

WATER PERMIT NO. 8826-3

Name of Applicant: **Swenson Brothers**

Address: **39476 234th Street, Woonsocket SD 57385**

Phone: **605-350-4817**

Amount of Water Claimed: **0.6** Total Acres: **42**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Sanborn**

Type of Waste Disposal System:

Location: **Approx. 4 miles southwest of Woonsocket SD**

PRIORITY Date Received: **01-19-24**

Application/License Fee: **\$700.00**

Corrected Application Received: **N/A**

Period of Annual Use: **May 1 – August 31**

Remarks: **Using the 2 existing wells from Permit 5339-3**

Diversion Point: **NE 1/4 SE 1/4 Sec 7-T106N-R62W**

Land to be Irrigated: **NE 1/4 SE 1/4, SE 1/4 SE 1/4
Sec 7; all in T106N-R62W**

			7		
				✖	
				✖	

Depth of Well: **40**

Well Driller: **Chase Well Drilling**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **01-25-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8826-3**

Date of first receipt of application January 19, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8826-3 to Swenson Brothers, 39476 234th Street, Woonsocket SD 57385, 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. 8826-3 appropriates an additional 0.54 cubic feet of water per second (cfs), and an additional 19 acres to what is currently authorized by Water Right No. 5339-3. Water Right No. 5339-3 appropriates 0.06 cfs from one well completed into the Pleistocene Series Unknown Aquifer (approximately 40 feet deep) located in the NE 1/4 SE 1/4 Section 7 for irrigation of 23 acres located in the E 1/2 SE 1/4 Section 7; all in T106N-R62W. This permit adds a second existing well in the NE 1/4 SE 1/4 Section 7 for irrigation of 19 additional acres in the SE 1/4 Section 7 along with the 23 acres authorized by Water Right No. 5339-3 all in; T106N-R62W. This permit, and Water Right No. 5339-3 will authorize a combined total of 0.60 cfs from two wells to irrigate a total of 42 acres. This site is located approximately 4 miles southwest of Woonsocket 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 – August 31.
3. The date from which applicant may claim right is January 19, 2024.
4. The date of approval of Permit No. 8826-3 is April 15, 2024.
5. One-fifth of the construction is to be completed on or before October 15, 2026.
6. All construction is to be completed on or before April 15, 2029.
7. Water is to be put to beneficial use on or before April 15, 2033.
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 wells approved under Water Right No. 5339-3 and this Permit are 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. Diversion of water under Water Right No. 5339-3 and this Permit may not exceed 0.60 cfs for irrigation of up to 42 acres.
3. 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

MAY 17 2024

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8826-3</u> Hydrologic Unit <u>1016 0011</u> Basin <u>Lower James</u> Newspaper <u>Woonsocket/Sanborn Weekly Journal</u> <u>Huron Plainsman</u> (office use only)
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PAID
JAN 19 2024
Ck# 5920
Rec't# 1119124

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 5339-3
(Use predates Mar 2, 1955)

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

increase acres and cfs volume

1. Name to Appear on Irrigation Permit Swenson Brothers

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

Mailing Address 39476 234th St Woonsocket SD 57385
(Address) (City) (State) (Zip Code)

Phone 605 796 4916 Mobile 605 350 4817 Email Paul@sbllc.net

2. Amount of water claimed .6 ^{+total (0.54 add'l)} *CFS or 269 **GPM ***AF Total Acreage 42 ^(19 add'l)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 2 existing wells on old permit

4. Location of point of diversion 2 existing wells NE 1/4 SE 1/4 section 7-T106-R62
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Sanborn

5. County or counties where water will be used Sanborn

6. Annual period during which water is to be used May, June, July, August

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>NE 1/4 SE 1/4 7-106-62</u>	<u>34.29</u>	<u>NW 1/4 SE 1/4 7-106-62</u>	<u>5</u>
<u>SE 1/4 SE 1/4 7-106-62</u>	<u>8.7</u>	<u>SW 1/4 SE 1/4 "</u>	<u>1</u>

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

Sub Surface Drip Irrigation on 40 acres done in zones, 2 acres in SE 1/4 SE 1/4 used for lawn irrigation using sprinkler guns

I, Paul Swenson Co-owner, 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 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 0 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Chase Well Drilling

For either existing or proposed wells:

c) Well Depth (required) 40' Depth to Top of Water Bearing Material 6' Depth to Water from Surface 6'

d) Distance to nearest domestic well on applicant's property 700' Property owned by others 2000'

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions NA Depth _____

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

4. Water Storage Dams

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

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

NA

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)

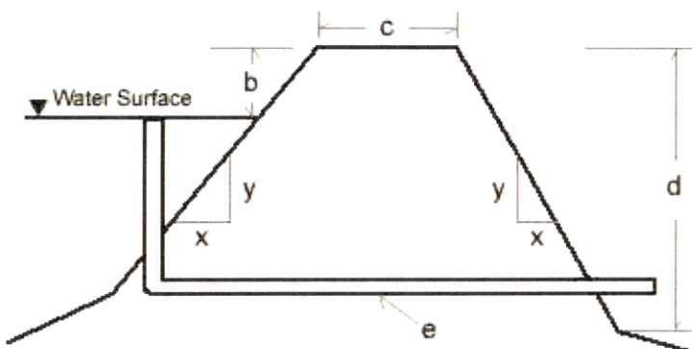
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Township: 106N 62W
Section: 07
QQ Sect: SENW

Township: 106N 62W
Section: 07
QQ Sect: SWNE

Township: 106N 62W
Section: 07
QQ Sect: SENE

Township: 106N 62W
Section: 08
QQ Sect: SWNW

1,320 feet

1,320 feet

Red line is approximate quarter quarter boundary

Township: 106N 62W
Section: 07
QQ Sect: NESW

Township: 106N 62W
Section: 07
QQ Sect: NWSE

106N 62W
Section: 07

106N 62W
Section: 08

Township: 106N 62W
Section: 08
QQ Sect: NWSW

Township: 106N 62W
Section: 07
QQ Sect: NESE

106N 62W

Township: 106N 62W
Section: 07
QQ Sect: SESW

Township: 106N 62W
Section: 07
QQ Sect: SWSE

Township: 106N 62W
Section: 07
QQ Sect: SESE

Township: 106N 62W
Section: 08
QQ Sect: SWSW

106N 62W
Section: 18

106N 62W
Section: 17

Township: 106N 62W
Section: 18
QQ Sect: NENW

Township: 106N 62W
Section: 18
QQ Sect: NWNW

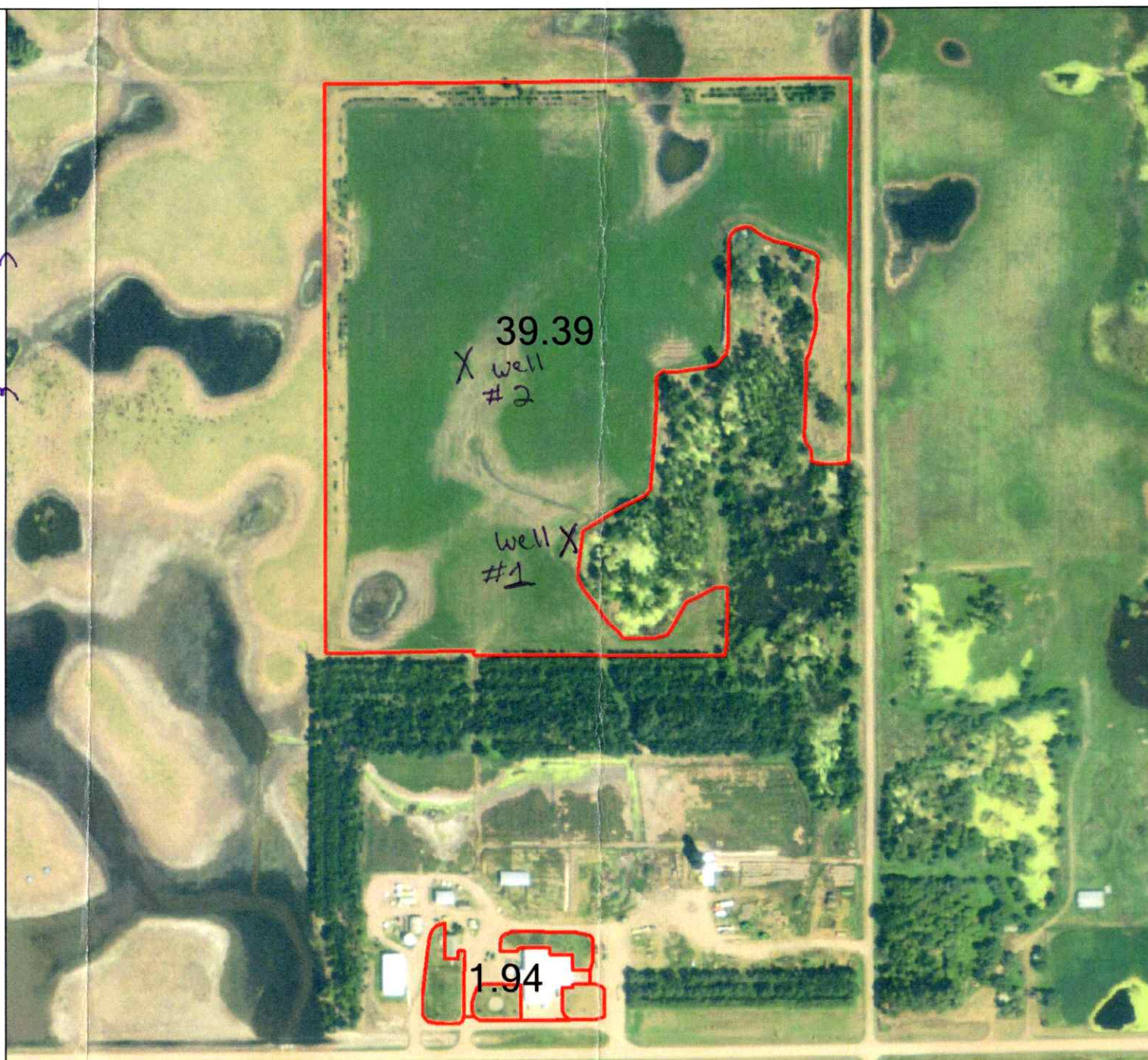
Township: 106N 62W
Section: 18
QQ Sect: NENE

Township: 106N 62W
Section: 17
QQ Sect: NWNW

Farm Accounts
Swenson Brothers, LLC
Field 4

Top Reel outlined
40 acres drip irrigation

Bottom Reel outlined
2 acres lawn irrigation



Boundary - 40.8 Ac

TOWNSHIP N: 106 North RANGE N: 62

G f F e E d D

889°50'W v.13°15'				889°50'W v.13°20'				889°50'W v.13°25'				
2000 4 A 40.22	2000 3 A 40.21	2000 2 A 40.35	2000 1 A 40.49	2029 4 A 40.46	3 A 40.19	2 A 39.92	1 A 39.65	1945 4 A 39.62	3 A 39.57	2 A 39.62	1 A 39.67	1941
5 A 40.41	A.40. Sec.6.		A.80.	A.80. Sec.5.		A.80.		A.80. Sec.4.		A.80.		
6 A 40.75	A.643.52			A.640.22				A.638.38				
7 A 41.09	A.80.	A.160.		A.160.	A.160.			A.160.	A.160.			
20.68 1 A 41.27	A.89°49'E			80.42				80.07				
2 A 41.09	A.80.	A.160.		Sec.8.				Sec.9.				
3 A 40.91	A.644.00			A.640.				A.640.				
4 A 40.73	A.80.	A.160.										
20.22 1 A 40.67	A.89°55'E			80.19				80.00				
2 A 40.72	A.80.	A.160.		Sec.17.				Sec.16.				
3 A 40.72	A.642.98			A.640.				A.640.				

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5339-3 FOR IRRIGATION

(1) Douglas Swenson of RR 2, Box 580, Woonsocket SD 57385 made Application No. 5339-3, June 30, 1989 for a water permit to appropriate 0.22 cubic feet of water per second from groundwater (two wells), Sanborn County, South Dakota for irrigation purposes. Permit No. 5339-3, with a priority date of June 30, 1989 was approved September 28, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 28, 1994 and for the application to beneficial use of said water on or before September 28, 1998.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on June 9, 1992. The "Notice" stated the diversion system was completed in May, 1990 and the water placed to beneficial use in May, 1990.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.06 cubic feet of water per second for beneficial use. The location of the diversion point is 1320 feet S and 790 feet W of the East corner of Section 7-T106N-R62W (NE 1/4 SE 1/4).

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

Section 7-T106N-R62W	NE 1/4 SE 1/4	19 acres
	SE 1/4 SE 1/4	4 acres
	Total	23 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Douglas Swenson of RR 2, Box 580, Woonsocket SD 57385 the holder and/or owner of Water Permit No. 5339-3 is issued a license to appropriate water, the right to use 0.06 cubic feet of water per second from groundwater (one well) with a priority date of June 30, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5339-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date

SOUTH DAKOTA
WATER PERMIT No. 5339-3 FOR IRRIGATION

Date of first receipt of application June 30, 1989.
Date Soil/Water Compatibility Permit received August 1, 1989.
Date of return to applicant for corrections, amendments or changes July 6, 1989.
Date of receipt of corrected application July 14, 1989.

The Water Management Board approved Water Permit Application No. 5339-3 on September 28, 1989 for Douglas Swenson, RR 3, Box 118, Woonsocket SD 57385 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. 5339-3 appropriates 0.22 cubic feet of water per second from two wells approximately 19 feet deep to irrigate 25 acres. The 2 wells are to be located in the NE1/4 SE1/4 and the location of the acreage to be irrigated is in the E1/2 SE1/4; all in section 7-T106N-R62W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year 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 June 30, 1989.
4. One-fifth of the construction is to be completed on or before March 28, 1992.
5. All construction is to be completed on or before September 28, 1994.
6. Water is to be put to beneficial use on or before September 28, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 5339-3 issues a variance to Sections 74:02:04:28 and 74:02:04:31 of Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

NOV 20 1989

(date)

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 19, 2024

RECEIVED OF Swenson Brothers 39476 234th St., Woonsocket SD 57385

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

Fee for Application for Permit No. <u>8826-3</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>8826-3</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

File No. 8826-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Paul Swenson

ADDRESS: 39476 234th Street, Woonsocket SD 57385

DATE: January 31, 2024

PHONE: 605.350.4817

RE: Water Permit Application – number of acres and cfs

COMMENTS:

I contacted Mr. Swenson via phone to confirm that the number of acres specified on Application No. 8826-3 was a total number of acres encompassing the acres identified on Water Right No. 5339-3. Mr. Swenson indicated that was the case, so 19 new acres are being added to the 23 acres authorized by No. 5339-3. Mr. Swenson also indicated that the diversion rate specified on the application is the maximum for all irrigated acres although he expects the actual developed diversion rate may be in the 200 gallons per minute range. I told Mr. Swenson the developed rate will be determined at the time of licensing.

Ron Duvall, Engineer III
SD DANR, Water Rights Program

Duvall, Ron

From: Paul Swenson <paul@sbllc.net>
Sent: Wednesday, January 31, 2024 1:58 PM
To: Duvall, Ron
Subject: Re: [EXT] Irrigated area

Looks good Ron.

Get [Outlook for iOS](#)

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, January 31, 2024 1:48:34 PM
To: Paul Swenson <paul@sbllc.net>
Subject: Irrigated area

Paul,

I thought I would provide you a map (see attached) of where I believe the dividing line (red line) is between 40 acre quarter-quarters. I did not include the 1.94 acres on the attached map since it is the area north of the shelterbelt that is in question. There is no harm in just saying the SE1/4 for the 42 irrigated acres which includes the 1.94 acres by the home.

If you have any questions, please let me know.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA



**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. 8826-3, Swenson Brothers**

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. 8826-3, Swenson Brothers, 39476 234th Street, Woonsocket SD 57385.

The Chief Engineer is recommending APPROVAL of Application No. 8826-3 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 wells approved under Water Right No. 5339-3 and this Permit are 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. Diversion of water under Water Right No. 5339-3 and this Permit may not exceed 0.60 cfs for irrigation of up to 42 acres.
3. 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
March 25, 2024

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8826-3
FOR
SWENSON BROTHERS
MARCH 25, 2024

Application No. 8826-3 proposes to irrigate an additional 19 acres and increase diversion rate authority by 0.54 cubic feet of water per second (cfs) from two existing wells (approximately 40 feet deep) to what is currently authorized by Water Right No. 5339-3. Water Right No. 5339-3 authorizes the irrigation of 23 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 at a maximum instantaneous diversion rate of 0.06 cfs (27 gallons per minute) from one well completed into the Pleistocene Series: Unknown aquifer located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; all in T106N-R62W in Sanborn County. The new acres to be irrigated are located in the SE $\frac{1}{4}$ Section 7 and the second existing well proposed to be used by this application is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; all in T106N-R62W. If approved, this application and Water Right No. 5339-3 would authorize a combined total of diversion rate of 0.60 cfs from two wells to irrigate 42 acres. This site is located approximately four miles southwest of Woonsocket, SD.

AQUIFER: Pleistocene Series: Unknown (PS:U)

Aquifer Characteristics:

The Pleistocene Series: Unknown aquifer is a generic name used by the DANR-Water Rights Program for a category of aquifer materials that were deposited by glacial movement during the Pleistocene geologic epoch that are not part of a previously mapped aquifer and not located on the Coteau des Prairies in northeastern South Dakota. When considering an application proposing to withdraw water from one of these deposits, the specific deposit is delineated with the best available information. The delineated deposit is then considered independently from any other deposits of the Pleistocene Series: Unknown aquifer.

The deposit of the Pleistocene Series: Unknown aquifer this application proposes to use is located in western Sanborn and eastern Jerauld counties primarily underlying and adjacent to the floodplain on the eastern side along portions of Dry Run creek. This area has previously been mapped and considered as part of the Warren: West James aquifer (Hedges et al, 1982; Steece and Howells, 1965). Studies of the Warren aquifer in other counties indicate the Warren aquifer should primarily be considered as buried-confined or buried-unconfined (Hamilton, 1985; Howells and Stephens, 1968) neither of which describe the formation this application proposes to withdraw water from.

A delineation based on the First Occurrence of Aquifer Materials maps for Jerauld (Jensen, 2005) and Sanborn (Schulz, 2001) counties, the geologic map of Sanborn County on Plate 1 of the county geology and groundwater supply report (Steece and Howells, 1965), lithologic logs (SDGS, 2024), water right/permit files (Water Rights, 2024d), and water well completion reports (Water Rights, 2024e) determined it should be considered independent from the Warren: West James aquifer. For the geologic map and first occurrence maps, the following materials were included, and their respective extents served as boundaries: alluvium, outwash, and sand and gravel deposits with a

first occurrence less than 50 feet below land surface. The particular boundary used was picked based on which would provide the smallest areal extent as to error on the side of caution. Furthermore, the northwestern and southeastern terminations where the mapped width of the aquifer materials was at least 0.1 miles wide and not exclusively mapped as alluvium as well as having the presence of aquifer materials supported by well completion reports (Water Rights, 2024e) or lithologic logs (SDGS, 2024) where available. It is possible the aquifer materials extend further north along the unnamed creek and its alluvial deposits in Jerauld County. However, there is not enough data available to currently support that.

Figure 1 shows the approximate *recharge area* of the aquifer. It must be noted the boundary in Figure 1 is not the *aquifer* boundary. It is likely some of the mapped area is dry aquifer materials that are not saturated. The top of these aquifer materials range in depth from near land surface to approximately 40 feet below land surface. There is not sufficient information available to adequately determine how much of the area is continuously saturated and thus not enough information to obtain a more accurate aquifer boundary. The materials are composed of alluvium, outwash, and sand and gravel deposits ranging in size from very fine sand to medium gravel (Jenson, 2025; Schulz, 2001; SDGS, 2024; Steece and Howells, 1965; Water Rights, 2024e). The aquifer appears to be primarily unburied and unconfined. Non-aquifer deposits overlying the aquifer can be up to 40 feet thick, primarily near the eastern edge of the mapped deposit (SDGS, 2024; Water Rights, 2024e). Based on the limited data available, it is likely the aquifer is primarily unconfined.

There is no well completion report available for the applicant's existing wells. At the well sites, the top of aquifer materials is expected to be within 10 feet of land surface and a static water level ranging from 5 to 10 feet below grade (SDGS, 2024; Water Rights, 2024e).

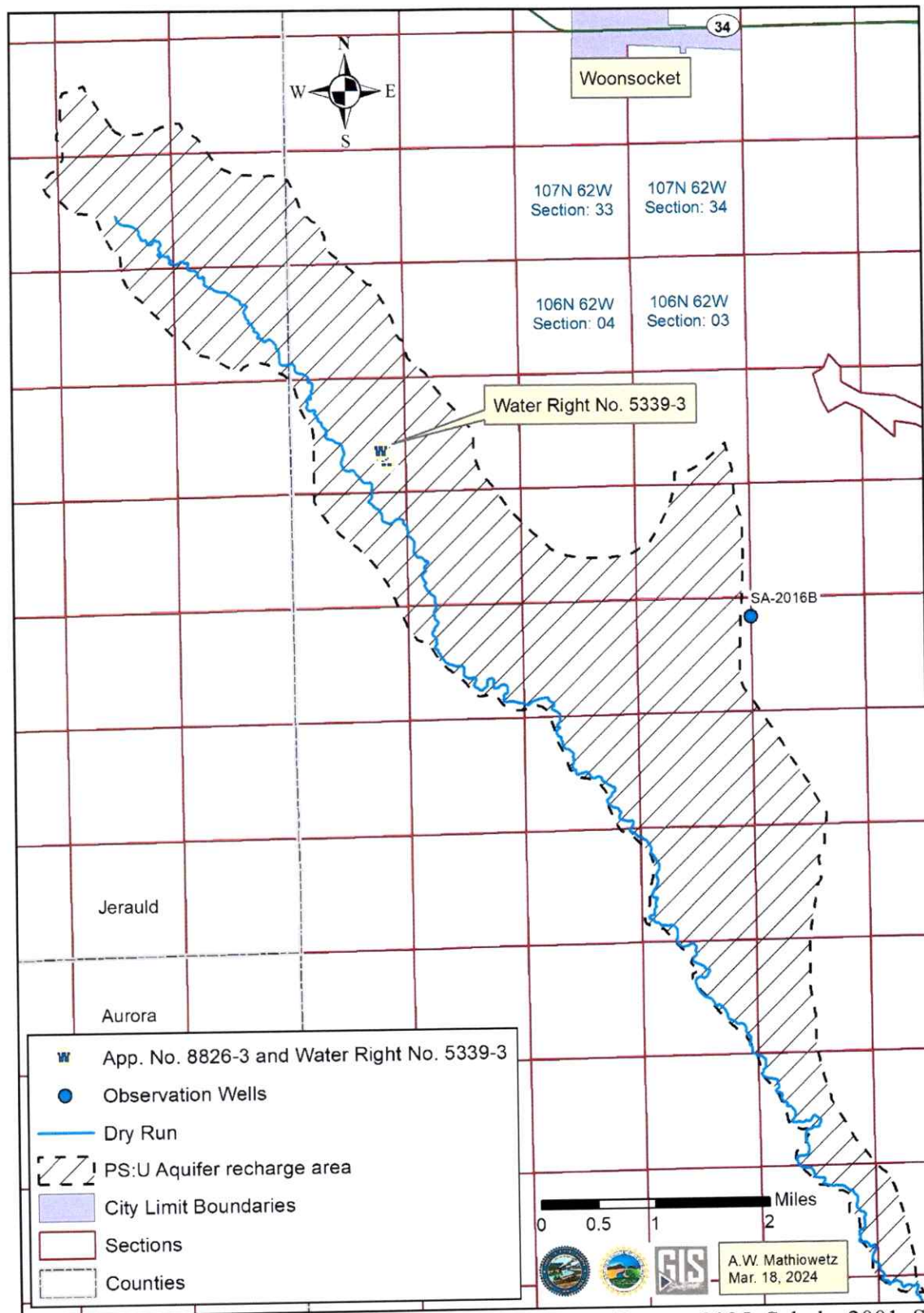


Figure 1- Pleistocene Series: Unknown aquifer *recharge* area (Jenson, 2025; Schulz, 2001; SDGS, 2024; Steece and Howells, 1965; Water Rights, 2024e) and well locations for Application No. 8826-3

APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL):

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 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 water uses and water rights within the Pleistocene Series: Unknown aquifer.

This application proposes to appropriate water from the Pleistocene Series: Unknown aquifer. The probability of unappropriated water 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 Greenhorn Formation is a Cretaceous aged Formation. The Pleistocene Series: Unknown aquifer is not older or stratigraphically lower than the Greenhorn Formation. Furthermore, the applicant is not a water distribution system. Therefore, the balance between recharge to and withdrawals from the Pleistocene Series: Unknown aquifer must be considered for this application.

Hydrologic Budget:*Recharge*

Recharge to this portion of the Pleistocene Series: Unknown aquifer is through direct infiltration of precipitation due to the aquifer's proximity to land surface, inflow from Dry Run creek when the creek has a higher stage than the water level of the aquifer, and potential inflow from adjacent aquifers that may be hydrologically connected such as the Warren: West James aquifer and upgradient alluvium along Dry Run creek located to the northwest of the recharge area boundary shown in Figure 1.

There is no specific study of the recharge rate to this portion of the Pleistocene Series: Unknown aquifer. However, Hedges and others (1985) did extensive study of recharge rates to various glacial aquifers. During their study, they determined a recharge rate range of 2.0 to 5.6 inches per year for non-buried, unconfined aquifers that had sufficient data to make a reliable estimate of the recharge rate. It is likely this portion of the Pleistocene Series: Unknown aquifer has a similar recharge rate. Using the *recharge area* extent shown in Figure 1 (approximately 10,265 acres), the estimated average annual recharge rate to the aquifer is expected to be between 1,711 and 4,790 acre-feet per year (ac-ft/yr). Based on the geographic location, the precipitation rates to the area the recharge to the aquifer is likely near the midpoint of that range, 3,250.5 ac-ft/yr.

Discharge

Discharge from this portion of the Pleistocene Series: Unknown aquifer is primarily through evapotranspiration, seepage to Dry Run when the water level of the aquifer is above the stage of the creek, potentially outflow to hydrologically connected aquifers, and well withdrawals. There are also a number of domestic wells completed into the aquifer (Water Rights, 2024e). In general, withdrawals for domestic use are not considered a significant portion of the hydrologic budget for an aquifer. This is primarily due to the relatively low diversion rate for domestic wells and the presence of rural water systems in the area. Furthermore, based on the available well completion reports, it seems many of the domestic wells which could possibly be completed into this portion of the Pleistocene Series: Unknown aquifer drilled through the aquifer into underlying aquifers (Water Rights, 2024e). There are 22 rural domiciles either within the approximate areal extent shown in Figure 1 or within 0.25 miles outside the boundary. Estimated self-supplied per capita water use for residents of Sanborn County is 54 gallons per day (Carter and Neitzert, 2008). Assuming 2.5 residents per domicile and that all water use at that domicile is from this particular portion of the Pleistocene Series: Unknown aquifer, that is an estimated average annual water use of 3.3 ac-ft/yr of water for domestic use.

Currently, there is only one water right withdrawing water from the aquifer, Water Right No. 5339-3 (Water Rights, 2024d). Water Right No. 5339-3 has been submitting annual irrigation questionnaires since 1990 (Water Rights, 2024b). Over the period of record 1990-2023, the average annual reported withdrawal was 1.1 ac-ft/yr (Water Rights, 2024b). However, only 13 of the 34 years reported pumping. The average withdrawals only counting the 13 years reporting pumpage is 2.9 ac-ft/yr. Considering, this application is for additional acres and diversion rate, it is best to assume the average for the reported years only, 2.9 ac-ft/yr.

Hydrologic Budget

The estimated average annual recharge to this portion of the Pleistocene Series: Unknown aquifer is between 1,711 and 4,790 ac-ft/yr. The estimated average annual domestic, 3.3 ac-ft/yr, and appropriative withdrawals, 2.9 ac-ft/yr, is 6.2 ac-ft/yr. This application can at maximum withdraw 38 ac-ft/yr, 2 ft of water per acre. Therefore, based on the hydrologic budget there is a reasonable probability unappropriated water is available for this proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer. The Water Rights Program does not monitor any observation wells that are conclusively completed into this portion of the Pleistocene Series: Unknown aquifer (Water Rights, 2024c). Observation well SA-2016B, see Figure 1, is labeled as completed into the Warren: West James aquifer. Based on the information available, it may be completed into this portion of the Pleistocene Series: Unknown aquifer (SDGS, 2024; Water Rights, 2024c and 2024e). However, there is not enough information available to say that with any certainty at this time. Therefore, SA-2016B was not considered when reviewing this application. If further information becomes available in the future, the aquifer SA-2016B monitors could be reevaluated.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The only appropriative water right/permit authorized to withdraw water from this portion of the Pleistocene Series: Unknown aquifer is Water Right No. 5339-3 which authorizes a well this application proposes to use (Water Rights, 2024d). There are no well completion reports on file with the Water Rights Program within 0.5 miles of the mapped boundary shown in Figure 1 that appear to be completed into this portion of the Pleistocene Series: Unknown aquifer (Water Rights, 2024e). There may be wells completed into the aquifer that are not on file with the Water Rights Program. The nearest rural domicile, not belonging to the applicant, is located approximately 0.6 miles southwest of the applicant's well sites.

This portion of the Pleistocene Series: Unknown aquifer is expected to be under unconfined conditions. The static water level is expected to range from 5 to 10 feet below land surface based on very limited information and what the applicant supplied on Form 2A of the application (SDGS, 2024; Water Rights, 2024e). If the wells are 40 feet deep as reported by the applicant, that would allow a pump to be placed at least 20 feet into the saturated aquifer, in most cases, as required by Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) to qualify as an adequate well.

The Water Management Board has recognized in the past to place water to maximum beneficial use some drawdown may occur. In order to protect domestic users, 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.

While precise drawdown cannot be determined without aquifer performance testing, any drawdown created from pumping this proposed diversion is not expected to cause unlawful impairment of existing water rights with adequate wells or adequate domestic wells. This is due to unconfined nature of the aquifer. While there is a reasonable probability recharge exceeds withdrawals on an average annual basis, there may be times when withdrawals from the aquifer exceed recharge during brief periods of time. If that were to occur, water levels in the aquifer may decline to such a point where adequate wells in thinner parts of the aquifer may be unable to access needed water, and what could be considered an unlawful impairment of existing water rights may occur. Thus, if this application is approved, the applicant should control their withdrawals so that adequate wells, which at this time would all be domestic wells, are able to access needed water.

There have been no complaints filed with the Water Rights Program regarding well interference for this portion of the Pleistocene Series: Unknown aquifer (Water Rights, 2024a). Water Right No. 5339-3 was originally filed because a complaint was received in 1989 regarding water use for irrigation of several acres of melons without a water right. Furthermore, based on the best available information, the applicant is the only user of water from this aquifer. Therefore, based on the unconfined nature of the aquifer, the limited number of water users, and the limited combined diversion rate for this application and Water Right No. 5339-3, there is a reasonable probability

development of this proposed diversion will not unlawfully impair adequate domestic wells or senior water rights/permits with adequate wells.

CONCLUSIONS:

1. Application No. 8826-3 proposes to irrigate an additional 19 acres located in the SE ¼ Section 7-T106N-R62W and increase diversion rate authority by 0.54 cfs from two existing wells (approximately 40 ft deep) completed into a portion of the Pleistocene Series: Unknown aquifer to what is currently authorized by Water Right No. 5339-3. This project is located approximately four miles southwest of Woonsocket, SD.
2. Water Right No. 5339-3 authorizes the irrigation of 23 acres located in the E ½ SE ¼ Section 7-T106N-R62W from one well completed into a portion of the Pleistocene Series: Unknown aquifer at a maximum instantaneous diversion rate of 0.06 cfs.
3. If approved, Application No. 8826-3 and Water Right No. 5339-3 would authorize, combined, irrigation of 42 acres at a maximum instantaneous diversion rate of 0.60 cfs from two wells completed into a portion of the Pleistocene Series: Unknown aquifer.
4. Based on the hydrologic budget, there is a reasonable probability unappropriated water is available for this application.
5. There is a reasonable probability that pumping this proposed diversion will not unlawfully impair existing users with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

REFERENCES:

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**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 25, 2024

Swenson Brothers
c/o Paul Swenson
39476 234th Street
Woonsocket SD 57385

Dear Mr. Swenson:

Water Permit Application No. 8826-3 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 Sanborn Weekly Journal printed in Woonsocket SD (Ph # 605 796-4221) and the Plainsman printed in Huron SD (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,

Rachel Rodriguez

Rachel Rodriguez
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.

Instruction to Newspaper - Publish the Notice on April 4th or 5th, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8826-3 to Appropriate Water

Notice is given that Swenson Brothers, 39476 234th Street, Woonsocket SD 57385 has filed an application for a water permit to appropriate an additional 0.54 cubic feet of water per second (cfs), and an additional 19 acres to what is currently authorized by Water Right No. 5339-3. Water Right No. 5339-3 appropriates 0.06 cfs from one well completed into the Pleistocene Series Unknown Aquifer (approximately 40 feet deep) located in the NE 1/4 SE 1/4 Section 7 for irrigation of 23 acres located in the E 1/2 SE 1/4 Section 7; all in T106N-R62W. This application proposes to add a second existing well in the NE 1/4 SE 1/4 Section 7 for irrigation of 19 additional acres in the SE 1/4 Section 7 along with the 23 acres authorized by No. 5339-3 all in; T106N-R62W. This application, if approved, and Water Right No. 5339-3 will authorize a combined total of 0.60 cfs from two wells to irrigate a total of 42 acres. This site is located approximately 4 miles southwest of Woonsocket SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8826-3 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 15, 2024.

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 15, 2024.

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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 25, 2024 8:54 AM
To: Carrie Howard
Subject: 8826-3 Swenson Brothers - Public Notice
Attachments: 8826-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 4, 2024, in the Sanborn Weekly Journal.

Swenson Brothers, c/o Paul Swenson, 39476 234th Street, Woonsocket SD 57385, 605-350-4817 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 25, 2024 8:55 AM
To: Ruby Crandall
Subject: 8826-3 Swenson Brothers - Public Notice
Attachments: 8826-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2024.

Swenson Brothers, c/o Paul Swenson, 39476 234th Street, Woonsocket SD 57385, 605-350-4817 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Proof Of Publication

Huron Plainsman

49 3rd Street SE

Huron, SD 57350

605-353-7402

Legal Notice Number: 2515

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: Swenson Brothers – Notice of Application was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 04/5/2024. That the full amount of the fee charged for the \$48.92 of Public Hearings 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.

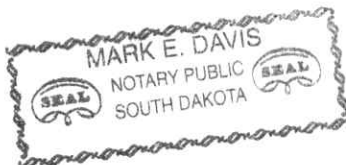


Subscribed and sworn to me before this date 4/24/24.



Notary Public, South Dakota

My Term Expires 12/27/2024



RECEIVED
MAY 03 2024
OFFICE OF
WATER

2000 - Legals

F. P. 04-05-24

NOTICE OF APPLICATION NO. 8826-3 to Appropriate Water

Notice is given that Swenson Brothers, 39476 234th Street, Woonsocket SD 57385 has filed an application for a water permit to appropriate an additional 0.54 cubic feet of water per second (cfs), and an additional 19 acres to what is currently authorized by Water Right No. 5339-3. Water Right No. 5339-3 appropriates 0.06 cfs from one well completed into the Pleistocene Series Unknown Aquifer (approximately 40 feet deep) located in the NE 1/4 SE 1/4 Section 7 for irrigation of 23 acres located in the E 1/2 SE 1/4 Section 7; all in T106N-R62W. This application proposes to add a second existing well in the NE 1/4 SE 1/4 Section 7 for irrigation of 19 additional acres in the SE 1/4 Section 7 along with the 23 acres authorized by No. 5339-3 all in; T106N-R62W. This application, if approved, and Water Right No. 5339-3 will authorize a combined total of 0.60 cfs from two wells to irrigate a total of 42 acres. This site is located approximately 4 miles southwest of Woonsocket SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8826-3 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

2000 - Legals

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 15,

2024.

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 15, 2024.

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. 2515 (adv.)
Published one time at the total approximate cost of \$48.92 and may be viewed free of charge at www.sdpublicnotices.com.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Sanborn) SS

I, Carrie Ann Howard

certify that the attached printed Notice was taken

from the Sanborn Weekly
Journal

printed and published in Woonsocket

County of Sanborn and

state of South Dakota. The notice was published

in the newspaper on the following date:

April 5, 2024

Cost of Printing \$46.86

[Signature]
(Signature)

Editor
(Title)

April 18, 2024
(Date Signed)

RECEIVED

APR 22 2024

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8826-3 to Appropriate Water

Notice is given that Swenson Brothers, 39476 234th Street, Woonsocket, SD 57385 has filed an application for a water permit to appropriate an additional 0.54 cubic feet of water per second (cfs), and an additional 19 acres to what is currently authorized by Water Right No. 5339-3. Water Right No. 5339-3 appropriates 0.06 cfs from one well completed into the Pleistocene Series Unknown Aquifer (approximately 40 feet deep) located in the NE 1/4 SE 1/4 Section 7 for irrigation of 23 acres located in the E 1/2 SE 1/4 Section 7; all in T106N-R62W. This application proposes to add a second existing well in the NE 1/4 SE 1/4 Section 7 for irrigation of 19 additional acres in the SE 1/4 Section 7 along with the 23 acres authorized by No. 5339-3 all in T106N-R62W. This application, if approved, and Water Right No. 5339-3 will authorize a combined total of 0.60 cfs from two wells to irrigate a total of 42 acres. This site is located approximately 4 miles southwest of Woonsocket, S.D.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8826-3 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.

Tara Weber
Feb 8, 2025



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 15, 2024.

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 once on April 5, 2024, at the total approximate cost of \$47.00 and may be viewed free of charge at www.sdpublicnotices.com.



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 25, 2024 8:57 AM
To: paul@sbllc.net
Subject: 8826-3 Swenson Brothers - Public Notice
Attachments: 8826-3 Rec.pdf; 8826-3 Ltr.pdf; 8826-3 PubNotice.pdf

Good morning,

Attached is a copy of the report, chief engineer's 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 also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 17 2024

Swenson Brothers
c/o Paul Swenson
39476 234th Street
Woonsocket SD 57385

Dear Mr. Swenson:

Enclosed is Water Permit No. 8826-3 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
Posting on DANR Website**

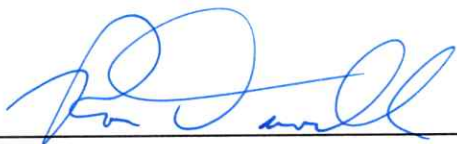
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8826-3

Name of Applicant: Swenson Brothers, Paul Swenson

Date of Posting: 4/2/2024

Date of Removal: 5/17/2024



Ron Duvall, Engineer III

5/17/2024

Date

Subscribed and sworn to before me, a notary public, this 17th day of May, 20 24.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)

