

No. 2455-3

Water Division No. 3 Big Sioux River  
(Blanks to be filled by the Engineer for the W. R. C.)District  
STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

# VESTED RIGHT APPLICATION FOR PERMIT

## To Appropriately Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Sioux Falls, South Dakota  
Postoffice address Sioux Falls, County Minnehaha, State So. Dakota

### I. If a corporation Municipal Corporation

- (a) Name of corporation -----  
(b) Date and place of incorporation -----  
(c) Amount of capital stock -----  
(d) Amount paid in -----  
(e) Names and addresses of directors Fay Winkelson, Mayor  
John M. Browning, Commissioner  
Bert T. Yeager, Commissioner

(NOTE—A certified copy of articles of incorporation must accompany the application.)

### II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)  
Completed by contract  
(b) Cash on hand, \$ none (c) Treasury stock, \$ none  
(d) Bonds to be issued, \$ none (e) Other resources, \$ none

2. Name of diversion work Well No. 14  
3. Amount of water claimed Max. cap. well cubic feet per second 1.559  
4. Source of water supply Ground Water  
5. Location of point of diversion T101N R60W 1, 715 So. Ctr. Sec. 4, 2, 575 West 1/2 Sec. 4  
----- on ----- bank Minnehaha County.  
6. Annual period or periods during which water is to be used Continuous  
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? -----  
(a) Number of acres to be irrigated ----- acres.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (b) Legal subdivisions to be irrigated -----  
(c) Statement as to domestic use (giving location, etc.) -----

### II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Municipal water supply  
----- Name any of the above uses claimed  
(b) Amount of power to be generated ----- horse power.  
----- Amount claimed for engine cooling  
(c) Location of plant -----  
(d) Method of developing power -----  
(e) Point where water will be returned to stream Sioux Falls Sewage Treatment Plant

8. Estimated cost of work: (To be shown on Form 2A)

(a) Head Gates, \$..... (b) Pumping plant, \$.....  
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....  
 (e) Other structures ..... \$..... Total, \$.....

9. Description of diversion works: (To be shown on Form 2A)

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....  
 (b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

| DEPTH AT<br>OUTLET-FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|-----------------------|
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |

(c)\* Head gate: Width.....feet; height.....feet;  
 Material.....  
 (d) Canal: Total length.....miles.

| LOCATION BELOW<br>HEADGATE | DEPTH     | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|-----------|-----------------|------------------------|-------------------|
| At.....Mile                | .....feet | .....feet       | .....feet              | .....feet         |
| At.....Mile                | .....feet | .....feet       | .....feet              | .....feet         |
| At.....Mile                | .....feet | .....feet       | .....feet              | .....feet         |
| At.....Mile                | .....feet | .....feet       | .....feet              | .....feet         |
| At.....Mile                | .....feet | .....feet       | .....feet              | .....feet         |
| At.....Mile                | .....feet | .....feet       | .....feet              | .....feet         |

(Give dimensions where reductions in size are made.)

10. ~~Time required for completion of work~~ date completed 1931 years.  
 11. Time required for complete application or ~~later~~ to the proposed beneficial use 1933 years.  
 12. Choice of newspaper for publication of notice of intention to appropriate:  
 (No advertising required for vested rights)

STATE OF SOUTH DAKOTA } ss.  
 County of .....

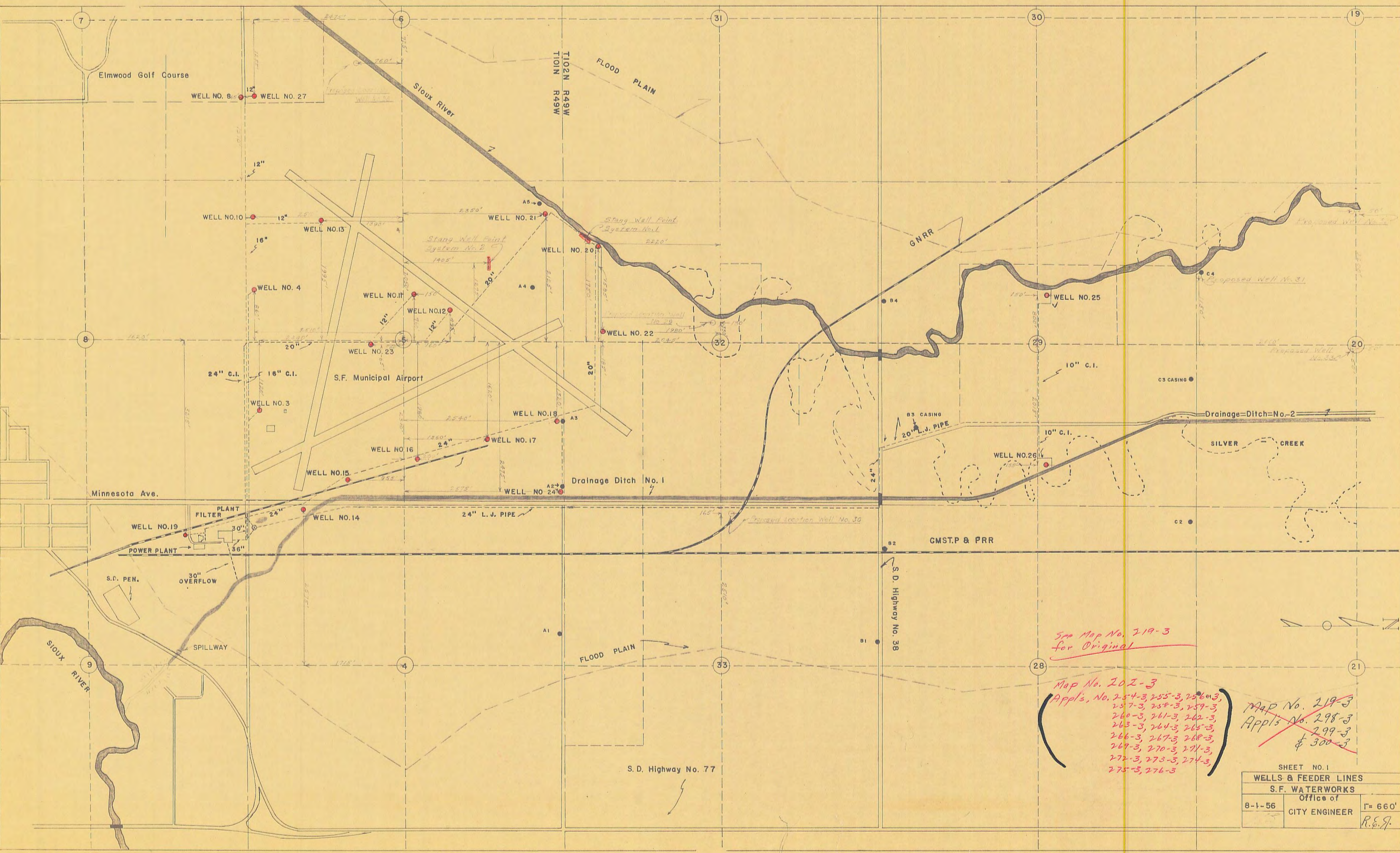
I, ....., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Fay Whoseldon  
 Fay Whoseldon, Mayor

Subscribed and sworn to before me this 1st day of August 1931

Notary Public (or other qualified off  
 Commission Expires April 24

\*Each diversion must have a graduate or measuring device.



See Map No. 219-3  
for Original

Map No. 202-3  
App's, No. 254-3, 255-3, 256-3,  
257-3, 258-3, 259-3,  
260-3, 261-3, 262-3,  
263-3, 264-3, 265-3,  
266-3, 267-3, 268-3,  
269-3, 270-3, 271-3,  
272-3, 273-3, 274-3,  
275-3, 276-3

MAP No. 219-3  
App's No. 298-3  
299-3  
\$ 300-3

|                      |               |          |
|----------------------|---------------|----------|
| SHEET NO. 1          |               |          |
| WELLS & FEEDER LINES |               |          |
| S.F. WATERWORKS      |               |          |
| Office of            |               |          |
| 8-1-56               | CITY ENGINEER | 1"= 660' |
|                      |               | R.E.F.   |

Remarks by State Water Resources Commission:

Tested Right claimed

STATE OF SOUTH DAKOTA  
County of Sanborn } ss.

Pierre, South Dakota, September 11, 1956

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock  
A.m. upon the 2 day of August, 1956

State Water Resources Commission

By:

George H. Prineas  
Chief Engineer, Executive Officer

Tested Right  
Number of permit 263-3

Date of first receipt of application August 10, 1956

Date of return to applicant for correction, amendments or changes required as follows: \_\_\_\_\_, 19\_\_\_\_

Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_

Date from which applicant may claim right 1953, 19\_\_\_\_

Approved September 11, 1956 Recorded in Book 3 Page 221

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before \_\_\_\_\_

Completed, 19\_\_\_\_

2nd. The whole of said work is to be completed on or before Completed, 19\_\_\_\_

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is \_\_\_\_\_

Completed, 19\_\_\_\_

4th. The water appropriated shall be used for the purpose of municipal use

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 155 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 Completed, 19\_\_\_\_; said water to be used during the following described annual period:

Continuously

Witness my hand this 12 day of December, 1956

State Water Resources Commission

By:

George H. Prineas  
Chief Engineer, Executive Officer

Certificate of Construction Issued December 12, 1956

Water License Issued December 12, 1956

Form 2A --- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation ..... 40' ..... , Depth ..... 45.5' .....

Type of casing ..... Concrete .....  
(wood, concrete, steel, etc.)

Size of casing ..... 40' ..... , Thickness of casing ..... 16" .....

Length of casing ..... 45.5' ..... If collection gallery, length, size and depth of  
gallery .....

(b) Screens

Type of perforated screen ..... None .....

Size of perforated screen .....  
(diameter) ..... (length) .....

Thickness of gravel pack ..... , length of gravel pack .....

(c) Water Bearing Materials

Distance to water ..... Character of water bearing materials .....

..... Water bearing sand & Gravel, .....

Thickness of water bearing material .....

(d) Pump and Motor

Type of pump ..... Deep Well Airbine .....  
(cc trifugal, propeller, mixed flow, etc.)

Name of pump ..... Poncha ..... , size ..... 1,200 GPM. ....

Kind of motor ..... Electric .....  
(gasoline, electric, diesel, etc.)

Horsepower 25 ..... , Name of Motor ..... F. M. ....

(e) Complete well

Capacity 700 GPM at drawdown of 10-12 ft. Estimated cost \$25,019

(f) Owner of land upon which well is located City of Sioux Falls, So. Dakota,  
Name

..... Sioux Falls, South Dakota .....  
Address

(g) Distance to nearest existing wells

On same owner's property 73 rods. On property owned by others 80+ rods

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 263-3

WHEREAS, On the 10 day of April A. D. 1956

The City of Sioux Falls

of Sioux Falls County of Minnehaha and State of South Dakota duly made application (No. 263-3) to us for a permit to use 1.55 Vented Right cubic feet per second of the waters of Ground Water County of Minnehaha, State of South Dakota, for Municipal purposes; and

WHEREAS, On the 12 day of December A. D. 1956

Vented Right Permit No. 263-3 was issued to said applicant for the diversion of said water, and recognizing completion of the works of diversion therein described on or before the 12 1956 day and the application to beneficial use of said water on or before the 12 1956 day and,

WHEREAS, On the 10 day of August A. D. 1956

Vented Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.55 cubic feet per second of said waters as evidenced by our Certificate No. 263-3 dated December 12, 1956 confirming the completion of work sufficient capacity for diverting and conveying to the place of intended use 1.55 cubic feet per second of water, with date of priority of 12 1956 and

WHEREAS, On the 10 day of August A. D. 1956

proof was duly made of the application to beneficial use of 1.55 cubic feet per second of said water; in the distribution system of the City of Sioux Falls

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 City of Sioux Falls  
of Sioux Falls, South Dakota the holder and owner of said permit No. 252-3

a water right, dating from 1943 to the use of 1.55  
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 hereinafter mentioned, to be diverted at 1,215 feet South and 2,525  
feet West of the C. & N. Cor, Sec 4, T 101N, R 49W

and conducted to ~~any use~~ The residents of the City of Sioux Falls

for the purpose of Municipal use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the  
State, and subject also to the local or community customs, rules and regulations which have been or may be  
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from  
which such water may be taken, when such rules and regulations have for their object the economical use of such  
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 12 day of December A. D. Nineteen  
Hundred and fifty-six

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ c. f. s.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

DATE MICROFILMED

Permit No. 263-3

Water Division No. 2 E13 Sioux River  
Water District

## Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That ..... The City of Sioux Falls

of Sioux Falls, County of Minnehaha, and State of South Dakota, the holder of Permit No. 263-3 issued upon Application No. 263-3, bearing date of priority of 1943, authorizing the diversion of 1.55 cu. ft. per second of the waters of Ground water County of Minnehaha, State of South Dakota, at 1.715 feet South and 2.575 feet West of the C1 Cor, Sec 4, T 101n, R 49E.

for \_\_\_\_\_ Municipal

purposes, has fully 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 ----- 1.55 ----- cu. ft.  
per second of water; and that the said works are not regulated by or under or subject to any other law or regulation.

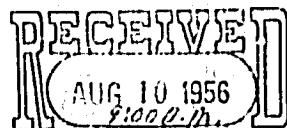
to-wit: To furnish municipal water for the distribution system of the  
City of Sioux Falls

Witness my hand this 12 day of December A. D. 1956

State Water Resources Commission

iv

**J. W. Orimes,** Chief Engineer, Executive Officer

Location No. 268-3Water Division No. 3 City of Sioux Falls Water DistrictSTATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## Proof of Application of Water to Beneficial Use

WELL No. (14)

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. R. E. Bregstad, City engineerSioux Falls, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. City of Sioux Falls, South Dakota

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. -----

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. See Form 2 for information.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. See Form 2A for information.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Municipal water supply

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. -----

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 550 GPM.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. -----

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Since 1911 the city of Sioux Falls has constructed various walls for its Municipal Waterworks. Usage has varied from 4.0 to 18.2 million gallons per day. See Forms 2 & 2A for existing walls.

(Sign) Ch. S. Sargent

I hereby certify that the foregoing testimony was read to the above subscriber before, its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Sioux Falls, County of Minnehaha

State of South Dakota, on this 1st day of August A. D. 1956

B. E. Jones, Jr. } Witnesses. W. B. Sargent  
J. A. Sargent } My Commission Expires April End, 1959

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

J. A. Sargent

|                    |                                                    |                    |                                      |                            |                         |                                     |                                 |                         |                          |
|--------------------|----------------------------------------------------|--------------------|--------------------------------------|----------------------------|-------------------------|-------------------------------------|---------------------------------|-------------------------|--------------------------|
| Location No. _____ | PROOF OF APPLICATION OF<br>WATER TO BENEFICIAL USE | PETITION OF HOLDER | Amount of Water <u>1.56</u> c. f. s. | Source <u>Ground Water</u> | County <u>Minnehaha</u> | Purpose <u>Municipal Waterworks</u> | Place of Use <u>Sioux Falls</u> | Date of recording _____ | Received and filed _____ |
|--------------------|----------------------------------------------------|--------------------|--------------------------------------|----------------------------|-------------------------|-------------------------------------|---------------------------------|-------------------------|--------------------------|

## SOUTH DAKOTA

## VESTED WATER RIGHT NO. 263-3

Date of Receipt of Claim August 10, 1956.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 263-3 for the City of Sioux Falls Water Department, 224 W. 9th Street, Sioux Falls, South Dakota 57102 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 263-3 appropriates 1.55 cubic feet per second of water from a well located in the SW1/4 SW1/4 Section 4, T101N, R49W.
2. The appropriated water is used for supplying water for the City of Sioux Falls and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period:  
January 1 - December 31

3. The priority date of the Vested Water Right is: January 1, 1943
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

## WATER MANAGEMENT BOARD

By: \_\_\_\_\_

  
Chief Engineer

MAR 15 1993

\_\_\_\_\_  
date

Division of Water Rights  
Dept. of Environment and Natural Resources

263-3



MAR 15 1993

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

Lyle Johnson, Water/Wastewater Manager  
City of Sioux Falls  
224 W 9th St  
Sioux Falls SD 57102

Dear Mr. Johnson:

The Water Management Board on September 30, 1992, validated the enclosed Vested Water Right Claims. These validations give legal status to the claims and are the final document for the City's vested rights. Several of the water licenses were reissued to reflect the correct location of the diversion point as validated by the Board.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Hatch', is written over the typed name.

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

enclosures

263-2

City of  
*Sioux Falls*



CITY OF SIOUX FALLS  
PUBLIC WORKS

Providing a Better Quality of Life for You!

Administration/GIS  
224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8600 F: 367-4605

Engineering/Real Estate  
224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8601 F: 367-4310

Environmental  
1203 North Western Avenue  
Sioux Falls, SD 57104-1201  
T: 605-367-8276 F: 367-4886

Fleet Management  
1000 East Chambers Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8240 F: 367-8239

Household Hazardous  
Waste Facility  
1015 East Chambers Street  
Sioux Falls, SD 57104-7200  
T: 605-367-8695 F: 367-4993

Landfill  
224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8162 F: 367-8167

Light  
2000 North Minnesota Avenue  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-7006 F: 367-8306

Street  
1000 East Chambers Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8255 F: 367-7010

Utility Billing  
1201 North Western Avenue  
P.O. Box 7401  
Sioux Falls, SD 57117-7401  
T: 605-367-8131 F: 367-7341

Utility Maintenance  
668 West Algonquin Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-7020 F: 367-7883

Water Purification  
2100 North Minnesota Avenue  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-7025 F: 367-8475

Water Reclamation  
4500 North Sycamore Avenue  
Sioux Falls, SD 57104-9612  
T: 605-367-8188 F: 367-8484

August 23, 2016

Eric Gronlund  
Water Rights Program, DENR  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

Subject: Well Standby Status

Dear Mr. Gronlund,

The City of Sioux Falls has existing water rights to the Sioux Falls unit of the Big Sioux Aquifer. Water samples from a number of wells in the Big Sioux Aquifer were sampled, analyzed, and were found to have contaminants listed as Perfluoroalkyl substances or PFAS's. This man-made chemical has been used to keep food from sticking to cookware, to make sofas and carpets resistant to stains, to make clothes and mattresses more waterproof, and may also be used in some food packaging, as well as in some firefighting materials such as firefighting foam. Some products that use or used PFAS's include dental floss, non-stick cookware, microwave popcorn bags, pizza boxes, fast food wrappers, outdoor gear with durable water resistant coatings, shampoo, nail polish, facial moisturizers, and eye make-up. Drinking water is only one of many potential sources where a consumer may be exposed to PFAS's.

As a result of the sampling a total of 19 wells have been found to have PFAS contamination. These wells are located in an area south of 60<sup>th</sup> Street North, east of the Big Sioux River, west of the diversion channel. All wells impacted are within the boundaries of the Sioux Falls Regional Airport.

The Water Division is formally requesting support and approval from the Water Rights Chief Engineer to place the 19 contaminated wells in stand-by until further notice. At this time the Sioux Falls water plant does not have a treatment technology to remove the PFAS contamination from the source. The Water Division also does not have the means or methods required to remove the PFAS contamination from the Big Sioux Aquifer water. The Water Division is actively looking for options to respond to this challenge. At this time nothing has been identified.

RECEIVED

AUG 26 2016

WATER RIGHTS  
PROGRAM

The Sioux Falls Water Division is asking to place the following wells and water rights in stand-by.

| Well Number | Water Right | Well Number | Water Right    |
|-------------|-------------|-------------|----------------|
| 3           | 256-3       | 20          | 269-3          |
| 4           | 257-3       | 21          | 270-3          |
| 10          | 259-3       | 23          | 272-3          |
| 11          | 260-3       | 24          | 273-3          |
| 12          | 261-3       | 27          | 276-3          |
| 13          | 262-3       | 28          | 298-3          |
| 14          | 263-3       | 29          | 299-3 – 7363-3 |
| 15          | 264-3       | 64          | 5710-3         |
| 17          | 266-3       | 65          | 5710-3         |
| 18          | 267-3       |             |                |

If you have any questions or comments please contact me at 605-373-6940

Sincerely,



Greg Anderson  
Water Superintendent  
Sioux Falls Water Division

RECEIVED

AUG 26 2016

WATER RIGHTS  
PROGRAM



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 29, 2016

Greg Anderson, Water Superintendent  
Sioux Falls Water Division  
PO Box 7402  
Sioux Falls SD 57117-7402

Dear Mr. Anderson:

The Department of Environment and Natural Resources (DENR) is in receipt of your letter dated August 23, 2016. The letter explains that 19 existing wells are to be placed on standby status due to contamination. The city intends for the wells to be held on standby until treatment technology becomes available to treat or remove the contaminant from the source.

Administrative Rule of South Dakota 74:02:01:37.02 found below provides for exceptions to the nonuse of water. This includes water supply maintained for standby purposes provided the water diversion works are maintained in working condition for immediate use upon demand.

**74:02:01:37.02. Exceptions to nonuse of water.** A water supply maintained for either fire protection or standby purposes, or both, is not nonuse of a water permit, right, or vested right if the water diversion works are maintained in working condition for immediate use upon demand. Works to divert appropriated water must include wells equipped with functional motors, pumps, and appurtenances to convey water or functional motors, pumps, and appurtenances to convey water from a surface source, as applicable. Wells that are capped, sealed, or plugged are not standby or fire protection works.

Your letter will be included in the administrative record for each water right associated with these wells.

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
eric.gronlund@state.sd.us