

WATER PERMIT NO. 8240A-3

Name of Applicant: Arne Svarstad

Address: 13797 392 Ave, Aberdeen SD 57401

Phone: 605 228-8913

Amount of Water Claimed: 1.56 cfs

Total Acres: 134 acres

Source of Water Supply: James River

Water to be used for: irrigation

County: Brown

Type of Waste Disposal System:

Location: approximately 9 miles southeast of Aberdeen

PRIORITY

Date Received: 6-13-19

Application/License Fee: \$ 100

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Transfer acres and diversion point authorized by No. 8240-3

Diversion Point: NW 1/4 NW 1/4 Sec 28-T122N-

R62W

Land to be Irrigated: SE 1/4 Sec 28-T122N-R62W

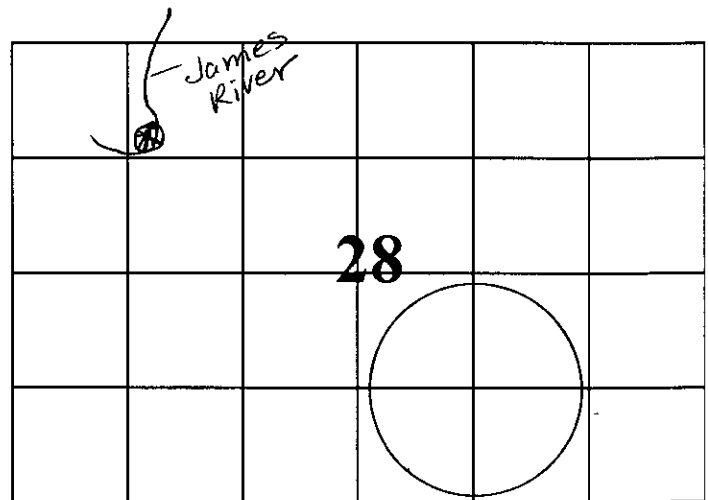
Depth of Well: NA

Well Driller:

Remarks:

Type of Map:

Prepared by:



Reviewed and the Number Assigned on: 6-13-19

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8240A-3**

Date of first receipt of application June 13, 2019.

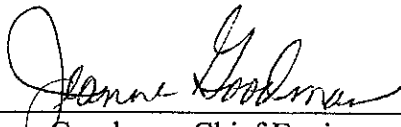
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8240A-3 to Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8240A-3 amends Water Permit No. 8240-3 by transferring irrigated acreage and point of diversion to other land. Water Permit No. 8240-3 appropriates 1.91 cubic feet of water per second from the James River located between points in the NW 1/4 NW 1/4 Section 26 and the SE 1/4 NE 1/4 Section 27 to irrigate 134 acres located in the NE 1/4 Section 28; all in T123N-R62W. This permit moves the project 6 miles south with the James River diversion point to be located in the NW 1/4 NW 1/4 Section 28 and the 134 acres to be irrigated to the SE 1/4 Section 28; all in T122N-R62W. This permit does not authorize any increase in the diversion rate or number of acres irrigated. This site is located approximately 9 miles southeast of Aberdeen SD.
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 September 26, 2016.
4. The date of approval of Permit No. 8240A-3 is September 3, 2019.
5. All construction is to be completed on or before December 19, 2021.
6. Water is to be put to beneficial use on or before December 19, 2025.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Diversions of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders by the Chief Engineer.
 - b) This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the USGS gaging station at Ashton SD after pumping.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 06 2019

date



PAID

JUN 13 2019

Ck# 14308

RECEIVED

JUN 13 2019

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8240A-3</u> (office use only)
	Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>
	Newspaper <u>American News</u>

Application For Permit To Appropriate Water For Irrigation

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

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

 1. Name to Appear on Irrigation Permit Arne Svarstad
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
 Mailing Address 13797 392 Av Aberdeen SD 57401
 (Address) (City) (State) (Zip Code)
Phone 6052261142 Mobile 6052288913 Email 860
 2. Amount of water claimed 1.91 *CFS or 700 **GPM ***AF Total Acreage 134
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply JAMES River
 4. Location of point of diversion NW of 28-122-62 (NW 1/4 NW 1/4)
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
County Brown5. County or counties where water will be used Brown6. 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
<u>SE 1/4 of 28 122 62</u>	<u>134</u>		

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

We are asking that our permit No# 8240-3 be amended and location be moved to SE 1/4 of 28-122-62. Reason being with can utilize one pump + line for two pivots. We are in the process of building a

I, Arne Svarstad farmer, the applicant, certify under
 Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

adjoining pivot system on the land to the east of this proposed change. Thus the line & pump would already be in place for this pivot also. Thanks for your consideration.

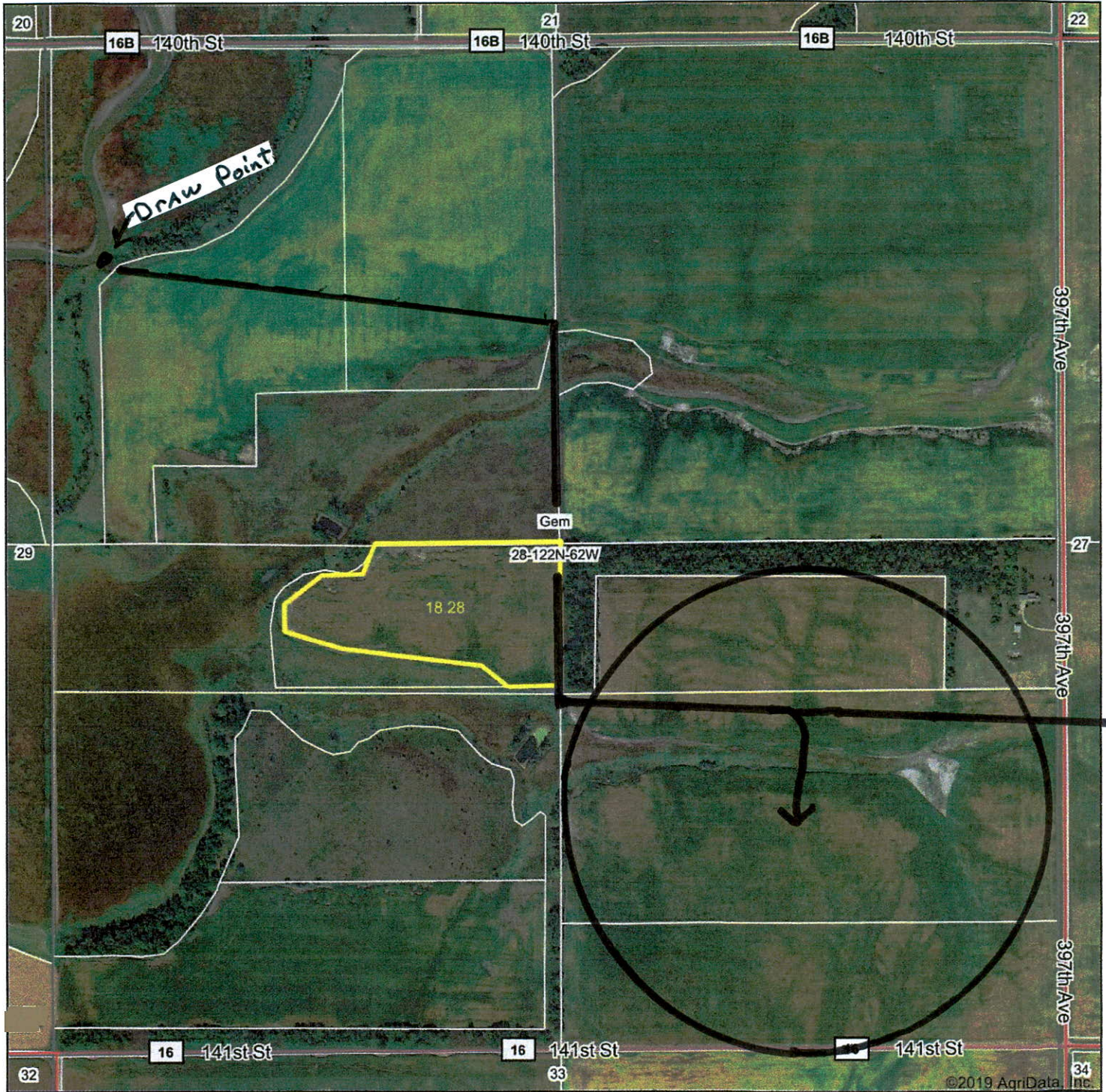
Anne Swastad

Ph. 228 8913

Arne Svarstad

Aerial Map

James River



map center: 45° 20' 59.76, -98° 17' 56.4

0ft 817ft 1634ft

28-122N-62W
Brown County
South Dakota

Maps Provided By:
surety
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2019 www.AgriDataInc.com



4/16/2019

Field borders provided by Farm Service Agency as of 5/21/2008.

with Pivot
on 27-122-62

28-122N-62W AND 27-122E

46-5-34. Irrigation rights appurtenant to land--Amendment of permit required for severance and transfer. All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used. However, if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed under this section

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 13, 20 19

RECEIVED OF Arne Svarstad 13797 392 Ave Aberdeen SD 57401

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

Fee for Application for Permit No. <u>8240A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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. _____		
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	100 00

No. **09157**

By Jeanne Goodman
Chief Engineer one

7413-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 8240A-3, Arne Svarstad

ADDRESS: 13797 392 Avenue, Aberdeen SD 57401 COUNTY: Brown County

DATE: June 29, 2019

TELEPHONE: 605 228-8913

RE: Amount of water claimed on application to transfer acres

Water Permit No. 8240-3 appropriates 1.91 cfs (860 gpm) from the James River to irrigate 134 acres. Mr. Svarstad filed an application to amend that application by transferring the diversion point and acres to a different location. However, on the application he sought to transfer only 1.56 cfs (700 gpm) of diversion rate authority. I contacted Mr. Svarstad and he indicated he made a mistake and that he meant to request to transfer the entire appropriation of 1.91 cfs. Mr. Svarstad asked that I amend his application to reflect a transfer of 1.91 cfs.

NAME: Eric H. Lund

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA}

AUG 26 2019

§

WATER RIGHTS PROGRAM

COUNTY OF BROWN}

Carla Rommy being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal # 719664
Notice of Application

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day

The first publication being made on the 22nd day of August, 2019.

The second publication being made on the _____ day of _____, 2019.

The third publication being made on the _____ day of _____, 2019.

The fourth publication being made on the _____ day of _____, 2019.

The fifth publication being made on the _____ day of _____, 2019.

The sixth publication being made on the _____ day of _____, 2019;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 64.30, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Rommy
Subscribed and sworn to before me this 22nd day of August, 2019.

Daily Circulation 10,000

Amie Bell

Notary Public, Brown County, SD

My commission expires March 20, 2025



(No. 719664)
(August 22, 2019 - 1T)

NOTICE OF APPLICATION NO. 8240A-3

Notice is given that Arne Svarstad, 13797 392 Ave, Aberdeen SD 57401 has filed an application for a water permit to amend Water Permit No. 8240-3 by transferring irrigated acreage and point of diversion to other land. Water Permit No. 8240-3 appropriates 1.91 cubic feet of water per second from the James River located between points in the NW 1/4 NW 1/4 Section 26 and the SE 1/4 NE 1/4 Section 27 to irrigate 134 acres located in the NE 1/4 Section 28; all in T123N-R62W. This application proposes to move the project 6 miles south with the James River diversion point to be located in the NW 1/4 NW 1/4 Section 28 and the 134 acres to be irrigated to the SE 1/4 Section 28; all in T122N-R62W. This application, if approved, does not authorize any increase in the diversion rate or number of acres irrigated. This site is located approximately 9 miles southeast of Aberdeen SD.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Svarstad indicates his justification for the change would be utilizing a pump and line for an adjoining pivot system authorized by Water Permit No. 8241-3 for irrigation of the SW 1/4 Section 27-T122N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8240A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 3, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Hunter Roberts, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$64.30.

NOTICE OF APPLICATION NO. 8240A-3

Notice is given that Arne Svarstad, 13797 392 Ave, Aberdeen SD 57401 has filed an application for a water permit to amend Water Permit No. 8240-3 by transferring irrigated acreage and point of diversion to other land. Water Permit No. 8240-3 appropriates 1.91 cubic feet of water per second from the James River located between points in the NW 1/4 NW 1/4 Section 26 and the SE 1/4 NE 1/4 Section 27 to irrigate 134 acres located in the NE 1/4 Section 28; all in T123N-R62W. This application proposes to move the project 6 miles south with the James River diversion point to be located in the NW 1/4 NW 1/4 Section 28 and the 134 acres to be irrigated to the SE 1/4 Section 28; all in T122N-R62W. This application, if approved, does not authorize any increase in the diversion rate or number of acres irrigated. This site is located approximately 9 miles southeast of Aberdeen SD.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Svarstad indicates his justification for the change would be utilizing a pump and line for an adjoining pivot system authorized by Water Permit No. 8241-3 for irrigation of the SW 1/4 Section 27-T122N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8240A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Hunter Roberts, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 12, 2019 12:47 PM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8240A-3. Arne Svarstad
Attachments: 8240A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 22, 2019.

Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401 (605 228-8913) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(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 DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

August 12, 2019

Arne Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

Water Permit Application No. 8240A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the American News printed at Aberdeen SD (Ph # 605 225-4100). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

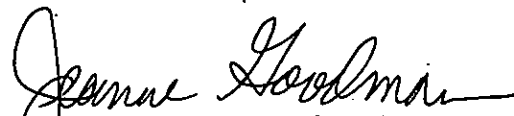
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8240A-3, Arne Svarstad**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8240A-3, Arne Svarstad, 13797 392nd Avenue, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 8240A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Diversions of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders by the Chief Engineer.
 - b) This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the USGS gaging station at Ashton SD after pumping.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



Jeanne Goodman, Chief Engineer

August 12, 2019

REPORT ON PERMIT APPLICATION NO. 8240A-3

Arne Svarstad

August 12, 2019

Water Permit Application No. 8240A-3 proposes to amend Water Permit No. 8240-3, by transferring the point of diversion and the irrigated acres to other land. Water Permit No. 8240-3 is permitted for the irrigation of 134 acres located in the NE ¼ Section 28 T123N-R62W at a maximum diversion rate of 1.91 cubic feet per second (cfs). The diversion point was authorized to be located between points in the NW ¼ NW ¼ section 26 and the SE ¼ NE ¼ Section 27, all in T123N-R62W. The annual period during which water is to be used is April through October.

This Application proposes to move the project 6 miles south with the 134 acres to be irrigated transferred to the SE ¼ Section 28 and moving the James River diversion point to the NW ¼ NW ¼ Section 28; all in T122N-R62W. This application, if approved, does not authorize any increase in the diversion rate or number of acres irrigated. This site is located approximately 9 miles southeast of Aberdeen SD.

Water Source: James River

South Dakota Codified Law 46-5-34

Pursuant to SDCL 46-5-34, "Irrigation rights appurtenant to land--Amendment of permit required for severance and transfer. All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used. However, if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed under this section."

Mr. Svarstad indicated his justification for the change would be utilizing a pump and line for an adjoining pivot system authorized by Water Permit No. 8241-3 located in the SW ¼ Section 27-T122N-R62W.

Existing Water Rights

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

Currently, there are 109 water rights/permits appropriating water from the James River totaling 299.81 cfs from the North Dakota border to the Yankton-Hutchinson county line. From the North Dakota border to the 3rd Street Dam in Huron, SD, there are 70 water rights/permits appropriating water from the James River totaling 179.26 cfs (Water Rights, 2019a). The nearest upstream water

right/permit to the applicant's proposed diversion point is approximately 0.35 miles to the north (Figure 1 and Table 1). The nearest downstream water right/permit is approximately 1.3 miles southwest.

Figure 1: Map showing the location of the existing diversion point, the proposed diversion point, and nearby water rights/permits authorized to withdraw from the James River (Water Rights, 2019a).



Permit No.	Name	Status	Use	Rate (cfs)	Acres
1841-3	Dept Of Game Fish & Parks	LC	REC	0	N/A
2629-3	Locken Farms	LC	IRR	1.44	126.4
5277-3	Roger W Locken	LC	IRR	2.3	180
5925-3	Jon & Loren Locken	LC	IRR	2	264
6427-3	Mark Grasse	PE	FWP	6	N/A
7890-3	Arne Svarstad	PE	IRR	1.91	134
8044-3	Kevin Rossow	PE	IRR	3.3	240
8240-3	Arne Svarstad	PE	IRR	1.91	134
8241-3	Arne Svarstad	PE	IRR	1.91	134
LC = Water Right, REC = Recreation, IRR = Irrigation, PE = Water Permit, FWP = Fish and Wildlife Propagation					

Table 1: Nearby water rights/permits currently authorized to withdraw water from the James river illustrated in Figure 1 (Water Rights, 2019a).

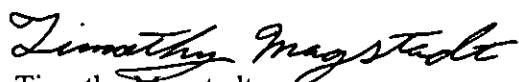
Water Permit No. 8240-3 contained the following qualifications:

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

If approved, Water Permit Application No. 8240A-3 should contain the same qualifications.

Conclusions

1. Water Permit Application No. 8240A-3, Arne Svarstad, proposes transferring 134 irrigated acres located in the NE ¼ Section 28-T123N-R62W to the SE 1/4 Section 28-T122N-R62W and to move the diversion point from between two points in the NW ¼ NW ¼ section 26 and the SE ¼ NE ¼ Section 27; all in T123N-R62W to the NW ¼ NW1/4 Section 28-T122N-R62W.
2. Mr. Svarstad indicated his justification for the change would be utilizing a pump and line for an adjoining pivot system authorized by Water Permit No. 8241-3 located in the SW ¼ Section 27-T122N-R62W.
3. If Water Permit Application No. 8240A-3 is approved, the same qualifications as Water Permit No. 8240-3 should be included:
 - a. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless writtarn orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b. This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Ashton SD, after pumping.


Timothy Magstadt

Natural Resources Engineer I
SD DENR – Water Rights Program

References

SD Water Resources Commission . (1965). Minutes of the Sixtieth Meeting. Joe Foss Bldg., Pierre, South Dakota, SD DENR - Water Rights Program.

Water Rights. (2019a). *Water Right/Permit Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 06 2019

Arne Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

Enclosed is Water Permit No. 8240A-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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



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

January 19, 2024

NOTICE

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

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7888-3, 7890-3, 8241-3 & 8240A-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7888-3, 7890-3, 8241-3 & 8240A-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7888-3, 7890-3, 8241-3 & 8240A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OMMEQR**

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



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

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2024

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

Arnie Svarstad
13797 392nd Ave
Aberdeen SD 57401

Dear Mr. Svarstad:

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

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

If you have any questions, please contact me.

Sincerely,

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