

WATER PERMIT NO. 8166-3

Name of Applicant: Todd Swenson

Address: 38770 235th St, Wessington Springs SD 57382

Phone: 605 354-1930

Amount of Water Claimed: 2.13 Total Acres: 150

Source of Water Supply: gravel pit

Water to be used for: irrigation County: Jerauld

Type of Waste Disposal System:

Location: 8 miles southwest of Alpena

PRIORITY Date Received: 5-20-15 Application/License Fee: \$ 1050

Corrected Application Received: Period of Annual Use: April 1- October 31

Remarks:

Diversion Point: NE 1/4 SW 1/4 Sec 16-T108N-
R64W

Land to be Irrigated: SW 1/4 Sec 16-T108N-R64W

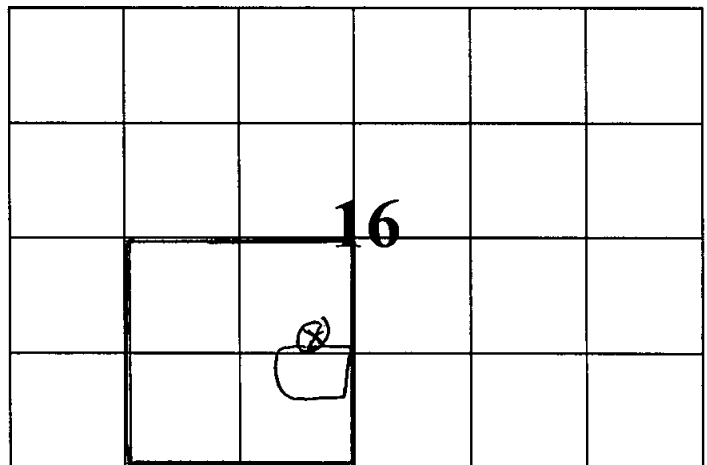
Depth of Well:

Well Driller:

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	No. <u>8166-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u> <u>339-1281</u>
	Newspaper <u>True Dakotan West Spring</u>
	<u>Plainsman Huron</u> <u>353-7401</u>

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JUN - 2 2015
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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) 354-19030 Email tswenson@venturecomm.net

2. Amount of water claimed 2.13 *CFS or 960 **GPM ***AF Total Acreage 150
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Gravel pit supplied by lift station4. Location of point of diversion Open gravel pit located in the NE1/4 of the SW1/4 of Section 16,

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

Township 108N, Range 64W County Jerauld5. County or counties where water will be used Jerauld6. Annual period during which water is to be used April 1 - October 31

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

Land Description	Acres	Land Description	Acres
SW1/4 of 16-108N-64W	150		

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

Please see the attached

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

**SOUTH DAKOTA
WATER PERMIT NO. 8166-3**

Date of first receipt of application June 2, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8166-3 to Todd Swenson, 38770 235th St, Wessington Springs SD 57382 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8166-3 appropriates 2.13 cubic feet of water per second 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.
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. The date of approval of Permit No. 8166-3 is August 17, 2015.
5. One-fifth of the construction is to be completed on or before February 17, 2018.
6. All construction is to be completed on or before August 17, 2020.
7. Water is to be put to beneficial use on or before August 17, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The gravel pit approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner of 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 21 2015
date



Supplemental Information

(type or print)

1. Well Information

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

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

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

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

d) Distance to nearest existing domestic well:

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

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

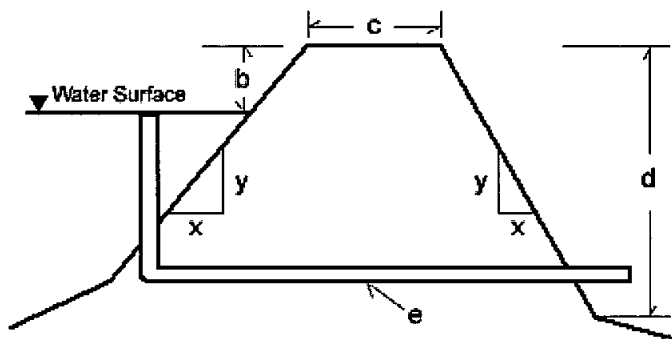
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



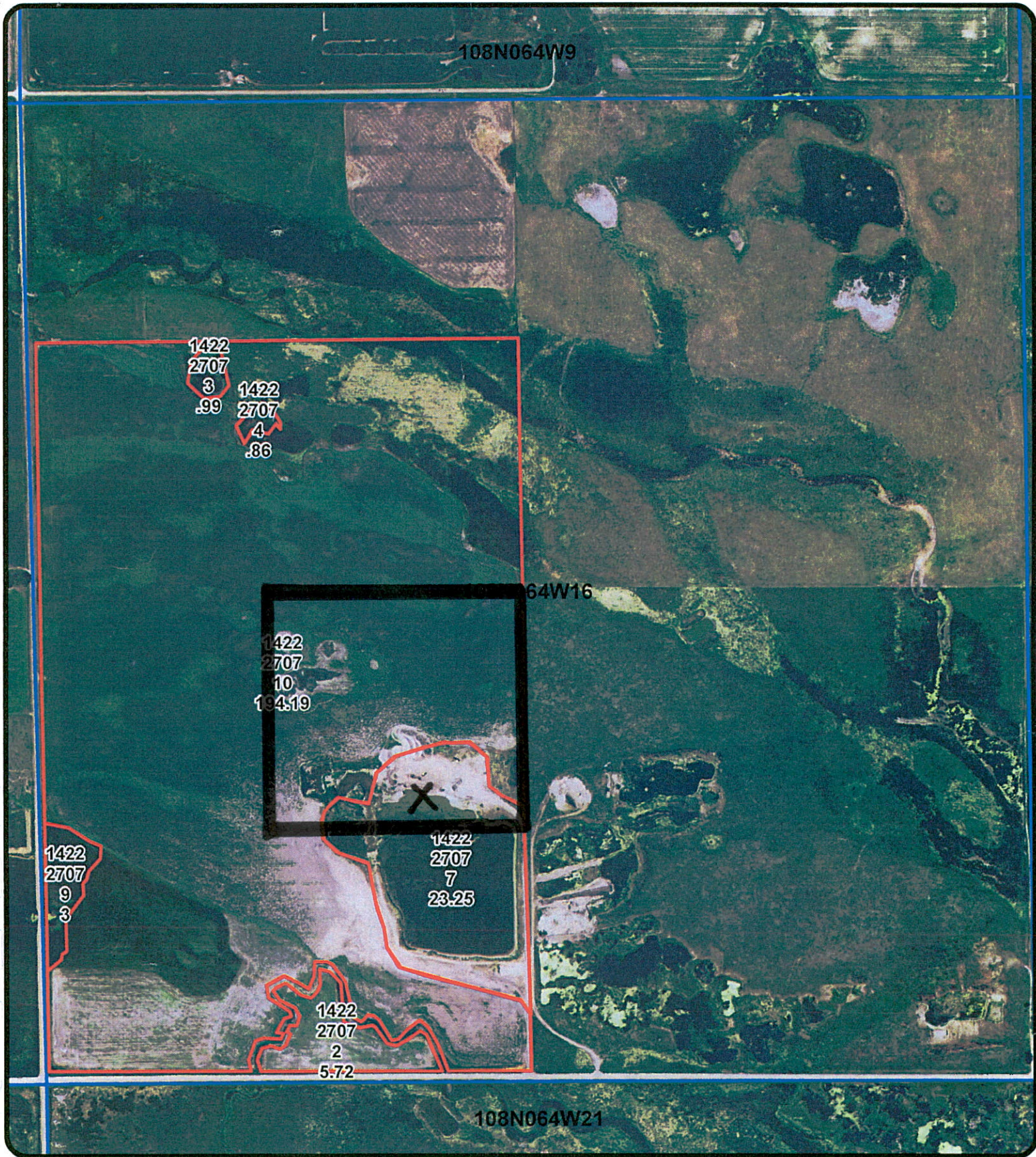
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MAY 20 2015

**WATER RIGHTS
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This project is an open gravel pit located in the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section Sixteen (16), Township One Hundred Eight (108) North, Range Sixty-four (64) West, Jerauld County, South Dakota.

The water source from this open gravel pit has a natural water supply with additional water to be supplied by a lift station. The gravel pit is Eight Hundred Sixty Feet (860') in length by Nine Hundred Twenty-five Feet (925') in width by a depth of at least Thirty Feet (30').



Map Created and Provided by Statewide Ag



January 2013

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WATER RIGHTS
PROGRAM

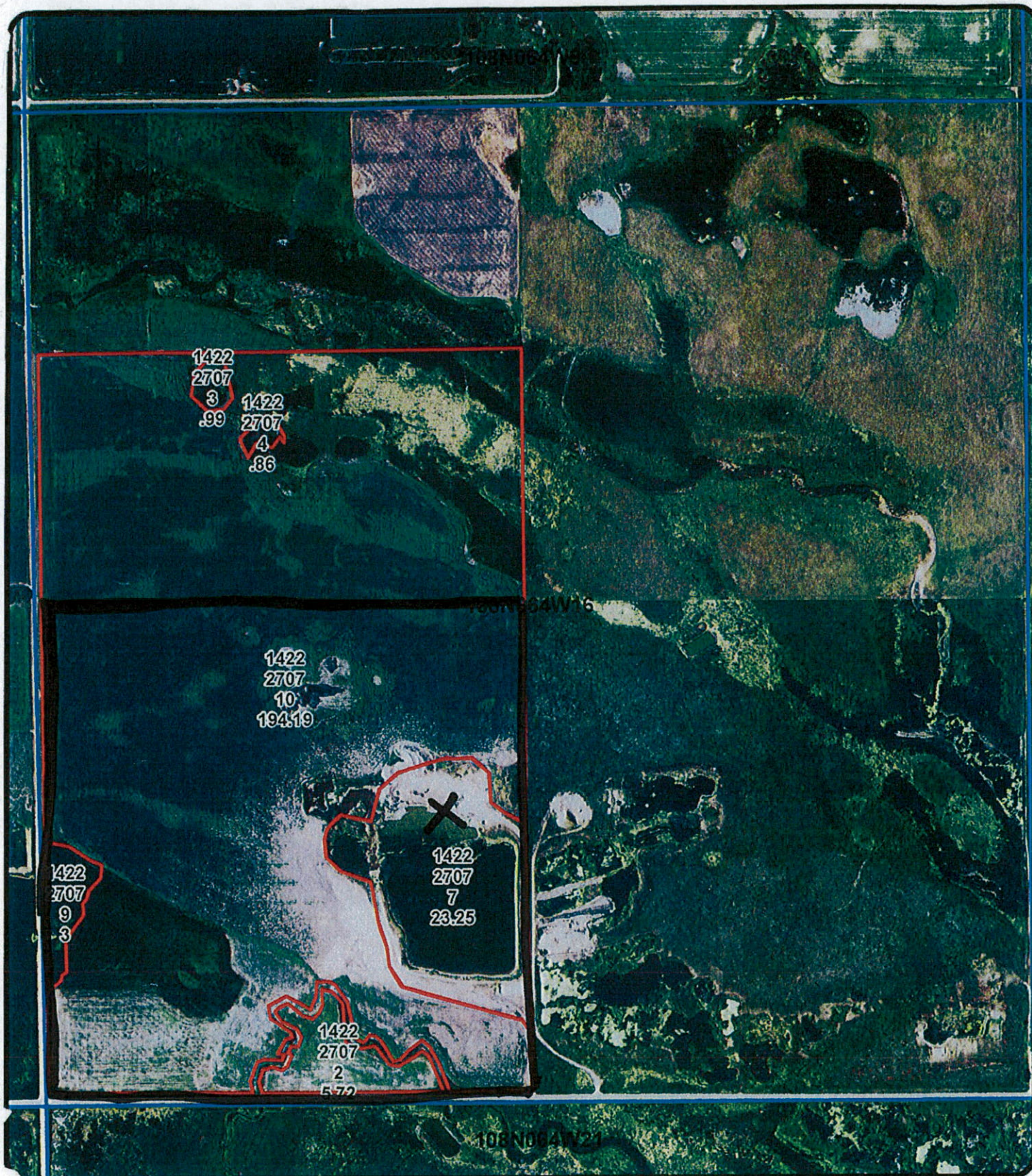
Swenson Partnership
Darrells' Gravel Pit
16-108N-64W
Farm Number 1422
Jerauld County



1 inch = 227 yards

Legend

- SWA_crop_data_2012
- SD legals



Map Created and Provided by Statewide Ag



January 2013

**Swenson Partnership
Darrells' Gravel Pit
16-108N-64W
Farm Number 1422
Jerauld County**



1 inch = 227 yards

Legend

- SWA_crop_data_2012
- SD legals

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>8166-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8166-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. 07410

By J. Anne Theeler
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 24, 2015

Darrell's Rock Sand & Gravel Inc
PO Box 359
Wessington SD 57382-0359

Gentlemen:

A water permit application has been filed by Todd Swenson for irrigation from a gravel pit located in the SW ¼ Section 16, T108N, R64W. DENR records show you have a gravel mine permit for this same location. Please find enclosed the report, recommendation and public notice for this water permit application.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure



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. 8166-3, 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. 8166-3, Todd Swenson, 38770 235th Street, Wessington Springs SD 57382.

The Chief Engineer is recommending APPROVAL of Application No. 8166-3 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 gravel pit approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner of 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
July 24, 2015

NOTE: Darrell's Rock, Sand and Gravel holds a gravel mining permit at this gravel pit. A copy of the report, recommendation and the public notice will be sent to them. The issuance of the water permit does not grant access to property not owned by Mr. Swenson without permission. Also, please be aware that this permit is for irrigation only and does not authorize use of water for industrial use at the site such as gravel washing or dust suppression.

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8166-3
TODD SWENSON
JULY 21, 2015**

Water Permit Application No. 8166-3 proposes to appropriate water from a Pleistocene unknown aquifer for the purpose of irrigating 150 acres located in the SW¼ Sec. 16, T108N-R64W. The application proposes to withdraw water at a maximum diversion rate of 2.13 cfs from a gravel pit located in the NE¼ SW¼ Sec.16, T108N-R64W.

AQUIFER: PLEISTOCENE:UNKNOWN (PS:U)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The gravel pit this application proposes to divert water from penetrates sand and gravel deposit that has not been correlated with any previously mapped aquifer. A sand and gravel deposit encompassing approximately 8,000 acres in this area was identified by Blaze, (1980) (see Figure 1), but the deposit was not included as a major aquifer in Jerauld County by Hamilton (1980). Subsequent analyses ((Hamilton, 1985) and (Hedges and others, 1985)) also did not consider this deposit a part of a major aquifer. Hedges (2001) identified alluvium and outwash deposits in this area that appear to occur in an interconnected system of pre-glacial and ice-marginal river channels. Interpretations of the geologic data for the area as presented in the first occurrence of aquifer materials map for Jerauld County (Jensen, 2005), identifies alluvium with sand and gravel less than 50 feet below land surface, consistent with the Hedges (2001) geologic map for Jerauld County (see Figure 2). The aquifer material in this area occurs at an elevation of approximately 1,423 to 1,337 feet above mean sea level data (fmsl), which is at approximately the same horizon as deposits considered part of the Bad-Cheyenne aquifer, located approximately one mile north,; and the Warren:West James aquifer, located approximately two miles east of the mapped extent of this aquifer material. The water levels in the aquifer penetrated by this gravel pit are significantly higher than water levels of either the Bad-Cheyenne or the Warren:West James aquifers, and any hydrologic connection is assumed minimal. For the purpose of water appropriation, aquifers in Pleistocene aged glacial deposits such as the one penetrated by the gravel pit, that have not been identified as part of a major aquifer, are classified Pleistocene Series: Unknown.

Test hole data for the area ("Lithologic Logs Database") indicates sand and gravel thickness in this Pleistocene:Unknown aquifer exceeds 50 feet in places although not all of the material is saturated. The aquifer is under unconfined conditions in this area, and the water table is expected to be around 1,400 fmsl (approximately 10-15 feet below grade) at the gravel pit. Groundwater flow in this aquifer is from northwest to southeast at approximately 3.9 feet per mile (Water Rights,2015a).

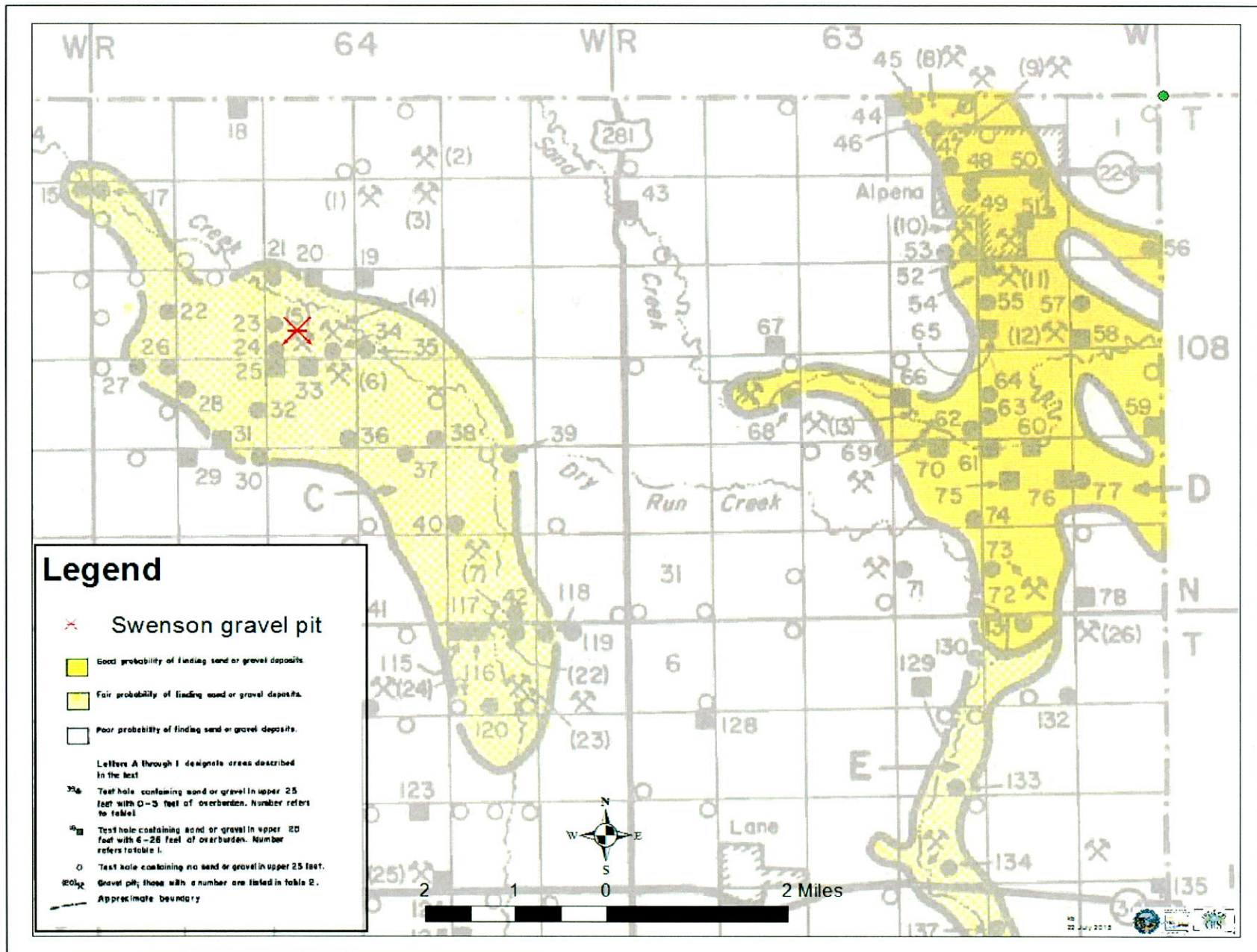


Figure 1. Location of the gravel pit that this application proposes to use in relation to test holes, gravel pits and sand and gravel deposits in the area (modified from Blaze, 1980)

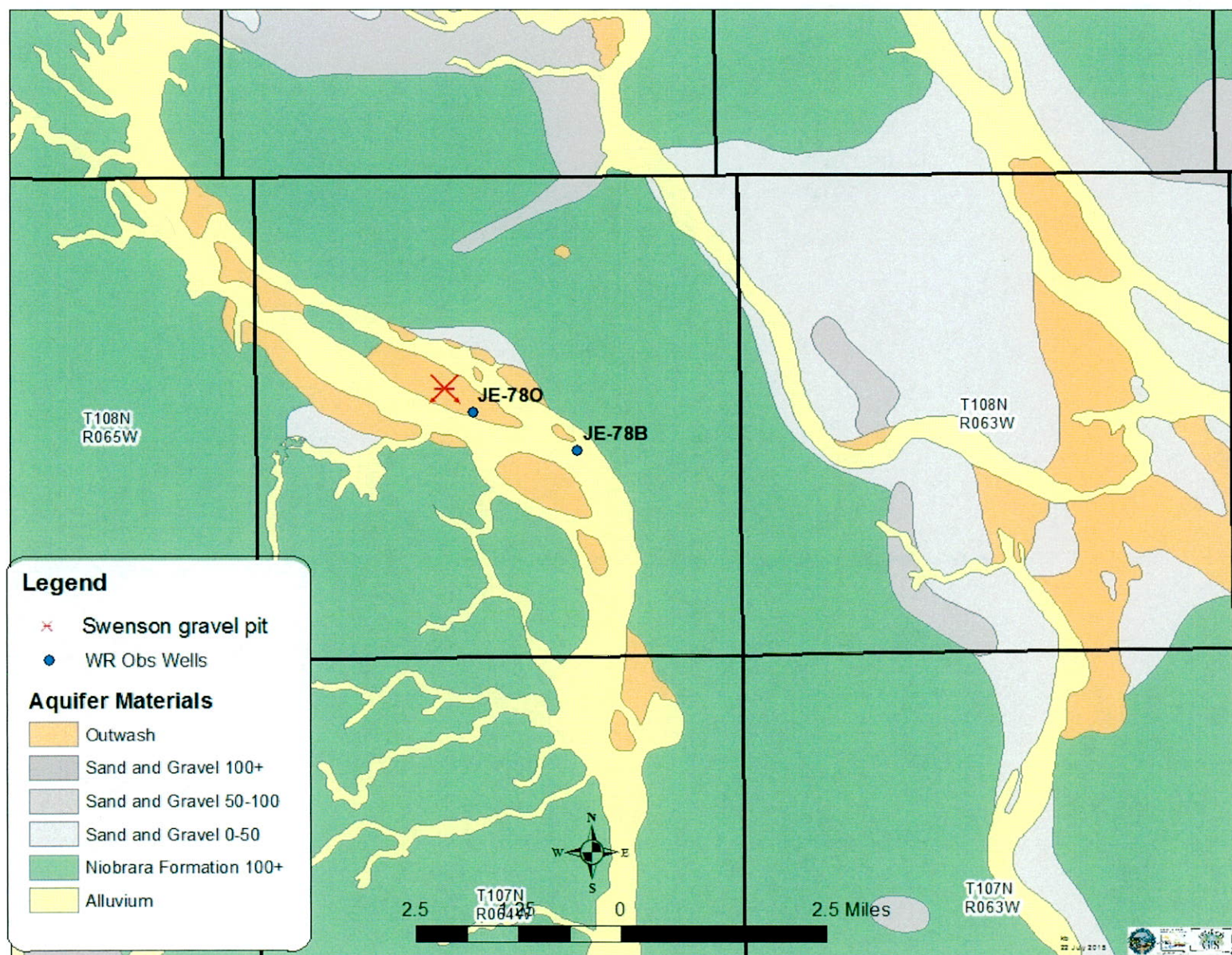


Figure 2. First Occurrence of Aquifer Materials in the vicinity of the gravel pit proposed as a water supply by Water Permit Application Nos. 8166-3 and DENR-Water Rights Observation Wells completed into the aquifer. (Modified from (Schulz, 2003 and Jensen, 2005).

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. 8166-3 proposes to appropriate water for the irrigation of 150 acres. If this permit is approved, the average annual water use that can be expected under the appropriation is estimated to be less than 150 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 this Pleistocene:Unknown 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

The transmissivity (T) of the Pleistocene:Unknown aquifer is assumed to be between 10,000 and 20,000 square feet per day (i.e. 74,800 to 149,600 gpd/ft), based on the estimated transmissivity of the nearby major glacial aquifers (Hamilton,1984). The hydraulic gradient (I) of the aquifer in this area, based on DENR- Water Rights Program observation wells has averaged 3.9 feet per mile since 1979 (Water Rights, 2015a). The cross sectional length of the aquifer perpendicular to the flow (L) (see Figure 3) is approximately 1.2 miles. Inputting the values above into the equation, groundwater outflow from this area is estimated to be 392-784 acre-feet per year. Therefore, recharge to the aquifer in this area must exceed withdrawals from the aquifer by 392-784 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 two observation wells completed into this Pleistocene:Unknown aquifer. The observation wells, JE-78O and JE-78B are located approximately one-half mile and one and three-quarter miles southeast of the gravel pit this appropriation proposes to divert water from. Hydrographs for JE-78O and JE-78B are shown in Figures 4 and 5, respectively.

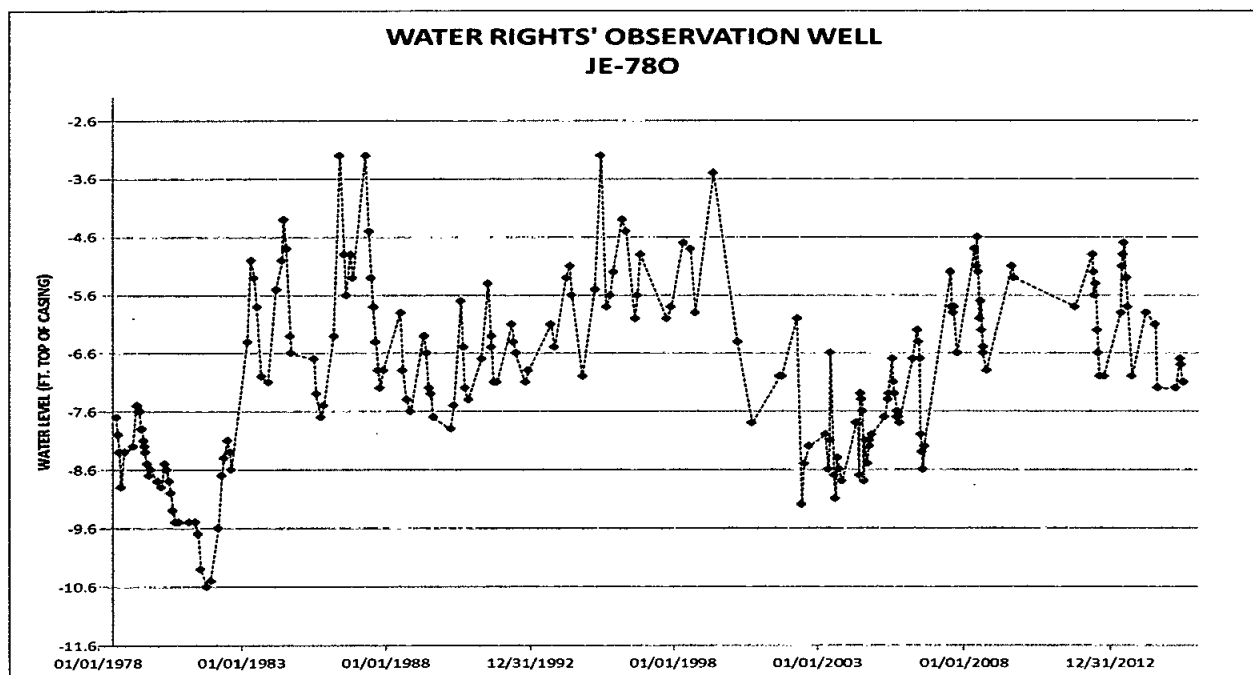


Figure 4. Hydrograph of DENR-Water Rights Observation Well JE-78O.

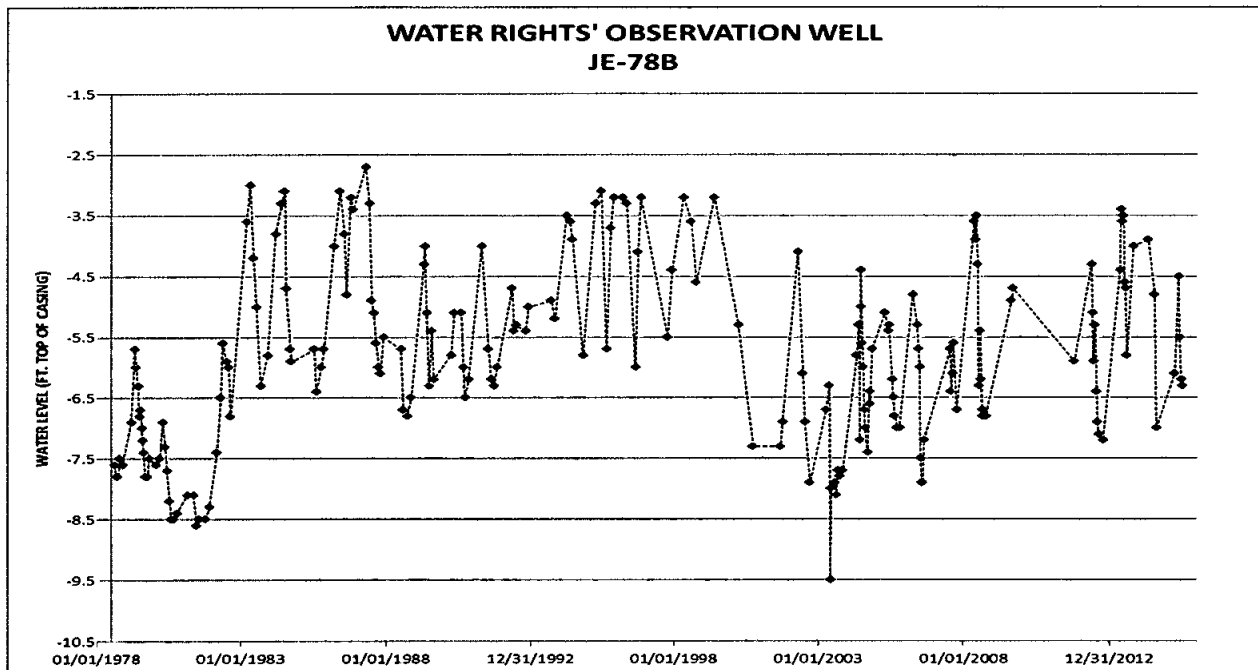


Figure 5. Hydrograph of DENR-Water Rights Observation Well JE-78B

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 this Pleistocene: Unknown aquifer to support this proposed appropriation.

EXISTING WATER RIGHTS:

There are no water rights/permits appropriating water from this Pleistocene: Unknown aquifer. Although unrecorded wells may exist, the DENR-Water Rights Program does not have domestic wells on file within six miles of the gravel pit this application proposes to use, that appear to be completed into this Pleistocene: Unknown aquifer. Therefore, there is a reasonable probability that this appropriation can be made without adversely impacting existing water rights or domestic use.

CONCLUSIONS:

1. Water Permit Application No. 8166-3 proposes to withdraw groundwater at a maximum diversion rate of 2.13 cfs from a gravel pit penetrating a Pleistocene: Unknown aquifer for the irrigation of 150 acres.
2. There is a reasonable probability that unappropriated water is available from this Pleistocene: Unknown aquifer to supply the proposed appropriation.
3. There is a reasonable probability that any possible well interference due to the proposed appropriation will not adversely or unlawfully impair existing users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Blaze, D.A., 1980, Sand and Gravel Resources of Jerauld County, South Dakota: South Dakota DENR-Geological Survey Information Pamphlet 21, 15 p., 1 fig., 2 tables
- Hamilton, L.J., 1980, Major Aquifers in Aurora and Jerauld Counties, South Dakota: South Dakota DENR-Geological Survey Information Pamphlet 23, 5 p., 2 fig.,
- Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4030, 58 p.
- 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: South Dakota DENR-Geological Survey
- Hedges, L.S., Allen, J., Holly, D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineer Contract DACW 45-80-C-0185: South Dakota DENR-Geological Survey
- Hedges, L.S., 2001, Geology of Aurora and Jerauld Counties, South Dakota: South Dakota DENR-Geological Survey Bulletin 32, 32 p., 4 pls., 11 figs., 1 app.,
- 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
- "Lithologic Logs Database." South Dakota Geological Survey. 22 July 2015, <http://www.sddenr.net/lithdb/>.
- Schulz, L.D., 2003, First Occurrence of Aquifer Materials in Beadle County, South Dakota: South Dakota Geological Survey Aquifer Materials Map 15, Scale: 1:100,000
- Water Rights. 2015a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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

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AUG 10 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Terrill) SS

I, Kristi Hine

certify that the attached printed Notice was taken

from the True Dakotan

printed and published in Wessington Springs

County of Terrill 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

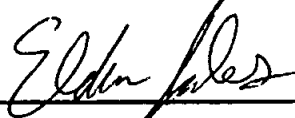
PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

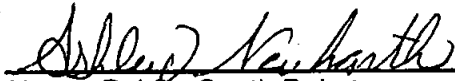
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks 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 480 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 (605 773-3352)" 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.



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

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 21 2015

Todd Swenson
38770 235th St
Wessington Springs SD 57382

Dear Mr. Swenson:

Enclosed is Water Permit No. 8166-3 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

cc: Timothy Bottum, Morgan Theeler, PO Box 1025, Mitchell SD 57301

enclosures



8166-3
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.



8166-3
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



8166-3
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.



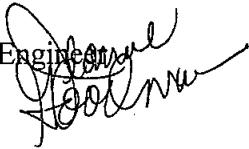
DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

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

8166-3

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

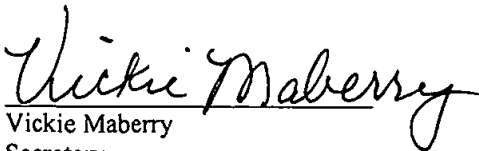
Second violation - Three year suspensions:

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



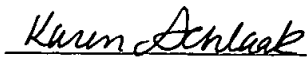
Vickie Maberry

Secretary

Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

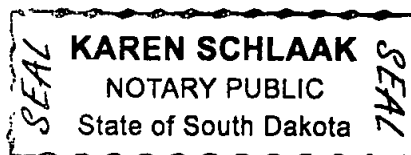
Sworn to, before me, this 8th day of March, 2018.



Karen Schlaak

Notary Public

My Commission expires April 1, 2019



8166-3

Dewell, Amanda

From: Jill Swenson <jswenson77@outlook.com>
Sent: Wednesday, December 4, 2024 2:01 PM
To: Dewell, Amanda
Subject: Re: [EXT] Atten: Ron Duvall

Hello Amanda

New owner:

Feistner Farms, LLP
39218 235th St
Woonsocket, SD 57385

Michael Feistner 605-350-0761
Brian Feistner 605-796-4909

Closing date on the sale was 11/22/2023

Thank you
Jill

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, December 2, 2024 7:56 AM
To: jswenson77@outlook.com <jswenson77@outlook.com>
Subject: FW: Atten: Ron Duvall

Jill,

Thank you for reaching out to the Water Rights Program in regard to Water Permit No. 8166-3. If you could provide any contact information for the new owner, that would be much appreciated! (Name, address, phone, etc)

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 5, 2024

8166-3

Feistner Farms LLP
c/o Michael or Brian Feistner
39218 235th St
Woodsocket SD 57385

To whom it may concern:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigators that the property they had previously reported on had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00, made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2025

8166-3

Feistner Farms, LLP
39218 235th St
Woonsocket SD 57385

To whom it may concern:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigators, Todd Swenson, that the property they had previously reported on, under Water Permit No. 8166-3, had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures

8166-3

PAID

JAN 30 2025

ck# 2139

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

No. 8166-3 Rec't#

Date: 1/27/25

I/We request that Water Permit No. 8166-3

formerly owned by: Todd Swenson - Wessington Springs SD

be transferred to: (name & address) Fleisher Farms
39218 235th & Woonsocket SD 57385

Email: bjfeisher@santel.net Telephone No. 6059994909

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

150 acres - SW 1/4 Section 16-T108N-R64W

I/We understand that the validity of Water Permit No. 8166-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Brian Fleisher, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIVED

JAN 30 2025

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date February 3rd 2025

RECEIVED OF Feistner Farms 39218 235th St Woonsocket SD 57385

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #8166-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By

Eric Gronlund

Chief Engineer

SG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 5, 2025

8166-3

Feistner Farms
c/o Brian Feistner
39218 235th St
Woonsocket SD 57385

Dear Mr. Feistner:

I have received your "Notice of Transfer of Ownership" form for Water Permit No. 8166-3 and the required fees. Enclosed is a receipt of payment for your records.

Water Permit No. 8166-3, previously owned by Todd Swenson, is now listed under Feistner Farms. I have also updated your contact information in our system.

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

If you have any questions, please contact me.

Sincerely,

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

NOTE: The validity of Water Permit No. 8166-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8166-3

I have this day, July 3, 2025, made a thorough examination of the water use system constructed by Todd Swenson, 38770 235th St, Wessington Springs, SD 57382 of Permit No. 8166-3, bearing the priority of June 2, 2015 authorizing the diversion of 2.13 cu. ft. per second of the waters of Pleistocene:Unknown Aquifer for irrigation purposes, in Jerauld County.

A. Works used to divert the water: Above ground Pump from an open gravel pit

Pump:

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

Motor:

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

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

- 1) Type Buried Black pipe
- 2) Size 8 inches
- 3) Length 630 feet

Comments: xx

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T & L
- 2) Overall length 1250 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: Uses commercially available chemigation equipment

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: SURFACE PUMP LOCATION From the SW corner Sec 16 T108N R64W, 1740 ft N & 1640 ft E, Lat 44.15942 Long - 98.52599 (NE 1/4 SW 1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>legal description/acreage</u>	<u>legal description/acreage</u>
All land in Sec 16 T108N R64W	
SE 1/4 NW 1/4 - 26 acres	
SW 1/4 NW 1/4 - 23 acres	
NW 1/4 SW 1/4 - 39 acres	
NE 1/4 SW 1/4 - 21 acres	
SE 1/4 SW 1/4 - 3 acres	
SW 1/4 SW 1/4 - 8 acres	
comprising a total of <u>120</u> acres of land and the license should be issued for <u>1.71</u> cfs.	
3. All structures, wells and lands on map Y

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

Used FSA maps and ArcGIS to construct the review map and to estimate irrigated acres.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity for the system.

The property is now owned by Feistner Farms, 39218 235th St, Woonsocket, SD 57385. Mr. Brian Feistner (605/999-4909) is the new contact person.

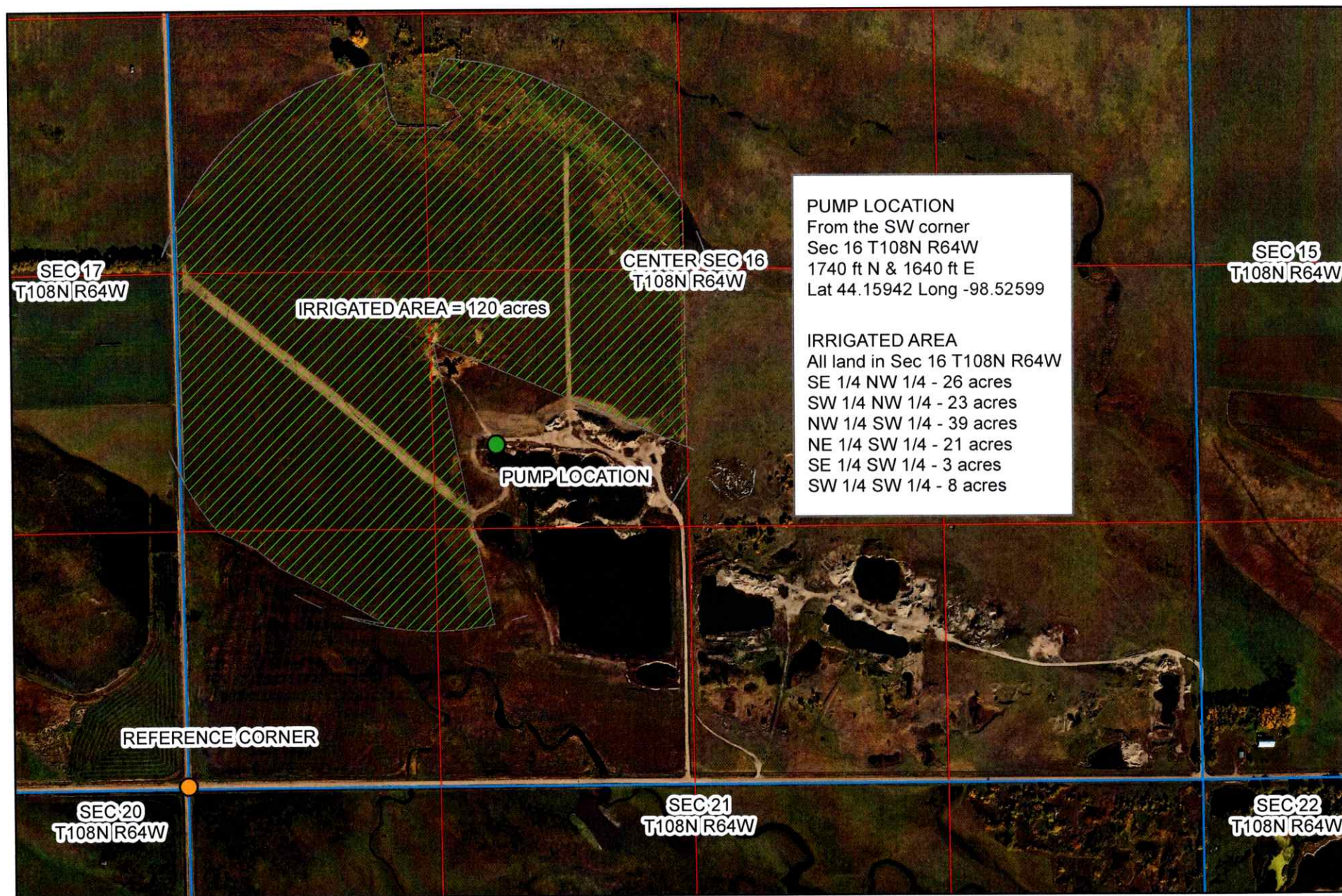


Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 8, 2025



Permit 8166-3 Gravel pit pumping plant.



0 550 1,100 2,200 3,300 4,400 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

Approval of Licensing of Acreage Outside of Permitted Area

Name/Address: Todd Cowan, PO Box 455, Highmore SD 57345

County: Hyde

Date: August 28, 2025

AUTHORITY:

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

- **NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED**
The acreage developed for irrigation is only 120 of the originally authorized 150 acres. No increase to the rate of diversion is authorized.
- **UNPERMITTED ACREAGE IS:**
 - 1) **Contiguous to Permitted Acreage** The permit holder relocated 49 acres into the S ½ NW ¼, contiguous to the other authorized acres located in the SW ¼; all in Section 16, T108N-R64W.
 - 2) **Owned by Same Property Owner** All the property involved is owned by Joe and Leann Hummel, according to Regrid.com.
 - 3) **Developed Prior to Expiration of Construction Period** The construction of the water supply system was to be completed by August 17, 2020. According to annual irrigation questionnaire submissions, irrigation began in 2016.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 49 acre area be included in the water license.

 9/3/25

Amanda Dewell, Permitting Administrator
DANR, Water Rights Program

date

The acting Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

 9/5/25

Mark Mayer, PE
DANR, Director of the Office of Water

date



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 05 2025

Feistner Farms
c/o Brian Feistner
39218 235th St
Woonsocket, SD 57385

No. 8166-3

Dear Mr. Feistner:

Enclosed is Water License No. 8166-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

If you have any questions regarding the enclosed license, please contact Water Rights Permitting Administrator, Amanda Dewell at (605) 773-3352 or Amanda.Dewell@state.sd.us.

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: The inspection found your system for Water Right No. 8166-3 to be capable of diverting 1.78 cfs (approx. 800 gpm). Pursuant to SDCL 46-5-6 diversion of water under this license is limited to 1.71 cfs (approx. 770 gpm).

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8166-3**

(1) Todd Swenson made Application No. 8166-3, June 2, 2015, for a water permit to divert 2.13 cubic feet of water per second from a gravel pit (incising the Pleistocene: Unknown Aquifer), Jerauld County, South Dakota for irrigation purposes. Permit No. 8166-3, with a priority date of June 2, 2015, was approved August 17, 2015, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 17, 2020, and for the application to beneficial use of water on or before August 17, 2024.

Ownership of Permit No. 8166-3 was transferred to Feistner Farms, 39218 235th St, Woonsocket, SD 57385 on February 5, 2025.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.71 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,740 feet N and 1,640 feet E from the SW corner of Section 16, T108N, R64W (NE $\frac{1}{4}$ SW $\frac{1}{4}$) (Latitude 44.15942 and Longitude -98.52599)

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

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 16, T108N, R64W	
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 23 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 21 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 26 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 39 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 8 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 3 acres
Total – 120 acres	

(5) Pursuant to South Dakota Water Law 46-5-30.1 Feistner Farms, the holder and/or owner of Water Right No. 8166-3 is issued a license to appropriate water, the right to use 1.71 cubic feet of water per second from a gravel pit (incising the Pleistocene: Unknown Aquifer), with a priority date of June 2, 2015, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8166-3 and subject to the following qualifications:

1. The gravel pit approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner of 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.

continued

2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Mark Mayer

Mark Mayer, PE
Director of Office of Water

9/5/2025

date

