

WATER PERMIT NO. 6342-3

Name of Applicant: Ivan Sjovall

Address: 42251 121st St, Langford SD 57454

Phone: 605 493-6796

Amount of Water Claimed: 0.324 cfs (146 gpm)

Total Acres: NA

Source of Water Supply: groundwater (7 existing wells)

Water to be used for: commercial (livestock confinement)

County: Marshall

Type of Waste Disposal System:

Location: 6 miles northeast of Langford

PRIORITY Date Received: 7-22-02

Application/License Fee: \$275

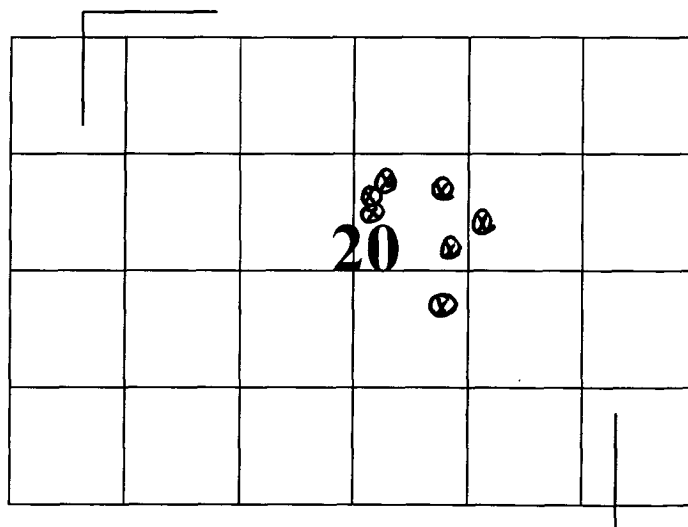
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: existing facility

Diversion Point: S ½ NE ¼, NW ¼ SE ¼ Sec 20-
T125N-R57W

Land to be Irrigated:



Depth of Well: 190 feet deep

Well Driller: : Vrochota Drilling (1 well)

Remarks:

Type of Map: topo

Prepared by: Stacy Johnson

Reviewed and the Number Assigned on: 7-26-02

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6342-3

Date of first receipt of application July 22, 2002.

The Water Management Board approved Water Permit No. 6342-3 on December 4, 2002 for Ivan Sjovall, 42251 121st St, Langford SD 57454 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. 6342-3 appropriates 0.324 cubic feet of water per second (146 gallons per minute) from seven wells (Pierre Shale) 190 feet deep located in the S ½ NE ¼, NW ¼ SE ¼ Section 20-T125N-R57W.
2. The water appropriated shall be used for the purpose of commercial use in a livestock confinement 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 July 22, 2002.
5. 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. 6342-3 will be subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6342-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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.

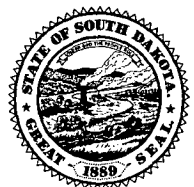
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2003

date



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

275

889

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2342-3</u> (office use only) Hydrologic Unit <u>10160005</u>
	Basin <u>James River</u>
	Newspaper <u>Langford Bugle, Langford</u>

RECEIVED
JUL 22 2002
WATER RIGHTS
PROGRAM

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 Ivan Sjoval Phone (605) 493-6796
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 42251 121st Street Langford SD State 57454
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.324 *CFS or 146 **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 Groundwater (7 wells)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Look at inspection map.
5 wells in SW 1/4 NE 1/4 and 1 well in SE 1/4 NE 1/4 and 1 well in NW 1/4 SE 1/4
Section 20 T125N-R57W County Marshall
- County or counties where water will be used Marshall
- Annual period during which water is to be used Jan - December 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)
Livestock confinement operation

STATE OF SOUTH DAKOTA)
County of Marshall 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, Ivan P. Sjoval, 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 [Signature]

Subscribed and sworn to before me this 19th day of July 20 02

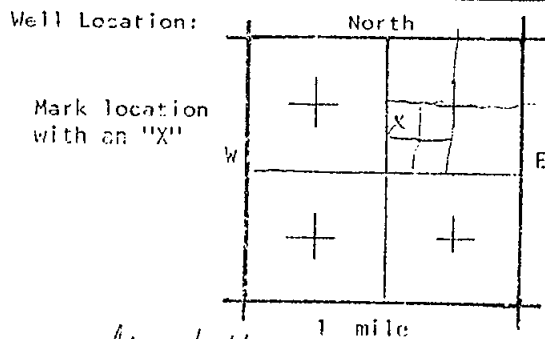
[Signature]
Notary Public signature

PLEASE COMPLETE
ENTIRE FORM

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Well Owner:
Name Dean S. Jernell
Address RR Langford, SD



County Marshall
Altitude 514' N.E. 4 Sec. 20 Twp. 134 N. Rg. 57 W.

Proposed Use:
☒ Domestic ☐ Municipal ☐ Test
☐ Irrigation ☐ Industrial ☒ Stock
Holes

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 4 inch
Depth 190 ft.
Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
If other, specify _____

Was casing end left open Yes
Was a well screen installed No
Describe Well Screen
Diameter 4 inch Material Plastic
Slot size 0.046
Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Remarks: Slotted 4 inch plastic
casing from 90 to 190 ft.

Water Level Information:
Static water level 24 ft. below land surface
If flowing: closed in pressure _____ PSI
rate of flow _____ GPM
Controlled by:
☐ Valve ☐ Reducers ☐ Other
If other; specify _____

Well Test Data:
☒ Pumped Submersible Pump
☐ Bailed Describe: _____
☐ Other _____
Pumping Level Below Land Surface
35 ft. After 12 Hrs. pumped 10 GPM
" " " " " "
" " " " " "

Well Log:

Formation	Depth	
	From	To
<u>Yellow Clay</u>	<u>0</u>	<u>17</u>
<u>Blue Clay</u>	<u>17</u>	<u>33</u>
<u>Coarse Sand</u>	<u>33</u>	<u>42</u>
<u>Soft Black Shale</u>	<u>42</u>	<u>85</u>
<u>Hard Black Shale</u>	<u>85</u>	<u>At least 190</u>

(Use Back if Necessary)

Date Completed: September 8, 1982

Driller: Vickie Well Drilling 76
Driller's or Firm's Name License NO.

Box 112 Lake City, SD
Address

John A. Vickie Dec 22, 1982
Signed By Date

AND ON PROFORM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION
REDUCTION 25 ROL NO 9-1 DATE MICROFILMED 1-14-83 CAMERA OPERATOR John A. Vickie



Monthly Focus: Habits--
You shape your habits, then
your habits shape you

Often the best thing about not saying
anything is that it can't be repeated.
-- Suzan L. Wiener

26

Monday
August 2002

Daily Record of Events

238th Day 127 Left Week 35

Water Right No. 2460-3

cell phone 448-8291

9:42 a.m. - one well abandoned

180' depth

60-70 gpm - 10 years ago

448-8455 - cell phone walter

10:28 a.m. -

10:34 a.m. - high

2:10 p.m. - Tigh Fleiks - 294-5353

Additional 135 Acres

3:48 p.m. -

4:24 p.m. -

4:35 p.m. - 166' depth 8-22-92 drilled

5" pvc 50' Ivan Sjavall well info.

115-165

34 H₂O static level

80 gpm air pump

cement grout 107' to 7'

0-2' topsoil

yellow clay

107-109 blue clay

163-166 - blue clay

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417228

Pierre, July 22, 2002

RECEIVED OF Ivan P Sjovall, 42551 121st St., Langford, SD 57454
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 _____	225	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By Darland Elbe
Chief Engineer gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 16, 1995

Ivan Sjovall
Box 135
Langford, SD 57454

Dear Mr. Sjovall:

I am contacting you regarding the possibility that you may need a permit to appropriate water for the use of water at your livestock confinement facility. We have reviewed our records after receiving information from Rodger Seefeldt with the Point Source Control Program and can not located a water permit for your facility.

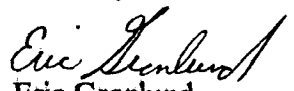
Pursuant to South Dakota Codified Laws, a water permit is required to use water from any water source, except for private domestic use. The use of water at a livestock confinement feeding operation that exceeds 18 gallons per minute (gpm) on an average daily basis with a maximum pumping capacity of 25 gpm is a commercial use of water. Commercial use of water requires that a water permit to be obtained.

It is my understanding that your facility utilizes up to seven wells to supply water to 6,500 head of livestock. I assume that the water use for a facility of this size exceeds 18 gpm on an average daily basis.

Water users without a water permit are not protected if their water use is interfered by someone who has a water right. If you believe you have a water permit or if water use does not exceed 18 gpm, please contact me.

Enclosed are water permit application forms and instruction sheet. Please complete and return the application to the Water Rights Division, 523 E. Capitol, Pierre, SD 57501. If you have any questions or need assistance, please feel free to contact me at 605-773-3352.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

April 26, 1995

Ivan Sjovall
Box 135
Langford, SD 57454

Dear Mr. Sjovall:

This is a follow up to my March 16, 1995 letter concerning the possibility that you may need a water permit for water use at your livestock confinement feeding operation. No response has been received.

A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.

You don't need to apply for a water permit, unless your water use exceeds reasonable domestic use. However, WE NEED TO HEAR FROM YOU concerning how much water you are using. Please identify either the pump rate (GPM) or flow rate (GPM) if you have a flowing well. If your water use exceeds reasonable domestic use, you will need to complete the application I sent you with my March 16, 1995 letter.

Please respond by May 19, 1995 or feel free to contact me at 605-773-3352.

Sincerely,

Eric S. Gronlund
Eric S. Gronlund
Water Rights Division
605 773-3352

#1
#2
#3
#4
#5
#6
#7



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

June 20, 1995

Ivan Sjovall
Box 135
Langford, SD 57454

Dear Mr. Sjovall:

After our telephone conversation this morning I did some checking and found that you will need to apply for a water permit for your water use at the Sjovall Feed Yard.

Enclosed is an application for a water permit along with an instruction sheet to guide you through the application process. Note that form 2A must be completed for each of the 7 wells. The application must be signed in the presence of a Notary Public. Please return the application with the correct application fee in the self-addressed envelope provided by July 14, 1995.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Water Rights Division

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

July 8, 1996

Ivan Sjovall
Box 135
Langford, SD 57454

Dear Mr. Sjovall:

I am writing regard the use of water at Sjovall Feed Yard. I contacted you in 1995 to make you aware of water right permitting requirements for the seven wells used at the facility.

A water right permit is required to use water at a livestock confinement feeding operation that exceeds reasonable domestic use. Reasonable domestic use is defined as the use of 18 gallons per minute (gpm) or less on an average daily basis with a maximum pumping capacity of 25 gpm. A facility whose water use exceeds reasonable domestic use and does not have a water rights permit does not have a legal right to the use of water.

Barry McLaury from the Water Rights Program contacted you last summer about water right permitting requirements. At that time you indicated previously obtaining a water right permit. A review of our records shows that you did have a water right permit for irrigation from a dam. However, the irrigation system was not developed and the permit was canceled.

I am once again enclosing water right permit application forms. Please complete and return the application to the Water Rights Program, 523 E. Capitol Ave., Pierre, SD 57501. If you have any questions, require assistance, or clarification of water right permitting requirements, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 9, 2002

Ivan Sjovall
42551 121st St
Langford SD 57454

Dear Ivan Sjovall:

When I inspected your wells on July 19, 2002, you told me about a road you used to create a dam. I checked our records to see if you had filed a location notice with us for this dam. We do not have a location notice on file for this dam. I am enclosing a location notice form for you to fill out. Please send our office a copy of the completed location notice and the ten dollars location fee. Please make check payable to the Water Rights Program.

If you need further assistance, do not hesitate to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Enclosure (1)

REPORT ON WATER PERMIT NO. 6342-3

For Ivan Sjovall

September 24, 2002

Application No. 6342-3 proposes to appropriate 0.324 cfs (146 gpm) from seven wells approximately 190 feet deep located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 20, T125N R57W in Marshall County. The water is for a commercial use in an existing livestock confinement operation.

AQUIFER – PIERRE SHALE (PIRR)

The Pierre shale is not typically thought of as an aquifer. In this area, apparently the shale is fractured and does provide domestic water. Also, in this area there is shallow sand directly overlying the shale that probably contributes water to the shale. The one well log available for this facility indicates yellow clay from 0 to 17 feet, blue clay from 17 to 38 feet, coarse sand from 38 to 42 feet, soft black shale from 42 to 85 feet and hard black shale from 85 to at least 190 feet. This well had a static water level of 24 feet below land surface and was capable of producing ten gpm at a pumping level of 35 feet. This test data would indicate that most of the water is probably coming from the sand which overlies the Pierre shale. A geologic map for Marshall County indicates the Pierre shale outcrops just to the west and north of this application (Koch, 1975). Koch also describes expected well yields and water chemistry from the Pierre shale in southwestern Marshall County.

Very little historical water level data is available for this area. An observation well ML-77A is located about 11 miles southwest of this application. Geologically the observation well is similarly located as this application, that is, sand lying directly upon the Pierre shale. Water levels for this observation well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. A hydrograph for this observation well is included with this report (Water Rights 2002).

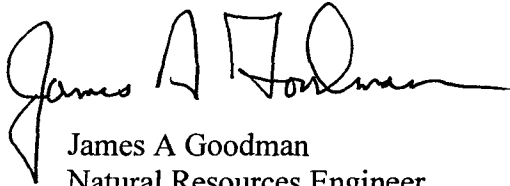
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights in this area. Interference is not a concern. These are low yield wells (thus the need for seven wells in close proximity) and any drawdown created by pumping will be very near the individual production well.

CONCLUSIONS

1. Water is available from the Pierre shale.
2. Interference is not a concern. There are no other nearby water permits/rights and drawdown is expected to be significant. This facility has been operated for many years with no water availability complaints.

3. Only one well log is available. Information on that log indicates the well is not constructed in accordance with SD Well Construction Standards. No information is available for the other wells at the site.
4. There are domestic wells in the area, which also obtain water from the Pierre shale.
5. Plans and Specifications for this facility have been reviewed and approved by the Department.

A handwritten signature in black ink, appearing to read "James A. Goodman". The signature is fluid and cursive, with a large initial "J" and "G".

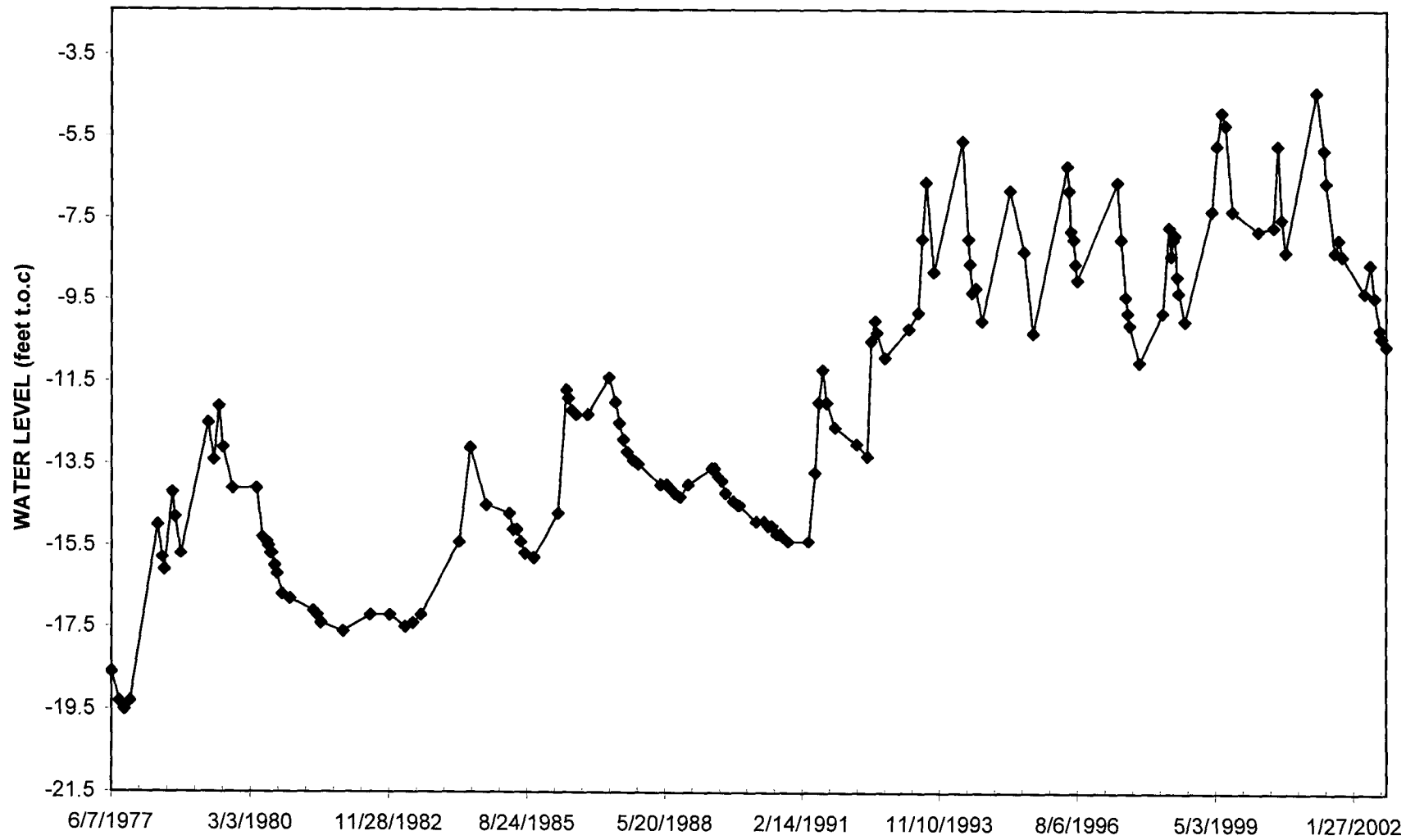
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Koch, N.C., 1975, Geology and Water Resources of Marshall County, South Dakota, Bulletin 23, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2002, Unpublished Observation Well Records for Marshall County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
ML-77A**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6342-3, Ivan Sjovall**

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. 6342-3, Ivan Sjovall, 42251 121st Street, Langford SD 57454.

The Chief Engineer is recommending APPROVAL of Application No. 6342-3 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. 6342-3 will be subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6342-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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.

Garland Erbele, Chief Engineer
October 10, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 10, 2002

Ivan Sjovall
42251 121st Street
Langford SD 57454

Dear Mr. Sjovall:

Water Permit Application No. 6342-3 for commercial 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 Langford Bugle printed at Langford, SD (Ph # 605-448-2281). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 10, 2002

Langford Bugle
PO Box 69
Langford, SD 57430-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6342-3 to Appropriate Water to be published twice. Please publish the first notice on October 16, 2002 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 Ivan Sjovall, 42251 121st St., Langford, SD 57454 (Ph # 605-493-6798).

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

-----CUT HERE-----

No. 6342-3

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

Date _____

We are in receipt of your letter of October 10, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6342-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Marshall.

Douglas M. Card of said county, being first duly sworn on oath says that he is publisher of the LANGFORD BUGLE, a weekly newspaper printed and published in the Town of Langford, in the County of Marshall, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks, next prior to the publication of the notice herein mentioned and is printed wholly or in part in an office at said place of publication;

that the Notice of Hearing on App No. 6342-3

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once each week for 3 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

Oct. 16, 2002

Oct. 23, 2002

that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

Fifty and ¹²/₁₀₀ DOLLARS
Douglas M. Card

Subscribed and sworn to before me this 24th day of

October A. D., 2002

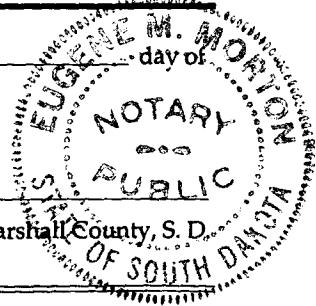
RECEIVED

NOV 08 2002

WATER RIGHTS
PROGRAM

Eugene M. Morton
Eugene M. Morton - Notary Public, S. Dak.
My Commission Expires June 18, 2008

Notary Public, Marshall County, S. D.



2T(Oct. 16-23)

NOTICE OF HEARING
on APPLICATION NO. 6342-3
to Appropriate Water

Notice is given that Ivan Sjovall, 42251 121st St. Langford, SD, 57454, has filed an application for a water permit to appropriate 0.324 cubic feet of water per second (146 gallons per minute) from seven wells (Pierre Shale) 190 feet deep located in the S 1/2 NE 1/4, NW 1/4 SE 1/4 Section 20-T125N-R57W. The water is for commercial use in an existing livestock confinement operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6342-3 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 November 22, 2002. 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 the Matthew Training Center, Foss Building, 523 E. Capitol, at 10:00 a.m. on December 2, 2002. 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 December 4, 2002, 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 November 22, 2002.

Any hearing may be an adversarial 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 November 22, 2002, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Instruction to Newspaper - Publish first Notice on October 16, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on APPLICATION NO. 6342-3 to Appropriate Water

Notice is given that Ivan Sjovall, 42251 121st St, Langford SD 57454 has filed an application for a water permit to appropriate 0.324 cubic feet of water per second (146 gallons per minute) from seven wells (Pierre Shale) 190 feet deep located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20-T125N-R57W. The water is for commercial use in an existing livestock confinement operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6342-3 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 November 22, 2002. 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 the Matthew Training Center, Foss Building, 523 E. Capital, at 10:00 A.M. on December 4, 2002. 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 December 4, 2002 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 November 22, 2002.

Any hearing may be an adversarial 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 November 22, 2002, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Permit No. 6342-3
James River - Water District

Other permit/license(s) associated with project: **none**

Contact Person & Address: **Ivan Sjovall 42551 121st St, Langford SD 57454**

Report Of Examination Of Works

On, **July 19, 2002**, I made a thorough examination of the water use system constructed by **Ivan Sjovall of 42551 121st St, Langford SD 57454** holder of Permit No. **6342-3**, bearing the priority of **July 22, 2002**, authorizing the diversion of **0.324** cu. ft. per second of the waters **from seven Pierre Shale Aquifer wells** for **commercial** purposes, in **Marshall** County.

The system is in the following condition **good**. The point of diversion is located **Well #1: from the NE corner it is 1656 feet south and 2189 feet west in Section 20 T125N-R57W** with a longitude of **-97.698974** and a latitude of **45.626709**. The point of diversion is located **Well #2: from the NE corner it is 1752 feet south and 2298 feet west in Section 20 T125N-R57W** with a longitude of **-97.699624** and a latitude of **45.626527**. The point of diversion is located **Well #3: from the NE corner it is 1778 feet south and 2301 feet west in Section 20 T125N-R57W** with a longitude of **-97.699634** and a latitude of **45.626112**. The point of diversion is located **Well #4: from the NE corner it is 1669 feet south and 1602 feet west in Section 20 T125N-R57W** with a longitude of **-97.696768** and a latitude of **45.626608**. The point of diversion is located **Well #5: from the NE corner it is 2122 feet south and 1288 feet west in Section 20 T125N-R57W** with a longitude of **-97.695612** and a latitude of **45.625348**. The point of diversion is located **Well #6: from the NE corner it is 2490 feet south and 1546 feet west in Section 20 T125N-R57W** with a longitude of **-97.696490** and a latitude of **45.624640**. The point of diversion is located **Well #7: from the SE corner it is 2408 feet north and 1601 feet west in Section 20 T125N-R57W** with a longitude of **-97.696847** and a latitude of **45.623208**. The works are capable of diverting and conveying to the place of use **0.324** cu. ft. per second of water that is to be used for **commercial purposes**. The license should be issued for **0.324** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information: Well #1

- | | |
|--|--|
| 1) Well Drilling Firm: <u>Vrchota Well Drilling</u> | 2) No. of Wells <u>7</u> |
| 3) Depth(s) <u>190</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- 1) Diameter 4 inches
- 2) Length 100 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length unknown feet
- 3) Static water level 24 feet

Pump\ Motor:

- 1) Pump Make Submersible
- 2) Pump Model unknown
- 3) Capacity unknown GPM
- 4) Motor Make unknown
- 5) Motor Model No. unknown
- 6) Horsepower rating unknown hp

Diversion Point Information: Well #2

- 1) Well Drilling Firm: Vrchota Well Drilling
- 2) No. of Wells 7
- 3) Depth(s) unknown feet
- 4) Well log is available no

Casing:

- 1) Diameter unknown inches
- 2) Length unknown feet
- 3) Type unknown

Screen:

- 1) Type unknown
- 2) Length unknown feet
- 3) Static water level unknown feet

Pump\ Motor:

- 1) Pump Make Submersible
- 2) Pump Model unknown
- 3) Capacity unknown GPM
- 4) Motor Make unknown
- 5) Motor Model No. unknown
- 6) Horsepower rating unknown hp

Diversion Point Information: Well #3

- 1) Well Drilling Firm: Vrchota Well Drilling
- 2) No. of Wells 7
- 3) Depth(s) unknown feet
- 4) Well log is available no

Casing:

- 1) Diameter unknown inches
- 2) Length unknown feet

3) Type unknown

Screen:

1) Type unknown

2) Length unknown feet

3) Static water level unknown feet

Pump\ Motor:

1) Pump Make Submersible

2) Pump Model unknown

3) Capacity unknown GPM

4) Motor Make unknown

5) Motor Model No. unknown

6) Horsepower rating unknown hp

Diversion Point Information: Well #4

1) Well Drilling Firm: Walt Lenius

2) No. of Wells 7

3) Depth(s) 166 feet

4) Well log is available no

Casing:

1) Diameter 5 inches

2) Length 50 feet

3) Type PVC

Screen:

1) Type unknown

2) Length unknown feet

3) Static water level unknown feet

Pump\ Motor:

1) Pump Make Submersible

2) Pump Model unknown

3) Capacity unknown GPM

4) Motor Make unknown

5) Motor Model No. unknown

6) Horsepower rating unknown hp

Diversion Point Information: Well #5

1) Well Drilling Firm: Walt Lenius

2) No. of Wells 7

3) Depth(s) unknown feet

4) Well log is available no

Casing:

1) Diameter unknown inches

2) Length unknown feet

3) Type unknown

Screen:

- 1) Type unknown
- 2) Length unknown feet
- 3) Static water level unknown feet

Pump\ Motor:

- 1) Pump Make Submersible
- 2) Pump Model unknown
- 3) Capacity unknown GPM
- 4) Motor Make unknown
- 5) Motor Model No. unknown
- 6) Horsepower rating unknown hp

Diversion Point Information: Well #6

- 1) Well Drilling Firm: Walt Lenius
- 2) No. of Wells 7
- 3) Depth(s) unknown feet
- 4) Well log is available no

Casing:

- 1) Diameter unknown inches
- 2) Length unknown feet
- 3) Type unknown

Screen:

- 1) Type unknown
- 2) Length unknown feet
- 3) Static water level unknown feet

Pump\ Motor:

- 1) Pump Make Submersible
- 2) Pump Model unknown
- 3) Capacity unknown GPM
- 4) Motor Make unknown
- 5) Motor Model No. unknown
- 6) Horsepower rating unknown hp

Diversion Point Information: Well #7

- 1) Well Drilling Firm: Walt Lenius
- 2) No. of Wells 7
- 3) Depth(s) unknown feet
- 4) Well log is available no

Casing:

- 1) Diameter unknown inches
- 2) Length unknown feet
- 3) Type unknown

Screen:

- 1) Type unknown
- 2) Length unknown feet
- 3) Static water level unknown feet

Pump\ Motor:

- | | |
|-----------------------------------|--|
| 1) Pump Make <u>Submersible</u> | 2) Pump Model <u>unknown</u> |
| 3) Capacity <u>unknown</u> GPM | 4) Motor Make <u>unknown</u> |
| 5) Motor Model No. <u>unknown</u> | 6) Horsepower rating <u>unknown</u> hp |

Distribution System:

- 1) Type Plastic 2) Size 1.5-2 inches 3) Length unknown feet

COMMENTS: The capacity of each well is unknown. The total of the seven wells is 146 gpm (0.324 cfs).

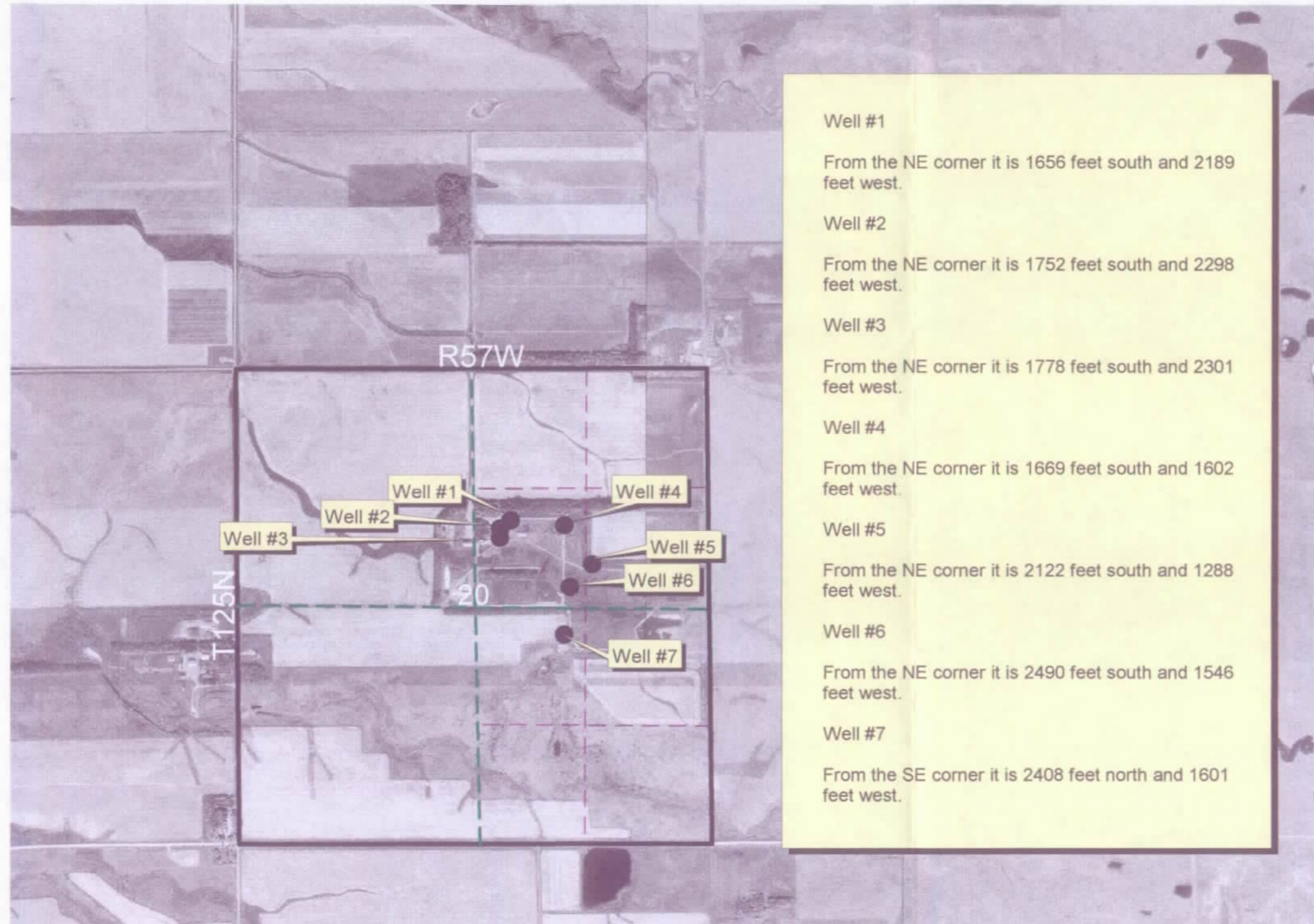
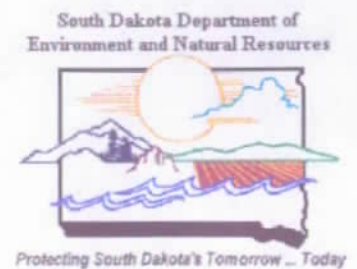
Stacy J. Johnson
Stacy J. Johnson
Natural Resources Project Engineer
DENR, Water Rights Program

2-6-03
Date

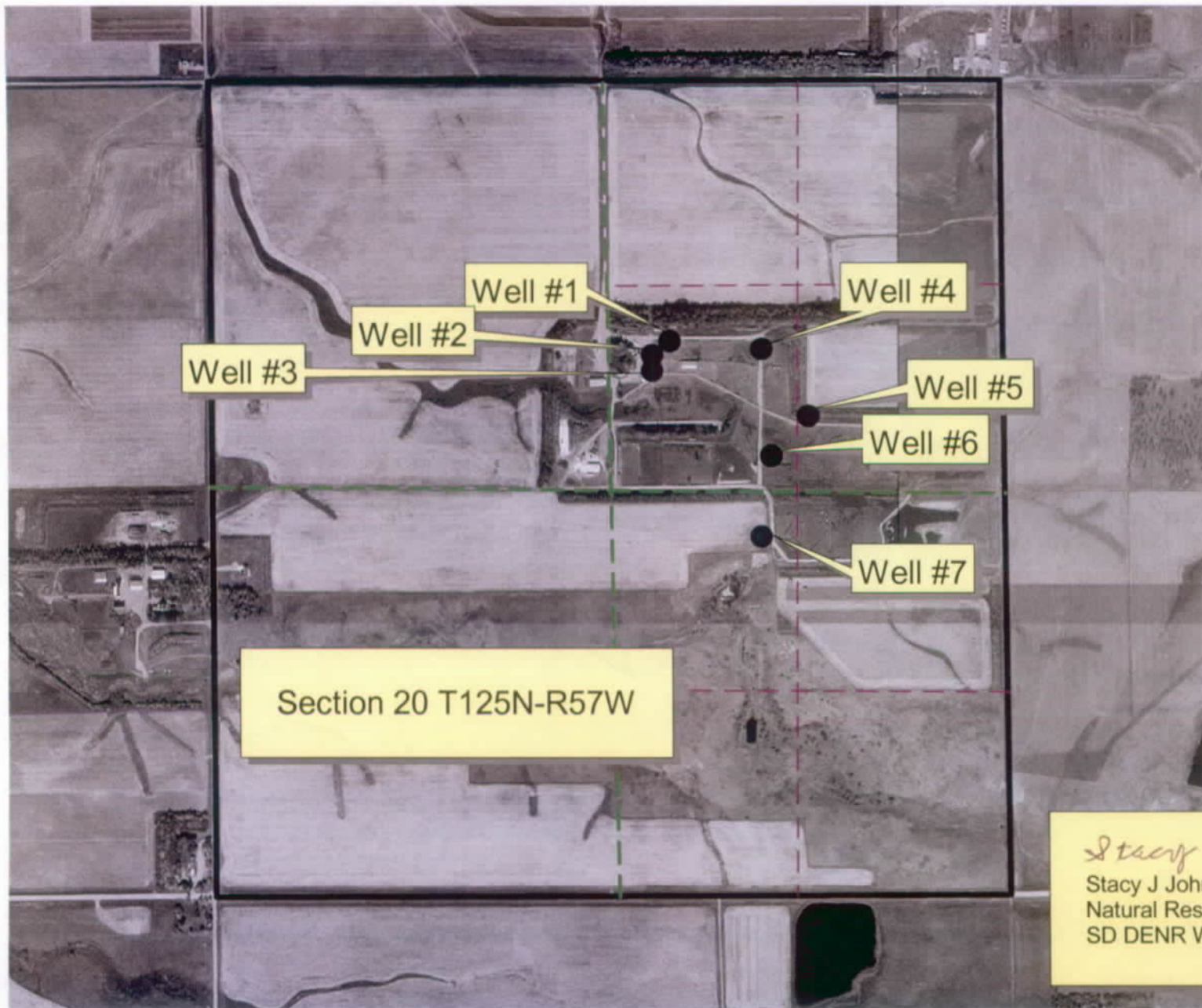
Water Permit No. 6342-3



South Dakota



Stacy J. Johnson 12-16-02
Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program



Stacy J Johnson 7-26-02
Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6342-3

(1) Ivan Sjovall, 42251 121st St, Langford SD 57454 made Application No. 6342-3, July 22, 2002 for a water permit to divert 0.324 cubic feet of water per second from groundwater (seven wells), Marshall County, South Dakota for commercial purposes. Permit No. 6342-3, with a priority date of July 22, 2002 was approved December 4, 2002 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

(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, the holder and/or owner of Water Right No. 6342-3 is issued a license, bearing a priority date of July 22, 2002 to appropriate 0.324 cubic feet of water per second from groundwater (seven wells) for use in a livestock confinement operation.

The diversion points are as follows: All located in **Section 20-T125N-R57W**

- Well # 1 – 1,656 feet south and 2,189 feet west of the northeast corner (SW ¼ NE ¼)
- Well # 2 – 1,752 feet south and 2,298 feet west of the northeast corner (SW ¼ NE ¼)
- Well # 3 – 1,778 feet south and 2,301 feet west of the northeast corner (SW ¼ NE ¼)
- Well # 4 – 1,669 feet south and 1,602 feet west of the northeast corner (SW ¼ NE ¼)
- Well # 5 – 2,122 feet south and 1,288 feet west of the northeast corner (SE ¼ NE ¼)
- Well # 6 – 2,490 feet south and 1,546 feet west of the northeast corner (SW ¼ NE ¼)
- Well # 7 – 2,408 feet north and 1,601 feet west of the southeast corner (NW ¼ SE ¼)

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6342-3 including the following now applicable qualification:

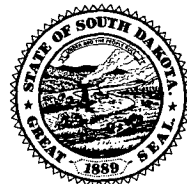
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. No. 6342-3 will be subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. No. 6342-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

6342-3

Ivan Sjovall
42251 121st St.
Langford SD 57454

Dear Mr. Sjovall:

Enclosed is Water License and Water Permit No. 6342-3. The Water License is the final water right document completing your process of obtaining a Water Right.

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.

Sincerely,

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

enclosures