

WATER PERMIT NO. 7984-3

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

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

Amount of Water Claimed: **1.78 cfs** Total Acres: **147.02**

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

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

Type of Waste Disposal System:

Location: **1/2 southwest of Castlewood**

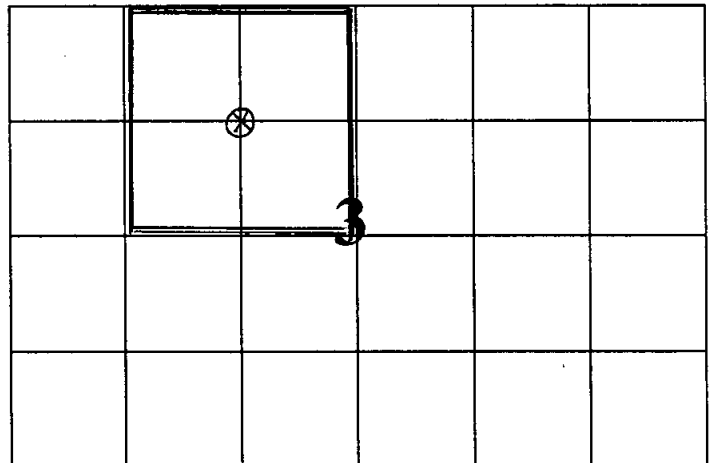
PRIORITY Date Received: **3-21-14** Application/License Fee: **\$ 1050**

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

Remarks:

Diversion Point: **center NW 1/4 Sec 3-T114N-R52W**

Land to be Irrigated: **NW 1/4 Sec 3-T114N-R52W**



Depth of Well: **80 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **3-24-14**

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>7984-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u> <u>605-793-2293</u>
	Newspaper <u>Hamlin Co. Herald Box 50 Crestwood 57223</u> <u>605-886-1690</u>
	<u>Public Opinion Box 10 Watertown 57201</u> <u>605-886-1690</u>

RECEIVED

MAR 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 & Lammert 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 NM 86590
(Address) (City) (State) (Zip Code)Home Phone 218-639-2921 Cell _____ Email _____2. Amount of water claimed _____ *CFS or 800 **GPM _____ ***AF Total Acreage 147.02
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acres - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Irrigation well4. Location of point of diversion 1-Well in Center of NW 1/4 Section 3 T-114-N
R-52-W (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hamline5. County or counties where water will be used Hamline6. Annual period during which water is to be used May 1 - Sept 307. 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>147.02</u>		
<u>NW 1/4 Sec 3, T-114N-R52W</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. 7984-3**

Date of first receipt of application March 21, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7984-3 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. 7984-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (80 feet deep) located in the center of the NW 1/4 Section 3 for irrigation of 147.02 acres located in the NW 1/4 Section 3; all in T114N-R52W.
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 March 21, 2014.
4. The date of approval of Permit No. 7984-3 is May 27, 2014.
5. One-fifth of the construction is to be completed on or before November 27, 2016.
6. All construction is to be completed on or before May 27, 2019.
7. Water is to be put to beneficial use on or before May 27, 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. 7984-3 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*

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

JUN 18 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 60 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 67'

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)

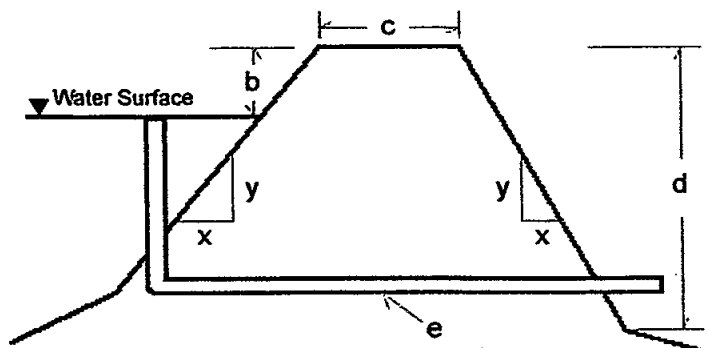
Upstream _____

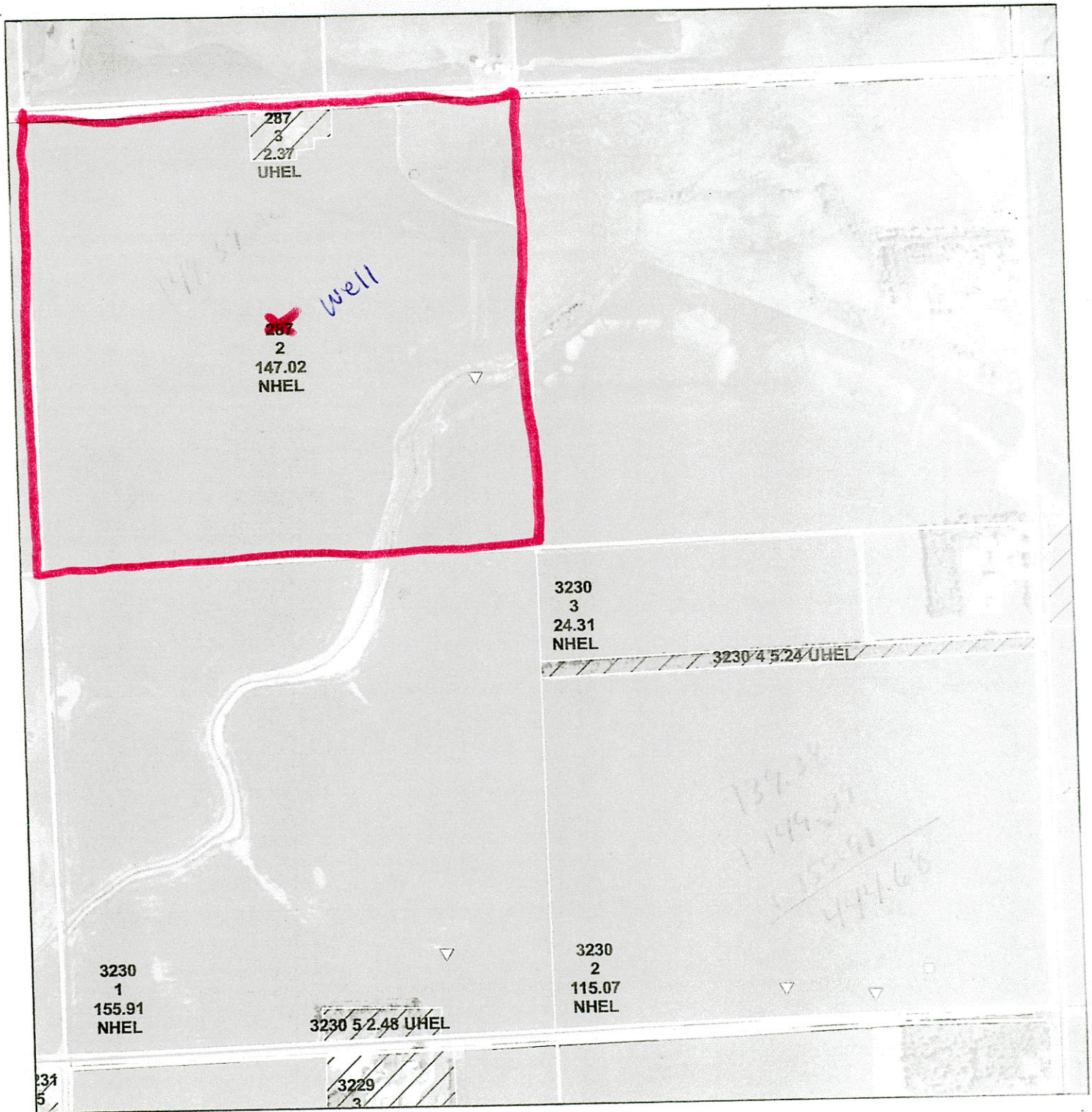
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 3_114N_52W
Farm: 4933

Hamlin County, SD
1:8,550



January 25, 2012

Wetland Determination Identifiers
☐ Restricted Use
☒ Limited Restrictions
☐ Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

Common Land Units

RECEIVED
Non-Cropland

MAR 21 2014

**WATER RIGHTS
PROGRAM**

Handwritten notes:
North 1/2
444.6
64

P.O. BOX 778, 11355 HWY. 71 NE (ACROSS FROM RINGO LAKE)
SPICER, MINNESOTA 56288 • (320) 796-2111
www.theinwell.com • E-mail: theinwell@tds.net

Since 1893

SWL:

**WATER RIGHTS
PROGRAM**

[illegible]

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date

March 24, 2014

Owen Peterson, PO box 97, Wendell MN 56590

RECEIVED OF

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

Fee for Application for Permit No. <u>7984-3</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>7984-3</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. 06793

By

Jaime Goodman
Chief Engineer

KS



**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. 7984-3, 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. 7984-3, Owen and Lamont Peterson, PO Box 97, Wendell MN 56590.

The Chief Engineer is recommending APPROVAL of Application No. 7984-3 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. 7984-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 8, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7984-3

Owen and Lamont Peterson

April 30, 2014

Water Permit Application No. 7984-3 proposes to appropriate groundwater at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brookings management unit of the Big Sioux aquifer. The well is expected to be 80 feet deep and located in the approximate center of the NW¼ of Section 3, T114N-R52W. Water will be used to irrigate 147.02 acres located in the NW¼ of Section 3, T114N-R52W.

AQUIFER: Brookings management unit of the Big Sioux aquifer (BS: B)

HYDROGEOLOGY:

The Brookings management unit of the Big Sioux aquifer is an alluvium mantled outwash consisting of well-sorted, permeable, medium to coarse sand and fine to medium gravel. Generally, the aquifer is underlain by till and, when buried, overlain by till. The aquifer is often under unconfined conditions near the Big Sioux River and can be confined elsewhere (Hamilton, 1989).

Stonesifer (2013) constructed a composite map based on delineation of the Big Sioux: Brookings aquifer by Hamilton (1989), Hansen (1988), Hedges and others (1982), and Kume (1985). In total the Big Sioux: Brookings aquifer underlies approximately 323,000 acres of Brookings, Codington, Deuel, Hamlin, Kingsbury, and Moody Counties (Hamilton, 1989; Hansen, 1988; Hedges and others, 1982; Kume, 1985; Stonesifer, 2013). From the average thickness of 30 feet and a commonly assumed storativity of 0.15, the Big Sioux: Brookings aquifer is estimated to contain 1,453,000 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982; Hamilton, 1989; Kume, 1985).

The Brookings management unit is hydraulically connected to the North management unit to the north, the Battle Creek aquifer to the west, the North Deer Creek, Unnamed Creek, Six Mile Creek, and Aurora management units to the east, and the Moody management unit to the south (Hedges and others, 1982). The aquifer is hydraulically connected to many surface waters, specifically the Big Sioux River. Water in the aquifer generally moves south and locally towards the river (Hamilton, 1989).

A test hole log submitted with the application recorded sand and gravel from four to 67 feet below ground surface. Other data in the area record aquifer materials to depths of 40 feet (SD Geological Survey, 2014). The static water level is expected to be approximately 15 feet below ground surface (Water Rights, 2014a).

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 the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights

and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge. If the source of the groundwater is older or lower than the Greenhorn formation and will be used for a public water system, recharge and withdrawal does not need to be considered.

Here, a public water system is not involved and the aquifer is above the Greenhorn formation. So, recharge and withdrawal must be considered. This will be considered by two methods: a hydrologic budget considering quantified values of recharge and withdrawal and an observation well analysis considering water levels.

HYDROLOGIC BUDGET:

Recently, courts have ruled that if average annual recharge is considered, average annual withdrawals should also be considered to determine if unappropriated water is available. Also, data must be presented to show that it is probable that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 29, 2005; Memorandum Decision, April 11, 2012).

Recharge:

Recharge to the Big Sioux: Brookings aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface, seepage through till, lake deposits, and underlying aquifers, and inflow from the Big Sioux River and its tributaries during times of high stages (Hamilton, 1989; Kume, 1985).

Hedges and others (1985) estimated the average recharge rate to the entire Big Sioux aquifer system by base flow analysis to be 6.5 inches per year (in/yr). Koch (1980) estimated average recharge to the Big Sioux aquifer in Brookings, Deuel, and Hamlin Counties by modeling to be 6.57 in/yr to the unconfined portions. Kume (1985) estimated recharge to the Big Sioux aquifer in Hamlin and Deuel Counties to be 5.11 in/yr. Hansen (1988) estimated recharge to the Big Sioux aquifer in Moody County by modeling to be on average 4.85 in/yr. Hedges and others (1985) estimated recharge specifically of the Brookings management unit by observation well analysis to be 4.0 in/yr; this is considered the best data available due to its emphasis on the management unit. Applying the recharge rate of this management unit to the area, recharge to the Big Sioux: Brookings aquifer is estimated to be 107,000 acre-feet per year (ac-ft/yr).

Koch (1980) indicates that even more water could be pumped than the estimated average recharge based on the concepts of induced recharge from surface waters due to pumpage and capture of water to pumpage prior to evapotranspiration or natural outflow.

Discharge:

Discharge from the aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, outflow to the Big Sioux River and its tributaries during times of low stage, and well withdrawals (Hamilton, 1989; Kume, 1985). There are a total of 270 water rights/permits appropriating water from the aquifer.

Non-irrigation water rights/permits limited by annual volume currently appropriate 5,034 ac-ft/yr of water, and non-irrigation water rights/permits limited by diversion rate currently appropriate water at a total maximum diversion rate of 18.939 cfs. There are a total of ten future use permits reserving a total of 9,727 ac-ft/yr of water from the aquifer (Water Rights, 2014b).

Brookings-Deuel-Kingbrook and Sioux rural water systems and the municipalities of Lake Norden and Volga are required to report withdrawals from the Big Sioux: Brookings aquifer for some or all water rights/permits. Reported use of a public water supply system may not be an accurate reflection of expected use because eventual full use of an appropriation for public water supply systems is often expected to account for future growth. Each of these entities have future use permits and subsequently any appropriation permitted but not put to beneficial use can revert back to the future use reservation. Future use permits are able to be fully developed (Water Rights, 2014b).

The municipalities of Clear Lake, Hayti, and Bruce currently use a rural water system as a primary source and their water rights/permits are retained as a standby source for security, such as fire protection. These water rights are all limited by diversion rate, totaling 2.81 cfs (Water Rights, 2014b).

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits and future use permits at the current appropriation/reservation amount can be estimated by assuming:

- 1) water rights/permits limited by an annual volume will pump the entire volume appropriated annually,
- 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time,
- 3) future use permits can be fully developed, and
- 4) water rights/permits authorized to municipalities using rural water systems as a primary source will not withdraw water.
- 5) the reported use of municipalities and rural water systems still expecting future growth is not reflective of expected average annual use; assumptions 1) and 2) will apply.

Considering these water use expectations, non-irrigation water appropriations/reservations are expected to account for 21,768 ac-ft/yr to be withdrawn from the Big Sioux: Brookings aquifer (Water Rights, 2014b).

The average of the annual irrigation pumpage is currently 8,684 ac-ft/yr but varies from a minimum of 1,043 ac-ft/yr to a maximum of 19,483 ac-ft/yr (Water Rights, 1980-2014). There is a large variability in the data set, which can be seen in Figure 1. The annual irrigation pumpage can be attributed to two major factors: climatic and economic conditions. For example, during the drought and high commodity prices in 2012, the irrigation pumpage was much greater than

the average. While the relationship between these variables is obvious, these variables are difficult to predict.

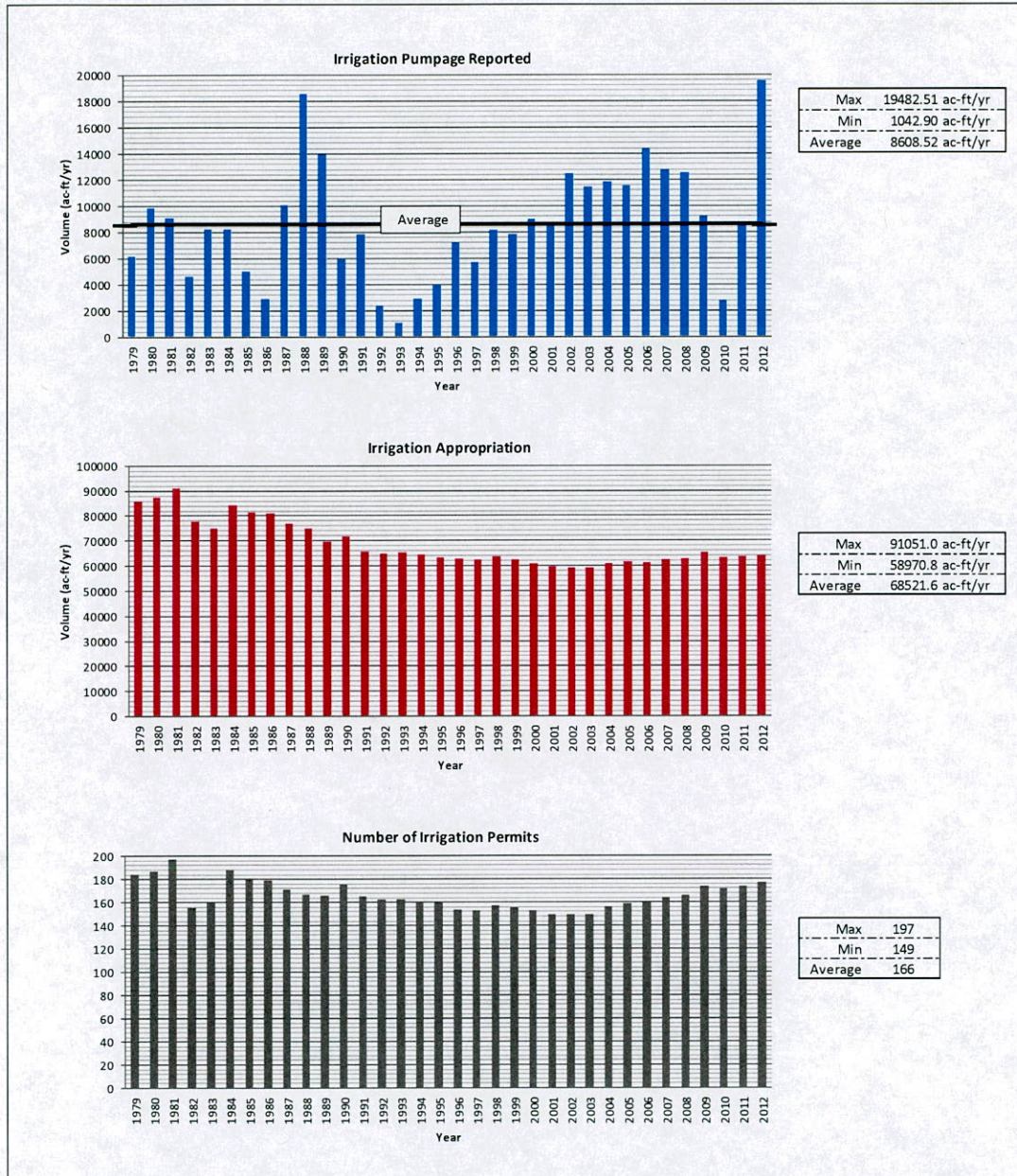


Figure 1: Historic irrigation water use from the Big Sioux: Brookings aquifer (Water Rights, 1980-2013)

The annual irrigation appropriation from this aquifer has remained fairly steady until just recently. Since the beginning of 2013, 11 irrigation water permits have been approved, authorizing irrigation of 1,839 acres (Water Rights, 2014b). Annual use of these permits has not yet been reported. While the maximum allowable application rate is two feet per acre per year (ft/ac/yr), in most instances irrigators in the geographic region apply less than one ft/ac/yr. To be realistic yet conservative, assuming an application rate of one ft/ac/yr results in an expected use of these newly approved and pending permits, if approved, of 1,839 ac-ft/yr.

While there are many domestic wells on file, many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawal ability of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the aquifer (Water Rights, 2014c).

Hydrologic Budget:

The average annual recharge to the Big Sioux: Brookings aquifer is estimated to be 107,000 ac-ft/yr. The average annual withdrawal is expected to be at most 32,290 ac-ft/yr. Therefore, based on the hydrologic budget of the Big Sioux: Brookings aquifer, unappropriated water is available from the Big Sioux: Brookings aquifer to support the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 states the Board will rely on the record of observation well measurements to determine that the annual withdrawals from the aquifer does not exceed the estimated average annual recharge.

The DENR-Water Rights Program currently monitors 54 observation wells completed into the Big Sioux: Brookings aquifer that produce representative data of the aquifer. Most of these wells record steady or increasing water levels in the aquifer over the period of record. While some observation wells appear to record a decreasing water level trend, further analysis reveals that these decreases are a record of the drawdown due to pumpage of new wells in the area and do not reflect an overall decrease in water availability in the aquifer. In many cases the water table has since remained at a similar level since the development (Water Rights, 2014a). Therefore, there are no observation wells in the Big Sioux: Brookings aquifer that indicate that withdrawals have exceeded recharge.

The nearest observation well that shows representative data of the aquifer, HN-77B, is located approximately one mile southwest of the well site. The hydrograph of this observation well is shown in Figure 2 (Water Rights, 2014a). Water levels in this observation well often displays cyclic conditions, recharging during wet years and declining during dry years. Pumpage is generally masked by climatic conditions. This indicates that groundwater is available for capture. Unappropriated water is available from the Big Sioux: Brookings aquifer to support the proposed appropriation.

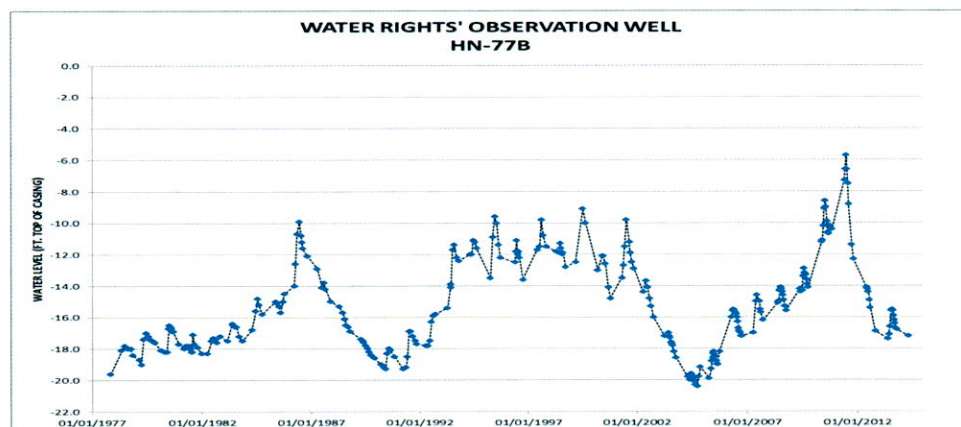


Figure 2: Hydrograph for observation well (Water Rights, 2014a)

EXISTING WATER RIGHTS:

The only wells on file within one mile of the proposed well site are authorized to Sioux Rural Water System. Sioux Rural Water System also has one future use permit area near the proposed well site. The location of these existing and proposed wells and the future use area are shown in Figure 3. These appropriations and reservation are shown in Table 1. The proposed well site is located approximately 1,600 feet from the nearest existing/proposed well location and immediately adjacent to the future use area (Water Rights, 2014b; Water Rights, 2014c). This water permit, if approved, will be junior to the existing water rights/permits/future use permits. Withdrawals should be controlled so there is not a reduction of needed water supplies in adequate wells with senior rights.

Table 1: Sioux Rural Water System nearby water rights/permits/future use permits (Water Rights, 2014b)

Number	Priority Date	Status	Diversion Rate (CFS)	Volume (ac-ft/yr)	Number of wells
5098-3	06/01/1986	License	2.00	900	2
5960-3	06/02/1986	Permit	1.33	600	4
7852-3	06/01/1986	Permit	1.33	600	2
7853-3	06/05/2013	Future Use		2400	

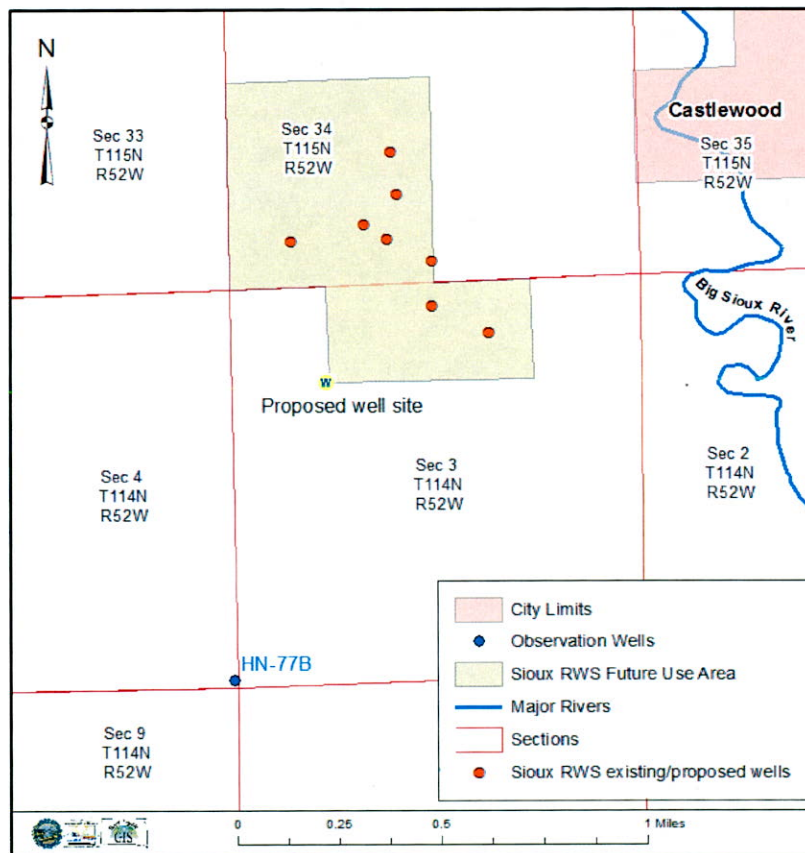


Figure 3: Location of the proposed well site by this application and Sioux Rural Water System existing/proposed wells and future use area (Water Rights, 2013b)

That being said, the water table conditions of the aquifer in this area dictate that water level drawdown due to pumping will not extend far from the proposed well. However, precise drawdown cannot be quantified without aquifer testing. Furthermore, the Water Management

Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely impaired due to the proposed diversion.

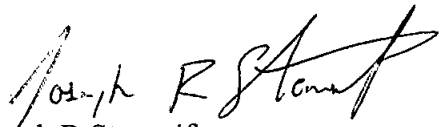
When Sioux Rural Water System develops the future use permit, wells could be proposed immediately adjacent to the proposed well site by this application. Because a water permit may not be issued if the proposed diversion will unlawfully impair existing rights, approval of this water permit application could limit the development of Sioux Rural Water System's future use permit. However, due to the size of the future use area, this water permit application, if approved, is not expected to hinder the development of this future use permit.

If a water permit is approved putting to beneficial use water reserved by the future use permit, the wells authorized would have seniority over this water permit application, if approved. Then, this water permit would be required to control withdrawals so there is not a reduction of needed water supplies in Sioux Rural Water System's adequate wells with senior rights. However, due to the size of the future use area, impairment of existing rights is not expected to occur due to the proposed diversion by this water permit application.

Also, consider conditions could occur where withdrawal exceeds the average annual recharge. When this occurs, the saturated thickness of this overall thin aquifer could be reduced. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or "historically established" diversion rates, this may be considered an adverse impact.

CONCLUSIONS:

1. This application proposes to divert groundwater at a maximum rate of 1.78 cfs from one well to be completed into the Big Sioux: Brookings aquifer for irrigation use.
2. Unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
3. The proposed well site is located adjacent to a future use permit area. This water permit application, if approved, is not expected to hinder the development of this future use permit due to the size of the area.
4. This proposed diversion is not expected to adversely impair nearby adequate wells, due in part to the size of the future use area.
5. If the saturated thickness is reduced in this overall thin aquifer to the extent that water rights/permits can no longer pump at their developed or "historically established" diversion rates, this may be considered an adverse impact.


Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water-Resources Investigations Report 88-4185, 82 p. USGS, Huron, South Dakota.
- Hansen, H.S. 1988. Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota. Water-Resources Investigations Report 87-4057. USGS, Huron, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources 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.
- Hedges, L.S., Allen, J., and 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.
- In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 29, 2005)
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- 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.
- SD Geological Survey. 2014. Lithologic Logs Database, South Dakota Department of Environment & Natural Resources Geological Survey, Vermillion, South Dakota.
- Stonesifer, J. 2013. Report on Water Permit Application No. 7854-3 for David Ulvstad. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 1980-2014. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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

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

Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

MAY 15 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 Hamlin County

Herald Enterprise

printed and published in Hayti

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

May 14, 2014

Cost of Printing \$22.44

LeeAnne Dufek
(Signature)

Owner
(Title)

5-14-14
(Date Signed)

NOTICE OF APPLICATION NO.
7984-3 TO APPROPRIATE WATER

Notice is given that Owen & Lamont Peterson, PO Box 97, Wendell MN 56590 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux-Brookings Aquifer (80 feet deep) located in the center of the NW 1/4 Section 3 for irrigation of 147.02 acres located in the NW 1/4 Section 3; all in T114N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7984-3 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 May 27, 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. Pinner, Secretary
Department of Environment and Natural Resources.

Published May 14, 2014, at total cost of \$22.44.

RECEIVED

MAY 22 2014

DENR

Form 8

WATER RIGHTS
PROGRAM

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:

May 14th, 2014

Cost of Printing 55.84

Monica K Saathoff
(Signature)

Bookkeeper

(Title)

May 14th, 2014

(Date Signed)

NOTICE OF APPLICATION
NO. 7984-3 to Appropriate
Water

Notice is given that Owen & Lamont Peterson, PO Box 97, Wendell MN 56590 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (80 feet deep) located in the center of the NW 1/4 Section 3 for irrigation of 147.02 acres located in the NW 1/4 Section 3; all in T114N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7984-3 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 May 27, 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 \$55.83.

(May 14, 2014)

55.84
All legal notices in the Public
Opinion and other South
Dakota newspapers can be
found at
www.sdpublicnotices.com



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 8, 2014

Hamlin County Herald Enterprise
PO Box 50
Castlewood SD 57223

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7984-3 to Appropriate Water. Please publish the notice once on May 14, 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



May 8, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7984-3 to Appropriate Water. Please publish the notice once on May 14, 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.**

May 8, 2014

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

Dear Sirs:

Water Permit Application No. 7984-3 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 Hamlin County Enterprise printed at Castlewood SD (Ph # 605-793-2293) 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 May 14, 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. 7984-3 to Appropriate Water

Notice is given that Owen & Lamont Peterson, PO Box 97, Wendell MN 56590 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (80 feet deep) located in the center of the NW 1/4 Section 3 for irrigation of 147.02 acres located in the NW 1/4 Section 3; all in T114N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7984-3 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 May 27, 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



JUN 18 2014

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

Dear Sirs:

Enclosed is Water Permit No. 7984-3 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



7984-3
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

WATER RIGHTS PROGRAM



7984-3
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



7984-3
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.



7984-3
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



7984-3
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."

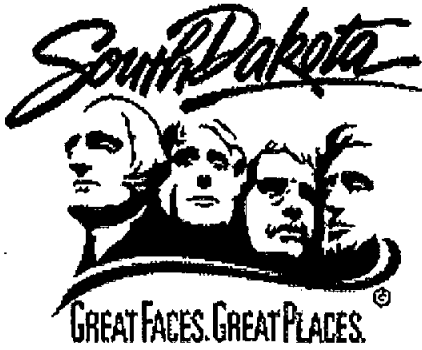
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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.



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,

A handwritten signature in cursive script that reads "Genny McMath".

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



7984-3
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.

7984-3



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,

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

7984-3



**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

7984-3

Dear Sirs:

Enclosed is Water License No. 7984-3. 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. 7984-3

(1) Owen & Lamont Peterson; PO Box 4, Wendell, MN 56590, made Application No. 7984-3, March 21, 2014 for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Big Sioux: Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 7984-3, with a priority date of March 21, 2014 was approved May 27, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 27, 2019 and for the application to beneficial use of water on or before May 27, 2023.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(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:

1,360 ft S & 1,330 ft E of the NW corner of Section 3, T114N, R52W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 44.71329 Longitude -97.06218

(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 3, T114N, R52W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.6 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	29.0 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	13.4 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0 acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 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. 7984-3 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 March 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. 7984-3 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 owners 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. 7984-3 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

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

JUN 05 2023

date



Licensing of Acreage Outside of Permitted Area

NAME: Owen and Lamont Peterson

ADDRESS: PO Box 97, Wendell Mn 56590

DATE: May 30, 2023 COUNTY: Hamlin

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 115 acres as compared to 147.02 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The additional acres in the N½ SW¼ of Section 3 T114N-R52W are immediately adjacent and contiguous to the permitted acres in the NW ¼ of Section 3 T114N-R52W.

- **Owned by Same Property Owner**

- All property involved is owned by Owen and Lamont Peterson

- **Developed Prior to Expiration of Construction Period**

The irrigated acres were developed and irrigation reported prior to the end of the construction date.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 5 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7984-3

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. 7984-3, bearing the priority of March 21, 2014 authorizing the diversion of 1.78 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) 67 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 47 feet
- 3) Type Steel

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 21 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 Aluminum above ground
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Zimmatic
- 2) Overall length 1370 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 3 T114N R52W, 1,360 ft S & 1,330 ft E, Lat 44.71329 Long -97.06218 (SE ¼ NW 1/4).

2. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreageNW ¼ NW ¼ – 30.6 acresNE ¼ NW ¼ – 29.0 acresSE ¼ NW ¼ – 13.4 acresSW ¼ NW ¼ – 37.0 acresNW ¼ SW ¼ - 3.0 acresNE ¼ SW ¼ - 2.0 acres

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.

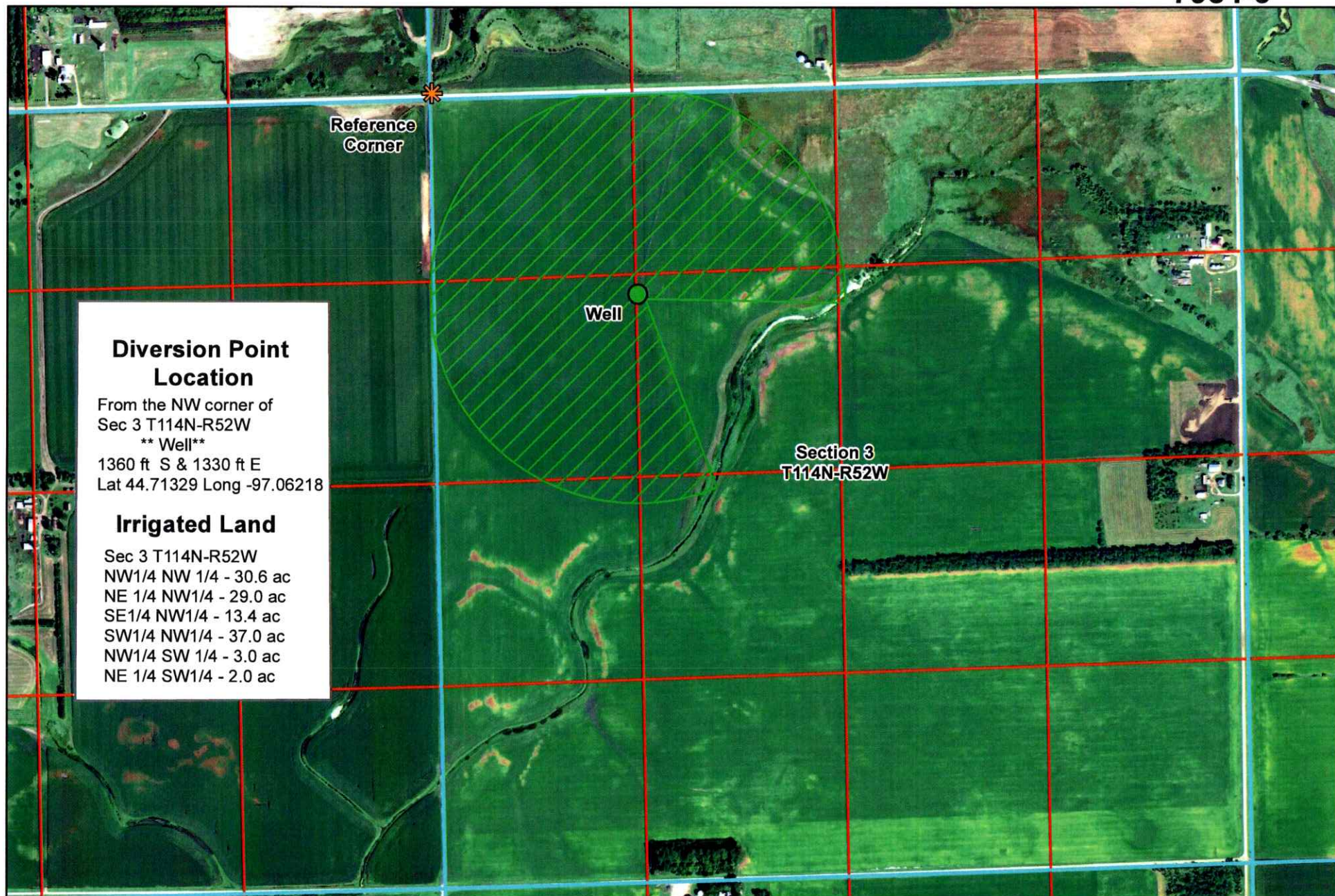
The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

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, appearing to read "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



0 625 1,250 2,500 3,750 5,000 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2025

7921-3
7984-3
7988-3

Owen & Lamont Peterson
PO Box 4
Wendell MN 56590

Dear Mr. Peterson:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Water Right Nos. 7921-3, 7984-3, and 7988-3.

Water Right No. 7921-3 (copy enclosed) authorized diversion of 2.22 cubic feet of water per second (1000 gpm) from two wells completed into the Prairie Coteau Aquifer for irrigation of 267 acres located within the E ½ Section 8-T114N-R51W.

Water Right No. 7984-3 (copy enclosed) authorized diversion of 1.11 cubic feet of water per second (500 gpm) from one well completed into the Big Sioux: Brookings Aquifer for irrigation of 115 acres located within the NW ¼ & N ½ SW ¼ Section 3-T114N-R52W.

Water Right No. 7988-3 (copy enclosed) authorized diversion of 1.11 cubic feet of water per second (500 gpm) from one well completed into the Prairie Coteau Aquifer for irrigation of 251 acres located within the S ½ Section 9-T114N-R51W.

On this year's questionnaire you reported the irrigation of 316.48 acres under 7921-3, 147.2 acres under 7984-3, and 290 acres under 7988-3. If an additional 120 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2024 Irrigation Questionnaires or discuss additional permitting.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352

enclosures