

WATER PERMIT NO. 7946-3

Name of Applicant: **Owen & Lamont Peterson**

Address: **PO Box 97, Wendell MN 56590** Phone: **218 639-2931**

Amount of Water Claimed: **1.94 cfs** Total Acres: **136.11**

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

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

Type of Waste Disposal System:

Location: **1 mile southeast of Estelline**

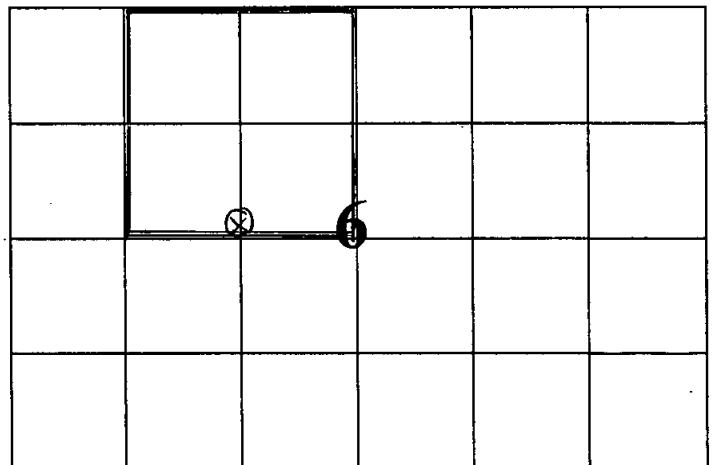
PRIORITY Date Received: **1-21-14** Application/License Fee: **\$ 1050**

Corrected Application Received: Period of Annual Use: **May 1 – Sept 30**

Remarks:

Diversion Point: **S 1/2 NW 1/4 Sec 6-T114N-R51W**

Land to be Irrigated: **NW 1/4 Sec 6-T114N-R51W**



Depth of Well: **122 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-23-14**

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>2946-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Estelline Journal</u>
	<u>Public Opinion</u>

RECEIVED

JAN 21 2014

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.)

1. Name to Appear on Irrigation Permit Owen & Lamont Peterson
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
 (name and complete address if different than above name)
- Mailing Address 31760 Co Rd 11 P.O. Box 97 Wendell WY 56590
 (Address) (City) (State) (Zip Code)
- Home Phone 218-639-2931 Cell Same Email _____
2. Amount of water claimed 1.94 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 136.11
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Irrigation Well
4. Location of point of diversion 1-Well in ^{5/2} NW 1/4 Section 6-T-114-N R-51-W
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
- County Hamline
5. County or counties where water will be used Hamline
6. Annual period during which water is to be used MAY - Sept 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
<u>Same as Above</u>	<u>136.11</u>		
<u>NW 1/4 Sec. 6 - T114N-R51W</u>			

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

See MAP

I, Owen K. 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. 7946-3

Date of first receipt of application January 21, 2014.

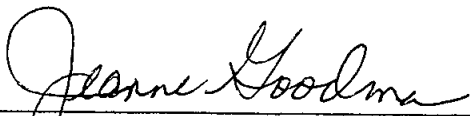
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7946-3 to Owen & Lamont Peterson, PO Box 97, Wendell MN 56590 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7946-3 appropriates 1.94 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (122 feet deep) located in the S 1/2 NW 1/4 Section 6 for irrigation of 136.11 acres located in the NW 1/4 Section 6; all in T114N-R51W.
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: May 1 – September 30.
3. The date from which applicant may claim right is January 21, 2014.
4. The date of approval of Permit No. 7946-3 is April 7, 2014.
5. One-fifth of the construction is to be completed on or before October 7, 2016.
6. All construction is to be completed on or before April 7, 2019.
7. Water is to be put to beneficial use on or before April 7, 2023.
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. 7946-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

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

MAY 02 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

c) Well Depth 122 Depth to Top of Water Bearing Material 104 Depth to Water from Surface 26

d) Distance to nearest existing domestic well:

On applicant's property _____

On property owned by others 3/4 of mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address: _____

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

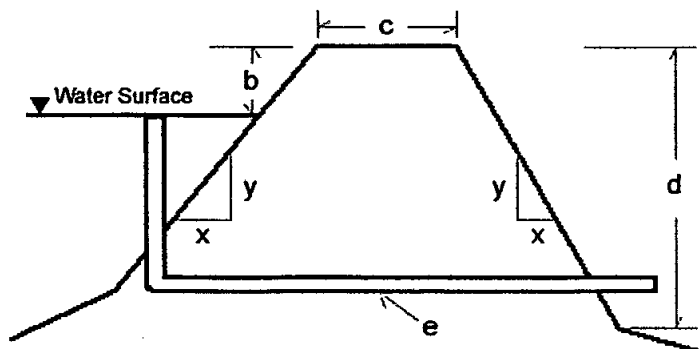
Upstream _____

Downstream _____

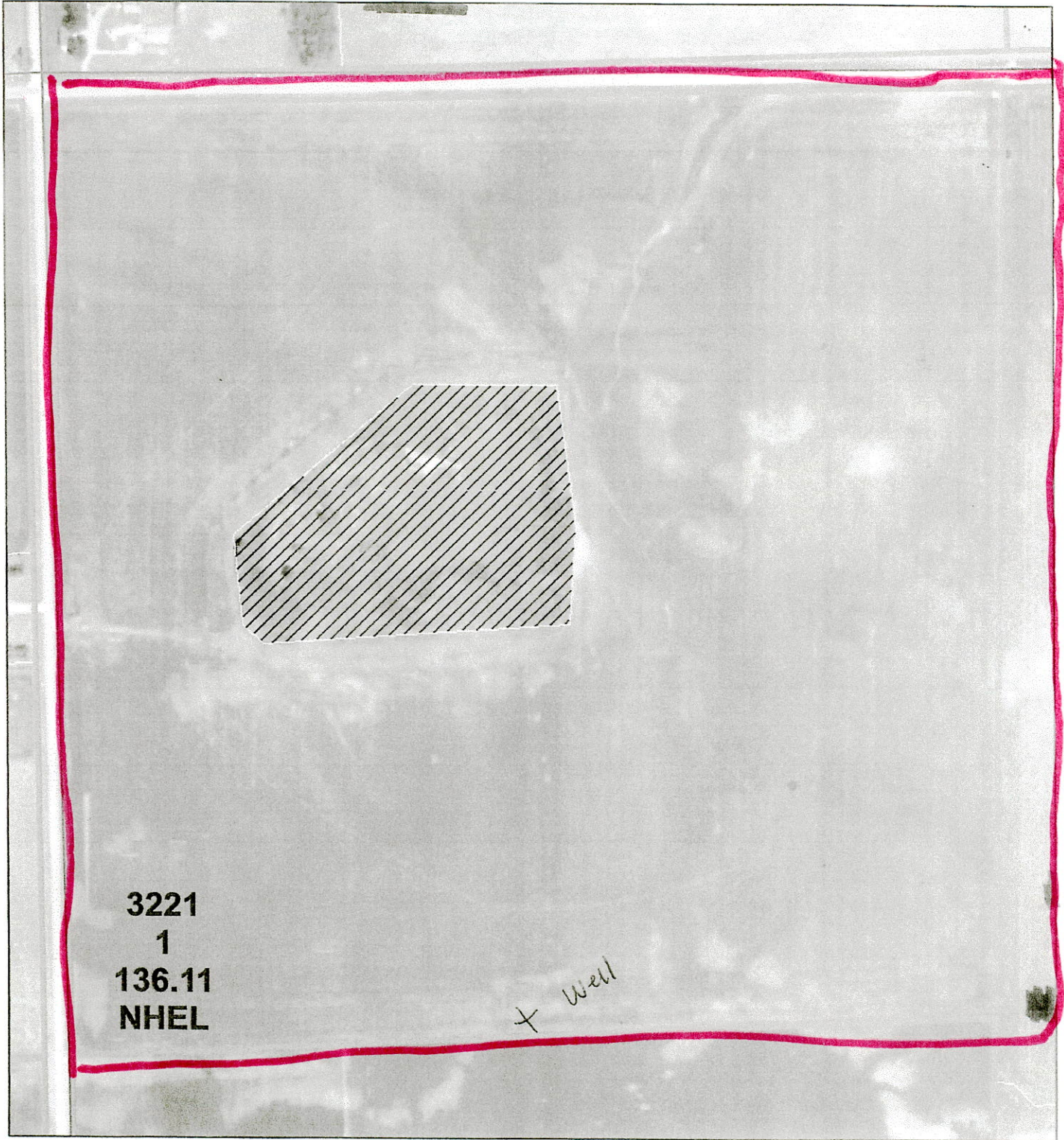
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Section 6 T-114-n R-51-W NW 1/4



USDA - Farm Service Agency

1:4,483

Hamlin County, SD

Gravel pit

4101 - 3221

RECEIVED

JAN 21 2014

WATER RIGHTS PROGRAM

October 23, 2008

136.11

Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions



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.

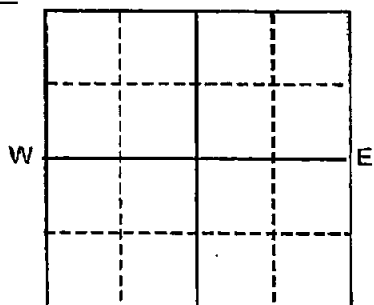
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ NW ¼ Sec 6 Twp 114N Rg 51WCounty Hamlin

North

Please mark well
location with an "X"

Well Completion Date

January 13, 2014

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>6.00</u> IN	<u>0.0</u> FT	<u>44.0</u> FT	<u>9.88</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>5</u>	Lb/gal	<u>0.0</u> Ft	<u>44.0</u> Ft
		Lb/gal	Ft	Ft

 Describe grouting procedure
tremie piped

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 6.00 Inches Length 35.0 FeetMaterial PVCSlot Size .030 Set From 44.0 Feet to 79.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorinated
☐ No, Why Not?

Lab to which water

quality sample sent for analysis

n/a

Well Owner: Owen Peterson

Business Name:

Address: PO Box 97City, State, Zip: Wendell MN 56590

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
Yellow clay	1	23
Blue clay	23	39
Sand	39	75
Blue clay	75	79

STATIC WATER LEVEL 16.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

19.0 Ft. After 4.0 Hrs. pumped 130.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Test well

This well was drilled under license # 475 and this report is true and accurate.Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/22, 20 14

RECEIVED OF Owen & Lamont Peterson PO Box 97 Wendell MN 56590

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

Fee for Application for Permit No. <u>7946-3</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>7946-3</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. **06663**

By J. Lane Rodman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



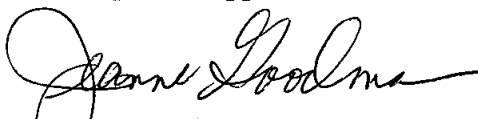
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7946-3, Owen and Lamont Peterson**

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. 7946-3, Owen and Lamont Peterson, PO Box 97, Wendell MN 56590.

The Chief Engineer is recommending APPROVAL of Application No. 7946-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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. 7946-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
March 11, 2014

**REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 7946-3
OWEN AND LAMONT PETERSON
February 19, 2014**

Water Permit Application No. 7946-3 proposes to appropriate water at a maximum rate of 1.94 cubic feet per second (cfs) from one well completed into the Big Sioux: Brookings aquifer. The well is expected to be approximately 75 feet deep and is to be located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 6, T114N-R51W in order to irrigate 136.11 acres in the NW $\frac{1}{4}$ of the same section in Hamlin County.

AQUIFER: Brookings Management Unit of the Big Sioux aquifer (BS: B)

AQUIFER CHARACTERISTICS:

The Big Sioux: Brookings aquifer is a predominantly surficial outwash aquifer that is primarily under water table conditions (Koch, 1980). The Big Sioux: Brookings aquifer extends south from Hamlin County into Brookings County and east into Deuel County. The aquifer underlies approximately 191,100 acres and contains an estimated 642,230 ac-ft of recoverable water in storage (Hedges et. al, 1982). In Hamlin County alone, the aquifer underlies approximately 88,500 acres and contains an estimated 331,800 ac-ft of recoverable water in storage (Hedges et. al, 1982). The aquifer is hydraulically connected to area lakes, streams, and the Big Sioux River (Kume, 1985). The aquifer is also connected to the Big Sioux: North in northern Hamlin County and the Big Sioux: Moody in central Moody County (Hedges et. al, 1982). Kume (1985) estimated that the Big Sioux: Brookings has an average thickness of 30 feet, and wells completed in the aquifer could yield in excess of 1,000 gallons per minute of water that is suitable for irrigation.

The test well log submitted with this application indicated the Big Sioux: Brookings aquifer occurred from 39 to 75 feet below grade. The test well had a static water level of 16.0 feet below grade on January 13, 2014.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water at a rate of 1.94 cfs from the Big Sioux: Brookings aquifer with a maximum of 272.22 acre-feet per year. Actual water use, if this application is approved, is unlikely to exceed an average of 136.11 ac-ft/yr, or one acre-foot per acre of land irrigated. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is

probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

HYDROLOGIC BUDGET:

Recharge:

Recharge to the Big Sioux: Brookings aquifer is by infiltration of precipitation and seepage from the Big Sioux River and its tributaries (Kume, 1985). Koch (1980) estimated a recharge rate of 6.57 inches per year (in/yr), and Hedges and others (1985) estimated a recharge rate of 4 in/yr. The recharge rate to the aquifer as a whole and just in Hamlin County is shown in Table 1. This is not to suggest that the entire volume of annual recharge or of recoverable water in the aquifer is available at every point in the aquifer but to demonstrate that in general the Big Sioux: Brookings aquifer is readily recharged.

Source	Rate (in/yr)	Entire Aquifer (ac-ft/yr)	Hamlin County (ac-ft/yr)
Koch, 1980	6.57	104,627	48,454
Kume, 1985			48,531*
Hedges et. al, 1985	4	63,700	29,500
*== rate is for Hamlin and Deuel County			

Table 1- Recharge to the Big Sioux: Brookings aquifer and in just Hamlin County

Discharge:

Discharge from the Big Sioux: Brookings aquifer is in the form of seepage to the Big Sioux River and its tributaries during periods of low flow and stage, evapotranspiration, and well withdrawals (Koch, 1980). There are 255 water rights/permits appropriating water, 10 future use permits reserving water, and one pending application to appropriate water from the Big Sioux: Brookings aquifer with 120 water rights/permits and five future use permits in Hamlin County alone (Water Rights, 2014b). The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming: 1) water rights/permits limited by an annual volume will pump the entire volume appropriated, 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and 3) future use permits can be fully developed. The expected average annual withdrawal by non-irrigation appropriations including future use permits from the Big Sioux: Brookings aquifer is estimated to be 19,367 ac-ft and 7,854 ac-ft in Hamlin County alone (Water Rights, 2014b). Note that several of the municipalities with water rights/permits authorizing the withdrawal of water from the Big Sioux: Brookings aquifer only use their water rights/permits as backup to rural water (Friedeman, 2013). This was accounted for in the expected average annual withdrawal.

The withdrawal for domestic use from the Big Sioux: Brookings is not significant to the hydrologic budget of the aquifer, especially since many of the domestic wells are no longer used

as primary sources of water since the introduction of rural water systems to the area. Table 2 shows the irrigation withdrawal from the entire Big Sioux: Brookings aquifer. The average annual irrigation withdrawals from the Big Sioux: Brookings aquifer is 8,608.5 ac-ft and 3,983.2 ac-ft in Hamlin County alone (Water Rights, 1979-2013).

Hydrologic Budget:

Using Hedges and others (1985) recharge estimate there is approximately 35,725 ac-ft/yr of recharge in excess of the total 63,700 acre-ft/yr (Hedges et al., 1985) in the Big Sioux: Brookings aquifer with 17,663 ac-ft/yr (of the total 29,500 acre-ft/yr) in Hamlin County alone. Therefore, there is a reasonable probability that there is unappropriated water available for this proposed appropriation.

Entire Aquifer				Hamlin County		
Year	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
2012	177	63694.4	19482.51	86	30704	9699.49
2011	174	63494.4	8527.61	85	30544	4927.3
2010	172	62966.4	2713.39	84	30304	1681.63
2009	174	65098.4	9172.9	80	29384	3986.48
2008	166	62761.8	12505.85	75	28037.2	5934.02
2007	164	62374.8	12730.13	73	27571.2	5702.96
2006	161	61075.8	14325.04	69	26687.2	6807.48
2005	159	61435.8	11513.48	68	26573.2	5626.58
2004	156	60695.8	11809.91	66	26093.2	6106.78
2003	149	58970.8	11380.47	59	24353.2	5554.05
2002	149	59186.8	12410.94	60	24623.2	5620.65
2001	149	59312.8	8384.81	60	24623.2	3751.65
2000	153	60799.8	8933.72	62	25634.2	3778.59
1999	155	62181.3	7841.04	62	25646.2	3262.16
1998	157	63306.2	8109.71	63	26410.2	2908.97
1997	153	62281.7	5650	61	25867.7	2209
1996	154	62575.2	7220.95	61	25867.7	3624.86
1995	161	62961.2	3862.25	66	26997.7	2273.54
1994	160	64395.2	2854.62	65	26997.7	915.94
1993	162	64963.7	1042.9	67	28013.7	746.5
1992	162	64603.7	2331.6	67	27621.7	1289.6
1991	165	65534.97	7771.74	67	27732.7	4332.54
1990	175	71616.95	5862.92	76	32927.08	3352.82
1989	166	69391.27	13930.7	69	31952.4	7536.6
1988	167	74615.27	18521.4	64	31575.4	8181.4
1987	171	76624.07	10015	62	31060.9	4430.5
1986	179	80788.57	2854.7	64	33206.9	1453.82
1985	181	81385.57	4951.4	65	33462.9	1676.4
1984	188	84188.07	8177.6	65	33721.9	3948.1
1983	161	74854.57	8227.46	56	30070.9	2639.26
1982	155	77754.57	4551.86	55	31398.9	1771.63
1981	197	91051	9040	61	29392	2629
1980	187	87093	9837	60	27812	4597
1979	184	85701	6144	60	27200	2472
Min	149	58970.8	1042.9	55	24353.2	746.5
Max	197	91051	19482.5	86	33721.9	9699.5
Avg	166.0	68521.6	8608.5	66.6	28531.4	3983.2

Table 2- Irrigation water use from the entire Big Sioux: Brookings aquifer (Water Rights, 1979-2013)

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 80 observation wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2014a). Water levels in the observation wells are primarily controlled by climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. Although the hydrograph in Figure 1 shows the effects of pumping, it does not appear to be significant over the period of record. The climatic effects on water levels mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Big Sioux: Brookings aquifer significantly exceeds pumping. Recognizing that natural discharge can be captured for pumping, there is a reasonable probability that unappropriated water is available for these proposed appropriations.

The nearest observation well to the NW $\frac{1}{4}$ of Section 6, T114N-R51W is HN-63A, located approximately 0.5 miles to the south of the proposed well site. The hydrograph for observation well HN-63A is shown below in Figure 1. The hydrograph, in general, shows similar hydrologic conditions to the other observation wells throughout the aquifer and is representative of the aquifer.

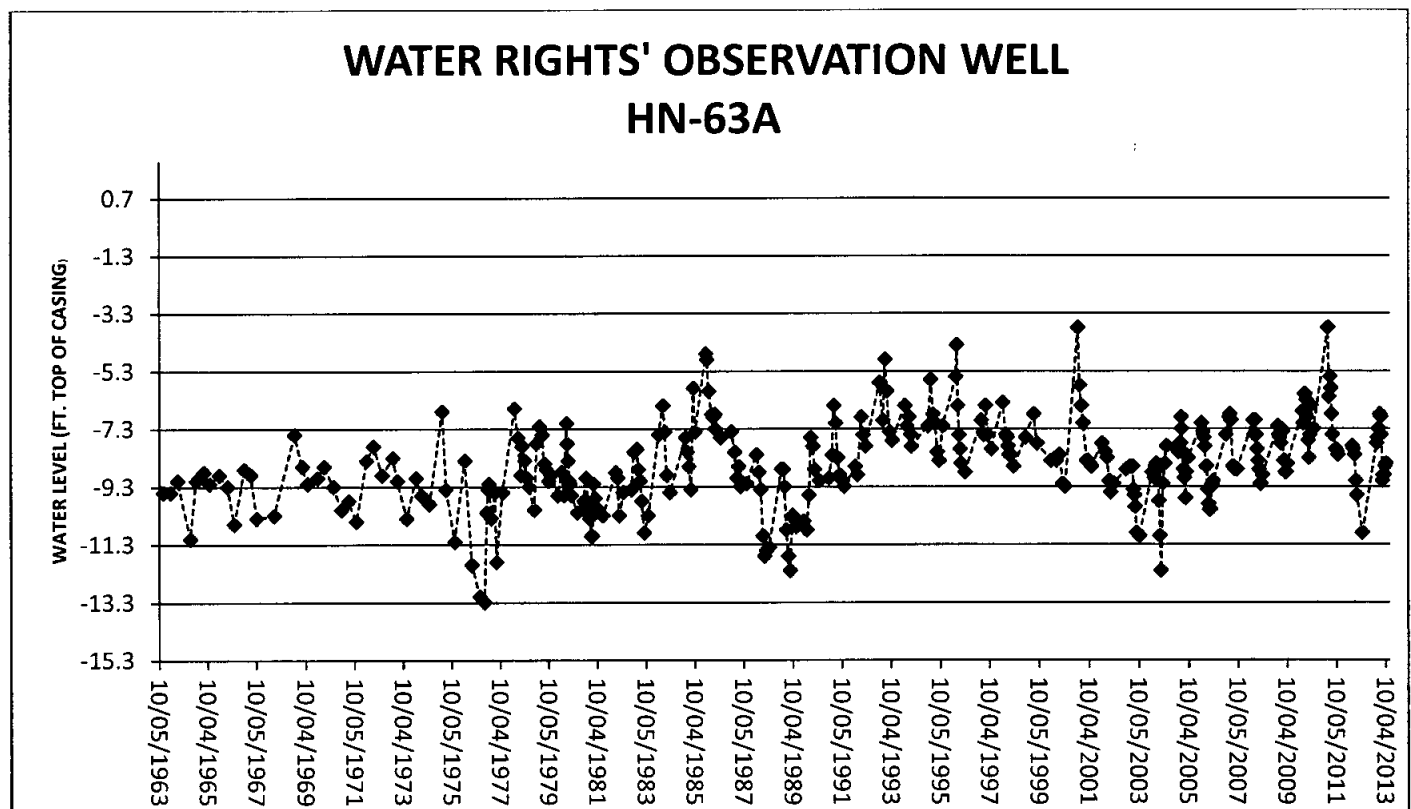


Figure 1: Historic water levels in Observation Well HN-63A

EXISTING WATER RIGHTS:

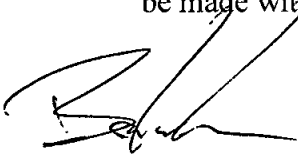
The Big Sioux: Brookings aquifer is under confined conditions at the proposed well site. SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery, and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown in artesian head pressure may occur. To balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"...a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs."

The closest well to the proposed diversion site is located approximately 3,000 feet to the southwest and is associated with Water Permit No. 7490-3 (Water Rights, 2014b). The closest known domestic wells are located approximately one mile to the north and one mile to the south of the proposed well site. At these distances, and given that a decrease in artesian head pressure is not considered unlawful interference, this well is not expected to adversely impact the well associated with Water Permit No. 7490-3 or the two domestic wells.

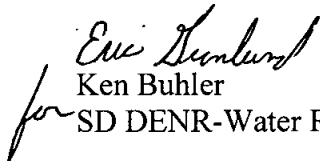
CONCLUSIONS:

1. Water Permit Application No. 7946-3 proposes to appropriate water at a maximum diversion rate of 1.94 cfs from the Big Sioux: Brookings aquifer for the irrigation of 136.11 acres.
2. There is a reasonable probability that unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.



Bracken Capen
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Friedeman, B. Personal Communication. SD DENR-Drinking Water Program. July 9, 2013.

Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Koch, N.C. 1980. Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota. Water-Resources Investigations Report 80-100. USGS, Huron, South Dakota.

Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resources Investigations Report 84-4069. USGS, Huron, South Dakota.

Water Rights. 1979-2013. "1979-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

RECEIVED

MAR 25 2014

Form 8

WATER RIGHTS
PROGRAM

DENR

NOTICE OF APPLICATION
NO. 7946-3 to Appropriate
Water

Notice is given that Owen and Lamont Peterson, PO Box 97, Wendell MN 56590 have filed an application for a water permit to appropriate 1.94 cubic feet of water per second from one well to be completed into the Big Sioux-Brookings Aquifer (122 feet deep) located in the S 1/2 NW 1/4 Section 6 for irrigation of 136.11 acres located in the NW 1/4 Section 6; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7946-3 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 April 7, 2014.

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 \$52.29. (March 19, 2014)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at www.sdpublicnotices.com

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

March 19th, 2014

Cost of Printing 52.29

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

March 19th, 2014

(Date Signed)

RECEIVED

MAR 21 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Dufek

certify that the attached printed Notice was
taken

from the Estelline Journal

printed and published in Estelline

County of Hamlin and

state of South Dakota. The notice was
published

in the newspaper on the following date:

March 19, 2014

Cost of Printing \$22.44

LeeAnne Dufek
(Signature)

Owner
(Title)

3-20-14
(Date Signed)

NOTICE OF APPLICATION NO.
7946-3 TO APPROPRIATE WATER

Notice is given that Owen and Lamont Peterson, PO Box 97, Wendell MN 56590 have filed an application for a water permit to appropriate 1.94 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (122 feet deep) located in the S 1/2 NW 1/4 Section 6 for irrigation of 136.11 acres located in the NW 1/4 Section 6; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7946-3 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 April 7, 2014.

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 March 19, 2014, at total cost of \$22.44.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 12, 2014

Estelline Journal
PO Box 159
Estelline SD 57234

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7946-3 to Appropriate Water. Please publish the notice once on March 19, 2014. 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 Owen & Lamont Peterson, PO Box 97, Wendell MN 56590 (Ph # 218-639-2931).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 12, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7946-3 to Appropriate Water. Please publish the notice once on March 19, 2014. 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 Owen & Lamont Peterson, PO Box 97, Wendell MN 56590 (Ph # 218-639-2931).

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

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



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

March 12, 2014

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

Dear Sirs:

Water Permit Application No. 7946-3 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 Estelline Journal printed at Estelline SD (Ph # 605-873-2475) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). 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 March 19, 2014. 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. 7946-3 to Appropriate Water

Notice is given that Owen and Lamont Peterson, PO Box 97, Wendell MN 56590 have filed an application for a water permit to appropriate 1.94 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (122 feet deep) located in the S 1/2 NW 1/4 Section 6 for irrigation of 136.11 acres located in the NW 1/4 Section 6; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7946-3 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 April 7, 2014.

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

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



MAY 02 2014

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

Dear Sirs:

Enclosed is Water Permit No. 7946-3 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



7946-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: OWEN & LAMONT PETERSON, PO BOX 97, WENDELL, MN 56590
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7946-3 & 7984-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7946-3 & 7984-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7946-3 & 7984-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 2, 2015

7946-3
7984-3

Owen & Lamont Peterson
PO Box 97
Wendell MN 56690 0097

Dear Sirs:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit Nos. 7946-3 & 7984-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

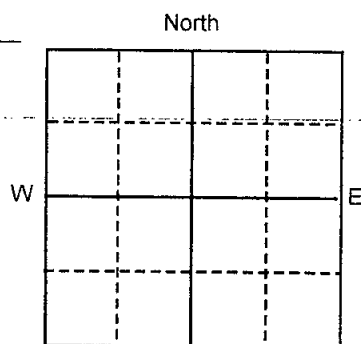
7946-3 SD EForm - 1621LD V1

11-02

Location NW 1/4 SW 1/4 Sec 6 Twp 114N Rg 51W

County Harrison

Please mark well location with an "X"



Well Completion Date

05-28-15

← 1 Mile →

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe ☒ Steel ☐ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>50</u> FT	<u>17</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>27</u>	Lb/gal	<u>0</u> Ft	<u>55</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 Inches Length 20 Feet

Material Stainless Steel

Slot Size .070 Set From 50 Feet to 70 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorinated

Lab to which water quality sample sent for analysis

nila

Well Owner: Owen Peterson

Business Name:

Address: PO Box 97

City, State, Zip: Wendell ND 58590

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
Yellow clay	1	23
Blue clay	23	27
Coarse sand	37	70
Blue clay	70	-

STATIC WATER LEVEL 16 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

29 Ft. After 8 Hrs. pumped 400 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS: N 44 42.615

W 97 0.085

BS:B

RECEIVED

SEP 14 2015

WATER RIGHTS PROGRAM

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Therion Well Co, Inc.

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date:



7946-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: OWEN & LAMONT PETERSON, PO BOX 97, WENDELL, MN 56590
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 9, 2016

7921-3
7946-3
7984-3
7988-3

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

Dear Sirs:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 7921-3, 7946-3, 7984-3 and 7988-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7946-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: OWEN & LAMONT PETERSON, PO BOX 97, WENDELL, MN 56590

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



7946-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

RE: Water Permit Nos. 7921-3, 7946-3, 7984-3 & 7988-3

Dear Sirs:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit No. 7921-3, 7946-3, 7984-3 & 7988-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7946-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: OWEN & LAMONT PETERSON, PO BOX 97, WENDELL, MN 56590
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



7946-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2018

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590-0097

RE: Water Permit Nos. 7921-3, 7946-3, 7984-3 & 7988-3

Dear Sirs:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 7921-3, 7946-3, 7984-3 & 7988-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7946-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: OWEN & LAMONT PETERSON, PO BOX 97, WENDELL, MN 56590

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

7946-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2019

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590-0097

RE: Water Permit Nos. 7921-3, 7946-3, 7984-3 & 7988-3

Dear Sirs:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit Nos. 7921-3, 7946-3, 7984-3 & 7988-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read 'Genny McMath'. The signature is written in a cursive, flowing style.

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

7946-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 05 2023

Owen & Lamont Peterson
PO Box 4
Wendell MN, 56590

7946-3

Dear Sirs:

Enclosed is Water License No. 7946-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7946-3

(1) Owen & Lamont Peterson; PO Box 4, Wendell, MN 56590, made Application No. 7946-3, January 21, 2014 for a water permit to divert 1.94 cubic feet of water per second from groundwater, one well (Big Sioux: Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 7946-3, with a priority date of January 21, 2014 was approved April 7, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 2019 and for the application to beneficial use of water on or before April 7, 2023.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is:

2,600 ft S & 1,355 ft E of the NW corner of Section 6, T114N, R51W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 44.71021 Longitude -97.00102

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 6, T114N, R51W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	26.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.1 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.2 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	26.7 acres
	TOTAL	115.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Owen & Lamont Peterson; PO Box 4, Wendell, MN 56590, the holders and/or owners of Water Right No. 7946-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater, one well (Big Sioux: Brookings Aquifer) with a priority date of January 21, 2014 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. 7946-3 and subject to the following qualifications:

The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.

continued

The well authorized by Permit No. 7946-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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 by Thein Well Co Inc. in 2015. A copy of the well completion report is on file with the Water Rights Program)*

This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 05 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7946-3

I have this day, May 17, 2023, made a thorough examination of the water use system constructed by Owen & Lamont Peterson; PO Box 4, Wendell, MN 56590 of Permit No. 7946-3, bearing the priority of January 21, 2014 authorizing the diversion of 1.94 cu. ft. per second of the waters of the Big Sioux:Brookings Aquifer for irrigation purposes, in Hamlin County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co, Inc
- 2) No. of Wells 1
- 3) Depth(s) 70 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 50 feet
- 3) Type Steel

Screen:

- 1) Type Stainless Steel
- 2) Length 20 feet
- 3) Static water level 16 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 500 GPM

Motor:

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

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 1300 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 500 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **WELL LOCATION**
From the NW corner Sec 6 T114N R51W 2,600 ft S & 1,355 ft E, Lat 44.71021 Long -97.00102 (SE ¼ NW ¼)
2. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 6 T114N R51W

NW NW – 26.0 acres

NE NW – 30.1 acres

SE NW – 32.2 acres

SW NW – 26.7 acres

legal description/acreage

comprising a total of **115.0** acres of land and the license should be issued for **1.11** cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was determined with the aid of FSA imagery and ArcMAPS software.

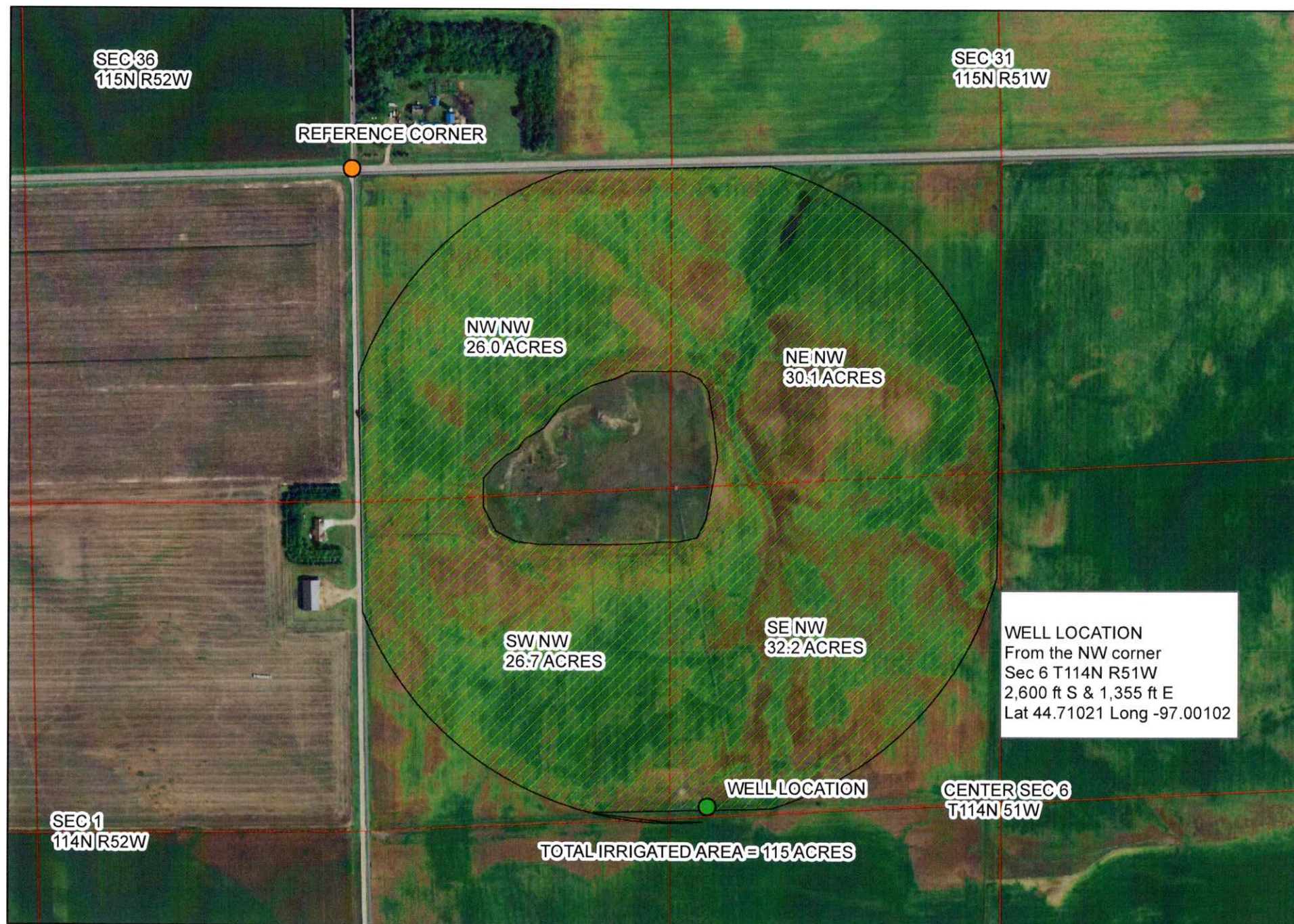
The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address in the permit materials is current; A current contact phone number is 218/639-2931 for Owen Peterson who was contacted by phone.

A handwritten signature in black ink, reading "Darrell W DeBoer". The signature is fluid and cursive, with the first name "Darrell" and last name "DeBoer" clearly distinguishable.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **May 20, 2023**



0 0.05 0.1 0.2 0.3 0.4 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program