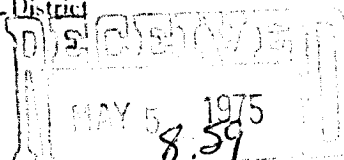


Water Right Number 2275-3

1. Considered MAY 21, 19 75
BROOKINGS DEVELOPMENT
2. Name of Applicant KINGBROOK RURAL WATER SYSTEMS
3. Post Office Address BROOKINGS
4. Amount of Water claimed 3.0
5. Source of Water supply GROUND WATER 39', 41' & 43' WELLS
6. Water to be used for RURAL WATER SYSTEM
Acres to be irrigated _____
7. Water to be diverted and used in BROOKINGS County
about 3 N miles _____ of BRUCE
8. Proof of Publication Received 1ST. 5-20-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 2275-3Map No. 1666-3 Water Division No. 3 BIG SIOUX RIVER (District)
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER ENGINEER'S OFFICE
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

- * Brookings Daehl Rural water system, Inc. and the
1. Name of Applicant Kingbrook Rural water system
- * Postoffice address White & Arlington, State South Dakota
- If a corporation show date and place of incorporation March 1974 White & Jan 1975 Arlington respectively.
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work B-D-K well field #1
4. Amount of water claimed (cubic feet per second) 3 cfs - that is 1 cfs from each well
5. Source of water supply 3 wells
6. Location of point of diversion Well #1 - 200' S + 300' West of NE corner Sec 25 - 112 - 51;
Well #2 - 100' E + 125' S of NW corner of SW 4 of Sec 19 - 112 - 50;
Well #3 - 100' W + 125' S of NE corner Sec 24 - 112 - 51 County Brookings
7. Annual period or periods during which water is to be used the entire year
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Rural Domestic water system
9. For irrigation use. Total number of acres to be irrigated.

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

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.

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

Well with electrically driven deep well turbine

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

Closed conduit

C. Works proposed to apply water to beneficial use.

Closed ConduitEstimated Total Cost \$ 10,000 each well or
30,000Attachments: 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

County of BROOKINGSI, JOHN L. WIERSMA 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 that I intend, and am able to complete the necessary construction.Subscribed and sworn to on this 1st day of May 1975COMMISSION EXPIRES ON 1st DAY OF SEPTEMBER, 1975Signed John L. Wiersma
Alfred Glover
Notary Public (or other qualified officer)

* Mail & Contact man:

John L. Wiersma - Sec. of Brookings - Daehl water system Inc
Box B, Rt 2, Brookings South Dakota - 57006

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2275-3BROOKINGS-DEUEL RURAL WATER SYSTEMKINGSDOM RURAL WATER SYSTEM

(Applicant)

40 JOHN WIGERSMA, Rt 2, Box 8, BROOKINGS

(Post Office Address)

SOUTH DAKOTA 57006

(State)

With the following modifications:

The ~~irrigation~~ wells approved under this Permit will be located near domestic wells and ~~other~~ irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application MAY 5, 19 75Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved MAY 21, 19 75, Recorded in Book 13 Page 311WATER RIGHT PERMIT NO. 2275-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2275-3 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:

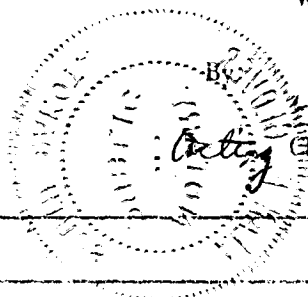
1. The date from which applicant may claim right is MAY 5, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 21, 77
3. The whole of said work is to be completed on or before MAY 31, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 21, 19 83
5. The water appropriated shall be used for the purpose of RURAL WATER SYSTEMS

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 3.0 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 use~~ ~~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-seventh (1/70) of one cubic foot of water per second of time for each acre of land to which water is~~ USED FOR RURAL WATER SYSTEM USE actually and beneficially ~~applied for irrigation~~ applied on or before MAY 21, 19 83; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 29TH day of MAY, 19 75

WATER RESOURCES COMMISSION

Vern W. Butler
Chief Engineer, Executive OfficerCertificate of Construction Issued —, 19 —Water License Issued —, 19 —

Range 51 | Range 50

12 | 7
13 | 18

Hagseth
Irrigation well

Becker
Irrigation well

Land for BDK well #3
Optioned from:
H.P. Sandberg and
Kristine Sandberg Knisely and
Hildecard Sandberg Gaya
H.P. Sandberg - Agent
Boone, Iowa

B-D-K WELL FIELD #1

The Common well field for
Brookings-Deuel and the Kingbrook
Rural Water Systems, Inc.
Wm Dempsey, White, S. Dak.
President of Brookings-Deuel
Alice Vedvel, Arlington, S. Dak.
Chairman of Kingbrook

Twp 112

BDK
Well #3

Sandberg
Irrigation well

Wiedrich
Irrigation well

Land for BDK Well #2
Optioned from:
Gladys Marvin and
Delpha Masson
Brookings, South Dakota

BDK well
#2

BDK Well #1 Located
200' South and 300' West of
NE Corner of Sec 25-112-51

BDK Well #2 Located
100' East and 125' South of
NW corner of SW 1/4 of
Section 19-112-50

BDK Well #3 Located
100' West and 125' South
NE Corner of Sec 24-112-51

BDK
Well #1

Duwayn Krogh
Irrigation well

Apland
Irrigation well

Skoulund
Irrigation well

Land for BDK well #1
Optioned from:
Howard & Ardis
Geringer
Bruce, South Dakota

Lyle Krogh
Irrigation well

Surveyor's Certificate
I, John L. Wiersma, do hereby certify
this map identifies a reasonably accurate
record of the well field of the:
Brookings-Deuel Rural Water System, Inc.
and the
Kingbrook Rural Water System, Inc.
Brookings, S. Dak.
5-1-75
P.E. # 1216
John L. Wiersma Brookings S. D.



Key:

- BDK Well
- Existing Irrigation well
- ⬡ Farmstead

Scale - 4" = 1 Mile

North

MAP N° 1666-3 APPA N° 2275-3

BD-75 L

File 2275-3

Ph. 352-4587

JUL 1980
DIVISION
WATER RIGHTS
Pierre, SD

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

2275 - 3

Submitted by: John Madden
Address: Rock Rapids, Iowa 51246

Date Rec'd: April 30, 1975
Sample No.: 75-310
Identification: #3 Bruce
100' W & 125' S of NE Corner, Sec. 24, T112N R51W

B-D RWS well #3

WATER ANALYSIS

Calcium (Ca)		ppm*	me/l**
Magnesium (Mg)		ppm	me/l
Sodium (Na)		ppm	me/l
Potassium (K)		ppm	me/l
Sulfate (SO ₄)		ppm	me/l
Nitrate (as N)	8.00	ppm	0.57 me/l
Chloride (Cl)		ppm	me/l
Bicarbonate (HCO ₃)		ppm	me/l
Carbonate (CO ₃)		ppm	me/l
Iron (Fe)	0.11	ppm	me/l
Fluoride (F)		ppm	me/l
Hardness (EDTA as CaCO ₃)	368	ppm	22 g.p.g.***
Alkalinity (Methyl Orange)		ppm (as CaCO ₃)	
Alkalinity (Penolphthalein)		ppm (as CaCO ₃)	
Electrical Conductivity	757	micromhos per cm at 25° C.	
Sodium Adsorption Ratio			
Sodium		% of cations	
Residual sodium carbonate		me/l	
pH			
Others: Manganese (Mn)	0.10	ppm	

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS:

By: Shirley Mittan

Service Performed

Amount Due

Determinations shown above.

\$5.50

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-310

Amount Enclosed \$

Signed

well #1

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 24", Depth 39'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 12" Thickness 1/4"
- (3) Perforated Screen.
Type Birmingham Slot, Diameter 12", Length 5'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 12'

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 5' to 20' - medium sand;
20' to 24' - Med. sand to coarse sand;
29' + - blue clay

Depth to top of water bearing material 6'

Depth to bottom of water bearing material 39'

Thickness of water bearing material 33'

Depth to water (ground surface to water level) 5.6'

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

On same owner's property None rds. On property owned by others 45 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.

John Swersma
Signature of Applicant

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 24", Depth 43'
- (2) Casing, Type Steel, Diameter 12", Thickness 1/4"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Continuous Slot, Diameter 12", Length 5'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 14'

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 8' to 15' - Medium sand;
15' to 20' - Coarse sand; 20' - 30' medium sand;
30' to 43' - medium to coarse sand; 43' + clay

Depth to top of water bearing material 8'

Depth to bottom of water bearing material 43'

Thickness of water bearing material 35'

Depth to water (ground surface to water level) 8.5'

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

On same owner's property none rds. On property owned by others 50 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.

John L. W. Carson
Signature of Applicant

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 24", Depth 41'
- (2) Casing, Type Steel, Diameter 12", Thickness 1/4"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Continuous Slot, Diameter 12", Length 5'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 15'

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 7' to 20' medium sand,
20' to 41' - medium sand to coarse sand,
41' + - blue clay

Depth to top of water bearing material 7'

Depth to bottom of water bearing material 41'

Thickness of water bearing material 34'

Depth to water (ground surface to water level) 7'

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

On same owner's property none rds. On property owned by others 35 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.

John L. W. W. W.
Signature of Applicant

No. 2274-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, James M. McLellan Jr. hereby

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

Water was taken from the Brookings Daily Register

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 Brookings

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

May 9, 1975

May 16, 1975

James M. McLellan, Jr.
(Signature)

General Manager
(Title)

May 19, 1975
(Date Signed)

Legal No. 340 — May 9 & 16

NOTICE

INTENT TO APPROPRIATE WATER

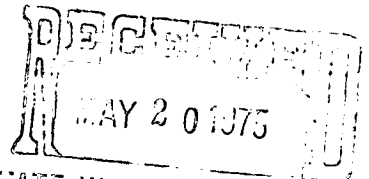
May 9, 1975

Notice is hereby given that Brookings-Deuel & Kingbrook Rural Water System whose post office address is Brookings, South Dakota, have made an application in accordance with the provision of the water laws of South Dakota for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from ground water through the B-D-K Wells No. 1, No. 2 and No. 3, the points of diversion of which are to be located in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 24 and NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 25, T112N, R51W and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Twp. 112N, Range 50W. Said water to be used for the purpose of providing water supplies for the Brookings-Deuel and Kingbrook Rural Water System.

This application No. 2275-3 will be considered by the Water Resources Commission at their office at Pierre upon the 21st day of May, 1975, at 2:30 P.M. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION

By: Burton Jones
Water Rights Specialist



STATE WATER BOARD
PIERRE, SOUTH DAKOTA

Publish first publication, on or before May 9, 19 75NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 5, 19 75Notice is hereby given that Brookings-Deuel & Kingbrook Rural Water Systemwhose post office address is Brookings, South Dakota, ~~have~~^{has} made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use3.0 cubic feet of water per second of time from the ground water through the B-D-K Wells #1, #2 and #3, the point of diversion of which ~~is~~^{are} to be located in the _____NE 1/4 NE 1/4, Section 24 and NE 1/4 NE 1/4, Section 25, T112N, R51W andNW 1/4 SW 1/4of Section 19, Twp. 112N, Range 50W. Said water to be used for the purpose of providing ~~irrigation on the following described land:~~water supplies for the Brookings-Deuel and Kingbrook Rural Water System

This application No. 2275-3 will be considered by the Water Resources Commission at their office at Pierre upon the 21st day of May, 19 75, at 2:30 P. .M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: John Wiersma, Secretary, Brookings-Deuel Rural Water System, Route 2, Box 8, Brookings, South Dakota 57006

TO: WATER RIGHTS COMMISSION

Re: Application No. 2275-3

The undersigned are all property owners and/or farm operators in reasonably close proximity to the proposed well locations contemplated in Application No. 2275-3 for a permit to appropriate for alleged beneficial use 3.0 cubic feet of water per second of time from ground water through the B-D-K Wells No. 1, No. 2 and No. 3.

While it is conceded that there is a substantial supply of water available in the general area of the contemplated wells, it is submitted that the relative distance between the proposed wells is such that the supply of water to present users may be severely hampered.

The undersigned have actively sought and desire a survey of the occurrence, quantity and hydraulic characteristics of the water and the nature and identity of the subsurface geological formations in which it occurs and submit that such a survey is required in the public interests.

We all recognize that the use of water for domestic purposes is the highest use of water taking precedence over all other appropriate rights. We are also mindful of the domestic water needs of our neighbors but object to supplying water for parts of at least six counties in eastern South Dakota when there is no showing that such appropriation of water is needed as opposed to being for the mere convenience of the water system customers. There is no reasonable assurance that the location of the multiple wells are dispersed adequately enough to minimize the economic detriment to the undersigned as many have sandpoint water sources as opposed to wells, the land area is very suitable to irrigation and over an ample supply of water and the appropriation of water in the manner contemplated will probably result in reduced recharge of present water sources.

We respectfully request that the above described application be denied and that, if not denied, delayed until the requested survey is complete and eliminate the many fears and apprehensions, some of which are mentioned above, that we all possess.

Respectfully submitted,

Edgar B. Edie
Richard W. Edie
Iris M. Krogh

Hyle Krogh

TO: WATER RIGHTS COMMISSION

Newayme Krogh
Eugene Hawley
Marie Hawley
Albert Linneman
Catherine Linneman
Joseph H. Hester
Cecilia Hester
Lorraine Rasmussen
John Jensen
Anna Jensen
Geneva Arck

Corrine Krogh

TO: WATER RIGHTS COMMISSION

Re: Application No. 2275-3

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We respectfully request that the above described application be denied and that, if not denied, delayed until the requested survey is complete and eliminate the many fears and apprehensions, some of which are mentioned above, that we all possess.

Respectfully submitted,

Martin P. Opland
Hermana Rasmussen
Isabelle M. Opland

Dorothy A. Opland
Greta E. Eberup
Dorothy

TO: WATER RIGHTS COMMISSION

Hendell K Skoulund	Joyce Davis
Constance L Skoulund	Wayne Eighmy
Bob Houser	Welfred Eighmy
Lusaa Houser	Rebecca Sue Eighmy
Shirley Rust	Sandra Eighmy
Otto Rust	Melford Foster
Arnold Halebeck	Larry Foster
Stephena Kelsbeck	Curtis Foster
Ronald Foster	Shirley Hagseth
Craig E Krueger	Carol Hagseth
Armand Krueger	Margorie Foster
Wallace Wille	Merlin Foster
John Storey	Marcel Jefferies
Glyria Hovey	Sola Jefferies
Janette Foster	Merle Hagseth
Lawrence Gray	Tommy Hagseth
Harold Lantgen	Ruth Farris
Kenneth Lantgen	Freel Jurgens Sr.
Chyllin Foster	Elsie M Jurgens
Luanne Foster	Mark M Porce.
Margaret Foster	Steven D Goodfellow
Della Foster	David L Hiltner
Elizabeth Lantgen	Wesley Alvestad

TO: WATER RIGHTS COMMISSION

~~Mr. Hilder Ullstad~~
~~Priscilla Christensen~~

~~Dianne L. Holter~~

~~Jens L. Christensen~~

~~Walter C. Chapin~~

~~Edie M. Chapin~~

~~Raymond D. Davis~~

~~Delores Haroldson~~

~~Ronald Haroldson~~

~~Harvey Cunningham~~

~~Lisa Cunningham~~

~~Patricia M. McGee~~

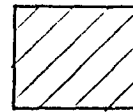
~~Frieda Holter~~

~~Linda Kaiser~~

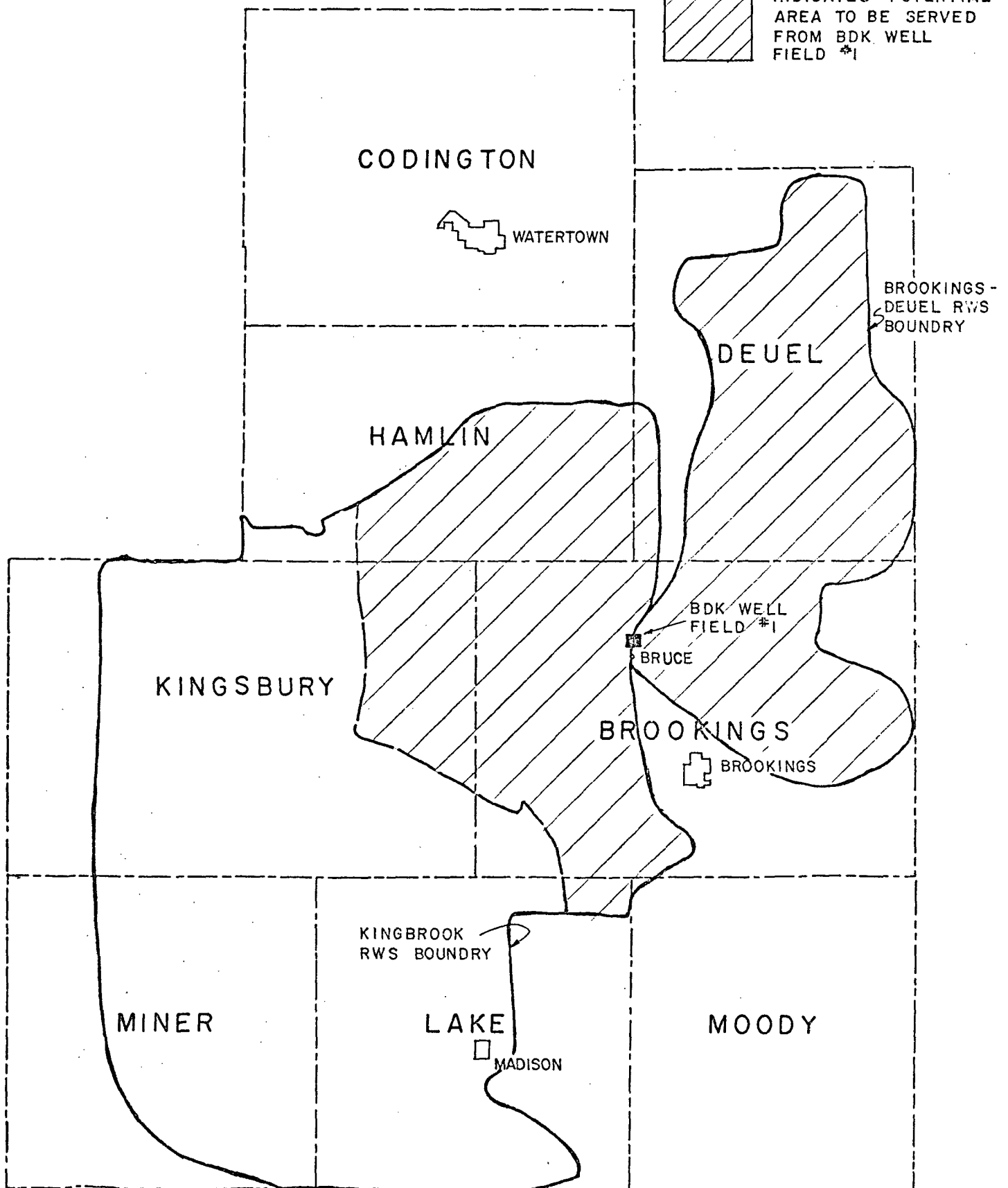
~~Kurt Kaiser~~

~~Kathleen Rasmussen~~

~~Esther Rasmussen~~



INDICATES POTENTIAL
AREA TO BE SERVED
FROM BDK WELL
FIELD #1



DeWild Grant Recker & Associates Co.
Architecture Engineering Planning

Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date
Drawn By
Approved
Revised



Johnson Division
P.O. Box 43118 • St. Paul, Minnesota 55164
Telephone 612-636-3900 • Telex 29-7451

6 February 1981

Ed Lacey & Son Well Drilling
P.O. Box 796
Trent, South Dakota 57065

Ref: Brookings, Dueul, Kingsbury
R.W.D.,
Bruce, SD

Dear Jim:

We have completed our analysis of the pumping test data submitted to us. Enclosed is a copy of the graphical representation of the data. Due to the rapid aquifer response to pumping at 750 gpm, we were unable to establish an aquifer characteristic curve for the early drawdown and recovery measurements.

The most reliable curve generated was the distance-drawdown plot. Our estimate of transmissibility based on the observation wells are 146,660 gpd/ft at a time of 10 minutes and 136,550 at a time of 165 minutes. If we average the two values, we determine an estimated transmissibility of 141,605 gpd/ft. Based on the actual specific capacity (Q divided by drawdown equals 750 gpm divided by 8.12 feet drawdown) of 92.34 gpm/ft, we would expect the well to have a transmissibility of 138,510 gpd/ft. Comparing this with our theoretic value, we would say that this well is 97% to near 100% efficient within the accuracy of theoretic calculations.

Congratulations to a very successful completion. I hope this data is helpful to promotion of Johnson screens and your drilling technique.

Sincerely,

Al Smith

Al Smith
Engineer

AJS:dr

4-15-81

John- this is a little better
than a cement tile well!
Jim Lacey



2244-3 & 2275-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

June 2, 1975

Lewayne M. Erickson, Attorney
P.O. Drawer 556
Brookings, South Dakota 57006

Dear Mr. Erickson:

As requested over the telephone last week I am forwarding to you the following information:

1. A copy of Water Right Permit No. 2275-3 to the Brookings-Deuel Rural Water System and the Kingbrook Rural Water System,
2. A copy of the petitions filed by Mr. Apland with the Water Rights Commission concerning Permit No. 2275-3,
3. A copy of the sketch map and observation well S-9 readings in the Bruce area,
4. A copy of Water Right Permit No. 2244-3 to Dale Swartz in the Sioux Falls area,
5. A copy of the letter of protest filed by the City of Sioux Falls concerning Permit No. 2244-3, and my reply dated May 29, 1975.

As we are still transcribing the minutes of the Water Rights Commission meeting, it will be some time before these are completed. When available I will forward a copy of the minutes, after they have been approved by the Commission.

Sincerely,

VERN BUTLER
Acting Chief Engineer
Water Rights Commission

VB/bw
cc: John Wiersma, Sec. Brookings-Duel Rural Water System, Rt. 2, Box 8,
Brookings, S.D. 57006



No. 2275-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

May 30, 1975

John L. Wiersma, Secretary
Brookings-Deuel Rural Water System
Route 2, Box 8
Brookings, South Dakota 57006

Dear John:

Enclosed herewith is your Water Right Permit No. 2275-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 2275-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a water right.

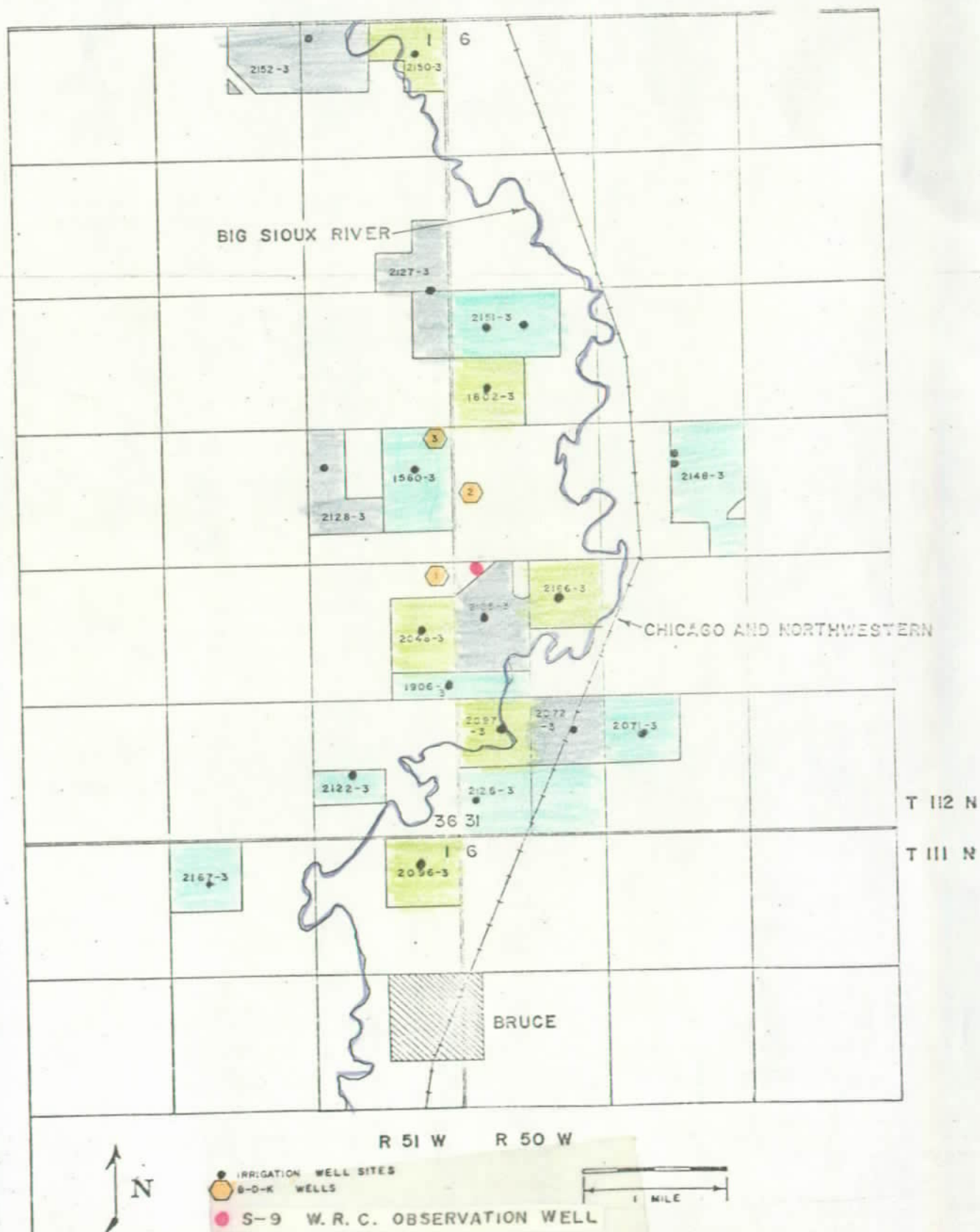
Respectfully,

WATER RIGHTS COMMISSION

VERN BUTLER
Acting Chief Engineer

vB/BFJ/bw
Encl: As stated

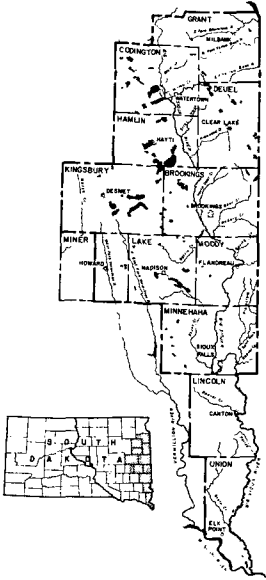
BRUCE AREA IRRIGATION



OBSERVATION WELL

S-9

Year	Spring	Summer	Fall	Year	Spring	Summer	Fall
1957		6.3	6.4				
1958	6.2	6.6	7.0				
1959	6.7	6.9	7.1				
1960	5.0	5.9	6.7				
1961	5.8	6.0	6.8				
1962	4.5	0.2	5.4				
1963	5.9	5.2	5.5				
1964	5.6	5.9	6.6				
1965	6.1	5.8	6.3				
1966	6.0	6.6	6.3				
1967	6.6	5.8	6.8				
1968	6.6	6.2	6.3				
11969	2.2	5.2	5.7				
1970	5.0	4.9	5.5				
1971	4.8	5.8	6.0				
1972	4.4	3.1	4.9				
1973	3.8	5.6	6.4				
1974	5.9	6.3	6.9				
	5.3						



EAST DAKOTA CONSERVANCY SUB - DISTRICT

BOARD OF DIRECTORS

EARL P. ACHESON, Chester
NELS GRANHOLM, Brookings
OLIVER HEISMEYER, Estelline
VERNELL JOHNSON, Hartford

THEODORE AHRENS, Bryant, Chairman
WILFORD ANDERSON, La Bolt, Vice-Chairman
HAROLD HARTENHOFF, Bushnell, Secretary

EDWIN RUDD, Colman
WALTER H. SCHWANKE, Watertown
LAWRENCE C. SWANSON, Canton
WENDELL WISCHER, Sioux Falls

JERRY L. SIEGEL
Manager-Treasurer

Office
524 SEVENTEENTH AVE.
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE 692-5185

June 16, 1975

Burton Jones
Water Rights Division
Department of Water Resources Development
Office Bldg. #2
Pierre, SD 57501

Dear Burton:

Oliver Heismeyer of Estelline, one of the Sub-District Directors, asked me to find out if there were any specified locations of the point of withdrawal in the water rights issued May 21-2 for the Brookings-Deuel Rural Water System.

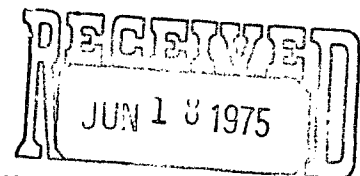
Would you please look this up for me and send the information to Oliver with a copy to this office.

Thank you for your kind assistance.

Sincerely yours,

Jerry L. Siegel
Manager-Treasurer

k
cc: Oliver Heismeyer



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

2275-3
June 20, 1975

Oliver Heismeyer
Estelline, SD 57234

Dear Oliver:

Jerry Siegel indicated you wanted the proposed location of the wells under the Brookings-Deuel and Kingbrook Rural Water Systems.

Well #1- 200' S and 300' W of the NE Corner,
Section 25, T112N, R51W

Well #2- 100' E and 125' S of the W $\frac{1}{4}$ Corner,
Section 19, T112N, R50W

Well #3- 100' W and 125' S of the NE Corner,
Section 24, T112N, R51W

We are also including a sketch map of the area and readings on observation Well #5-9.

Sincerely,

Burton F. Jones
Water Rights Specialist

BFJ/tjb

Enclosure

cc: Jerry Siegel, Manager
East Dakota Sub-District
524 Seventeenth Ave.
Brookings, SD 57006

RECEIVED

JUN 19 1975

DEPT. OF AGRICULTURE

Sioux Valley Concerned

Association

Bruce, S. Dak. 57220
June 19, 1975

Governor Richard F. Kneip
S. D. State Capitol
Pierre, South Dakota 57501

Dear Governor Kneip:

Since hearing constantly of your interest in the future use in S. Dak. of the Missouri River waters, as well as the continual controversy regarding the Oahe waters, the Sioux Valley Concerned Association feel you should be apprised of the recent action taken by your appointed Water Resources Commission.

The Kingbrook and Brookings-Deuel Rural Water Association recently applied for a permit on a three-well plot in one confined area, with other options in the same area pending. Many concerned farmers in the Bruce area petitioned the Water Resources Commission and took the time from their busy schedules to appear personally at the hearing. The consensus was that the chairman, Mr. Varilek carried on the meeting in an undemocratic method and was oblivious of the concerns of the farmers who appeared. The permit was granted with the chairman calling for an affirmative vote by his committee.

This Association is not against the Rural Water Association as such, but do object to the unprecedented action in the granting of a permit of this type whereby all water for the Rural Water Association will be coming from one area - channeled to some seven counties, municipalities and another state. Said permit was granted without a thorough groundwater survey of the area, which was recommended by the State Geologist.

We feel this action shows no concern whatsoever for the S. Dak. taxpayers already dwelling on the land, who have tremendous investments involved.

Copy

Page 2 - Governor Richard F. Knelp

The action of the Water Resources Commission is paralleled by the action of the F. H. A. (both local and state) in that we have constantly been given the run-around on any and all issues we have sought to delve into. Even to the extent that we have been called "stupid" by a state salaried employee. If this is conducive to the type of service our governmental agencies provide S. Dak. citizens, we are in a sorry state of affairs.

Sincerely,

STIOUX VALLEY CONCERNED COUNCIL

Wendell Skovlund
Mr. Wendell Skovlund
Corresponding Secretary

WS:ima

South Dakota Environmental Coalition

P.O. Drawer G, University Station,
Brookings, South Dakota 57006

Mr. Verne Butler, Secretary
Department of Natural Resource Development
Pierre, S. D. 57501

Dear Mr. Butler:

Enclosed is a resolution passed by the board of directors of the South Dakota Environmental Coalition at its last meeting. We are concerned that the Water Rights Commission and the Farmers Home Administration saw fit to make it possible for these rural water systems to receive water permits, funding and therefore a construction start in the absence of even the most minimal information--the rate of recharge of the aquifer. We were also dismayed at the report given us that the large delegation of farmers who took time off at a very busy season to travel to Pierre to attend the permits hearing May 21 felt that they were treated unfairly--that the commission was insensitive to their legitimate concerns, that parliamentary procedure was questionable, and that the votes of commission members were biased by the chairman of the commission.

We find it difficult not to compare this situation with that of the Oahe Project. In both cases it is the farmers who are being ignored, by federal and state agencies. In the case of the former (Sioux Valley) the farmers want to irrigate and to retain the possibility of irrigation into the future, and they see irrigation development already slowing down because of the fear of future usurpation of water by the rural water systems. In the case of Oahe, the vast majority of farmers do not want the project; yet it is being rammed down their throats by shortsighted political and business interests. Does state government care about the desires of people actually on the land or must their needs and desires always be subservient to those of more powerful special interest groups?

Very truly yours,


Esther Edie
Chairperson

cc: East Dakota Conservancy Subdistrict
Governor Richard Kneip
National Farmers Union

RECEIVED
JUN 1978
DEPT. OF NATURAL
RESOURCE DEVELOPMENT

South Dakota Environmental Coalition

P.O. Drawer G, University Station,
Brookings, South Dakota 57006

A Resolution

Subject: granting of permits to the Brookings-Duel/rural systems for three wells in the Sioux Valley of northwestern Brookings County by action of the South Dakota Water Rights Commission, May 21, 1975 and Kingbrook

- Whereas a groundwater survey has not been made nor adequate ground water studies conducted nor has an Environmental Impact Statement been filed in compliance with the National Environmental Policy Act of 1969;
- Whereas the recharge rate of the aquifer involved is unknown;
- Whereas the majority of domestic wells in the Sioux Valley of northwestern Brookings County are only sandpoints or are shallow wells and the installation of deeper wells extremely expensive;
- Whereas the soils and water of the area are regarded as highly suitable for irrigation with many farmers having within the past three years invested in irrigation equipment and many more anticipating irrigated farming in the future;
- Whereas the rural water systems expect to serve all their customers' needs including more than 1400 rural households along with several towns from this single aquifer and whereas such service will likely result in the consumptive needs of rural water systems assuming priority over the need of rural land dwellers with the probability of financial, including low land values, and other hardships for residents of the area;
- Be it resolved that the South Dakota Environmental Coalition deplores the action of the S. D. Water Rights Commission in prematurely issuing to the Brookings-Duel and Kingbrook rural water systems permits for three closely spaced wells in northwestern Brookings County, and we petition the Commission to rescind its action pending the completion of adequate groundwater studies.
- Be it resolved also that the South Dakota Environmental Coalition states that the declaration of negative environmental impact filed by the Farmers Home Administration on behalf of the two rural water systems is unacceptable, and the FHA is hereby requested to file an Environmental Impact Statement which shall include an adequate groundwater survey and to hold a public hearing in the area.
- Be it further resolved that the South Dakota Environmental Coalition deplores the practice within the State of South Dakota which allows municipalities to declare "plans" for groundwater 25 miles and farther from the boundaries of said municipalities to the detriment and hardship of persons engaged in agricultural production.
- Be it also resolved that the South Dakota Environmental Coalition opposes the pressures placed upon towns to join the rural water system by the Farmers Home Administration through the threat of the FHA to deny the granting of funds for sewer system construction to towns who wish to construct their own water supply systems.

Esther R. Edie Chairperson

RECEIVED

JUN 16 1975

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Sioux Valley Concerned Association

P. O. Box 311,
Bruce, S. Dak. 57220
June 11, 1975

Mr. Vern Butler, Director
Water Resources Commission
Pierre, S. Dak. 57501

Dear Mr. Butler:

The Sioux Valley Concerned Association has gone on record as opposing the recent grant by the South Dakota Water Resources Commission of a permit to the Kingbrook and Brookings-Deuel Rural Water Systems for three wells in one small, confined area - with options on other areas nearby pending. Said wells to serve, at this date, an unlimited number of users over an unlimited time span. Said wells have also been placed extremely close to already existing domestic and irrigation wells.

For the record, we send you this formal complaint, as such:

1. No definite survey has been made to determine groundwater capacity or recharge capabilities of the aquifer.
2. No concern was shown for present water users (whether domestic or irrigation) by issuing of a permit, in that when the local wells are reduced to inefficiency because of the Rural Water Systems' excessive use, the only recourse would be to join their organizations if the users desired water.
3. Present and future irrigation needs are unlimited in this area and being advanced continually. With agriculture as South Dakota's number one industry, it should be shown consideration both in future water-needs planning, as well as from the financial outlook of the state's economy and that of the farmers owning the land and equipment.
4. The National Environmental Policy Act of 1969 has not been properly filed.
5. The action of allowing permits for rural water systems of this type could result in a precedented action for any and all future commercial users.
6. Municipalities are encouraged to participate in the Rural Water System, as well as that of neighboring states. South Dakota water would

consequently be taken from the state and sold to another - hence lost.

7. Whereby the Missouri River is within our boundaries and the water is there for use before it passes on, it is felt consideration should be given to this aspect also. The feasibility of using water that would ultimately go to another state rather than using groundwater and transporting it to another state, appears sound.

We hereby request that the Water Resources Commission rescind its action of granting a permit to the Kingbrook and Brookings-Deuel Rural Water Systems in order to re-evaluate the entire situation and consider how the use of the water from one small area could affect the long-term needs.

In so submitting this request, we respectfully ask that you bring this letter and its contents to the attention of any and all necessary so that consideration may be taken of the issue at hand and that it be resolved for the best interests of all parties.

Thank you for your kind attention to this request.

Sincerely,

SIOUX VALLEY CONCERNED ASS'N.

A handwritten signature in cursive script, reading "Wendell Skovlund".

Mr. Wendell Skovlund
Corresponding Secretary

c.c. Jerry Siegel

Environmental Protection Agency

WS:ck

June 17, 1975

Mr. Wendell Skovlund
Corresponding Secretary
Sioux Valley Concerned Assoc.
P. O. Box 311
Bruce, South Dakota 57220

Dear Mr. Skovlund:

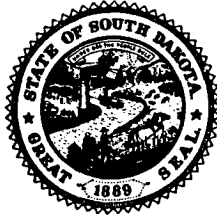
I have received your letter of June 11, 1975, requesting the Water Rights Commission to rescind its action granting a water right permit to the Kingbrook and Brookings-Deuel Rural Water systems.

Copies of your letter have been forwarded to each of the Water Rights Commissioners.

Very truly yours,

Vern W. Butler
Acting Chief Engineer

VWB:yjl



2273-3
RECEIVED

JUN 3 0 1975

**DEPT. OF NATURAL
RESOURCE DEVELOPMENT**

STATE OF SOUTH DAKOTA

**RICHARD F. KNEIP
GOVERNOR**

EXECUTIVE OFFICE

**PIERRE
57501**

June 27, 1975

**Mr. Wendell Skovlund
Corresponding Secretary
Sioux Valley Concerned Association
P. O. Box 311
Bruce, South Dakota 57220**

Dear Mr. Skovlund:

Thank you for your letter of June 19th. Your objection to the granting of a water right to the Kingbrook and Brookings-Deuel Rural Water System is of concern to me, if indeed, the allegations are as you say.

The water right laws of this state are quite specific and do provide the means for a public notice and public hearing to bring out all of the facts and issues surrounding a given application. The men who serve on the Water Rights Commission are there to conduct a fair and impartial hearing and to reach an equitable decision based upon the water right laws and the facts surrounding the situation. The Commission must, of necessity, rely upon the technical capability and recommendations of its staff in addition to the information presented at the hearing. Commission decisions are referable to the courts.

I have been informed that the permit in question is for a water supply for the initial phase of the Brookings-Deuel System and the initial phase of the Kingbrook System. The Big Sioux aquifer was known to have a water supply in adequate quantity and satisfactory quality to meet the needs of the first phase development. Other well sites more advantageously located will be considered for later phases.

I regret any misunderstanding and improper handling of legitimate questions on the part of yourself or others of your group. I have always and will continue

RECEIVED

JUL 3 1975

**DEPT. OF NATURAL
RESOURCE DEVELOPMENT**

July 2, 1975

**Ms. Esther Edie, Chairperson
South Dakota Environmental Coalition
P. O. Drawer G. University Station
Brookings, South Dakota 57006**

Dear Ms. Edie:

The South Dakota Environmental Coalition's resolution concerning the granting of water right permits to the Brookings-Deuel and Kingbrook rural water systems has been received. A copy of this resolution is being made available to the Water Rights Commission for their consideration.

As you are aware, the water right statutes of this State are rather detailed in meeting the legislative policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable. The right to the use of water may be acquired by appropriation in the manner provided by law. The Water Rights Commission is charged with the responsibility to administer these laws as equitably and fairly as possible.

I have been informed that the Water Rights Commission listened to delegations on about 20 of the 76 water right applications considered on May 21st. Unfortunately, not all delegations could be heard within the normal afternoon working hours so the Commission continued into the evening to give everyone an opportunity to make statements and present testimony. It was only after listening to this testimony that the Commission made its decision.

Your interest and concern in bringing this matter to my attention is appreciated and with every best wish, I remain

Sincerely,

**RICHARD F. KNEIP
GOVERNOR**

**cc: Mr. Elvern Varilek, Chairman
Water Rights Commission
Route 3
Geddes. SD**

bcc: Vern Butler

Mr. Wendell Skovlund
Page Two
June 27, 1975

to strive to lead State employees toward meeting an issue squarely and providing a courteous answer to any question that is raised.

With every best wish, I remain

Sincerely,

RICHARD F. KNEIP
GOVERNOR

RFK/brd

cc: Mr. Elvern Varilek, Chairman
Water Rights Commission

Mr. Vern Butler, Secretary
Department of Natural Resource Development

2275-3

LEWAYNE M. ERICKSON, P.C.

A PROFESSIONAL CORPORATION

ATTORNEY AND COUNSELOR AT LAW

316 FOURTH STREET

BROOKINGS, SOUTH DAKOTA 57006

LEWAYNE M. ERICKSON

July 16, 1975

PHONE (605) 692-6158

RECEIVED

JUL 18 1975

DEPT. OF AGRICULTURE
RESOURCE DEVELOPMENT

Mr. Jerry Siegel
East Dakota Conservancy Subdistrict
524 17th Avenue
Brookings, South Dakota 57006

Re: Water Survey

Dear Jerry:

Please be advised that we were somewhat disappointed in the extent of the survey which was contemplated for the area north of Bruce, South Dakota that was reported to us in a meeting held at your office on the 11th day of July, 1975.

It is apparent that the only objective of the survey is to determine the thickness of the aquifer or the thickness of the glacial deposits of sand and gravel. We have been advised that we should be able to secure from this survey the exact thickness of the outwash at each spot where the rural water systems are contemplating a placement of a well.

Our clients are also interested in the pumping rate. We notice that the permit allows three cubic feet per second and we were advised at your office that that calculates out to 1,344 gallons per minute. We are concerned about the maximum usage as well as the average usage of water. What is the possible future use of water from this site? For what water usage are the water lines constructed and even though three wells are now planned how many wells are anticipated in the future? We understand that the rural water systems have arranged for electrical wiring for at least four well sites.

We would further suggest that the area north of Bruce is a proper area in which to have a study via an electrical resistance capacitance model for the area north of Bruce similar to the one prepared for the area north of Sioux Falls. It is from this that a determination can be made as to the future

Mr. Jerry Siegel
- Page Two -
July 16, 1975

capacity of the area as well as being able to predict that future drawdown of one well against another.

We are also wondering how many observation wells, if any, are contemplated by the rural water systems.

As indicated at the time of the meeting, our several clients are also concerned about the quality of the water. What effect will drawing out do to the quality of the water in the subject area? What type of quality monitoring system, if any, are the rural water systems planning on since much of their commercial usage of this water will be within the various residences of retail customers?

We are also concerned about the extent of the flow of the Sioux River and how same will be affected by the addition of these wells and other wells within the area as they become active. How many additional wells can be handled in this area north of Bruce and what plans are there, if any, to monitor the flow of the Sioux River? We understand from ASSAD BARARI that reliable records can be kept and collected for a period of five years to get some future prediction but that extraordinary occurrences such as the extreme rains in or near Fargo, North Dakota will destroy the average quite radically.

We also recognize that there is perhaps a great deal of cost involved in this. We do not know the source of the funds of your organization but we do understand that the funds available to your organization are from tax dollars for the most part and that one of your principal functions is to provide data of the type and quality which are sought by these suggested tests and/or objectives outlined above.

Some of the items have some obvious costs but most of this concern if not all of the concern has developed because of the invasion of this area by the rural water systems for the purpose of securing a good quality water for eventual sale to their customers.

In the absence of the information requested above, we are wondering how the Water Resources Commission is going to determine what pumps should be shut down and when the rural water system pump should be shut down because prior authorized wells have run dry if such an event should develop. Without the capacitance model, it is unlikely that any of the Water Rights Commission representatives

Mr. Jerry Siegel
- Page Three -
July 16, 1975

could pinpoint the wells and/or subsequent wells creating the eventual problem.

You are also well aware that many of the wells if not all are either sandpoint or extremely shallow wells and that the water extracted therefrom are by centrifugal pumps which have a very limited capability for drawing water out if the draw-down should develop into more than what is now anticipated.

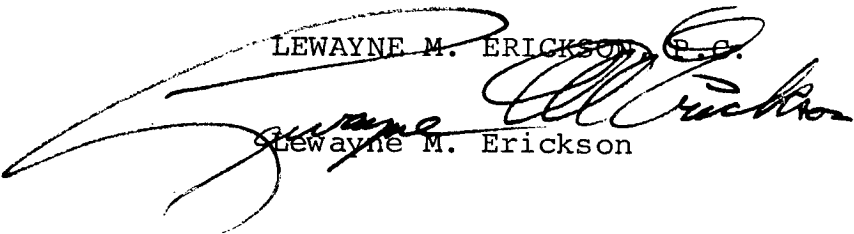
We were advised on the 2nd of June, 1975, that we would be provided with a copy of the minutes of the Water Rights Commission meeting in which the permits for the rural water systems were considered but we note that we have not received same to this date. We are wondering if you would be in a position to help us secure a transcript as we requested of that office.

In any event, we would appreciate a response to this letter by return mail from either you and/or the rural water system as to the matters questioned above as to pumping rate, the installation of an electrical resistance capacitance model, the number of observation wells, the manner of monitoring the quality of the water and the manner of monitoring the flow of the Sioux River. Your prompt attention to this matter will be sincerely appreciated.

Thank ;you very much.

Sincerely,

LEWAYNE M. ERICKSON, P.E.


Lewayne M. Erickson

LME:jp

cc: William Dempsey
Alec Vedvei
Water Rights Commission
Assad Barari

2275-3

RECEIVED

JUL 31 1975

**DEPT. OF NATURAL
RESOURCE DEVELOPMENT**

July 29, 1975

Mr. and Mrs. Robert Houser
Route 2, Box 2
Bruce, South Dakota 57220

Dear Mr. and Mrs. Houser:

Thank you for your recent letter. The matter of granting a water right to the Brookings-Deuel and Kingbrook rural water systems has previously been brought to my attention. Your views on this subject are appreciated.

In reviewing this matter, I found that the Water Rights Commission is charged with the responsibility to administer the water right statutes in a rather detailed manner. The water right statutes of this State are detailed in meeting the legislative policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable. The right to use water may be acquired by appropriation in the manner provided by law. Thus, the rural water systems applied for and received the right to use a certain amount of water with diversion from a certain location. A landowner and potential irrigator would have this same right to apply for a water right permit.

The rural water systems are designed to help the farmers and residents in an area by providing adequate quantities of satisfactory quality water to meet household and livestock needs. They are financed partially from federal loan and grant funds but also from State grant funds and local assessments. It is believed the furnishing of good quality water in adequate quantities will greatly benefit the rural quality of life for a great many people. It is also believed there are adequate safeguards in the State's water right laws to protect the individuals' water supplies.

If you have further questions on this matter, do not hesitate to contact the Department of Natural Resource Development directly. With every best wish, I remain

Sincerely,

**RICHARD F. KNEIP
GOVERNOR**

cc: Vern Butler, Secretary, Dept. of Natural Resource Development

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Post Office Box 821
Huron, South Dakota 57350

ATTN: Mr. Wilson

September 17, 1975

Mr. John Green
Regional Administrator
U. S. Environmental Protection Agency
1860 Lincoln Street
Denver, Colorado 80203

RECEIVED

SEP 19 1975

DEPT. OF AGRICULTURE
RESOURCE DEVELOPMENT

Re: BROOKINGS-DEUEL RURAL WATER SYSTEM

Dear Mr. Green:

Subsequent to your letter of August 6, 1975, we have prepared a second environmental impact assessment.

You will realize that FmHA instructions require us to make an environmental impact assessment immediately after receiving an application from either a rural group or a municipality. At that time, and based on past operations, we had no idea that the controversy over a water source would develop to the extent that now exists.

The replacement assessment we attach does not tell all we know about the situation. For instance, one of the stronger opponents originally agreed to allow construction of water wells on his property provided our applicant would do so on a royalty basis. In other words, he proposed to sell a commodity that belongs to the state of South Dakota, somewhat in the manner a landowner would collect a royalty from an oil well. When his offer was rejected, he immediately developed strong antagonism towards the project and set about organizing neighbors and environmental groups to combat the project. They have consistently refused to argue the case on the basis of facts and information but continue to consider the water under their area as static rather than transient and as a personal asset rather than a state asset. They even question the resource is renewable.

It is our suspicion that these persons find the present-day atmosphere surrounding environmental matters encouraging in that it gives them access to the press and the public and provides a free platform from which they obtain a great deal of personal gratification. We very much suspect your agency, far more than ours, is plagued by these same situations.

*Farmers Home Administration is an Equal Opportunity Lender.
Complaints of racial or ethnic discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250*

Mr. John Green
September 17, 1975
Page 2

We have been urging, and the local attorney is considering, legal action against these groups. With a rural water system, the normal gestation period is two to three years. This is assuming everything goes smoothly and funding can be arranged without unusual delay. A situation as we face here can easily threaten the viability of the entire project. Feasibility is marginal at best. We have already put significant grant money into the project and any increase in loan to offset cost increases due to delay would put user rates at levels we could not tolerate as a lender. It has been our experience that pushing water rates beyond a certain maximum level is counter-productive and the consumption of water will fall off until gross revenues go down as rates go up. The exact turning point differs from one area to another and is very difficult to define or identify. Most certainly we would not want to increase water rates for the Brookings-Deuel system until time has proven the users willingly buy water in predicted quantities at present rates.

This exact same situation has developed in another part of the state. Farmers and ranchers located on a sizable aquifer in southern Tripp County have organized and are vigorously opposing a well field being developed in their area.

We contacted the State Geologist yesterday. They may not have sufficient time to complete their test pumping and aquifer analysis work by the September 30 date. Mr. Madden of DeWild, Grant, Reckert & Associates has proposed the public meeting you have requested. They thought they would know by the latter part of next week whether or not drilling and pumping progress had been rapid enough to get the work done. For the time being, we will continue to assume a public meeting on this matter will be held on September 30 as arranged by Mr. Wilson and Mr. Madden.

Sincerely,



ROBERT C. SWARTOUT
Chief, Community Programs

Attachment

cc William Dempsey, Chairman, B-DRWS
SD Dept. of Natural Resource Development
County Supervisor, FmHA, Brookings, SD
District Director, FmHA, Sioux Falls, SD

FROM

Berne Butler

Water Resources Commission

Pierre, S. D. 57501

RETURN TO

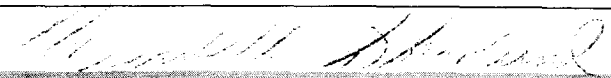
SIOUX VALLEY CONCERNED ASS'N.

SUBJECT duplicating of transcripts of WRC meeting.

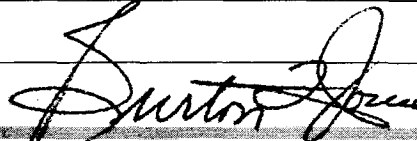
DATE 6 / 19 / 75

MESSAGE

This is to certify that we have authorized Mrs. Gladys Gifford, in behalf of the Sioux Valley Concerned Association, to duplicate transcripts of the Water Resources Commission meeting whereby permits were granted to the Kingbrook and Brookings-Deuel Water Systems. This is also in accordance with the initial contact made by our attorney Mr. Erickson

RETURN TO  previously with your office. SIGNED **REPLY**

WE ARE ENCLOSING A COPY OF THE MINUTES OF THE WATER RIGHTS COMMISSION MEETING OF MAY 21-22, 1975. MRS. GIFFORD HAS CONTACTED US AND HAS BEEN GIVEN PERMISSION TO COPY THE TAPES.

SIGNED 

DATE

7 / 28 / 75

SEND PARTS 1 AND 3 WITH CARBON INTACT - PART 3 WILL BE RETURNED WITH REPLY.

Rediform® 4S 472

Poly Pak (50 sets) 4P472

ENVIRONMENTAL IMPACT ASSESSMENT

Second Assessment - Replaces February 1973 Assessment

STATE
South Dakota
COUNTY
Brookings

I. Name of Applicant:

Brookings-Deuel Rural Water System

Address of Applicant:

White, South Dakota 57276

II. Description of development: Name, Location, Scope, Type of Service to be Rendered, Number of People to be served and Population of Area. **Rural water distribution system including wells, treatment facilities as required, elevated and ground storage reservoirs, pumping units and distribution mains. Up to 700 potential user hookups. Area population about 29,247 which includes all of Brookings and Deuel Counties.**

III. Estimated development cost:

\$ 3,817,000

IV. Source and estimated amount of funds:

FHA Loan **\$ 2,613,000**

Local **\$ 133,000**

FHA Grant **\$ 826,000**

State grant **240,000**

Other Federal Agencies (indicate Agency and Amount):

None

V. Other Federal Agencies likely to provide Assistance other than Financial:

Extension Service

NEA

VI. Describe Local Public Opinion, Attitude, and reaction to the proposed Development: **The word local is difficult to define when working with a sprawling rural water system. Out of 900 potential farm customers in the service area, in excess of 700 paid in a substantial initial contribution to obtain service. Obviously, local opinion is preponderously in favor of the project.**

VII. Have any controversial issues regarding the proposed been noted?

☒ YES

☐ NO

(If Yes, explain): **An adequate source of good quality water has become very controversial since the date of our prior assessment. Basically, landowners living over the Big Sioux aquifer have become protective of what they consider a private resource and have organized. Further, they have managed to engage the interest and support of environmentalist groups.**

VIII. Will the project cause undesirable kinds and quantities of odors, gases, smoke, dirt, vapor or other emissions to be released into the air?

☐ YES

☒ NO

(If Yes, explain):

IX. Will the project require the use of water in short or critical supply?

☐ YES

☒ NO

(If Yes, explain): **A "no" answer is correct but is the basis for the entire controversy. Please review attachment "A".**

X. Will the project result in the generation of a waste disposal problem?
(If Yes, explain): ☐ YES ☒ NO

XI. Will the project result in an undesirable housing development pattern?
(If Yes, explain): ☐ YES ☒ NO

XII. Will there likely be any controversy over location of treatment facilities?
(If Yes, give complete details): ☐ YES ☒ NO

XIII. Other Comments and Recommendations: That action be taken to resolve the issue in sufficient time to prevent delays that are extremely dangerous to a project of this type under present-day economic conditions.

XIV. Assessment submitted to State Director by:

Robert C. Swartout

Name of FHA Official

P. O. Box 821

Huron, South Dakota 57350

FHA Office Address

/s/ Robert C. Swartout

Signature

September 16, 1975

Date

XV. Determination by State Director:

The environmental assessment of this project indicates that:

☐ 1. An environmental impact statement is needed and will be prepared by

(Name of Agency)

☒ 2. An environmental impact statement is not needed.

Archie Gubbrud

Name of State Director

P. O. Box 821

Huron, South Dakota 57350

Address of State Director

/s/ Archie Gubbrud

Signature of State Director

September 17, 1975

Date

Form DWA 440-46
September 16, 1975

ATTACHMENT "A"

First, the State Water Resources Commission has issued the required water right. They did so on the basis of State law which clearly places domestic use in a senior priority position. State law, further, clearly retains title to and control of ground water supplies. A landowner cannot drill and operate a pump irrigation system without applying for and receiving a water right expressed in cubic feet per second. In our opinion, the State would have no recourse but to deny all future irrigation water right applications in the Big Sioux basin if they were to deny the domestic withdrawals asked by our applicant.

Second, our initial assessment was based on discussions with representatives of the State Geologist, State Department of Natural Resource Development, State Department of Environmental Protection, and the East Dakota Conservancy Sub-District. We were further aware that the State maintains and monitors 38 observation wells throughout the 200 mile length of the aquifer. We realized that Watertown, Castlewood, Estelline, Brookings, Flandreau, Egan, Trent, Sioux Falls, Harrisburg, Canton, Hudson, Lincoln County Rural Water System, Big Sioux Community Water System, and the Sioux Rural Water System, plus many farmers, draw domestic supplies from this aquifer. The combined populations of the present users would comprise better than 25% of South Dakota's population.

A large number of irrigation wells operate out of the Big Sioux aquifer and the State routinely issues additional permits, obviously indicating withdrawals are not considered excessive. If there is an aquifer in South Dakota that does not need further study, it is the Big Sioux. Any excess of withdrawal over recharge would be immediately noted at dozens of points. If the controversy that exists results in any delay to which damages and increased construction costs can be attributed, we would recommend suit be brought against those responsible.

Third, we strongly recommend against any type of equivocation in the face of such overwhelming technical evidence that withdrawal rates needed to supply this system are insignificant either locally or over the length of the aquifer. In this instance, insistence on a so-called "study" would be as damaging as an outright rejection. Time lag would result in increased construction costs, deterioration of applicant leadership, and incalculable costs to individual members as they attempt to find short or long-term solutions to their individual water problems.

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ATTACHMENT "A" - Page 2

Finally, we believe care must be used by persons in administrative positions in defining or identifying an actual controversy. This situation does not fit our definition. There is not enough basic evidence in support of the project opposition to justify threatening system proponents with loss of project feasibility. Any success in stopping or delaying this project would have a serious impact on water development in the entire state. It is important that a proper precedent be established.

State of South Dakota

Water License No. 5079-3

(1) Brookings - Deuel & Kingbrook Rural Water System
of Box 810, Brookings, South Dakota
made Application No. 5079-3, December 20, 1985 for a water permit to ~~appropriate~~ ^{develop}
*0.80 cubic feet per second of ^{/reserved} water from groundwater (one well),
Brookings County, South Dakota for rural water system purposes.
Permit No. 5079-3, with a priority date of June 6, 1977
was approved March 5, 1986 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and for the application to beneficial use of said
water ~~on or before~~ completed.

***This water was appropriated and reserved by future use Permit No. 3982-3.**

The applicable portions of Water Permit No. 2275-3 have been incorporated into this Water License No. 5079-3. Wells No. 1, 2 & 3 and a diversion rate of 2.10 cfs as authorized under Permit No. 2275-3 will retain a priority date of May 5, 1975. Well No. 4 and a diversion rate of 0.80 cfs as reserved by Future Use No. 3982-3 will retain a priority date of June 6, 1977.

and

(2) It is certified that the application 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 2.90 cubic feet per second of water for beneficial use. The location of the diversion point(s) is are Well #1 - 200' south 300' west of NE Corner Section 25; Well #3 - 100' west, 125' south of NE Corner Section 24; Well #4 - 2450' west, 180' south of NE Corner Section 24 all in T112N, R51W; Well #2 - 2515' north, 100' east of SW Corner of Section 19, T112N, R50W.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, water is diverted through the rural water distribution
system.

(4) Pursuant to §46-5-30.1 Brookings - Deuel & Kingbrook Rural Water System
of P.O. Box 810, Brookings, South Dakota 57006

the holder(s) and/or owner(s) of Water Permit No. 5079-3 is issued a license to appropriate water, the right to use
2.90 cubic feet per second of water from groundwater (4 wells) with a priority date
2.10 cfs from May 5, 1975 and
of 0.80 cfs from June 6, 1977 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 rural water system use

This license is subject to any limitations or qualifications listed in Water Permit No. 5079-3 and subject
to South Dakota State Law.



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

JOHN HATCH

JUL 23 1986