

WATER PERMIT NO. 8164-3

Name of Applicant: Todd Swenson

Address: 38770 235th St, Wessington Springs SD 57382 Phone: 605 354-1930

Amount of Water Claimed: 5.33 cfs Total Acres: 650 acres

Source of Water Supply: irrigation (3 wells)

Water to be used for: irrigation County: Jerauld

Type of Waste Disposal System:

Location: 6 miles west of Alpena

PRIORITY Date Received: 5-20-15

Application/License Fee: \$ 1850

Corrected Application Received: 6-2-15

Period of Annual Use: April 1- October 31

Remarks:

Diversion Point: SE 1/4 NW 1/4, NE 1/4 NE 1/4 &
NE 1/4 SE 1/4 Sec 3-T108N-R64W

Land to be Irrigated: NW 1/4, E 1/4 Sec 3 & E 1/2
Sec 10; all in T108N-R64W

Depth of Well: 103,170 &147 feet deep

Well Driller: Stretch's Well Service Inc.

Remarks:

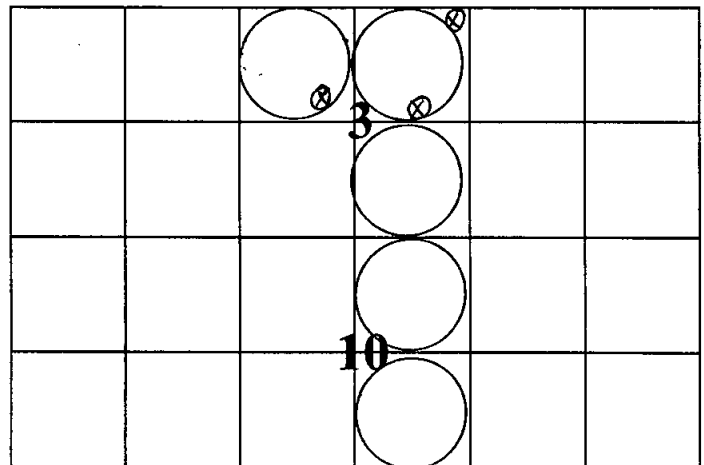
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-2-15

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>8164-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	<u>605-539-1281</u>
	Newspaper <u>True Debate, Box 358, Wess. Springs</u>	<u>605-353-7401</u>
	<u>Plainsman, Box 1278, Huron 57350</u>	

RECEIVED

MAY 20 2015

57382 WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Todd Swenson

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 38770 235th St. Wessington Springs SD 57382
(Address) (City) (State) (Zip Code)

Home Phone (605) 539-1722 Cell (605) 354-1930 Email tswenson@venturecomm.net

2. Amount of water claimed 5.33 *CFS or 2400 **GPM ***AF Total Acreage 650
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Warren: West James Aquifer (Lot 1)

4. Location of point of diversion SEE ATTACHED EXHIBIT A SE 1/4 NW 1/4 NE 1/4 NE 1/4 and
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 SE 1/4 Sec 3 - T108N - R64W County Jerauld

5. County or counties where water will be used Jerauld County

6. Annual period during which water is to be used April - October 31

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
SEE ATTACHED EXHIBIT B		<u>NE 1/4 Sec 10 - T108N - R64W</u>	<u>130</u>
<u>NW 1/4 Sec 3 - T108N - R64W</u>	<u>130</u>	<u>SE 1/4 "</u>	<u>130</u>
<u>NE 1/4 "</u>	<u>130</u>		
<u>SE 1/4 "</u>	<u>13</u>		

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

Wells will be drilled for agricultural irrigation. See map of project attached as EXHIBIT C and Township map attached as EXHIBIT D. South Dakota Water Well Completion Reports are attached as EXHIBIT E.

I, Todd Swenson Todd Swenson, 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. 8164-3**

Date of first receipt of application May 20, 2015.

Date of return to applicant for corrections, amendments or changes May 20, 2015.

Date of receipt of corrected application June 1, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8164-3 to Todd Swenson, 38770 235th St., Wessington Springs SD 57382 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. 8164-3 appropriates 5.33 cubic feet of water per second from three wells to be completed into the Bad-Cheyenne Aquifer (103, 170 and 147 feet deep) located in the SE 1/4 NW 1/4, Lot 1 (NE 1/4 NE 1/4) and near the center of E 1/2 Section 3 for irrigation of 650 acres located in Lots 1,2,3,4 and S 1/2 NW 1/4, S 1/2 NE 1/4, SE 1/4 Section 3 and E 1/2 Section 10; all in T108N-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: April 1 – October 31.
3. The date from which applicant may claim right is May 20, 2015.
4. The date of approval of Permit No. 8164-3 is August 17, 2015.
5. One-fifth of the construction is to be completed on or before February 17, 2018.
6. All construction is to be completed on or before August 17, 2020.
7. Water is to be put to beneficial use on or before August 17, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

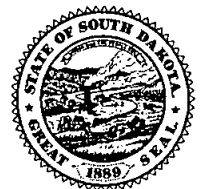
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8164-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 21 2015

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/20, 20 15

RECEIVED OF Todd Swenson - Morgan Theeler LLP PO Box 1025 Mitchell SD 57301

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

Fee for Application for Permit No. <u>81104-3</u> to Appropriate Water, to construct and to put water to beneficial use	1650	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>81104-3</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	1850 00

No. 07400

By

J. James Goodman Jr.
Chief Engineer



8164-3
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: TODD SWENSON, 38770 235TH ST, WESSINGTON SPRINGS, SD 57382
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) 8164-3, 8165-3 & 8166-3. 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) 8164-3, 8165-3 & 8166-3 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) 8164-3, 8165-3 & 8166-3 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.

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 70171000000032516872

Remove X

Your item was delivered to an individual at the address at 10:46 am on January 30, 2018 in WESSINGTON SPRINGS, SD 57382.

 Delivered

January 30, 2018 at 10:46 am
Delivered, Left with Individual
WESSINGTON SPRINGS, SD 57382

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Tracking History

Product Information

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
1-30-18 Postmark Here TODD SWENSON 38770 235TH ST WESSINGTON SPRINGS SD 57382	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

See Less ^

Can't find what you're looking for?

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



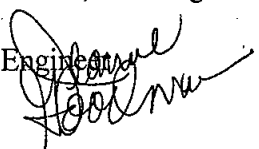
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

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

TO: Todd Swenson, 38770 235th St., Wessington Springs SD 57382

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit Nos. 8164-3, 8165-3 & 8166-3

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

Effective April 7, 2018, Water Permit Nos. 8164-3, 8165-3 & 8166-3 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaires.

If the 2017 irrigation questionnaires are received prior to April 7, 2018, the suspensions 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 questionnaires are submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2017 irrigation questionnaires 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 questionnaires. 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.

CERTIFICATION

8164-3

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735
Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185
Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785
Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

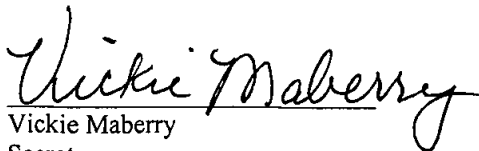
Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342
Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766
Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334
Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788
Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717
Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3, Norman Kramer, 31105 436th Ave., Yankton SD 57078
Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501
Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220
Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345
Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502
Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600
Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415
Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201
Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701
Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278
Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278
Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434
Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411
Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382
Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790
Water Right No. 1530-2, Viola Keszler, 30317 289th St, Clearfield SD 57580

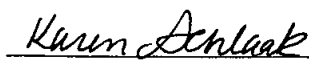
Third violation - Cancellation:

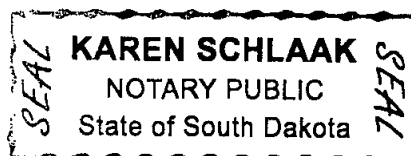
Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231


Vickie Maberry
Secretary
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 18.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



May 19, 2015

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MAY 20 2015

**WATER RIGHTS
PROGRAM**

Member of Meritas Law Firms Worldwide



VIA REGULAR MAIL

PMB 2020
DENR – Water Rights Program
523 E. Capitol Ave.
Pierre, SD 57501-3182

Re: Applications for Water Permit for Irrigation – Todd Swenson
Sections 3 & 10, 108N-64W, Jerauld County, South Dakota
Sections 1 & 2, 108N-64W, Jerauld County, South Dakota
Section 16-108N-64W, Jerauld County, South Dakota

Greetings:

Enclosed please find three completed Applications for Water Permit for Irrigation for the above referenced real property. I am also enclosing the following checks to cover the filing fees and final inspection/licensing fees associated with each application:

1. Check in the amount of \$1,850 (Sections 3 & 10, 108N-64W, Jerauld County);
2. Check in the amount of \$1,550 (Sections 1 & 2, 108N-64W, Jerauld County); and
3. Check in the amount of \$1,050 (Section 16-108N-64W, Jerauld County).

Thank you for your courtesies. Please contact me if you have any questions.

Sincerely,

MORGANTHEELER LLP

A handwritten signature in black ink, appearing to read "T. Bottum".

Timothy G. Bottum
tbottum@morgantheeler.com

TB:md
Enc.

cc: Todd Swenson (via e-mail, w/ enc.)

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 20, 2015 2:31 PM
To: 'tbottum@morgantheeler.com'
Subject: Todd Swenson applications
Attachments: DOC052015-05202015142518.pdf

We received the applications today and a couple of items need to be clarified.

Regarding the application for irrigation in Sections 1 & 2 of T108N-R64W.

Total number of acres to be irrigated listed on Item No 2 of the application states 470 acres. The number of acres identified on the attached exhibit 2 of Item No. 7 totals 460 acres. Is the 460 acre figure correct? It appears that some of the pivots will be overlapping each other. Once the systems are developed and our staff does an inspection, the number of acres licensed will be reduced to what is actually developed in each quarter-quarter (attached is the application and Exhibit 2).

Regarding the application for irrigation in the SW ¼ Section 16-T108N-R64W.

Again total number of acres to be irrigated listed on Item No. 2 of the application states 160 acres. The number of acres identified on Item No. 7 is 150 acres. On the map submitted with the application, the area outlined in black is only 40 acres located in the NE ¼ SW 1/4 Section 16. Please clarify the number of acres to be irrigated, outline the acreage to be irrigated on the map and return the map to me (attached is application and the map).

The other application is complete. If you have questions, please let me know.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

EXHIBIT A

[Legal Descriptions]

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- (1) The Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) a/k/a Lots Three (3) and Four (4) of Section Three (3), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (2) The Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) a/k/a Lots One (1) and Two (2) in Section Three (3), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (3) The Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) Except highway right of way, Section Three (3), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota

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WATER RIGHTS
PROGRAM

EXHIBIT B

- (1) 130 acres located in the Northwest Quarter (NW1/4) a/k/a Lots Three (3) and Four (4) and the South Half of the Northwest Quarter (S1/2 NW1/4) of Section Three (3), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota (*see below*)
- (2) 130 acres located in the Northeast Quarter (NE1/4) a/k/a Lots One (1) and Two (2) and the South Half of the Northeast Quarter (S1/2 NE1/4), Except Knight Outlot Two (2), in Section Three (3), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota (*see below*)
- (3) 130 acres located in the Southeast Quarter (SE1/4) Except highway right of way, Section Three (3), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (4) 130 acres located in the Northeast Quarter (NE1/4) Except Lot H-1, Except Lot A, and Except highway right of way, Section Ten (10), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (5) 130 acres located in the Southeast Quarter (SE1/4) of Section Ten (10), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota

Acreage breakdown - N 1/2 Sec 3 - T108N R64W

(NE 1/4) Lot 1 - 25 AC
Lot 2 - 25 AC
SE 1/4 NE 1/4 - 40 AC
SW 1/4 NE 1/4 - 40 AC
130 AC

(NW 1/4) Lot 3 - 25 AC
Lot 4 - 25 AC
SE 1/4 NW 1/4 - 40 AC
SW 1/4 NW 1/4 - 40 AC
130 AC

EXHIBIT C

[Map of Project]

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**WATER RIGHTS
PROGRAM**

EXHIBIT D

RECEIVED

MAY 20 2015

**WATER RIGHTS
PROGRAM**

[Township Map]

DALE TWP

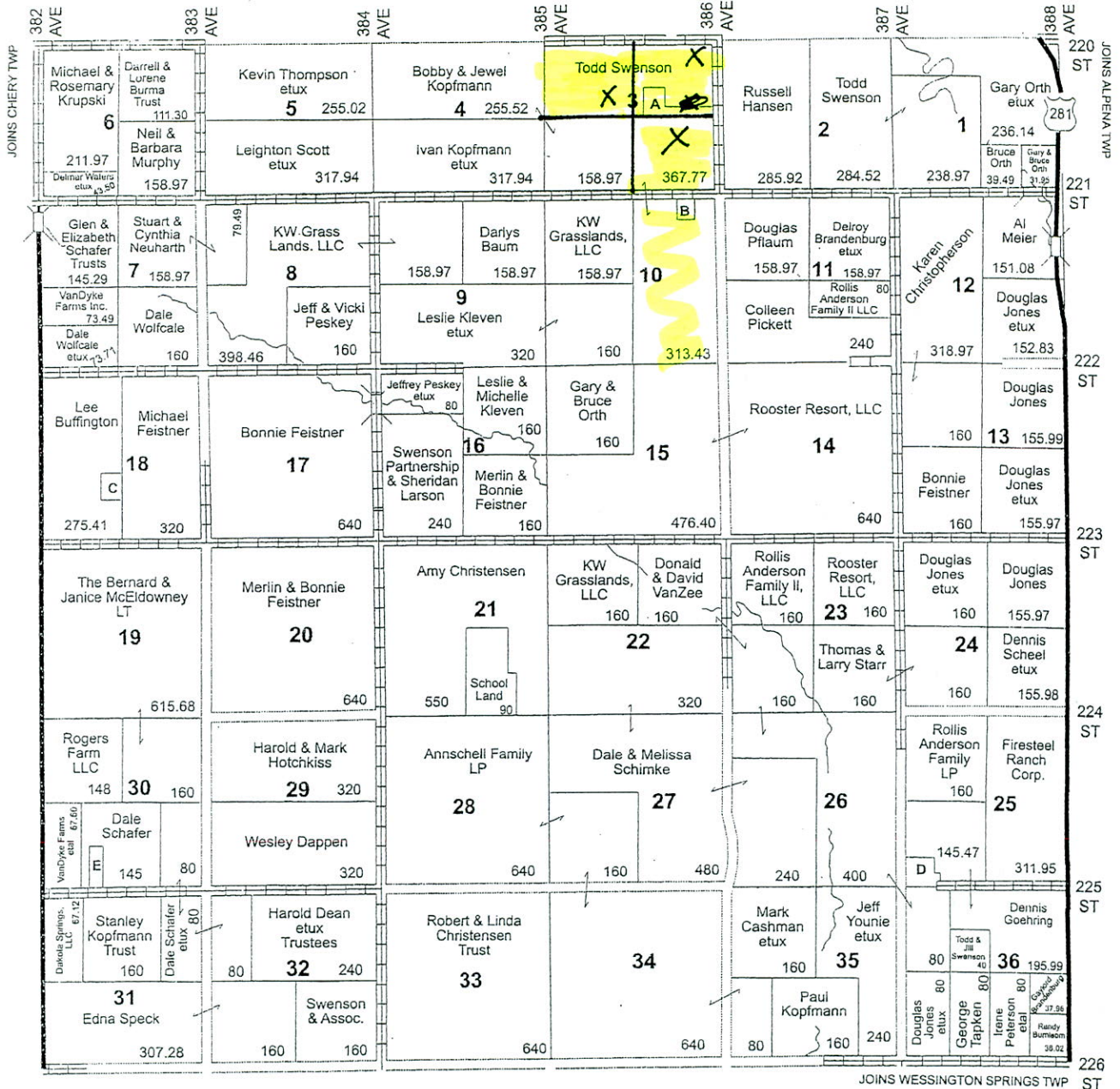
LAND OWNER

T 108 N

R 64 W

JOINS BEADLE COUNTY, SD

JERAULD CO. LAND OWNER & RURAL RESIDENT MAPS



Small Tracts

- Section 3 A James & Donna Knight - 46.56
- Section 10 B Monte & Lori Kopfmann - 5.54
- Section 18 C Randy Doty et ux - 19.79
- Section 25 D Donald & David VanZee - 14.53
- Section 30 E Dayle Winter - 15

R 67 W	R 66 W	R 65 W	R 64 W	R 63 W
MARLAR	HARMONY	CHERY	DALE	ALPENA
CROW	PLEASANT	MEDIA	WESSINGTON SPRINGS	FRANKLIN
LOGAN	CROW LAKE	ANINA	VIOLA	BLAINE

EXHIBIT E

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MAY 20 2015

**WATER RIGHTS
PROGRAM**

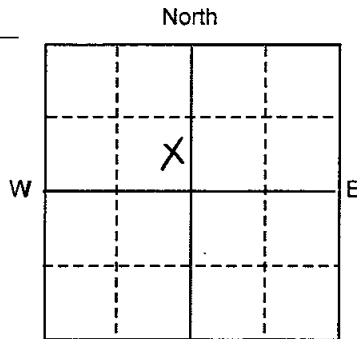
[South Dakota Water Well Completion Reports]

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ NW ¼ Sec 3 Twp 108N Rg 64W

County Jerauld

Please mark well
location with an "X"

Well Completion Date

11/25/2013

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
260 LB/FT	3 IN	0 FT	110 FT	6 3/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	10	Lb/gal	0 Ft	105 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 3 Inches Length 40 Feet

Material PVC

Slot Size .080 Set From 107 Feet to 147 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

Well Owner:

Business Name: Swenson Partnership

Address: 38770 235th St.

City, State, Zip: Wessington Springs SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	6
Clay's	6	35
Sand w/ Blue Clay	35	72
Sand	72	76
Sand w/ Clay Lens	76	90
Sand & Pea Rock	90	147

STATIC WATER LEVEL

FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Air☐ Bailed☐ Other

Pumping Level Below Land Surface

136 Ft. After 2 Hrs. pumped 12 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

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PROGRAM

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

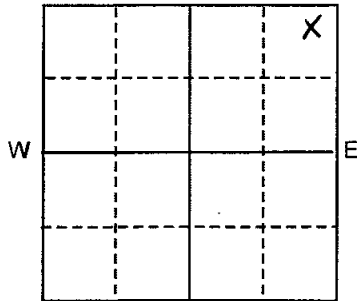
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NE ¼ Sec 3 Twp 108N Rg 64W

County Jerauld

North

Please mark well
location with an "X"

Well Completion Date

11/27/2013

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
220 LB/FT	4 IN	0 FT	83 FT	6 3/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	10	Lb/gal	0 Ft	80 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 4 Inches Length 20 Feet

Material PVC

Slot Size .025 Set From 83 Feet to 103 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

Well Owner:

Business Name: Swenson Partnership

Address: 38770 235th St.

City, State, Zip: Wessington Springs SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
Yellow Clay	3	34
Blue Clay	34	71
Sand	71	103

STATIC WATER LEVEL 78 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersable☐ Bailed☐ Other

Pumping Level Below Land Surface

80 Ft. After 2 Hrs. pumped 30 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

MAY 20 2015

WATER RIGHTS
PROGRAM

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

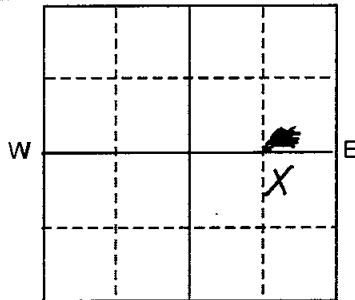
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location ~~SE~~ $\frac{1}{4}$ ~~NE~~ $\frac{1}{4}$ Sec 3 Twp 108N Rg 64W~~NE~~ ~~SE~~

County Jerauld

North

Please mark well
location with an "X"

Well Completion Date

11/21/2013

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
220 LB/FT	4 IN	0 FT	130 FT	6 3/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	12	Lb/gal	0 Ft	130 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 4 Inches Length 40 Feet

Material PVC

Slot Size .025 Set From 130 Feet to 170 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysis

Well Owner:

Business Name: Swenson Partnership

Address: 38770 235th St.

City, State, Zip: Wessington Springs SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Clay's	2	57
Yellow Sand and Gravel	57	85
Blue Clay w/Sand	85	105
Sand & Pea Rock	105	170

STATIC WATER LEVEL 71.6 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersable☐ Bailed☐ Other

Pumping Level Below Land Surface

73 Ft. After 2 Hrs. pumped 30 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

MAY 20 2015

WATER RIGHTS
PROGRAMThis well was drilled under license # 722 and this
report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

Zoom view

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 02, 2015 9:02 AM
To: 'Tim Bottum'
Subject: RE: Todd Swenson Applications

The 3 applications for Todd Swenson are now complete. They will be assigned to a staff member who will prepare a report for each application. Mr. Swenson and you will be notified when it is time for publication of the public notice. Let me know if you have questions.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

From: Tim Bottum [<mailto:tbottum@morgantheeler.com>]
Sent: Monday, June 01, 2015 4:46 PM
To: Gronlund, Eric; Schlaak, Karen
Subject: Todd Swenson Applications

Eric and Karen,

Attached are the revised pages. Hopefully everything has now been resolved.

Thank you for your help.

Timothy G. Bottum, Esq.
MorganTheeler LLP

PO Box 1025
1718 North Sanborn Blvd.
Mitchell SD 57301-7025
(605) 996-5588 (Phone)
(605) 996-6129 (Fax)
tbottum@morgantheeler.com

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8164-3, Todd 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. 8164-3, Todd Swenson, 38770 235th Street, Wessington Springs SD 57382.

The Chief Engineer is recommending APPROVAL of Application No. 8164-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8164-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
July 24, 2015

NOTE: The map submitted with Application No. 8164-3 shows the pivot to be located in the NW $\frac{1}{4}$ Section 3, T108N, R64W may overlap into the N $\frac{1}{2}$ SW $\frac{1}{4}$ of this section. The exhibit of lands to be irrigated does not reference this land to be irrigated. In addition, the plat map indicates the SW $\frac{1}{4}$ of Section 3 is owned by Bobby & Jewell Kopfmann. The pivot must be operated in a manner that irrigation does not occur in the SW $\frac{1}{4}$ of Section 3, T108N, R64W.

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 8164-3 AND 8165-3
TODD SWENSON
JUNE 28, 2015**

Water Permit Application No. 8164-3 proposes to appropriate water from the Bad-Cheyenne aquifer for the purpose of irrigating 650 acres. The application proposes to divert water at a maximum rate of 5.33 cubic feet of water per second (cfs) from three wells (103, 170 and 147 feet deep respectively). The approximate location of the proposed well sites and acres to be irrigated are shown in Figure 1. The project is located approximately 8 miles northeast of Wessington Springs in Jerauld County.

Water Permit Application No. 8165-3 proposes to appropriate water from the Bad-Cheyenne aquifer for the purpose of irrigating 460 acres. The application proposes to divert water at a maximum rate of 5.33 cubic feet of water per second (cfs) from three wells (45, 46, and 45 feet deep respectively). The approximate location of the proposed well sites and acres to be irrigated are shown in Figure 1. The project is located approximately 8 miles northeast of Wessington Springs in Jerauld County.

AQUIFER: Bad-Cheyenne aquifer (BC)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The three test well completion reports submitted with Application No. 8164-3 identify sand and gravel (glacial outwash) at depths ranging from 35 feet to 170 feet below grade (approximately 1,250-1,385 feet above mean sea level elevation (fmsl)). The test wells completed for Application No. 8165-3 identify glacial outwash at depths ranging from 14 feet to 46 feet below grade (approximately 1,289-1,338 fmsl). Hedges and others, (1982) correlated the outwash deposit in this area with that of the Bad-Cheyenne aquifer, an aquifer that extends northwest from this area (see Figure 2). Hamilton (1984) associated the outwash in this area with the West James management unit of the Warren aquifer which extends to the east from this area (see Figure 3). The South Dakota Geological Survey has produced a series of maps intended for use as a tool to aid in identifying areas underlain by aquifer material. A composite of the First Occurrence of Aquifer Materials in Jerauld County, South Dakota (Jensen, 2005), and the First Occurrence of Aquifer Materials in Beadle County, South Dakota (Schulz, 2003) for the vicinity of the well sites proposed by Water Permit Application Nos. 8164-3 and 8165-3, is shown in Figure 4. Incorporating additional data available through DENR-Water Rights Program Water Well Completion Report database with the work done by Jensen (2005) and Schulz (2003) produces an areal extent of the aquifer in this area as shown in Figure 5.

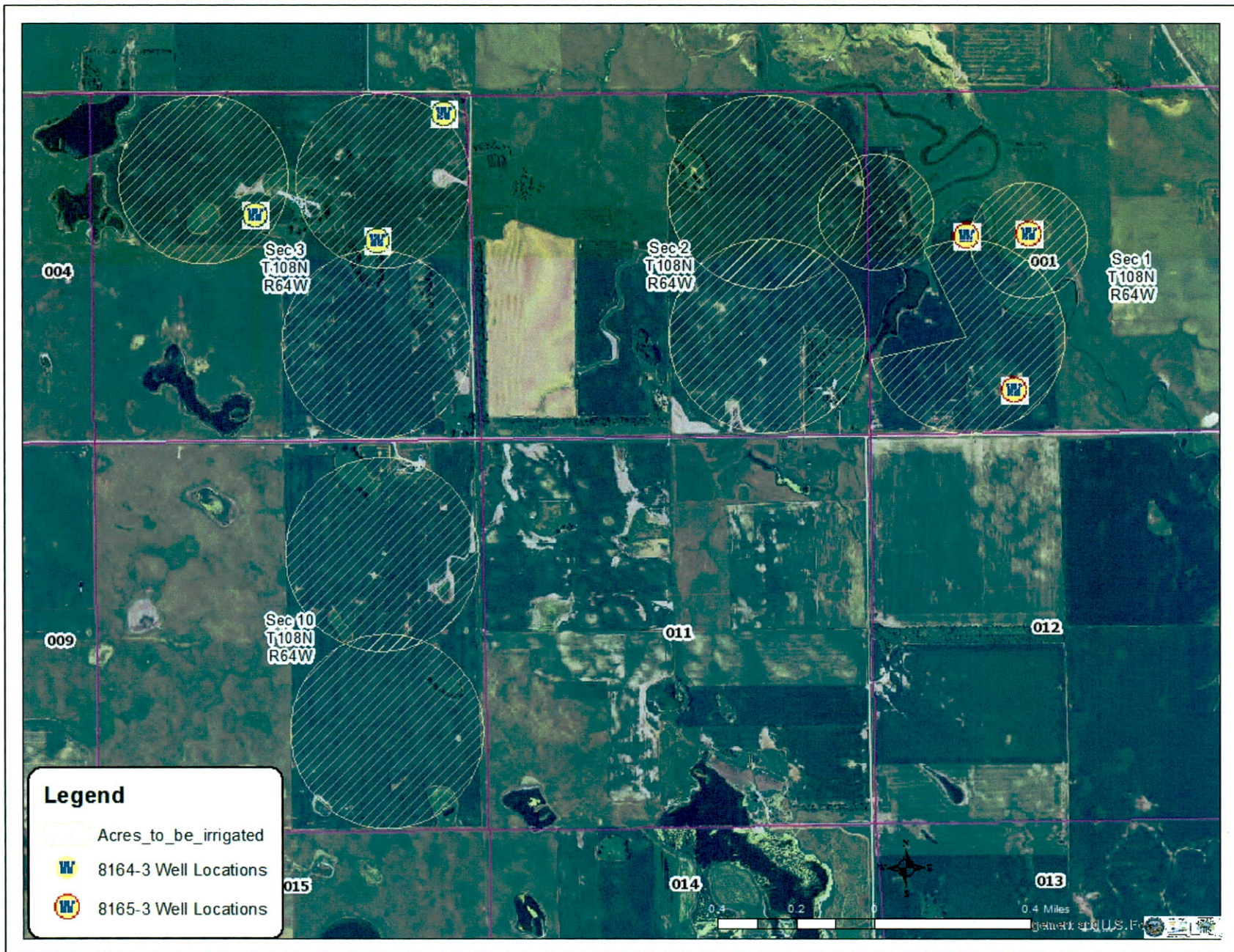


Figure 1. Approximate location of the well sites and irrigated acres proposed by Water Permit Application No. 8164-3 and 8165-3.

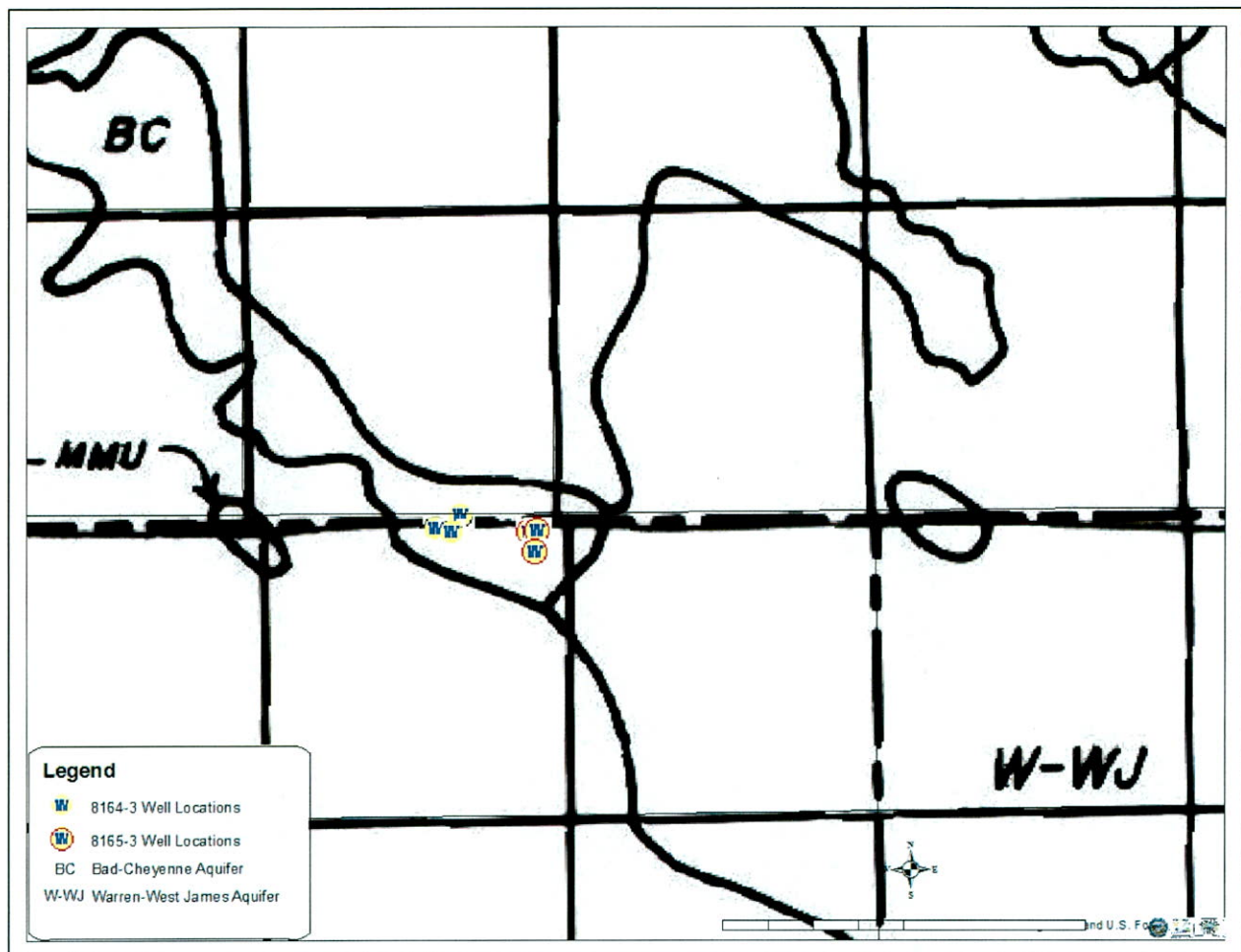


Figure 2. Glacial aquifers in the vicinity of the diversion points proposed by Water Permit Application Nos. 8164-3 and 8165-3 (modified from Hedges and others, 1982).

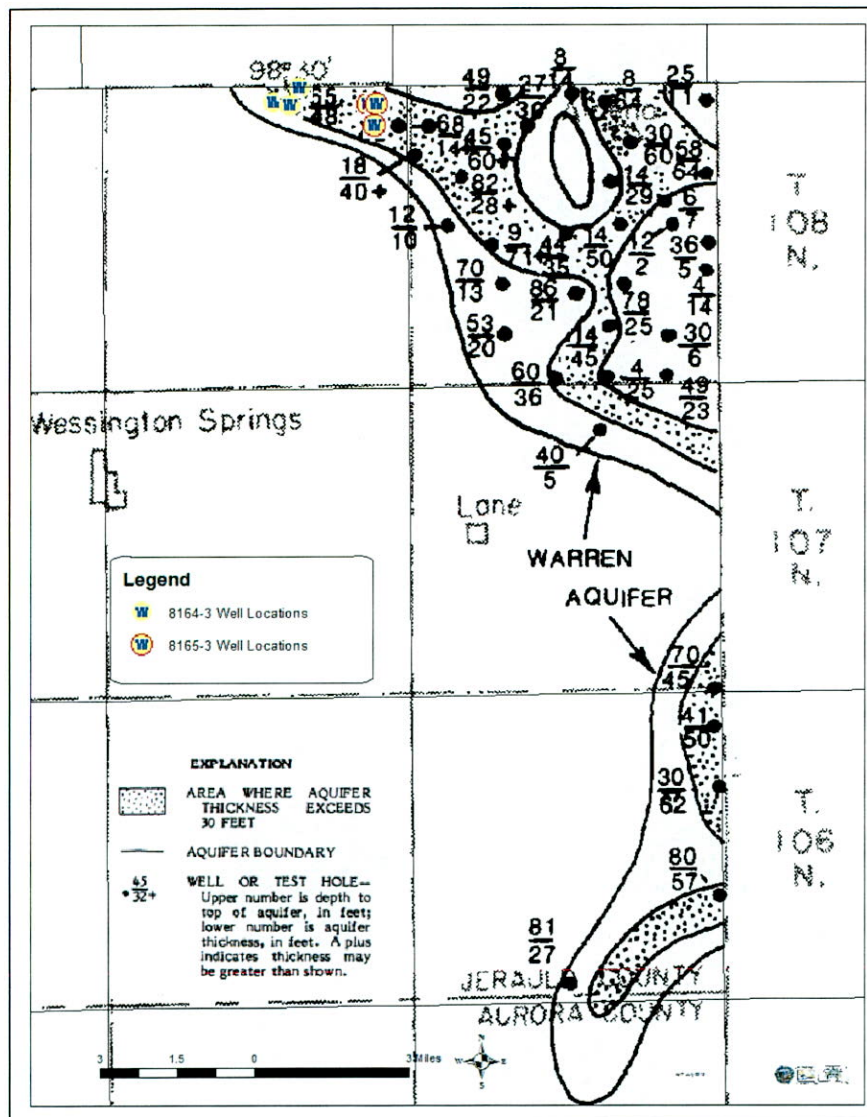


Figure 3. Glacial aquifers in the vicinity of the diversion points proposed by Water Permit Application Nos. 8164-3 and 8165-3 (modified from Hamilton, 1984).

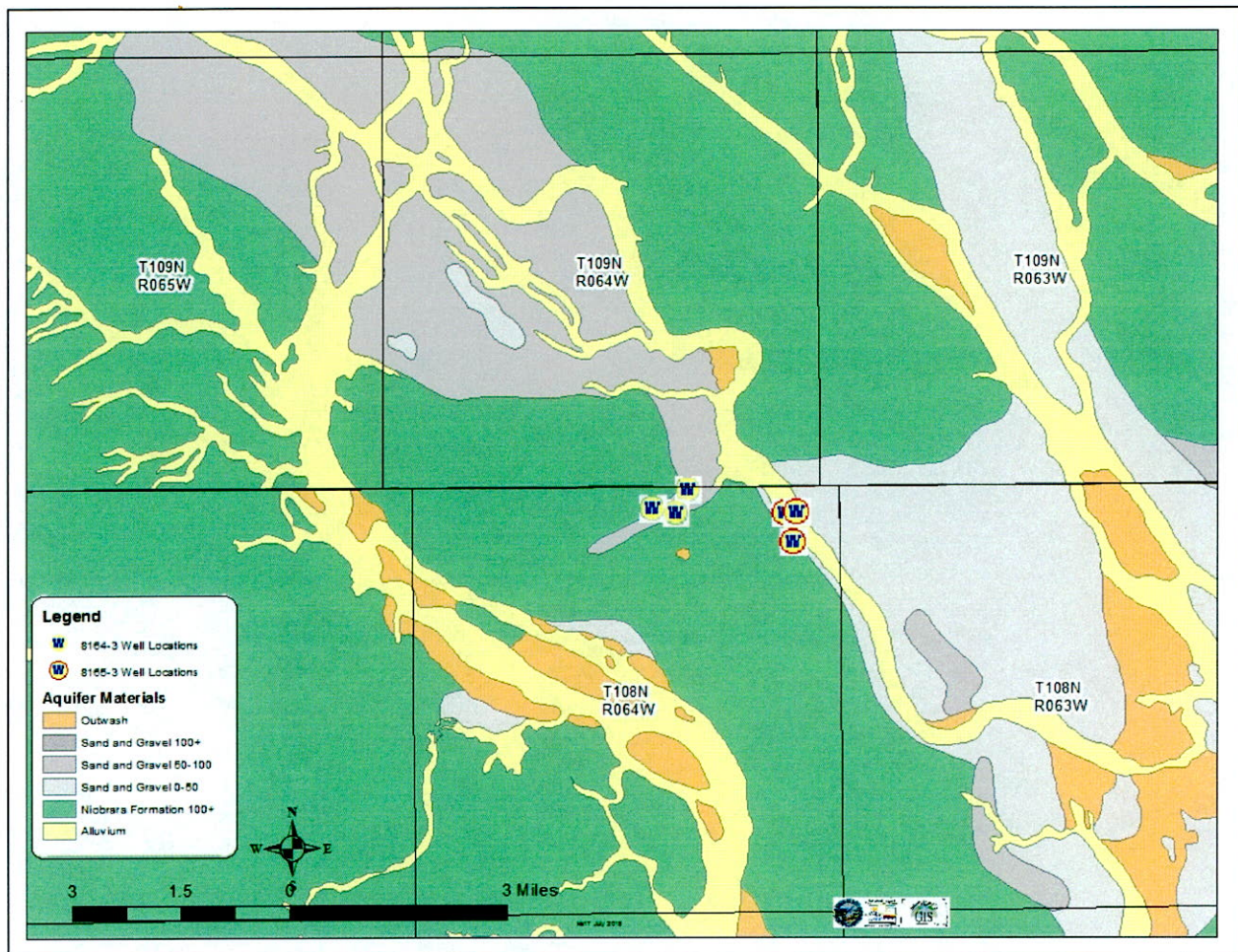


Figure 4. First Occurrence of Aquifer Materials in the vicinity of the well sites proposed by Water Permit Application Nos. 8164-3 and 8165-3. (Modified from (Schulz, 2003 and Jensen, 2005).

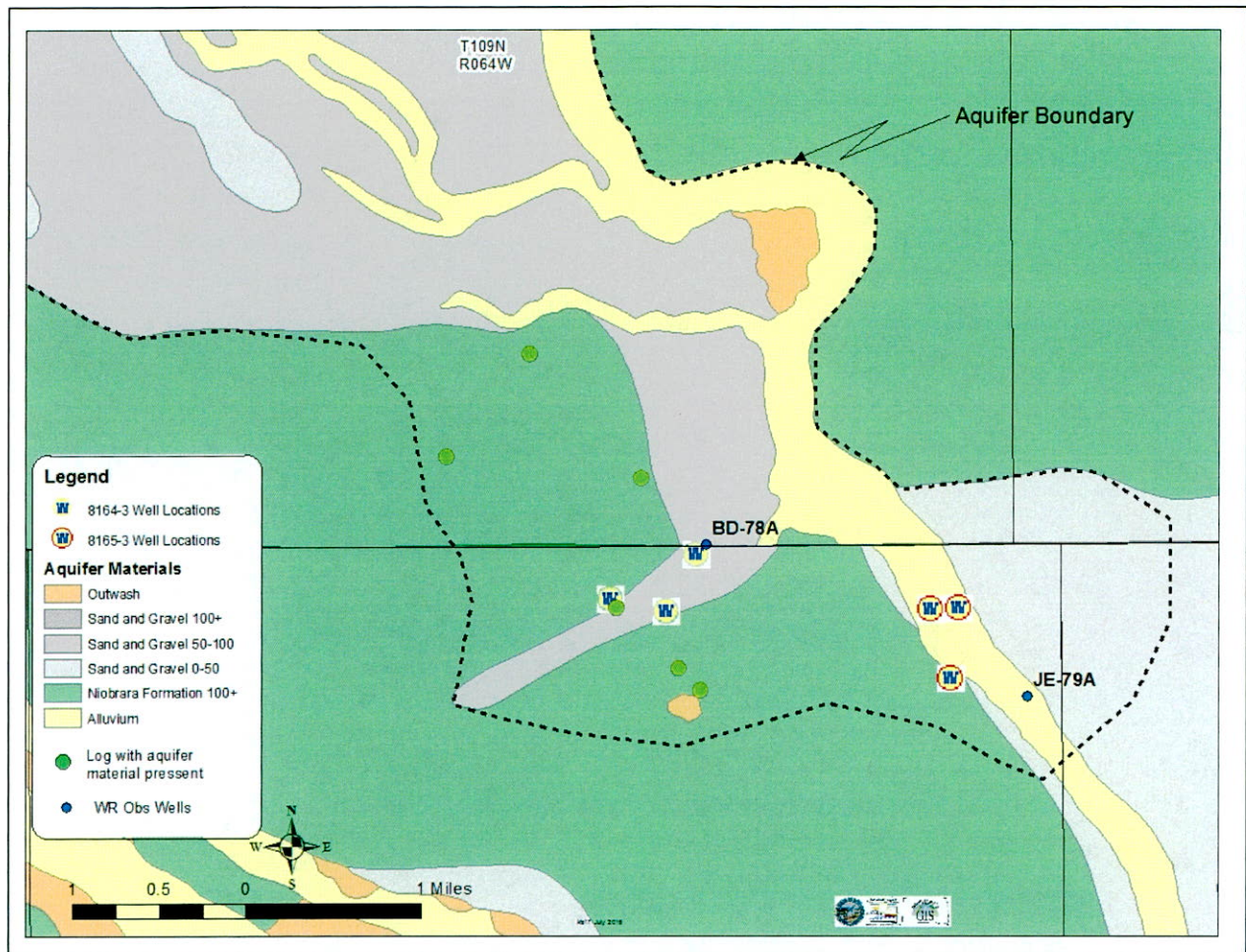


Figure 5. Approximate location of aquifer materials and DENR-Water Rights' observation wells in the vicinity of the well sites proposed by Water Permit Application Nos. 8164-3 and 8165-3. (Modified from (Schulz, 2003 and Jensen, 2005).

The DENR-Water Rights Program has two observation wells in the immediate area of the diversion points proposed by these applications (see Figure 5) and for appropriative purposes considers this area a portion of the Bad-Cheyenne aquifer.

The Bad-Cheyenne aquifer consists of glacial outwash and alluvium sand and gravel buried in an interconnected system of pre-glacial and ice-marginal river channels (Koch, 1980). The top of the aquifer is between 14 and 71 feet below ground surface at the well sites proposed by these permit applications. Test well data submitted with Application No. 8164-3 reports November 2013 static water levels ranging from 71.6 to 78 feet below grade. The test well logs submitted with Application No. 8165-3 report February 2015 static water levels ranging from 3.5 to 5.4 feet below grade. The saturated thickness of the Bad-Cheyenne aquifer in this area is between 30 and 75 feet based on the test hole data submitted with this application. The aquifer is under confined conditions at the well sites proposed by Application No. 8164-3 and under unconfined conditions at the well sites proposed by Application No. 8165-3. Groundwater flow in this area is from northwest to southeast at a gradient of approximately 6.4 feet per mile (Water Rights, 2015a).

SDCL 46-2A-9

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

WATER AVAILABILITY:

Water Permit Application No. 8164-3 proposes to appropriate water for the irrigation of 650 acres. Application No. 8165-3 proposes to appropriate water for the irrigation of 460 acres. If both of these permits are approved, the average annual water use that can be expected under the appropriations is estimated to be less than 1010 ac-ft/yr. 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 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 water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the aquifer is not older or lower than the Greenhorn Formation therefore withdrawal/recharge issue must be considered.

Recharge versus Discharge:

Reliable recharge estimates are not available for the Bad-Cheyenne aquifer; therefore a hydrologic budget cannot be developed to directly compare average annual recharge with average annual withdrawal from the aquifer. "Interpretation of flow-net systems can provide insight into the recharge potential of a ground-water system." (Hedges and others, 1985). The amount of water flowing through an aquifer at any time can be calculated according to the equation:

$$Q=TIL$$

where:

Q= quantity in gallons per day

T= transmissivity in gallons per day per foot (gpd/ft)

I= hydraulic gradient in feet per mile

L= cross sectional length in miles

Hamilton (1984) estimated the transmissivity (T) of the aquifer in this area to be between 10,000 and 20,000 square feet per day (i.e. 74,800 to 149,600 gpd/ft). The hydraulic gradient (I) of the aquifer in this area, based on DENR- Water Rights Program observation wells has averaged 6.4 feet per mile since 1979 (Water Rights, 2015a). The cross sectional length of the aquifer perpendicular to the flow (L) (see Figure 5) is approximately 1.5 miles. Inputting the values above into the equation, groundwater outflow from this area is estimated to be 804-1,609 acre-

feet per year. Therefore, recharge to the aquifer in this area must exceed withdrawals from the aquifer by 804-1,609 acre-feet.

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 in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The SD DENR-Water Rights Program monitors eight observation wells completed into the Bad-Cheyenne aquifer. Two of these observation wells, BD-78A and JE-79A are located in the vicinity of the well sites proposed by these applications, (see Figure 5). Hydrographs for BD-78A and JE-79A are shown in Figures 5 and 6 respectively. The hydrographs show that the water level of the aquifer responds to climatic conditions with rising water levels during periods when recharge exceeds withdrawals, and declining water levels during periods when withdrawals exceed recharge. The hydrographs document that water levels in this area are in general, stable or rising. Temporal well withdrawal of the aquifer is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal, therefore water is available to capture for additional well withdrawals from the aquifer. The observation well data documents that unappropriated water is available from the Bad-Cheyenne aquifer to support these proposed appropriations.

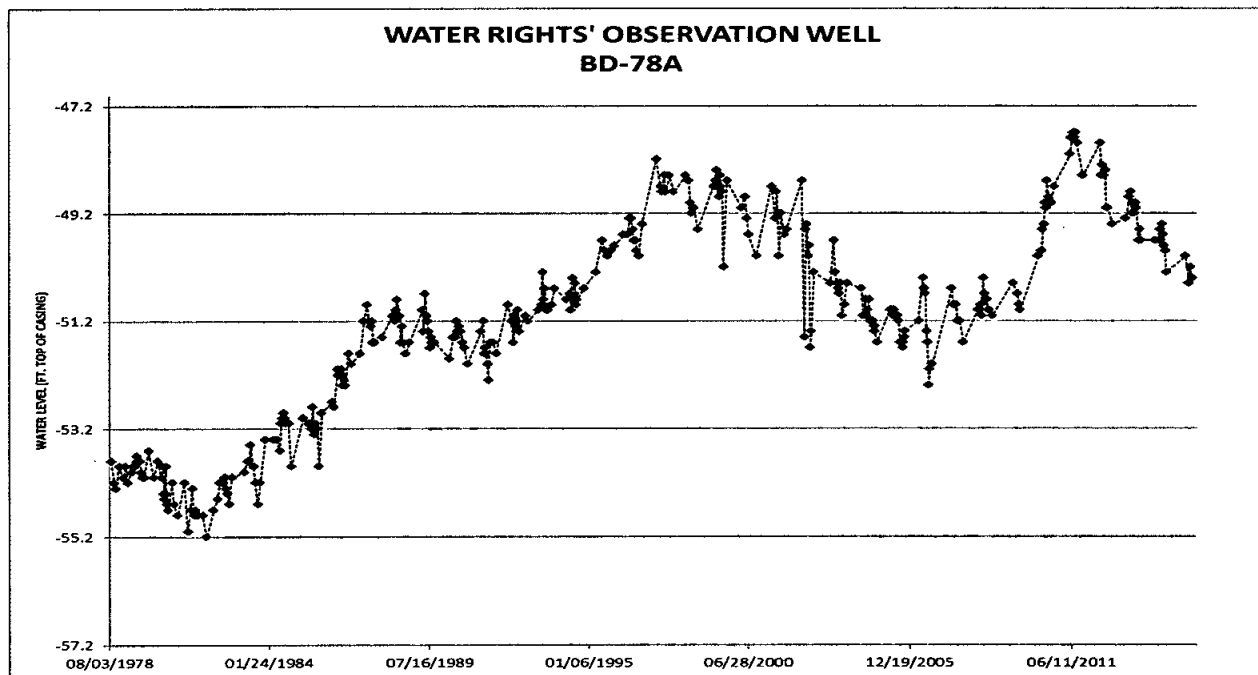


Figure 5. Hydrograph of DENR-Water Rights' Observation Well BD-78A

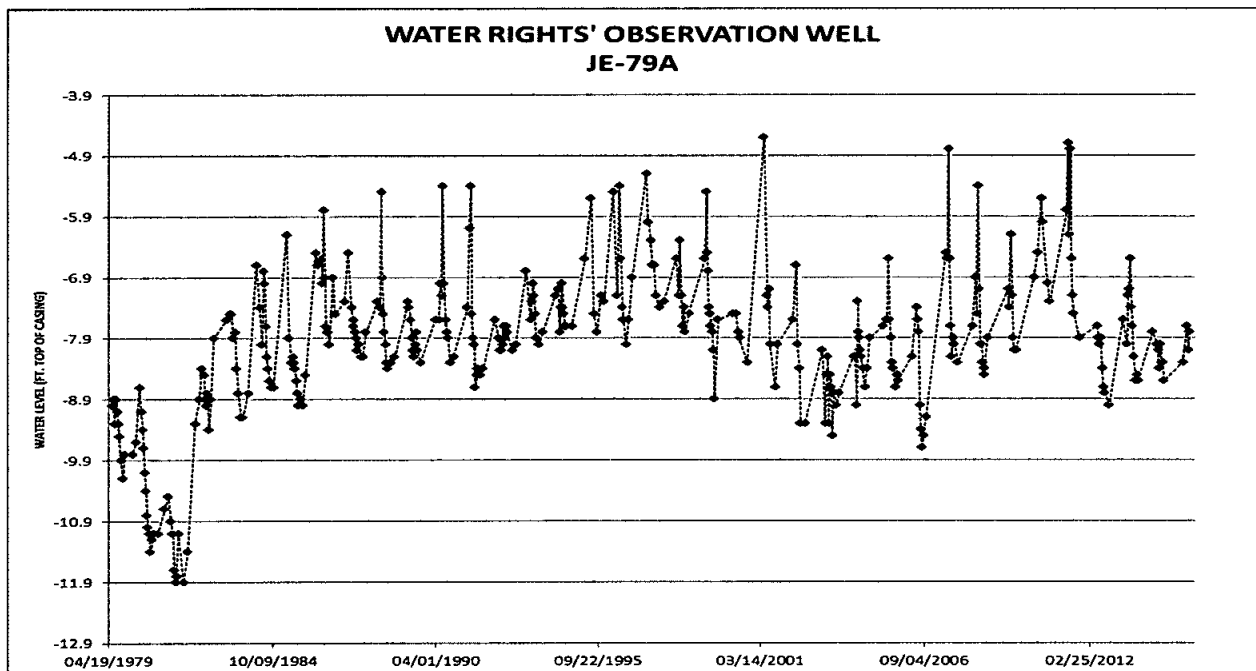


Figure 6. Hydrograph of DENR-Water Rights' Observation Well JE-79A

EXISTING WATER RIGHTS:

The nearest well supplying a Bad-Cheyenne aquifer water right to the well sites proposed by Application Nos. 8164-3 and 8165-3 is Water Right No. 4387-3, Kevin or Nicole VonEye, located approximately 5.75 miles and 7.25 miles respectively, to the northwest (Water Rights, 2015b). Considering the distances involved, well interference is not expected to be significant, and the existing water right will not be adversely impacted.

There are a number of completion reports on file with the DENR-Water Rights Program for domestic use wells that appear to be completed into the Bad-Cheyenne aquifer in this area (Water Rights, 2015c). There will be drawdown associated with the pumping proposed by these applications. However, the precise extent of the drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use, drawdown will occur. South Dakota Codified Law 46-6-6.1 does not require protection of artesian head pressure as a means of delivery. However, the Supreme Court has ruled that consideration must be given to the maintenance of artesian head pressure in domestic wells before irrigation is allowed. To balance maintaining artesian head pressure as a method of delivery for domestic wells and placing water to maximum beneficial use, the Water Management Board has adopted minimum construction standards based upon the ability of a well to produce water independent of artesian pressure. South Dakota Well Construction Standard (ARSD) 74:02:04:20(7) defines an adversely impacted domestic well as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”

Depending on the characteristics of the Bad-Cheyenne aquifer at the proposed well sites, and the distances involved, some existing well owners may need to lower their pumps to accommodate possible reduction of head pressure. There is a reasonable probability that any well interference experienced in adequate domestic wells will not be adverse or unlawful.

CONCLUSIONS:

1. Water Permit Application No. 8164-3-3 proposes to withdraw groundwater at a maximum diversion rate of 5.33 cfs from three wells to be completed into the Bad-Cheyenne aquifer for the irrigation of 650 acres.
2. Water Permit Application No. 8164-3-3 proposes to withdraw groundwater at a maximum diversion rate of 5.33 cfs from three wells to be completed into the Bad-Cheyenne aquifer for the irrigation of 650 acres.
3. There is a reasonable probability that unappropriated water is available from the Bad-Cheyenne aquifer to supply the proposed appropriation.
4. There is a reasonable probability that any possible well inference due to the proposed appropriation will not adversely or unlawfully impair existing users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1985. Water Resources of Aurora and Jerauld Counties, South Dakota, U.S. Geological Survey Water-Resources Investigations Report 84-4030. Vermillion, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 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
- Jensen, A.R., 2005, First Occurrence of Aquifer Materials in Jerauld County, South Dakota, South Dakota DENR-Geological Survey Aquifer Materials Map 21, Scale: 1:100,000
- Koch, N.C. 1980. Geology and Water Resources of Hand and Hyde Counties, South Dakota; Part II: Water Resources: South Dakota Geological Survey Bulletin 28, SD DENR-Geological Survey, Vermillion, South Dakota.
- Schulz, L.D., 2003, First Occurrence of Aquifer Materials in Beadle County, South Dakota: South Dakota Geological Survey Aquifer Materials Map 15, Scale: 1:100,000
- Water Rights. 2015a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2015b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2015c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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AUG 10 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Terrebonne) SS

I, Kristi Hine

certify that the attached printed Notice was
taken

from the True Dakotan

printed and published in Wessington Springs
County of Terrebonne and

state of South Dakota. The notice was
published

in the newspaper on the following date:

August 4, 2015

Cost of Printing \$39.15

Kristi Hine
(Signature)

NOTICE OF APPLICATION NOS. 8164-3, 8165-3 and 8166-3 to Appropriate Water

Notice is given that Todd Swenson, 38770 235th St, Wessington Springs SD 57382 has filed the following three applications for a water permits.

Application No. 8164-3 proposes to appropriate 5.33 cubic feet of water per second (cfs) from three wells to be completed into the Bad-Cheyenne Aquifer (103, 170 and 147 feet deep) located in the SE 1/4 NW 1/4, Lot 1 (NE 1/4 NE 1/4) and near the center of E 1/2 Section 3 for irrigation of 650 acres located in Lots 1,2,3,4 and

S 1/2 NW 1/4, S 1/2 NE 1/4, SE 1/4 Section 3 and E 1/2 Section 10; all in T108N-R64W.

Application No. 8165-3 proposes to appropriate 5.33 cfs from three wells to be completed into the Bad-Cheyenne Aquifer (45, 46 and 45 feet deep) located in the S1/2 NW 1/4 and the SE 1/4 SW 1/4

Section 1 to irrigate 460 acres located in Lots 1, 2 and E 1/2 Section 2 and S 1/2 NW 1/4, SW 1/4, SW 1/4 NE 1/4 Section 1; all in T108N-R64W.

Application No. 8166-3 proposes to appropriate 2.13 cfs from a gravel pit located in the E 1/2 SW 1/4 Section 16 to irrigate 150 acres located in the SW 1/4 Section 16; all in T108N-R64W. The gravel pit penetrates a sand and gravel deposit designated as Pleistocene: Unknown Aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8164-3, 8165-3 and 8166-3 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 op-

posing 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 giv-

en above. A petition filed by either an interested person or the applicant must be filed by August 17, 2015.

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 \$39.15.

C-45

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD DEPT OF ENVIRONMENTAL –
WATER RIGHTS – TODD SWENSON**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 4TH day AUG 2015. That the full amount of the fee charged for publishing is: **FORTY-THREE & 87/100** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 31ST Day
of AUG 2015.


Notary Public, South Dakota

My term expires 01/27/2018
Legal #1951

F.P. 07-28-15

**NOTICE OF
APPLICATION NOS.
8164-3, 8165-3 and
8166-3 to**

Appropriate Water

Notice is given that Todd Swenson, 38770 235th St, Wessington Springs SD 57382 has filed the following three applications for a water permits.

Application No. 8164-3 proposes to appropriate 5.33 cubic feet of water per second (cfs) from three wells to be completed into the Bad-Cheyenne Aquifer (103, 170 and 147 feet deep) located in the SE 1/4 NW 1/4, Lot 1 (NE 1/4 NE 1/4) and near the center of E 1/2 Section 3 for irrigation of 650 acres located in Lots 1, 2, 3, 4 and S 1/2 NW 1/4, S 1/2 NE 1/4, SE 1/4 Section 3 and E 1/2 Section 10; all in T108N-R64W.

Application No. 8165-3 proposes to appropriate 5.33 cfs from three wells to be completed into the Bad-Cheyenne Aquifer (45, 46 and 45 feet deep) located in the S 1/2 NW 1/4 and the SE 1/4 SW 1/4 Section 1 to irrigate 460 acres located in Lots 1, 2 and E 1/2 Section 2 and S 1/2 NW 1/4, SW 1/4, SW 1/4 NE 1/4, Section 1; all in T108N-R64W.

Application No. 8166-3 proposes to appropriate 2.13 cfs from a gravel pit located in the E 1/2 SW 1/4 Section 16 to irrigate 150 acres located in the SW 1/4 Section 16; all in T108N-R64W.

The gravel pit penetrates a sand and gravel deposit designated as Pleistocene:Unknown Aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8164-3, 8165-3 and 8166-3 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 accor-

dance 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 August 17, 2015.

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.
No. 1951 (adv.)
Published once at the
total approximate cost of
\$43.86.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, July 24, 2015 10:15 AM
To: truedakotan@venturecomm.net
Subject: 8164-3, Todd Swenson
Attachments: 8164-66-3pluralpublic-short.docx; FORM8 FRM.doc

Attached is a notice to be published on August 4, 2015.

Todd Swenson, 38770 235th St, Wessington Springs SD 57382 (605 539-1722 or c 605 354-1930) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, July 24, 2015 10:16 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 8164-3, Todd Swenson
Attachments: 8164-66-3pluralpublic-short.docx; FORM8 FRM.doc

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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

July 24, 2015

Todd Swenson
38770 235th St
Wessington Springs SD 57382

Dear Mr. Swenson:

Water Permit Application Nos. 8164-3, 8165-3 and 8166-3 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 True Dakotan printed at Wessington Springs SD (Ph # 605-539-1281) and the Plainsman printed at Huron SD (Ph # 605-353-7401). 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

cc: Tim Bottum, PO Box 125, Mitchell SD 57301

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.

NOTICE OF APPLICATION NOS. 8164-3, 8165-3 and 8166-3 to Appropriate Water

Notice is given that Todd Swenson, 38770 235th St, Wessington Springs SD 57382 has filed the following three applications for a water permits.

Application No. 8164-3 proposes to appropriate 5.33 cubic feet of water per second (cfs) from three wells to be completed into the Bad-Cheyenne Aquifer (103, 170 and 147 feet deep) located in the SE 1/4 NW 1/4, Lot 1 (NE 1/4 NE 1/4) and near the center of E 1/2 Section 3 for irrigation of 650 acres located in Lots 1,2,3,4 and S 1/2 NW 1/4, S 1/2 NE 1/4, SE 1/4 Section 3 and E 1/2 Section 10; all in T108N-R64W.

Application No. 8165-3 proposes to appropriate 5.33 cfs from three wells to be completed into the Bad-Cheyenne Aquifer (45, 46 and 45 feet deep) located in the S1/2 NW 1/4 and the SE 1/4 SW 1/4 Section 1 to irrigate 460 acres located in Lots 1, 2 and E 1/2 Section 2 and S 1/2 NW 1/4, SW 1/4, SW 1/4 NE 1/4 Section 1; all in T108N-R64W.

Application No. 8166-3 proposes to appropriate 2.13 cfs from a gravel pit located in the E 1/2 SW 1/4 Section 16 to irrigate 150 acres located in the SW 1/4 Section 16; all in T108N-R64W. The gravel pit penetrates a sand and gravel deposit designated as Pliestocene:Unknown Aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8164-3, 8165-3 and 8166-3 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.

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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

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

denr.sd.gov

SEP 21 2015

Todd Swenson
38770 235th St
Wessington Springs SD 57382

Dear Mr. Swenson:

Enclosed is Water Permit No. 8164-3 authorizing construction of the 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

8164-3

SD EForm - 1621LD V1

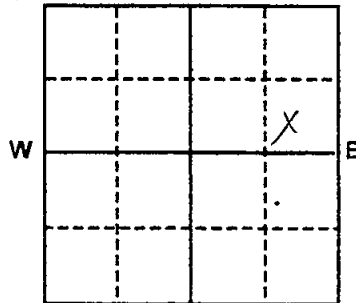
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ NE ¼ Sec 3 Twp 108N Rg 64W

County Jerauld

North

Please mark well
location with an "X"

Well Completion Date

4/5/2016

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

None ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
 If other, describe: Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
304SS LB/FT	16 IN	143 FT	173 FT	26 IN
Sch80 LB/FT	16 IN	123 FT	143 FT	26 IN
SDR26 LB/FT	16 IN	0 FT	123 FT	26 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	15	Lb/gal	0 Ft	140 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 30 Feet

Material Stainless Steel

Slot Size .050 Set From 143 Feet to 173 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysis

Well Owner: Todd Swenson

Business Name: Swenson Partnership

Address: 38770 235th St

City, State, Zip: Wessington Springs SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	7
Yellow Clay	7	30
Blue Clay	30	85
Blue Clay & Gravel	85	105
Sand & Clay Streaks	105	145
Good Sand & Gravel	145	173

STATIC WATER LEVEL 71 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

95 Ft. After 6 Hrs. pumped 900 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

BAD CEMENT

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIVED

MAY 20 2016

WATER RIGHTS
PROGRAM



8164-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: TODD SWENSON, 38770 235TH ST, WESSINGTON SPRINGS, SD 57382

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8164-3, 8165-3 & 8166-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8164-3, 8165-3 & 8166-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8164-3, 8165-3 & 8166-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



8164-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 3, 2017

8164-3
8165-3
8166-3

Todd Swenson
38770 235th St
Wessington Springs SD 57382

Dear Mr. Swenson:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos 8164-3, 8165-3 & 8166-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8164-3

I have this day, July 3, 2025, made a thorough examination of the water use system constructed by Todd Swenson, 38770 235th St, Wessington, SD 57382 of Permit No. 8164-3, bearing the priority of May 20, 2015 authorizing the diversion of 5.33 cu. ft. per second of the waters of the Bad-Cheyenne Aquifer for irrigation purposes, in Jerould County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Stretch's Well Service
- 2) No. of Wells 2
- 3) Depth(s) 173 feet
- 4) Well log is available Y

Comments: For only one (1) well

Casing:

- 1) Diameter 16 inches
- 2) Length 143 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 30 feet
- 3) Static water level 71 feet

Pump:

- 1) Make Submersibles
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 each GPM

Motor:

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

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

- 1) Type Buried PVC 2) Size 8 inches 3) Length 4000 total feet

Comments: xx

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make 3 – T & L s
 2) Overall length 1000, 1000, 1300 feet
 3) Number of towers 7, 7, 8
 4) End gun Y
 5) Capacity 800 each GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: Using commercially available equipment

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
 3) Exceptions to compliance are: None

E. Condition and Location:

- The system is in good condition with the point(s) of diversion located as follows: WELL LOCATIONS
From the NE corner Sec 3 T108N R64W WELL #1: 1850 ft S & 2225 ft W, Lat 44.19143 Long -
98.50125 (SW 1/4 NE 1/4) WELL # 2: 2200 ft S & 1440 ft W, Lat 44.19093 Long -98.49836 (NW 1/4 SE
1/4)
- The works are capable of diverting and conveying to the place of use 3.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>legal description/acreage</u>	<u>legal description/acreage</u>
<u>All land in Sec 3 T108N R64W</u>	
<u>NW 1/4 NW 1/4 - 11 acres</u>	
<u>NE 1/4 NW 1/4 - 18 acres</u>	
<u>SE 1/4 NW 1/4 - 30 acres</u>	
<u>SW 1/4 NW 1/4 - 22 acres</u>	
<u>NW 1/4 NE 1/4 - 12 acres</u>	
<u>NE 1/4 NE 1/4 - 18 acres</u>	
<u>SE 1/4 NE 1/4 - 32 acres</u>	

SW 1/4 NE 1/4 - 22 acres
NW 1/4 SE 1/4 - 31 acres
NE 1/4 SE 1/4 - 31 acres
SE 1/4 SE 1/4 - 32 acres
SW 1/4 SE 1/4 - 36 acres

comprising a total of 295 acres of land and the license should be issued for 3.56 cfs.

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

Used FSA maps and ArcGPS technologies to construct the project map.

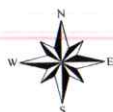
Learned that the Silver Lake Hutterite Colony, 17354 430th Ave, Clark, SD 57225 purchased the property in 2024. Do not have an irrigation contact phone number.

Mr. C. J., Todd Swenson Farm Manager (605/682-0939), related that only two (2) wells were in use.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 15, 2025



0 700 1,400 2,800 4,200 5,600 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 27 2026

8164-3

Todd Swenson
38770 235th St
Wessington Springs, SD 57382

Dear Mr. Swensen:

Enclosed is Water License No.8164-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Permitting Administrator (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

Enclosures

- **NOTE:** Hello Todd, did the Silver Lake Hutterite Colony purchase this property from you? Do you still operate it? We don't have a lot of information on this. Feel free to call Amanda Dewell, listed above, or myself, Shannon Konst 605-773-8204 with information. Thank you

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8164-3**

(1) Todd Swenson, 38770 235th St, Wessington Springs, SD 57382, made Application No. 8164-3, May 20, 2015, for a water permit to divert 5.33 cubic feet of water per second from groundwater, three wells, (Bad-Cheyenne Aquifer), Todd County, for irrigation purposes. Permit No. 8164-3, with a priority date May 20, 2015, was approved on August 17, 2015, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 17, 2020, and for the application to beneficial use of water on or before August 17, 2024.

Water Permit No. 8164-3 authorized construction of three wells to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and near the approximate center of the E $\frac{1}{2}$ Section 3-T108N-R64W. Only two wells were developed, both of which are located near the center of the E $\frac{1}{2}$ Section 3-T108N-R64W.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.56 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 1,850 ft S & 2,225 ft W of the NE corner Section 3-T108N-R64W (SW $\frac{1}{4}$ NE $\frac{1}{4}$) (Latitude 44.19143 & Longitude -98.50125)
- Well #2: 2,200 ft S & 1,440 ft W of the NE corner Section 3-T108N-R64W (NW $\frac{1}{4}$ SE $\frac{1}{4}$) (Latitude 44.19093 & Longitude -98.49836)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation purposes. The water is to be used during the following described annual period: April 1 – October 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: *below described lands include Lots 1, 2, 3, and 4*

Section 3-T108N-R64W

NE $\frac{1}{4}$ NE $\frac{1}{4}$	18 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	11 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	22 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres

TOTAL: 295 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1, Todd Swenson, the holder and/or owner of Water Right No. 8164-3, issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from groundwater, two wells, (Bad-Cheyenne Aquifer), with a priority date of May 20, 2015, from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8164-3 and subject to the following qualifications:

continued

QUALIFICATIONS

1. The wells approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8164-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Adam Mathiowetz, PE
Acting Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources

APR 27 2026

date



PAID

APR 28 2026

Ck# 31406

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 8164-3

Date: 4-18-2026

I/We request that Water Right/Permit No. 8164-3 formerly owned by:

Todd Swenson

be transferred to:

New Owner Name: Silverlake Hutterian Brethren Inc.

Address: 17354 430th Ave

mobile:

City, State, Zip Clark, SD 57225

email:

RECEIVED

APR 29 2026

OFFICE OF
WATER

Title to the following described land(s)/property has been transferred as described above:

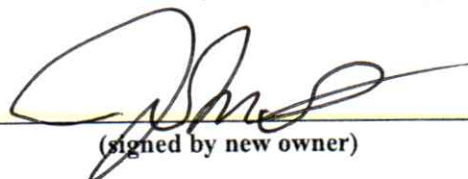
NE 1/4, NW 1/4, SE 1/4, Lots 1,2,3 and 4, all in; Section 3-T108N-R64W
TOTAL: 295 acres

☒ I understand that the validity of Water Right/Permit No. 8164-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, John Grosz, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

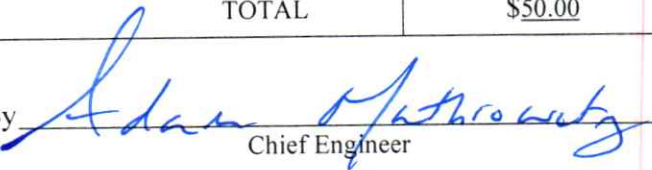
Date April 28, 2026

RECEIVED OF Silverlake Hutterian Brethren Inc. 17354 430th Ave Clark, SD 57225

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form #8164-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$50.00

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 29, 2026

8164-3

Silverlake Hutterian Brethren Inc.
C/O John Grosz
17354 430th Ave
Clark, SD 57225

Dear Mr. Grosz:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the fee you submitted for Water Right No. 8164-3, enclosed is a \$50.00 receipt of payment for your records.

Water Right No. 8164-3, previously held by Todd Swenson, is now listed under Silverlake Hutterian Brethren Inc. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No. 8164-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures