

WATER PERMIT NO. 7988-3

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: 290

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Hamlin

Type of Waste Disposal System:

Location: 3 miles southeast of Castlewood

PRIORITY Date Received: 3-31-14 Application/License Fee: \$ 1300 (need to refund \$50)

Corrected Application Received: Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: Center of SE 1/4 Sec 9-T114N-R51W

Land to be Irrigated: S 1/2 Sec 9-T114N-R51W

Depth of Well: 240 feet deep

Well Driller: Thein Well

Remarks:

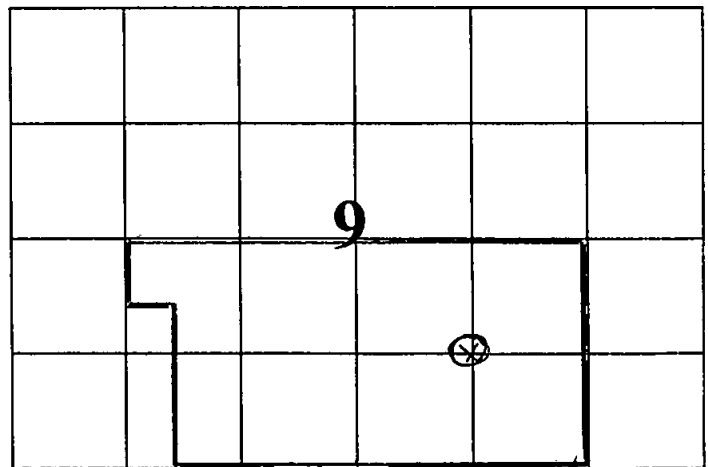
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-1-14

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	(office use only)	
	No. <u>2988-3</u>	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	<u>605-793-2293</u>
	Newspaper <u>Estelline Journal, Box 50, Costelline 57223</u>	<u>605-886-6901</u>
<u>Public Opinion, Box 10, Watertown 57201</u>		

RECEIVED

MAR 31 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 E Hamant 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 MN 56590

(Address)

(City)

(State)

(Zip Code)

Home Phone 218-639-2931 Cell _____ Email _____2. Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 290

(*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 well4. Location of point of diversion 1- Well in Center of SE 1/4 Section 9

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

T-114-N R-51-W County Hamline5. County or counties where water will be used Hamline6. Annual period during which water is to be used May 1 - October 317. 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
Same as above	269.92		
SE 1/4 Sec 9 - T114N-R51W	160		
SW 1/4 " " "	130		

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. 7988-3 FOR IRRIGATION

Date of first receipt of application March 31, 2014.

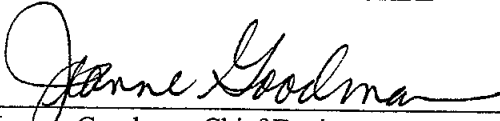
The Water Management Board approved Water Permit No. 7988-3 on October 22, 2014 for Owen and Lamont Peterson, PO Box 97, Wendell MN 56590 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7988-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (240 feet deep) located in the center of the SE 1/4 Section 9 for irrigation of 290 acres located in the S 1/2 Section 9; 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 – October 31.
3. The date from which applicant may claim right is March 31, 2014.
4. One-fifth of the construction is to be completed on or before April 22, 2017.
5. All construction is to be completed on or before October 22, 2019.
6. Water is to be put to beneficial use on or before October 22, 2023.
7. 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 Permit No. 7988-3 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. 7988-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The permit holder for Water Permit Nos. 7921-3 and 7988-3 shall contract with a licensed well driller to construct an observation well that will become part of the South Dakota Department of Environment and Natural Resources Observation Well Network. The observation well must be completed into the same aquifer as the production wells and shall be located in the public right of way or a perpetual easement granted to the State for the purpose of maintaining an observation well on property owned by the permit holder. The observation well construction shall be coordinated with the DENR-Water Rights Program staff.

WATER MANAGEMENT BOARD

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

NOV 19 2014

date



EASEMENT AGREEMENT

Agreement made this 24 day of FEBRUARY, 2016, between Owen Peterson, PO Box 97, Wendell, MN, 56590, herein called Owner, and the South Dakota Department of Environment and Natural Resources, Joe Foss Building, 513 E. Capitol, Pierre, SD 57501 herein called State.

The parties agree as follows:

I.

In consideration of the State's performance of the covenants herein, Owner agrees to grant and convey a perpetual easement to State for the purpose of State maintaining an observation well to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T114N-R51W, Hamlin County, on property owned by the Owner. State also agrees to pay the expense of updating the abstract due to additions or deletions by Easement Agreement.

II.

The observation well described above consists of one well approximately 228 feet deep. The well is as described in the attached well completion report. The observation well will be labeled and distinctively marked by State. The casing will extend above ground surface approximately 3 feet and will be locked.

III.

The observation well described above shall be maintained by State at its sole cost and expense and any damages caused by a broken well will be the responsibility of State. Two steel posts will be installed around the well.

IV.

Owners agree to leave the observation well and markers described above in an undisturbed condition and agrees not to disturb the surface and subsurface of the land within a three foot radius of the observation well or markers.

V.

It is expressly understood and agreed that State shall have the right to ingress to and egress from the property described above for the purpose of measurement of water levels, maintenance of the well and collection of water samples. State agrees to hold Owner harmless for injury to its employees at the well site and during ingress and egress therefrom; except for injuries caused by the negligent or wrongful acts of the Owner.

VI.

This grant of easement shall run with the land and shall be binding on and shall insure to the benefit of the parties hereto, their heirs, executors, administrators, agents, employees, successors, and assigns.

VII.

This agreement shall remain in force unless and until State abandons the observation well. If State decides to abandon the well, Owner shall be notified in writing of the State's intention to abandon the well and shall have the option of assuming possession of the well. The option must be exercised in writing within 30 days of the notice of intent to abandon. If Owner then chooses not to assume possession of the well, the well shall be plugged at the expense of State, and all markers shall be removed.

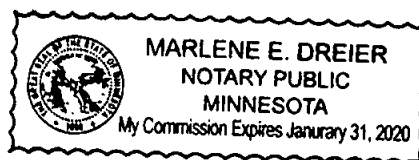
In witness whereof, the parties hereto have duly executed this agreement.

Owen Peterson
Owen Peterson

STATE OF Minnesota)
) SS
COUNTY OF Grant)

On this the 12th day of February, 2016, before me, Marlene E. Dreier
the undersigned officer, personally appeared Owen Peterson, known to me or
satisfactorily proven to be the person(s) whose name(s) __ subscribed to the within instrument
and acknowledge that he executed that same for the purposed therein contained.

Marlene E. Dreier
Notary Public
My Commission Expires: 1/31/2020



Steven Pirner
Steven Pirner, Secretary
Department of Environment and Natural Resources

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF Hughes)

On this the 24 day of February, 2016, before me, Brenda Anderson,
the undersigned officer, personally appeared Steven Pirner, known to me or
satisfactorily proven to be the person(s) whose name(s) __ subscribed to the within instrument
and acknowledge that he executed that same for the purposed therein contained.

A circular notary seal stamp for Brenda Anderson, Notary Public, South Dakota. It includes the state seal of South Dakota and states "My Commission Expires October 26, 2016".
Brenda Anderson
Notary Public
My Commission Expires:

BRENDA ANDERSON, Notary Public
My Commission Expires
October 26, 2016

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 240 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 212
- d) Distance to nearest existing domestic well:
On applicant's property _____ On property owned by others _____

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

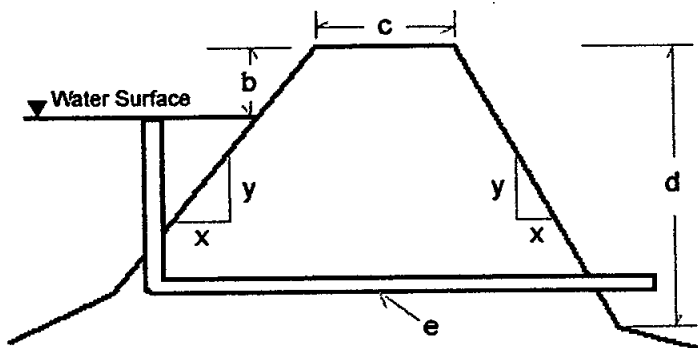
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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



THEIN WELL

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

WELLS - PUMPS
SALES - SERVICE

Since 1893

Well Log for Owen Peterson

Date: 02/18/14

Well Size: test hole #11

Casing Length:

Screen Length:

Total Well Depth:

SWL:

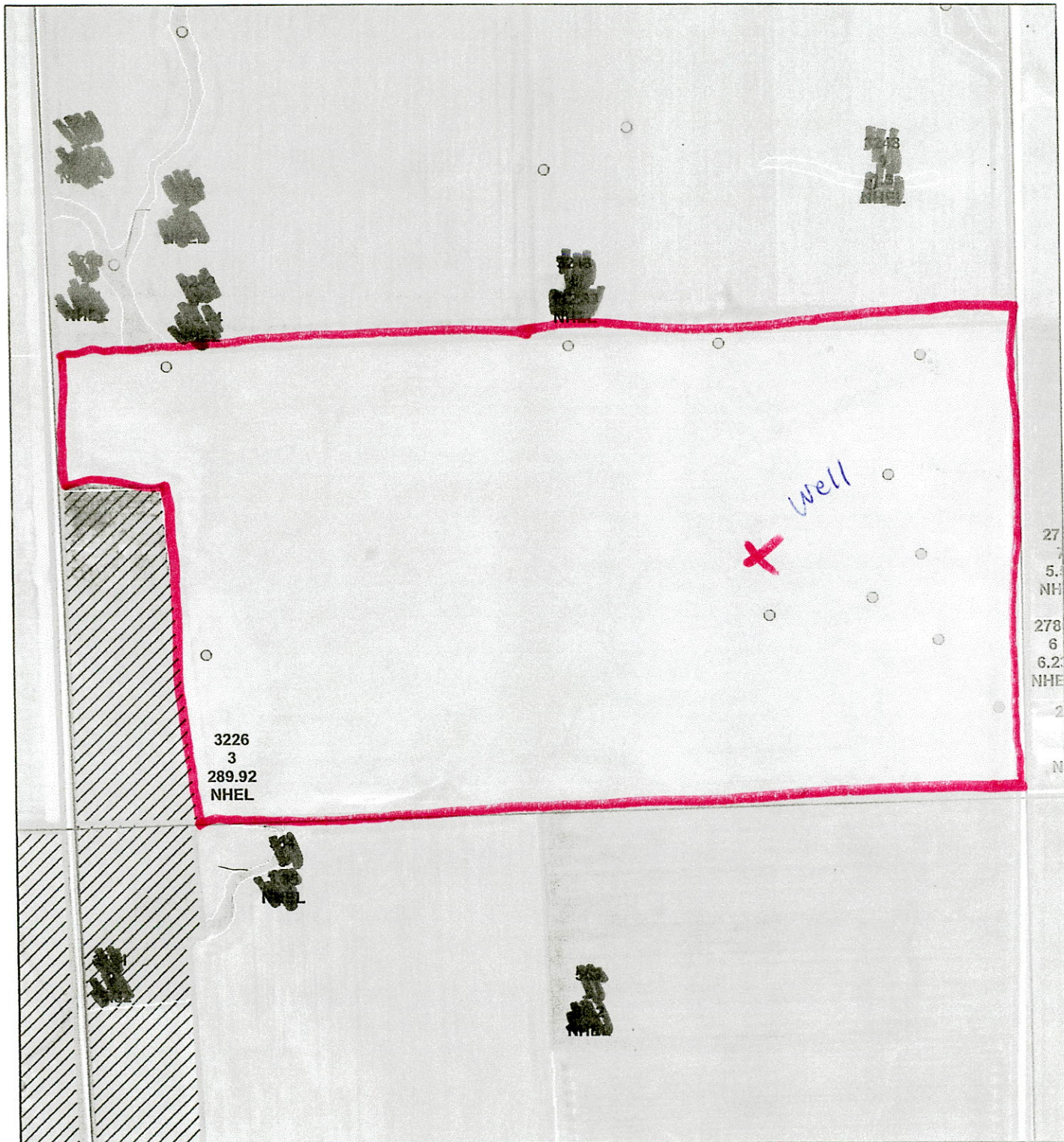
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WATER RIGHTS
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Geological Material	Color	Hardness or Formation	From	To
Top soil			0	2
Clay	Yellow		2	48
Clay	Blue		48	59
Sand & gravel			59	66
Clay	Blue		66	140
Sand		Medium	140	147
Clay	Blue		147	191
Sand		Medium	191	212
Clay	Blue		212	240

Section 9 T-114-N R-51-W



USDA - Farm Service Agency

1:9,264

East 1/2

Hamlin County, SD

4101 - 3226

289.92

October 23, 2008

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.

Legend

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

Wetland Determination Identifiers

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

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MAR 31 2014

WATER RIGHTS PROGRAM



Sec 32
T115N
R51W

Sec 33
T115N
R51W

Sec 34
T115N
R51W

Sec 35
T115N
R51W

Sec 5
T114N
R51W

Sec 4
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Sec 21
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R51W

Sec 22
T114N
R51W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/31, 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. _____ to Appropriate Water, to construct and to put water to beneficial use	1100	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. _____	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	1300 00

No. **06807**

By Joan Goodman
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. 7988-3, 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. 7988-3, Owen and Lamont Peterson, PO Box 97, Wendell MN 56595.

The Chief Engineer is recommending DEFERRAL of Application No. 7988-3 for one year to allow an aquifer pump test to be completed by the applicant to allow evaluation of the potential aquifer including the availability of unappropriated water and potential impacts to existing users from the aquifer which are criteria set forth in SDCL 46-2A-9 for when a water right permit may be issued.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 16, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7988-3

Owen and Lamont Peterson

April 30, 2014

Water Permit Application No. 7988-3 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 Prairie Coteau aquifer. The well is expected to be 240 feet deep and located in the center of the SE¼ of Section 9, T114N-R51W. Water will be used to irrigate 290 acres located in the S½ of Section 9, T114N-R51W.

AQUIFER: Prairie Coteau aquifer (PCO)

HYDROGEOLOGY:

The Prairie Coteau aquifer is composed of several lenticular bodies of outwash that cannot be included into surficial aquifers or basal aquifers, such as the Big Sioux and Altamont aquifers. The Prairie Coteau defined in this area is not a continuous aquifer, and instead is a group of discontinuous outwash deposits whose depth and thickness can vary widely (Kume, 1985).

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 & EXISTING RIGHTS:

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.

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). This could be interpreted as necessitating the identification and quantification of recharge and discharge of an individual outwash deposit of the Prairie Coteau aquifer from which the applicant proposes to withdraw water. To determine this information, the areal extent, altitude

interval, and water level data of the individual outwash deposit is necessary. A 72-hour aquifer pump could provide sufficient information.

Once this data is determined, all known existing rights would also be identified and the effects due to the proposed diversion could be determined.

At this location and proposed depth, the proposed well will encounter a unit of the Prairie Coteau aquifer that was recently identified and studied. Capen (2013) determined that defining this unit of the Prairie Coteau aquifer was not possible due to insufficient data. Therefore, water availability and effect of existing rights could not be determined. Subsequently, Water Permit Application No. 7921-3 was deferred by the Water Management Board until such data becomes available. This data could include an aquifer pump test.

This permit application currently remains in deferred status. The similarities between these applications dictate deferral of this application, also.

CONCLUSIONS:

1. This application proposes to divert groundwater at a maximum rate of 1.78 cfs from one well to be completed into a unit of the Prairie Coteau aquifer to irrigate 290 acres.
2. From the best information reasonable available, the probability of unappropriated water available from this Prairie Coteau aquifer for the proposed appropriation cannot be determined.
3. From the best information reasonable available, the effects on existing rights in this Prairie Coteau aquifer due to the proposed diversion cannot be determined.


Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by


Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Capen, B. 2013. Report on Water Permit Application No. 7921-3 for Owen and Lamont Peterson. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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)

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



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov



**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER
PERMIT APPLICATION NO. 7988-3, Owen and Lamont Peterson**

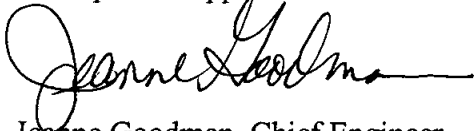
Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7988-3, Owen and Lamont Peterson, PO Box 97, Wendell MN 56595.

The Chief Engineer is recommending APPROVAL of Application No. 7988-3 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 Permit No. 7988-3 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. 7988-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The Permit holder for Water Permit No. 7921-3 and 7988-3 shall contract with a licensed well driller to construct an observation well that will become part of the South Dakota Department of Environment and Natural Resources Observation Well Network. The observation well must be completed into the same aquifer as the production wells and shall be located in the public right of way or a perpetual easement granted to the State for the purpose of maintaining an observation well on property owned by the Permit holder. The observation well construction shall be coordinated with the DENR-Water Rights Program staff.

(continued)

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Jeanne Goodman", with a long horizontal flourish extending to the right.

Jeanne Goodman, Chief Engineer
October 2, 2014

NOTE: For specific information regarding the requirement to complete an observation well, please contact Ken Buhler at (605) 773-3352.

DENR is willing to discuss suitable locations for the observation well. At this time the logical location is on the north-south road between Sections 8 and 9. This will locate the observation well between the two production wells to be authorized by Water Permit Application Nos. 7921-3 and 7988-3.

**SUPPLEMENTAL REPORT TO THE CHIEF ENGINEER
DEFERRED WATER PERMIT APPLICATION NO. 7988-3
OWEN AND LAMONT PETERSON
September 29, 2014**

BACKGROUND

Water Permit Application No. 7988-3 was submitted in March, 2014. The application proposed to divert water at a maximum rate of 1.78 cubic feet per second (cfs) from a single well completed into the Prairie Coteau aquifer at a depth of approximately 240 feet. This well will be located in the middle of the SE ¼ of Section 9, T114W-R51N in Hamlin County and used to irrigate 290 acres in the S ½ of the same section. The Water Management Board deferred the application to allow an aquifer pump test to be completed by the applicant in order to evaluate the availability of unappropriated water and potential impact to existing users.

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 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 and the effects on existing water rights completed into this portion of the Coteau Lakes aquifer.

SDCL 46-6-3.1

SDCL 46-6-3.1 states "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."

In interpreting 46-6-3.1, the First Judicial Circuit Court ruled in *Hanson County Dairy v. Bender* that evidence must show 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 11, 2012). This may be interpreted to necessitate the identification and quantification of recharge and discharge of the individual outwash deposits of the Prairie Coteau aquifer from which the applicant proposes to withdraw water.

KNOWN GEOLOGY AND AQUIFER CHARACTERISTICS

The Prairie Coteau aquifer consists of many hydraulically disconnected outwash deposits. The water permit application submitted by the applicants proposes to divert from one of these outwash deposits identified as the Prairie Coteau aquifer. At the time that the application was submitted, there was insufficient information about the characteristics of the outwash deposit to make an informed decision for approval or denial of the application. Since information was unavailable, the application was deferred until the applicants were able to provide more information about the formation.

Water Permit Application No. 7921-3 was submitted by the same applicant in November, 2013, to irrigate the E ½ of Section 8, T114N-R51W to the west. Water Permit Application No. 7921-

3 proposed to divert water from a well completed into a portion of the Prairie Coteau aquifer located at a similar elevation interval to the water bearing formation in this current application (1,507-1,534 and 1,543-1,564 feet above mean sea level, respectively). Similarly, Water Permit Application No. 7921-3 was deferred for the same reasons as this application, a lack of data with which to delineate the aerial extent of the aquifer and thereby determine a range of reasonable recharge rates. In the case of 7921-3, the applicant had an aquifer pump test performed which determined that the aquifer was large enough to provide adequate recharge to support the proposed diversion rate. The test hole for Water Permit Application No. 7988-3 was not used in the fore mentioned aquifer pump test, and an aquifer pump test has not been performed to determine the specific characteristics of the formation at the well site proposed by Water Permit Application No. 7988-3. Because the Prairie Coteau aquifer is comprised of disconnected outwash deposits it cannot be definitively determined if the aquifer pump test performed for Water Permit Application No. 7921-3 is representative of the well proposed by Water Permit Application No. 7988-3. However, given the similar depths and close proximity (1.3 miles apart) it is reasonable to make an engineering judgment that this well is likely proposing to divert from the same outwash deposit as where the aquifer pump test was performed.

WATER AVAILABILITY

Given Hedges and others' (1985) recharge rate of 0.15 to 0.6 inches per year for confined aquifers, and the assumption that the rate of withdrawal under Water Permit 7988-3 would not exceed 190 acre feet per year (ac-ft/yr), it follows that the aerial extent of this portion of the Prairie Coteau aquifer would need to be 3,800 to 15,200 acres (depending on recharge) in order for recharge to exceed the proposed diversion. No other water rights/permits are known to be completed into this portion of the aquifer.

The results of the aquifer pump test performed for Water Permit Application No. 7921-3 show that no boundary conditions were encountered within the calculated 11.4 mile radius of influence, at least in the direction of the farthest observed well (Summit, 2014). Assuming that the formation boundaries are at least 11.4 miles from the production well in all directions, it follows that the aerial extent of this portion of the Prairie Coteau aquifer is at least 261,300 acres. Using Hedges and others' (1985) recharge rate for confined aquifers of 0.15 to 0.6 inches per year, a range in recharge rates of 3,266 to 13,065 ac-ft/yr can be reasonably assumed (Capen, 2014). Irrigation questionnaires in the region show that the average amount of water applied per acre in this region is less than one ac-ft/yr (Water Rights, 1980-2014). For the purposes of this report, a conservative estimate of one ac-ft/yr per acre was assumed. The range in recharge rates described above far exceeds the potential combined withdrawals under Water Permit Application Nos. 7921-3 and 7988-3 of 316.5 and 190 ac-ft/yr, respectively. However, this assumes that the formation found in Section 9, T114N-R51W, from which Water Permit Application No. 7988-3 proposes to divert is the same formation or is hydraulically connected to the formation identified in Water Permit Application No. 7921-3.

During a phone conversation on September 25, 2014, between Eric Gronlund, Bracken Capen, and the applicant, the possibility of this being a different formation from that in Water Permit Application No. 7921-3 was discussed. The applicant was made aware of the potential risk of investing in the construction of the proposed irrigation system if there are two separate outwash deposits.

EXISTING WATER RIGHTS

Upon the submission of the aquifer pump test performed for the formation identified in Water Permit Application No. 7921-3, the Water Rights Program was made aware of a domestic well controlled by Clairmont Colony and located approximately two miles to the northeast of the proposed well site (Summit, 2014). The only other well completed into that formation which is known to the Water Rights Program is that which is associated with Water Permit Application No. 7921-3 and which is controlled by the applicant (Water Rights, 2014b). The distance between the Clairmont Colony well and the well proposed by Water Permit Application No. 7988-3 is sufficient to avoid impairment as a result of pumping. If these formations are not the same and are not hydraulically connected, no known wells have been constructed in the formation identified in Water Permit Application No. 7988-3. Therefore, no interference with existing water rights/permits or domestic wells is expected as a result of the proposed diversion.

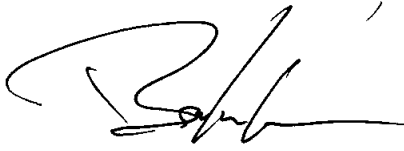
OBSERVATION WELL DATA

Currently, The Water Rights Program does not maintain any observation wells completed into this portion of the Prairie Coteau aquifer (Water Rights, 2014a). During a phone conversation between Eric Gronlund, Bracken Capen, and the applicant on September 25, 2014, the applicant agreed to construct an observation well completed into this portion of the aquifer during the construction of the well authorized under Water Permit No. 7988-3 if the permit application is approved. Further discussion between the applicant and the Water Rights Program will be necessary in to agree on a location for this new observation well. This observation well will be used to monitor water levels in this portion of the aquifer.

CONCLUSIONS

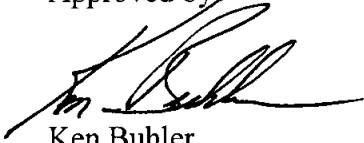
- 1) There is a reasonable probability that the formation identified in Water Permit Application No. 7988-3 is the same or is hydraulically connected to the formation in which an aquifer pump test was performed for Water Permit Application No. 7921-3.
- 2) If the outwash deposit to be used by Water Permit Application Nos. 7921-3 and 7988-3 is the same or is hydraulically connected, recharge to this portion of the aquifer is expected to be sufficient to adequately supply all diversions completed into the formation.
- 3) The South Dakota Water Rights Program does not currently have any observation wells completed into this portion of the aquifer. The applicant has agreed to construct an observation well completed into this portion of the aquifer as a condition for approval of Water Permit Application No. 7988-3. Water levels within this observation well will be regularly monitored by the Water Rights Program. The exact location of the well is pending further discussion between the applicant and the Water Rights Program
- 4) There is a reasonable probability that this proposed diversion can be made without adversely impacting existing water rights and domestic wells.
- 5) The applicant understands that although it is believed the proposed well is in the same outwash deposit in which the aquifer pump test was performed, it is possible that it is a different, disconnected outwash deposit. If this is the case, this outwash deposit of the

Prairie Coteau aquifer may not be of sufficient size to sustain the proposed irrigation development.

A handwritten signature in black ink, appearing to read 'Bracken Capen', with a stylized, flowing script.

Bracken Capen
SD DENR-Water Rights Program

Approved by:

A handwritten signature in black ink, appearing to read 'Ken Buhler', with a stylized, flowing script.

Ken Buhler
SD DENR-Water Rights Program

REFERENCES

- Capen, B.D., 2014. Supplemental Report to the Chief Engineer: Deferred Water Permit Application No. 7921-3. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- 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. South Dakota DENR-Geological Survey, Vermillion, SD.
- Summit Envirosolutions, Inc., 2014. Aquifer Test Report, Owen Peterson Farm. Summit Project No. 2219-0001. Summit Envirosolutions, Inc., St. Paul, MN.
- Water Rights. 1980-2014. "1979-2013 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, South Dakota.
- Water Rights. 2014b. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, Lee Anne 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:

May 28, 2014

Cost of Printing \$55.44

Lee Anne Dufek
(Signature)

Owen
(Title)

5-29-14
(Date Signed)

NOTICE OF HEARING ON APPLICATION NO. 7988-3 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 Prairie Coteau Aquifer (240 feet deep) located in the center of the SE 1/4 Section 9 for irrigation of 290 acres located in the S 1/2 Section 9; all in T114N-R51W.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 7988-3 for one year to allow an aquifer pump test to be completed by the applicant to allow evaluation of the potential aquifer including the availability of unappropriated water and potential impacts to existing users from the aquifer which are criteria set forth in SDCL 46-2A-9 for when a water right permit may be issued.

The Water Management Board will consider this application at 10:00 a.m. on July 9, 2014 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 June 30, 2014. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at

the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 9, 2014 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by June 30, 2014. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by June 30, 2014 at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 9, 2014. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25:02; 74:02:01:35:01.

Steven M. Pimer,
Secretary
Department of Environment and Natural Resources.

Published May 28, 2014, at total cost of \$55.44.

RECEIVED

JUN - 2 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of _____)

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 28th, 2014

Cost of Printing 127.01

Monica K Saathoff
(Signature)

Bookkeeper

(Title)

May 28th, 2014

(Date Signed)

DENR

**NOTICE OF HEARING on
Application No. 7988-3 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 Prairie Coteau
Aquifer (240 feet deep)
located in the center of
the SE 1/4 Section 9 for
irrigation of 290 acres
located in the S 1/2 Section
9; all in T114N-R51W,
SDCL 46-2A-4(10)

provides that "if the
applicant does not contest
the recommendation of
the Chief Engineer and
no petition to oppose the
application is received, the
Chief Engineer shall act on
the application pursuant
to the Chief Engineer's
recommendation and no
hearing may be held before
the board, unless the Chief
Engineer makes a finding
that an application, even
if uncontested, presents
important issues of public
policy or public interest that
should be heard by the
board." In this case, the
Chief Engineer finds that
this application presents
important issues of public
interest that should be
heard by the Water
Management Board.

Pursuant to SDCL 46-
2A-2, the Chief Engineer
recommends DEFERRAL
of Application No. 7988-
3 for one year to allow an
aquifer pump test to be
completed by the applicant
to allow evaluation of
the potential aquifer
including the availability of
unappropriated water and
potential impacts to existing
users from the aquifer which
are criteria set forth in SDCL
46-2A-9 for when a water
right permit may be issued.
The Water Management
Board will consider this

application at 10:00 a.m. on
July 9, 2014 in the Matthew
Training Center, Joe Foss
Bldg, 523 E. Capitol Ave.
Pierre SD. The Chief
Engineer's recommendation
is not final or binding upon
the Board. The Board is
authorized to 1) approve, 2)
approve with qualifications,
3) defer, or 4) deny this
application based on the
facts presented at the public
hearing.

Any interested person
who intends to participate
in the hearing shall file
a petition to oppose or
support the application and
the petition shall be filed
with BOTH the applicant
and Chief Engineer. The
applicant must also file
a petition if opposed to
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 June 30, 2014. The
petition may be informal,
but shall be in writing and
shall 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. The hearing is
an adversary proceeding
and any party has the right
to be present at the hearing
and to be represented by
a lawyer. These and other
due process rights will be
forfeited if they are not
exercised at the hearing
and decisions of the Board
may be appealed to the
Circuit Court and State
Supreme Court as provided
by law.

The July 9, 2014 hearing
date will be automatically

delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by June 30, 2014. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by June 30, 2014 at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Steven M. Pirmer,
Secretary, Department of
Environment and Natural
Resources.

Published once at the
approximate cost of
\$122.01.

(May 28, 2014)

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 19, 2014

Estelline Journal
PO Box 50
Castlewood SD 57223

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7988-3 to Appropriate Water. Please publish the notice once on May 28, 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 19, 2014

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7988-3 to Appropriate Water. Please publish the notice once on May 28, 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).

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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 19, 2014

Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

Dear Sirs:

Water Permit Application No. 7988-3 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 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 28, 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 HEARING on Application No. 7988-3 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 Prairie Coteau Aquifer (240 feet deep) located in the center of the SE 1/4 Section 9 for irrigation of 290 acres located in the S 1/2 Section 9; all in T114N-R51W.

SDCL 46-2A-4(10) provides that “if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer’s recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 7988-3 for one year to allow an aquifer pump test to be completed by the applicant to allow evaluation of the potential aquifer including the availability of unappropriated water and potential impacts to existing users from the aquifer which are criteria set forth in SDCL 46-2A-9 for when a water right permit may be issued.

The Water Management Board will consider this application at 10:00 a.m. on July 9, 2014 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 June 30, 2014. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 9, 2014 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by June 30, 2014. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by June 30, 2014 at the above Chief Engineer’s address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 9, 2014. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of_____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 30, 2014

NOTICE

TO: Owen and Lamont Peterson
PO Box 97
Wendell MN 56590

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Change of Hearing Date for Water Permit Application No. 7988-3, Owen and Lamont Peterson

Water Permit Application No. 7988-3 seeks to appropriate 1.78 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (240 feet deep) located in the center of the SE 1/4 Section 9 for irrigation of 290 acres located in the S 1/2 Section 9; all in T114N-R51W. The Chief Engineer recommends DEFERRAL of Application No. 7988-3 for one year to allow an aquifer pump test to be completed by the applicant to allow evaluation of the potential aquifer including the availability of unappropriated water and potential impacts to existing users from the aquifer which are criteria set forth in SDCL 46-2A-9 for when a water right permit may be issued.

This application has been public noticed for a July 9, 2014, hearing date before the Water Management Board. However, the Board's July meeting has been changed to a one day meeting to be held on Thursday, July 10, 2014. This notice serves to change the meeting date for the Board's consideration of the application.

The Water Management Board will now conduct the hearing to consider the Water Permit Application No. 7988-3 at **10:00 AM (central time) on Thursday, July 10, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD.

All other applicable provisions of the notice of hearing published May 28, 2014, in the Estelline Journal and Public Opinion will apply at the time of hearing.

Please contact Eric Gronlund at 605 773-3352 or eric.gronlund@state.sd.us if you have any questions.

c: Ann Mines, Assistant Attorney General
Matt Naasz, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 30, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 30, 2014, regarding change of hearing date for Water Permit Application No. 7988-3, as addressed below:

Owen and Lamont Peterson
PO Box 97
Wendell MN 56590

Sent Inter-office to:

Ann Mines, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

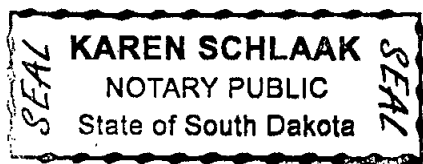
Matt Naasz, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501


Gail Jacobson
Water Rights Program, DENR

[illegible]

Sworn to, before me, this 30th day of June, 2014

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



July 16, 2014

NOTICE

TO: Owen and Lamont Peterson
PO Box 97
Wendell MN 56595

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Deferral of Water Permit Application No. 7988-3, Owen and Lamont Peterson

On July 10, 2014, the Water Management Board deferred consideration of Water Permit Application No. 7988-3 to appropriate 1.78 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (240 feet deep) located in the center of the SE 1/4 Section 9 for irrigation of 290 acres located in the S 1/2 Section 9; all in T114N-R51W. Deferral of the application is to allow an aquifer pump test to be completed by the applicant. The pump test will allow for the evaluation of the potential aquifer including the availability of unappropriated water and potential impacts to existing users from the aquifer which are criteria set forth in SDCL 46-2A-9 for when a water right permit may be issued.

The applicant shall have one year to submit analysis of an aquifer pump test. Failure to complete an aquifer pump test and submit the analysis within one year will result in the application being brought before the Water Management Board with the potential for a denial recommendation.

Please contact Eric Gronlund at (605) 773-3352 if you have questions about the deferral of the application.

c: Ann Mines, Assistant Attorney General
Matt Naasz, Assistant Attorney General

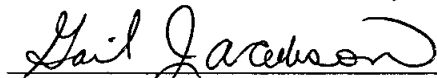
CERTIFICATION

I hereby certify that on July 16, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 16, 2014, regarding deferral of Water Permit Application No. 7988-3, Owen and Lamont Peterson, as set forth below:

Owen and Lamont Peterson
PO Box 97
Wendell MN 56595

Sent Notice Inter-Office mail to:

Ann Mines, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501
Matt Naasz, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



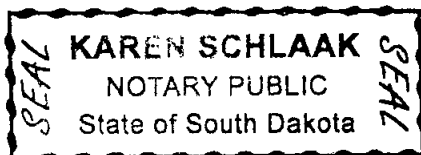
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of July, 2014



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 2, 2014

NOTICE

TO: Owen and Lamont Peterson
PO Box 97
Wendell MN 56595

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing to Consider Deferred Water Permit Application Nos. 7921-3
and 7988-3, Owen and Lamont Peterson

Water Permit Application No. 7921-3 to appropriate 2.44 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (228 feet deep) located in the SW 1/4 SE 1/4 Section 8 for irrigation of 316.48 acres located in the E 1/2 Section 8; all in T114N-R51W.

Water Permit Application No. 7988-3 to appropriate 1.78 cubic feet of water per second from one well to be completed into the Prairie Coteau Aquifer (240 feet deep) located in the center of the SE 1/4 Section 9 for irrigation of 290 acres located in the S 1/2 Section 9; all in T114N-R51W.

Both applications were deferred by the Water Management Board for an aquifer pump test to be completed in order to allow for evaluation of the aquifer including the availability of unappropriated water and potential impacts to existing users from the aquifer which are criteria set forth in SDCL 46-2A-9 for when a water right permit may be issued. An aquifer pump test was performed at the well site proposed by Application No. 7921-3. The Water Rights Program has determined this pump test to be sufficient for evaluation of both applications given the close proximity and similar depths.

Pursuant to SDCL 46-2A-2, the Chief Engineer has revised the recommendation to APPROVAL of Application Nos. 7921-3 and 7988-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based on the facts presented at the public hearing. Applicable provisions of the public notice on each application in the Hamlin County Herald Enterprise and Public Opinion still apply at the hearing.

The Water Management Board will conduct a hearing to consider Application Nos. 7921-3 and 7988-3 at 11:00 AM (Central Time) on Wednesday, October 22, 2014, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Future notice will be provided to all parties if there is a change to the hearing time or date.

Please contact Eric Gronlund at (605) 773-3352 if you have questions regarding the hearing.

c: Ann Mines, Assistant Attorney General
 Matt Naasz, Assistant Attorney General

CERTIFICATION

I hereby certify that on October 2, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 2, 2014, regarding scheduling hearing on Water Permit Application Nos. 7921-3 and 7988-3, Owen and Lamont Peterson, as set forth below:

Owen and Lamont Peterson
PO Box 97
Wendell MN 56595

Sent Notice Inter-Office mail to:

Ann Mines, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501
Matt Naasz, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501

Gail Jacobson

Gail Jacobson
Water Rights Program, DENR

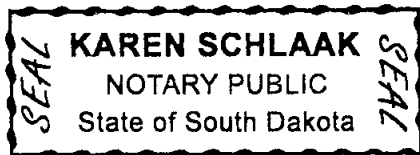
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Sworn to, before me, this 2nd day of October, 2014

Karen Schlaak
Karen Schlaak

Notary Public

My Commission expires April 1, 2019



November 18, 2014

PAYMENT REQUEST FORM

PAYEE: Owen & Lamont Peterson
PO Box 97
Wendell MN 56590

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

refund on 7988-3 - (overpayment)

AMOUNT: \$50.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

OTHER: X Water Right Fees

COMMENTS:

AUTHORIZATION: 

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



NOV 19 2014

Owen and Lamont Peterson
PO Box 97
Wendell MN 56590

Dear Sirs:

Enclosed is Water Permit Nos. 7821-3 and 7988-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Please contact Ken Buhler with the Water Rights Program at 605 773-3352 to discuss completion of the observation well as required by Qualification No. 4 on the permits.

Water Permit No. 7988-3 was submitted with a check for \$1,300.00. The application /license fee for Permit No. 7988-3 is \$1,250.00. Therefore, \$50.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

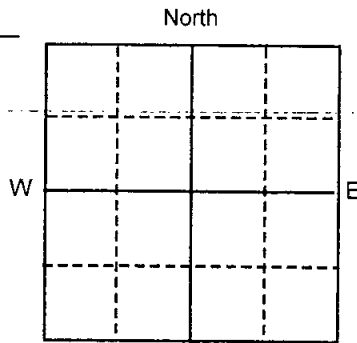
Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

7988-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 114N Twp 51W Rg 9County HamlinPlease mark well
location with an "X"

Well Completion Date

06-25-15

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:

tremie piped

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>196</u> FT	<u>17 1/2</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>48</u>	Lb/gal	<u>0</u> Ft	<u>190</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 15 FeetMaterial Stainless SteelSlot Size .070 Set From 196 Feet to 211 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 analysisn/aWell Owner: Owen Peterson

Business Name:

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

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	2
Yellow clay	2	48
Gravel	48	67
Blue clay	67	140
med sand	140	147
Gray clay	147	192
med-coarse sand	192	209
Gray clay	209	215
Shale	215	220

STATIC WATER LEVEL 48

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

96 Ft. After 12 Hrs. pumped 400 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

N 44 41.547W 96 57.095AltamontThis 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:

RECEIVED

SEP 14 2015

WATER RIGHTS
PROGRAM



7988-3
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



7988-3
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.



7988-3
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,

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

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



7988-3
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.

7988-3



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



7988-3
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:

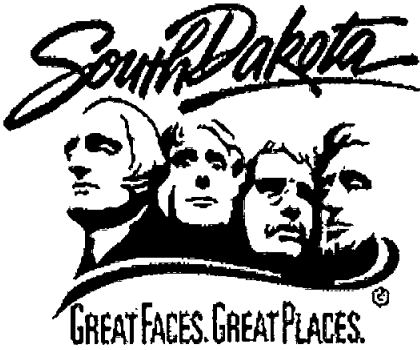
1. Suspend or cancel Permit No(s) 7921-3, 7946-3, 7984-3 & 7988-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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.

7988-3



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

7988-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 06 2023

Owen & Lamont Peterson
PO Box 4
Wendell MN 56590

7988-3

Dear Sirs:

Enclosed is Water License No. 7988-3. 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. 7988-3

(1) Owen & Lamont Peterson; PO Box 4, Wendell, MN 56590 made Application No. 7988-3, March 31, 2014 for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 7988-3, with a priority date of March 31, 2014 was approved October 22, 2014 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before October 22, 2019 and for the application to beneficial use of water on or before October 22, 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:

- 1,320 ft N & 1,370 ft W of the SE corner of Section 9, T114N, R51 W (NW ¼ SE ¼)
(Latitude 44.69238 Longitude -96.95157)

(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 9, T114N, R51W			
NW ¼ SW ¼	19.6 acres	NW ¼ SE ¼	38.9 acres
NE ¼ SW ¼	39.8 acres	NE ¼ SE ¼	32.5 acres
SE ¼ SW ¼	37.3 acres	SE ¼ SE ¼	29.7 acres
SW ¼ SW ¼	17.6 acres	SW ¼ SE ¼	35.6 acres
TOTAL: 251.0 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Owen & Lamont Peterson, the holders and/or owners of Water Right No. 7988-3 are issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer) with a priority date of March 31, 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. 7988-3 and subject to the following qualifications:

1. 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 their 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. 7988-3 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)*

continued

3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
4. The permit holders for Water Permit No. 7988-3 shall contract with a licensed well driller to construct an observation well that will become part of the South Dakota Department of Environment and Natural Resources Observation Well Network. The observation well must be completed into the same aquifer as the production well and shall be located in the public right of way or a personal easement granted to the State for the purpose of maintaining an observation well on property owned by the permit holders. The observation well construction shall be coordinated with the DANR – Water Rights Program staff.

Eric Gronlund

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

JUN 06 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7988-3

I have this day, May 1, 2023, made a thorough examination of the water use system constructed by Owen and Lamont Peterson PO Box 4, Wendell, MN 56590 of Permit No. 7988-3, bearing the priority of March 31, 2014 authorizing the diversion of 1.78 cu. ft. per second of the waters of Prairie Coteau 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) 220 feet
- 4) Well log is available

Casing:

- 1) Diameter 12 inches
- 2) Length 196 feet
- 3) Type steel

Screen:

- 1) Type Stainless steel
- 2) Length 15 feet
- 3) Static water level 48 feet

Pump:

- 1) Make Layne (Turbine)
- 2) Model Unknown (name plate badly weathered)
- 3) Size Unknown
- 4) Capacity 500 GPM

Motor:

- 1) Make Motors Corp
- 2) Model No. Unknown
- 3) Horsepower rating 60 hp

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

- 1) Type Buried PVC 2) Size 8 inches 3) Length 2015 to west pivot feet

Comments: Well at East pivot

C. Works used to apply water to beneficial use:

Center pivot:

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

Chemigation Equipment:

- 1) Does chemigate Y/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 SE corner Sec 9 T114N R51W, 1320 ft N & 1370 ft W, Lat 44.69238 Long -96.95157 (NW ¼ SE ¼)

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/acreage

Sec 9 T114N R51W

NW ¼ SW ¼ – 19.6 ACRES

NE ¼ SW ¼ – 39.8 ACRES

SE ¼ SW ¼ – 37.3 ACRES

SW ¼ SW ¼ - 17.6 ACRES

legal description/acreage

Sec 9 T114N R51W

NW ¼ SE ¼ – 38.9 ACRES

NE ¼ SE ¼ – 32.5 ACRES

SE ¼ SE ¼ – 29.7 ACRES

SW ¼ SE ¼ – 35.6 ACRES

comprising a total of 251 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.

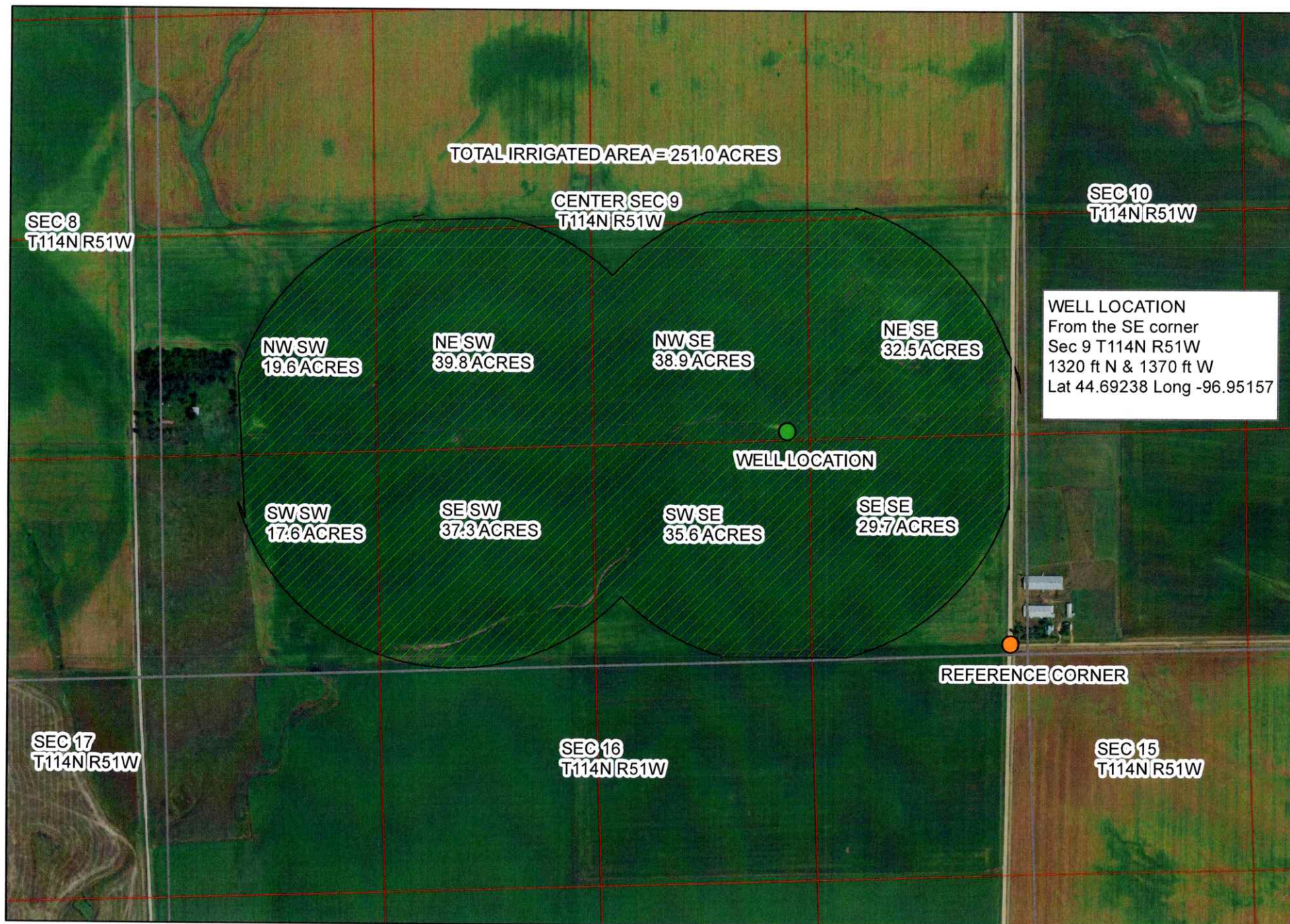
The Permittees have a Permit in an adjacent property: Sec 8, Permit 7921-3.

The mailing address in the permit materials is current; however, the phone number is not. A current contact phone number is 218/639-2931 for Owen Peterson who I contacted via telephone.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 15, 2023



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

Lithologic Logs Database

Lithologic Logs Search for: *water_rights_well like HN-2016A*

Page 1 of 1

New Search

Printer Friendly

Download Options

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Record 1 of 1

Location Information

Legal Location: SW SW SW SE SEC. 08, T. 114 N., R. 51 W.
 County: HAMLIN Location: 114N51W08DCCC
 Latitude: 44.688870
 Hydrologic Unit Code: 10170202 Longitude: - 96.976840
 Land Owner: O. PETERSON Ground Surface Elev. (ft.): 1733 T

Test Hole Information

Project: WATER RIGHTS
 Drill Date: 10/08/2013 Geologist:
 Company: THEIN WELL CO., INC. Geologist's Log:
 Drilling Method: ROTARY Driller:
 Test Hole Number: Driller's Log: X
 Geophysical Log: NO Total Drill Hole Depth (ft.): 228.0

Well Information

SDGS Well Name: Aquifer: PRAIRIE COTEAU
 Water Rights Well: HN-2016A Water Level Data Management Unit:
 Other Well Name: Casing Top Elev. (ft.): 1734.52 T
 Casing Type: PVC Casing Diameter (in.): 6.0
 Screen Type: PVC Screen Length (ft.): 28.0
 Total Casing and Screen (ft.): 228.0 Casing Stick-up (ft.): 1.50

Lithologic Information

Elevation (ft.)	Depth (ft.)	Description
1733.0 - 1732.0	0.0 - 1.0	TOPSOIL, BLACK
1732.0 - 1683.0	1.0 - 50.0	CLAY AND ROCKS, BROWN CLAY
1683.0 - 1674.0	50.0 - 59.0	CLAY, BLUE
1674.0 - 1669.0	59.0 - 64.0	GRAVEL AND SAND, BROWN
1669.0 - 1662.0	64.0 - 71.0	CLAY AND GRAVEL, BROWN-YELLOW
1662.0 - 1647.0	71.0 - 86.0	GRAVEL AND SAND, YELLOW-BROWN
1647.0 - 1543.0	86.0 - 190.0	CLAY, BLUE
1543.0 - 1534.0	190.0 - 199.0	CLAY AND GRAVEL, BLUE-BROWN
1534.0 - 1505.0	199.0 - 228.0	GRAVEL AND SAND, MIXED COLOR

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**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