

WATER PERMIT NO. 8699-3

Name of Applicant: Ken Swatek

Address: 29804 395th Ave, Wagner SD 57380

Phone: 605 491-1499

Amount of Water Claimed: 1.78 cfs

Total Acres: 110 acres

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System:

Location: 1 mile south of Wagner

PRIORITY

Date Received: 1-3-23

Application/License Fee: \$950

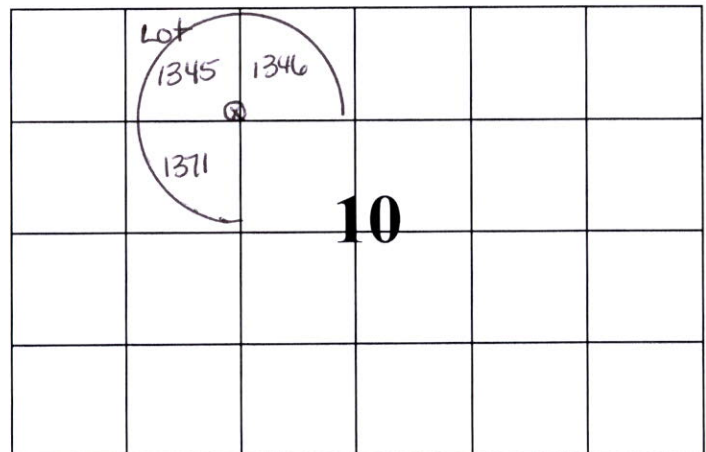
Corrected Application Received:

Period of Annual Use: May 1 – Sept

Remarks: These lands are also covered under Water Permit No. 7450-3. New owner wants his own well. Requesting diversion rate greater than statutory limit.

Diversion Point: SE corner of Lot 1345 Sec 10-T95N-R63W

Land to be Irrigated: Lots 1371, 1345, 1346 Sec 10-T95N-R63W



Depth of Well: 240 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-3-23

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8699-3**

Date of first receipt of application January 3, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8699-3 to Ken Swatek, 29804 395th Avenue, Wagner SD 57380 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. 8699-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Choteau: West Aquifer (approximately 240 feet deep) located in the SE corner of Lot 1345 Section 10 for irrigation of 110 acres located in the Lots 1371, 1345, and 1346 Section 10; all in T95N-R63W. This site is located approximately 1 mile south of Wagner 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 – September 30.
3. The date from which applicant may claim right is January 3, 2023.
4. The date of approval of Permit No. 8699-3 is March 27, 2023.
5. One-fifth of the construction is to be completed on or before September 27, 2025.
6. All construction is to be completed on or before March 27, 2028.
7. Water is to be put to beneficial use on or before March 27, 2032.
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 well approved under Water Permit No. 8699-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8699-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8699-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 110 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 19 2023
date



FORM 2: Application for irrigation in South Dakota

(type or print)

PAID

JAN 3 2022

Ck# 40141

Rec't#

RECEIVED

JAN 03 2023

OFFICE OF
WATER

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8699-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Wagner Post 384-5616 (Wed)</u>	
	<u>Press & Dakotan 605-7811</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 Ken Swatek

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

Mailing Address 29804 395th Ave. Wagner SD 57380
(Address) (City) (State) (Zip Code)Phone 605-384-3502 Mobile 605-491-1499 Email kvswatek@hcinet.net2. Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 110
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Well4. Location of point of diversion Corner of Lot 1345 & 1346 Sec 10 Township 95N Range 63 West 63rd pm
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Charles Mix5. County or counties where water will be used Charles-Mix6. Annual period during which water is to be used May - Sept 307. 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>Lot 1371</u>	<u>35</u>		
<u>Lot 1345</u>	<u>35</u>		
<u>Lot 1346</u>	<u>40</u>		
<u>all in Sec 10 - T95N-R63W</u>			

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

Need 800 gal/min, because pivot is not making full Rotation.I, Ken Swatek Owner/Operator 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.

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 1 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 _____

For either Existing or Proposed Wells:

c) Well Depth (required) 220-240 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____d) Distance to nearest domestic well on applicant's property NONE Property owned by others unknown**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) NONE

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Informationa) Surface Dimensions ✓ _____ Depth ✓ _____b) Depth to water (ground surface to water level) ✓ _____**4. Water Storage Dams** NONE

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)

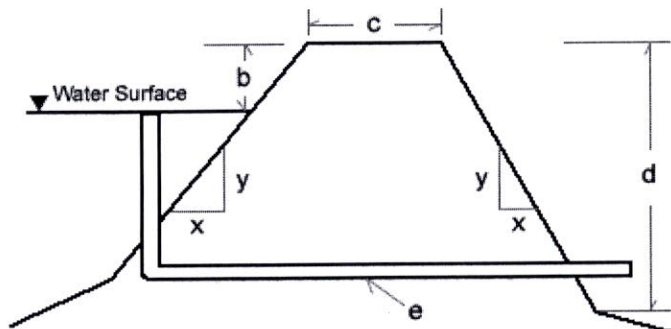
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Fischer Farms Water Permit Application



1,500 750 0 1,500 Feet

RECEIVED

OCT - 4 2012

WATER RIGHTS
PROGRAM

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation of
Seth Fischer



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 3, 2023

RECEIVED OF Swatek Farms LLC 29804 395th Ave., Wagner SD 57380

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

Fee for Application for Permit No. <u>8699-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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>8699-3</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>950.00</u>

By Eric Gronlund
Chief Engineer
VM

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, December 28, 2022 2:53 PM
To: Schlaak, Karen
Subject: RE: Ken Swatek

Spoke with Ken on the phone – he is mailing the application today.

Requesting 800 gpm for 110 acres. This is due to a standard quarter section pivot only making $\frac{3}{4}$ rotation. He is supposed to be including a statement in the description section to this effect.

Total fee is \$950

From: Gronlund, Eric
Sent: Wednesday, December 21, 2022 4:57 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>; McMath, Genny <Genny.McMath@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Ken Swatek

Spoke with Ken Swatek. He purchased a portion of the land in Section 10 – T95N-R63W under WP 7450-3 in Charles Mix County. No. 7450-3 is held in the name of Fischer Farms. He said the Fischer's are in a major legal dispute and 200 acres authorized under 7450-3 were sold to him. I explained that he could transfer the acres he now owns and the proportionate diversion rate. He could then request a well under 46-5-13.1 but he still might end up "water poor" based on diversion rate to operate the pivot. The original permit from the CH:W involved diverting to a wastewater lagoon prior to irrigation. He does not own the land where the well or lagoons are located. He does not want to be drug into the legal dispute between the Fischer's which has gotten nasty and wants to "start from scratch" and obtain a water permit since the land has a pivot in place. He indicated his proposed well site will be about $\frac{1}{2}$ mile from the Fischer Farms well.

I sent him application forms.



Eric Gronlund, PE
Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov



**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. 8699-3, Ken Swatek**

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. 8699-3, Ken Swatek, 29804 395th Avenue, Wagner SD 57380.

The Chief Engineer is recommending APPROVAL of Application No. 8699-3 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 well approved under Water Permit No. 8699-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8699-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8699-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 110 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
February 28, 2023

Report to the Chief Engineer
On Water Permit Application No. 8699-3

Ken Swatek

March 1st, 2023

Water Permit Application No. 8699-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well (240 feet deep) completed into the West management unit of the Choteau aquifer located in the SE corner of Lot 1345 Section 10 for irrigation of 110 acres located in the Lots 1371, 1345, and 1346 Section 10; all in T95N-R63W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site of interest is located approximately 1 mile south of Wagner, SD in Charles Mix County.

AQUIFER: Choteau: West (CH:W)

HYDROGEOLOGY:

The West management unit of the Choteau aquifer was referred to as the Choteau aquifer by Christensen (1970), Jorgensen (1971), and Kume (1977). The Choteau: West aquifer naming convention will be used in this report as it was established by Hedges et al (1982) and accepted by the Water Management Board. The Choteau: West aquifer is a glacial outwash deposit composed of sand and gravel that underlies surface water sources and a surficial till layer (Jorgensen, 1971; Kume, 1977). Hedges et al (1982) estimated that the Choteau: West aquifer underlies approximately 218,400 acres of Bon Homme, Charles Mix, and Douglas Counties and contains an estimated 1,474,200 ac-ft of recoverable water in storage. Hedges et al. (1985) states the Choteau: West aquifer is a confined aquifer but Jorgensen (1971) and Kume (1977) identify some unconfined portions occur in the aquifer near the hydrological connections to surface water sources (Choteau Creek and Dry Choteau Creek).

A water well completion report was not submitted with Water Permit Application No. 8699-3 (Water Rights, 2023d). The closest water well completion report is a domestic well located 0.7 miles northwest of this application's proposed diversion point. The domestic well was completed into the Choteau: West Aquifer on November 7th, 2007. The well has a saturated aquifer thickness of 45 feet, with the depth to the top of aquifer material at 220 feet below the ground surface, and static water level at 90 feet below the ground surface at the time of well completion (SDGS, 2023; Water Rights, 2023b and 2023d). Based on water well completion reports near the diversion point, the Choteau: West aquifer is expected to be confined at the diversion point (SDGS, 2023; Water Rights, 2023b and 2023d).

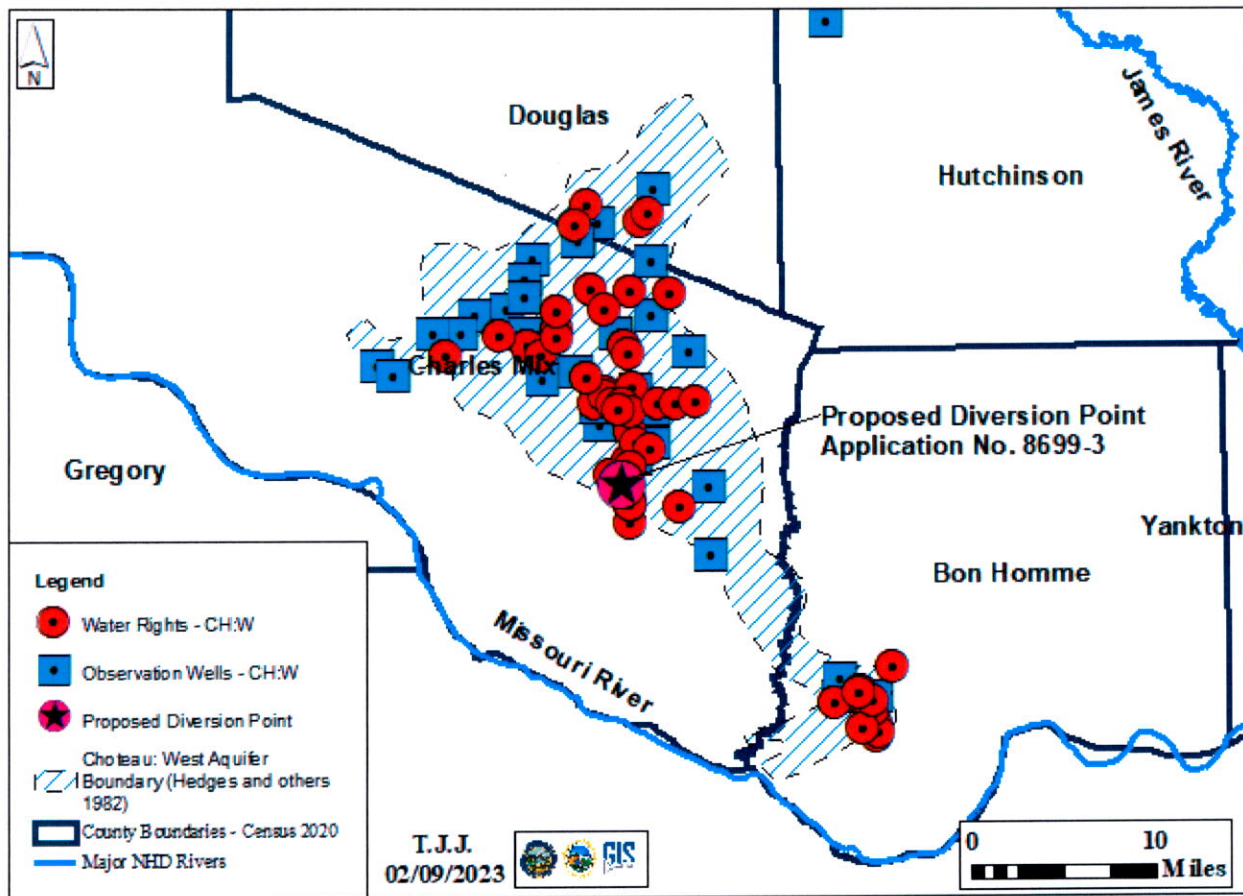


Figure 1. Map of the area Choteau: West aquifer's approximate boundary, water rights/permits, observation wells, and the location of diversion point for Water Permit Application No. 8699-3 (Water Rights, 2023b and 2023c).

South Dakota Codified Law (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 unappropriated water is available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by §§ 46-2-9 and 46-2-11." This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Choteau: West aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8699-3 proposes to appropriate water from the Choteau: West aquifer. The probability of unappropriated water being available from the 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 that 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. An

application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Choteau: West aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Choteau: West aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Choteau: West aquifer is received primarily through infiltration of precipitation where the aquifer is exposed to the surface, groundwater inflow from hydrologically connected bedrock aquifers, and seepage through till layers from Choteau Creek and Dry Choteau Creek (Jorgensen, 1971; Kume, 1977). Using observation well analysis Hedges et al (1985) estimated a recharge rate of 4.1 inches per year for unconfined portion of the Choteau: West aquifer. The unconfined area for this primarily confined aquifer has not been delineated, therefore the Choteau: West aquifer will be evaluated as a confined aquifer. Hedges et al (1985) recommend using a recharge rate of 0.15 in/yr to 0.6 in/yr for confined aquifers by management and development programs. The Choteau: West aquifer has an estimated areal extent of approximately 218,400 acres (Hedges et al, 1985). Therefore, the average annual recharge rate (based on Hedges et al, 1985) ranges from 2,730 acre-feet/year to 10,920 acre-feet/year.

Discharge

Discharge from the Choteau: West aquifer in South Dakota primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface. Currently, there are 53 water rights/permits authorized to appropriate water from the Choteau: West aquifer (Water Rights, 2023c). There are no future use permits reserving water from the Choteau: West aquifer (Water Rights, 2023c).

Table 1 summarizes the 6 non-irrigation water rights/permits authorized to appropriate water from the Choteau: West aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. This is a standard method used by the DANR-Water Rights Program for estimating average annual withdrawals by non-irrigation appropriations. Overall, the estimated average annual withdrawal rate for the Choteau: West aquifer non-irrigation water rights/permits is approximately 351 acre-feet/year (Table 1) (Water Rights, 2023c). The City of Wagner is connected to a rural water system and maintains Water Right Nos. 569-3 and 1782-3 for standby purposes (Drinking Water, 2023). Therefore, water use under these rights is estimated to be negligible.

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Choteau: West aquifer (Water Rights, 2023c)

Permit Number	Name	Use	Status	Diversion Rate (cubic feet/second)	Estimated Use (acre-feet/year)
7276-3	SPARKS	COM	LC	0.134	58.2
7403-3	VANDERLEI	DOM	LC	0.075	32.6
1782-3	CITY OF WAGNER	MUN	LC	0.890	0
569-3	CITY OF WAGNER	MUN	LC	1.100	0
296-3	AHRENS	REC, DOM	LC	0.300	130.3
297-3	AHRENS	REC	LC	0.300	130.3
LC License, COM Commercial, DOM Domestic, MUN Municipal, REC Recreation				TOTAL:	351

Currently, there are 47 irrigation water rights/permits appropriating water from the Choteau: West aquifer (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The average annual withdrawal rate for the Choteau: West aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2021) is approximately 2,489 acre-feet per year (Table 2) (Water Rights, 2023a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2012 to 2021 is approximately 3,029 acre-feet per year (Table 2) (Water Rights, 2023a).

Water Permit No. 8575-3 was approved in 2022 and Water Permit No. 8671-3 was approved in early 2023, both Water Permits are not accounted for in Table 2 (Water Right, 2023c). Water Permit Nos. 8575-3 and 8671-3 are authorized to irrigate 237 acres (Water Rights, 2023c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, to account for fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for this irrigation water permit. Therefore, the estimated average annual withdrawal rate for Water Permit Nos. 8575-3 and 8671-3 is approximately 237 acre-feet per year. This Water Permit Application is proposing to irrigate 110 acres. By using the same one foot of water per acre per year estimate, Application No. 8699-3 should withdraw approximately 110 acre-feet per year. It should be noted that the acreage covered by this application is also authorized for irrigation by Water Permit No. 7450-3 from the same aquifer, so the estimated use will be somewhat offset by reduced use under No. 7450-3. To reflect the current practices and equipment of irrigation water rights/permits more accurately, the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (3,029 acre-feet/year). Collectively, the estimated average annual withdrawal rate for the irrigation water permit approved in 2022 and the pending applications (347 acre-feet/year) plus the average annual withdrawal rate for the irrigation appropriations from 2012 to 2021 (3,029 acre-feet/year), is approximately 3,376 acre-feet per year.

Table 2. Reported historic irrigation uses from the Choteau: West aquifer (Water Rights, 2023a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	49	2,933
1980	47	2,644
1981	48	3,132
1982	39	1,647.15
1983	40	1,368.89
1984	44	1,692
1985	43	2,377
1986	42	2,986
1987	42	2,198.00
1988	44	4,537.40
1989	45	3,984.10
1990	45	3,716.00
1991	45	4,057
1992	46	1,683
1993	45	334.2
1994	41	2,026.03
1995	42	999.46
1996	42	1,795.61
1997	42	1,509
1998	42	697.51
1999	40	1,248.07
2000	33	3,009.11
2001	33	1,625.24
2002	33	3,223.92
2003	33	2,526.26
2004	34	2,819.08
2005	36	2,896.82
2006	36	3,598.83
2007	34	3,363.59
2008	34	2,443.95
2009	35	1,163.81
2010	35	614.83
2011	35	1,872.77
2012	33	6,042.81
2013	43	4,141.10
2014	45	3,966.34
2015	46	4,306.86
2016	44	2,800.67
2017	47	3,323.18
2018	45	122.39
2019	46	285.39
2020	46	1,565.85
2021	46	3,739.86
Max	49	6,042.81
Min	33	122.39
Avg (1979-2021)	41	2,489
Avg (2012-2021)	44	3,029

There are domestic wells completed into the Choteau: West aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2023d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Choteau: West aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Choteau: West aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Choteau: West aquifer has a range from 2,730 acre-feet/year to 10,920 acre-feet/year. The estimated average withdrawal rate from the Choteau: West aquifer totals to approximately 3,727 acre-feet/year; (non-irrigation: 351 acre-feet/year; irrigation (2012 to 2021, permits approved in 2022, and pending applications): 3,376 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Choteau: West aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 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 DANR-Water Rights Program monitors 25 observation wells completed into the Choteau: West aquifer, with observation wells in the area of this application shown on Figure 5, (Water Rights, 2023b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The 3 closest observation wells to the diversion point are CM-68F (approximately 2.8 miles northeast), CM-80D (approximately 4.4 miles northwest), and CM-72C (approximately 4.5 miles northeast) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 4 respectively (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurement of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on hydrographs. A majority of the observation wells in the Choteau: West aquifer have a stable trend in the water level. Although, there are a few observation wells that have been on a slight decline since 2010. This is most likely due to recent authorization of water rights in close proximity to the observation wells reducing artesian head pressure in the well before the water level equilibrates to more localized pumping. Despite the decline, the aquifer reaches a stable trend at a lower water level than previous years. The data shown on Figures 2 to 4 share a similar trend with most of the other observation wells in the Choteau: West aquifer.

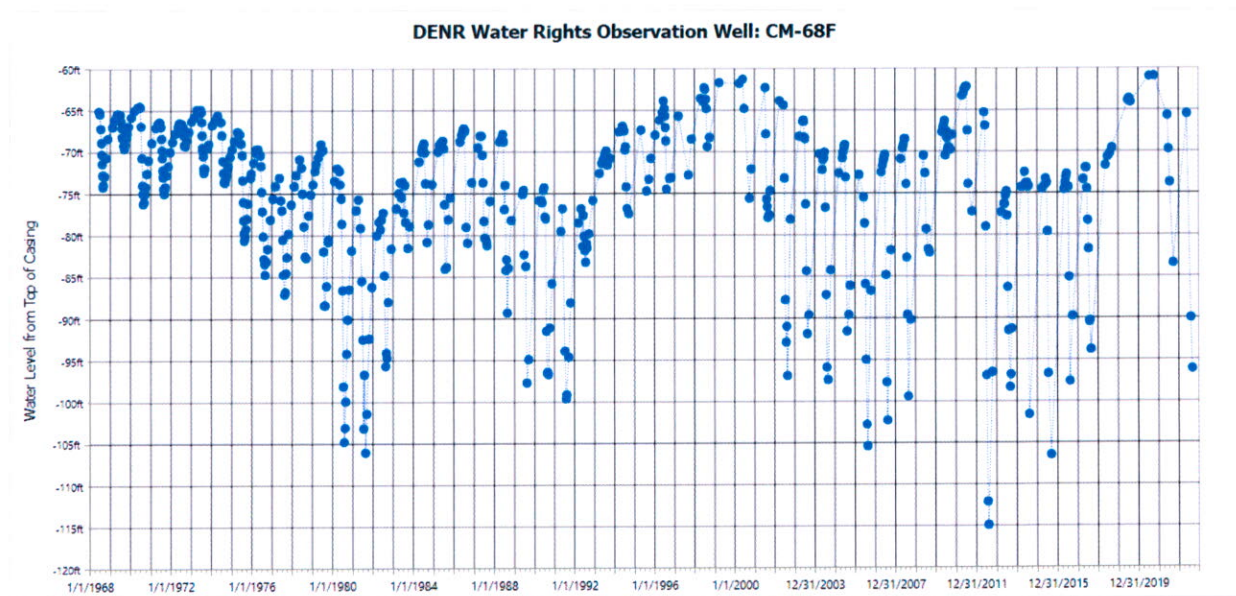


Figure 2. Hydrograph for observation well CM-68F (Water Rights, 2023b)

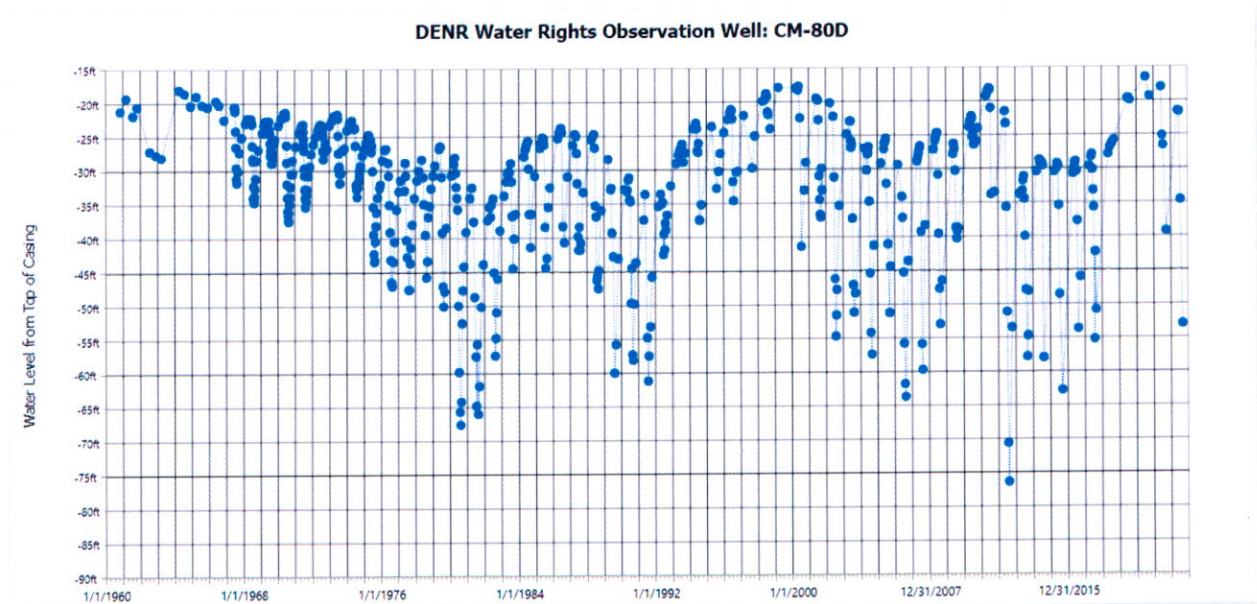


Figure 3. Hydrograph for observation well CM-80D (Water Rights, 2023b)

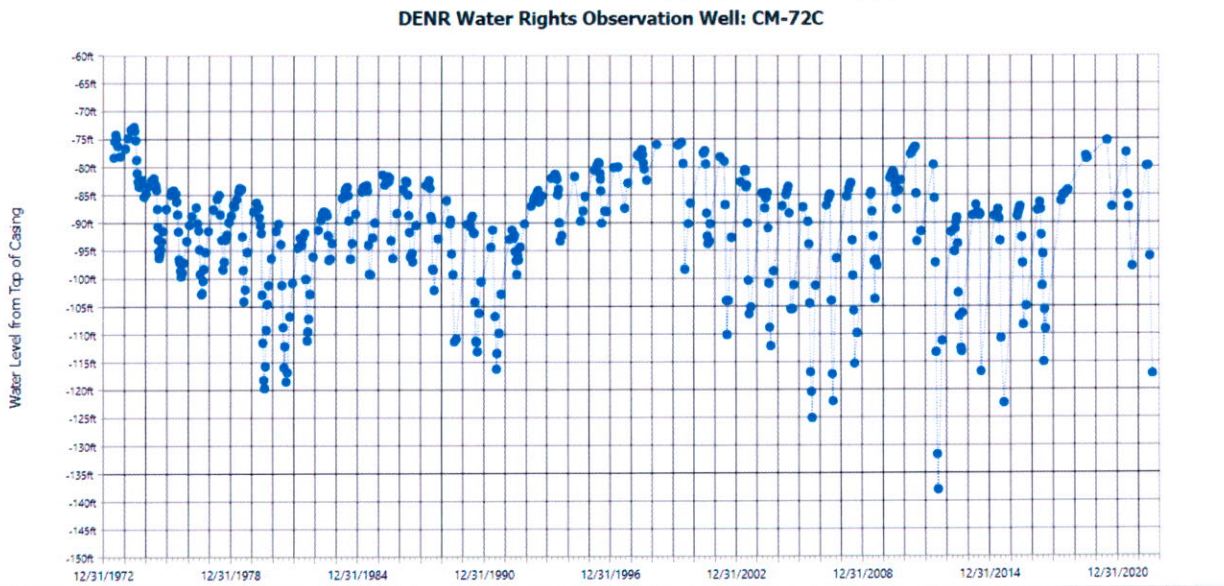


Figure 4. Hydrograph for observation well CM-72C (Water Rights, 2023b)

The hydrographs for the Choteau: West aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer water levels returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Choteau: West aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 53 water rights/permits, partially shown on Figure 5, authorized to appropriate water from the Choteau: West aquifer (Water Rights, 2023c). The closest water right/permit to the diversion point is Water Right No. 1782-3 which is held by The City of Wagner. However, since The City of Wagner is connected to a rural water system the well is on standby and is not actively used; the next closest water right/permit to the diversion point is Water Right No. 7450-3 which is held by Fischer Farms. The diversion point for Water Right No. 7450-3 is located approximately 0.8 miles southeast of the diversion point for this application (Water Rights, 2023c).

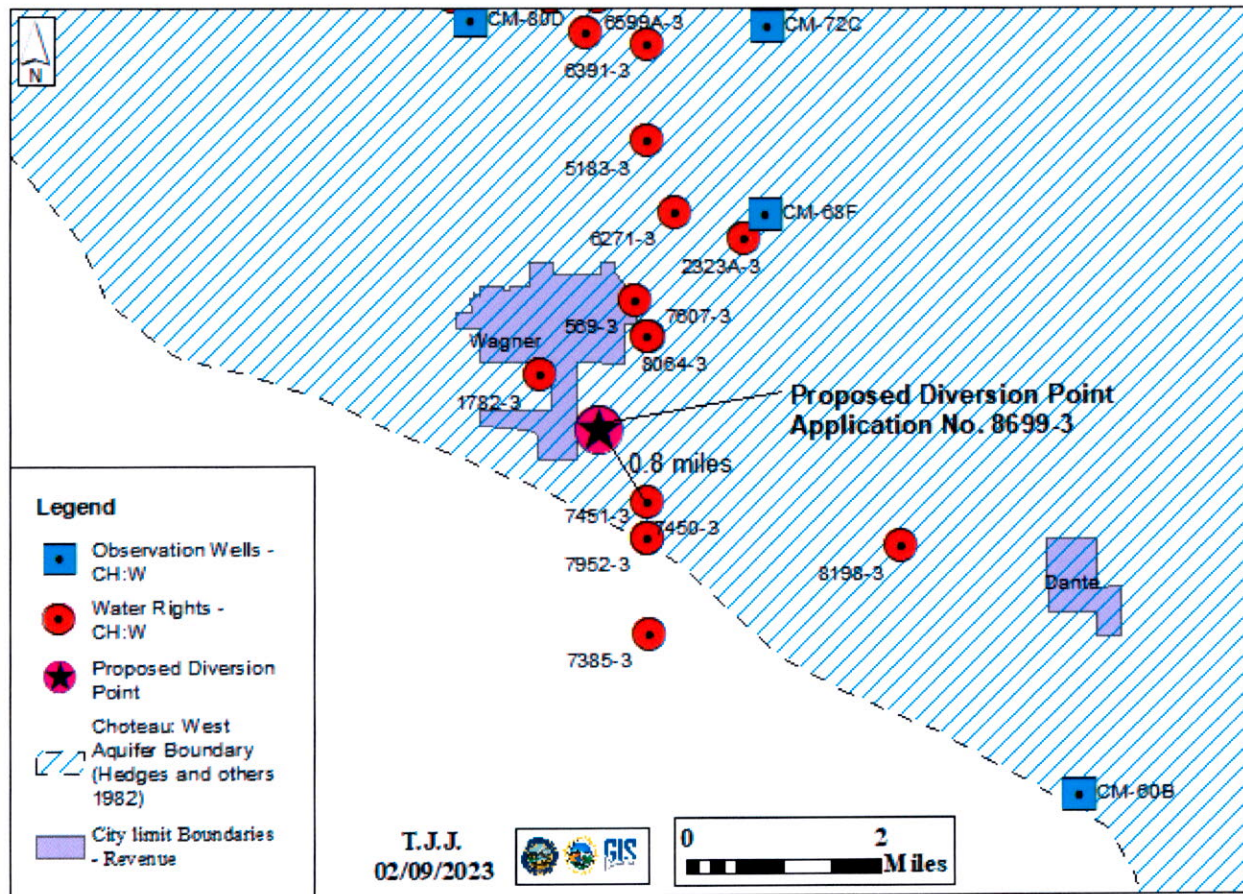


Figure 5. Map of the area Choteau: West aquifer, water rights/permits, and observation wells that are within 4 miles of the diversion point for Water Permit Application No. 8699-3 (Water Rights, 2023b and 2023c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Choteau: West aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.5 miles northwest of the diversion point (Water Rights, 2023d). There could potentially be other domestic wells completed into the Choteau: West aquifer near the diversion point that are not on file with the DNR-Water Rights Program.

The Choteau: West aquifer is primarily under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Choteau: West aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the diversion point, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. There have also been some historical concerns with irrigation in the area causing the water level in the aquifer being low enough to cause issues with pumping, but these concerns have since been resolved and now addressed in SDCL 46-6-6.1 (Water Rights, 2023e). Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

HISTORICAL CONCERNS:

There was concern in the 1950’s about impacts of irrigation development on artesian head pressure. Walker (1961) concluded that irrigation pumping had lowered the water level enough to cause some domestic wells in the area to stop flowing. The concerns have been dealt with and no further issues with groundwater pumping occurred in the next several years. Another complaint was filed in 1989 regarding a well no longer able to pump water likely due to the lower water level caused by the large amount of pumping withdrawals in the area. This issue was resolved by lowering the pump inlet in the affected well(s) (Water Rights, 2023e). Concerns over the impact of irrigation development on artesian head pressure, are now addressed in SDCL 46-6-6.1 and the definition of an adversely impacted adequate well in which artesian head pressure is not necessarily protected as a means of groundwater delivery.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1.0 cfs per 70 acres or “the equivalent thereof.” The statute does provide that: “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...”

If approved, Water Permit Application No. 8699-3 would authorize a maximum instantaneous diversion rate of 1.13 cfs from one well per 70 acres. The applicant noted on the application that the center pivot is doing a partial rotation. For example, a center pivot requires 1.78 cfs to operate regardless of swinging a partial or full circle. This reason has been acceptable to the Water Rights Program and the Water Management Board in the past.

CONCLUSIONS:

1. Water Permit Application No. 8699-3 proposes to appropriate 1.78 cfs of water for irrigation of 110 acres from one proposed well completed into the Choteau: West aquifer. The site of interest is located approximately 1 mile south of Wagner, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Choteau: West aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8699-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.
4. The applicant is requesting a diversion rate greater than statutory limit of 1 cfs per 70 acres to accommodate a center pivot doing a partial rotation. This is reasonable and has been accepted by the Water Management Board and the Water Rights Program in the past.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Christensen, C.M., 1970. Major Ground-Water Aquifers in Bon Homme County, South Dakota. Water Information Circular 4. SD DENR-Geological Survey, Vermillion, SD.
- Drinking Water. SD DANR Drinking Water Program "My System Information". Accessed: February 9, 2023. < <https://danr.sd.gov/OfficeOfWater/DrinkingWater/default.aspx> >
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- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of

Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.

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Water Rights, 2023a. "1979-2021 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.

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Water Rights, 2023c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2023d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2023e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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.**

March 6, 2023

Ken Swatek
29804 395th Ave.
Wagner, SD 57380

Dear Mr. Swatek:

Water Permit Application No. 8699-3 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 Wagner Post printed at Wagner, SD (Ph # 605 384-5616) and the Press and Dakotan printed at Yankton, SD (Ph # 605 665-7811). 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 publisher has 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. 8699-3 to Appropriate Water

Notice is given that Ken Swatek, 29804 395th Ave, Wagner SD 57380 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Choteau:West Aquifer (approximately 240 feet deep) located in the SE corner of Lot 1345 Section 10 for irrigation of 110 acres located in the Lots 1371, 1345, and 1346 Section 10; all in T95N-R63W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 1 mile south of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8699-3 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 March 27, 2023.

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 March 27, 2023.

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.

Published once at the total approximate cost of_

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 6, 2023 9:27 AM
To: Cassandra Brockmoller
Subject: 8699-3, Ken Swatek
Attachments: 8699-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 15, 2023.

Ken Swatek, 29804 395th Ave, Wagner SD 57380 (605 491-1499) 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: Monday, March 6, 2023 9:27 AM
To: Wagner Post (announcer@hcinet.net)
Subject: 8699-3, Ken Swatek
Attachments: 8699-3public.short_final.docx; FORM8.FRM.doc

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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>



Affidavit of Publication

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF CHARLES MIX)

Barbra Pechous, of said County and State being first duly sworn on her oath says: That **The Wagner Post** is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Barbra Pechous, and has been such newspaper during the time herein mentioned; and that I, Barbra Pechous, the undersigned, of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 1 successive weeks.

1st publication made on 15 day of March, 2023

2nd publication made on _____ day of _____, 2023

3rd publication made on _____ day of _____, 2023

4th publication made on _____ day of _____, 2023

5th publication made on _____ day of _____, 2023

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

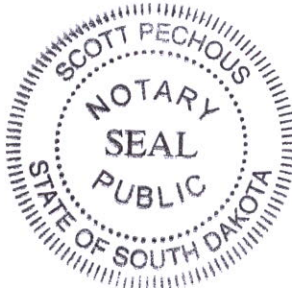
\$ 45.49.

Barbra Pechous

Subscribed and sworn before me this 1 day of April, 2023.

Scott Pechous

Notary Public



Exp: 07-27-2028

DANR WATER RIGHTS PROGRAM

NOTICE OF APPLICATION

NOTICE OF APPLICATION NO. 8699-3 TO APPROPRIATE WATER

Notice is given that Ken Swatek, 29804 395th Ave, Wagner SD 57380 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Choteau:West Aquifer (approximately 240 feet deep) located in the SE corner of Lot 1345 Section 10 for irrigation of 110 acres located in the Lots 1371, 1345, and 1346 Section 10; all in T95N-R63W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 1 mile south of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8699-3 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.

must be filed by March 27, 2023.

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 March 27, 2023.

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Published once at the total approximate cost of _____

Published March 15, 2023, at the total approximate cost of \$45.49 and may be viewed free of charge at www.sdpublicnotices.com.

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

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MAR 20 2023

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WATER

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29804 395TH AVE
WAGNER SD 57380

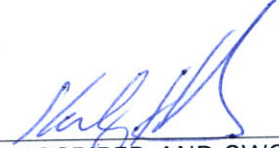
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

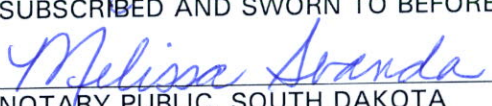
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
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PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 15th DAY OF March, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.64 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

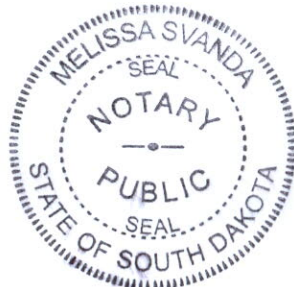
PUBLISHED ON: 03/15/2023

FILED ON: 03/15/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 15th DAY OF March, 2023


NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 07/30/2024



Ad text : NOTICE OF APPLICATION NO. 8699-3 to Appropriate Water

Notice is given that Ken Swatek, 29804 395th Ave, Wagner SD 57380 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Choteau:West Aquifer (approximately 240 feet deep) located in the SE corner of Lot 1345 Section 10 for irrigation of 110 acres located in the Lots 1371, 1345, and 1346 Section 10; all in T95N-R63W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 1 mile south of Wagner SD.

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Published once at the total approximate cost of \$40.64 and can be viewed free of charge at www.sdpublicnotices.com

Published March 15, 2023.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 6, 2023 9:32 AM
To: kvswatek@hcinet.net
Subject: Water Permit Application No. 8699-3
Attachments: 0122.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>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 19 2023

Ken Swatek
29804 395th Avenue
Wagner SD 57380

Dear Mr. Swatek:

Enclosed is Water Permit No. 8699-3 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8699-3

Name of Applicant: Ken Swatek

Date of Posting: 3/14/2023

Date of Removal: 4/19/2023



Ron Duvall, Water Rights Permitting Administrator

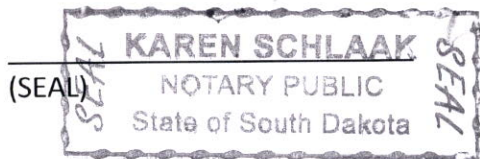
4/18/23

Date

Subscribed and sworn to before me, a notary public, this 18th day of April, 2023.



Notary Public - South Dakota
My commission expires:



8699-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date

8-21-24

TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Ken Swatek

(name)

29804 395th Ave

(address)

Wagner SD 57380

(city, state, zip)

605-491-1494

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8699-3 states that the water use system is to be constructed by

7-16-24

(date)

, and water is to be put to beneficial use by

8-1-24

(date)

The water use system was completed on 7-16-24

(date)

Applying the water to beneficial use was completed on

8-1-24

(date)

You may schedule an investigation so that the water license may be issued.


(signature)

7-98

RECEIVED

AUG 26 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 26, 2024

8699-3

Ken Swatek
29804 395th Ave
Wagner SD 57380

Dear Mr. Swatek:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized under Water Permit No. 8699-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

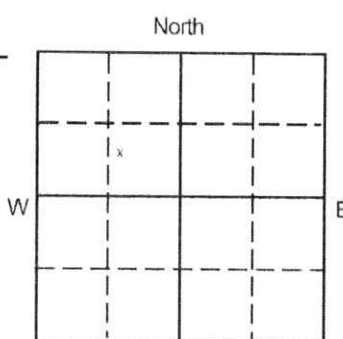
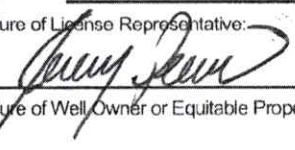
Sincerely,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us

8699-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2024

Location <u>NW ¼ NW ¼</u> Sec <u>10</u> Twp <u>95N</u> Rg <u>63W</u> County <u>Charles Mix</u> GPS Coordinates Lat: <u>43°03'44.78"N</u> Lon: <u>98°16'52.53"W</u> Please mark well location with an "X" on section grid  Well Completion Date <u>5/20/2024</u> Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>1200</u> ft. from <u>Septic</u> (identify source)	Well Owner: <u>Kenneth Swatek</u> Business Name: _____ Address: <u>29804 395Th Ave</u> City, State, Zip: <u>Wagner, SD 57380</u> WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr><td>Brown Clay 3' topsoil</td><td>3.0</td><td>30.0</td></tr> <tr><td>Pebbly Blue Clay</td><td>30.0</td><td>127.0</td></tr> <tr><td>3' Med sand in Blue Clay</td><td>127.0</td><td>160.0</td></tr> <tr><td>Med sand & Gravel</td><td>160.0</td><td>179.0</td></tr> <tr><td>Pebbly blue clay</td><td>179.0</td><td>205.0</td></tr> <tr><td>Fine Gravel</td><td>205.0</td><td>215.0</td></tr> <tr><td>Med Gravel & Rocks</td><td>215.0</td><td>230.0</td></tr> <tr><td>Gravel & Rocks</td><td>230.0</td><td>280.0</td></tr> </tbody> </table> STATIC WATER LEVEL <u>81.0</u> FEET If flowing: closed in pressure _____ PSI GPM flow _____ through _____ Inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? _____ WELL TEST DATA: ☒ Pumped Describe: _____ ☐ Bailed ☐ Air ☐ Other _____ Pumping Level Below Land Surface <u>4.0</u> Ft. After <u>94.0</u> Hrs. pumped <u>1,200.0</u> GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM REMARKS <u>Pumps Really Well</u> RECEIVED FEB 26 2025 OFFICE OF WATER 773 This well was drilled under license # _____ And this report is true and accurate. Drilling firm: <u>Quality Well Service LLC</u> Signature of License Representative:  Signature of Well Owner or Equitable Property Holder: _____ Date: <u>2-7-24</u>	FORMATION	DEPTH		FROM	TO	Brown Clay 3' topsoil	3.0	30.0	Pebbly Blue Clay	30.0	127.0	3' Med sand in Blue Clay	127.0	160.0	Med sand & Gravel	160.0	179.0	Pebbly blue clay	179.0	205.0	Fine Gravel	205.0	215.0	Med Gravel & Rocks	215.0	230.0	Gravel & Rocks	230.0	280.0
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PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Monitoring Well ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Test Hole ☐ Dewatering Well ☐ Geothermal ☐ Other _____ METHOD OF DRILLING: <u>Straight Rotary</u> CASING DATA: ☐ Steel ☒ Plastic ☐ Other _____ If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>LB/FT</td> <td>12 IN</td> <td>0 FT</td> <td>240 FT</td> <td>17.5 IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table> GROUTING DATA: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>Bentonite</td> <td>97</td> <td>Lb/gal</td> <td>0.0 Ft</td> <td>240.0 Ft</td> </tr> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> </tbody> </table> Describe grouting procedure <u>Tremie</u> SCREEN: ☒ Perforated pipe ☐ Manufactured Diameter <u>12</u> Inches Length <u>40.0</u> Feet Material <u>PVC</u> Slot Size <u>.60</u> Set From <u>240.0</u> Feet to <u>280.0</u> Feet Other information _____ WAS A PACKER OR SEAL USED? ☐ Yes ☒ No If so, what material? _____ Describe packer(s) and location _____ DISINFECTION: Was well disinfected upon completion? ☒ Yes, How? _____ ☐ No, Why Not? _____ Lab sample sent to for water quality analysis _____	PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	LB/FT	12 IN	0 FT	240 FT	17.5 IN	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	Grout Type	No. of Sacks	Grout Weight	From	To	Bentonite	97	Lb/gal	0.0 Ft	240.0 Ft			Lb/gal	Ft	Ft	Please return White Copy to DANR Water Rights 523 E. Capitol Ave., Pierre SD 57501
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