

WATER PERMIT NO. 7788-3

Name of Applicant: Jon Swenson

Address: 38420 W Hwy 12, Aberdeen 57401 Phone: 605 380-9528

Amount of Water Claimed: 0.35 cfs Total Acres: 24 acres

Source of Water Supply: dugout/borrow pit

Water to be used for: irrigation County: Brown

Type of Waste Disposal System:

Location: 1 mile east of Aberdeen

PRIORITY Date Received: 2-15-13

Application/License Fee: \$ 700

Corrected Application Received: 3-11-13

Period of Annual Use: June 1 – September 30

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 21-T123N-
R64W

Land to be Irrigated: S 1/2 NW 1/4 Sec 21-T123N-
R64W

Depth of pit: 30 feet deep

Well Driller:

Remarks:

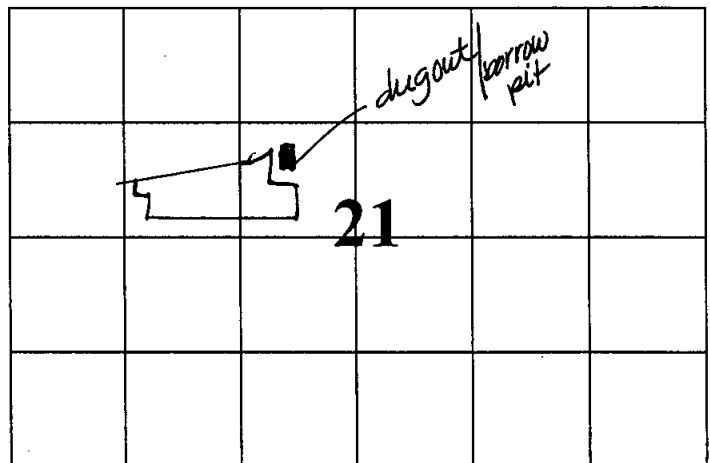
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-11-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



MAR 11 2013

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Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2788-3</u> (office use only)	Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>	
	Newspaper <u>American News PO Box 4430</u>	
	<u>Aberdeen 57402 605-225-4100</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name of Applicant Jon Swenson Phone 605-380-9528

(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address 38420 west highway 12 Aberdeen SD 57401
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.35*CFS or 160 **GPM 359 ***AF Total Acreage 24
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Dugout/Borrow pit

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brown
NW corner of LT 2 Performance Rentals 1st SD SW & NW 21-123-64 (OL 6 Hedges OL EX LT 1 1ST SD of Hedges OL 6) SW 1/4 NW 1/4 Sec 21 - T123N - R64W

5. County or counties where water will be used Brown

6. Annual period during which water is to be used june-sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Crop Land from above land description	24		
<u>S 1/2 NW 1/4 Sec 21 - T123N - R64W</u>			

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

Small area of land that has been in CRP. Came out in 2012. Ground has been worked and will be seeded to corn this spring.

STATE OF SOUTH DAKOTA)
County of Brown) SS

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

I, Jon Swenson, 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

Subscribed and sworn to before me this 14th day of February 20 13

Mary McHugh Fleis
Notary Public signature

1 CFS = 449 gal min

**SOUTH DAKOTA
WATER PERMIT NO. 7788-3**

Date of first receipt of application February 15, 2013.

Date of return to applicant for corrections, amendments or changes February 25, 2013.

Date of receipt of corrected application March 11, 2013.

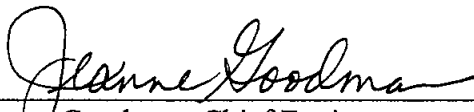
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7788-3 to Jon Swenson, 38420 W Hwy 12, Aberdeen SD 57401 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7788-3 appropriates 0.35 cubic feet of water per second from a dugout/borrow pit completed into the Elm:Southern Brown Aquifer (30 feet deep) located in the SW 1/4 NW 1/4 Section 21 for irrigation of 24 acres located in the S 1/2 NW 1/4 Section 21; all in T123N-R64W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30.
3. The date from which applicant may claim right is February 15, 2013.
4. The date of approval of Permit No. 7788-3 is May 28, 2013.
5. One-fifth of the construction is to be completed on or before November 28, 2015.
6. All construction is to be completed on or before May 28, 2018.
7. Water is to be put to beneficial use on or before May 28, 2022.
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 dugout/borrow pit approved under this Permit is completed into the Elm:Southern Brown Aquifer and will be located near domestic wells and other wells which may obtain water from the same aquifer. The Permit holder 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 20 2013

date



Supplemental Information

(type or print in ink)

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1. Well Information - Proposed Construction

- a) Drill Hole Diameter Borrow Pit Depth 30 feet
- b) Casing Type n/a Diameter n/a Thickness n/a
- c) Screen Type n/a Diameter Thickness
- d) Gravel Pack n/a Length of Gravel Pack
- e) Depth to Top of Water Bearing Material n/a
- f) Depth to Water (ground surface to water level) 9 ft (*varies with floor of pit*)
- g) Distance to nearest existing domestic well:

On applicant's property none

On property owned by others .75 miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic
- b) System Capacity (gallons) 2,000.00 Year Constructed 2006
- c) Connected to the City of none Sanitary System

3. Dugout Information

- a) Surface Dimensions ~~125x88~~ 170x110 Depth 30
- b) Depth to water (ground surface to water level) 9 ft

4. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

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

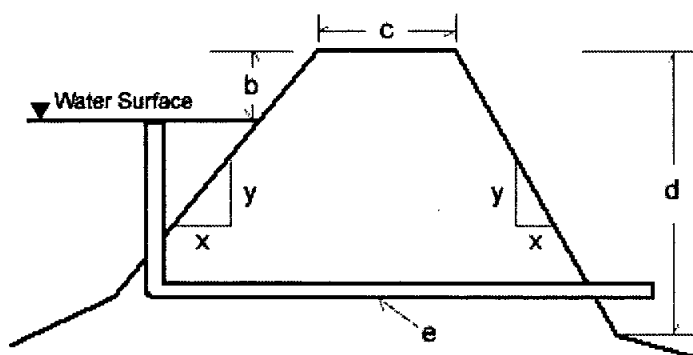
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Sec 17
T123N
R64W

Sec 16
T123N
R64W

Sec 15
T123N
R64W

LAND TO BE
IRRIGATED

Borrow
Pit

Sec 20
T123N
R64W

Sec 21
T123N
R64W

Sec 22
T123N
R64W

Sec 29
T123N
R64W

Sec 28
T123N
R64W

Sec 27
T123N
R64W



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Google

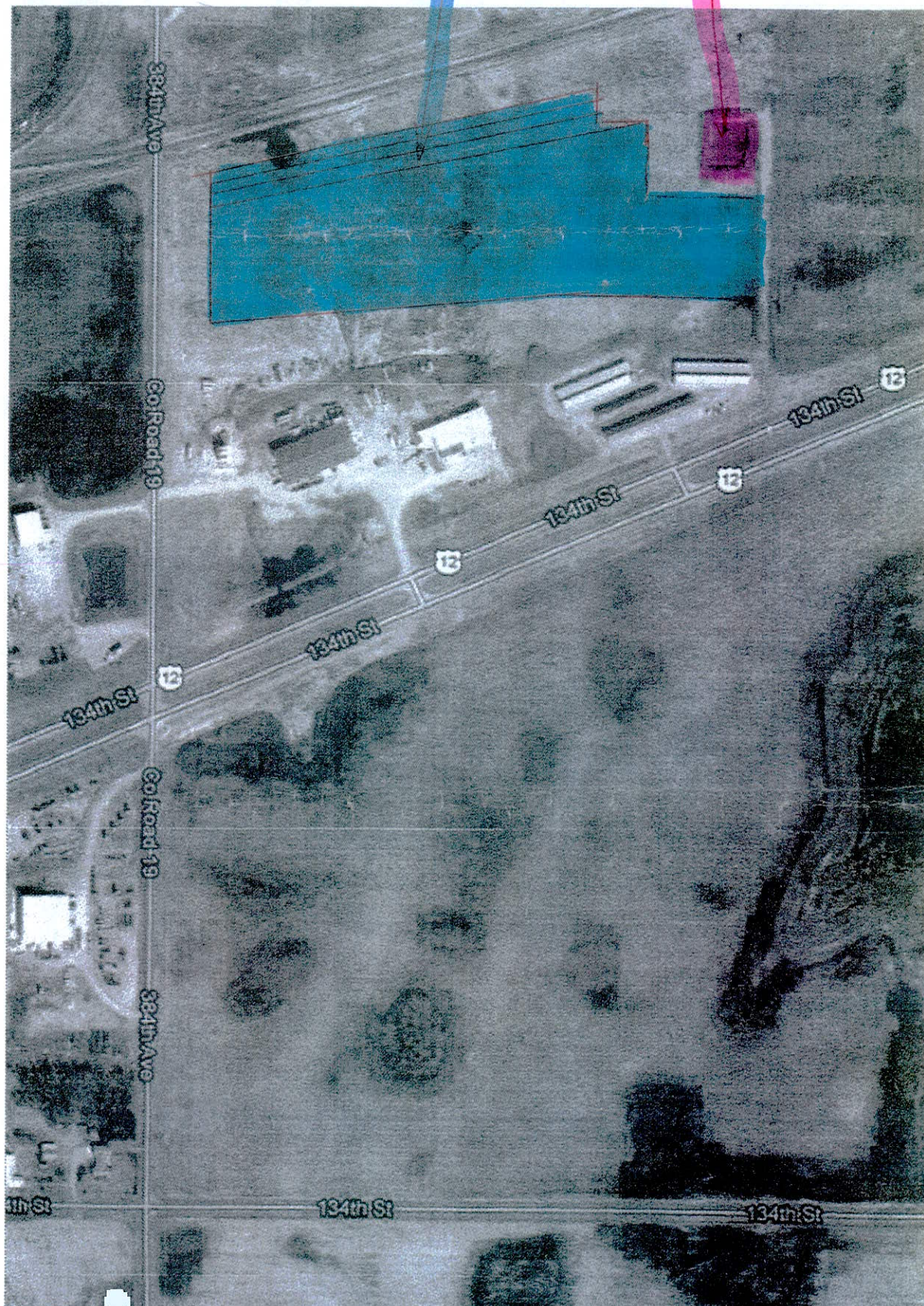
Area to be irrigated

WATER
SOURCE
Burrow pit
dugout

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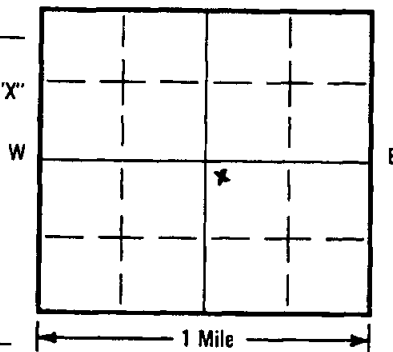


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SE 1/4 Sec 28 Twp 125N Rg 62W
 County BROWN

Please mark well location with an "X"



Well Completion Date

9-5-01

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from None known (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SPR21 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>86 FT</u>	<u>7 7/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Cement No. of Sacks 8 Grout Weight _____ lb./gal From 0 ft To 72 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure Pressure Grouted
Through Tremie Pipe

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 10 FEETMaterial PLASTICSlot Size .030 Set From 86 Feet to 96 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: Circulated_____ NO, Why Not? Chlorinebefore & during
Gravel Packing

Laboratory sent to for water quality analysis _____

Well Owner: S. D. Wheat Growers Assn

Business Name: _____

Address: 24 S. Mill ST.
Columbia, S.D. 57433

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Fill material w/ binder</u>	<u>0</u>	<u>3</u>
<u>Soft yellow clay</u>	<u>3</u>	<u>16</u>
<u>Very Fine Sand w/</u>		
<u>Soft Clay lenses</u>	<u>16</u>	<u>50</u>
<u>Soft Blue Clay w/</u>		
<u>fine Sand lenses</u>	<u>50</u>	<u>78</u>
<u>Soft Blue Clay</u>	<u>78</u>	<u>85</u>
<u>Fine to Coarse Sand</u>		
<u>+ Gravelly w/ Clay lenses</u>	<u>85</u>	<u>96</u>
<u>Blue Clay (Firm)</u>	<u>96</u>	<u>100</u>

STATIC WATER LEVEL 18 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:

☐ Pumped Describe: Developed w/
☐ Bailed Air Good
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 4

And this report is true and accurate.

Drilling firm Bullis Bros

Signature of License Representative:

Se Coy Bullis

Signature of Well Owner or Equitable Property Holder:

Don H. H. H.Date: 9-5-01

RECEIPT

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South Dakota Department of Environment and Natural Resources

Date 2/19, 20 13

RECEIVED OF Performance Ag Service J Swenson 38420 W Hwy 40 Aberdeen Sd 57401

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

Fee for Application for Permit No. <u>7788-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7788-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	700	00

No. 0614

By *Janet Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 25, 2013

Jon Swenson
38420 W Hwy 12
Aberdeen SD 57401

Dear Mr. Swenson:

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

- Enclosed is the aerial photo map submitted with the application. The map needs to reference a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed dugout/borrow pit location.
- Please complete item No. 2, Amount of water claimed. State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 0.34 cfs or 153 gpm to irrigate the total 24 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7788-3, Jon Swenson**

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. 7788-3, Jon Swenson, 38420 W Hwy 12, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 7788-3 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 dugout/borrow pit approved under this Permit is completed into the Elm:Southern Brown Aquifer and will be located near domestic wells and other wells which may obtain water from the same aquifer. The Permit holder 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 8, 2013

REPORT ON WATER PERMIT APPLICATION NO.7788-3

Jon Swenson
April 11, 2013

Water Permit Application No. 7788-3 proposes to appropriate 0.35 cubic feet of water per second from a dugout/borrow pit completed into the Elm: Southern aquifer (30 feet deep) located in the SW 1/4 NW 1/4 Section 21. The dugout/borrow pit will also receive incidental surface runoff from the surrounding area. The proposal is for irrigation of 24 acres located in the S 1/2 NW 1/4 Section 21; all in T123N-R64W. This project is located approximately 2 miles west of the city of Aberdeen in Brown County.

AQUIFER: Southern Brown management unit of the Elm aquifer (E: SB)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elm: Southern Brown aquifer is composed of buried outwash (sand and gravel) that is under both confined and unconfined conditions (Koch and Bradford, 1976). The Southern Brown management unit of the Elm aquifer underlies approximately 62,400 acres and contains approximately 234,000 ac-ft of recoverable water in Brown County (Hedges et al., 1982). The water in the aquifer generally moves northwest to southeast (Koch and Bradford, 1976). The aquifer has an average saturated thickness of 25 feet but may range from 2 to over 112 feet (Koch and Bradford, 1976). The aquifer can be encountered between 15 feet below ground surface in the lowland areas to 150 feet below grade (Koch and Bradford, 1976).

SDCL 46-2A-9

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

WATER AVAILABILITY:

Water Permit Application No. 7788-3 proposes to appropriate water from the Elm: Southern Brown aquifer. The actual water use if this application is approved will most likely be less than the 48 ac-ft annually as statutorily allowed. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. If the source of the water is older or lower than the Greenhorn formation and a public water system has applied for a permit, the Water Management Board need not consider the recharge/withdrawal issue. Since this application is not for a public water system, the Board must consider recharge and withdrawal.

Recharge versus Discharge:

Recharge:

The Elm: Southern Brown aquifer is recharged by percolation of precipitation, snowmelt and surface water through overlying outwash, lake sediments and till (Koch and Bradford, 1976). According to Koch and Bradford (1976), recharge takes place rapidly in level areas where permeable sediments overlie the aquifer but slowly where till overlies the aquifer. According to Hedges and others (1985), recharge rates calculated from regional flow net analysis for the Elm: Southern Brown aquifer is estimated to be 0.42 inches per year. Using this estimate, the annual recharge to the aquifer should be approximately 2,184 ac-ft in Brown County.

Discharge:

Natural discharge from the Elm: Southern Brown aquifer is into the Elm River and Foot Creek, to the atmosphere by evapotranspiration, by recharge into the Middle James aquifer and by eastward flow into lacustrine deposits underlying the Lake Dakota plain (Koch and Bradford, 1976). There are six water rights appropriating water from the Elm: Southern Brown aquifer (Water Rights, 2013b). Of these, five of the water rights/permits are designated for irrigation purposes and one for commercial purposes.

From the Elm: Southern Brown aquifer, water rights/permits for non-irrigation use that are limited only by diversion rate currently appropriate a total of 0.33 cfs. The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually and water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate at 60 percent of the time. Therefore, the total annual withdrawal from the Elm: Southern Brown aquifer by non-irrigation use is currently expected to total at maximum 144 ac-ft/yr (Water Rights, 2013b).

Figure 1 shows a summary of the existing water rights for irrigation from the Elm: Southern Brown aquifer as reported to the Water Rights Program through annual irrigation questionnaires (Water Rights, 1979-2012). The water appropriated and reported use has dropped significantly since the early 1990's.

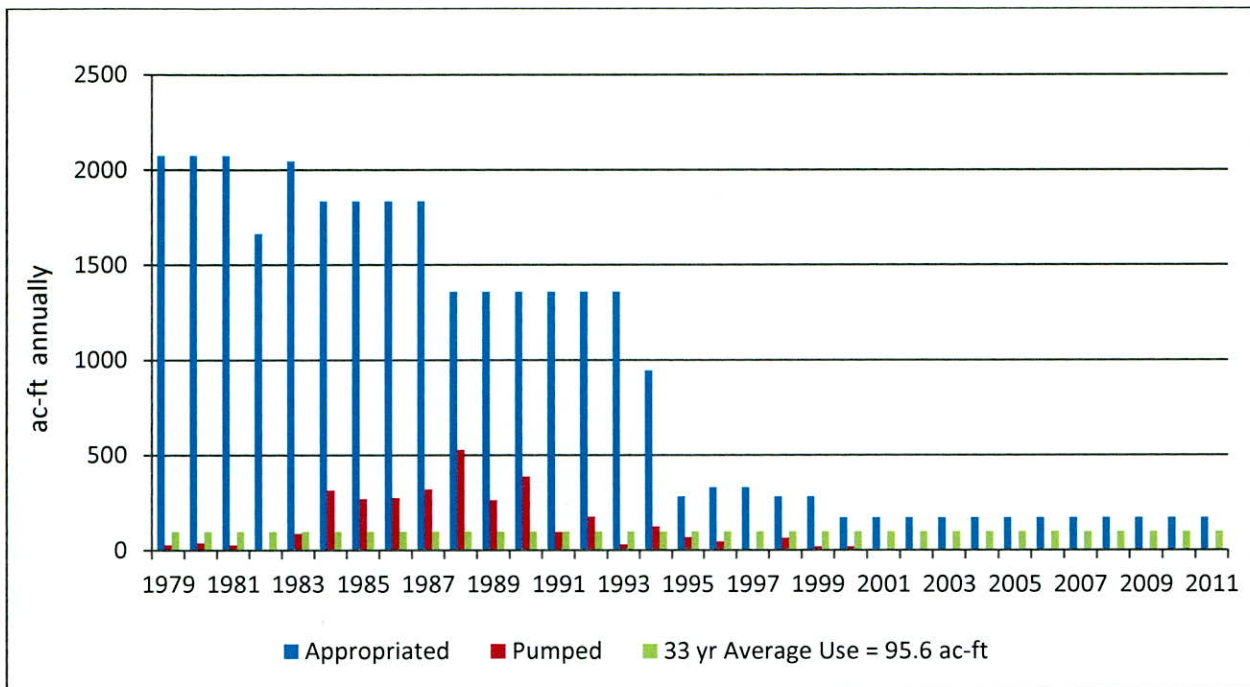


Figure 1- Summary of irrigation water use from the Elm: Southern Brown aquifer (Water Rights, 1979-2012).

The estimated average annual withdrawal from the Elm: Southern Brown aquifer is significantly below estimated recharge. Therefore, there is a reasonable probability that there is unappropriated water available for this proposed appropriation.

Observation Well Data:

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

The DENR-Water Rights Program monitors five observation wells completed into the Elm: Southern Brown aquifer (Water Rights, 2013a). Observation wells BN-73A and BN-82D are closest to the dugout site proposed by this application. The observation wells are 1.3 miles northeast and 5.3 miles southeast, respectively. The water level generally follows climatic conditions. The temporal effects of pumping are greatly masked by the climatic effects on the water level in the aquifer. Therefore, recharge to and natural discharge from the aquifer greatly exceeds well withdrawals. Thus, there is a reasonable probability that unappropriated water is available from the Elm: Southern Brown aquifer for this proposed appropriation. Figures 2 and 3 show the hydrographs for observation wells BN-73A and BN-82D, respectively.

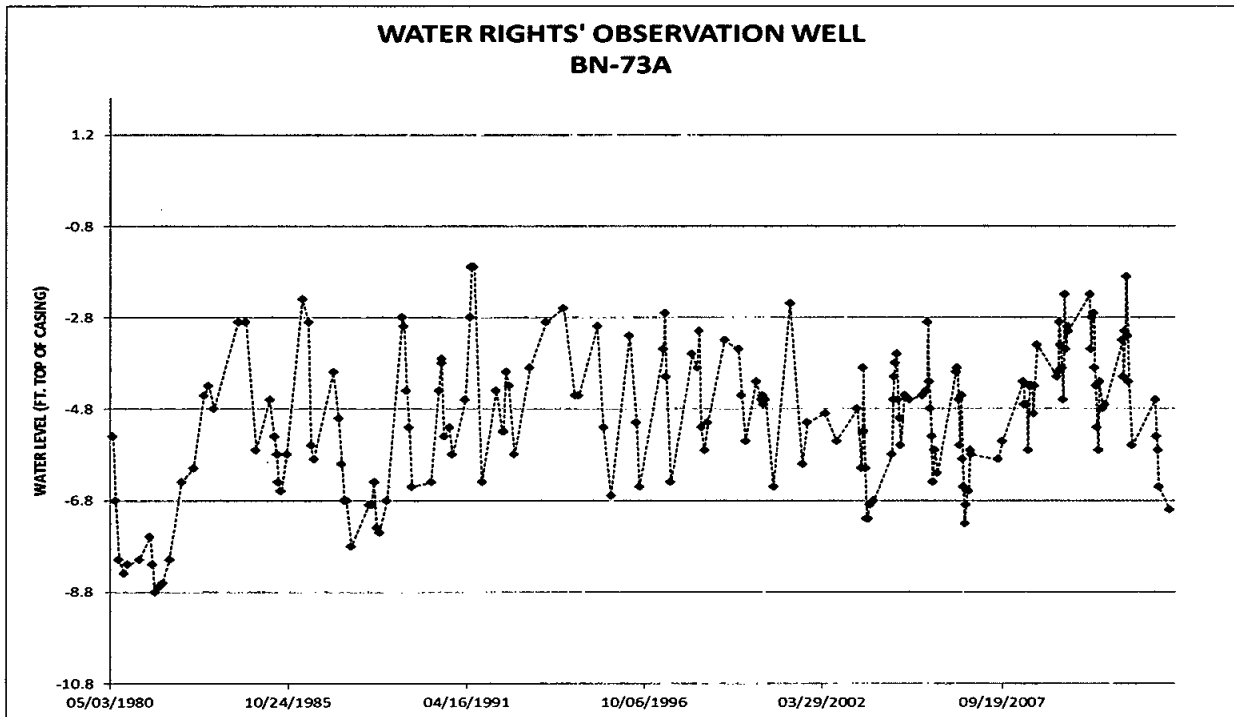


Figure 2- Hydrograph of DENR-Water Rights' observation well BN-73A (Water Rights, 2013a)

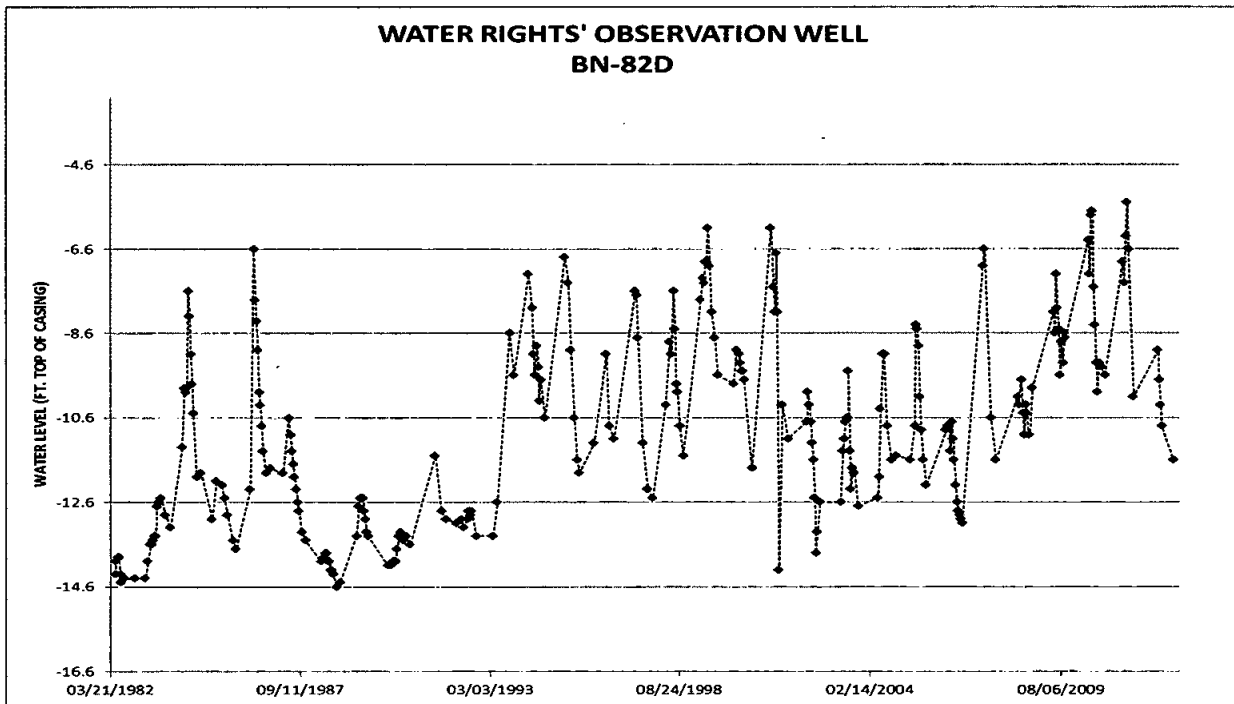


Figure 3- Hydrograph of DENR-Water Rights' observation well BN-82D (Water Rights, 2013a)

EXISTING WATER RIGHTS:

There are six water rights/permits authorizing diversions from wells and dugouts/pits and many domestic wells that withdraw water from the Elm: Southern Brown aquifer (Water Rights, 2013b and 2013c). There are three water rights within three miles including the applicants, but only one within 1.5 miles. There are also several domestic wells on file with the SD. DENR-Water Rights Program within three miles of the proposed site. Table 2 shows the water rights/permits within three miles of the proposed well location.

PERMIT_NO	LAST_NAME	STATUS	USE	CFS	ACRES
3956-3	LOWARY	LC	IRR	1.780	174.00
3976-3	SANDERSON	LC	IRR	0.620	43.10
4426-3	LAKESIDE ESTATES ASSOC	LC	COM	0.330	NA

LC= Water Right, IRR= Irrigation, COM= Commercial, NA= Not Applicable

Table 2 – Water Rights from the Elm: Southern Brown aquifer within three miles of the proposed dugout site (Water Rights, 2013b)

Historically, well interference has not been a problem with the Elm: Southern Brown aquifer. The assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) ensures not only that interference will not be adverse to domestic well users but also in existing appropriative rights. To place water to maximum beneficial use a certain amount of drawdown may occur. The water table conditions of the aquifer in this area dictate that drawdown due to pumping would not be significant far from the proposed well site. However, the close proximity and concentration of high capacity wells pumping from this relatively thin aquifer could lead to water level declines being compounded and magnified. Drawdown cannot be precisely quantified without aquifer testing in the area. While the withdrawals would not exceed recharge of the aquifer as a whole, this cumulative impact of withdrawals could lead to a reduction of water levels to the extent that local water rights/permits can no longer pump at their developed, or “historically established,” diversion rates. If approved, the water permit should include the qualification that the well owner should 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. Since a dugout is not considered an adequate well pursuant to ARSD 74:02:04:20(6) it would not be afforded protection from impairment issues under South Dakota water law.

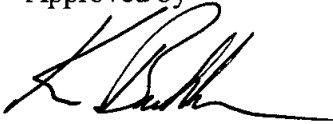
CONCLUSIONS:

1. Water Permit Application No. 7788-3 proposes to appropriate 0.35 cubic feet of water per second from a dugout/borrow pit completed into the Elm: Southern Brown aquifer and also receiving incidental surface runoff from the surrounding area for irrigation of 24 acres.
2. There is a reasonable probability that unappropriated water is available from the Elm: Southern Brown aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights/permits and domestic users.



Mark D. Rath
Natural Resources Engineer
SD DENR-Water Rights Program

Approved by



Ken Buhler
Natural Resources Engineer
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S. J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Koch, N.C. and W. Bradford. 1976. Geology and Water Resources of Brown County, South Dakota Part II: Water Resources. SD DENR- Geological Survey Bulletin 25. Vermillion, SD.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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MAY 20 2013

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SSI, Mary Bestcertify that the attached printed Notice was
takenfrom the Aberdeen Ameta Newsprinted and published in AberdeenCounty of Brown andstate of South Dakota. The notice was
published

in the newspaper on the following date:

May 17, 2013Cost of Printing 43.75Mary Best
(Signature)Adv. Billy Spear
(Title)May 17, 2013
(Date Signed)(No. 1575147)
(May 17, 2013 - 1T)NOTICE OF APPLICATION NO. 7788-3
to Appropriate Water

Notice is given that Jon Swenson, 38420 W Hwy 12, Aberdeen SD 57401 has filed an application for a water permit to appropriate 0.35 cubic feet of water per second from a dugout/borrow pit completed into the Elm:Southern Brown Aquifer (30 feet deep) located in the SW 1/4 NW 1/4 Section 21 for irrigation of 24 acres located in the S 1/2 NW 1/4 Section 21; all in T123N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Appli-

cation No. 7788-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 28, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$43.75



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 8, 2013

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7788-3 to Appropriate Water. Please publish the notice once on May 17, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jon Swenson, 38420 W Hwy 12, Aberdeen SD 57401 (Ph # 605-605-380-9528).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

May 8, 2013

Jon Swenson
38420 W Hwy 12
Aberdeen SD 57401

Dear Mr. Swenson:

Water Permit Application No. 7788-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the American News printed at Aberdeen SD (Ph # 605-225-4100). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on May 17, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7788-3 to Appropriate Water

Notice is given that Jon Swenson, 38420 W Hwy 12, Aberdeen SD 57401 has filed an application for a water permit to appropriate 0.35 cubic feet of water per second from a dugout/borrow pit completed into the Elm:Southern Brown Aquifer (30 feet deep) located in the SW 1/4 NW 1/4 Section 21 for irrigation of 24 acres located in the S 1/2 NW 1/4 Section 21; all in T123N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7788-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 28, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



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JUN 20 2013

Jon Swenson
38420 W Hwy 12
Aberdeen SD 57401

Dear Mr. Swenson:

Enclosed is Water Permit No. 7788-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



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and NATURAL RESOURCES

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www.state.sd.us/denr

January 24, 2014

NOTICE

TO: JON SWENSON, 38420 W HWY 12, ABERDEEN, SD 57401

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7788-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7788-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7788-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

English

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Product & Tracking Information

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DATE & TIME	STATUS OF ITEM	LOCATION
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PS Form 3800, August 2006

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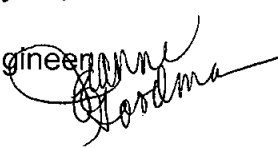
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denr.sd.gov



March 7, 2014

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Jon Swenson, 38420 W Hwy 12, Aberdeen SD 57401

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 7788-3

On March 6, 2014, the Water Management Board ordered:

Effective April 6, 2014, Water Permit No. 7788-3 be suspended for the 2014 irrigation season for failure to submit the 2013 irrigation questionnaire.

If the 2013 irrigation questionnaire is received prior to April 6, 2014 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2014 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2014 unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2013 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 7-8, 2014 in Pierre, SD. The letter should include your reasons for not completing the 2013 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.



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www.denr.sd.gov

March 10, 2014

7788-3

Jon Swenson
38420 W Hwy 12
Aberdeen SD 57401

Dear Mr. Swenson:

On March 6th, the Water Management Board ordered a one year suspension of Water Permit No. 7788-3 if the 2013 irrigation questionnaire was not received prior to April 6, 2014. The irrigation questionnaire has now been received.

Since the irrigation questionnaire is now on file, no violation has occurred and no suspension will take place. You may irrigate during the 2014 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program



7788-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 26, 2018

NOTICE

TO: JON SWENSON, 38420 W HWY 12, ABERDEEN, SD 57401

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7788-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7788-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7788-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

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☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total	\$
Sent	JON SWENSON
Street	38420 W HWY 12
City	ABERDEEN SD 57401
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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1-29-18

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Go to our FAQs section to find answers to your tracking questions. **How can I help you?**



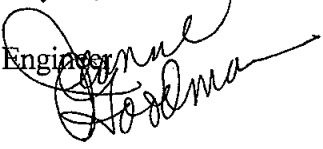
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March 8, 2018

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Jon Swenson, 38420 W Hwy 12, Aberdeen SD 57401

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 7788-3

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Permit No. 7788-3 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaire.

If the 2017 irrigation questionnaire is received prior to April 7, 2018, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2017 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

2788-3

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 20, 2018

7788-3

Jon Swenson
38420 W Hwy 12
Aberdeen SD 57401

Dear Mr. Swenson:

On March 7th the Water Management Board ordered Water Right No. 7788-3 suspended if the 2017 irrigation questionnaire was not received prior to April 7, 2018. The questionnaire information for your water right was obtained by telephone from Riley Swenson on March 19th

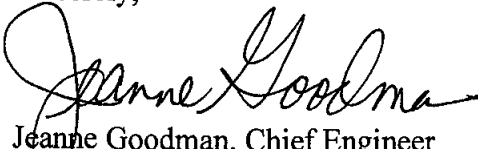
Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place.

Riley Swenson indicated you may or may not develop a system on the acreage authorized for irrigation. Enclosed is a copy of the water permit and corresponding map. Please note from the permit that all construction must be complete by May 28, 2018 with the date for putting water to beneficial use set for on or before May 28, 2022.

Please take a few minutes to review the permit and let us know whether or not you feel an irrigation system will be constructed. You do not have to decide right now but keep us informed though the annual irrigation questionnaire.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



7788-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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January 25, 2019

NOTICE

TO: JON SWENSON, 38420 W HWY 12, ABERDEEN, SD 57401
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7788-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7788-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7788-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
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February 12, 2019

7788-3

Jon Swenson
38462 W Hwy 12
Aberdeen SD 57401

Dear Mr. Swenson:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit No. 7788-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

File No. 7788-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jon Swenson, 38462 Hwy 12, Aberdeen SD 57401

DATE: April 28, 2022

TELEPHONE:

RE: CRP acres

COMMENTS:

Mr. Swenson reported on his 2021 irrigation questionnaire that his land is enrolled in CRP. I called him to ask when the land would come out of CRP and he indicated 2032.

I told him we would hold up mailing irrigation questionnaires until that time.



Genny McMath
Water Rights Program