

WATER PERMIT NO. 6121-3

Name of Applicant: John A Swanson

Address: Rr 1 Box 68A, Chamberlain SD 57325

Phone: 605 734-6109

Amount of Water Claimed: 75 gpm (0.167 cfs)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial (livestock)

County: Brule

Type of Waste Disposal System:

Location: 6 miles southeast of Chamberlain

PRIORITY Date Received: 1-7-1999

Fee: \$150

Corrected Application Received: 1-13-1999

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ SE ¼ Section 4 and
NW ¼ SW ¼ Section 3; all in T103N-R57W

Land to be Irrigated: NA

4		3		2	
		⊗			
		⊗			
10		11		12	

Depth of Well: 880 and 900 feet deep

Well Driller: Hutmacher Bros.

Remarks:

Type of Map: aerial

Prepared by: Steve J (?), NRCS

Reviewed and the Number Assigned on: 1-13-1999

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6121-3

Date of first receipt of application January 7, 1999.

Date of return to applicant for corrections, amendments or changes January 7, 1999.

Date of receipt of corrected application January 13, 1999.

The Water Management Board approved Water Permit Application No. 6121-3 on May 5, 1999 for John A Swanson, RR 1 Box 68A, Chamberlain SD 57325 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. 6121-3 appropriates 0.167 cubic feet of water per second (75 gallons per minute) from two wells (Dakota Formation) 880 and 900 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3; all in T103N-R70W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use in a livestock feeding operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is January 7, 1999.
5. One-fifth of the construction is to be completed on or before November 5, 2001.
6. All construction is to be completed on or before May 5, 2004.
7. Water is to be put to beneficial use on or before May 5, 2008.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6121-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operation.

(continued)

3. Permit No. 6121-3 is subject to compliance with the existing and applicable Water Management Board Rules:

- a) Chapter 74:54:01 Ground Water Quality Standards,
- b) Chapter 74:54:02 Ground Water Discharge Permit,
- c) Chapter 74:51:01 Surface Water Quality Standards,
- d) Chapter 74:51:02 Uses Assigned to Lakes,
- e) Chapter 74:51:03 Uses Assigned to Streams, and
- f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 3 1999

date



FORM 2: Application for uses other than irrigation
(type or print)



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6121-3</u>	Hydrologic Unit <u>10148101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Chamberlain Register, Chamberlain, SD</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☒ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one)
Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____

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

- Name of Applicant John A. Swanson Phone 605-734-6109
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR1 Box 68A Chamberlain State SD 57325
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.167 *CFS or 75 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dakota Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells
SW 1/4 Sec 3 T103N R70W #2 well SE 1/4 SE 1/4 section 9
NE 1/4 SW 1/4 section 3; T103N-R70W County Brule
- County or counties where water will be used Brule
- Annual period during which water is to be used Continuous Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Feedlot operation to water cattle

STATE OF SOUTH DAKOTA)

County of Brule SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, John A. Swanson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature John A. Swanson

Subscribed and sworn to before me this 9th day of January 1999

Notary Public signature

My Commission Expires 11-8-2003

Supplemental Information

(type or print in ink)

1 well

Existing
Proposed

Drilled By Suther Drilling For Lee

Schoenhard 1970 era

1. Well Information - Proposed Construction

- a) Drill Hole Diameter ? Depth 900
- b) Casing Type Steel Diameter 5" 3" ? Thickness Sch 40
- c) Screen Type ? Diameter 3" ? Thickness
- d) Gravel Pack N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 760'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well:

On applicants property 1200'

On property owned by others 3/4 mi.

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 _____
- 123456789101112

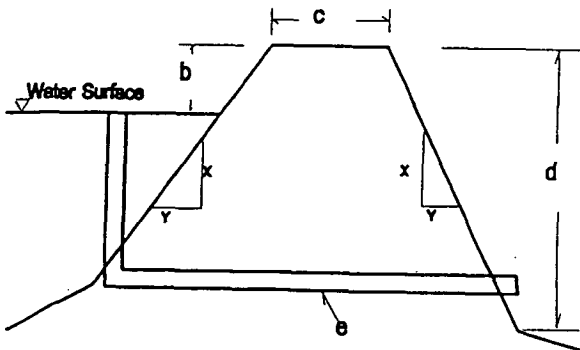
3. Dugout Information

- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Supplemental Information

(type or print in ink)

See ATTACHED log

#2 well

Existing

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 1/2" 4 3/4" 4 1/2" Depth 880'
- b) Casing Type PVC Diameter 115' 5" 765' 2" Thickness Sch 80
- c) Screen Type PVC Diameter 2" X 5/16" X 102' Thickness _____
- d) Gravel Pack N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 740'
- f) Depth to Water (ground surface to water level) Flow 10912 (1998)
- g) Distance to nearest existing domestic well:
On applicants property 1200' On property owned by others 3/4 mi.

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) _____

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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 _____

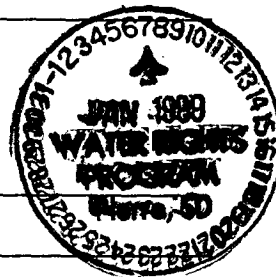
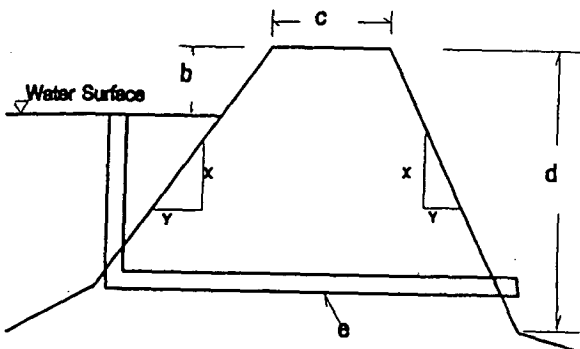
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416006

Pierre, January 13, 1999

RECEIVED OF John A. Swanson, RR 1, Box 68A, Chamberlain, SD 57325

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

Fee for Application for Permit No. 6121-3 to Appropriate Water, to construct and to put water to beneficial use	150	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. 6121-3	50	00
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for		
(Any Other Work Provided by Law)	Total	200 00

By

Chief Engineer

John Hatch

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



NATURAL RESOURCES CONSERVATION SERVICE
200 S PAUL GUST ROAD, SUITE 111
CHAMBERLAIN S.D. 57325

NHEL

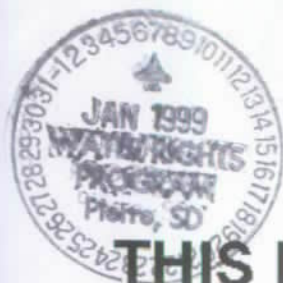
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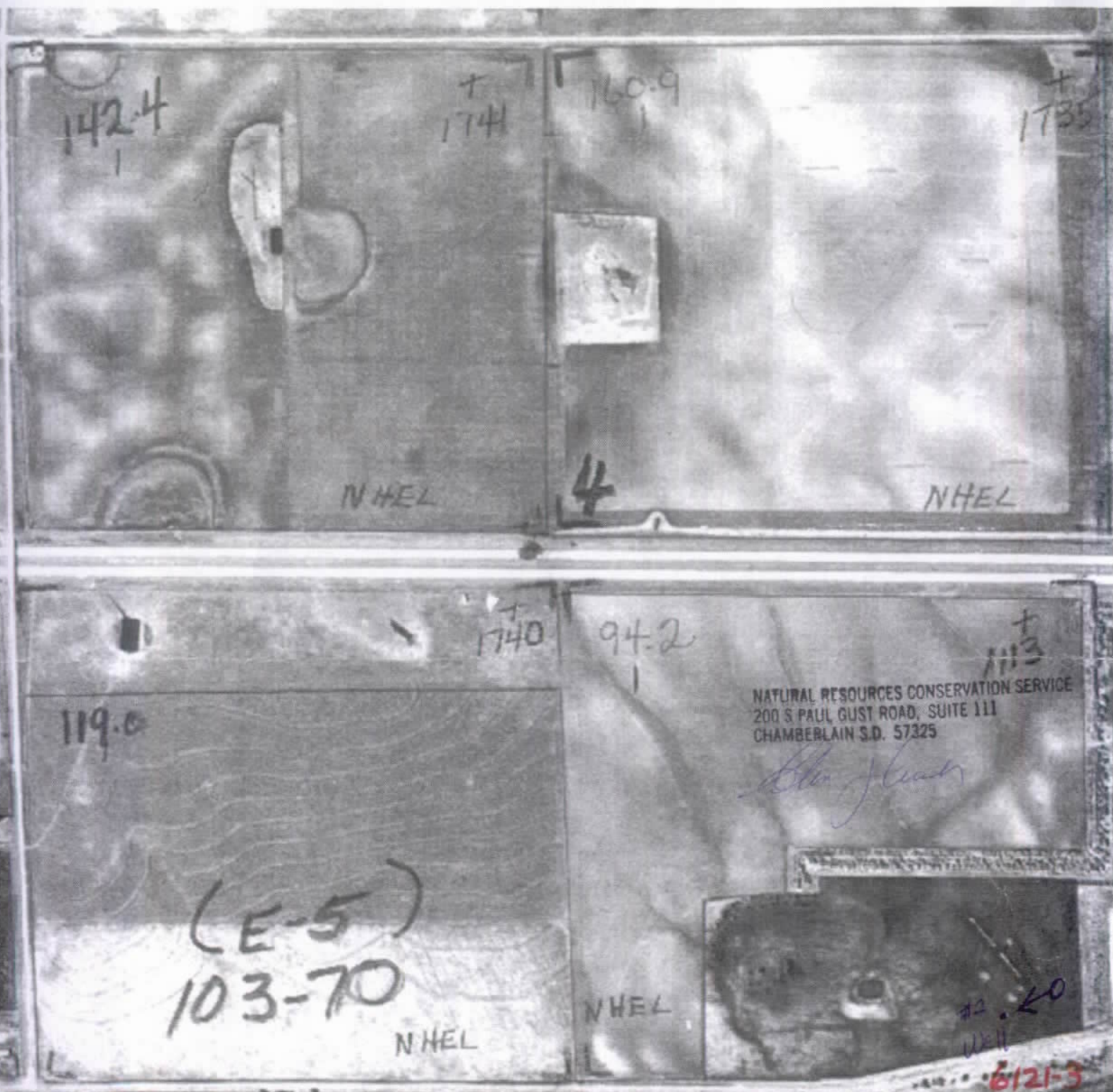
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(E-5)
103-70
NHEL
6121-3



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 7, 1999

John A Swanson
RR 1 Box 68A
Chamberlain SD 57325

Dear Mr. Swanson:

Thank you for submitting the *Application for a Permit to Appropriate Water*. In order to complete the application the following is required.

Item No. 4 of the application indicates the 2 wells are located in the SW $\frac{1}{4}$ Section 3-T103N-R70W. The aerial photos indicate one well is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 and one well is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4. Do you concur with this change on your application?

Enclosed are the aerial photos submitted with the application. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. I presume you got the aerial photos at your local NRCS office. Someone from that office will be qualified to sign the maps.

Please complete Item No. 7 giving a description of the project. Is this project for watering livestock?

The application filing fee will be \$150.00. In addition to the application filing fee, the Water Rights Program now collects the \$50.00 licensing fee at the time of filing. Please submit \$200.00 for the application and licensing fees.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

WATER PERMIT APPLICATION NO. 6121-3
JOHN A. SWANSON
FEBRUARY 9, 1999

Water Permit Application No. 6121-3 proposes to appropriate 0.167 cubic feet per second (75 gallons per minute) from two Dakota Aquifer wells 880 and 900 feet deep respectively. The wells are located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T103N-R70W and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T103N-R70W, respectively. The water is for commercial use in a livestock feeding operation.

AQUIFER: Dakota Sandstone (DKOT)

AQUIFER CHARACTERISTICS:

The Dakota Aquifer consists of the permeable beds of sand and sandstone contained in the Cretaceous aged Dakota Formation. The Dakota underlies 837 square miles and contains an estimated 12.65 million acre-feet of recoverable water in storage in Brule County (Hedges, 1982). The lithology of the Dakota Formation is quite variable both laterally and vertically, consisting of interbedded sand, sandstone, and shale. It has been postulated that the explanation for this is that the Dakota was deposited in a fluvial environment. The completion report submitted with this application for the well 880 feet deep, indicates top of the Dakota Formation is 740 feet grade. The driller reported the well flows 25 gpm and has a shut in pressure of 11 psi (25 feet above ground surface).

DISCUSSION:

SDCL 46-6-3.1 requires that an application to appropriate groundwater may not 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 the water to the groundwater source". Average annual recharge has not been quantified for the Dakota Aquifer and an estimate is not expected to be ascertained in the near future. The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. However, withdrawals from a confined aquifer such as the Dakota may affect water levels over a relatively large area. Water levels will continue to decline as the result of withdrawals until a dynamic equilibrium is established and water levels stabilize.

Since the first wells were completed into the Dakota Aquifer there has been a noticeable decline in the artesian head. Rothrock, (1938) reported that "There has been a pronounced decline in the artesian head since the first wells were drilled in the area. The decline has not proceeded uniformly but has varied from place to place, depending upon the local draft. It has been greatest in the eastern part of the area, especially in eastern Stanley county in the vicinity of Pierre and in eastern Lyman County in the vicinity of Chamberlain."

Records indicate that water levels in the Chamberlain Area have declined over 230 feet since 1891 (Water Rights, 1999 and Rothrock, 1938). This decline has not been constant over time. In the

nine years from May 1891 to August 1900 there was a total drop in head in this area of 140 feet, or at an average rate of 15 feet per year. The amount of head pressure decline between 1900 and 1915 was about 90 feet, or at the average rate of 6 feet per year (Rothrock, 1938). Records indicate the amount of decline between 1980 and 1998 is about 0.5 feet a year (Water Rights, 1999).

The Water Rights Program monitors a number of observation wells that are completed into the Dakota Aquifer throughout the state. One of these wells (BL-83A) is located approximately 6 miles west of this well site. A hydrograph of water level measurements taken from this well (see figure 1) identify a decline of head pressure of approximately eight and a half feet since the well was completed in 1983.



Figure 1. BL-83A Hydrograph

Wells completed into the Dakota Aquifer in this area typically flow, some at a very substantial rate. For example, six wells were drilled in Chamberlain between 1890 and 1900 as power wells. The original flow was in the neighborhood of 20,000 gallons per minute. The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. The casings for many of the uncontrolled flowing Dakota wells have deteriorated or no longer exist and many such wells are not visible at the ground surface. Discharges from these wells are to either groundwater formations above the Dakota or to the surface at various distances from the original well casing. Such discharges can not be quantified, and most can not be controlled. The Water Management Board and the Water Rights Program are actively enforcing the statutes to require uncontrolled flowing wells to be controlled or plugged where practical.

In theory, the Dakota Aquifer head pressure is stabilizing relative to withdrawals and discharges. Recent data from the Water Rights' Observation Well BL-83A suggest that the head pressure may have nearly stabilized in this area.

Although SDCL 46-6-3.1 does not allow “mining” of an aquifer, which would be evidenced by declining water levels; SDCL 46-6-6.1 does not require the artesian head pressure to be protected. However, the Courts have determined that the Board must consider and balance the effect of a limitation of a loss of artesian head pressure as one of the factors under the public interest determination.

The quantity or volume of water in the Dakota Aquifer that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Dakota Aquifer water. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges.

REVIEW OF EXISTING WATER RIGHTS:

The Dakota aquifer is used extensively for domestic use in South Dakota. In addition, there are 160 Water Rights/Permits appropriating water from the Dakota Aquifer in the State. There are nine Water Rights/Permits appropriating water from the Dakota in Brule County. The water rights/permits in the vicinity of this application are:

Permit No.	Owner	Distance from 6121-3
4769-3	Raymond Stemmerman	2.5 miles
997-3	Town of Pukwana	2.5 miles
4829-3	KOA Campground	5 miles
4599-3	St. Joseph's Indian School	8 miles
2357-2	Valu Pact Properties	9.5 miles

The distance from existing permits/rights, the relatively low diversion rate (75 gpm) and the fact that these are existing wells lead to the conclusion that this appropriation can be made without adversely effecting existing water rights.

CONCLUSIONS:

1. The Dakota Aquifer is a viable aquifer in this area.
2. The average annual recharge rate to the Dakota Aquifer has not been quantified and is not expected to be ascertained in the near future. The best information available to determine the availability of unappropriated water is historical data and observation well records.
3. Water levels (head pressure) have declined in the Dakota Aquifer. However, whether withdrawals exceed the average estimated annual recharge can not be determined based solely upon a decline in head pressure.

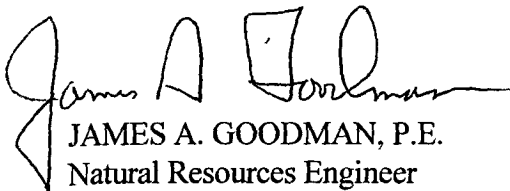
4. In theory, the Dakota Formation head pressure is stabilizing relative to withdrawals and recharge.
5. Each new diversion from the Dakota will theoretically cause an additional effect on the head pressure of the aquifer. The affects of the withdrawal proposed by this application upon the Dakota Aquifer head pressure will not have a significant affect upon the decline or stabilization of head pressure in the Dakota Aquifer. It may require lowering of pumps in wells in the immediate area.
6. The Water Management Board is not required to protect artesian head pressure as a means of diversion. However, the Board must consider and balance the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.
7. The principal reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. Denial of this application will not preserve the head pressure. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges from the aquifer.
8. This application proposes to use two existing wells. A well report is not available for well number 1; and although the drillers report filed for well number 2 indicates some of the well casing was grouted, it is not possible to determine weather the well meets the current well construction standards. The wells were probably completed in accordance with the standards at the time of construction, the method of construction used for these wells (similar to the alternative construction method described by 74:02:04:35) would not be allowed today for any well which requires a permit.
9. The Division of Environmental Regulation has approved plans and specifications for this facility. General permit coverage is pending upon construction completion.



KEN BUHLER

Natural Resources Engineer

Approved by



JAMES A. GOODMAN, P.E.

Natural Resources Engineer

REFERENCES:

Hedges, L.S., S.Burch, D.Iles, R.Barari, R.Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, US Army Corps of Engineers Contract DAWC 45-80-C-0185, SD DENR-Geological Survey, Vermillion SD

Rothrock, E.P, 1938, Artesian Conditions in Western Central South Dakota, South Dakota Geologic Survey Report of Investigations No. 26, Vermillion SD

Water Rights Program, 1999, "Observation Well Files", SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501

Water Rights Program, 1999, "Water Permit Files", SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6121-3, John A. Swanson**

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. 6121-3, John A. Swanson, RR 1 box 68A, Chamberlain SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 6121-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6121-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operation.
3. Permit No. 6121-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 12, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

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

March 4, 1999

John A. Swanson
RR 1, Box 68A
Chamberlain, SD 57325

Dear Mr. Swanson:

Water Permit Application No. 6121-3 for commercial (livestock) use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Chamberlain Register printed at Chamberlain, SD (Ph # (605) 734-6360). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 4, 1999

Chamberlain Register
Box 550
Chamberlain, SD 57325-0550

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6121-3 to Appropriate Water to be published twice. Please publish the first notice on March 11, 1999, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is John A. Swanson, RR 1, Box 68A, Chamberlain, SD 57325 (Ph # (605) 734-6109).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** 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

-----CU T HERE-----

No. 6121-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of March 4, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6121-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 11, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6121-3 to Appropriate Water

Notice is given that John A Swanson, RR 1 Box 68A, Chamberlain SD 57325 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second (75 gallons per minute) from two wells (Dakota Formation) 880 and 900 feet deep located in the SE ¼ SE ¼ Section 4 and NW ¼ SW ¼ Section 3; all in T103N-R70W. The water is for commercial use in a livestock feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6121-3 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.

Any person interested in opposing or supporting this application must file a written petition 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 April 23, 1999. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., May 5, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, 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. The May 5, 1999, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 23, 1999.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 23, 1999, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota

SS

County of Brule

GLORIA PRIEBE of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of The Chamberlain-Oacoma Register, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated: that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice of hearing to appropriate water

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

3/11, 1999 _____, 19____.
3/18, 1999 _____, 19____.
_____, 19____; _____, 19____.

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers: that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Gloria Priebe
Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public in and for the County of Brule,
South Dakota



to Appropriate Water

Notice is given that John A. Swanson, RR 1 Box 68A, Chamberlain, SD 57325 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second (75 gallons per minute) from two wells (Dakota Formation) 880 and 900 feet deep located in the SE 1/4 SE 1/4 Section 4 and NW 1/4 SW 1/4 Section 3; all in T103N-R70W. The water is for commercial use in a livestock feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6121-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and the 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 April 23, 1999. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner's legal counsel, if legal counsel is obtained.

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Nettie H. Myers, Secretary
Department of Environment and Natural Resources

(Mar. 11, 18, 1999)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JUN 3 1999

John A. Swanson
RR 1, Box 68A
Chamberlain, SD 57325

Dear Mr. Swanson:

Enclosed is Water Permit No. 6121-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE



Date 10/16/00

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

FROM: John A. Swanson RR1 Box 68A
(name) (address)
Chamberlain S.D. 57325 605-734-6109
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6121-3.

Water Permit No. 6121-3 states that the diversion system is to be constructed by May 5, 2004, and that the water is put to beneficial use by
(date)

May 5/2008
(date)

The diversion system was completed on 10/16/00
(date)

Applying the water to beneficial use was completed on 10/16/00
(date)

You may schedule an investigation so that the Water License may be issued.

John A. Swanson
(signature)

Permit No. 6121-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 23, 2004, made a thorough examination of the water use system constructed by John A Swanson of RR 1, Box 68A, Chamberlain SD 57325 holder of Permit No. 6121-3, bearing the priority of January 7, 1999 authorizing the diversion of 0.167 cu. ft. per second of the waters of ground water (Dakota Formation) for commercial purposes, in Brule County.

Inspection contact & relationship to permit holder, if applicable: **John Swanson, owner**

A. Works used to divert the water:

Well Information: North well

- 1) Well Drilling Firm: Sather Drilling
- 2) No. of Wells 1
- 3) Depth(s) 900? feet
- 4) Well log is available N
- 5) Comment: Well #1

Casing:

- 1) Diameter 5 inches
- 2) Type Steel

Screen:

- 1) Type ?
- 2) Static water level 22 feet

Motor/Pump:

- 1) Make Both Submersible units
- 2) Capacity 75 GPM (combined)
- 3) Horsepower rating 1 hp (S well); 1½ or 2 hp (N well)

Well Information: South Well

- 6) Well Drilling Firm: Hutmacher Drilling
- 7) No. of Wells 1
- 8) Depth(s) 880 feet
- 9) Well log is available Y
- 10) Comment: Well #2

Casing:

- 3) Diameter 5 & 2 inches
- 4) Length 880 feet
- 5) Type PVC

Screen:

- 3) Type none

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

Water is diverted to a distribution system supplying a livestock feedlot.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: Well No. 1 (North): 1,000 feet E and 2,250 feet N from the SW corner section 3 (NW¼SW¼ - Latitude 43.75093, Longitude -99.20844); Well No. 2 (South well): 800 feet W and 575 feet N from the SE corner section 4 (SE¼SE¼ - Latitude 43.74638, Longitude -99.21531): all in T103N-R70W.

Report of Examination of Works

Permit No. 6121-3

The works are capable of diverting and conveying to the place of use 0.167 cu. ft. per second of water which is to be used for commercial use in a livestock feeding operation. Water has been put to beneficial use to the maximum and the license should be issued for 0.167 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: **none**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 7, 2004

Scale: 1 inch equals 916 feet

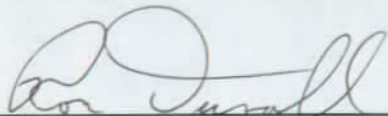
1,300

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sep 3, 2004

Water Right No. 6121-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 30 2004

6121-3

John A Swanson
RR 1 Box 68A
Chamberlain SD 57325

Dear Mr. Swanson:

Enclosed is Water License No. 6121-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map prepared by the engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6121-3 constructs a replacement well and does not plan to use the old well(s), 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6121-3

(1) John A Swanson, RR 1 Box 68A, Chamberlain SD 57325 made Application No. 6121-3, January 7, 1999 for a water permit to divert 0.167 cubic feet of water per second from ground water (two Dakota Formation wells), Brule County, South Dakota for commercial purposes. Permit No. 6121-3, with a priority date of January 7, 1999 was approved May 5, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 2004 and for the application to beneficial use of water on or before May 5, 2008.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, John A Swanson the holder and/or owner of Water Right No. 6121-3 is issued a license, bearing a priority date of January 7, 1999 to appropriate 0.167 cubic feet of water per second from ground water (two Dakota Formation wells). The water is used for commercial purposes in a livestock feeding operation.

The diversion points are located as follows:

Well #1 (north): 1,000 feet E & 2,250 feet N of the SW corner of Section 3, T103N, R70W (NW ¼ SW ¼);

Well #2 (south): 800'W & 575 feet N of the SE corner of Section 4, T103N, R70W (SE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6121-3 including the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6121-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operations.
- Permit No. 6121-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.



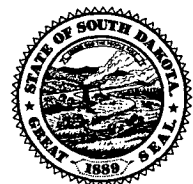
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 30 2004

date



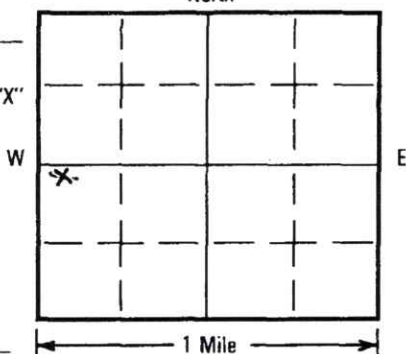
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SW 1/4 Sec 3 Twp 103N Rg 70WCounty Brule

North

Please mark well location with an "X"



Well Completion Date

4-10-08

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR 17</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>400</u> FT	<u>8 1/4</u> IN
<u>5.480</u> LB/FT	<u>3</u> IN	<u>400</u> FT	<u>880</u> FT	<u>7 1/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>74</u>	<u>9.2</u> lb./gal	<u>840</u> ft	<u>0</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure thru tremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 40 FEETMaterial Stainless SteelSlot Size .025 Set From 880 Feet to 920 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: Chlorine

Laboratory sent to for water quality analysis

_____ NO, Why Not? _____

StateWell Owner: John Swanson

Business Name: _____

Address: 34864 251st St
Pukwana SD 57370

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Clay</u>	<u>0</u>	<u>85</u>
<u>Pierre</u>	<u>85</u>	<u>246</u>
<u>Micbrara</u>	<u>246</u>	<u>465</u>
<u>Carlile</u>	<u>465</u>	<u>635</u>
<u>Greenhorn</u>	<u>635</u>	<u>703</u>
<u>Grancos</u>	<u>703</u>	<u>837</u>
<u>Dakota</u>	<u>837</u>	<u>920</u>

STATIC WATER LEVEL

80

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: developed by
air☐ Bailed☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

JUL - 3 2008

WATER RIGHTS
PROGRAMThis well was drilled under license # 213

And this report is true and accurate.

Drilling firm Hartmeyer Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____