

WATER PERMIT NO. 7620B-3

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

Address: **209 27th NW, Huron SD 57350** Phone: **605 352-2728**

Amount of Water Claimed: **no add'l (0.91 cfs)** Total Acres: **no add'l (64 acres)**

Source of Water Supply: **groundwater – Tulare Western Spink Hitchcock Aquifer**

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

Type of Waste Disposal System:

Location: **7 miles north of Hitchcock**

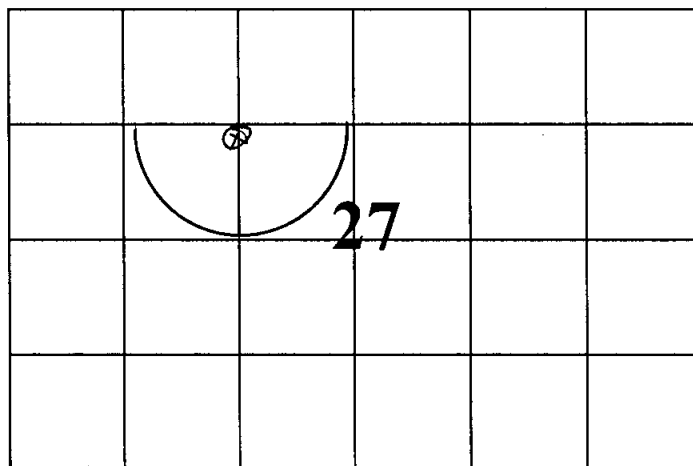
PRIORITY Date Received: **5-7-15** Application/License Fee: **\$ 100**

Corrected Application Received: **6-10-15** Period of Annual Use: **April 1 - October**

Remarks: **Change of acreage and diversion point authorized by No. 7620-3**

Diversion Point: **S 1/2 NW 1/4 Sec 27-T115N-**
R63W

Land to be Irrigated: **S 1/2 NW 1/4 Sec 27-T115N-**
R63W



Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **6-10-15**

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>7620B-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
Basin <u>James River</u>	
Newspaper <u>Redfield Press</u> <u>the Plainsman</u>	

RECEIVED
MAY 07 2015
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7620-3
(Use predates Mar 2, 1955)

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

change acreage and diversion point

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 57356
(Address) (City) (State) (Zip Code)

Home Phone 352-2728 Cell _____ Email _____

2. Amount of water claimed 0.91 ^(no add'l) *CFS or **GPM ***AF Total Acreage 64 ^(add'l)
(*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 Western Spink Hitchcock Aquifer

4. Location of point of diversion

(example - 3 wells in SW1/4 NE1/4 section 12-1 104N-R53W)

S1/2 NW1/4 Sec 27-T115N-R63W County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - Oct 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
<u>S1/2 NW1/4 Sec 27-T115N-R63W</u>	<u>64</u>		

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

I, Quartermaster Lloyd 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. 7620B-3

Date of first receipt of application May 7, 2015.

Date of receipt of corrected application June 10, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7620B-3 to Oscar Inc. c/o Floyd 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. 7620A-3 and 7620B-3 amend Water Permit No. 7620-3 by splitting the permit and transferring portions of irrigated acreage and diversion rate authority to other land. Water Permit No. 7620-3 authorizes 1.94 cubic feet of water per second (cfs) from one well located in the Tulare:Western Spink/Hitchcock Aquifer near the center of the NE 1/4 Section 32 for irrigation of 136 acres located in the NE 1/4 Section 32; all in T115N-R63W.

Permit No. 7620B-3 authorizes the transfer 0.91 cfs and 64 acres with the well (55 feet deep) to be located in the S 1/2 NW 1/4 Section 27 to irrigate 64 acres located in the S 1/2 NW 1/4 Section 27; all in T115N-R63W. The water source for Permit Nos. 7620A-3 and 7620B-3 is the Tulare:Western Spink/Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by these permits.

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 January 4, 2013.
4. The date of approval of Permit No. 7620B-3 is August 31, 2015.
5. One-fifth of the construction is to be completed on or before November 2, 2015.
6. All construction is to be completed on or before May 2, 2018.
7. Water is to be put to beneficial use on or before May 2, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

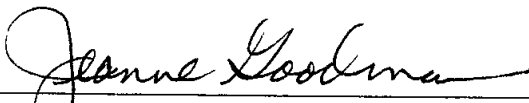
QUALIFICATIONS

1. 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. 7620B-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.

(continued)

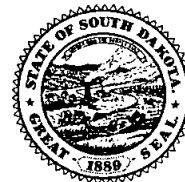
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Permit Nos. 7620A-3 and 7620B-3, combined, incorporate the applicable provisions of Water Permit No. 7620-3.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 21 2015

date



Sec 16
T115N
R63W

Sec 15
T115N
R63W

Sec 14
T115N
R63W

Sec 21
T115N
R63W

Sec 22
T115N
R63W

Sec 23
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Sec 28
T115N
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Sec 27
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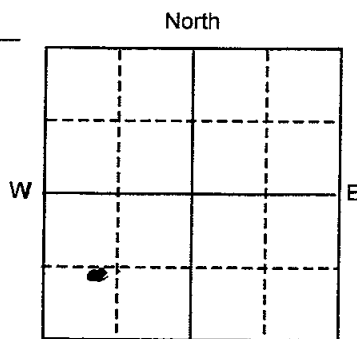
Sec 4

Sec 3

Sec 2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location S 1/2 1/4 SW 1/4 Sec 27 Twp 115 Rg 63County SpinkPlease mark well
location with an "X"

Well Completion Date

6/4/2015Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
none ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
220 LB/FT	4 IN	0 FT	55 FT	6 3/4 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	2	Lb/gal	0 Ft	28 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 4 Inches Length 25 FeetMaterial PVCSlot Size .032 Set From 30 Feet to 55 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: Floyd Peterson

Business Name: _____

Address: 209 27th St. NWCity, State, Zip: Huron SD 57350

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Yellow Clay	1	7
Fine Sand	2	20
Course Sand	20	50
Pea Rock	50	53
Clay	53	55

STATIC WATER LEVEL 15 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: Submersable☐ Bailed☐ Other

Pumping Level Below Land Surface

16.4 Ft. After 3 Hrs. pumped 30 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Good Hole 21.42 GPF

RECEIVED

JUN 18 2015

WATER RIGHTS
PROGRAMThis well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

Entity Detail	File Annual Report	Statement of Change	Forms
Name	OSCAR, INC.	Obtain a Certificate of Good Standing	
Corporate ID	DF030009		
Incorporation/Qualification Date	11/29/1990		
Home State	SOUTH DAKOTA		
Status	Good Standing		
Last Annual Report	2014		
Corporation Type	Domestic Farm		
Stock Info			

Registered Agent Documents Officers

Registered Agent Name & Address

FLOYD H. PETERSON
209 27TH STREET NW
HURON, SD 57350-5010

Nos. 7620A-3 & 7620B-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Application Nos. 7620A-3 and 7620B-3, Oscar

ADDRESS: COUNTY: Spink

DATE: June 10 and 11, 2015 TELEPHONE

RE: Call from Floyd "Oscar" Peterson

Oscar Peterson called ask if we received the check for his application to transfer acres under Permit No. 7620-3. I stated we did receive his check.

I stated that when he was in for the Board meeting he filled out the application. Upon looking at the application the permit is basically being split and transferred to two different locations. I informed Mr. Peterson that DENR was going to treat this like two separate applications. He indicated that is fine.

I also stated the original Permit No. 7620-3 appropriated 1.94 cfs to irrigate 136 acres. With the split, each application will get the proportionate diversion rate authority based on the irrigated acreage. Since these are quarter section pivots that will only make windshield wipe rotation, he needed to be aware that the well and pivot will be limited to a lesser diversion rate than other quarter section pivots he operates. Mr. Peterson stated he wouldn't be using more water. I said to request additional diversion rate authority would be considered a new application for the incremental increase. As such, DENR would need to make a determination that unappropriated water is available in order to recommend approval. Since the aquifer is fully appropriated, an recommendation for approval is unlikely. Mr. Peterson reiterated that by increasing the diversion rate to the 750 to 800 gpm he wouldn't use more water. I explained that DENR's viewpoint is that by being able to operate these pivots at a greater diversion rate does increase the likelihood that more water will be used.

June 11, 2015 - Oscar Peterson called back and said he talked with Alan Wipf who works on his irrigation equipment and was informed that they'd be able to nozzle the center pivot to operate at 400 gpm. He is in agreement with proceeding with the transfer in a manner that the diversion rate would be proportioned based on the irrigated acreage.

NAME: Eric Hemlund



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7620B-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. 7620B-3, Oscar Inc., c/o Floyd Peterson, 209 27th NW, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 7620B-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. 7620B-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.
4. Water Permit Nos. 7620A-3 and 7620B3-3, combined, incorporate the applicable provisions Water Permit No. 7620-3.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 11, 2015

NOTE: Water Permit No. 7620B-3 is limited to a diversion rate of 0.91 cfs (408 gpm) for irrigation. In a June 11, 2015, phone conversation with Eric Gronlund of the Water Rights Program you stated that the center pivot would be nozzled to operate at 400 gpm. You are not authorized a diversion rate in excess of the permitted amount.

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7620A-3 AND 7620B-3
OSCAR INC. C/O FLOYD PETERSON
JULY 27, 2015**

Water Permit No. 7620-3 authorizes the irrigation of 136 acres in the NE¼ Sec. 32, T115N-R63W, using water from one well to be completed into the Tulare: Western Spink/Hitchcock aquifer. The permit authorizes a maximum diversion rate of 1.94 cubic feet of water per second (cfs) from the well to be located near the center of the NE¼ Sec. 32, T115N-R63W.

Water Permit Application No.7620A-3 proposes to amend Water Permit No. 7620-3 by transferring the authority for the irrigation of 72 acres, and the diversion rate authority of 1.03 cfs to new locations. This application proposes to authorize an irrigation project located approximately five miles south and three miles west of the irrigation project originally authorized by Water Permit No. 7620-3. The diversion point proposed by Application No. 7620A-3 is to be a well located in the approximate center of the SE¼ Sec.26, T114N-R64W. The amendment proposes the authorization of the irrigation of 72 acres located in the SE¼ Sec. 26, T114N-R64W.

Water Permit Application No.7620B-3 proposes to amend Water Permit No. 7620-3 by transferring the authority for the irrigation of 64 acres, and the diversion rate authority of 0.91 cfs to new locations. This application proposes to authorize an irrigation project located approximately one mile north and one mile east of the irrigation project originally authorized by Water Permit No. 7620-3. The diversion point proposed by Application No. 7620B-3 is to be a well located in the S½ NW¼ Sec.27, T115N-R63W. This amendment proposes the authorization of the irrigation of 64 acres located in the S½ NW¼ Sec.27, T115N-R63W.

The amendments proposed by Application Nos. 7620A-3 and 7620B-3 will not authorize any additional diversion rate or number of acres to be irrigated.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 provides:

“...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.”

These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.

EXISTING RIGHTS:

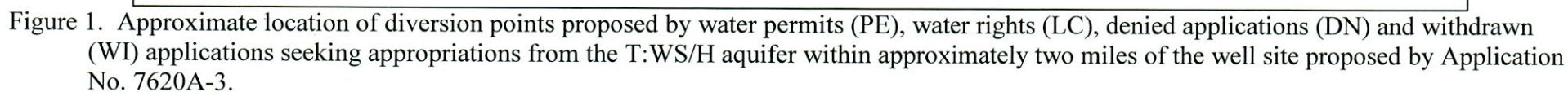
SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights.

WATER PERMIT APPLICATION NO. 7620A-3

All of the existing water rights/permits in the vicinity of the diversion point proposed by Application No. 7620A-3 are for irrigation use. Existing water rights/permits with diversion points in the vicinity of the diversion point proposed by Application No. 7620A-3 are shown in Table 1 and Figure 1.

Table 1. Water permits (PE), water rights (LC), denied applications (DN) and withdrawn (WI) applications seeking appropriations from the T:WS/H aquifer within approximately two miles of the well site proposed by Application No. 7620A-3.

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
6347-3	OSCAR INC		DN		
6460-3	GARY MARSHALL		DN		
6461-3	GARY MARSHALL		DN		
6462-3	MARSHALL BROTHERS		DN		
6463-3	MARSHALL BROTHERS		DN		
6694-3	LEE GATZKE		DN		
6695-3	LEE GATZKE		DN		
6829-3	PATRICK VAN BUSKIRK		DN		
6830-3	MATTHEW VAN BUSKIRK		DN		
6841-3	MERLYN VAN BUSKIRK		DN		
7734-3	VAN BUSKIRK FARMS LLP		DN		
7753-3	OSCAR INC		DN		
7759-3	OSCAR INC		DN		
1923-3	MONTE NEITZEL	02/15/1972	LC	1.88	136
3045-3	JOSHUA NOWELL	09/14/1976	LC	1.66	120
3162A-3	CLAYTON KLOSS	10/14/1976	LC	2	267.2
5231-3	KENNETH NOWELL	08/03/1988	LC	2.22	162
7570-3	TERRY MARSHALL	12/14/2012	PE	1.78	140
7571-3	TERRY MARSHALL	12/14/2012	PE	1.78	160
7572-3	HERB HOFER	12/14/2012	PE	1.78	140
7574-3	TERRY MARSHALL	12/14/2012	PE	1.78	160
7575A-3	TERRY MARSHALL	12/14/2012	PE	1.78	140
7575B-3	GARY MARSHALL	12/14/2012	PE	1.78	140
7637-3	GARY MARSHALL	12/09/2012	PE	1.78	135
7638-3	GARY MARSHALL	12/09/2012	PE	1.78	135
7720-3	GARY MARSHALL	02/08/2013	PE	1.78	135
7721-3	GARY MARSHALL	02/08/2013	PE	1.33	100
7390-3	MARSHALL BROTHERS		WI		
7758-3	BRAD PETERSON		WI		



The DENR-Water Rights Program monitors two observation wells (SP-78D and SP-80H), completed into the Tulare: Western Spink/Hitchcock aquifer within approximately one mile of the well site proposed by this application. Hydrographs for the wells are shown in Figures 2 and 3. The hydrographs document climatic conditions as well as seasonal water level fluctuations which may include well interference from nearby irrigation wells. Well interference has never been an issue from the aquifer, and it is likely that diversions proposed by these applications can be completed without unlawfully impairing existing water rights. If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge, or require a larger pump or a different type of a pump to maintain the same output. Well interference should not be a concern for adequate domestic wells.

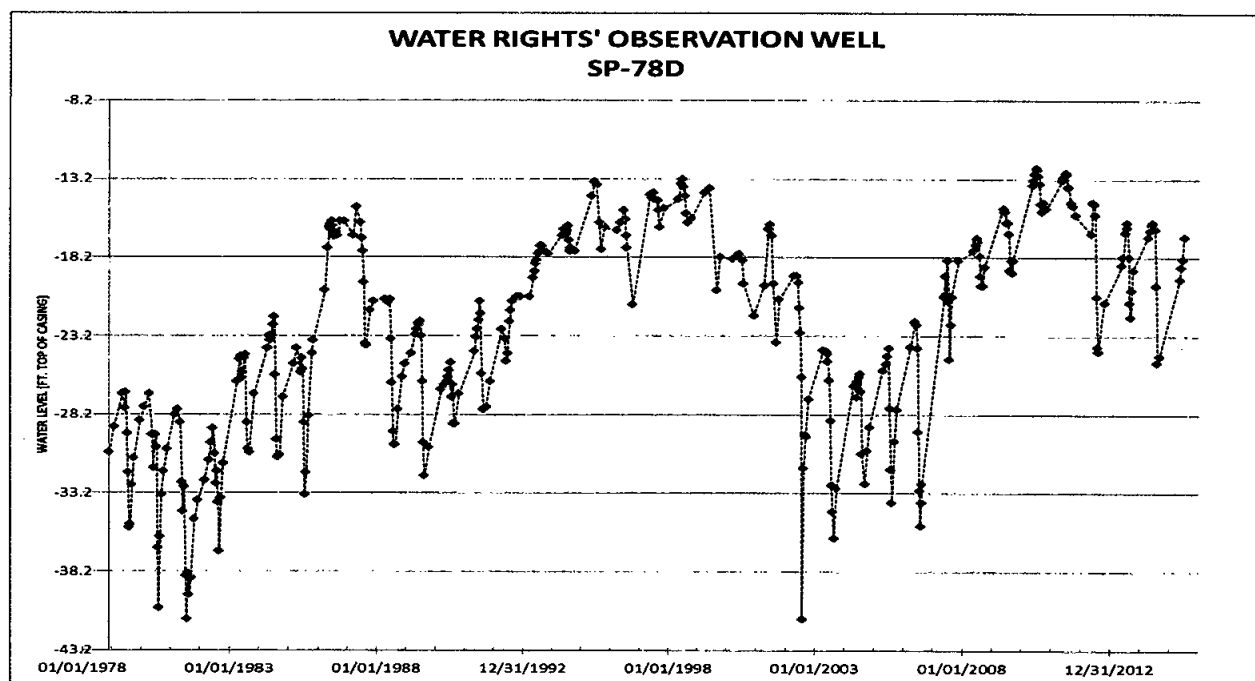


Figure 2. Hydrograph of DENR-Water Rights Program Observation Well SP-78D which is completed into the Tulare: Western Spink/Hitchcock aquifer approximately 0.8 miles northeast of the well site proposed by Application No. 7620A-3

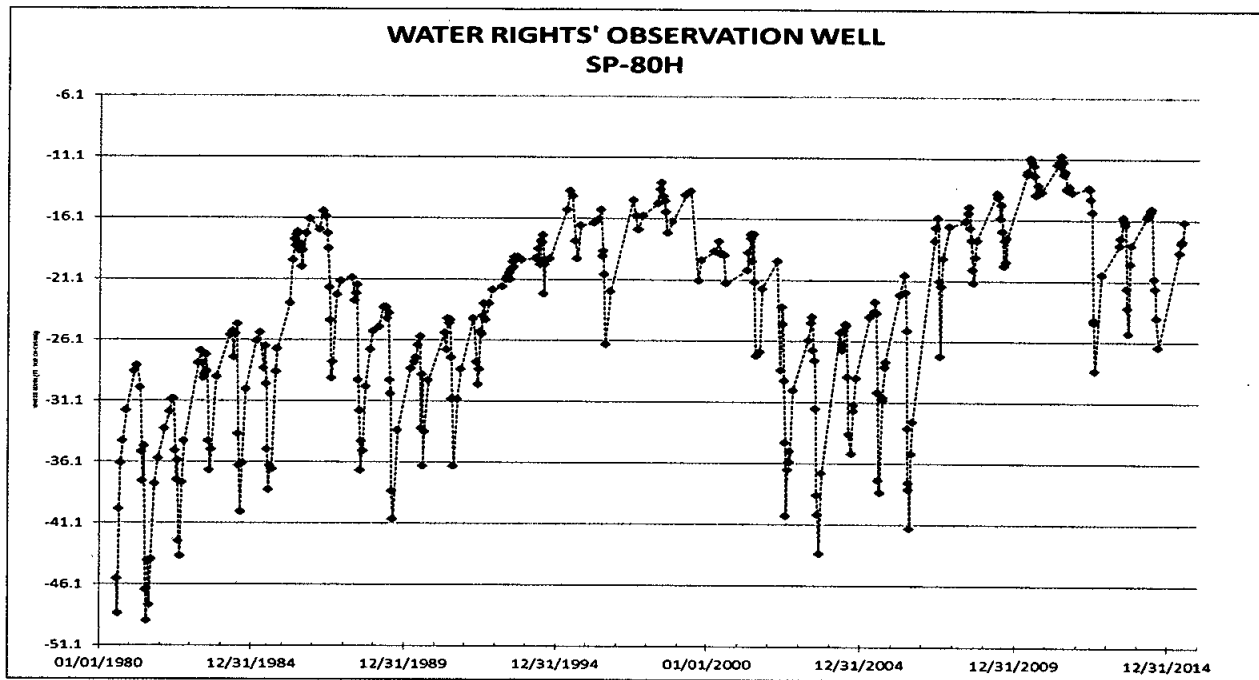


Figure 3. Hydrograph of DENR-Water Rights Program Observation Well SP-80H which is completed into the Tulare: Western Spink/Hitchcock aquifer approximately one mile northwest of the well site proposed by Application No. 7620A-3

WATER PERMIT APPLICATION NO. 7620B-3

All of the existing water rights/permits in the vicinity of the diversion point proposed by Application No. 7620B-3 are for irrigation use. Existing water rights/permits with diversion points in the vicinity of the diversion point proposed by Application No. 7620B-3 are shown in Table 2 and Figure 4.

Table 2. Water permits (PE), water rights (LC), denied applications (DN) and withdrawn (WI) applications seeking appropriations from the T:WS/H aquifer within approximately two miles of the well site proposed by Application No. 7620B-3.

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
2278-3	JAMES FRANKENSTEIN	04/14/1975	LC	1.78	136
2422-3	JAMES FRANKENSTEIN	10/16/1975	LC	1.2	135
2428A-3	LEE GATZKE	10/30/1975	LC	1.78	136
2440-3	JAMES FRANKENSTEIN	09/08/1976	LC	1.33	132
2486-3	CLIFFORD E NOWELL	12/19/1975	LC	1.22	125
2592A-3	CLAYTON KLOSS	02/26/1976	LC	1	131.2
3174A-3	GALEN & DEANNA	10/15/1976	LC	1.33	138.4
3255-3	OSCAR INC	10/15/1976	LC	0.89	59
3261-3A	JAMES FRANKENSTEIN	10/15/1976	LC	1.44	130
4134A-3	BIXLER FARMS	08/30/1977	PE	1.33	128
4703-3	TODD H KOESTER	04/02/1981	LC	1.11	130
5266-3	GALEN & DEANNA	01/23/1989	LC	1.22	129
6200-3	OSCAR INC	05/08/2000	LC	1.89	136
6234-3	JAMES FRANKENSTEIN	10/20/2000	LC	1.45	134
6336-3	LEE GATZKE	06/21/2002	LC	1.34	136
6344-3	OSCAR INC		DN		
6353-3	LEE GATZKE		DN		
6374-3	BIXLER FARMS		DN		
6668-3	BIXLER FARMS		DN		
6669-3	BIXLER FARMS		DN		
6764-3	LEE GATZKE	12/19/1975	LC	3.56	272
6863-3	STEVE MASAT		DN		
6864-3	STEVE MASAT		DN		
6865-3	ROGER MASAT		DN		
6866-3	ROGER MASAT		DN		
7289-3	BIXLER FARMS	12/15/2011	PE	3.86	270
7620-3	OSCAR INC	01/04/2013	PE	1.94	136
7737-3	BIXLER FARMS		WI		
7740-3	BIXLER FARMS		WI		
7742-3	BIXLER FARMS		WI		
7754-3	OSCAR INC		DN		
7865-3	BIXLER FARMS		WI		
7866-3	BIXLER FARMS		WI		
7872-3	BIXLER FARMS		WI		

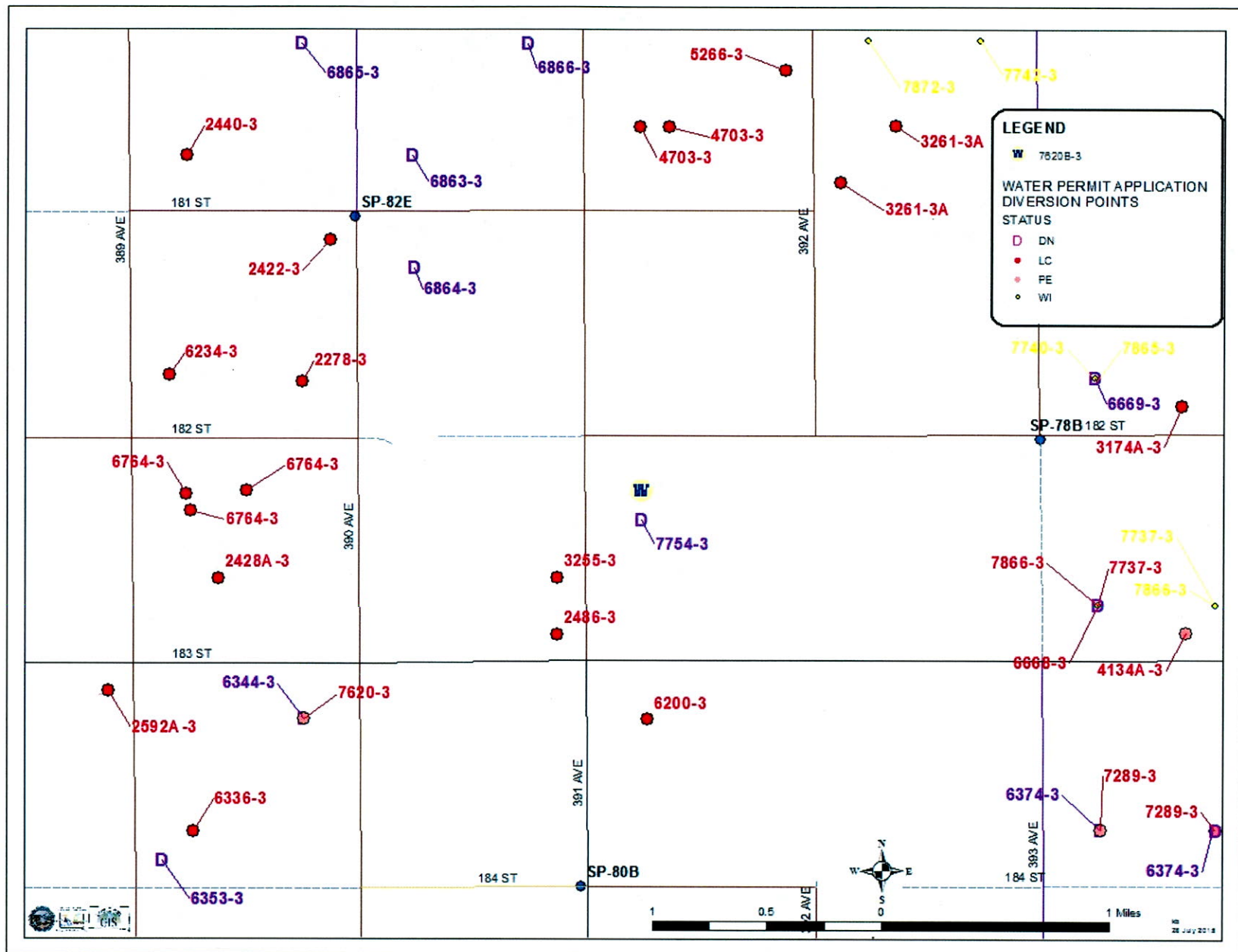


Figure 4. Approximate location of diversion points proposed by water permits (PE), water rights (LC), denied applications (DN) and withdrawn (WI) applications seeking appropriations from the T:WS/H aquifer within approximately two miles of the well site proposed by Application No. 7620B-3.

The DENR-Water Rights Program monitors three observation wells (SP-82E, SP-79B, and SP-80B), completed into the Tulare: Western Spink/Hitchcock aquifer within approximately one and three-quarter miles of the well site proposed by this application. Hydrographs for the wells are shown in Figures 5-7. The hydrographs document climatic conditions as well as seasonal water level fluctuations which may include well interference from nearby irrigation wells. Well interference has never been an issue from the aquifer and it is likely that diversions proposed by these applications can be completed without unlawfully impairing existing water rights. If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge, or require a larger pump or a different type of a pump to maintain the same output. Well interference should not be a concern for adequate domestic wells.

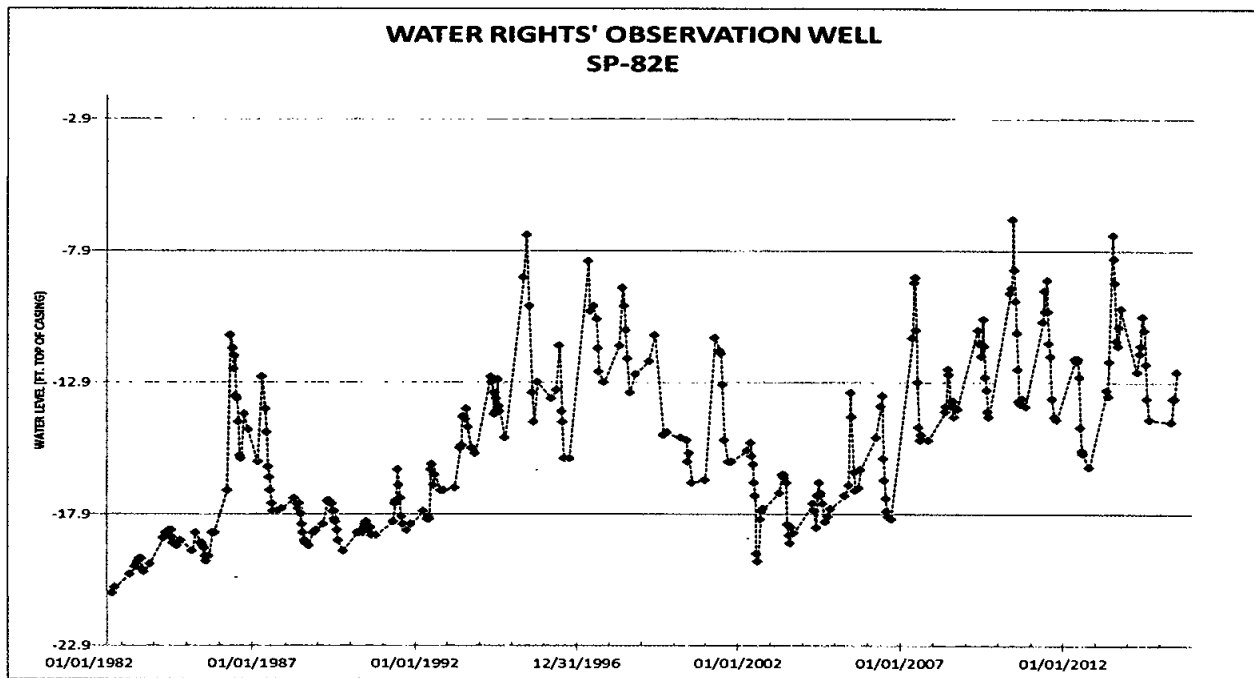


Figure 5. Hydrograph of DENR-Water Rights Program Observation Well SP-82E which is completed into the Tulare: Western Spink/Hitchcock aquifer approximately one and three-quarter miles northwest of the well site proposed by Application No. 7620B-3

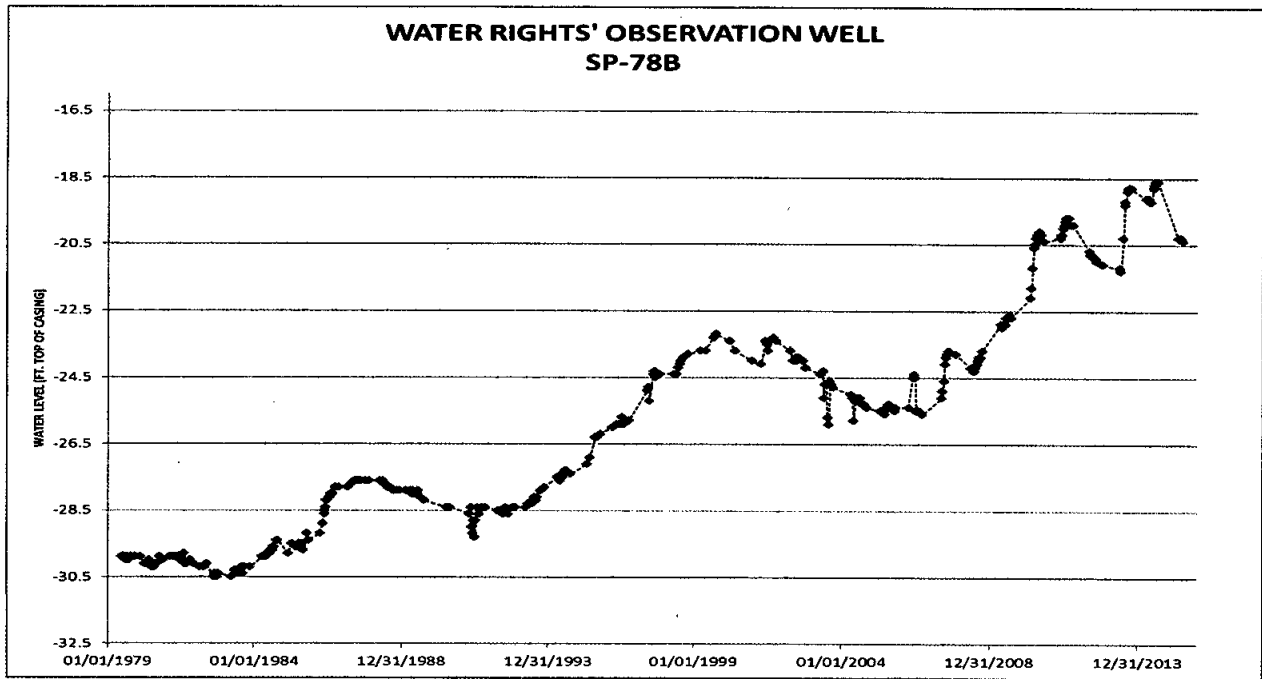


Figure 6. Hydrograph of DENR-Water Rights Program Observation Well SP-78B which is completed into the Tulare: Western Spink/Hitchcock aquifer approximately one and three-quarter miles east-northeast of the well site proposed by Application No. 7620B-3

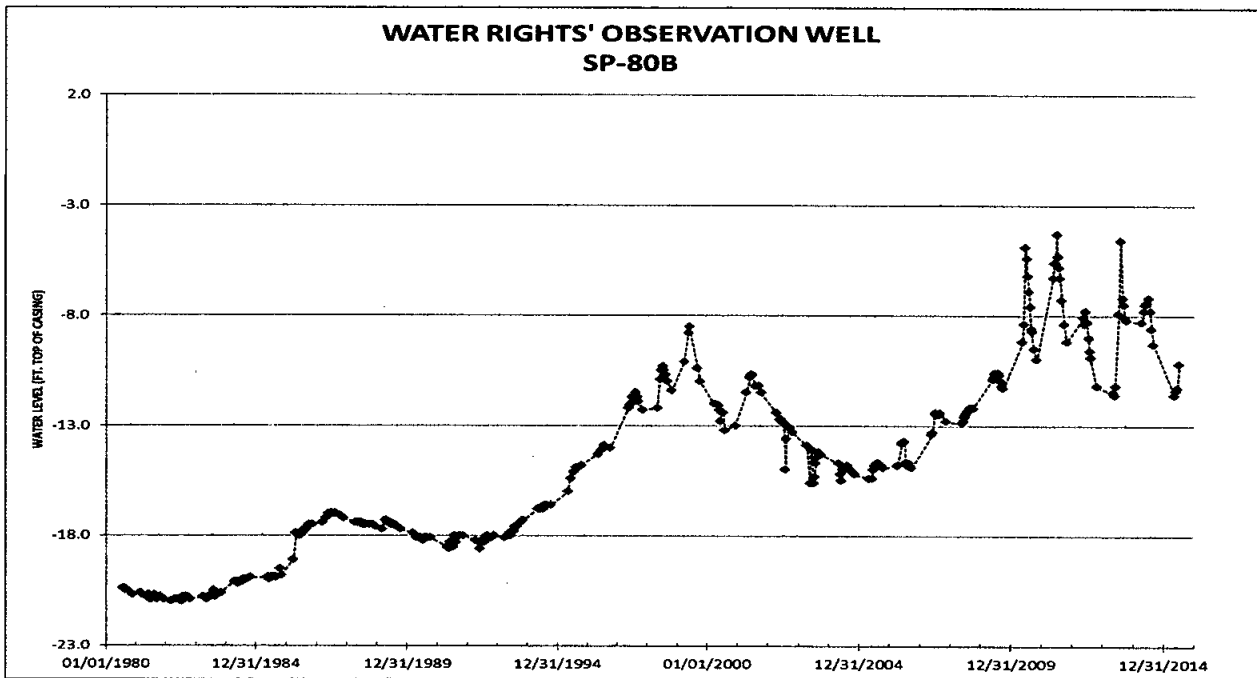
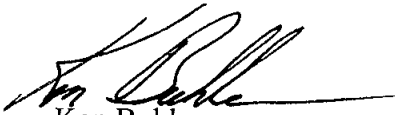


Figure 7. Hydrograph of DENR-Water Rights Program Observation Well SP-80B which is completed into the Tulare: Western Spink/Hitchcock aquifer approximately one and three-quarter miles south-southwest of the well site proposed by Application No. 7620B-3

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.
3. The Tulare: Western Spink Hitchcock aquifer was determined to be fully appropriated from 2008 to 2012 and from 2013 to present.
4. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
5. The amendments proposed by Water Permit Application No. 7620A-3 and Water Permit Application No. 7620B-3 are not expected to adversely impact existing water rights.



Ken Buhler
DENR-Water Rights Program

REFERENCES:

Water Rights, 2015b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2015c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2015d, Water Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

RECEIVED

SEP 11 2015

WATER RIGHTS
PROGRAM

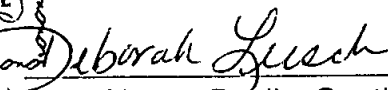
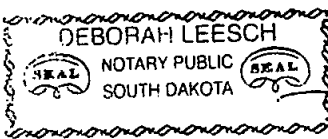
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

#1534 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 August 19th 2015, that Thirty-three and 25/100 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 19th day of August 2015.



Notary Public, South Dakota

My commission expires 10/09/2019

Notice

#1534

NOTICE OF APPLICATION NOS. 7620A-3 and 7620B-3

Notice is given that Oscar Inc, c/o Floyd Peterson, 209 27thNW, Huron SD 57350 has filed the following applications to amend Water Permit No. 7620-3 by splitting the permit and transferring portions of irrigated acreage and diversion rate authority to other land. Water Permit No. 7620-3 authorizes 1.94 cubic feet of water per second (cfs) from one well located in the Tulare:Western Spink/Hitchcock Aquifer near the center of the NE 1/4 Section 32 for irrigation of 136 acres located in the NE 1/4 Section 32; all in T115N-R63W.

Application No. 7620A-3 proposes to transfer 1.03 cfs and 72 acres approximately 5 miles south and 3 miles west with the well (76 feet deep) to be located in the approximate center of the SE 1/4 Section 26 to irrigate 72 acres located in the SE 1/4 Section 26; all in T114N-R64W.

Application No. 7620B-3 proposes to transfer 0.91 cfs and 64 acres approximately 1 mile east and 1 mile north with the well (55 feet deep) to be located in the S 1/2 NW 1/4 Section 27 to irrigate 64 acres located in the S 1/2 NW 1/4 Section 27; all in T115N-R63W.

The water source for Application Nos. 7620A-3 and 7620B-3 is the Tulare:Western Spink/Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated is authorized by these applications.

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 impractical to use all or any part of the water beneficially or economically for irrigation on the current land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7620A-3 and 7620B-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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will

be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 August 31, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 472-4585.

Published one time at the total approximate cost of \$33.25. (Aug. 19)

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

AUG 31 2015

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:

SD DEPT OF ENVIRONMENTAL -
WATER RIGHTS - OSCAR PETERSON

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 19TH day AUG 2015. That the full amount of the fee charged for publishing is: FORTY-EIGHT & 74/100 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 me before this 19TH Day of AUG 2015.


Notary Public, South Dakota

My term expires 01/27/2018
Legal #1974

F.P. 08-19-15

**NOTICE OF
APPLICATION NOS.
7620A-3 and 7620B-3**

Notice is given that Oscar Inc, c/o Floyd Peterson, 209 27th NW, Huron SD 57350 has filed the following applications to amend Water Permit No. 7620-3 by splitting the permit and transferring portions of irrigated acreage and diversion rate authority to other land. Water Permit No. 7620-3 authorizes 1.94 cubic feet of water per second (cfs) from one well located in the Tulare: Western Spink/Hitchcock Aquifer near the center of the NE 1/4 Section 32 for irrigation of 136 acres located in the NE 1/4 Section 32; all in T115N-R63W.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos.

7620A-3 and 7620B-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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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No. 1974 (adv.)
Published once at the total approximate cost of \$48.74.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 12, 2015 8:39 AM
To: 'office.redpress@midconetwork.com' (office.redpress@midconetwork.com)
Subject: 7620A-3 & 7620B-3, Oscar Inc
Attachments: 7620A-B-3pluralpublic-short.docx; FORM8 FRM.doc

Attached is a notice to be published on August 19, 2015.

Oscar Inc, c/o Floyd Peterson, 209 27th NW, Huron SD 57350 (605 352-2728) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 12, 2015 8:38 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 7620A-3 & 7620B-3, Oscar Inc
Attachments: 7620A-B-3pluralpublic-short.docx; FORM8 FRM.doc

Attached is a notice to be published on August 19, 2015.

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Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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.

August 11, 2015

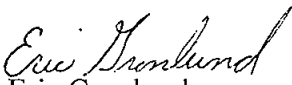
Oscar Inc
Floyd Peterson
209 27th NW
Huron SD 57350

Dear Mr. Peterson:

Water Permit Application Nos. 7620A-3 and 7620B-3 for irrigation use have 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 # 605-353-7401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on August 19, 2015. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 7620A-3 and 7620B-3

Notice is given that Oscar Inc, c/o Floyd Peterson, 209 27th NW, Huron SD 57350 has filed the following applications to amend Water Permit No. 7620-3 by splitting the permit and transferring portions of irrigated acreage and diversion rate authority to other land. Water Permit No. 7620-3 authorizes 1.94 cubic feet of water per second (cfs) from one well located in the Tulare:Western Spink/Hitchcock Aquifer near the center of the NE 1/4 Section 32 for irrigation of 136 acres located in the NE 1/4 Section 32; all in T115N-R63W.

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Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 21 2015

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

Dear Mr. Peterson:

Enclosed are Water Permit Nos. 7620A-3 and 7620B-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Water Permit No. 7620A-3 is limited to a diversion rate of 1.03 cubic feet of water per second (462 gallons per minute).

Water Permit No. 7620B-3 is limited to a diversion rate of 0.91 cubic feet of water per second (408 gallons per minute).

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return this completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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.

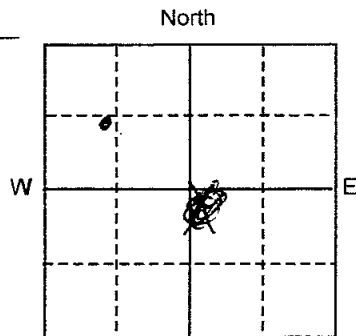
Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 27 Twp 115N Rg 63WCounty SpinkPlease mark well
location with an "X"

Well Completion Date

10/16/2015

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
none ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
 If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR26 LB/FT	16 IN	0 FT	28 FT	26 IN
SS LB/FT	16 IN	28 FT	58 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	7	Lb/gal	0 Ft	25 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 30 Feet
Material Stainless SteelSlot Size .050 Set From 28 Feet to 58 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Floyd Peterson

Business Name:

Address: 209 27th St. NWCity, State, Zip: Huron SD 57350

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Yellow Clay	1	7
Sand / Fine	7	25
Sand / Fair	25	45
Pea Rock	45	58

STATIC WATER LEVEL 8 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: Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

45 Ft. After _____ Hrs. pumped 450 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

OCT 20 2015

WATER RIGHTS
PROGRAM

T: WS/H

This well was drilled under license # 722 and this
report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Dath

Signature of Well Owner or Equitable Property Holder:

Floyd Peterson

Date:

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7620B-3

I have this day, **June 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. **7620B-3**, bearing the priority of **January 4, 2013** authorizing the diversion of **0.91** cu. ft. per second of the waters of **groundwater Tulare: Western Spink Hitchcock 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: Stretch's Well Service Inc.
- 2) No. of Wells 1
- 3) Depth(s) 58 feet
- 4) Well log is available Y If no, explain in comments

Casing:

- 1) Diameter 16 inches
- 2) Length 28 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 30 feet
- 3) Static water level 8 feet

Pump:

- 1) Make Grundfos
- 2) Model submersible
- 3) Capacity 400 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. submersible
- 3) Horsepower rating 40 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 25 feet
Comments: none

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 400 GPM

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y

Comments: none

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 27 T115N-R63W 1320 ft S and 1320 ft E, latitude of 44.74495 and longitude of -98.39733 , center of NW ¼.
2. The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water and/or storing N/A acre-feet 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 27 T115N-R63W SE ¼ NW ¼ - 32 ac SW ¼ NW ¼ - 32 ac comprising a total of 64 acres of land and the license should be issued for 0.89 cfs.
3. All structures, wells and lands on map Y
If no, describe: none

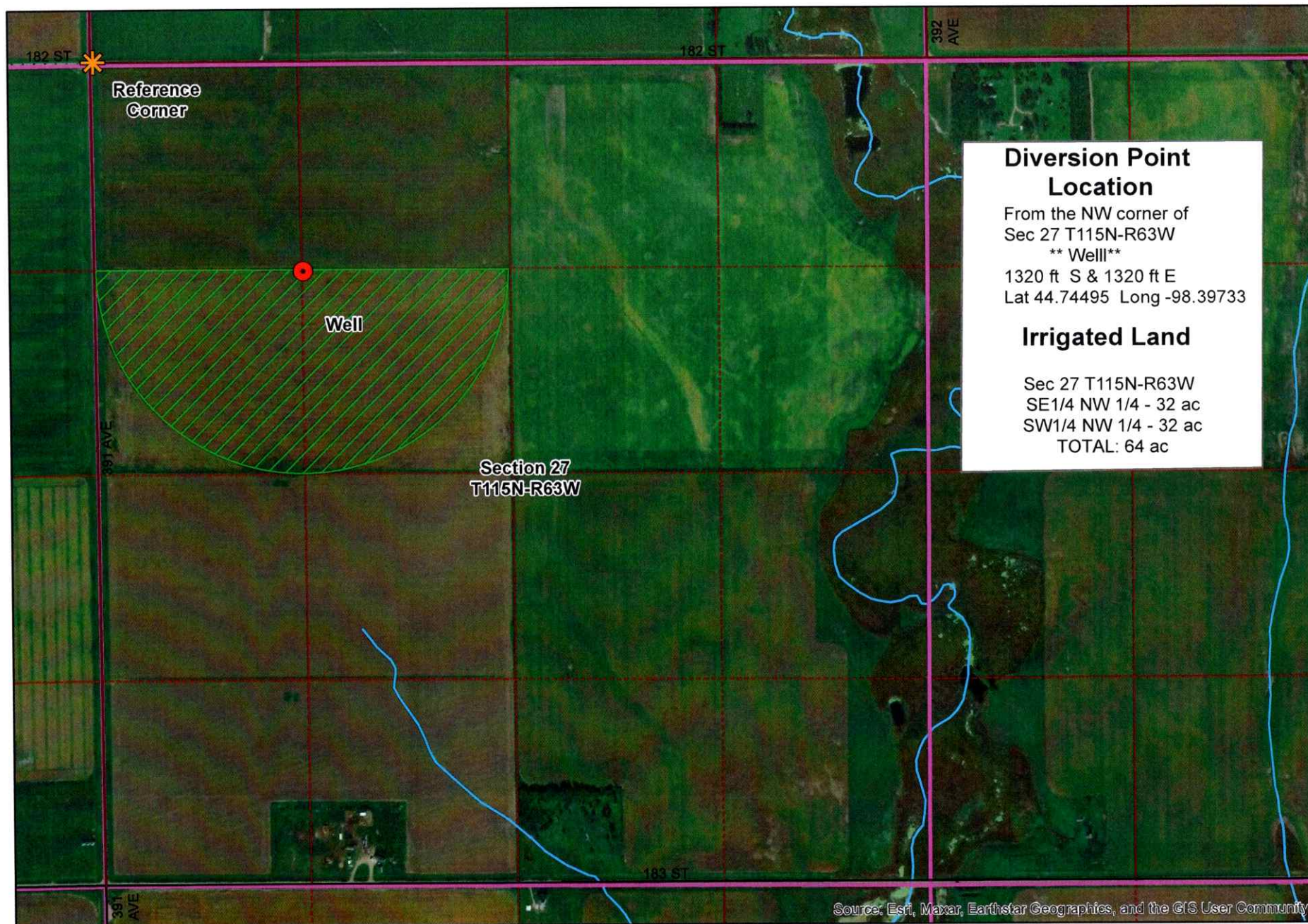
F. Comments or other permit(s) associated with the project:

None.



Mark D Rath
Water Right Inspector
DANR, Water Rights Program

Date report completed: July 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 01 2024

7620A-3
7620B-3

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

Dear Mr. Peterson:

Enclosed are Water License Nos. 7620A-3 & 7620B-3. These are the final water right documents completing your process of obtaining Water Rights. Included with each 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 Licenses, 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. 7620B-3**

(1) Oscar Inc., 209 27th Street NW, Huron SD 57350, made Application No. 7620B-3, May 7, 2015, for a water permit to amend Water Permit No. 7620-3, transferring a portion of the irrigated acres and diversion authority to other lands. Permit No. 7620B-3, with a priority date of January 4, 2013 (established by 7620-3), was approved August 31, 2015, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2018, and for the application to beneficial use of water on or before May 2, 2022.

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

- 1,320 ft S & 1,320 ft E of the NW corner Section 27, T115N, R63W (approx. center NW ¼)
(Latitude 44.74495 & Longitude -98.39733)

(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 to following land:

Section 27, T115N, R63W, Spink County
SW ¼ NW ¼ 32 acres
SE ¼ NW ¼ 32 acres
TOTAL: 64 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Oscar Inc., the holder and/or owner of Water Right No. 7620B-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater, one well (Tulare: Western Spink Hitchcock Aquifer), with a priority date of January 4, 2013, 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. 7620B-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.
2. The well authorized by Permit No. 7620B-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 2015 by Stretch's Well Service 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.
4. Water Permit Nos. 7620A-3 and 7620B-3, combined, incorporate the applicable provisions of Water Permit No. 7620-3.


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

AUG 01 2024
date

