No. 11111Water Division No. 222 District 1
(Marks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

VESTED RIGHT
APPLICATION FOR PERMIT

To Appropriate 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 same -----(b) Date and place of incorporation -----(c) Amount of capital stock -----(d) Amount paid in -----(e) Names and addresses of directors Fay Wheelon, MayorJohn N. Browning, CommissionerBert 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, \$ -----(c) Treasury stock, \$ -----(d) Bonds to be issued, \$ -----(e) Other resources, \$ -----2. Name of diversion work Well No. 243. Amount of water claimed Max Cap. Well cubic feet per second 1471 GFS4. Source of water supply Ground Water5. Location of point of diversion T101N R50W 2, 575' E. Ctr Sec 5; 2, 475 East Ctr Sec. 5----- 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.(b) Legal subdivisions to be irrigated -----

(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.)

(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)

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

11. Dimensions of works:

(a) Dam: Height.....feet; length at bottomfeet; length at top

.....feet; thicknessfeet; thickness at top

feet; slope at front water face; slope at back face

material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FOOT CAPACITY

(c)* Head gate: Width.....feet; heightfeet;

Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE 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 construction.....years.

11. Time required for complete application of water to the proposed beneficial use 1950.....years.

12. Choice of newspaper for publication of notice of intention to appropriate

(No advertising required for vested rights)

STATE OF SOUTH DAKOTA

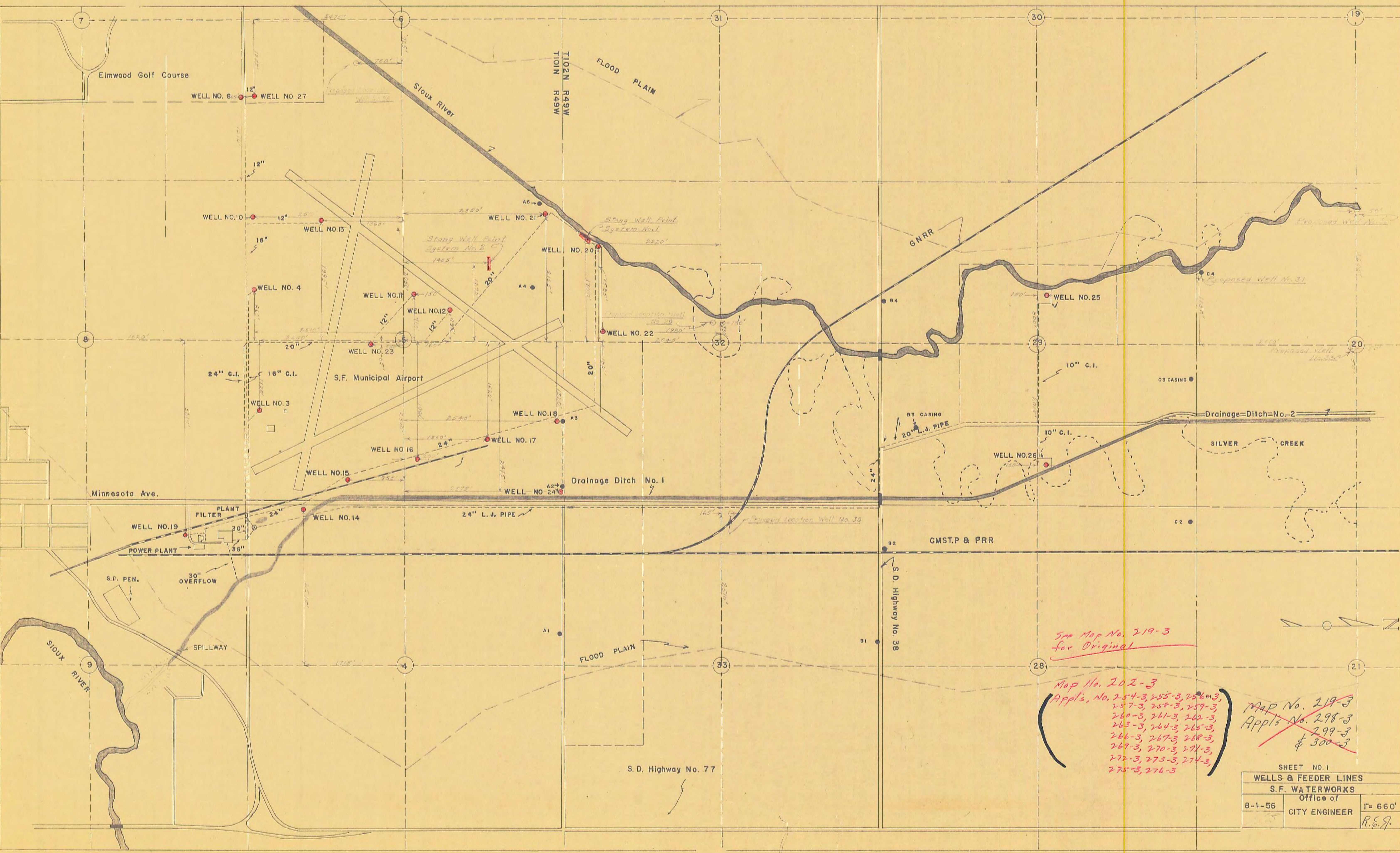
County of}

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
Ray Whouldon, Mayor

Subscribed and sworn to before me this day of August, 1956.

Notary Public (or other qualified officer.)



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
\$ 300.00

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 Obtained

STATE OF SOUTH DAKOTA

County of Brule

} 53.

Pierre, South Dakota, September 14, 1956

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
A.m. upon the 10 day of August, 1956

State Water Resources Commission

By:

J. W. L. Rimer

Chief Engineer, Executive Officer

Tested Right
Number of permit 273-3

Date of first receipt of application August 10, 1956

Date of return to applicant for correction, amendments or changes required as follows: None, 1956

Date of receipt of corrected application None, 1956

Date from which applicant may claim right August 10, 1956

Approved September 14, 1956, Recorded in Book 3 Page 231

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, 1956

2nd. The whole of said work is to be completed on or before Completed, 1956

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

Completed, 1956

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 167 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, 1956; said water to be used during the following described annual period:

Continuously

Witness my hand this 13 day of December, 1956

State Water Resources Commission

By:

J. W. L. Rimer

Chief Engineer, Executive Officer

Certificate of Construction Issued December 13, 1956

Water License Issued December 13, 1956

9 (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 40' , Depth 43.5'

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

Size of casing 40' , Thickness of casing 15"

Length of casing 43.5' , 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 turbine.
(centrifugal, propeller, mixed flow, etc.)

Name of pump Pomona , size 1,200 GPM

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

Horsepower 25 , Name of Motor F.M.

(e) Complete well

Capacity 1500 GPM at drawdown of 10-12 ft . Estimated cost \$31,863.

Owner of land upon which well is located City of Sioux Falls, South 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 1047 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 273-3.

WHEREAS, On the 10 day of August A. D. 1956
The City of Sioux Falls
 of Sioux Falls County of Minnehaha and State of
South Dakota duly made application (No. 273-3) to us for ^{Vested Right} permit to use 1.57
 cubic feet per second of the waters of Ground Water
 County of Minnehaha, State of South Dakota, for Municipal
 purposes; and

WHEREAS, On the 13 day of December A. D. 1956
^{Vested Right}
 Permit No. 273-3 was issued to said applicant, ^{recognizing} ~~XXXXXX~~
 completion of the works of diversion therein described ~~XXXXXXXXXX~~ in 1950 ~~XXXXX~~
~~XXXXXX~~ and ~~XXXX~~ application to beneficial use of said
 water ~~XXXXXXXXXX~~ in 1950 ~~XXXXX~~ ~~XXXXX~~
 and,

WHEREAS, On the 10 day of August A. D. 1956
^{Vested Right}
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.57
 cubic feet per second of said waters, as evidenced by our Certificate No. 273-3
 dated December 13, 1956 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 1.57 cubic feet per second of water, with date of
 priority of 1950 ~~xxx~~ ~~xxx~~

WHEREAS, On the 10 day of August A. D. 1956
 proof was duly made of the application to beneficial use of 1.57 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 Vested Right of Sioux Falls, South Dakota the holder and owner. of said permit No. 123-3 a water right dating from 1950 to the year of 1.67 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 2,525 feet North and 2,475 feet East of the C¹ Cor, Sec 5, T 101N, R 50W and conducted to and ~~xxx~~ 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 11 day of December A. D. Nineteen Hundred and ~~fifty-six~~

State Water Resources Commission

By:

J. W. CRIMEN, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 223-3

Water Division No. 2 Big 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
Vested Right

-----, the holder of Permit No. 273-3, issued upon Application

No. 273-3 bearing date of priority of 1950 authorizing the disclosure of

1.67 cu. ft. per second of the waters of Ground Water

County of Minnehaha, State of South Dakota, at 2,575 feet North

and 2,475 feet E st of the C1 Cor, Sec 5, T 101N, R 50W

_____ for _____ Municipal

purposes, has ⁸ fully complied with the provisions of the laws of the State of South Dakota relating to proof of Vested Right

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 _____ 1.67 _____ cu. ft.

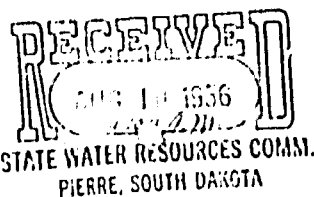
to-wit: To furnish municipal water for the distribution system of the
City of Sioux Falls

Witness my hand this 13 day of December A. D. 1956

State Water Resources Commission

128:

J. V. Grimes, Chief Engineer, Executive Officer

Location No. 745-3Water Division No. 3 Water District 2

Proof of Application of Water to Beneficial Use

WELL No. (24)

PETITION OF HOLDER

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

Ans. E. E. Bragstad, 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. 750 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 wells for its Municipal Waterworks. Pumpage has varied from 4.0 to 18.0 million gallons per day. See forms 2 & 2A for existing wells.

(Sign) *R. E. Brown*

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

R. E. Brown
James A. Brown

Witnesses.

W. H. Brown
My Commission Expires April 2nd, 1960

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.

Frank Brown

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water 1.67 c. f. s.

Source Ground Water

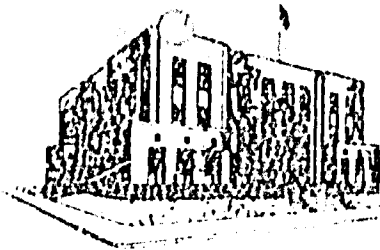
County Minnehaha

Purpose Municipal Water Works

Place of Use Sioux Falls

Date of recording _____

Received and filed _____



SIOUX FALLS

SOUTH DAKOTA

WATER AND LIGHT DEPARTMENT

Dec. 14, 1956

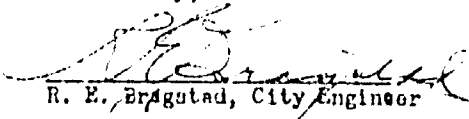
State Water Resources Commission
Pierre, South Dakota

Attention: J. W. Grimes

Dear Sir:

Referring to application for vested rights for 23 wells for the City of Sioux Falls recently forwarded to your office on Form 24 under date of August 10, 1956, it is requested that in order to meet maximum demands during peak periods a total of 35.4 c.f.s. be allocated. This request to be applied to application forms 254-3 to 276-3 inclusive.

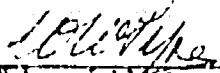
Yours truly,


R. E. Bragstad, City Engineer

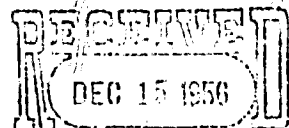
REB:ek

Subscribed and sworn to before me

this 14th day of December, 1956


Notary Public

My Commission Expires _____



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 7, 1991

Lyle D Johnson, Water/Wastewater Manager
Utilities Department
224 W 9th Street
Sioux Falls SD 57102

Dear Mr. Johnson:

This letter is in response to my inspection of the City's water permits/rights completed on January 16, 1991.

Several of the city's permits can be licensed after receipt of the following information:

- 1) Permit Nos. 5127-3 and 5127A-3 (Well Nos. 53 thru 58).
Permit No. 5115-3 (Well Nos. 48 thru 52).
Permit No. 5235-3 (Well Nos. 60 thru 65).

- Sustained pump rate for each well under optimal operating conditions,
- Type and horsepower of the submersible units in each of the wells, and
- Brief description of the distribution system.

I have located a well completion report (copy enclosed) for a well that appears to be north of well No. 58. A copy of the well completion report for well No. 58 is also enclosed. No well was noted north of No. 58 during my inspection. Please explain if the well exists as described on the enclosed report and if the well is being used by the city.

- 2) Permit No. 5202-3 for water impoundment in Silver Creek by the Big Sioux diversion dam. Two units are used with a capacity of 700 gpm each.
 - Type and model no. of the motor and pump with the horsepower.
- 3) Permit No. 5334-3 for the Big Sioux River pump facility.
 - Brief description of the operation of the facility at peak operating capacity.

An application (forms enclosed) needs to be approved to increase the permitted pumping rate to 46.4 cfs and to increase the annual volume of water if you plan to exceed the current 10,000 acre-feet. If approved, No. 5334-3 and the new permit would be issued one water license.

(continued)

February 7, 1991
 Lyle D Johnson
 Page 2 of 3

The following changes are needed to correct errors on the current licenses:

- 1) The following licenses need to have R50W deleted and be reissued for R49W:

cancel RD 5/13/91
 254-3, 255-3, 256-3, 257-3, 258-3, 259-3, 260-3, 261-3, 262-3, 264-3,
 265-3, 267-3, 269-3, 270-3, 272-3, 273-3, 275-3, 276-3, and 274-3 needs
 the same range correction plus should be T102N instead of T103N.

License No. 300-3 needs to have section 32 deleted and be reissued for section 33. The original notice of hearing and application are correct.

License No. 4101-3 needs to have T101N deleted and be reissued for T102N and 2,030 feet east rather than 2,030 feet west. The original notice of hearing is correct.

License Nos. 4098-3, 4099-3, 4100-3, and 4812-3 also need to be reissued to identify the correct location of the wells. The original notices of hearing are correct for each license.

- 2) The notice of hearing for 1306-3 needs to be readvertised to correct a diversion point error (should be NW1/4 NW1/4 instead of NE1/4 NE1/4).

The notice of hearing for 4811-3 needs to be readvertised to correct a diversion point error (should be T102N instead of T101N).

Each of these changes (Nos. 1 & 2) will be initiated by the Division of Water Rights. Item No. 2 will require publication of a notice of hearing. The city will be notified of the completion of the corrections.

Well Nos. 30, 31, 32, and 33 have been rehabilitated in the last two years. Revisions may also be needed to some of the water rights held by the city to reflect changes in the pumping capacity of the wells. If the sustained pump rate of these wells under optimal operating conditions is less than the permitted pump rate, then the licenses should be reissued for the reduced pump rate. If the sustained pump rate exceeds the permitted amount, then a new permit is needed for the increase in the pump rate. Please indicate what the sustained pump rates are for well Nos. 30, 31, 32, 33, and other wells as rehabilitation efforts and aquifer conditions allow.

cancel RD 5/13/91
 Water Right Nos. 254-3, 255-3, 265-3, 268-3, 271-3, and 1579-3 will be scheduled for a hearing to allow the Water Management Board to consider cancellation of the water rights due to abandonment and/or forfeiture. Notice will be given of the time and place of hearing. If the Parks and Recreation Department is using of the well authorized by No. 1579-3, please inform me.

273-3

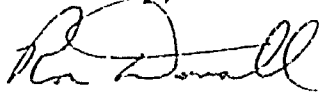
February 7, 1991
Lyle D Johnson
Page 3 of 3

In response to your questions during our meeting on January 17, 1991, the city can plug abandoned wells if the work is completed according to the Well Construction Standards. A copy of the standards and some plugging report forms are enclosed for the city's use.

Water Permit No. 1790-3 held by the Lincoln County Rural Water System is for supplying the rural water system from the city's well field. Enclosed is a copy of Permit No. 1790-3, including the affected city permits and a resolution signed by the mayor of Sioux Falls.

Thank you and your staff for the assistance we received concerning these inspections. I appreciate Mr. Holden taking the time to show us around. If you have any questions regarding any of this information, please contact me.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

cc: Glenn Dostal, HDR Engineering, Inc.

273-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 273-3

Date of Receipt of Claim August 10, 1956.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 273-3 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. 273-3 appropriates 1.67 cubic feet per second of water from a well located in the NE1/4 NE1/4 Section 5, 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, 1950

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

273-3

STATE OF SOUTH DAKOTA

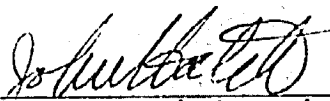
VESTED RIGHT WATER LICENSE NO. 273-3

(1) The City of Sioux Falls. Water Department, 224 W 9th Street, Sioux Falls, South Dakota 57102 made Application No. 273-3, August 10, 1956, for validation of a vested right claim to appropriate 1.67 cubic feet of water per second from groundwater (one well), Minnehaha County, South Dakota for municipal purposes. Vested Water Right No. 273-3 was validated September 30, 1992, with a priority date of January 1, 1950. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The original water license, issued in December, 1956, contained an error in the legal description of the diversion point. The range was described as being "R50W" and should have been described as being in "R49W". Based upon a January 16, 1991 inspection of the water use system and subsequent validation of the vested right claim, this license is being reissued to correct the error.

(2) The vested right holder is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is: NE 1/4 NE 1/4 Section 5, T101N, R49W.

(3) Pursuant to Section 46-5-30.1, the City of Sioux Falls, Water Department, 224 W 9th Street, Sioux Falls, SD 57102, the holder and owner of Vested Water Right No. 273-3, is issued a license to appropriate 1.67 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1950 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 273-3 and subject to South Dakota State Law.


MAR 15 1993
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



MAR 15 1993

273-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE ROSS 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,

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

enclosures

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 60th 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.

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WATER RIGHTS
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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

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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

Water Rights Division - DENR

237-3

1133-3

Conversation or File Documentation

Name of Person: **J.J. Curry and Sons** File No. **237-3 and 1133-3**
Address: **Box 517, Elk Point, SD 57025** County: **Union**
Date: **Nov. 18, 1999** Telephone: **(605) 356-3366**
RE: **Reissue Water Right Nos. 237-3 and 1133-3.**

Comments:

Water Right 237-3 was licensed for irrigation of 160 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T91N, R49W using 2.28 cfs from one well. Water Right No. 1133-3 was licensed for irrigation of 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 and 44 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19 T91N, R49W using 1.13 cfs. These two water rights are owned by J.J. Curry and Sons.

Water Right No. 4438-3 was licensed for irrigation of 33 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$; 33 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$; and 33 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 using 1.41 cfs. This water right is owned by Kenneth Jolin. All the above lands were originally irrigated using flood irrigation methods.

The lands are now irrigated using a combination of a center pivot and flood irrigation. The portion of the flood irrigated acres use the well authorized by Water Right No. 237-3. The portion of the lands irrigated with the center pivots use the well authorized by Water Right Nos. 4438-3 and 1133-3.

Reissue and incorporate Water Right 237-3 and 1133-3 for the following:

These lands are irrigated using a center pivot:

All in Section 18, T91N, R49W

Acres irrigated by *div. pt. #2*: 1320' W and 2640' N of the SE corner Section 18, T91N, R49W.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

Acres irrigated by *div. pt. #1*: 2724' W and 1489' N of the SE corner Section 18, T91N, R49W.

These lands are flood irrigated:

All in Section 18, T91N, R49W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres (priority date August 13, 1956)

For a total of 130 acres and 1.86 cfs. 90 acres at 1.29 cfs and a priority date of August 13, 1956 and 40 acres at 0.57 cfs and a priority date of October 13, 1964.

Need a change in diversion point for the portions of land under the reissued Water Right Nos. 237-3 and 1133-3 that are irrigated by the center pivot from *div. pt. #2*. Diversion point #3, located in the center of the SE $\frac{1}{4}$ Section 18, T91N, R49W, is a standby well for center pivots under Water Right Nos. 237-3, 1133-3, 1530-3, and 4438-3.

The center pivot on the above lands also irrigates 33 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ which is owned by Kenneth Jolin and authorized by Water Right No. 4438-3. *Well #2* used for the center pivot in the SE $\frac{1}{4}$ is also authorized by 4438-3. This will need to stay separate as it is a different land owner.

A handwritten signature in cursive script that reads "Lynn Beck". The signature is written in black ink and is positioned above the printed name and title.

Lynn Beck
Natural Resources Engineer

Approval of Location Change and/or Additional Diversion Point(s)

NAME: J.J. Curry and Sons

ADDRESS: Box 517, Elk Point, SD 57025

DATE: November 22, 1999

COUNTY: Union

TELEPHONE: (605) 356-3366

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

An additional diversion point located 1320' W and 2640' N of the SE corner of Section 18, T91N, R49W in the same water source with no additional water being used.

- **If irrigation, no new land is irrigated**

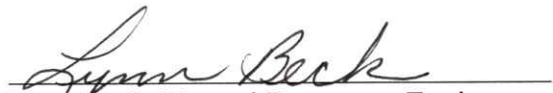
Irrigated lands covered under Water Right Nos. 237-3 and 1133-3.

- **Review of Existing Diversions**

There are four other diversion points in Section 18 used to irrigate lands owned by Ed Curry or J.J. Curry and Sons. In addition there is a standby well. One of the diversion points and the standby well are also used for Water Right No. 4438-3 owned by Kenny Jolin. The additional diversion point in this report is licensed under Water Right No. 4438-3 and the lands under WR 4438-3 are irrigated by center pivots owned by Ed Curry and J.J. Curry and Sons.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program