

WATER PERMIT NO. 8600-3

Name of Applicant: John A Swanson

Address: 34864 251st St, Pukwana SD 57370

Phone: 605 680-0722

Amount of Water Claimed: 1.44 cfs

Total Acres: 60 acres

Source of Water Supply: Red Lake

Water to be used for: irrigation

County: Brule

Type of Waste Disposal System:

Location: 7 miles southeast of Chamberlain

PRIORITY

Date Received: 2-17-22

Application/License Fee: \$ 700

Corrected Application Received: 3-1-22

Period of Annual Use: May 1 – October 31

Remarks: Requesting diversion rate greater than statutory limit

Diversion Point: SW 1/4 SW 1/4 Sec 3-T103N-
R70W

Land to be Irrigated: SE 1/4 Sec 4-T103N-R70W

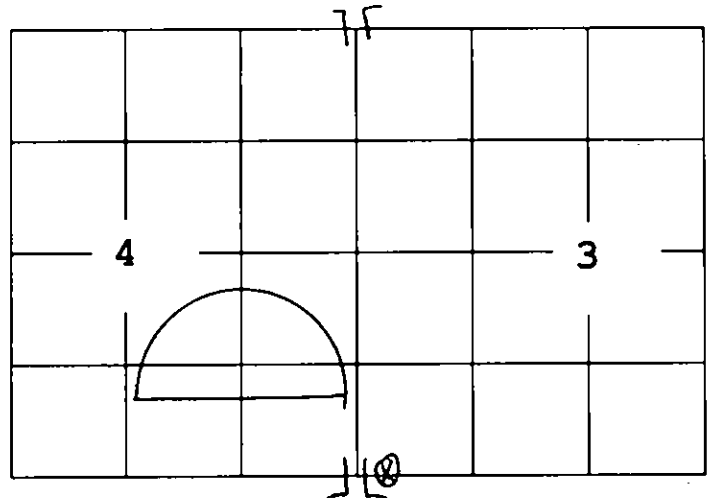
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 3-1-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8600-3**

Date of first receipt of application February 17, 2022.

Date of return to applicant for corrections, amendments or changes February 17, 2022.

Date of receipt of corrected application March 1, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8600-3 to John A Swanson, 34864 251st St, Pukwana SD 57370 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. 8600-3 appropriates 1.44 cubic feet of water per second from Red Lake located in Lot 5 (SW 1/4 SW 1/4) Section 3 for irrigation of 60 acres located in the SE 1/4 Section 4; all in T103N-R70W. This site is located approximately 5 miles southwest of Chamberlain 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: May 1 – October 31.
3. The date from which applicant may claim right is February 17, 2022.
4. The date of approval of Permit No. 8600-3 is April 25, 2022.
5. One-fifth of the construction is to be completed on or before October 25, 2024.
6. All construction is to be completed on or before April 25, 2027.
7. Water is to be put to beneficial use on or before April 25, 2031.
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 South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 773-3 for Red Lake in Brule County. Diversion of water under Permit No. 8600-3 from Red Lake is authorized during the irrigation season when either of the following conditions are met based on survey reference (NGVD 29 datum).
 - Irrigation is authorized during the following irrigation season if the lake elevation is at or above the ordinary high water mark elevation of 1,556 feet mean sea level (fmsl) at the time of DANR's annual fall lake elevation survey; or
 - Irrigation may occur if the lake elevation is at or above 1,556 fmsl at the time of DANR's annual spring lake level survey
2. Irrigation with water from Red Lake is not authorized when neither lake elevation condition is met. The Permit Holder is responsible for confirming with DANR whether irrigation may occur based on DANR's annual fall lake survey elevation.

(continued)

Water Permit No. 8600-3

John A Swanson

Page 2

3. The irrigation intake in Red Lake shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year to report the volume of water diverted from Red Lake.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 01 2022
date



FEB 17 2022

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph: (605) 773-3352	No. <u>8600-3</u>	(office use only) Hydrologic Unit <u>10140101</u>	WATER RIGHTS PROGRAM
	Basin <u>Missouri River</u>		
	Newspaper <u>Central Dakota Times</u>		
	<u>Plainsman</u>		

PAID

FEB 17 2022

Ck# 4126

Rec't# _____

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 John A. Swanson

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

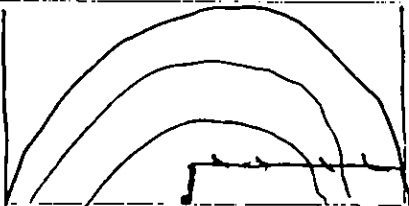
 Mailing Address 34864 251st St Parkman SD 57370
 (Address) (City) (State) (Zip Code)
Phone 605-894-4597 Mobile 605-680-0722 Email jswanson@midstatesd.net
 2. Amount of water claimed 1.44 *CFS or 650 **GPM 120 ***AF Total Acreage 60
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply Red Lake4. Location of point of diversion SW 1/4 SW 1/4 Section 3-103N-70W

(example - 3 wells in SW 1/4 NE 1/4 section 12-110N-R51W)

County Brule5. County or counties where water will be used Brule6. Annual period during which water is to be used 5/1 - 10/31
 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>T 103 N R 70 W section 4</u>	<u>60</u>		
<u>SE 1/4</u>			

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

<u>North 1/2 of Section</u> <u>WATER 1/2 Circle</u>		<u>Requesting diversion rate</u> <u>greater than statutory</u> <u>limit.</u>
--	---	--

1. John A. Swanson

Name of Person

Owner

Title (if applicable)

the applicant, certify under

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.

104N,70W
Section: 33

104N,70W
Section: 34

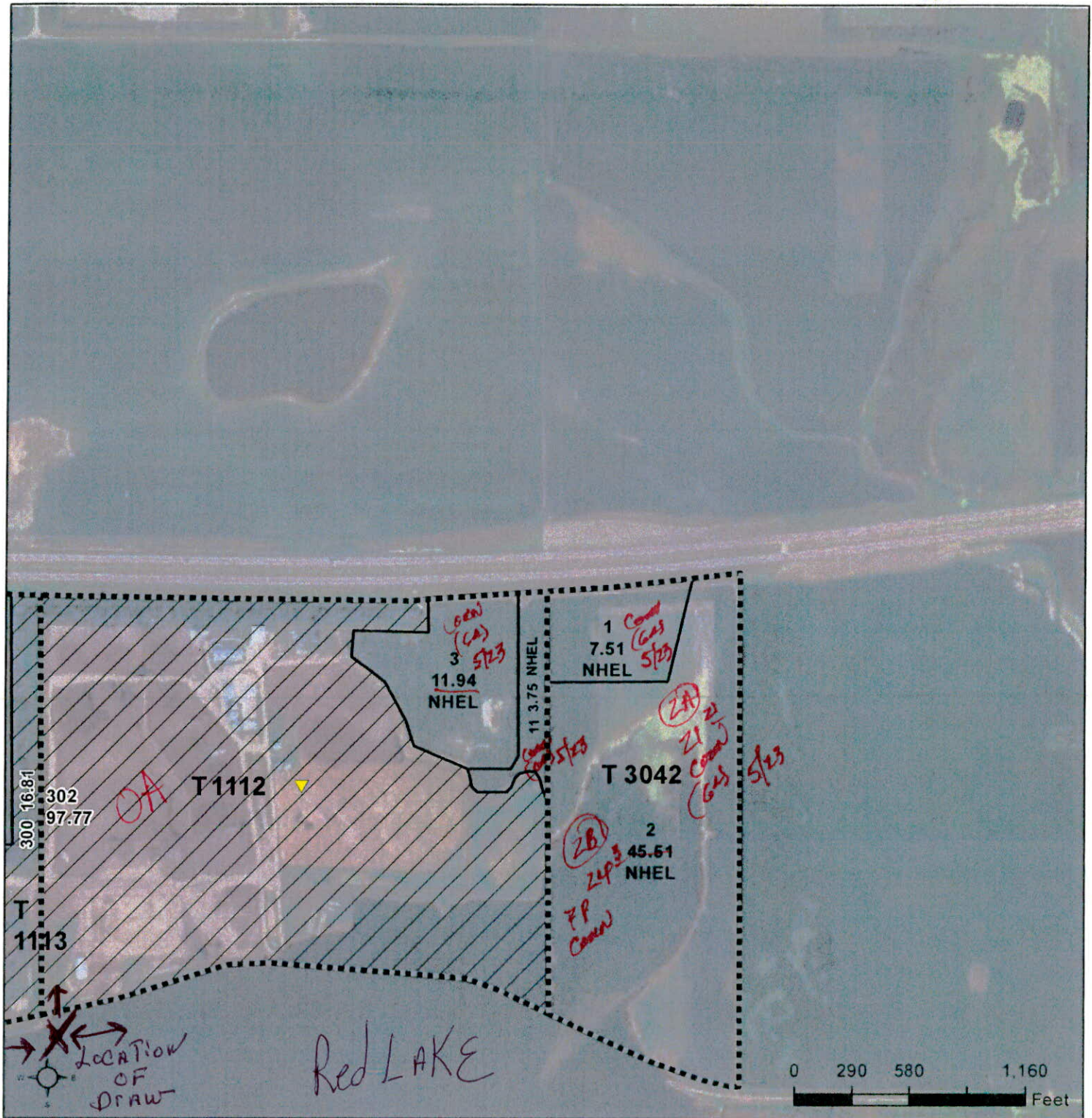
103N,70W
Section: 04

103N,70W
Section: 03

103N,70W
Section: 09

103N,70W
Section: 10





Common Land Unit Tract Boundary
 Non-Cropland
 Cropland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

2021 Program Year

Map Created March 26, 2021

Farm 2478

3 -103N -70W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

General Land Office Records



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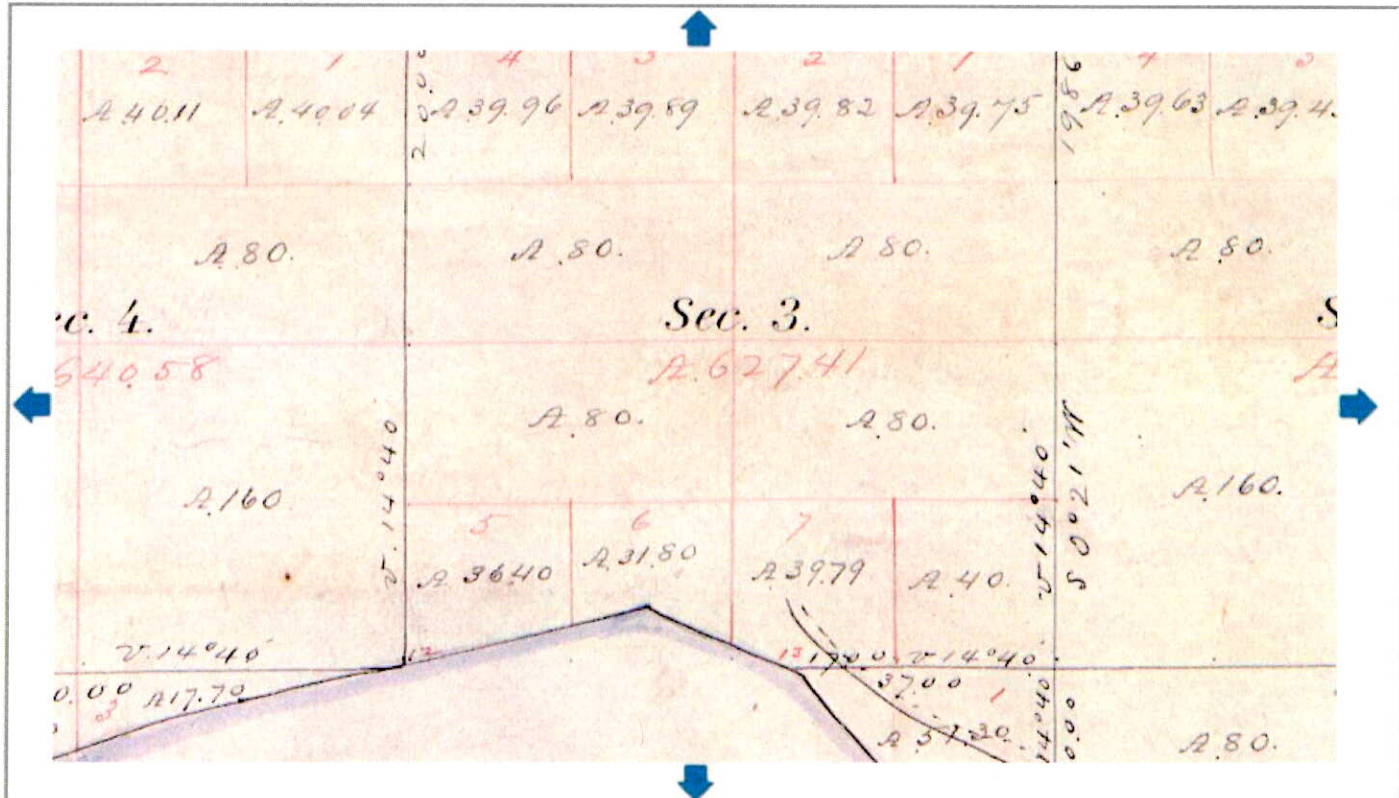
DM ID: 237299 Survey Type: Original Survey State: South Dakota

Survey Plat Details

Plat Image

Related Documents

Sheet: 1 Duplicate



 Hold down the Ctrl key to select a region with the mouse.

Basic Viewer



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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date February 17, 2022

RECEIVED OF John A/Suan M Swanson 34864 251st St Pukwana SD 57370

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

Fee for Application for Permit No. <u>8600-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
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>8600-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
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	\$ <u>700.00</u>

By Eric Gronlund

Chief Engineer

me



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 17, 2022

John A Swanson
34864 251st St
Pukwana SD 57370

Dear Mr. Swanson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Brule County. In order to complete the application, the following is required.

- The map submitted with the application did not outline the area to be irrigated. Enclosed is the aerial photo map for Sections 3 and 4-T103N-R70W. On the map, please mark the Red Lake diversion point with an "X" and outline the 60 acres to be irrigated.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

VESTED WATER RIGHT CLAIMS

It is given that the following vested water right claims in BRULE County are:

without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-16:

CK 6-27-88
DD8

County: Brule	Permit Number	Name	Address	Location	Sec.	Township	Water Range Used	Priority Date	Source
	732-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	SW¼NW¼	17	104 N 70 W	*	1/1/1935	American Creek and Wanlain Lake
	733-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	SE¼SE¼	16	103 N 67 W	*	1/1/1935	Lake Sixteen
	734-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	SE¼NE¼	19	104 N 69 W	*	1/1/1935	American Creek and Sharping Lake
	735-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	SE¼ NE¼	26 35	104 N 69 W	*	11/2/1889	Silver Lake
	736-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	NW¼NE¼	24	102 N 70 W	*	1/1/1935	Pazour Dam
	737-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	NE¼NE¼	12	104 N 69 W	*	11/2/1889	Mud Lake
	738-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	NW¼NW¼	22	105 N 69 W	*	1/1/1935	Indian Wells Lake
	739-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	NE¼NW¼	19	105 N 67 W	*	1/1/1934	Jones Lake
	773-3	SD Game, Fish and Parks	445 E. Capitol Pierre, SD 57501	NW¼SW¼ NE¼NE¼ NW¼NW¼ NE¼NW¼	21 15 19 17	103 N 70 W 103 N 70 W 103 N 70 W 103 N 70 W	*	11/2/1889	Reimer Creek and Red Lake
	1954-3	City of Chamberlain	P.O. Box 66 Chamberlain, SD 57325	NE¼SE¼	16	104 N 71 W	3.5 CFS	1/1/1951	Missouri River

* — The Chief Engineer's recommendation will be to validate the water right claim for sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower.

SDCL 46-2A-17, validating the vested water right claim.

The validations are made pursuant to the provisions of SDCL 46-1-1 through 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 through 46-2A-18; 46-5-1 through 46-5-6.1, 46-5-8.2, 46-5-13 through 46-5-15, 46-5-30.2 through 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 through 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21; 46-7-1 through 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 through 74:02:01:05:03 and 74:02:01:20 through 74:02:01:22.

Any person wishing further information, a copy of the vested water right claim list for another county or a summary of South Dakota Water Law and Water Rights Information can contact the Chief Engineer, Water Rights Division, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181, (605-773-3352).

(June 23-30)

Any person who wishes to oppose validation of any vested right claim shall, prior October 1, 1988, file a petition of intent to oppose the validation with the Chief Engineer, Water Rights Division, Department of Water and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Chief Engineer will schedule a hearing before the Water Management Board. The parties will be notified of the time and place of the hearing. If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8600-3, John A. Swanson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8600-3, John A. Swanson, 34864 251st Street, Pukwana SD 57370.

The Chief Engineer is recommending APPROVAL of Application No. 8600-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 773-3 for Red Lake in Brule County. Diversion of water under Permit No. 8600-3 from Red Lake is authorized during the irrigation season when either of the following conditions are met based on survey reference (NGVD 29 datum).
 - Irrigation is authorized during the following irrigation season if the lake elevation is at or above the ordinary high water mark elevation of 1,556 feet mean sea level (fmsl) at the time of DANR's annual fall lake elevation survey; or
 - Irrigation may occur if the lake elevation is at or above 1,556 fmsl at the time of DANR's annual spring lake level survey
2. Irrigation with water from Red Lake is not authorized when neither lake elevation condition is met. The Permit Holder is responsible for confirming with DANR whether irrigation may occur based on DANR's annual fall lake survey elevation.
3. The irrigation intake in Red Lake shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year to report the volume of water diverted from Red Lake.

See report on application for additional information.

Eric Gronlund

Eric Gronlund, Chief Engineer

April 6, 2022

REPORT ON WATER PERMIT APPLICATION NO. 8600-3

John A. Swanson

March 31, 2022

Application No 8600-3, proposes to appropriate 1.44 cubic fmsl of water per second from Red Lake located in the SW 1/4 SW 1/4 Section 3 for irrigation of 60 acres located in the SE 1/4 Section 4: all in T103N-R70W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 7 miles southwest of Chamberlain SD in Brule County.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 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 domestic water uses and water rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Project

The applicant proposes to irrigate 60 acres utilizing a center pivot irrigator. The applicant is requesting a diversion rate greater the statutory limit of 1 cfs per 70 irrigated acres as specified in South Dakota Codified Law (SD) 46-5-6.

46-5-6. Appropriation of water for irrigation--Limitation of amount.

In the issuance of permits to appropriate water for irrigation or in the adjudication of rights to the use of water for such purpose, the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres, or the equivalent thereof, and the volume of water diverted for use may not exceed two acre-fmsl per acre, delivered on the land for a specified time each year. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-fmsl per acre delivered to the land. The above rate of one cubic foot per second for each seventy acres does not apply in cases of flood water at such times when the flow of the stream is much in excess of the total recorded and approved rights on the stream.

The Water Management Board may allow for a greater diversion rate if the method of irrigation requires it. The center pivot's designed flow capacity is for a full rotation, but the center pivots operation will be limited to half a rotation to cover the proposed acres.

Review of the Proposed Water Source

The proposed source of water for the project is from Red Lake located in west central Brule County. Red Lake is a meandered closed basin lake with a surface area of approximately 3,900 acres at the Ordinary High Water Mark (OHWM) elevation. The Water Management Board set the OHWM at 1556 feet mean sea level (fmsl) and the outlet elevation at 1575 fmsl (NGVD29) in October 1990.

The Water Rights Program has been measuring water levels on Red Lake twice a year since 1983 (Figure 1). Lake level records show large swings in water levels which are climatically driven. Records show Red Lake was dry between 1989 and 1992 and again in 2006. Water levels peaked at elevation 1571.2 fmsl in 2020. The most recent lake level measured was at elevation 1568.8 fmsl obtained in the October of 2021 (Water Rights. 2022).

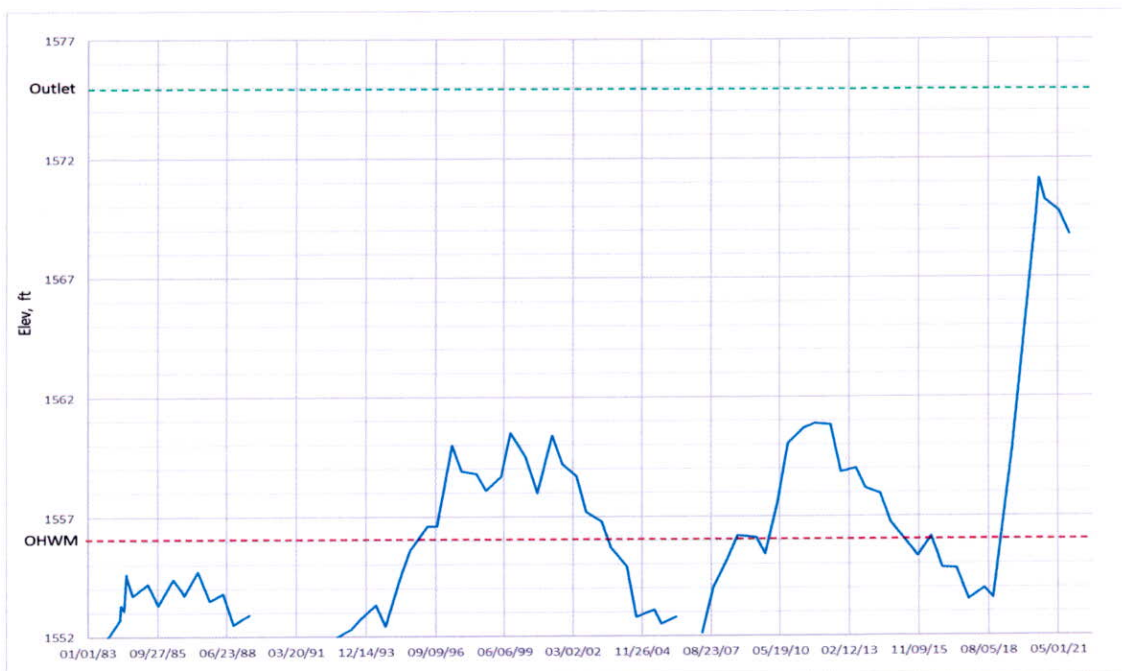


Figure 1. Lake level hydrograph for Red Lake in Brule County South Dakota, 1983-2021 (Water Rights. 2022).

ArcGIS was used to calculate the volume of water stored in Red Lake at the OHWM. The volume is estimated to be 16,325 acre-feet. At the fall 2021 measured lake level of 1568.8 fmsl, the lake was estimated to be storing 74,800 acre-feet. This is 12.8 feet above the OHWM and a volume of 58,475 acre-feet more the estimated volume at the OHWM. Based upon historical lake level data, Red Lake cannot be considered a reliable water source, the lake has a history of large lake levels swings due to changes in climatic conditions.

Review of Existing Water Rights

There is one existing water right/permit held by the South Dakota Department of Game Fish and Park for Red Lake. Recognized Vested Water Right No. 773-3 claims up to 11,000 acre-feet of water annually for water used in place within Red Lake bearing a priority date of the 1889, South

Dakota statehood (Water Rights. 2022). Recognized Vested Water Right No. 773-3 has not been validated although the Water Rights Program did advertise it for validation, the notice contained the following statement:

The Chief Engineer's recommendation will be to validate the water right claim for sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower."

If this permit is approved, it should be qualified to allow pumping only if the prior fall lake level measurement or spring lake level measurement is at or above the ordinary high water mark elevation of 1556 fmsl to protect Recognized Vested Water Right No. 773-3. Consideration should also be given to validating Recognized Vested Water Right No. 773-3 since the Water Management Board has set both the OHWM and outlet elevation for Red Lake.

Conclusions

1. This application proposes to appropriate 1.44 cubic feet of water per second from Red Lake for irrigation of 60 acres.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. Irrigation using a partial turn center pivot irrigator is proposed.
3. Lake level records for Red Lake taken twice a year since 1983 show large swings in water levels which are climatically driven.
4. Based upon historical lake level data, Red Lake cannot be considered a reliable water source.
5. South Dakota Department of Game Fish and Park holds Recognized Vested Water Right No. 773-3 claiming up to 11,000 acre-feet of water annually for water used in place within Red Lake.
6. Recognized Vested Water Right No. 773-3 was never validated. Consideration should be given to validating Recognized Vested Water Right No. 773-3 since both the OHWM and outlet elevations for Red Lake have been established.
7. If this permit is approved, it should be qualified to allow pumping only if the prior fall lake level measurement or spring lake level measurement is at or above the ordinary high water mark elevation of 1556 fmsl (NGVD29 datum).



Mark D. Rath
Natural Resources Engineer III

References

1. Water Rights. 2022. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, April 7, 2022 9:43 AM
To: jswanson@midstatesd.net
Subject: Water Permit Application No. 8600-3
Attachments: 3206.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



RECEIVED

APR 28 2022

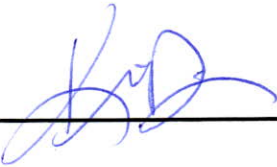
WATER RIGHTS
PROGRAM

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 1353

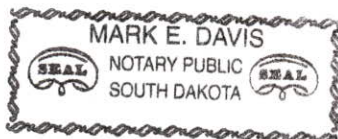
I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately 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 a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: John Swanson – Water Permit was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 4/13/2022. That the full amount of the fee charged for the publishing \$ 42.81 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 date 4/25/22.


Notary Public, South Dakota

My Term Expires 12/27/2024



2000 - Legals

F. P. 04-13-22

NOTICE OF APPLICATION

NO. 8600-3 to Appropriate Water

Notice is given that John A Swanson, 34864 251st St. Pukwana SD 57370 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from Red Lake located in Lot 5 (SW 1/4 SW 1/4) Section 3, for irrigation of 60 acres located in the SE 1/4 Section 4; all in T103N-R70W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 5 miles southwest of Chamberlain SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8600-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/> public or contact Ron Duval for this information, or other information, at the Water Rights Program, address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-

9 and 46-2-11, or both. Any person meeting the petitioner's requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application

shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/> public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 25, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/> public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 25, 2022.

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.

No. 1353 (adv.)

Published one time at the total approximate cost of \$42.81.

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss.

County of Brule

Debi Ruiz of said county, being first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice and that the Notice of Application No. 8600-3
To Appropriat Water

a printed copy of which, taken from the paper in which the same was published and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive week(s) to wit:

April 13, 2022; _____, 20____;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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 whomsoever; that the fees charged for the publication thereof are:

\$35.91

Signed: T. Ruiz

Subscribed and sworn to before me this 14th day

of April, 2022

Janet L. Petrak
Notary Public In and For The County of Brule,
South Dakota

JANET L. PETRAK
Notary Public
SEAL
South Dakota

NOTICE OF APPLICATION NO. 8600-3 TO APPROPRIATE WATER

Notice is given that John A. Swanson, 34864 251st Street, Pukwana, SD 57370 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from Red Lake located in Lot 5 (SW1/4 SW1/4) Section 3 for irrigation of 60 acres located in the SE1/4 Section 4; all in T103N-R70W. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres. This site is located approximately five miles southwest of Chamberlain, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8600-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11 or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available on-line at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523

RECEIVED

APR 19 2022

WATER RIGHTS
PROGRAM

East Capitol, Pierre, SD 57501" or call 605-773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 25, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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(Published one week, April 13, 2022, at a total approximate cost of \$35.91.)

(April 13)

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, April 7, 2022 9:39 AM
To: 'rcrandall@plainsman.com'
Subject: 8600-3, John A Swanson
Attachments: 8600-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 13, 2022.

John A Swanson, 34864 251st St, Pukwana SD 57370 (605 680-0722) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, April 7, 2022 9:40 AM
To: 'cdt@midstatesd.net'
Subject: FW: 8600-3, John A Swanson
Attachments: 8600-3public.short_final.docx; FORM8.FRM.doc

Correct address for Swanson – 34864 251st St

From: Schlaak, Karen
Sent: Thursday, April 7, 2022 9:38 AM
To: 'cdt@midstatesd.net' <cdt@midstatesd.net>
Subject: 8600-3, John A Swanson

Attached is a notice to be published on April 13, 2022.

John A Swanson, 333334864 251st St, Pukwana SD 57370 (605 680-0722) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

April 7, 2022

John A Swanson
34864 251st St
Pukwana SD 57370

Dear Mr. Swanson:

Water Permit Application No. 8600-3 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 Central Dakota Times printed at Chamberlain (Ph # 605 234-0266) and the Plainsman printed at Huron (Ph # 605 353-7414). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

NOTICE OF APPLICATION NO. 8600-3 to Appropriate Water

Notice is given that John A Swanson, 34864 251st St, Pukwana SD 57370 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from Red Lake located in Lot 5 (SW 1/4 SW 1/4) Section 3 for irrigation of 60 acres located in the SE 1/4 Section 4; all in T103N-R70W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 5 miles southwest of Chamberlain SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8600-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 25, 2022.

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Published once at the total approximate cost of_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2022

John A Swanson
34864 251st St
Pukwana SD 57370

Dear Mr. Swanson:

Enclosed is Water Permit No. 8600-3 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures