

WATER PERMIT NO. 8165-3

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: 460 acres

Source of Water Supply: groundwater (three wells)

Water to be used for: irrigation

County: Jerauld

Type of Waste Disposal System:

Location: 4 miles west of Alpena

PRIORITY

Date Received: 5-20-15

Application/License Fee: \$ 1550

Corrected Application Received: 6-2-15

Period of Annual Use: April 1- October 31

Remarks:

Diversion Point: SE 1/4 NW 1/4, SE 1/4 NW 1/4,
SE 1/4 SW 1/4 Sec 1-T108N-R64W

Land to be Irrigated: E 1/2 Sec 2; S 1/2 NW 1/4,
SW 1/4 Sec 1; all in T108N-R64W

Depth of Well: 45, 46, & 45 feet deep

Well Driller: Stretch's Well Service Inc.

Remarks:

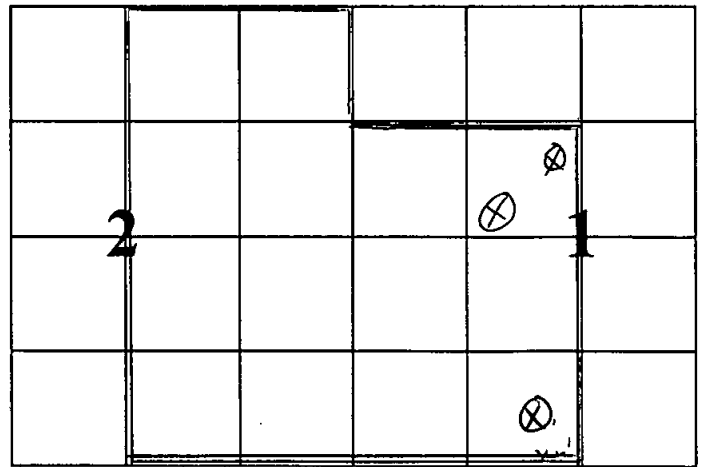
Type of Map: aerial

Prepared by:

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

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Originally received
5/20/2015

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>8/65-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>True Dakota News Service</u>	
<u>Plainsman - Huron</u>		

RECEIVED

JUN - 2 2015

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 tsvenson@venturecomm.net2. Amount of water claimed 5.33*CFS or 2400 **GPM ***AF Total Acreage 460
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Bad-Chuyenne Aquifer4. Location of point of diversion SEE ATTACHED EXHIBIT 1 (3 wells)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)SE 1/4 NW 1/4, SE 1/4 NW 1/4, SE 1/4 SW 1/4 Sec 1 T108N-R64W County Jerauld5. County or counties where water will be used Jerauld County6. Annual period during which water is to be used April - October 317. 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 2		SW 1/4 Sec 1	115
NE 1/4 Sec 2 (Lots 1 & 2)	130	NE 1/4 Sec 1	15
SE 1/4 Sec 2	130		
S 1/2 NW 1/4 Sec 1	70	all in T108N-R64W	

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 3 and Township map attached as EXHIBIT 4. South Dakota Water Well Completion Reports are attached as EXHIBIT 5.

I, 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. 8165-3 FOR IRRIGATION

Date of first receipt of application June 2, 2015.

The Water Management Board approved Water Permit No. 8165-3 on December 9, 2015 for 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. 8165-3 appropriates 5.33 cubic feet of water per second 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.
 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 June 2, 2015.
 4. One-fifth of the construction is to be completed on or before June 9, 2018.
 5. All construction is to be completed on or before December 9, 2020.
 6. Water is to be put to beneficial use on or before December 9, 2024.
- 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. 8165-3 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.
4. All production wells for Permit No. 8165-3 shall be located a minimum of 1/8 of a mile in any direction from the top of the bank next to Sand Creek.

WATER MANAGEMENT BOARD

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

JAN 05 2016
date



DALE TWP

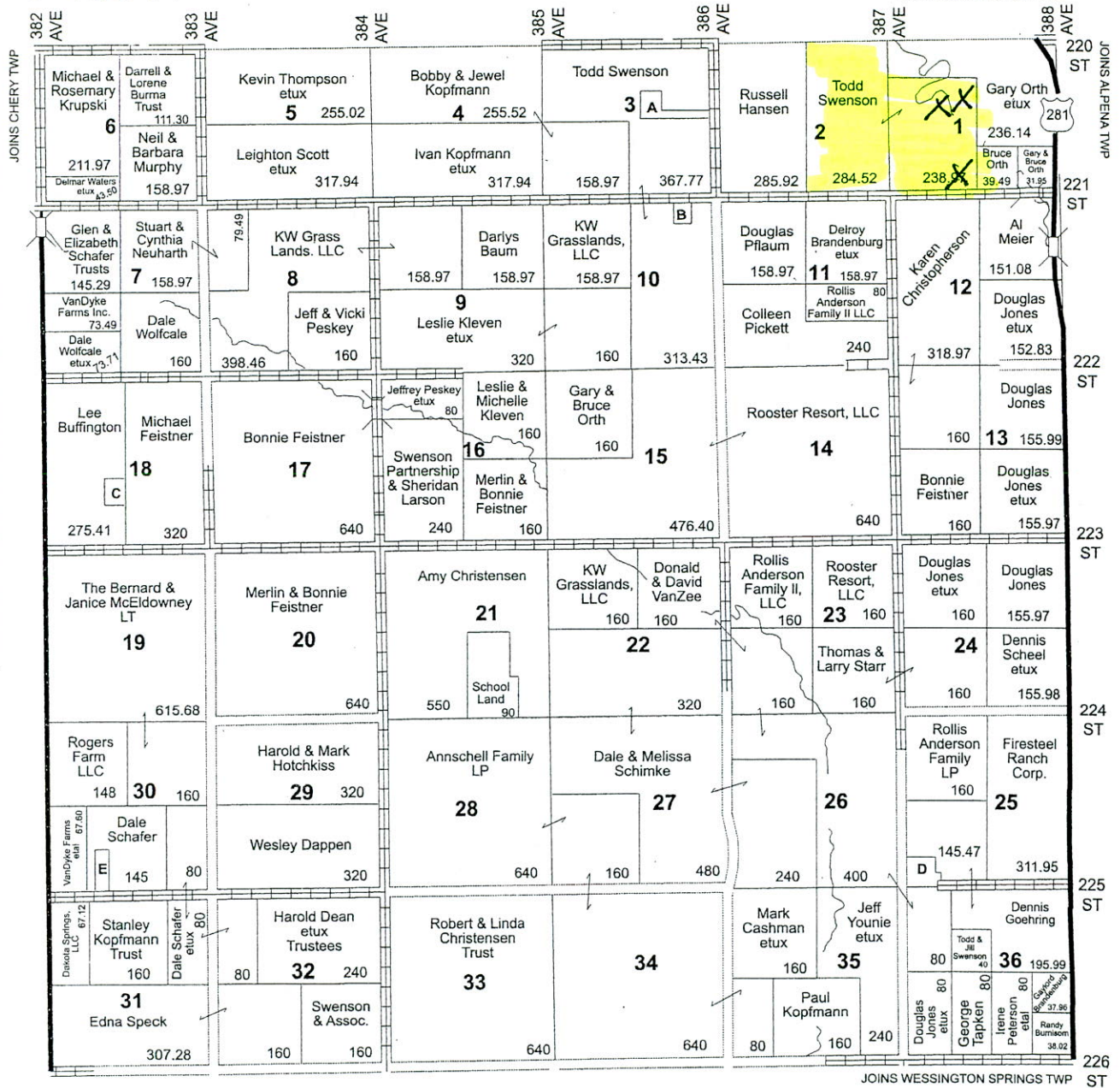
LAND OWNER

T 108 N

R 64 W

JOINS BEADLE COUNTY, SD

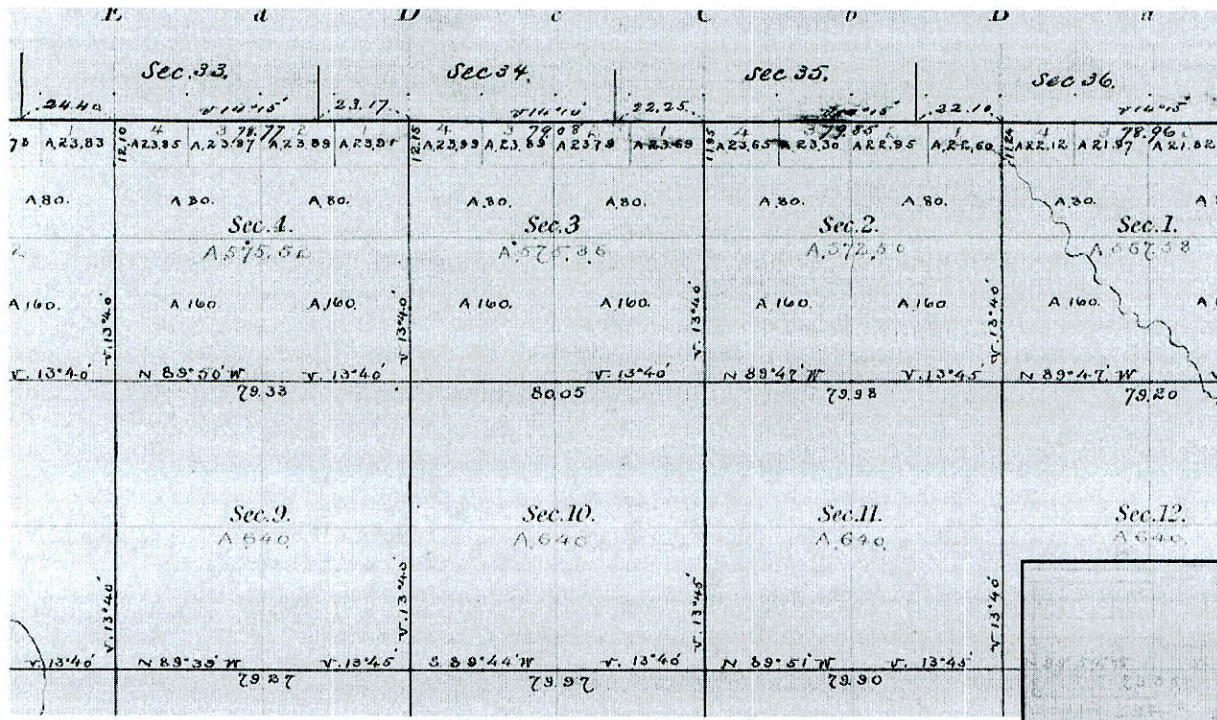
JERAULD CO. LAND OWNER & RURAL RESIDENT MAPS



Small Tracts

Section 3 A James & Donna Knight - 46.56
 Section 10 B Monte & Lori Kopfmann - 5.54
 Section 18 C Randy Doty etux - 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	T 108 N
CROW	PLEASANT	MEDIA	WESSINGTON SPRINGS	FRANKLIN	T 107 N
LOGAN	CROW LAKE	ANINA	VIOLA	BLAINE	T 106 N



25% |

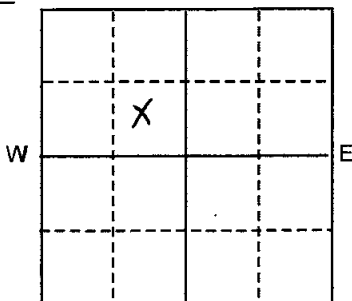
zoom
view

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 1 Twp 108N Rg 64WCounty Jerauld

North

Please mark well
location with an "X"

Well Completion Date

2/16/2015

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 _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
220 LB/FT	4 IN	0 FT	45 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	2	Lb/gal	0 Ft	25 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 4 Inches Length 20 FeetMaterial PVCSlot Size .025 Set From 25 Feet to 45 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf 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 PartnershipAddress: 38770 235th St.City, State, Zip: Wessington Springs SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	5
Clay	5	15
Sand and Pea Rock	15	45

STATIC WATER LEVEL 4.9 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: Centrifugal☐ Bailed☐ Other _____

Pumping Level Below Land Surface

16.7 Ft. After 2 Hrs. pumped 120 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:

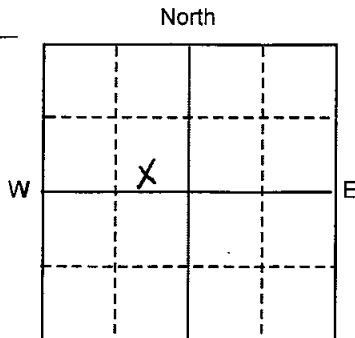
Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ NW ¼ Sec 1 Twp 108N Rg 64W

County Jerauld

Please mark well
location with an "X"

Well Completion Date

2/5/2015

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
220 LB/FT	4 IN	0 FT	46 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	2	Lb/gal	0 Ft	24 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 26 Feet to 46 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	2	14
Sand and Pea Rock	14	46

STATIC WATER LEVEL 5.4 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

5.85 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:

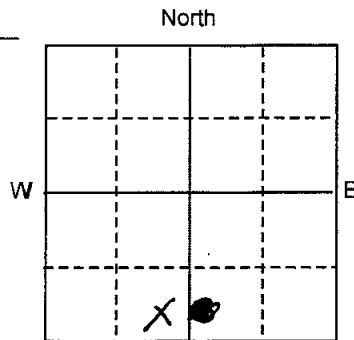
Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 1 Twp 108N Rg 64WCounty Jerauld

Please mark well location with an "X"



Well Completion Date

3/2/2015

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 ☐ OtherIf other describe PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
220 LB/FT	4 IN	0 FT	45 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	2	Lb/gal	0 Ft	25 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 4 Inches Length 20 FeetMaterial PVCSlot Size .025 Set From 25 Feet to 45 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf 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 PartnershipAddress: 38770 235th St.City, State, Zip: Wessington Springs SD 57382

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Clay	2	12
Sand and Gravel	12	22
Medium Sand and Gravel	22	30
Small- Medium Pea Rock	30	45

STATIC WATER LEVEL 3.5 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: Centrifical☐ Bailed☐ Other

Pumping Level Below Land Surface

10.8 Ft. After 2 Hrs. pumped 130 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: _____

Job Name		No. of Firm Size Center Field		Date	Fig No.	Driller
JENNINGS		1-30-2015				
Log #	Depth	Time	Remarks			
1	0-15	11.15	GW-3	TOP SOIL DARK SAND BROWN CLAY		
2	15-30	12.32	3-5	LITE GRAY CLAY		
3	30-45	1.10	5-18	YELLOW CLAY WITH SMALL SAND STREAKS		
4	45-60	1.31	18-24	BLUE SILTY CLAY WITH PEBBLES		
5	60-75	1.53	24-25	ROCK		
6	75-90	2.15	25-35	BLUE SILTY CLAY WITH PEBBLES		
7	90-105	2.32	35-36	BLUE SILTY CLAY WITH SAND		
8	105-120	2.57	36-44	BLUE SILTY CLAY WITH SMALL SAND STREAKS PEBBLES		
9	120-135	3.20	44-45	CONCRETE		
10	135-150	3.48	45-57	BLUE SILTY CLAY WITH PEBBLES		
11	150-165	4.25	57-60	BLUE SILTY CLAY WITH SAND STREAKS		
			60-63	SAND		
			63-64	BLUE SILTY CLAY		
			64-65	FINE SAND		
			65-80	BLUE SILTY CLAY WITH PEBBLES		
			80-82	BLUE SILTY CLAY WITH PEBBLES SMALL SAND STREAKS		
			82-85	BLUE SILTY CLAY WITH PEBBLES		
			85-90	SAND LITTLE DIRTY BOTTOM 2' DRILLED BETTER		
			90-94	SAND - ROCK LITTLE HAL		
			94-102	BLUE SILTY CLAY WITH PEBBLES		
			102-105	BLUE SILTY CLAY - PEBBLES SMALL SAND STREAKS		
			105-142	BLUE SILTY CLAY WITH PEBBLES		
			142-147	BLUE SILTY CLAY WITH TRACES OF DARK WHITE		
			147-152	SHALE		
			152-156	SHALE WITH TRACES OF CHALK		
			156-162	SHALE WITH CHALK STREAKS		
			162-165	SHALE WITH CHALK STREAKS - AND GREENISH		

Had to pull out Part
Remain to get by rock

Job Name	Location	Date	Pig No.	Foreman
Sierra Verde	South of Creek West of #1	2-23-2015		
Depth	Time	Remarks		
1 0-15	12.53	12-2 TOP SOIL BLACK		
2 15-30	1.30	13-4 Light Brown CLAY		
3 30-45	1.44	14-5 Dark Brown CLAY with SAND STREAKS		
4 45-60	1.58	15-10 Sand Gravel		
5 60-75	2.42	16-15 Pea ROCK - DRUCKING H2O		
6 75-90	3.13	17-20 Dark Brown Sand with LITTLE Brown CLAY		
7 90-105	3.50	18-25 Sand Gravel dirty little Blue CLAY		
		25-30 Sand - TAKING A LITTLE H2O		
		30-35 Sand Med FINE TAKING A LITTLE H2O		
		35-40 Sand Med FINE TAKING A LITTLE H2O		
		40-45 Sand FINE with Blue CLAY STREAKS H2O		
		45-46 Sand with little Coal		
		46-47 Blue Silty CLAY - with Pebbles		
		47-48 Coal		
		48-50 Blue Silty CLAY with SAND STREAKS		
		50-55 Shale		

Swenson's Job Name		NW 1/4 4" well		Date	Fig No	Driller
#	Depth	Time	Remarks			
1	0-15	1.35	2-6 LITE BROWN CLAY			
2	15-30	2.04	6-9 LITE GRAYISH CLAY			
3	30-45	2.42	9-12 FINE CLAYS			
4	45-60	3.46	10-14 LITE GRAYISH CLAY			
5	60-75	4.22	14-18 LITE BLUE CLAY			
6	75-90	4.44	18-20 SAND			
7	90-105	5.08	20-25 COARSE MED - FINE DRINKING			
			25-30 MED FINE mud			
			30-35 COARSE - med - FINE			
			35-37 SAND			
			37-100 BLUE SILTY CLAY with pebbles			
			100-105 SHALE			
			5 1/2 BAGS DENTONITE			

All mud at 20 4 58

Job Name		Location		Date	Fig No.	Driller
Swenson		NW 1/4 4" well		2-9-2015		Neil
Depth	Time	Remarks				
1 0-15	1.35	CL-2 TOP SOIL BLACK				
2 15-30	2.04	2-6 Lite Brown CLAY				
3 30-45	2.42	6-9 Lite GRAYISH CLAY				
4 45-60	3.46	9-12 Mixed CLAYS				
5 60-75	4.22	10-14 Lite GRAYISH CLAY				
6 75-90	4.44	14-18 Lite BLACK CLAY				
7 90-105	5.08	18-20 SAND				
		20-25 Coarser med - FINE DRINKING				
		25-30 Med FINE mud				
		30-35 coarse - med - FINE				
		35-40 Sand				
		37-100 Blue silty CLAY with pebbles				
		100-105 Shale				
		5 1/2 bags bentonite				

Job Name		Now of Farm Site by Tires		Date	Rig No	Drill Name Foreman
Job #	Depth	Time	Location	Date	Rig No	Foreman
1	0-15	10.42	CL-2	TOP SOIL	BLACK	
2	15-30	11.08	2-28	YELLOW CLAY SAND WITH PEBBLES		
3	30-45	11.32	28-34	BLUE SILTY CLAY		
4	45-60	11.44	34-38	DIRTY SAND WITH CLAY		
5	60-75	12.40	38-46	BLUE SILTY CLAY WITH PEBBLES		
6	75-90	1.13	46-50	FINE SAND		
7	90-105	1.36	50-51	BLUE SILTY CLAY WITH PEBBLES		
			51-52	SAND		
			52-59	BLUE SILTY CLAY WITH PEBBLES		
			59-61	SAND		
			61-62	BLUE SILTY CLAY		
			62-63	SAND		
			63-69	BLUE SILTY CLAY		
			69-75	VERY HARD BLUE SILTY CLAY WITH PEBBLES		
			75-77	SAND WASHED THROUGH IT WASHING		
			77-80	BLUE SILTY CLAY SAND STRIPS		
			80-85	SAND DRILLED DIRTY WASHING		
			85-87	SAND - WASHING		
			87-90	SAND		
			90-95	BLUE SILTY CLAY WITH SAND STRIPS		
			95-117	PECK had 100' for 117' 117' 117'		
			97-105	BLUE SILTY CLAY		
				SAND kept washing till cut move		

3rd Pile 57.48

Had to pull out bit was shot
Put on bottom bit

Wells		NW of Farm by trees		9-11-2015		Dore Rig No.	
Well #	Depth	Time	Location	Date	Rig No.	Remarks	
1	0-15	4.30	GL-2			TOP SOIL BLACK	
2	15-30	4.49	2-19			Yellow CLAY with Sand STREAKS	
	2-12-2015		19-20			Gravel	
3	30-45	12.55	20-22			Light Brown CLAY	
4	45-61	1.15	22-39			Blue SILTY CLAY	
5	60-75	1.44	39-50			Blue SILTY CLAY Small Sand STREAKS - Pebbles	
6	75-90	2.15	50-55			Blue SILTY CLAY Fair Sand STREAKS - Pebbles	
7	90-115	2.35	55-61			Blue SILTY CLAY with Pebbles	
8	105-120	3.06	60-61			Sand	
9	120-135	3.44	61-85			Blue SILTY CLAY with Pebbles	
	2-13-2015		85-88			Sand with CLAY STREAKS	
10	135-150	11.28	88-90			Med Sand	
			90-95			Med - Sand	
			95-100			Med - Sand	
			100-118			Blue SILTY CLAY	
			118-120			Sand	
			120-125			Sand and CLAY	
			125-128			Coarse with CLAY very dirty	
			128-135			Sand med coarse with CLAY	
			135-137			Sand med - coarse	
			137-138			Blue SILTY CLAY	
			138-139			Blue SILTY CLAY with Small STREAKS	
			139-146			Blue SILTY CLAY	
			146-150			Shale	
						3000s bentonite	

1.13

1.66

DALE TWP

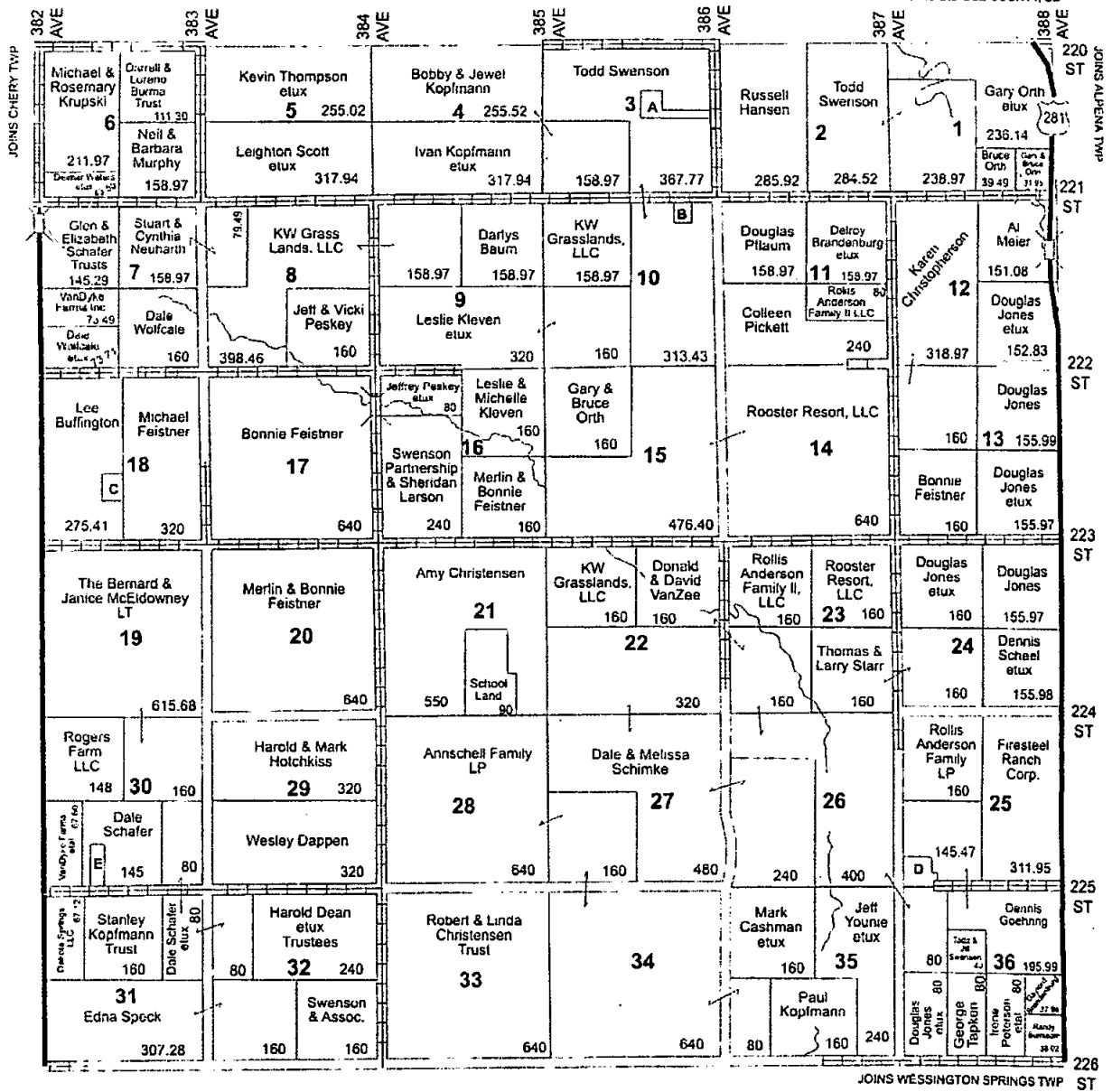
LAND OWNER

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 Kopmann - 5.54
- Section 18 C Randy Doty etux - 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

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>8165-3</u> to Appropriate Water, to construct and to put water to beneficial use	1350	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>8165-3</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	1550 00

No. 07409

By Jeanne Goodman
Chief Engineer

EXHIBIT 1

[Legal Descriptions]

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- (a) Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4), Section One (1), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (b) Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4), Section One (1), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (c) The Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) Except highway right of way, Section One (1), Township One Hundred Eight (108), North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota

EXHIBIT 2

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WATER RIGHTS
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- (a) 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) of Section Two (2), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (b) 130 acres located in the Southeast Quarter (SE1/4), Except Knight Outlot Three (3), and East highway right of way, Section Two (2), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (c) Approximately 70 acres mostly located in the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4), Section One (1), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota
- (d) Approximately 115 acres located in the Southwest Quarter (SW1/4) Except highway right of way, Section One (1), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County
- (e) Approximately 15 acres located in the Northeast Quarter (NE1/4), Section One (1), Township One Hundred Eight (108) North, Range Sixty-four (64), West of the 5th P.M., Jerauld County, South Dakota

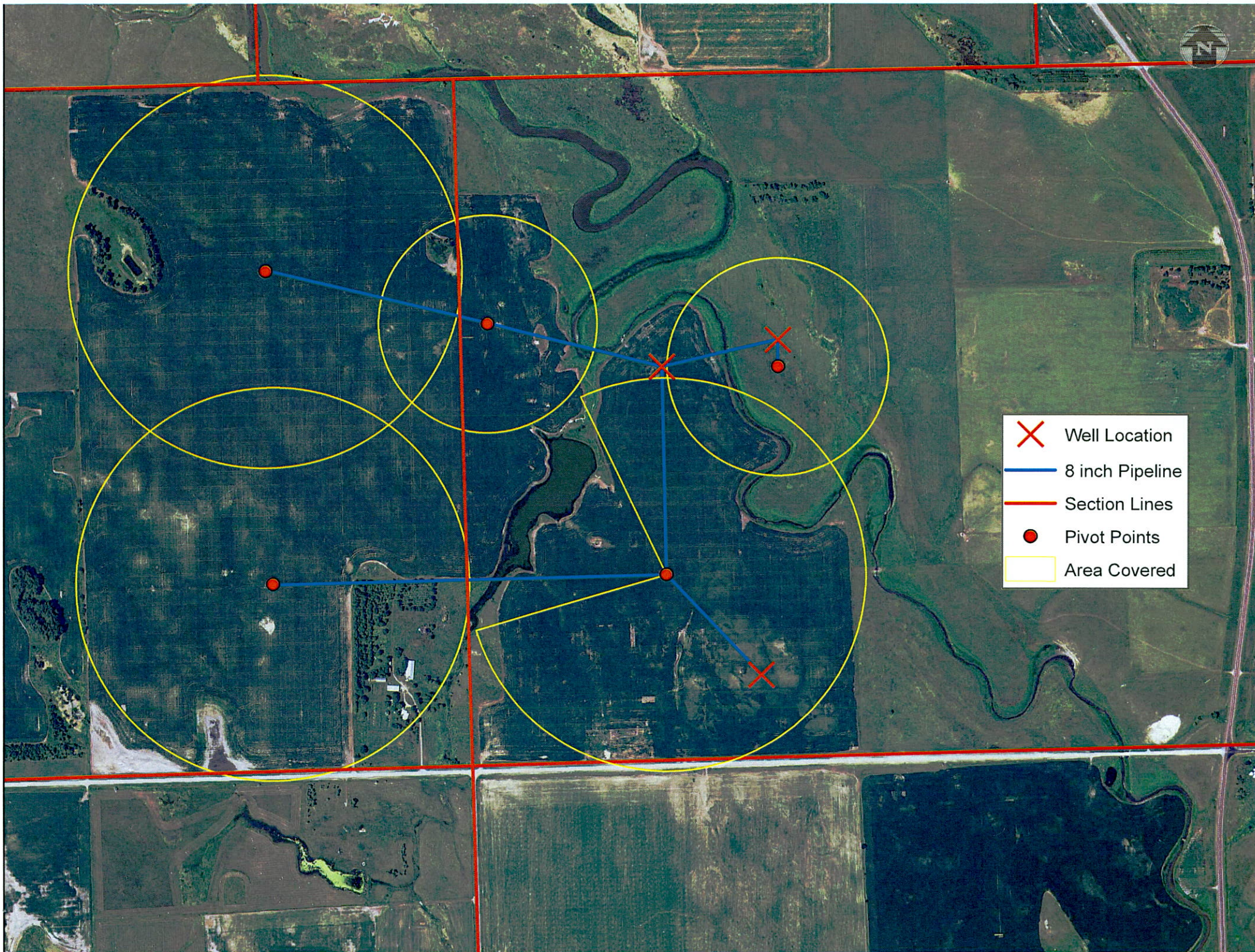
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MAY 20 2015

**WATER RIGHTS
PROGRAM**

EXHIBIT 3

[Map of Project]



- X Well Location
- 8 inch Pipeline
- Section Lines
- Pivot Points
- Area Covered

EXHIBIT 4

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WATER RIGHTS
PROGRAM

[Township Map]

EXHIBIT 5

RECEIVED

MAY 20 2015

**WATER RIGHTS
PROGRAM**

[South Dakota Water Well Completion Reports]

Gronlund, Eric

From: Tim Bottum <tbottum@morgantheeler.com>
Sent: Friday, May 29, 2015 11:53 AM
To: Schlaak, Karen
Cc: Gronlund, Eric
Subject: RE: Todd Swenson applications

Karen,

Thank you for the email. Can you revise the 470 acres on Item No 2 to 460; and revise the 160 to 150? I will submit a new map. If I need to resubmit everything or just the corrected pages, please let me know.

Thank you.

Timothy G. Bottum, Esq.

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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-----Original Message-----

From: Schlaak, Karen [<mailto:Karen.Schlaak@state.sd.us>]
Sent: Wednesday, May 20, 2015 2:31 PM
To: Tim Bottum
Subject: Todd Swenson applications

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

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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If responding to this email, you are advised that messages transmitted over the Internet may not be secure and may be intercepted by third parties. The act of sending electronic mail to the sender or the firm of the sender does not by itself create an attorney-client relationship. Our existing clients (who have consulted with us in the privacy of our offices) risk waiving their attorney-client or work-product privileges that would otherwise protect their communications to us if they were not transmitted over the Internet.



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. 8165-3, 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. 8165-3, Todd Swenson, 38770 235th Street, Wessington Springs SD 57382.

The Chief Engineer is recommending APPROVAL of Application No. 8165-3 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. 8165-3 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

**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.

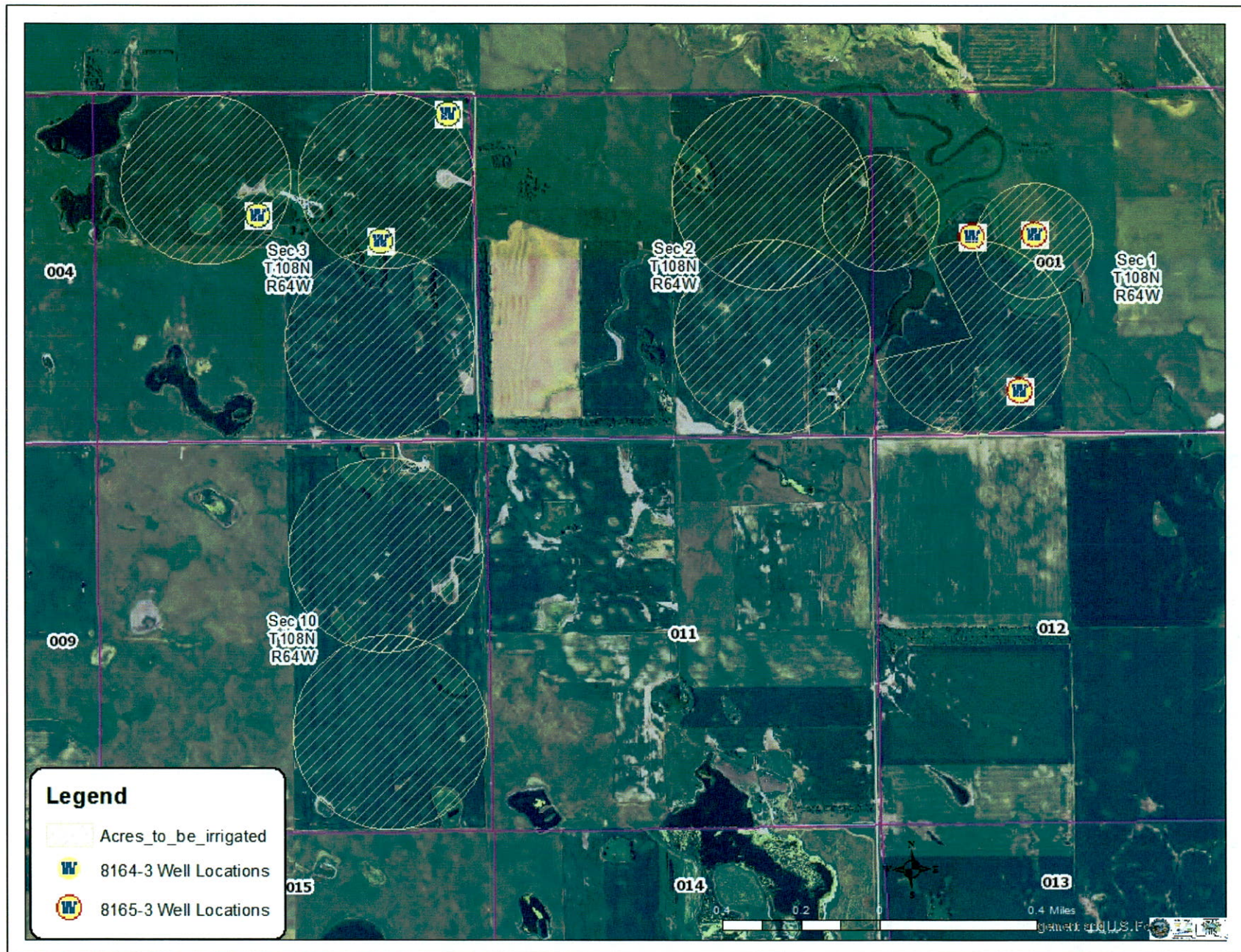


Figure 1. Approximate location of the well sites and irrigated acres proposed by Water Permit Application No. 8164-3 and 8165-3.

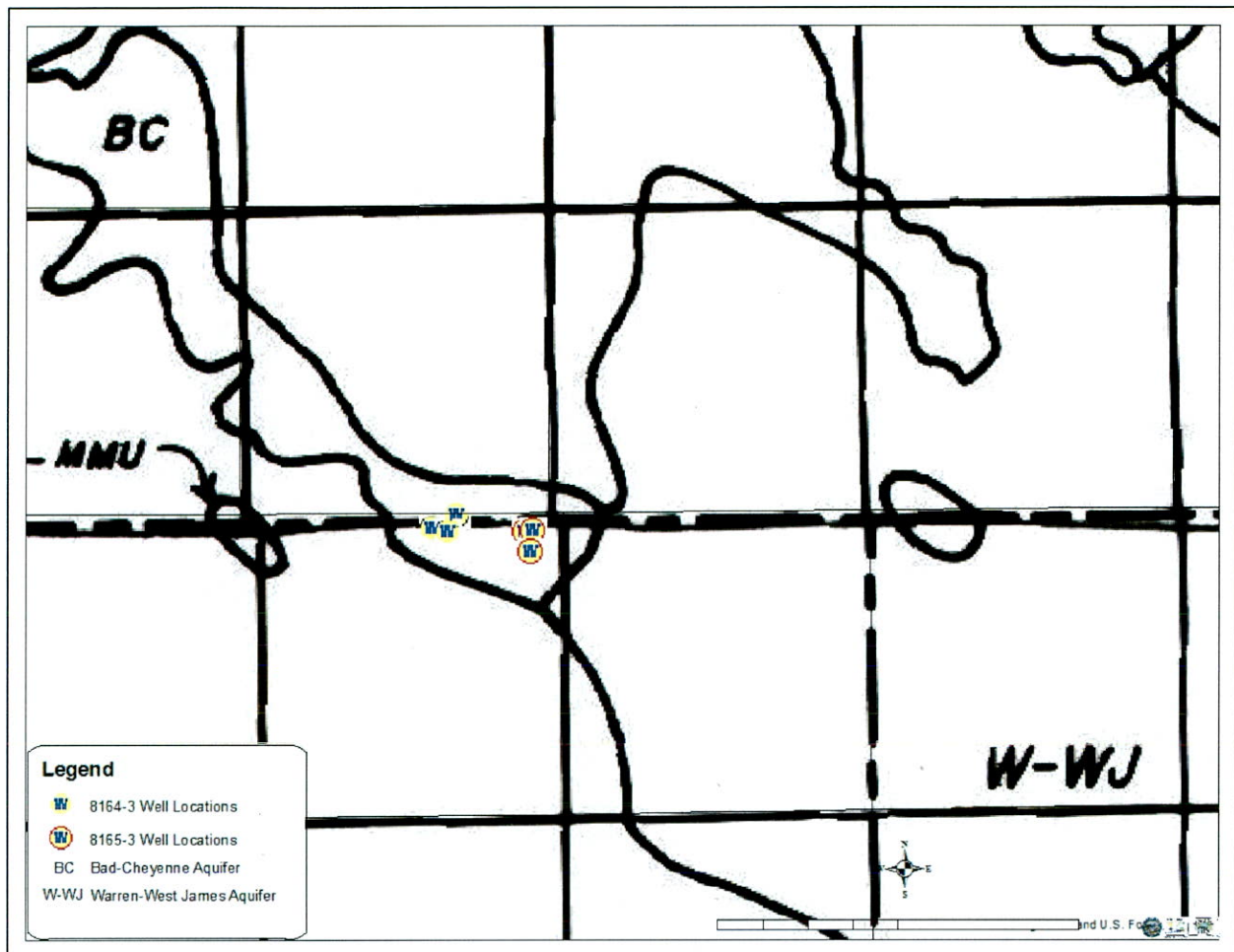


Figure 2. Glacial aquifers in the vicinity of the diversion points proposed by Water Permit Application Nos. 8164-3 and 8165-3 (modified from Hedges and others, 1982).

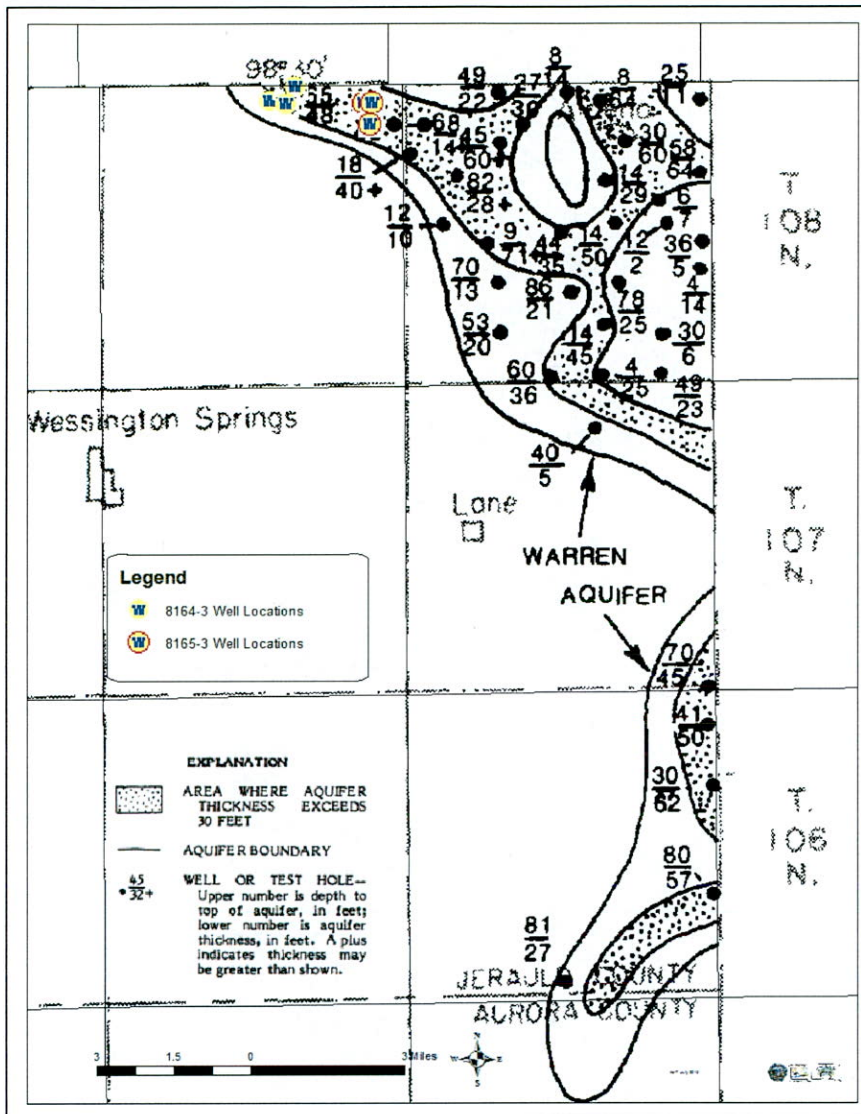


Figure 3. Glacial aquifers in the vicinity of the diversion points proposed by Water Permit Application Nos. 8164-3 and 8165-3 (modified from Hamilton, 1984).

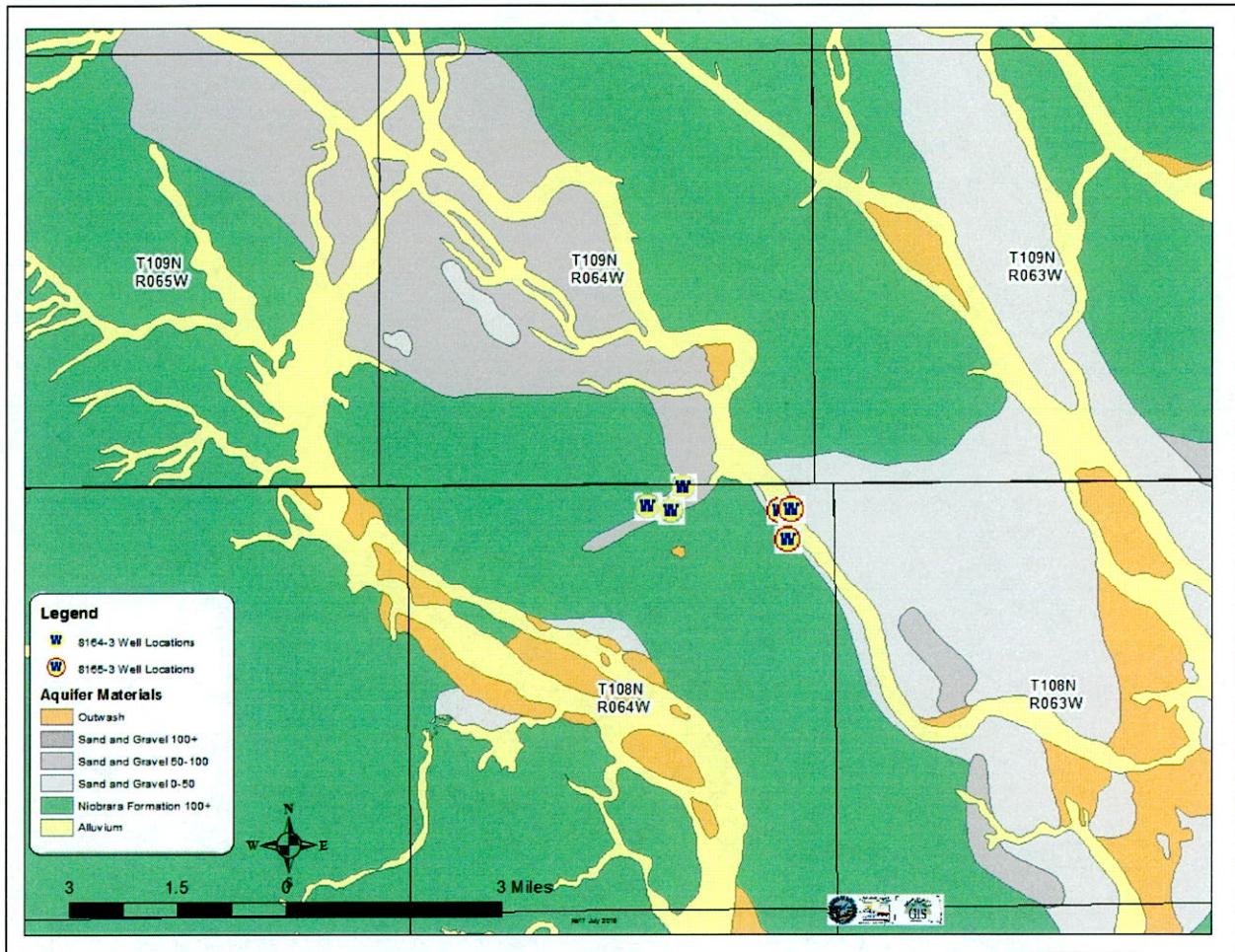


Figure 4. First Occurrence of Aquifer Materials in the vicinity of the well sites proposed by Water Permit Application Nos. 8164-3 and 8165-3. (Modified from (Schulz, 2003 and Jensen, 2005)).

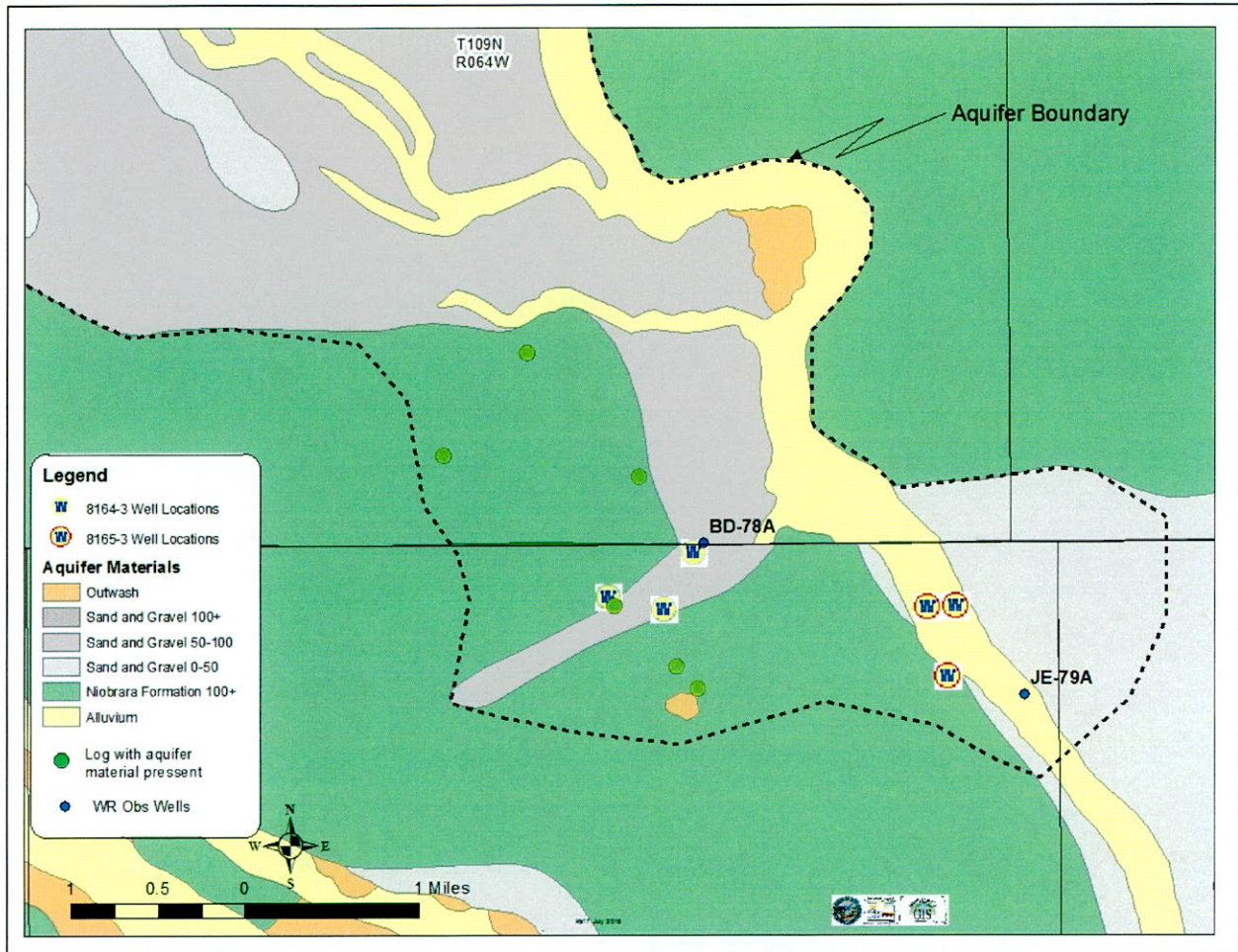


Figure 5. Approximate location of aquifer materials and DENR-Water Rights' observation wells in the vicinity of the well sites proposed by Water Permit Application Nos. 8164-3 and 8165-3. (Modified from (Schulz, 2003 and Jensen, 2005)).

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.

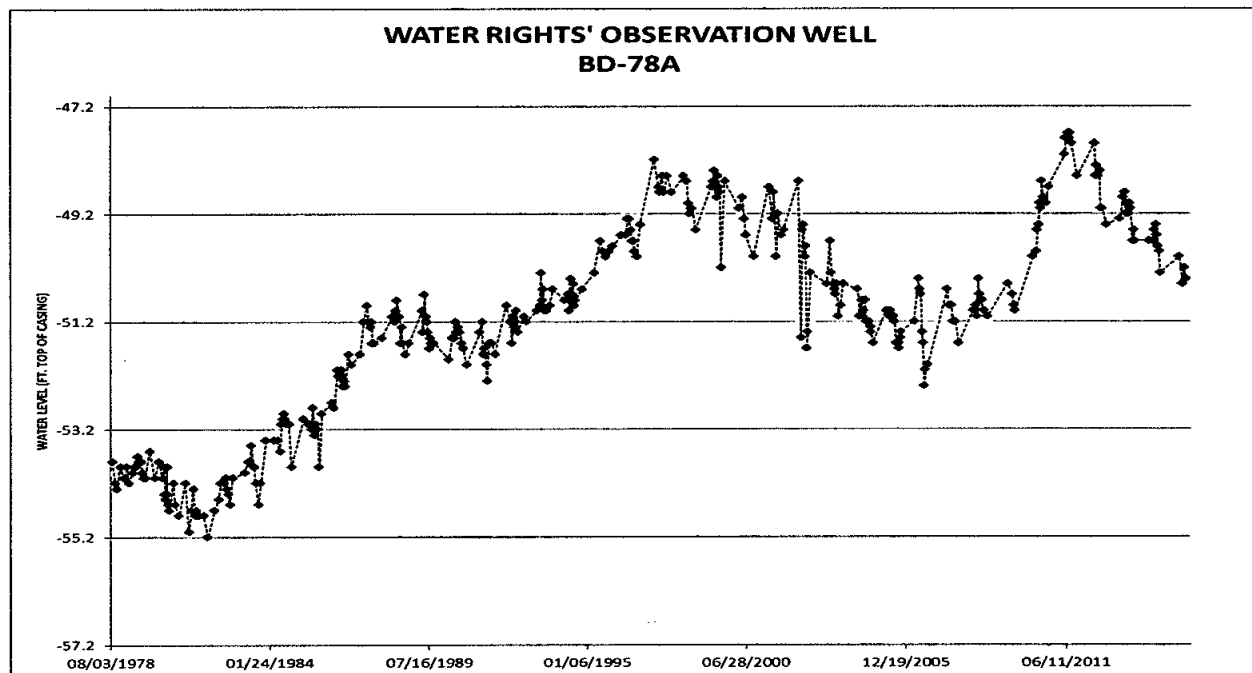


Figure 5. Hydrograph of DENR-Water Rights' Observation Well BD-78A

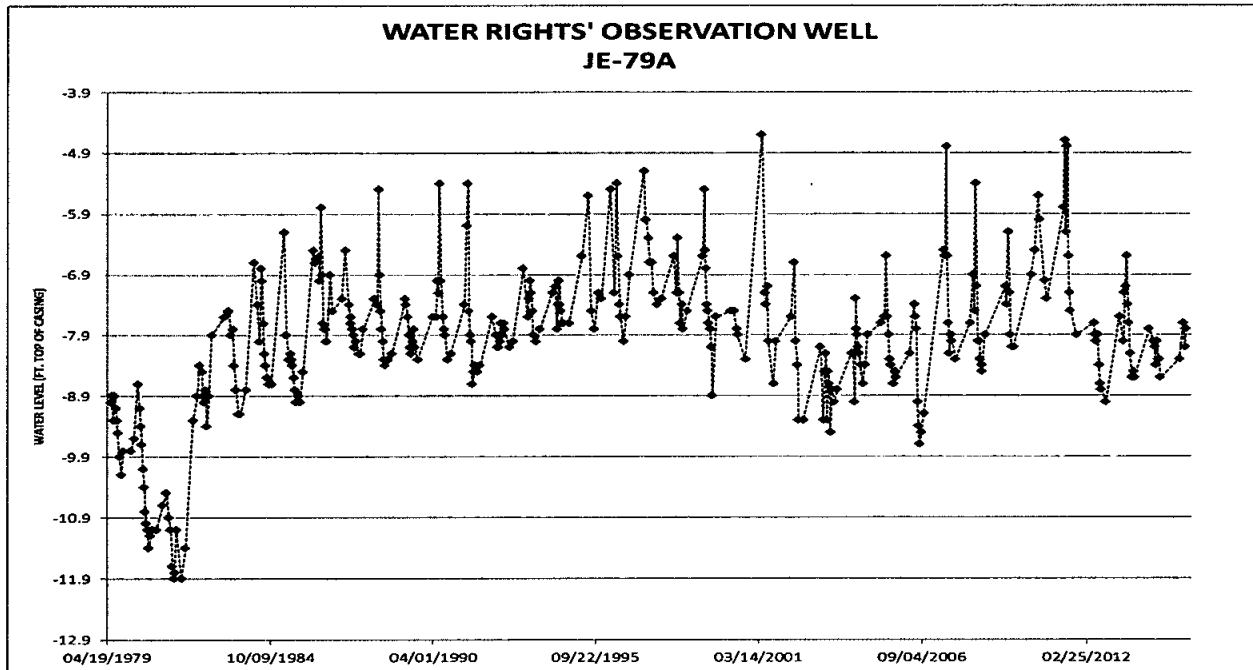


Figure 6. Hydrograph of DENR-Water Rights' Observation Well JE-79A

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

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Terrell) SS

I, Kristi Hine

certify that the attached printed Notice was taken

from the True Dakotan

printed and published in Wessington Springs

County of Terrell 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 Pliocene: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

RECEIVED

AUG 31 2015

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

WATER RIGHTS
PROGRAM

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

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

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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



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.

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.
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

August 31, 2015

denr.sd.gov

NOTICE OF HEARING

TO: Todd Swenson
38770 235th Street
Wessington Springs SD 57382

Jon Jones
22174 US Highway 281
Alpena SD 57312

Orth Brothers
38892 221st Street
Alpena SD 57312

Ivan Kopfmann
38741 Country Ln
Alpena SD 57312

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 8165-3, Todd Swenson

A petition expressing concern with approval of Water Permit Application No. 8165-3 has been filed in response to the Notice of Application published in the True Dakotan and the Plainsman. This notice schedules a hearing on this application before the South Dakota Water Management Board.

Water Permit 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8165-3 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.

The Water Management Board will consider Application No. 8165-3 at 1:00 PM on Wednesday, October 14, 2015, in the Pierre Chamber of Commerce, 800 West Dakota Avenue, Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date.

The petitioner's filing expresses concern with the impacts to Sand Creek which is their primary water source for livestock during the grazing season and requests help answering their questions. DENR has scheduled a meeting with petitioners to discuss their concerns.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications after it reaches a conclusion based on the facts presented at the public hearing.

The October 14, 2015, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or

support the application. The request for an automatic delay must be filed by October 2, 2015. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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

Contact Eric Gronlund at the above Chief Engineer's address to request the staff report, recommendation, application or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendation, affidavits of publication and petition in the matter of Water Permit Application No. 8165-3. The staff report and public notice included other applications filed by Mr. Swenson that were not contested. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is September 10, 2015. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosures

c: Ann Mines-Bailey, Assistant Attorney General
Tim Bottum, Attorney, PO Box 1025, Mitchell SD 57301-7025

RECEIVED

AUG 17 2015

WATER RIGHTS
PROGRAM

August 14, 2015

Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

To: Chief Engineer and Todd Swenson

We as land owners and renters along Sand Creek are concerned about the effects of Application No. 8165-3. Sand Creek is our primary source of water for our livestock during the grazing season. We would appreciate more time to be informed of the long term effects of the level of water when the pumps are in use and how much water is available in this aquifer before affecting creek levels. Sand Creek is a vital part of our operations. Our concern is with the location and depth of the wells near Sand Creek. A contact person to help answer some of our concerning questions would be much appreciated.

Sincerely,

Jon Jones
22174 US Highway 281
Alpena SD 57312



Orth Brothers
38892 221st St
Alpena SD 57312



Ivan Kopfmann
38741 Country Ln
Alpena SD 57312



**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.

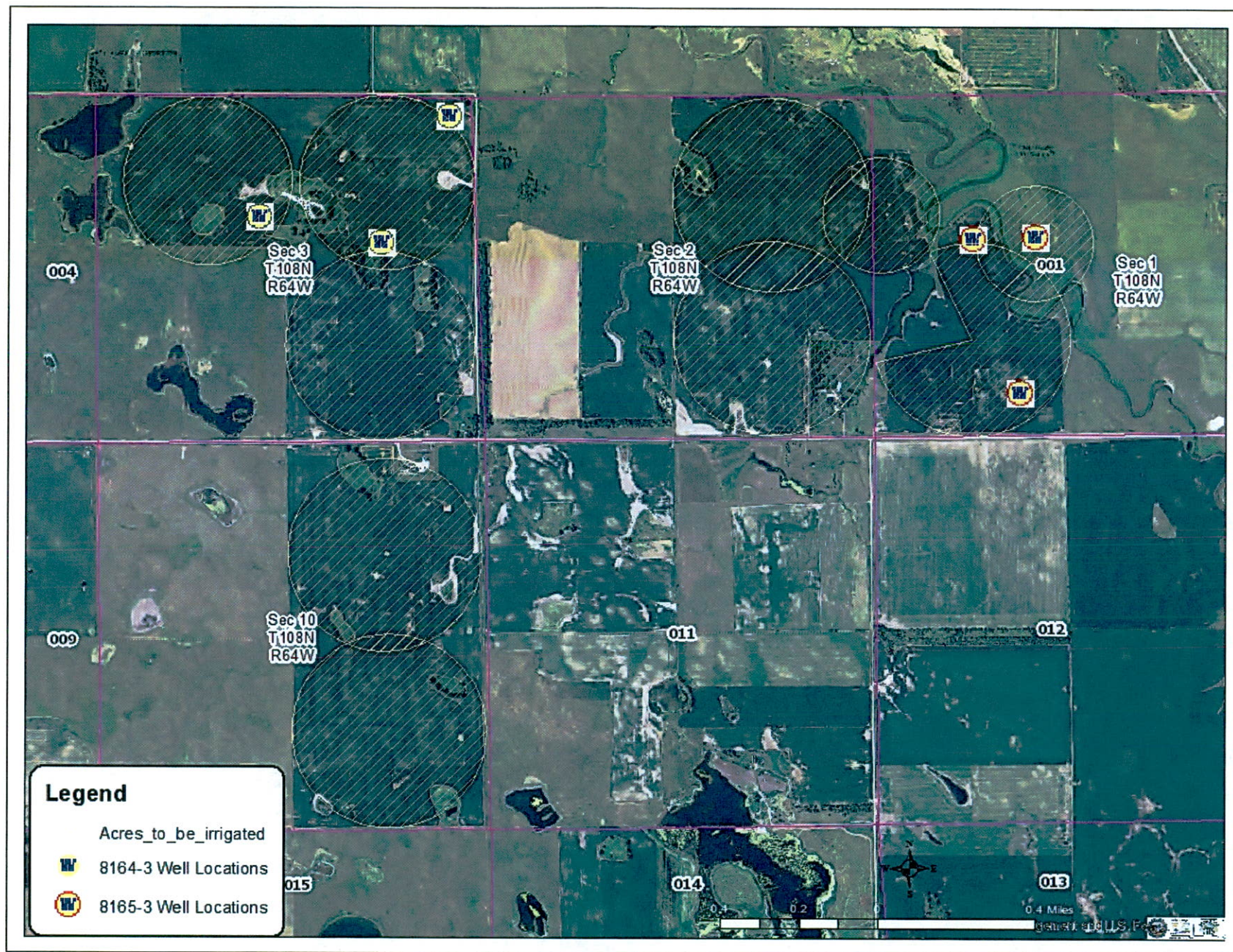


Figure 1. Approximate location of the well sites and irrigated acres proposed by Water Permit Application No. 8164-3 and 8165-3.

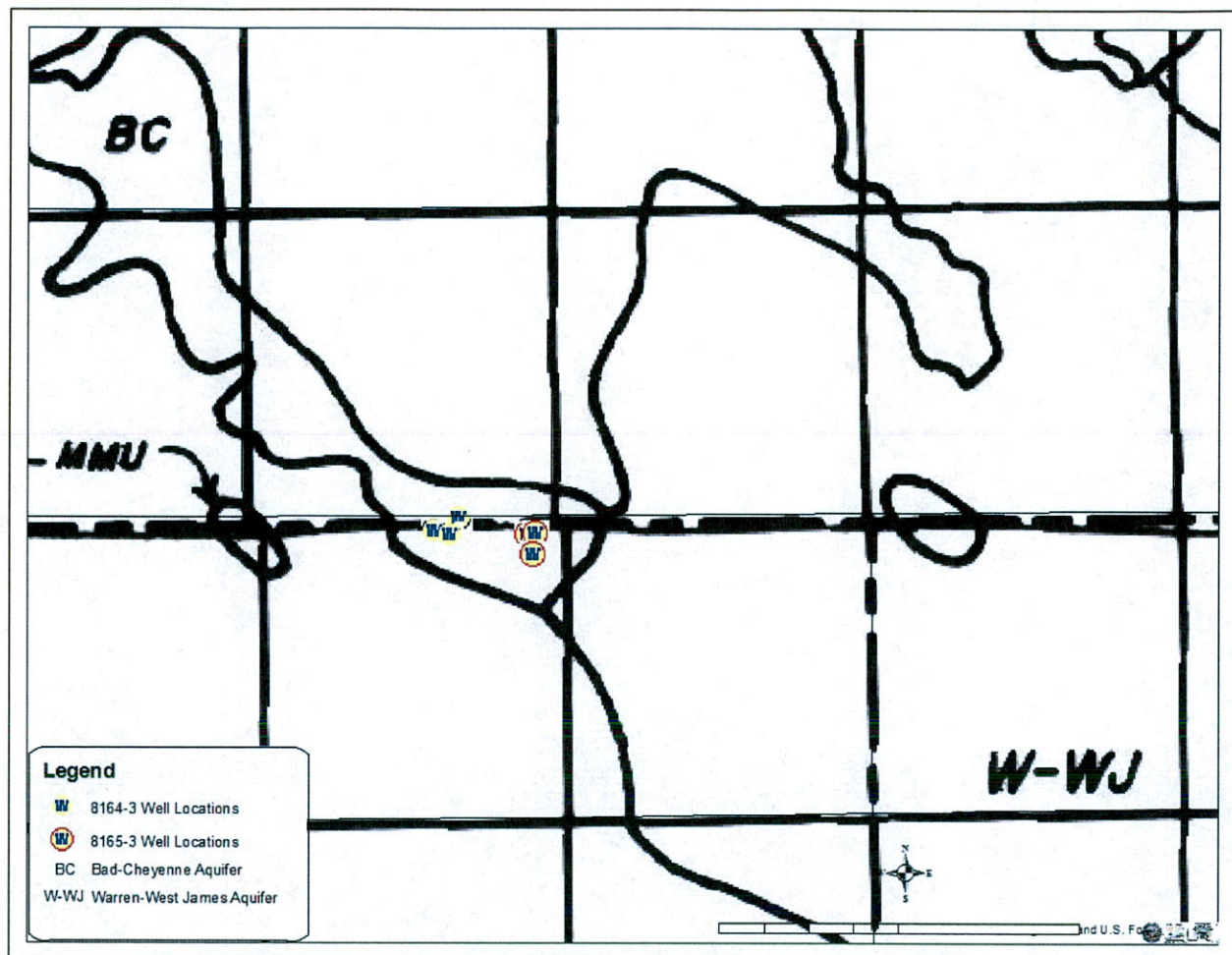


Figure 2. Glacial aquifers in the vicinity of the diversion points proposed by Water Permit Application Nos. 8164-3 and 8165-3 (modified from Hedges and others, 1982).

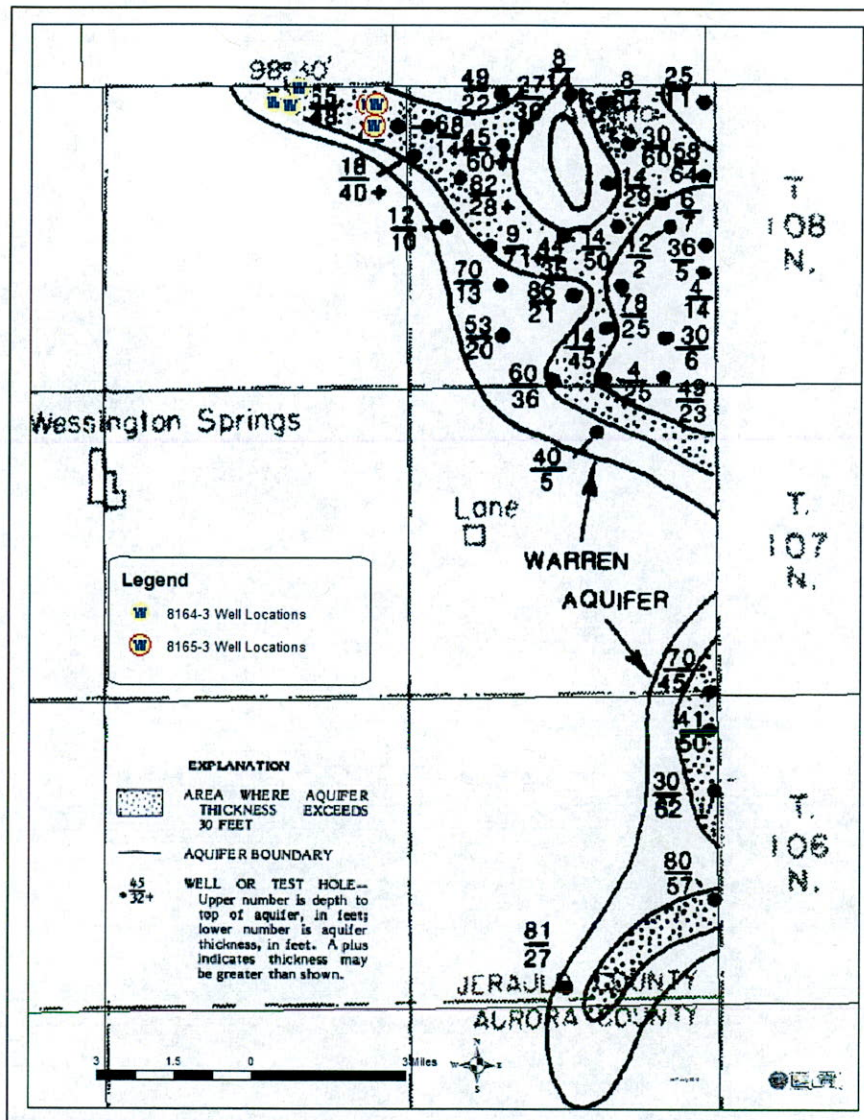


Figure 3. Glacial aquifers in the vicinity of the diversion points proposed by Water Permit Application Nos. 8164-3 and 8165-3 (modified from Hamilton, 1984).

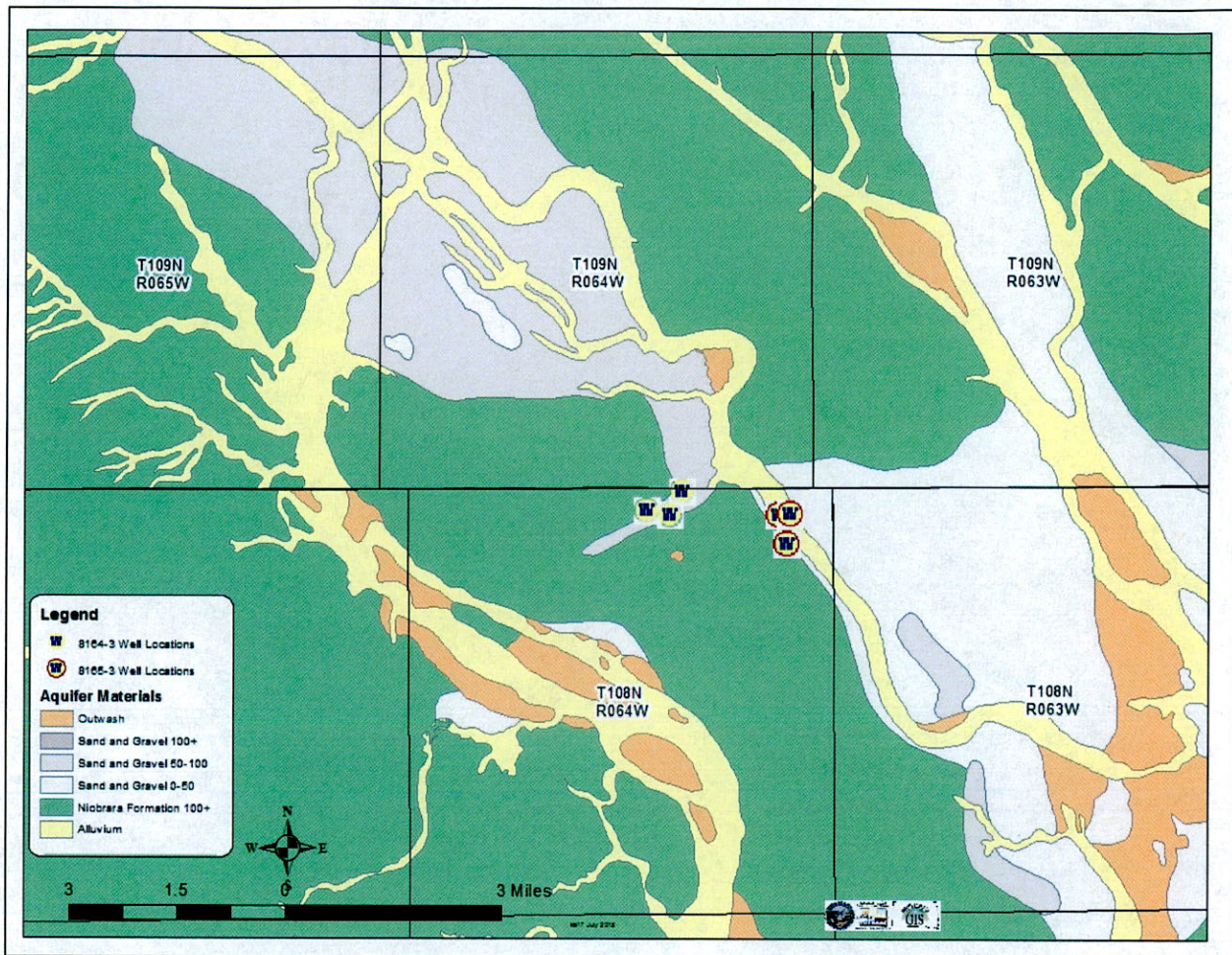


Figure 4. First Occurrence of Aquifer Materials in the vicinity of the well sites proposed by Water Permit Application Nos. 8164-3 and 8165-3. (Modified from (Schulz, 2003 and Jensen, 2005)).

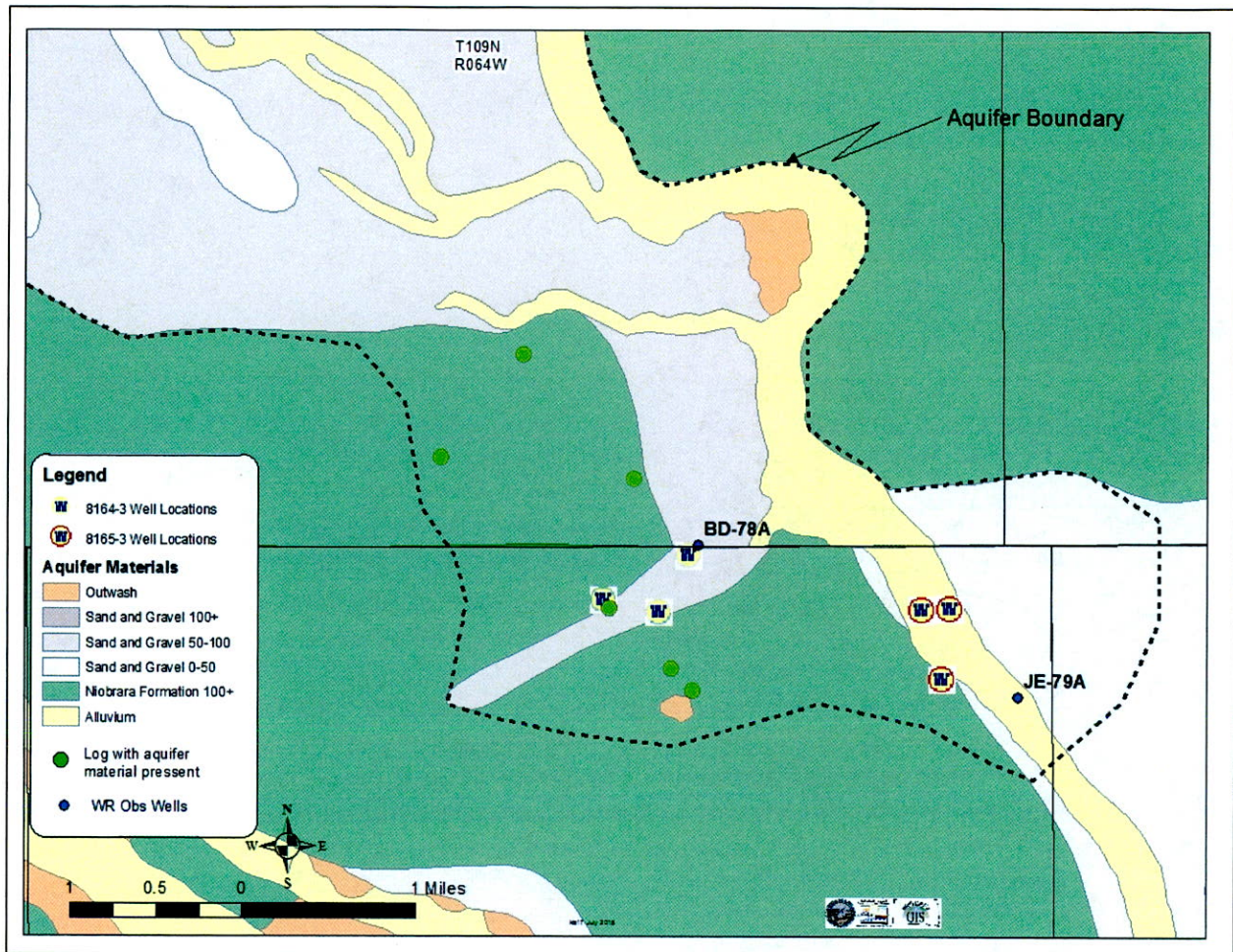


Figure 5. Approximate location of aquifer materials and DENR-Water Rights' observation wells in the vicinity of the well sites proposed by Water Permit Application Nos. 8164-3 and 8165-3. (Modified from (Schulz, 2003 and Jensen, 2005)).

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.

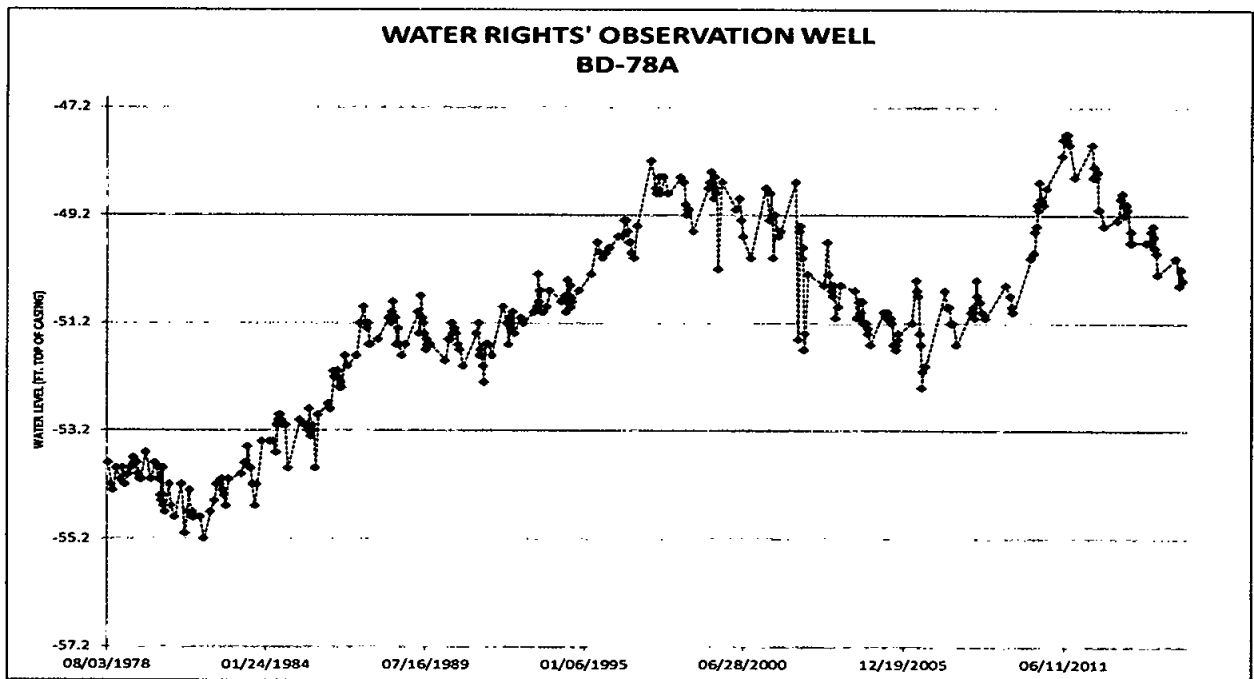


Figure 5. Hydrograph of DENR-Water Rights' Observation Well BD-78A

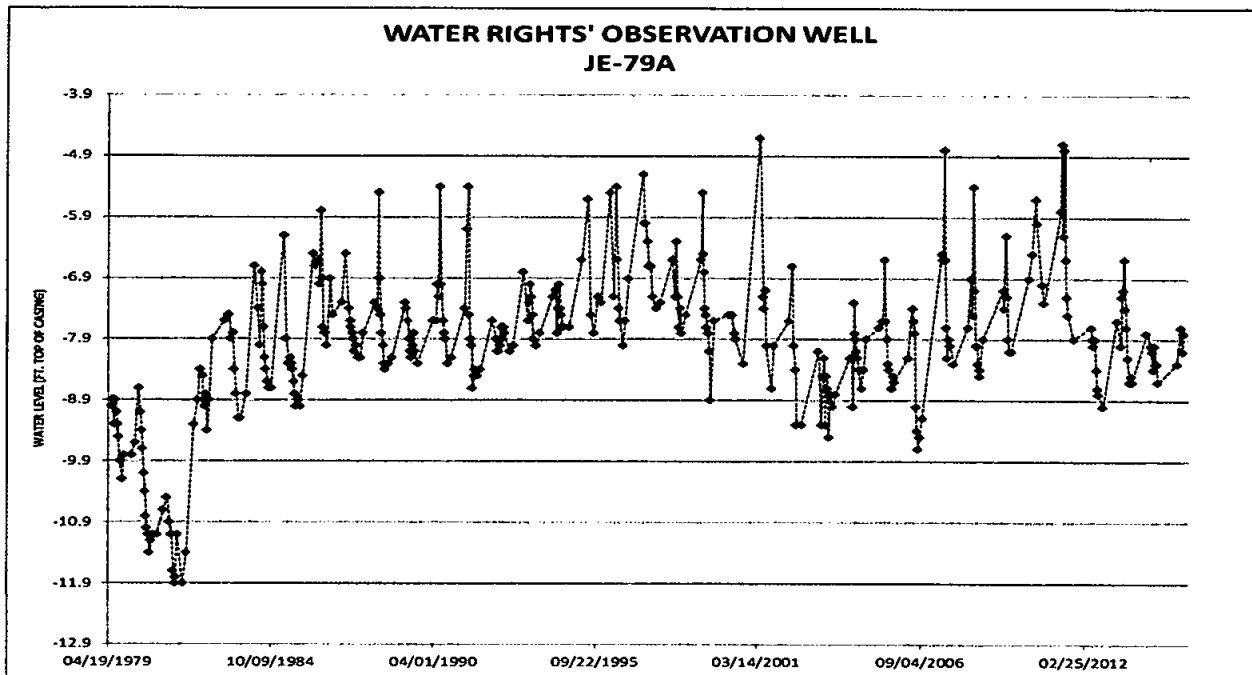


Figure 6. Hydrograph of DENR-Water Rights' Observation Well JE-79A

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.



**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. 8165-3, 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. 8165-3, Todd Swenson, 38770 235th Street, Wessington Springs SD 57382.

The Chief Engineer is recommending APPROVAL of Application No. 8165-3 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. 8165-3 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

RECEIVED

AUG 17 2015

WATER RIGHTS
PROGRAM

August 14, 2015

Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

To: Chief Engineer and Todd Swenson

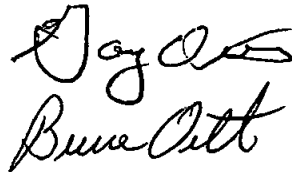
We as land owners and renters along Sand Creek are concerned about the effects of Application No. 8165-3. Sand Creek is our primary source of water for our livestock during the grazing season. We would appreciate more time to be informed of the long term effects of the level of water when the pumps are in use and how much water is available in this aquifer before affecting creek levels. Sand Creek is a vital part of our operations. Our concern is with the location and depth of the wells near Sand Creek. A contact person to help answer some of our concerning questions would be much appreciated.

Sincerely,

Jon Jones
22174 US Highway 281
Alpena SD 57312



Orth Brothers
38892 221st St
Alpena SD 57312



Ivan Kopfmann
38741 Country Ln
Alpena SD 57312



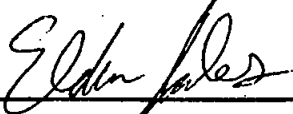
PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

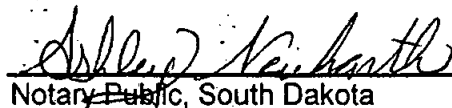
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks 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 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 (605 773-2352)" 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.

RECEIVED

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' 2170' 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 Applications 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 of 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. Pinner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$39.15 to 45.

CERTIFICATION

I hereby certify that on August 31, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated August 31, 2015, regarding scheduling the hearing for Water Right Permit Application No. 8165-3, as addressed below:

Todd Swenson
38770 235th Street
Wessington Springs SD 57382

Jon Jones
22174 US Highway 281
Alpena SD 57312

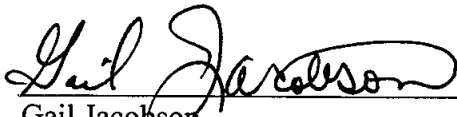
Orth Brothers
38892 221st Street
Alpena SD 57312

Ivan Kopfmann
38741 Country Ln
Alpena SD 57312

Tim Bottum, Attorney
PO Box 1025
Mitchell SD 57301-7025

Sent Inter-office to:

Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



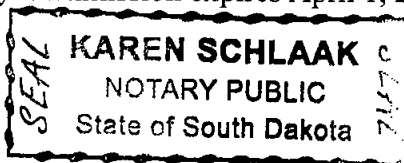
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of August, 2015



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIVED

OCT 05 2015

WATER RIGHTS
PROGRAM

WILES & RYLANCE

ATTORNEYS AT LAW

3 East Kemp - Suite 200
P. O. Box 227
Watertown, South Dakota 57201-0227
(605) 886-5881

FACSIMILE

(605) 886-3934

E-MAIL:

rdm@wilesandrylance.com

John C. Wiles, P.C.
Raymond D. Rylance, P.C.
Rebecca L. Morlock Reeves

October 1, 2015

Jeanie Goodman
Chief Engineer of Water Rights Program
Department of Environmental & Natural Resources
523 E Capitol
Pierre, SD 57501-3182

Re: Water Permit Application #8165-3, Todd Swenson

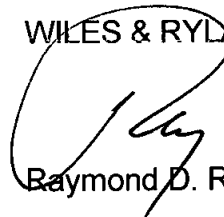
Dear Jeanie Goodman:

This letter will serve to advise that I will be representing Jon Jones in opposition to permit number 8165-3.

Pursuant to SDCL 46-2A-5 we are also requesting at this time an automatic delay of the October 14th hearing.

Yours very truly,

WILES & RYLANCE



Raymond D. Rylance

RDR/jls

cc: Todd Swenson
Orth Brothers
Jon Jones
Ivan Kopfmann
Tim Bottum



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 5, 2015

NOTICE

TO: Tim Bottum, Attorney
PO Box 1025
Mitchell SD 57301-7025

Raymond Rylance, Attorney
PO Box 227
Watertown SD 57201

Orth Brothers
38892 221st Street
Alpena SD 57312

Ivan Kopfmann
38741 Country Ln
Alpena SD 57312

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Automatic Delay of Hearing on Water Permit Application No. 8165-3, Todd Swenson

Petitions of opposition were filed in response to the public notice for Water Permit Application No. 8165-3 filed by Todd Swenson. Notice of hearing before the Water Management Board was sent to parties on August 31, 2015, scheduling the hearing for October 14, 2015. In response to this notice, Raymond Rylance, counsel for petitioner Jon Jones, has made a formal request for postponement of the October 14, 2015, hearing date on the application. Mr. Rylance's request is enclosed. Therefore, the hearing on Application No. 8165-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on October 14, 2015.

The hearing to consider Application No. 8165-3 will now be scheduled for the December 2 – 3, 2015, Water Management Board meeting tentatively to be held in Pierre. Future notice of the time and place of the hearing for Application No. 8165-3 will be provided to all parties of record.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

enclosure

c: Ann Mines-Bailey, Assistant Attorney General

WILES & RYLANCE
ATTORNEYS AT LAW
3 East Kemp - Suite 200
P. O. Box 227
Watertown, South Dakota 57201-0227
(605) 886-5881

FACSIMILE
(605) 886-3934

E-MAIL:
rdr@wilesandrylance.com

John C. Wiles, P.C.
Raymond D. Rylance, P.C.
Rebecca L. Morlock Reeves

October 1, 2015

Jeanie Goodman
Chief Engineer of Water Rights Program
Department of Environmental & Natural Resources
523 E Capitol
Pierre, SD 57501-3182

Re: Water Permit Application #8165-3, Todd Swenson

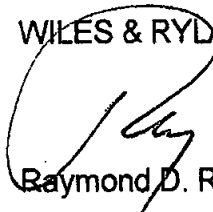
Dear Jeanie Goodman:

This letter will serve to advise that I will be representing Jon Jones in opposition to permit number 8165-3.

Pursuant to SDCL 46-2A-5 we are also requesting at this time an automatic delay of the October 14th hearing.

Yours very truly,

WILES & RYLANCE



Raymond D. Rylance

RDR/jls

cc: Todd Swenson
Orth Brothers
Jon Jones
Ivan Kopfmann
Tim Bottum

FILE COPY

CERTIFICATION

I hereby certify that on October 5, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 5, 2015, regarding scheduling the hearing for Water Right Permit Application No. 8165-3, as addressed below:

Tim Bottum, Attorney
PO Box 1025
Mitchell SD 57301-7025

Raymond Rylance, Attorney
PO Box 227
Watertown SD 57201

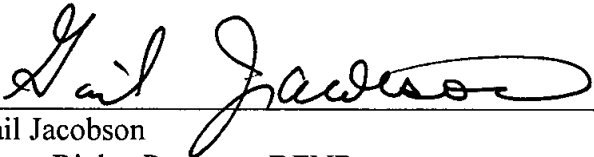
Orth Brothers
38892 221st Street
Alpena SD 57312

Ivan Kopfmann
38741 Country Ln
Alpena SD 57312

Tim Bottum, Attorney
PO Box 1025
Mitchell SD 57301-7025

Sent Inter-office to:

Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



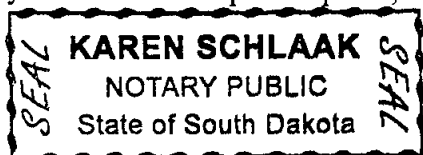
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of October, 2015



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 27, 2015

NOTICE

TO: Tim Bottum, Attorney
PO Box 1025
Mitchell SD 57301-7025

Raymond Rylance, Attorney
PO Box 227
Watertown SD 57201

Orth Brothers
38892 221st Street
Alpena SD 57312

Ivan Kopfmann
38741 Country Ln
Alpena SD 57312

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing on Water Permit Application No. 8165-3, Todd Swenson

Application No. 8165-3 filed by Todd Swenson proposes to appropriate 5.33 cubic feet of water per second 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.

In response to the public notice, a petition was filed in opposition to Water Permit Application No. 8165-3. A notice of hearing was sent to parties of record on August 31, 2015, scheduling a hearing before the Water Management Board on October 14, 2015. The October 14, 2015 hearing before the Water Management Board was then postponed pursuant to SDCL 46-2A-5 based on the request by Raymond Rylance, counsel for Jon Jones. This notice schedules the hearing before the Water Management Board to consider Application No. 8165-3.

The Water Management Board will conduct a hearing to consider Application No. 8165-3 at 2:00 PM (Central Standard Time) on Wednesday, December 9, 2015, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items. Future notice will be provided to all parties if there is a significant change to the hearing time. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Applicable provisions of the notice of application published in the True Dakotan and Plainsman on August 4, 2015, and the notice of hearing sent to parties of record on August 31, 2015, will still apply at the hearing.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or Ann Mines-Bailey, Assistant Attorney General at (605) 773-3215.

c: Ann Mines-Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on October 27, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 27, 2015, regarding scheduling the hearing for Water Right Permit Application No. 8165-3, as addressed below:

Tim Bottum, Attorney
PO Box 1025
Mitchell SD 57301-7025

Raymond Rylance, Attorney
PO Box 227
Watertown SD 57201

Orth Brothers
38892 221st Street
Alpena SD 57312

Ivan Kopfmann
38741 Country Ln
Alpena SD 57312

Sent Inter-office to:

Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



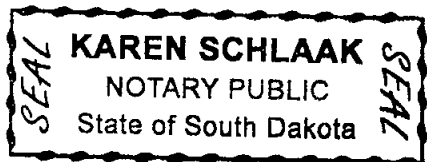
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of October, 2015



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JAN 05 2016

Todd Swenson
38770 235th St
Wessington Springs SD 57382

Dear Mr. Swenson:

Enclosed is Water Permit No. 8165-3 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

c: Tim Bottum, Attorney



8165-3
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.



8165-3
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,

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



8165-3
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.



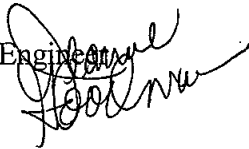
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

8165-3

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:

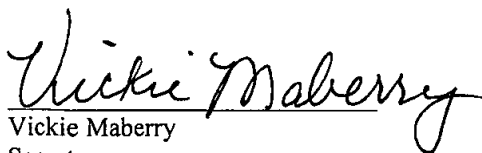
Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342
 Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766
 Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334
 Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 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

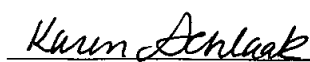
Third violation - Cancellation:

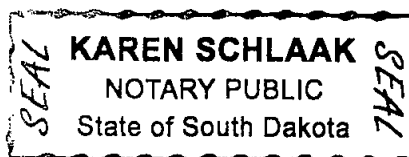
Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231


 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



**Report of Examination of Works and/or Application of Water to
Beneficial Use
For Permit No. 8165-3**

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. 8165-3, bearing the priority of June 2, 2015 authorizing the diversion of 5.33 cu. ft. per second of the waters of the Bad-Cheyenne Aquifer for irrigation purposes, in Jerauld County.

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

Mr. C. J., Todd Swenson Farm Manager (605/682-0939), related that no wells or irrigation land was located in Section 2 T108N R64W. Even though a completed Irrigation Questionnaire was submitted to Water Rights every year for that property. It appears that the irrigated land in question actually is located in the NW ¼ of Section 3 which is included in permit 8164-3.

I would recommend that this Permit be terminated due to a lack of irrigation activity.

I think this property was purchased by the Silver Lake Hutterite Colony, 17354 430th Ave, Clark, SD 57225 from Mr. Swenson in 2024. This should be double checked with the Jerauld County Register of Deeds or the Colony.

— confirmed via Regrid.com
(AD)



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 15, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 4, 2026

NOTICE OF CANCELLATION

TO: Silver Lake Hutterian Brethren, c/o John Grosz
17354 430th Ave, Clark SD 57225

FROM: Amanda Dewell, Permitting Administrator
SD DANR - Water Rights Program

SUBJECT: Cancellation of Water Permit No. 8165-3

Water Permit No. 8165-3, held in the name of Todd Swenson, authorizes the combined diversion of 5.33 cubic feet of water per second from up to three wells completed into the Bad-Cheyenne Aquifer for the irrigation of 460 acres located in portions of Section 1 & 2; all in T108N-R64W, Jerauld County, with all construction to be completed and water placed to beneficial use by December 9, 2020 & December 9, 2024, respectively. When contacted by Water Rights Program staff engineer, Darrell DeBoer, the farm manager reported that the system had not been constructed and that Silver Lake Colony had recently taken ownership of the property. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 8165-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 8165-3 at **9:30 am, Wednesday, October 7, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later).*

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 8165-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by September 14, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by September 14, 2026.

Prior to September 14, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 14, 2026.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 8165-3, TODD SWENSON**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 8165-3.

In an attempt to conduct an inspection for the purpose of licensing the irrigation system authorized by Water Permit No. 8165-3, Program staff contacted the farm manager who reported that no wells had been completed or land developed for irrigation at the authorized location. The deadlines for construction completion and placement of water to beneficial use under Permit No. 8165-3 were December 9, 2020, and December 9, 2024, respectively. The farm manager also identified the new property owner as being Silver Lake Hutterian Brethren/Silver Lake Colony.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction.

Adam Mathiowetz, PE, Acting Chief Engineer
September 4, 2026

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated September 4, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on September 4, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

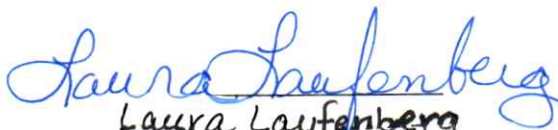
Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551

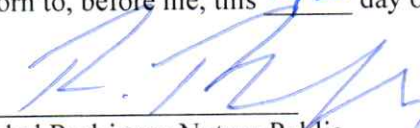

Laura Laufenberg
Senior Secretary

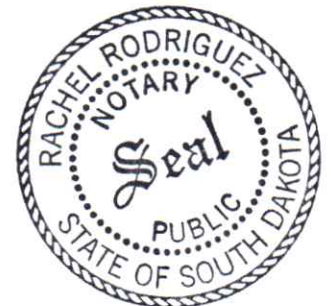
STATE OF SOUTH DAKOTA

)
) SS
)

COUNTY OF HUGHES

Sworn to, before me, this 4th day of September, 2026.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2026

No. 8165-3

NOTICE OF ENTRY OF ORDER

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark, SD 57225

Dear Mr. Grosz:

This will notify you that on October 7, 2026, the Water Management Board cancelled Water Permit No. 8165-3. The action to cancel was taken under the conditions outlined in our notice to you dated September 4, 2026.

SDCL 46-6-27 states that if the owner of an existing well has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

If you have any questions concerning the Board action, please contact Amanda Dewell, Water Rights Permitting Administrator, at (605) 773-3352.

Sincerely,

Adam Mathowitz, PE, Chief Engineer
SD DANR – Water Rights

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated October 8, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on October 8, 2026.

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Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

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Curtis Foster
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c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
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2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

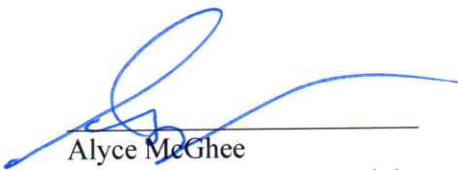
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Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 8th day of Oct, 2026


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

