This permit does not increase the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – November 30.
3. The date from which applicant may claim right is January 4, 2013.
4. The date of approval of Permit No. 7619-3 is March 11, 2013.
5. One-fifth of the construction is to be completed on or before September 11, 2015.
6. All construction is to be completed on or before March 11, 2018.
7. Water is to be put to beneficial use on or before March 11, 2022.
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: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 26 2013

date



Water Permit Application for Oscar Inc.



2,100 1,050 0 2,100 Feet

Utilize diversion point authorized by Water Right No. 6183-3

Intent is to replace three quarter section pivot with a full section pivot that will have stops in order to avoid the farm buildings in the northwest portion of the section.

The red cross hatched are represents the intended irrigation. The yellow outline is the present configuration.



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
based on representation made by
Floyd 'Oscar' Peterson in the office

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/4, 20 13

RECEIVED OF Oscar Inc 18892 390th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>7619-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7619-3</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	950 00

No. **05884**

By

Michael Erbe

Chief Engineer



**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. 7619-3, Oscar Inc**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7619-3, Oscar Inc, c/o Floyd Peterson, 209 27th NW, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 7619-3 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
February 19, 2013

NOTE: Water Right No. 6183-3 has a priority date of February 22, 2000 for 370 acres in Section 15, T114N, R62W. Water Permit Application No. 7619-3, if approved, will have a priority date of January 4, 2013 for the additional 90 acres in this section. If a shut-off order is issued based on priority date it is possible that No. 7169-3 could be shut off prior to No. 6183-3 and the system be limited to only irrigate the 370 acres originally authorized in Section 15, T114N, R62W.

REPORT ON WATER PERMIT APPLICATION NO. 7619-3

Oscar, Inc

February 12, 2013

Oscar, Inc., c/o Floyd Peterson, has filed Water Permit Application No. 7619-3 for additional acres to Water Right 6183-3. Water Right 6183-3 authorizes 7.83 cubic feet of water per second (cfs) from the James River to irrigate 548 acres of land located in the SE¼ Section 22, E½ NE¼ Section 21 and E½, SW¼ Section 15; all in T114N-R62W. The diversion point is located between the NW¼ NW¼ Section 27 and the NE¼ NE¼ Section 16; all in T114N-R62W. This application proposes to irrigate an additional 90 acres located in Section 15- T114N-R62W to accommodate a full section center pivot. This application, if approved, does not increase the developed diversion rate.

Review of Project

The project will replace three center pivots currently operating under Water Right No. 6183-3 with a full section center pivot to complete a partial circle. The current three center pivots cover 370 acres of the total 548 acres covered by Water Right No. 6183-3. This application adds an additional 90 acres for the coverage of the full section pivot. While irrigation of the original acreage under 6183-3 maintains a priority date of February 22, 2000, the priority date for irrigation of the additional 90 acres is January 4, 2013. The annual period of use is March 1 through November 30.

Review of Water Source

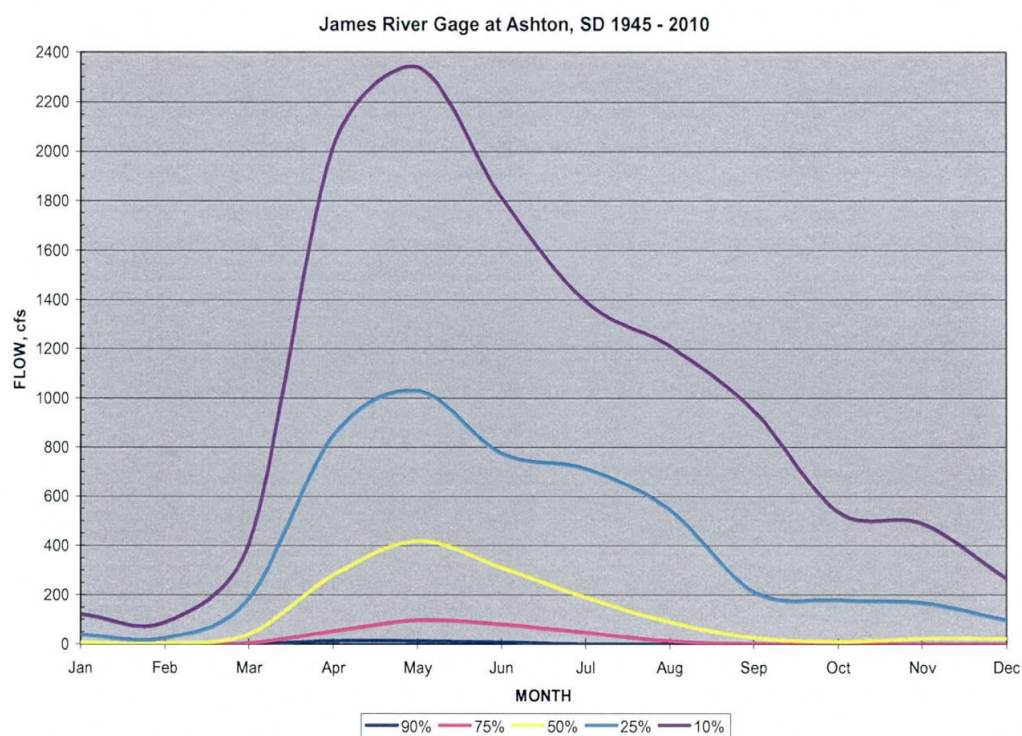
The water source for the proposed project is the James River in Spink County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River 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 44 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 March 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

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

Hydrograph 1



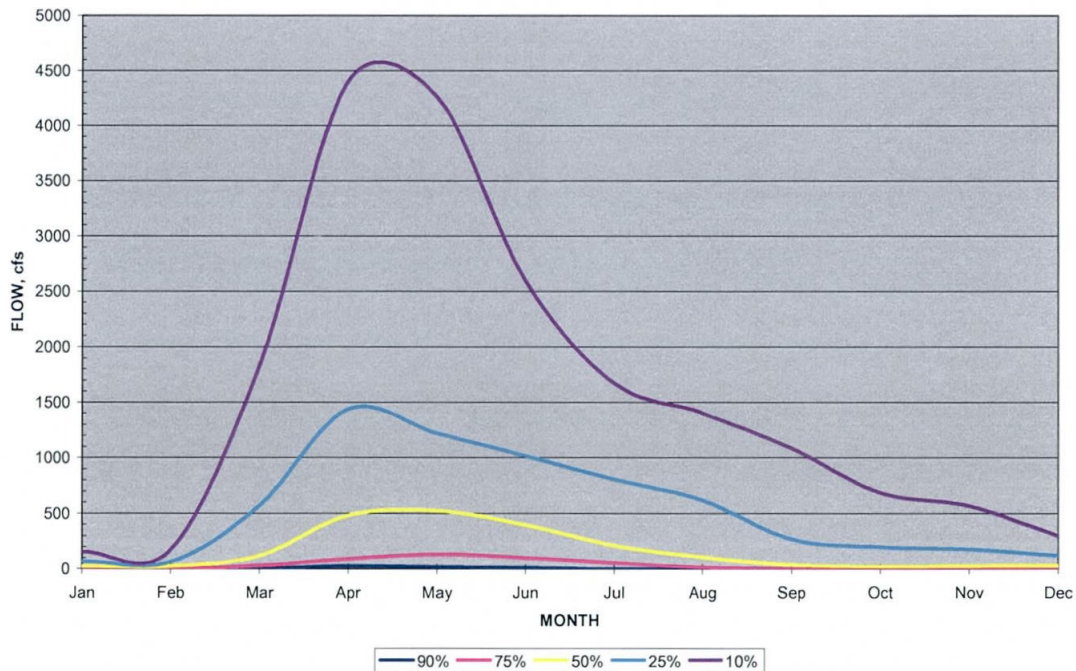
The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Huron, SD, approximately 33 river miles downstream of the proposed project. The historical data from 1943 to 2010 for the Huron, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 24 to 525-cfs March 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

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

Hydrograph 2

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 withdrawals 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 March 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

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 106 Water Rights with diversions totaling 270.93-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 72 Water Rights with diversions totaling 183.53-cfs. If Water Permit Application 7619-3 is approved, diversions from both the total river and the North Dakota border to Huron, SD river reach would remain below the established limits as this application does not increase the existing diversion rate.

There are five water rights diverting water from the James River from approximately the same location as this project, Water Permit No. 7444-3 owned by Jeb, Shane, and Mitch Peterson and Water Permit/Right Nos. 616-3, 6183-3, 7183-3 and 7376-3 owned by Oscar, Inc. Combined, these five water rights appropriate 16.22 cfs. The next water right is located 8.5 miles downstream of this application. Water Right No. 1027-3 is owned by the Bureau of Reclamation and authorizes 4,875 acre-feet of storage for the James Diversion Dam.

Downstream James River Water Rights

WR No.	Appx. Distance Downstream From Application (miles)	Diversion (cfs)	WR Holder
616-3	appx. same location	1.14	Oscar, Inc
6183-3	appx. same location	7.83	Oscar, Inc
7183-3	appx. same location	0.75	Oscar, Inc
7376-3	appx. same location	4.57	Oscar, Inc
7444-3	appx. same location	1.93	Jeb, Shane, Mitch Peterson
1027-3	8.5	4,875 ac ft	US BOR

This application does not increase the developed diversion rate. 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

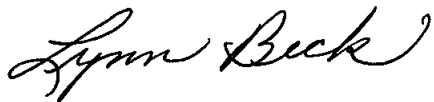
In 2007, Water Rights staff reviewed all of the shut-off and by-pass qualifications on the existing James River water rights/permits. Based on this review, the Chief Engineer recommended amending the existing qualifications in order to standardize them. The Water Management Board adopted the standardized 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. 7619-3 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. Water Permit Application No. 7619-3, Oscar, Inc., c/o Floyd Peterson, proposes to irrigate an additional 90 acres of land located in Section 15- T114N-R62W to accommodate a full section center pivot. The diversion point is authorized by Water Right No. 6183-3 and is located between the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16; all in T114N-R62W. This application, if approved, does not increase the diversion rate authorized by Water Right No. 6183-3.
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 March through November annual period.
3. If Application No 7619-3 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 7619-3 is approved, the total James River diversion of 277.79-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, is 190.39-cfs, within the 200-cfs limit set by the Water Rights Commission.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

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:

#175 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 February 27th, that Twenty-five and 90/100 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.

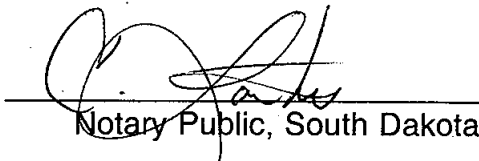


Subscribed and sworn to before me this 27th day of February, 2013.

RECEIVED

FEB 28 2013

WATER RIGHTS
PROGRAM


Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#175

NOTICE OF APPLICATION NO. 7619-3 TO APPROPRIATE WATER

Notice is given that Oscar Inc, c/o Floyd Peterson, 209 27th NW, Huron SD 57350 has filed an application for a water permit for additional acres to Water Right No. 6183-3. Water Right No. 6183-3 authorizes 7.83 cubic feet of water per second from the James River between the NW 1/4 NW 1/4 Section 27 and the NE 1/4 NE 1/4 Section 16 for irrigation of 548 acres located in the SE 1/4 Section 22, E 1/2 NE 1/4 Section 21 and E 1/2, SW 1/4 Section 15; all in T114N-R62W. This application proposes to irrigate an additional 90 acres located in Section 15-T114N-R62W utilizing the existing James River diversion point. This application, if approved, does not increase the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7619-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 11, 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
Published at an approximate cost of
\$25.90. (Feb 27)

RECEIVED

MAR - 5 2013

PRINTER'S AFFIDAVIT

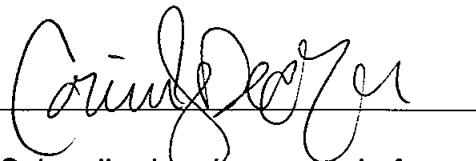
WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

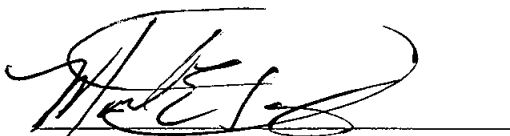
I, CORINN DECKER, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks 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 - WATER RIGHTS APPLICATION

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 27TH day FEB. 2013 That the full THIRTY-SIX & 56/000 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.



Subscribed and sworn to before me this 28TH day of FEB. 2013.



Notary Public, South Dakota

My term expires 12/27/18

Legal # 630

F.P. 02-27-13

NOTICE OF APPLICATION

NO. 7619-3 to

Appropriate Water
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Notice of the hearing will be given to the applicant and any person filing a petition.

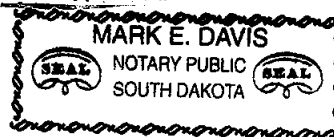
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No. 630 (adv.)

Published one time at the total approximate cost of \$36.55.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 20, 2013

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7619-3 to Appropriate Water. Please publish the notice once on February 27, 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 Oscar Inc., Floyd Peterson, 209 27th St NW, Huron SD 57350 (Ph # 605-352-2728).

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

February 20, 2013

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7619-3 to Appropriate Water. Please publish the notice once on February 27, 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 Oscar Inc., Floyd Peterson, 209 27th St NW, Huron SD 57350 (Ph # 605-352-2728).

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

Jacobson, Gail

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Wednesday, February 20, 2013 3:46 PM
To: Jacobson, Gail
Subject: Re: 2 Water Right Notices 1201A-3 and 7619-3

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 Feb 20, 2013, at 3:43 PM, Jacobson, Gail wrote:

7619-3 Oscar Inc. 1201A-3 Brent Decker

Thanks

Gail Jacobson
W&NR - Water Rights
523 E Capitol Ave
Pierre SD 57501
605-773-3352 - Phone
605-773-4068 - Fax
gail.jacobson@state.sd.us

<7619-3public.short.docx><1201A-3public.short.docx>

Instruction to Newspaper - Publish the Notice on February 27, 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. 7619-3 to Appropriate Water

Notice is given that Oscar Inc, c/o Floyd Peterson, 209 27th NW, Huron SD 57350 has filed an application for a water permit for additional acres to Water Right No. 6183-3. Water Right No. 6183-3 authorizes 7.83 cubic feet of water per second from the James River between the NW 1/4 NW 1/4 Section 27 and the NE 1/4 NE 1/4 Section 16 for irrigation of 548 acres located in the SE 1/4 Section 22, E 1/2 NE 1/4 Section 21 and E 1/2, SW 1/4 Section 15; all in T114N-R62W. This application proposes to irrigate an additional 90 acres located in Section 15-T114N-R62W utilizing the existing James River diversion point. This application, if approved, does not increase the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7619-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 11, 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
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**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

February 20, 2013

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

Dear Mr. Peterson:

Water Permit Application No. 7619-3 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 Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-352-6401). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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denr.sd.gov

APR 26 2013

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

Dear Mr. Peterson:

Enclosed is Water Permit No. 7619-3 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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Floyd Peterson, Oscar Inc., 209 27th St NW, Huron SD 57350

DATE: December 7, 2015

TELEPHONE: 605 352-2728

RE: irrigation questionnaire

COMMENTS:

The 2015 irrigation questionnaire submitted by Mr. Peterson stated no irrigation took place. He made a notation that the system blew over. A photo was attached to the questionnaire showing the damaged pivot system.



Genny McMath
Water Rights Program





**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