

WATER PERMIT NO. 7888-3

Name of Applicant: Arne Svarstad

Address: 13797 392nd Ave, Aberdeen SD 57501

Phone: 605 228-8913

Amount of Water Claimed: 0.68 cfs

Total Acres: 156.7

Source of Water Supply: James River & storage

Water to be used for: irrigation

County: Brown

Type of Waste Disposal System:

Location: 2 miles northeast of Bath

PRIORITY

Date Received: 8-22-2013

Application/License Fee: \$ 1050

Corrected Application Received:

Period of Annual Use: irrigation - Apr 1- Oct 31

Storage - Jan 1 - Dec 31

Remarks: Relinquishing Water Right No., 4066A-3 upon approval of this application

Diversion Point: James River #1 - SE 1/4 NE 1/4

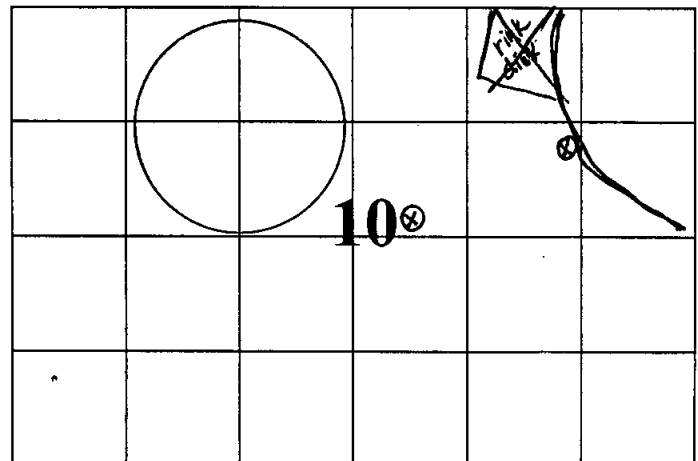
Sec 10; James River #2 - SW 1/4 NE 1/4 Sec 10;

ring dike - E 1/2 NE 1/4 Sec 10; all in T123N-

R62W

Land to be Irrigated: NW 1/4 Sec 10-T123N-

R62W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 8-22-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7888-3</u>	(office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>	
	Newspaper <u>American News Box 4430</u>	
	<u>Aberdeen 57402 - 605-225-4100</u>	

RECEIVED

AUG 22 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

relinquishing Water Right No. 4066A-3 and re-applying for irrigation incorporating a storage component1. Name to Appear on Irrigation Permit Arne Svarstad(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 13797 392nd Avenue Aberdeen SD 57401
(Address) (City) (State) (Zip Code)

Home Phone 226-1142 Cell 228-8913 Email _____

2. Amount of water claimed 1.89 *CFS or 31 **GPM 31 ***AF Total Acreage 156.7
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply James River and storage

4. Location of point of diversion River Div Pt #1 - SE 1/4 NE 1/4 Sect10, River Div Pt #2 - SW 1/4 NE1/4
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

Sect 10: _____ County Brown

5. County or counties where water will be used Brown6. Annual period during which water is to be used for irrigation April- Oct., supplying ring dike - year round

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
NW 1/4 NW 1/4 Section 10, T123N, R62W	40		
SW 1/4 NW 1/4 Section 10, T123N, R62W	40		
SE 1/4 NW 1/4 Section 10, T123N, R62W	40		
NE 1/4 NW 1/4 Section 10, T123N, R62W	36.7		

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

I, Arne Svarstad, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 7888-3

Date of first receipt of application August 22, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7888-3 to Arne Svarstad, 13797 392nd Ave, 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. 7888-3 appropriates 1.89 cubic feet of water per second (cfs) from the James River for irrigation of 156.7 acres. The primary river diversion point No. 1 is to be located in the SE 1/4 NE 1/4 Section 10 and secondary diversion point No. 2 is to be located in the SW 1/4 NE 1/4 Section 10 to irrigate 156.7 acres located in the NW 1/4 Section 10; all in T123N-R62W. Water will be either 1) directly applied from pump site No. 1 or No. 2 to the irrigated acres or 2) diverted from pump site No. 1 to pump site No. 2 prior to being applied to the irrigated acres.
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: April 1 – October 31.
3. The date from which applicant may claim right is August 22, 2013.
4. The date of approval of Permit No. 7888-3 is November 12, 2013.
5. One-fifth of the construction is to be completed on or before May 12, 2016.
6. All construction is to be completed on or before November 12, 2018.
7. Water is to be put to beneficial use on or before November 12, 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. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20 cfs bypassing the USGS gaging station at Ashton SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 7888-3 will cancel Water Right 4066A-3.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

NOV 21 2013

date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

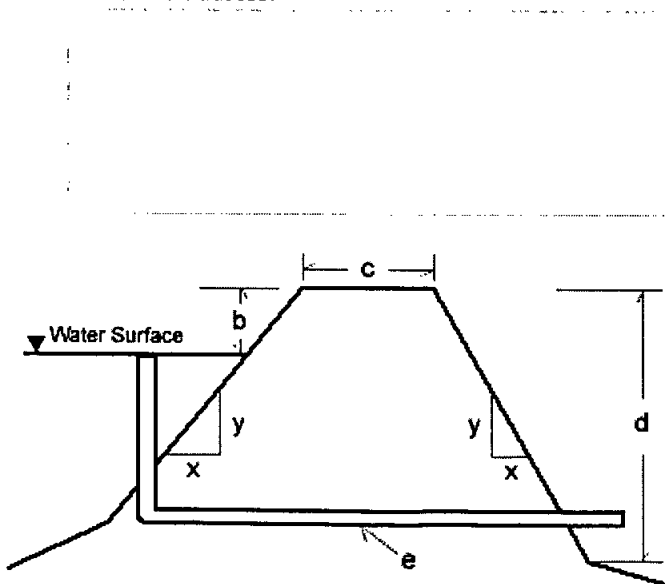
a) Surface Dimensions approximately 20 acres Depth 10 feet (

b) Depth to water (ground surface to water level) 2 feet freeboard - 8 foot effective depth

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 ____

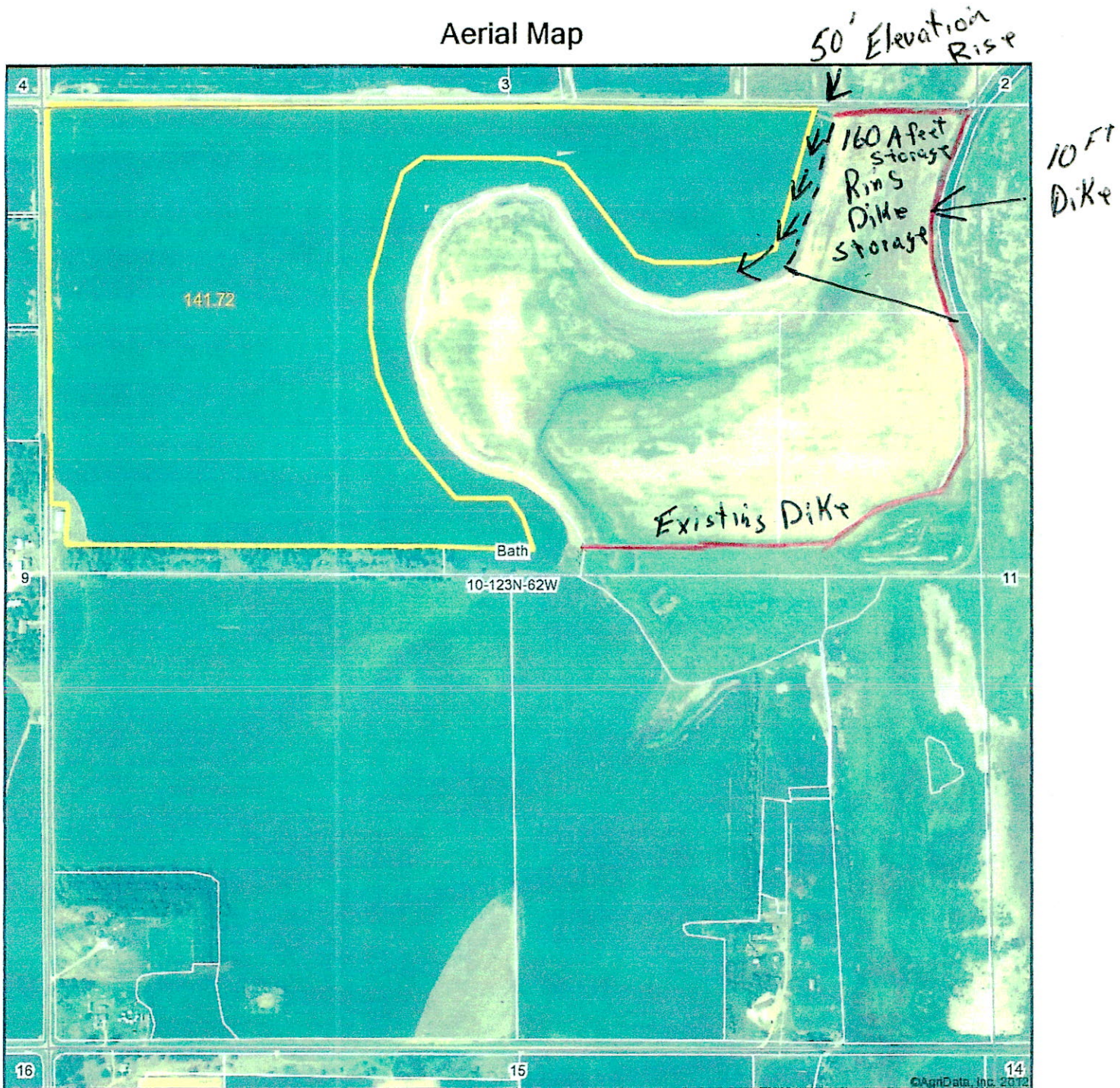
Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres

Aerial Map



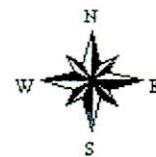
map center: 45° 28' 48.46, 98° 16' 40.53
scale: 9920

Maps provided by:



©AgriData, Inc. 2013
www.AgriDataInc.com

10-123N-62W
Brown County
South Dakota



5/22/2013

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

RECEIVED

AUG 22 2013

WATER RIGHTS
PROGRAM

Aerial Map



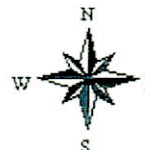
map center: 45° 28' 48.46, 98° 16' 40.53
scale: 9920

Maps provided by:



©AgriData, Inc. 2013
www.AgriDataInc.com

10-123N-62W
Brown County
South Dakota



5/22/2013

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

RECEIVED

AUG 22 2013

WATER RIGHTS
PROGRAM

5/22/2013 8:57 AM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/22, 20 13

RECEIVED OF Arne Svarstad 13797 392nd Ave Aberdeen SD 57401

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

Fee for Application for Permit No. <u>7888-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7888-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **06415**

By Jeannie Goodman
Chief Engineer

Arne Svarstad water permit application

RECEIVED

AUG 22 2013

**WATER RIGHTS
PROGRAM**

Request to relinquish and cancel Water Right No. 4066A-3 since it has not been used since approximately 1989. Now applying for a new permit to irrigate the NW ¼ Section 10, T123N, R62W.

The project intends to divert from diversion location No. 1 during normal flows and diversion location No. 2 when the river is at higher stage.

Diversion will be limited to 305 gallons per minute to a ring dike. The ring dike has storage capacity of approximately 160 acre feet of water. Water would then be diverted from the ring dike at a rate of 850 gallons per minute to supply center pivot irrigation. Diversion to the ring dike may be year round depending on weather condition but application to the crop will be limited to the irrigation season of April 1 – October 31.

During high event flows the intent is for the ring dike to be filled halfway by gravity flow through a pipe. To fill the dike to its entirety, I request to pump at 6000 gpm (13.3 cfs) during flood flow events.

I understand that the James River has limitation on when pumping may occur and shut-off orders may be issued. I accept those conditions but request to be able to divert stored water in the ring dike when shut-off orders are in effect. However, I will not divert after August 10th of each year to the end of the year unless I contact the Water Rights Program and am granted permission to pump.

August 29, 2013

Application No. 7888-3

I request to amend Application No. 7888-3 to request additional diversion rate authority of 1.1 cfs in addition to the transfer of 0.68 cfs from the James River. This would allow the center pivot to operate at an application rate of 1.78 cfs (800 gpm). I desire to maintain the concept of the ring dike and 6000 gpm diversion from the James River to fill the ring dike during high flows. This will allow us to continue irrigating from the stored water during periods of shut-off order or after August 10th of each year.

Arne Swanson Aug. 29, 2013

No. 7888-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7888-3, Arne Svarstad

ADDRESS: COUNTY: Brown County

DATE: September 18, 2013 TELEPHONE: cell 228-88913

RE: ring dike component of the application

Mr. Svarstad called me back. I indicated to him that staff engineer Lynn Beck had been reviewing his application from the James River. According to the Water Management Board diversion rate threshold of 300 cfs from the SD/ND border to the Yankton/ Hutchinson County line, there is sufficient diversion rate authority to approve the quantity necessary to operate the center pivots contemplated by Application Nos. 7888-3, 7890-3, 7890-3, 7891-3 and 7892-3. However, Application No. 7888-3 requests to divert 13.3 cfs during periods of flood flow in the river for the purposes of filling a ring dike with an estimated storage capacity of 160 acre-feet. This would allow Mr. Svarstad to divert from storage for irrigation during period of low flow or after August 10th when direct diversion from the river is not allowed. This 13.3 cfs diversion rate would cause the 300 cfs threshold to be exceeded and therefore will necessitate bringing the matter before the Board for an exemption to allow flood flows to be captured. I also indicated that DENR has determined plans and specification are needed for the ring dike, especially the pipe/culvert through the dike.

After discussing, Mr. Svarstad requested the ring dike and 13.3 cfs diversion of flood flows be deleted from his application. This will allow DENR to proceed with processing this application and his other three applications and if recommended for approval, proceed to public notice. the diversion rate necessary to operate the pivot is 850 gpm (1.89 cfs).

Mr. Svarstad with likely apply separately at some point in the future for the ring dike and diversion of flood flow waters.

NAME: Eric Kumbler



**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. 7888-3, Arne Svarstad**

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. 7888-3, Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 7888-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned 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. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20 cfs bypassing the USGS gaging station at Ashton SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 7888-3 will cancel Water Right 4066A-3.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
October 21, 2013

REPORT ON WATER PERMIT APPLICATION NO. 7888-3

Arne Svarstad

September 19, 2013

Arne Svarstad has filed Water Permit Application No. 7888-3 which proposes to appropriate 1.89 cubic feet of water per second (cfs) from the James River for irrigation of 156.7 acres. The primary river diversion point No. 1 is to be located in the SE¼ NE¼ Section 10, and the secondary diversion point No. 2 is to be located in the SW¼ NE¼ Section 10 to irrigate 156.7 acres located in the NW¼ Section 10, all in T123N-R62W. Water will be either 1) directly applied to the irrigated acres, or 2) diverted from pump site No. 1 to pump site No. 2 prior to being applied to the irrigated acres.

Pump site No. 2 is located on what appears to be an old oxbow of the James River. Diversion from pump site No. 2 may occur when James River flows are high enough to flow into the oxbow or when water is pumped from pump site No. 1 to pump site No. 2 utilizing the old oxbow route.

Review of Water Source

The water source for the proposed project is the James River in Brown County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River experiences extremely low flows and cannot be considered a reliable source of water.

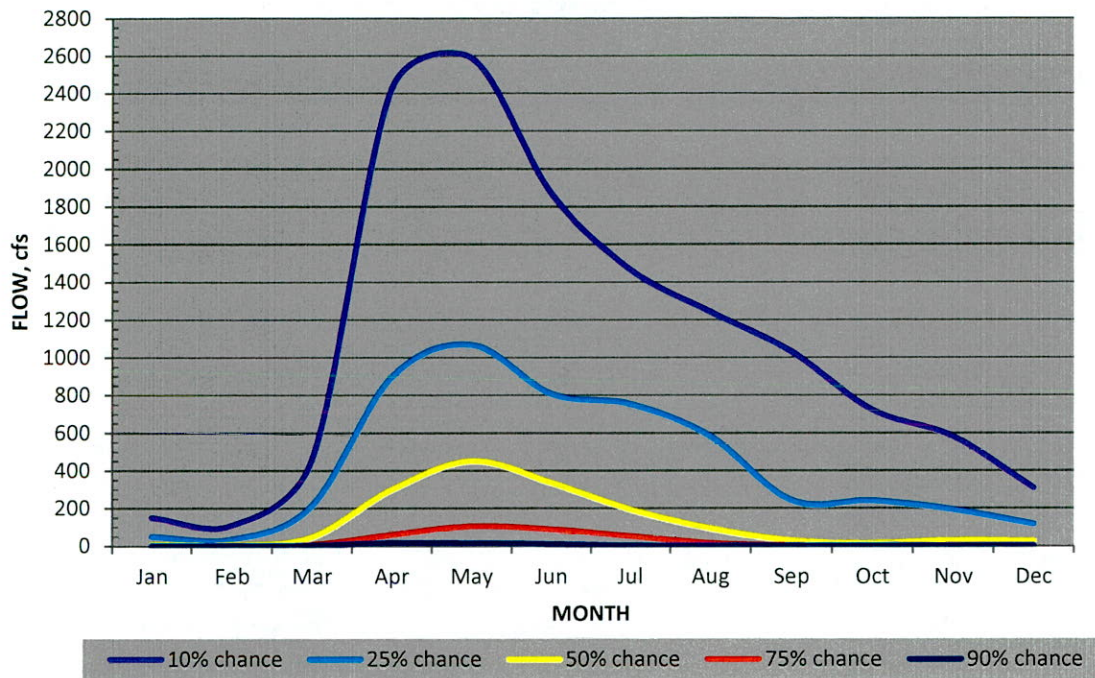
The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Ashton, SD, approximately 91 river miles downstream of the proposed project. The historical data from 1945 to 2012 for the Ashton SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 13 to 449-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 102-cfs for the same time period. (Table 1 and Hydrograph 1)

Table 1. James River Monthly Mean Flow (cfs) Ashton, SD

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	146	106	451	2422	2587	1870	1465	1239	1029	719	578	304
25% chance	47	33	211	893	1065	805	750	579	240	237	191	112
50% chance	7	4	44	297	449	333	191	90	27	13	27	24
75% chance	0.0	0.0	4.2	57	102	86	50	13.3	0.6	0.0	0.0	0.0
90% chance	0.0	0.0	0.1	13.6	13.3	7.6	0.3	0.0	0.0	0.0	0.0	0.0

Hydrograph 1

James River gage at Ashton, SD 1945 - 2012



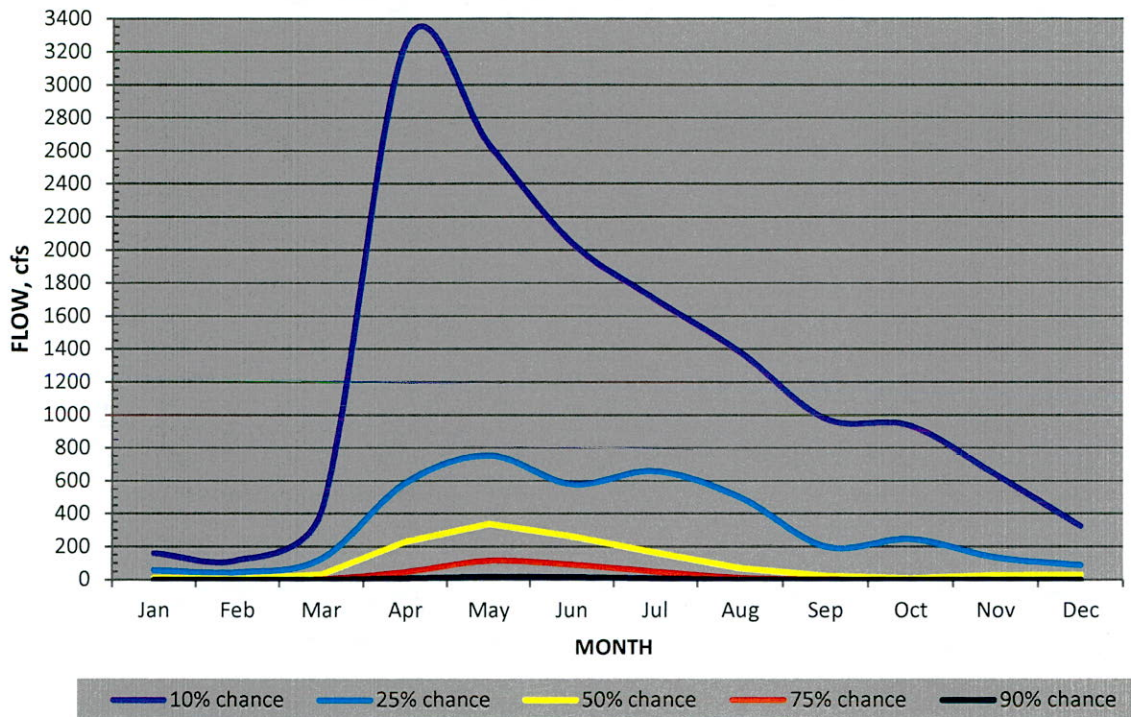
The USGS operates a stream flow gaging station on the James River located closer to the proposed project. The gage is near Stratford, SD, approximately 50 river miles downstream of the proposed project. The historical data from 1950 to 2012 for the Stratford SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 7 to 336-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 113-cfs for the same time period. (Table 2 and Hydrograph 2)

Table 1. James River Monthly Mean Flow (cfs) Stratford, SD

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	158	117	410	3258	2630	2037	1698	1377	975	931	637	324
25% chance	56	44	125	583	751	578	656	497	200	245	134	87
50% chance	11	4	30	228	336	261	163	69	22	7	26	28
75% chance	0.0	0.0	1.6	45	113	89	48	8.6	0.2	0.0	0.0	0.0
90% chance	0.0	0.0	0.0	7.2	15.7	14.4	5.8	0.0	0.0	0.0	0.0	0.0

Hydrograph 2

James River Gage near Stratford, SD 1950 - 2012



As noted at the July 1980 Water Rights Commission Meeting, Findings of Fact, Conclusion of Law, and Final Decision, the presumption can be made that the stream flow rates recorded at the gaging stations cited above are post withdrawal of no more than 50-percent of those water right allocations authorized upstream of the gage location during the normal irrigation season. As an example, during normal climatic conditions, a July median flow at the Ashton gage of 191-cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdrawals have taken place.

USGS historical data for the Ashton SD and Stratford SD stream flow gages show similar results and indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the April through October annual period. During late summer and early fall months, the James River cannot be considered a reliable source of water. To address low flow conditions the James River may be subject to shut-off orders.

Review of Existing Water Rights

In 1965 the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a 300-cfs diversion limit on the James River in South Dakota with a maximum combined diversion limit of 200-cfs from the North Dakota border to Huron, SD. Due to the Missouri River backwater into the James River, the 300-cfs restriction has been applied from the North Dakota border to the Yankton-Hutchinson County Line.

Presently there are 99 Water Rights with diversions from the James River totaling 289.75-cfs from the North Dakota border to the Yankton-Hutchinson County Line. From the North Dakota border to Huron, SD, there are 62 Water Rights with diversions from the James River totaling 176.60-cfs.

If approved, Water Permit Application 7888-3 would bring the total diversion from the James River from the North Dakota border to the Yankton-Hutchinson County Line to 291.64-cfs and the North Dakota border to Huron, SD, river reach to 178.49-cfs. This leaves 8.36-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.

There is one water right diverting water from the James River approximately 2.7 miles downstream of this project. Water Right No. 6427-3 appropriates 6.0-cfs from the James River. The next two water rights are located 6.78 miles downstream of this application. Water Right No. 4066A-3 is owned by the applicant and authorizes 0.68-cfs from the James River. Water Right No. 4066A-3 will be cancelled due to non-use, freeing up 0.68-cfs for appropriation from the James River. Water Right No. 4066B-3 is owned by Jon and Loren Locken and authorizes 0.65 cfs from the James River. See Table 3 for details of these water rights/permits.

Table 3. Downstream James River Water Rights

WR No.	Appx. Distance Downstream From Application (miles)	Diversion (cfs)	WR Holder
6427-3	2.7	6.0	Mark Grasse
4066A-3	6.8	0.68	Arne Svarstad, to be cancelled
4066B-3	6.8	0.65	Jon & Loren Locken

If approved, with qualifications, the applicant's diversion of water would not be expected to adversely impact existing water rights or domestic use on the James River.

Review of Qualifications

In 2007, Water Rights staff reviewed all of the shut-off and by-pass qualifications on the existing James River water rights/permits. Based on this review, the Chief Engineer recommended amending the existing qualifications in order to standardize them. The Water Management Board adopted the standardized qualifications and amended the existing water rights/permits. In addition, it was the intent that future appropriations of water from the James River be administered with the same amended qualifications.

Therefore, if approved, Application No. 7888-3 should contain the following qualifications:

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Ashton SD after pumping.

Conclusions

1. Water Permit Application No. 7888-3, Arne Svarstad, proposes to appropriate 1.89 cubic feet of water per second (cfs) from the James River to irrigate 156.7 acres located in the NW¼ Section 10 in T123N-R62W. The James River diversion point No. 1 is located in the SE¼ NE¼ Section 10 and diversion point No. 2 is to be located in the SW¼ NE¼ Section 10 to irrigate 156.7 acres located in the NW¼ Section 10, all in T123N-R62W. Water will either be pumped directly from the James River to the irrigated land or from the James River to diversion point No. 2 then to the irrigated land.
2. USGS historical data for the Ashton and Stratford SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the April through October annual period.
3. If Application No 7888-3 is approved, the following qualifications should be included:
 - a. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b. This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Ashton SD after pumping.
4. If Application No 7888-3 is approved, the total James River diversion of 291.64-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, is 178.49-cfs, within the 200-cfs limit set by the Water Rights Commission. This leaves 8.36-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

RECEIVED

NOV - 4 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brown) SS

I, Mary Baskin

certify that the attached printed Notice was
taken

from the Aberdeen American News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was
published

in the newspaper on the following date:

October 30, 2013

Cost of Printing 65.02

Mary Baskin
(Signature)

Asst. Billings Service
(Title)

10-30-13
(Date Signed)

(No. 1671348)
(Oct. 30, 2013 - 17)

NOTICE OF APPLICATION NOS. 7888-3,
7890-3, 7891-3 and 7892-3
to Appropriate Water

Notice is given that Arne Svarstad, 13797
392nd Ave, Aberdeen SD 57401 has
filed applications for the following water
permits.

Application No. 7888-3 proposes to ap-
propriate 1.89 cubic feet of water per
second (cfs) from the James River for irri-
gation of 156.7 acres. The primary river
diversion point No. 1 is to be located in
the SE 1/4 NE 1/4 Section 10 and sec-
ondary diversion point No. 2 is to be lo-
cated in the SW 1/4 NE 1/4 Section 10
to irrigate 156.7 acres located in the NW
1/4 Section 10; all in T123N-R62W.
Water will be either 1) directly applied
from pump site No. 1 or No. 2 to the irri-
gated acres 2) diverted from pump site
No. 1 to pump site No. 2 prior to being
applied to the irrigated acres.

Application No. 7890-3 proposes to ap-
propriate 1.91 cfs from the James River
located between points in the SW 1/4 SE
1/4 Section 30 and the NW 1/4 NE 1/4
Section 31 for irrigation of 134 acres lo-
cated in the SW 1/4 Section 30; all in
T122N-R62W.

Application No. 7891-3 proposes to ap-
propriate 1.91 cfs from the James River
located between points in the NW 1/4 NW
1/4 Section 26 and the SE 1/4 NE 1/4
Section 27 to irrigate 134 acres located in
the NE 1/4 Section 28; all in T123N-
R62W.

Application No. 7892-3 proposes to ap-
propriate 1.91 cfs from the James River
located in the SE 1/4 NE 1/4 Section
29-T122N-R62W during normal flows and
the NE 1/4 SW 1/4 Section 28-T122N-
R62W during high flood flows to irrigate
134 acres located in the SW 1/4 Section
27-T122N-R62W.

Pursuant to SDCL 46-2A-2, the Chief En-
gineer recommends APPROVAL of Appli-
cation Nos. 7888-3, 7890-3, 7891-3 and
7892-3 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 in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will act on
these applications, as recommended, un-
less a petition is filed opposing the appli-
cations or the applicant files a petition
contesting the Chief Engineer's recom-
mendations. If a petition opposing the
applications or contesting the recommen-
dations is filed, then a hearing will be
scheduled and the Water Management
Board will consider these applications.
Notice of the hearing will be given to the
applicant and any person filing a petition.

Any person interested in opposing or sup-
porting these applications or recommen-
dations must file a written petition with
BOTH the applicant and Chief Engineer.
The applicant must file a petition if con-
testing the Chief Engineer's recommenda-
tions. 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 appli-
cant must be filed by November 12,
2013.

The petition may be informal, but must in-
clude a statement describing the peti-
tioner's interest in the applications, the peti-
tioner's reasons for opposing or
supporting the applications, and the sig-
nature and mailing address of the peti-
tioner or the petitioner's legal counsel, if
legal counsel is obtained. Contact Eric
Gronlund at the above Water Rights Pro-
gram address to request copies of infor-
mation pertaining to these applications.
Steven M. Pimer, Secretary, Department
of Environment and Natural Resources.
Published once at the total approximate
cost of \$65.02



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 22, 2013

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7888-3, 78903, 7891-3 and 7892-3 to Appropriate Water. Please publish the notice once on xx. 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 Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401 (Ph # 605-226-1142).

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.

October 22, 2013

Arne Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

Water Permit Application Nos. 7888-3, 7890-3, 7891-3 and 7892-3 for irrigation use have 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 recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on October 30, 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 NOS. 7888-3, 7890-3, 7891-3 and 7892-3 to Appropriate Water

Notice is given that Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401 has filed applications for the following water permits.

Application No. 7888-3 proposes to appropriate 1.89 cubic feet of water per second (cfs) from the James River for irrigation of 156.7 acres. The primary river diversion point No. 1 is to be located in the SE 1/4 NE 1/4 Section 10 and secondary diversion point No. 2 is to be located in the SW 1/4 NE 1/4 Section 10 to irrigate 156.7 acres located in the NW 1/4 Section 10; all in T123N-R62W. Water will be either 1) directly applied from pump site No. 1 or No. 2 to the irrigated acres 2) diverted from pump site No. 1 to pump site No. 2 prior to being applied to the irrigated acres.

Application No. 7890-3 proposes to appropriate 1.91 cfs from the James River located between points in the SW 1/4 SE 1/4 Section 30 and the NW 1/4 NE 1/4 Section 31 for irrigation of 134 acres located in the SW 1/4 Section 30; all in T122N-R62W.

Application No. 7891-3 proposes to appropriate 1.91 cfs from the James River located between points in the NW 1/4 NW 1/4 Section 26 and the SE 1/4 NE 1/4 Section 27 to irrigate 134 acres located in the NE 1/4 Section 28; all in T123N-R62W.

Application No. 7892-3 proposes to appropriate 1.91 cfs from the James River located in the SE 1/4 NE 1/4 Section 29-T122N-R62W during normal flows and the NE 1/4 SW 1/4 Section 28-T122N-R62W during high flood flows to irrigate 134 acres located in the SW 1/4 Section 27-T122N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7888-3, 7890-3, 7891-3 and 7892-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 12, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

NOV 21 2013

Arne Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

Enclosed are Water Permit Nos. 7888-3, 7889-3, 7890-3, 7891-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Regarding Water Permit No. 7888-3, the original application for irrigation of this land included a ring dike and a diversion rate of 6,000 gallons per minute from the James River to fill the ring dike. The intent of the ring dike is to provide storage to divert for irrigation during times when pumping from the river is not allowed. However, plans and specifications are required for the ring dike and the application will need to be brought before the Water Management Board. You made the decision to delete the ring dike component from the application. DENR understands that at a future time you may apply separately for the ring dike and diversion rate authority from the river to annually fill the ring dike during periods of high flow.

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

Form 10

RECEIVED

AUG - 6 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

July 1 2014

TO:

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

FROM:

Arne Svarstad

(name)

13797 392 Av

(address)

AB, SD 57401

(city, state, zip)

605-

226 1142 Home

228 8913 cell

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7888-3 states that the water use system is to be constructed by

11/12/2018

(date)

, and water is to be put to beneficial use by

11/12/2022

(date)

The water use system was completed on

July 1 2014

(date)

Applying the water to beneficial use was completed on

(state of readiness) July 1 2014

(date)

You may schedule an investigation so that the water license may be issued.

Arne Svarstad

(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



August 7, 2014

7888-3

7890-3

Arne Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with irrigation systems authorized under Water Permit Nos. 7888-3 and 7890-3.

The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of the projects and the staff inspection has no bearing on your water permits.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 8, 2014

Arne Svarstad
13797 392nd Ave
Aberdeen SD 57401

Nos. 7888-3 & 7890-3

Dear Mr. Svarstad:

This letter is in reference to your August 5, 2014 fax regarding water availability and requesting permission to continue irrigation for Water Permit Nos. 7888-3 and 7890-3 from the James River after the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to the end of the 2014 irrigation season.

If you have any questions, please contact Mark Rath or Lynn Beck of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



7888-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: ARNE SVARSTAD, 13797 392ND AVE, 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) 7888-3, 7890-3, 8240-3 & 8241-3. 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) 7888-3, 7890-3, 8240-3 & 8241-3 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) 7888-3, 7890-3, 8240-3 & 8241-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2018

7888-3
7890-3
8240-3
8241-3

Arne Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 7888-3, 7890-3, 8240-3 & 8241-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: ARNE SVARSTAD, 13797 392ND AVE, ABERDEEN, SD 57401

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7888-3, 7890-3, 8241-3 & 8240A-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 7888-3, 7890-3, 8241-3 & 8240A-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, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7888-3, 7890-3, 8241-3 & 8240A-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, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OMMEQR**

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.



7888-3, 7890-3, 8240A-3
8241-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2024

7888-3
7890-3
8240A-3
8241-3

Arnie Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 7888-3, 7890-3, 8240A-3, and 8241-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us