

Water Right Number 1804-3

1. Considered March 10, 19 71
2. Name of Applicant Brandon Water Company
3. Post Office Address Brandon, S.D.
4. Amount of Water claimed 3.4 (2.2 Future Use)
5. Source of Water supply ground water wells
6. Water to be used for municipal supplies for Town of Brandon
- Acres to be irrigated none
7. Water to be diverted and used in Minnehaha County
about IN OR NEAR CITY Limits. miles of
8. Proof of Publication Received ~~PT~~ 3.8-71
- Not Received
9. Application Approved
- Subject to
- Not Approved
- Action Deferred

10. Remarks:

No. 1804-3
 Map No. 1310-3 Water Division No. 3 BIG SIOUX RIVER District
 (Blanks to be filled by the Engineer for the V.R.C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

- Name of Applicant Brandon Water Company
 Postoffice address Brandon State South Dakota
 If a corporation show date and place of incorporation 1970 - South Dakota
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract
- Name of diversion work Brandon Water Company Waterworks
- Amount of water claimed (cubic feet per second) Present = 1.2 CFS; Future Use = Total of 2.2 CFS
- Source of water supply Wells
- Location of point of diversion (See Attached Sheet) Wells No. 1 & No. 2 located in Section 3, T101N, R48W and Well No. 3 located in Section 35, T102N, R48W.
 County Minnehaha
- Annual period or periods during which water is to be used Continuous
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Domestic (Water Company)
- For irrigation use, None Total number of acres to be irrigated None

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Time required to complete construction of water supply system One (Present Use) years. Additional time required to complete application of water to the proposed beneficial use Indefinite years. (Future Withdrawal)
- Choice of newspaper for Notice of Intent to Appropriate Water publication Suburban News, Garretson, S. D.
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Wells and pumping equipment

B. Works proposed to transport water to place of use.

Water transmission pipeline

C. Works proposed to apply water to beneficial use.

Water Distribution System and Elevated Storage Tank
 Estimated Total Cost \$425,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.

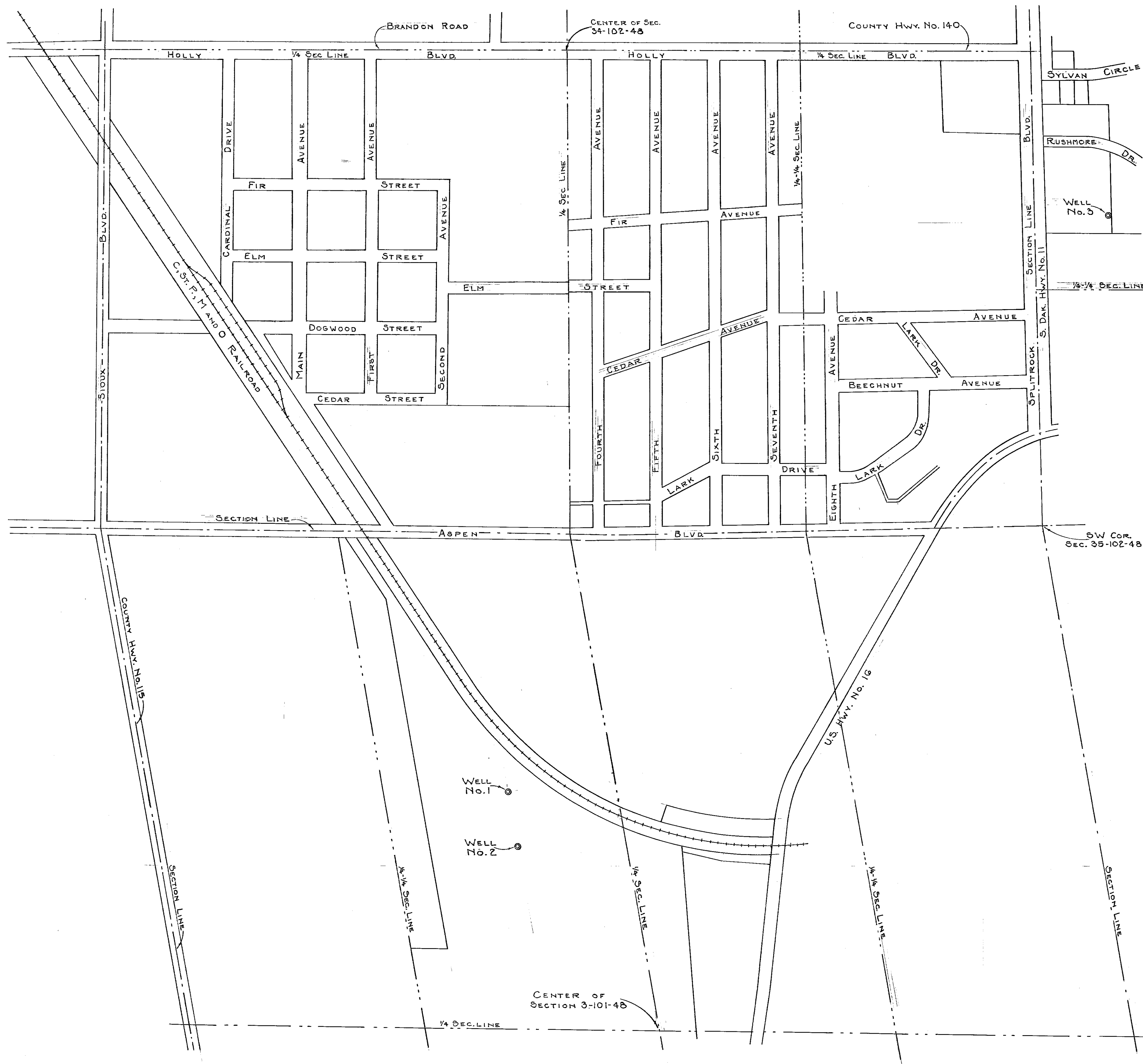
County of Minnehaha)

I, Ivan Wyun, President the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and they intend, and am able to complete the necessary construction.

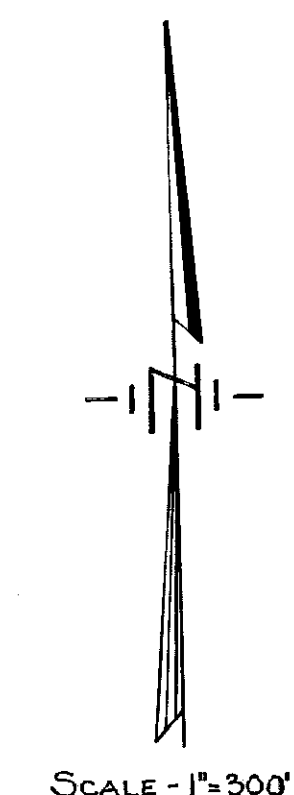
Signed Ivan Wyun

Subscribed and sworn to before me this 10th day of January, 1971

[Signature]
 Notary Public (or other qualified officer)



BRANDON WATER COMPANY MINNEHAHA COUNTY BRANDON, SOUTH DAKOTA



BRANDON WATER RIGHTS - LOCATION OF WELLS

WELL No. 1 - BEGINNING AT CENTER OF SECTION 3, T101 N, R48 W OF FIFTH P.M., THENCE 1460 FEET NORTHERLY ALONG QUARTER SECTION LINE, THENCE 600 FEET WESTERLY AT RIGHT ANGLES TO SAID QUARTER SECTION LINE.

WELL No. 2 - BEGINNING AT CENTER OF SECTION 3, T101 N, R48 W OF FIFTH P.M., THENCE 1150 FEET NORTHERLY ALONG QUARTER SECTION LINE, THENCE 600 FEET WESTERLY AT RIGHT ANGLES TO SAID QUARTER SECTION LINE.

WELL No. 3 - 1740 FEET NORTH AND 930 FEET EAST OF SW CORNER OF SECTION 35, T102 N, R48 W OF 5TH P.M.

SURVEYORS CERTIFICATE

I, D.C. KALDA, REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE ON AND BEFORE DECEMBER 30, 1970 MAPPED THE AREA AS SHOWN ABOVE FOR THE PURPOSE OF WATER APPROPRIATION

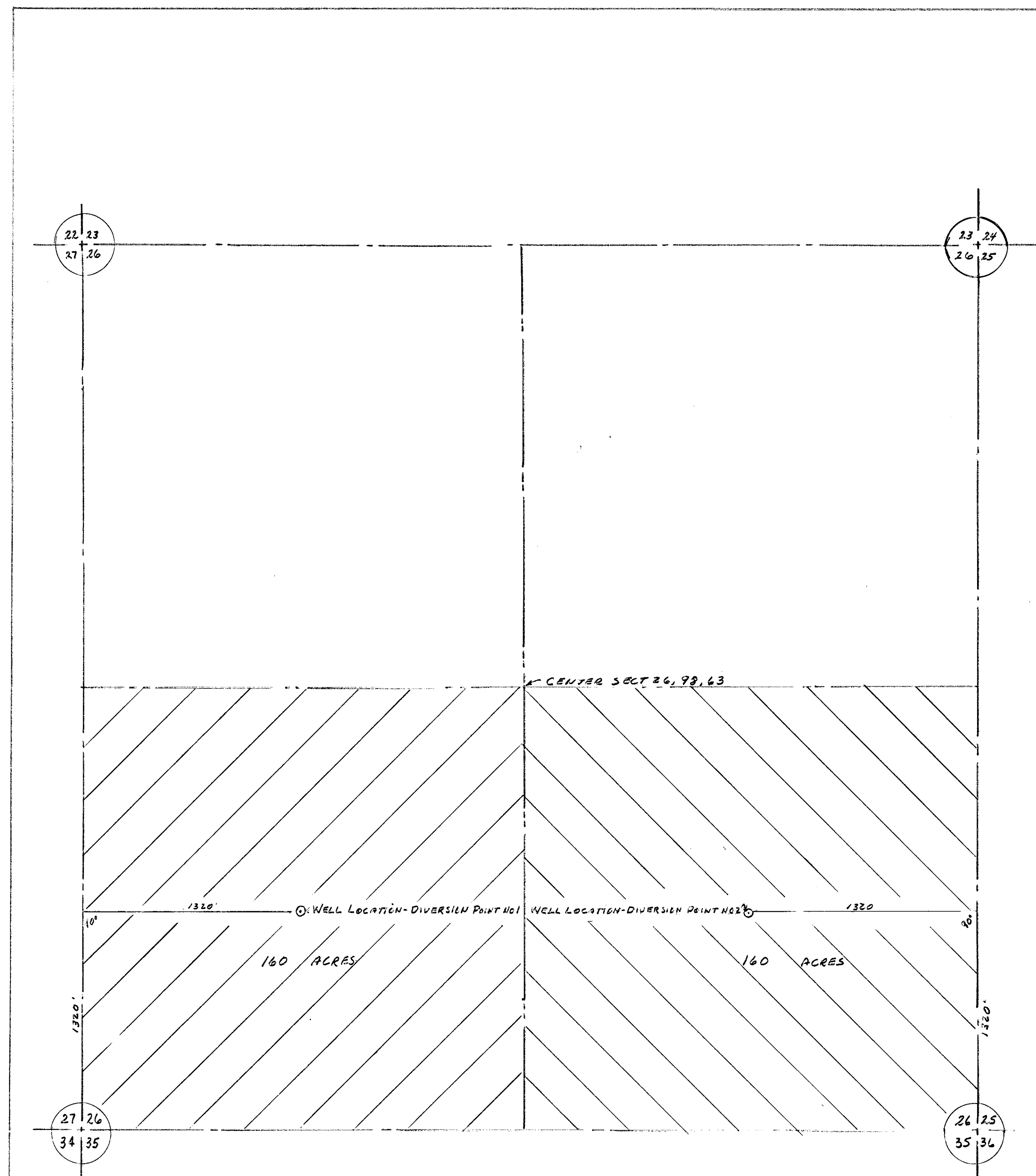
DATED THIS 30TH DAY OF DECEMBER, 1970 D.C. Kalda
D.C. KALDA, REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

ON THIS 30TH DAY OF DECEMBER, 1970 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED D.C. KALDA, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES
September 1, 1975

Luella E. McCormick
NOTARY PUBLIC, SOUTH DAKOTA



AREA BY LEGAL SUBDIVISION
 160 ACRES: SE 1/4 } SECTION 26, T98N, R63W, 5TH PM.
 160 ACRES SW 1/4 }
 320 ACRES TOTAL

SURVEYOR'S CERTIFICATE
 STATE OF SOUTH DAKOTA) SS
 COUNTY OF BEADLE)
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT AT THE REQUEST OF JAMES T. GOETZ,
 SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
 WITHIN HIS OWNERSHIP BOUNDARIES ON JAN 25, 1971 FOR WHICH
 APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
 THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
 WITNESS MY HAND AND SEAL THIS 25TH DAY OF JAN, 1971.
 Harlan W. Meyer
 REGISTERED LAND SURVEYOR #495

SCALE 1" = 400'

JAMES T. GOETZ IRRIGATION PROJECTS NO 1 & NO 2
 SHOWS AREA TO BE IRRIGATED & WELL LOCATIONS WHERE
 WATER WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

OWNER
 SURVEYOR

JAMES T. GOETZ
 HARLAN W. MEYER
 JAN 25, 1971

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1804-3BRANDON WATER Co.
(Applicant)BRANDON
(Post Office Address)SOUTH DAKOTA
(State) With the following modifications:

The ~~irrigation~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

THIS PERMIT IS APPROVED FOR 1.2 CFS. PROPOSED FOR PRESENT DEVELOPMENT. FUTURE USE REQUESTS CAN NOT BE APPROVED FOR PRIVATE, NON-PROFIT WATER COMPANIES

Date of first receipt of application JANUARY 25 19 71Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved MARCH 10 19 71 Recorded in Book 11 Page 252WATER RIGHT PERMIT NO. 1804-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1804-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 25 19 712. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 10 19 713. The whole of said work is to be completed on or before MARCH 10 19 724. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 10 19 725. The water appropriated shall be used for the purpose of MUNICIPAL USE

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.20 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 10 19 72; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 15TH day of MARCH 19 71

WATER RESOURCES COMMISSION

By

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 12 19 72Water License Issued JUNE 12 19 72

ITEM 6. LOCATION OF POINT OF DIVERSION

- Well No. 1 - Beginning at center of Section 3, T101N, R48W of Fifth P.M.,
thence 1460 feet northerly along quarter section line, thence
600 feet westerly at right angle to said quarter section line.
- Well No. 2 - Beginning at center of Section 3, T101N, R48W of Fifth P.M.,
thence 1150 feet northerly along quarter section line, thence
600 feet westerly at right angles to said quarter section line.
- Well No. 3 - 1740 feet north and 430 feet east of S.W. corner of Section 35,
T102N, R48W of 5th P.M.

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates Well No. 1 - Built in 1968

- (1) Drill Hole, Diameter 15", Depth 48'
- (2) Casing, Type Steel, Diameter 10" Thickness 0.307"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Stainless Steel, Diameter 10", Length 17'
- (4) Gravel Pack. Thickness 3", Length of gravel pack 35'

E. Dugout Information or Estimates.

- (1) Surface dimensions --, Depth --

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Sand & Gravel
(Drillers Log Attached)

Depth to top of water bearing material 35' (See Log)
Depth to bottom of water bearing material 48' (" ")
Thickness of water bearing material 13' (" ")
Depth to water (ground surface to water level) 15'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 20 rds. On property owned by others 80 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Ivan Wyum
Signature of Applicant
Ivan Wyum, President
Brandon Water Company

THORPE WELL COMPANY
2340 SIXTH AVENUE
DES MOINES, IOWA

Drilled for City of Brandon at Brandon, S. D.
Well is located 1/4 miles N-E-S-W and 1/4 miles N-E-S-W from Brandon, S. D.
in the 1/4 1/4 Section 1 Township 1 Range 1
Drilling started 1-15 1933 Completed 4-16 1939
Well No. 1 Kind of Well Gravel back Depth 49 Size hole started 5 5/8
Finish 15 G. P. M. 210 Static Head 15.8 Pumping level from surface 15
Water was first encountered at 15 in 15 Approx. Amt. 15 Twp. 1
Remarks 35 slot Johnson screen (17' 3") 3' 10" screen on top
13' 10" on both

(GIVE DETAILS OF PERFORATED PIPE AND SEALS)

RECORD OF PERMANENT PIPE					TEMPORARY PIPE	
SIZE PIPE	AMOUNT OF PIPE	DEPTH TO BOTTOM OF PIPE	DEPTH TO TOP OF PIPE	MAKE OF PIPE	SIZE PIPE	AMOUNT
10"	75		4'			

Driller Bob Wall From Surface to Finish feet
Driller From feet to feet
Driller From feet to feet

AMOUNT IN FEET	KIND OF SOIL OR FORMATION (BE SPECIFIC)	TOTAL DEPTH FEET
1	Black top soil	1
4	Brown clay	5
23	Fine to very coarse sand & gravel	28
7	Gray blue clay	35
13	Fine to med. sand gravel	48
17	Blue clay	65
	Gravel rounded	

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates Well No. 2 - Proposed in 1971

(1) Drill Hole, Diameter 15", Depth 50'

(2) Casing, Type Steel Diameter 8" Thickness 0.277"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Stainless, Diameter 8", Length 12'

(4) Gravel Pack. Thickness 3 1/2", Length of gravel pack 35'

E. Dugout Information or Estimates.

(1) Surface dimensions --, Depth --

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Sand & Gravel

(Drawing of proposed construction attached)

Depth to top of water bearing material 38' (See Drawing)

Depth to bottom of water bearing material 50' (" ")

Thickness of water bearing material 15' (" ")

Depth to water (ground surface to water level) 15'

(2) Distance to nearest existing household or livestock watering wells.

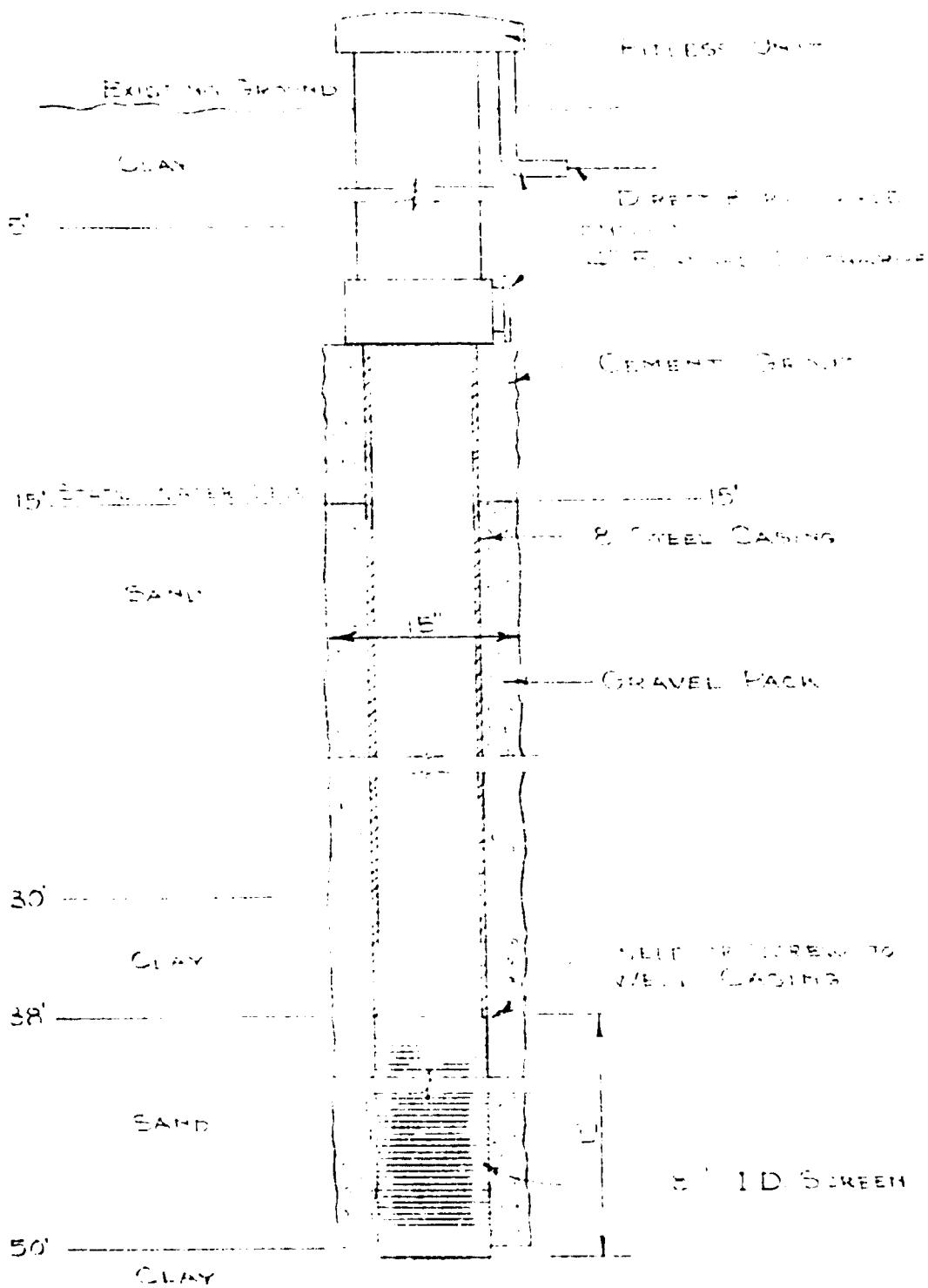
On same owner's property 20 rds. On property owned by others 80 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Ivan Wyum
Signature of Applicant.

Ivan Wyum, President
Brandon Water Company



PROPOSED WELL CONSTRUCTION
BRANDON WATER COMPANY

SKIA-11-24-70

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates Well No. 3 - Built in 1964

(1) Drill Hole, Diameter 24", Depth 222'

(2) Casing, Type Steel Diameter 12" Thickness 0.330"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Stainless, Diameter 12", Length 20'

(4) Gravel Pack. Thickness 6", Length of gravel pack 40'

E. Dugout Information or Estimates.

(1) Surface dimensions --, Depth --

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Pink-white sandstone

Below pink quartzite

Depth to top of water bearing material 180'

Depth to bottom of water bearing material 220'

Thickness of water bearing material 40'

Depth to water (ground surface to water level) 48'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property -- rds. On property owned by others 10 * rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

* Property presently served by adjacent well will be served by public system.

Ivan Wyum
Signature of Applicant

Ivan Wyum, President
Brandon Water Company

LOG OF WELL NO. 3 - BUILT IN 1964

Well drilled by Grimshaw Drilling Company, now known as Minnehaha Waters. Data shown furnished by John Greenfield of Minnehaha Waters.

DRILLERS LOG

0 - 57'	Sand (Medium to Fine)
57' - 92'	Clay (Soft)
92' - 98'	Sand (Grey)
98' - 104'	Clay (Soft)
104' - 108'	Sand (Fine)
108' - 121'	Clay
121' - 122'	Coal
122' - 125'	Rocky Shale (Soft)
125' - 150'	Black Quartzite
150' - 158'	Pink Quartzite
158' - 179'	Pink Quartzite (Partly Decomposed)
179' - 221'	Pink-White Sandstone (Rounded)
221'	Blue Shale

Permit No. 1804-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That _____ the Brandon Water Company

Permit No. 1804-3, issued upon Application No. 1804-3, bearing date of priority of January 25,
1971 authorizing the diversion of 1.2 cu. ft. per second of the waters of _____
ground water _____ County of Minnehaha, State of South Dakota at _____
Well #1, 1460' N. and 600' W. of the center, Sec. 3, T101N, R48W; Well #2, 1150' N. and
600' W. of the center, Sec. 3, T101N, R48W; standby well 1740' N. and 430' E. of the SW
Corner, Sec. 35, T101N, R49W for _____ Municipal _____

purposes, has 5 complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.3 cu. ft. per second of water.

Date June 12, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1804-3

(1) WHEREAS, On the 25th day of January A. D. 1971 the Brandon Water Company

made Water Right Application No. 1804-3 for a permit to use 1.2 cubic feet per second of the waters of ground water County of Minnehaha State of South Dakota, for Municipal

purposes; and (2) WHEREAS, On the 15th day of March A. D. 1971 Permit No. 1804-3, with a date of priority of January 25, 1971 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 10th day of March A. D. 1972 and for the application to beneficial use of said water on or before the 10th day of March A. D. 1972

and: (3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.2 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent, water is used for supplying municipal purposes in the Town of Brandon

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to the Brandon Water Company

_____ of Brandon, S.D.

the holder _____ and owner _____ of said permit No. 1804-3 a water right, dating from January 25, 1971

_____ to use of 1.2 cubic feet per second of the waters of ground water

in the County of Minnehaha and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Well #1, 1460 ft. North and 600 ft. West of the Center, Section 3, T101N, R48W; Well #2, 1150 ft. North and 600 ft. West of the Center, Section 3, T101N, R48W; Standby well 1740 ft. north and 450 ft. east of the SW Corner, Section 35, T101N, R49W

and ~~which is to be~~ conducted through the water company distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1804-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of June A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. CRILES

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, Clifford F. Sanders hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Sioux Falls Suburban News

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

city of Sioux Falls

County of Minnehaha and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

February 11, 1971

February 13, 1971

February 25, 1971

March 4, 1971

Clifford F. Sanders
(Signature)

Business Manager - Editor

(Title)

March 4, 1971
(Date Signed)

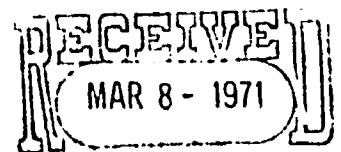
NOTICE INTENT TO

APPROPRIATE WATER
Pierre, South Dakota, 57501
January 26, 1971

Notice is hereby given that the
Brandon Water Company whose
post office address is Brandon,
South Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
3.4 (2.2 Future Use) cubic feet
of water per second of time
from ground water through the
Brandon Water Co. Waterworks
the point of diversion of which
is to be located at two points
in the SE 1/4, NW 1/4, Section
3, T101N, R48W, and in the NW
1/4 SW 1/4 of section 35, Twp.
102N, Range 48W. Said water to
be used for the purpose of pro-
viding municipal supplies for
the Town of Brandon.

This application No. 1804-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 10th
day of March, 1971, at 2:00 p.m.
All interested persons may ap-
pear and be heard.

Water Resources Commission
By Burton F. Jones,
Water Rights Specialist
(Publ. Feb. 11, 18, 25, March 4)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

1804-3

Publish first publication, on or before February 11, 1971

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 26, 1971

Notice is hereby given that the Brandon Water Company

whose post office address is Brandon, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.4 (2.2 Future Use)

3.4 cubic feet of water per second of time from the ground water through the Brandon Water Co. Waterworks, the point of diversion of which is to be located in the

at two points in the SE 1/4, Section 3, T101N, R48W, and in the NW 1/4 SW 1/4

of Section 35, Twp. 102N, Range 48W. Said water to be used for the purpose

of providing irrigation on the following described land:

municipal supplies for the Town of Brandon

This application No. 1804-3 will be considered by the Water Resources Commission at their office at Pierre upon the 10th day of March, 1971, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Ivan Wyum, President
Brandon Water Company
Brandon, S.D. 57005

Permit No. 1804-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by BRANDON
WATER Co. of BRANDON holder
of Permit No. 1804-3, bearing date of priority of JANUARY 25, 1971
authorizing the diversion of 1.2 cu. ft. per second of the waters of GROUND WATER
for MUNICIPAL purposes, in MINNEHAHA County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

2 WELLS 48' DEEP W 10" CASING - BOTH USING
REDA 4" - 15 H.P. SUBMERSIBLE PUMPS RATED @ 175 G.P.M.
STANDBY WELL - 220' DEEP W 12" CASING W/ REDA 4"
20 H.P. SUBMERSIBLE PUMP RATED @ 250 G.P.M.

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

8" MAIN WATER LINE

C. Works used to apply water to beneficial use.

6" & 4" LATERALS TO 320 HOOKUPS

The system is in the following condition: NEW
WELL #1 1460' N & 600' W OF THE CENTER, SEC 3, T10N, R48W
The point of diversion is located WELL #2 1150' N & 600' W " " " " " "
STANDBY WELL 1740' N & 430' E OF THE SW CORNER, SECTION 35, T10N, R49W

The works are capable of diverting and conveying to the place of use 1.3
cu. ft. per second of water which is to be used for MUNICIPAL USE

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Date MAY 23, 1972
Austin Lyner
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

1804-3



Stockwell Engineers

1601 South Minnesota Avenue • Sioux Falls, South Dakota 57105
Telephone (605) 338-6668

August 1, 1988

Mr. Jim Goodman
Dept. of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501



Re: Brandon Water Study
Project 1888

Dear Jim:

Enclosed for your information is well data and locations for the 5 wells currently used by the City of Brandon. As discussed with Dave Holman, it appears permit no. 1804-3 has been superseded by permit no. 4002-3. Therefore, we need an opinion on the data of priority and amount of water claimed.

Please furnish a response to our office at your earliest convenience.

Very Truly Yours,

STOCKWELL ENGINEERS, INC.

Steve W. Brockmueller

Steve W. Brockmueller, P.E.

Enclosures

pk



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 19, 1988

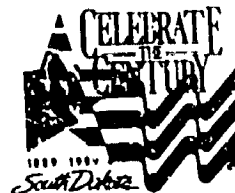
Sieve W. Brockmueller, P.E.
Stockwell Engineers, Inc.
1621 S Minnesota Ave.
Sioux Falls SD 57105

Dear Mr. Brockmueller:

This letter is in response to your August 1, 1988 request for an opinion on the status of water permits held by City of Brandon.

The City of Brandon currently has Water Permit Nos. 4002-3 (future use), 4434-3 and 4885-3. Water Right No. 1804-3 is under the name of the Brandon Water Company. The water right needs to be transferred to the city if the city now owns the water supply system. Based on the information supplied to Jim Goodman and on the water permit/right files, I believe the status is as follows:

- 1) Water Right No. 1804-3 authorizes an appropriation of 1.2 cfs from 3 wells (Nos. 1, 2 & 3) located in the E1/2 NW1/4 section 3-T101N-R48W and the NW1/4 SW1/4 section 35-T102N-R48W. The priority date for Water Right No. 1804-3 is January 25, 1971. The total pumping capacity of the 3 wells is 0.96 cfs which is within the 1.2 cfs authorized by Water Right No. 1804-3. The pumping rate may not be increased from 0.96 cfs to 1.2 cfs unless the pumping rate has been lowered from 1.2 cfs within the last three years. The location of the wells also matches the legal descriptions specified on the water right. I believe the R43W on your sheet for well Nos. 1 and 2 should be R48W.
- 2) Future Use Permit No. 4002-3 reserves 4.0 cfs of ground water (approximately 50 feet deep) for future use in section 3-T101N-R48W and in section 34-T102N-R48W. The priority date for Permit No. 4002-3 is September 12, 1977. The application notes the existence of well No. 4 located in the SE1/4 NW1/4 section 3-T101N-R48W. However, the public notice of hearing for Permit No. 4002-3 makes no mention of the additional well (well No. 4) or approval of a water appropriation for the additional well. Approval of Permit No. 4002-3 was only to reserve water for future use. Therefore, Well No. 4 which has a pumping capacity of 190 gpm is not covered by a water permit.



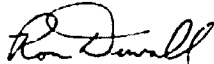
August 19, 1988
Steve W Brockmueller
Page 2

- 3) Water Permit No. 4885-3 authorizes an appropriation of 0.28 cfs from one well (No. 5) located in the SE1/4 NW1/4 section 3-T101N-R48W. The location of the well matches the legal description specified on Permit No. 4885-3. The priority date for Permit No. 4885-3 is April 20, 1982. The pumping capacity of Well No. 5 (0.49 cfs) exceeds the authorized pumping capacity (0.28 cfs) by 0.21 cfs. Therefore, the portion of the pumping capacity exceeding 0.28 cfs is not covered by a water permit.
- 4) Water Permit No. 4434-3 authorizes an appropriation of 0.43 cfs from 2 wells and Split Rock Creek to irrigate 30 acres of the municipal golf course. No information was supplied from you regarding this permit; therefore, I can not comment on the status of this permit. I do know the location of the Split Rock Creek diversion point was advertised incorrectly and may need to be readvertised if the creek is used for irrigation purposes. No inspection of works has been completed for this permit or for Permit No. 4885-3.

According to the information available, the city needs to apply for a water permit to cover Well No. 4 (190 gpm) and should also include the additional appropriation of 0.21 cfs from Well No. 5. The application could specify a priority date of September 12, 1977 (same as on Permit No. 4002-3) because Well No. 4 was mentioned on the application for Permit No. 4002-3 but no action was taken. The additional 0.21 cfs for well No. 5 can be taken out of the 4.0 cfs reserved by Permit No. 4002-3 and also retain the September 12, 1977 priority date. Enclosed is an application form with an instruction sheet.

Please contact me if you have any questions.

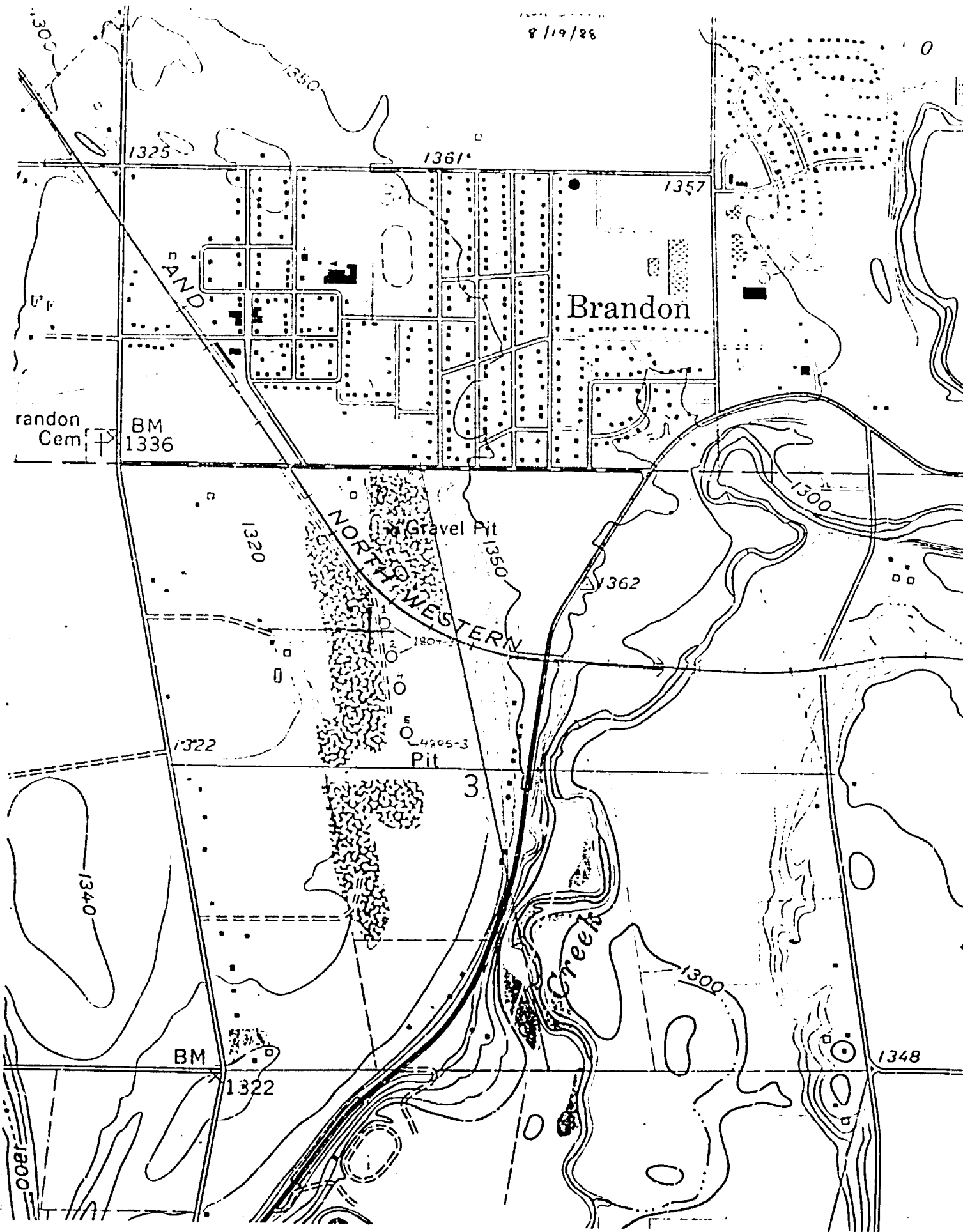
Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

8/19/88





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

DEC 18 1995

Dennis Olson, Finance Officer
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Olson:

Enclosed are Water Permit and Water License Nos. 5868-3 and 5869-3, as well as receipts assessed for the inspections and issuance of the licenses. Water License Nos. 5868-3 and 5869-3 are the final documents which complete the process of obtaining water rights.

The applicable portions of Water Right No. 1804-3 and Water Permit Nos. 5296-3 and 5395-3 have been incorporated into Water License No. 5868-3. The applicable portions of Water Right No. 4885-3 have been incorporated into Water License No. 5869-3.

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

As long as the City of Brandon uses the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures