

Water Right Number 4002-3

1. Considered 7-27 1977
2. Name of Applicant CITY OF BRANDON
3. Post Office Address _____
4. Amount of water claimed 40
5. Source of water supply PRESENT WELLS UP TO 52' DEEP
6. Water to be used for FUTURE MUNICIPAL USE
Acres to be irrigated _____
7. Water to be diverted and used in MINNEHAWA County
about WITHIN 1/2 N 3/4 S 71. Brandon of _____
8. Proof of Publication
Received 9-12-77
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application

10. Remarks:

No. 1002-3Map No. 3246-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

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 Brandon, State South Dakota
 Postoffice address 304 Main
 If a corporation show date and place of incorporation Municipal Corporation
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work City of Brandon
 4. Amount of water claimed (cubic feet per second) Present = 1.5 CFS Future = 4 CFS
 5. Source of water supply Wells
 6. Location of point of diversion Existing Wells No. 1, 2 & 4 in Section 3, T101N, R48W & Well No. 3 in Section 35, T102N, R48W. Future use in Section 34, T102N, R48W; Section 3, T101N, R48W. County Minnehaha
 7. Annual period or periods during which water is to be used Continuous
 8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal
 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 (Future Use) _____ years. Additional time required to complete application of water to the proposed beneficial use Indefinite _____ years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brandon Valley Reporter
 12. Principal Features of the Proposed Water Supply System.

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

Wells and Pumping Equipment

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

Water Transmission Pipeline

C. Works proposed to apply water to beneficial use.

Water Distribution System and Elevated Tank

Estimated Total Cost \$ _____

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

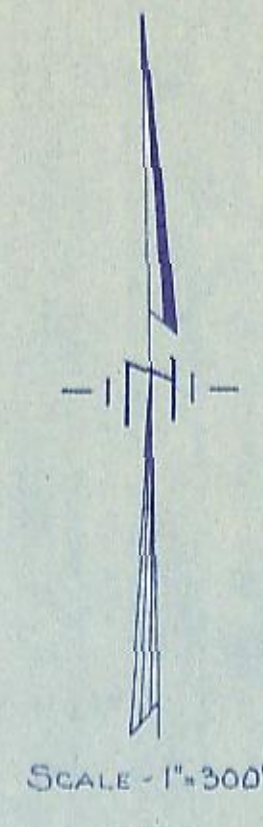
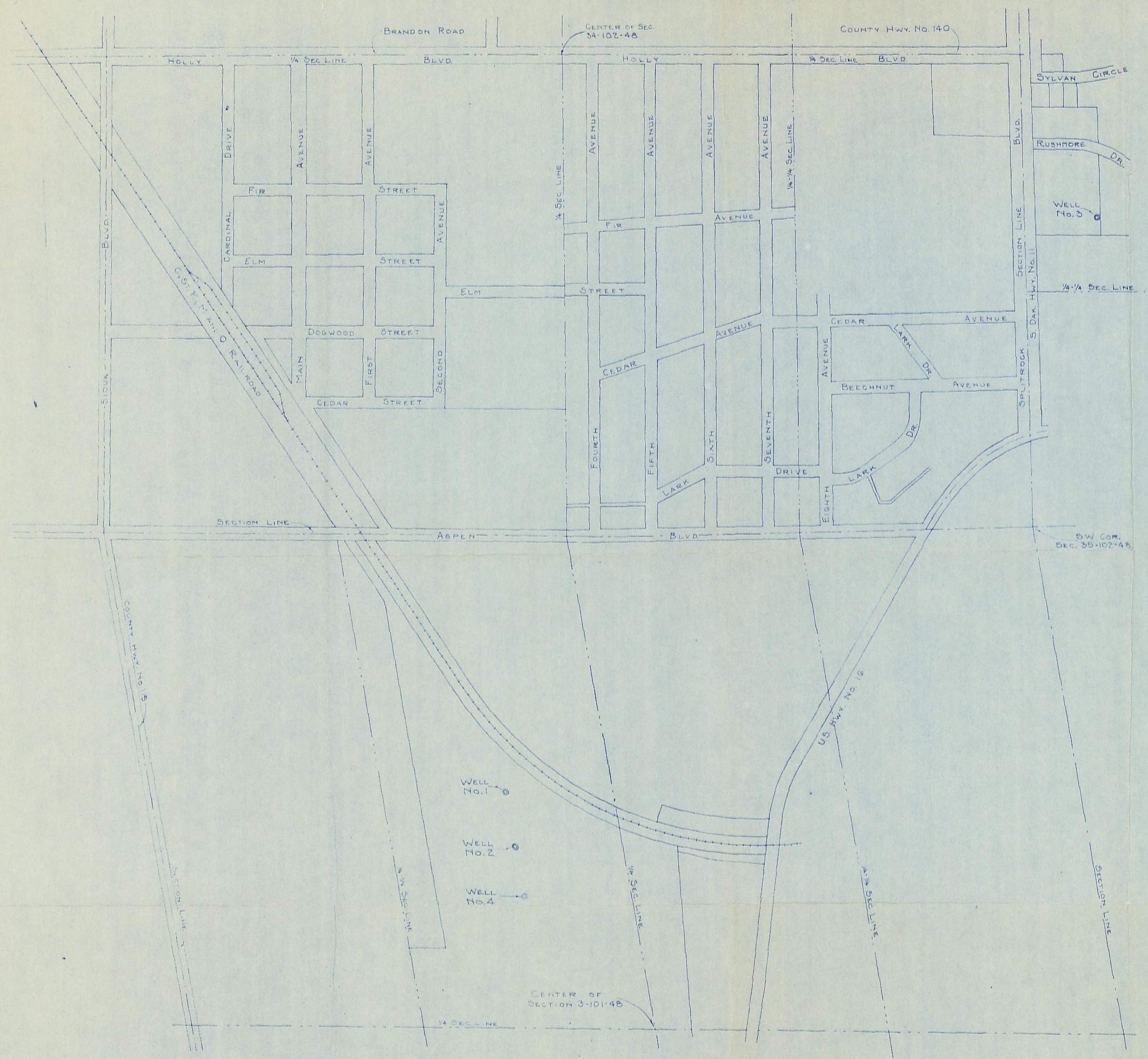
STATE OF SOUTH DAKOTA

County of MinnehahaI, Gene Johnson, Mayor

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.

Signed

Gene A. JohnsonSubscribed and sworn to before me this 11 day of May 1977
Wallace E. Kiernan
 Notary Public (or other qualified officer)



BRANDON WATER COMPANY
MINNEHAHA COUNTY
BRANDON, SOUTH DAKOTA

BRANDON WATER RIGHTS - LOCATION OF WELLS

WELL No. 1 - BEGINNING AT CENTER OF SECTION 3, T101N, R48W OF FIFTH PM, THENCE 1460 FEET NORTHERLY ALONG QUARTER SECTION LINE, THENCE 600 FEET WESTERLY AT RIGHT ANGLES TO SAID QUARTER SECTION LINE.

WELL No. 2 - BEGINNING AT CENTER OF SECTION 3, T101N, R48W OF FIFTH PM, THENCE 1150 FEET NORTHERLY ALONG QUARTER SECTION LINE, THENCE 600 FEET WESTERLY AT RIGHT ANGLES TO SAID QUARTER SECTION LINE.

WELL No. 3 - 1740 FEET NORTH AND 930 FEET EAST OF SW CORNER OF SECTION 35, T102N, R48W OF 5TH PM.

WELL No. 4 - BEGINNING AT CENTER OF SECTION 3, T101N, R48W OF FIFTH PM, THENCE 850 FEET NORTHERLY ALONG QUARTER SECTION LINE, THENCE 600 FEET WESTERLY AT RIGHT ANGLES TO SAID QUARTER SECTION LINE.

SURVEYORS CERTIFICATE

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

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

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

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

MY COMMISSION EXPIRES *September 1, 1975*

Frederick S. McLaughlin
NOTARY PUBLIC, SOUTH DAKOTA

REVISIONS

1. APRIL 20, 1977 - WELL No. 4 CONSTRUCTED IN 1976 ADDED.

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4002-3

CITY OF BRANDON
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57021
(State)

With the following modifications:

AT SUCH TIME AS DEFINITE PLANS ARE MADE SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THE WATER GRANTED UNDER THIS WITHDRAWAL MUST BE SUBMITTED PRIOR TO CONSTRUCTION OF THE FACILITIES.

Date of first receipt of application MAY 16, 19 77

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application SEPTEMBER 12, 19 77

Approved OCTOBER 6, 19 77 Recorded in Book 19 Page 103

WATER RIGHT PERMIT NO. 4002-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4002-3 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 SEPTEMBER 12, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before 19
ITEMS 2, 3 & 4 DO NOT APPLY, AS SPECIFIC
3. The whole of said work is to be completed on or before APPLICATIONS ARE TO BE SUBMITTED AS DEFINITE
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is PLANS ARE MADE
5. The water appropriated shall be used for the purpose of MUNICIPAL USE

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

7. The amount of the appropriation herein granted shall not exceed 4.0 cubic feet per second; ~~neither shall it exceed the capacity of the above described water supply, 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 4.0 cubic feet per second and be limited to not more than one-fourth (1/4) of an acre-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 19 said water to be used during the following described annual period: _____

Witness my hand this 1ST day of NOVEMBER, 19 77

WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water Licence Issued _____, 19 _____

THORPE WELL COMPANY

1903 N. 1st St. Drive
2340 - SIXTH AVENUE

DES MOINES, IOWA 50021
Ankeny

W-1-B

Drilled for Brandon Water Board at Brandon, South Dakota

Well is located miles N-E-S-W and miles N-E-S-W from

in the $\frac{1}{4}$ $\frac{1}{4}$ Section Township Range

Drilling started September 7 19 76 Completed September 7 19 76

Well No. 2 Kind of Well Gravel Pack Depth 52' Size hole started 18 in

Finish 18 G. P. M. 270 Static Head 20' Pumping level from surface 36'

Water was first encountered at in Approx. Amt. Temp.

Remarks

(GIVE DETAILS OF PERFORATED PIPE AND SEALS)

RECORD OF PERMANENT PIPE					TEMPORARY PIPE	
SIZE PIPE	AMOUNT OF PIPE	DEPTH TO BOTTOM OF PIPE	DEPTH TO TOP OF PIPE	MAKE OF PIPE	SIZE PIPE	AMOUNT
10"	28'	28	0			
Screen 10"	6'	33	28			
Blank 10"	9	42	33			
Screen 10"	10'	52'	42			

Driller Gale McIntosh From Surface to feet

Driller From feet to feet

Driller From feet to feet

AMOUNT IN FEET	KIND OF SOIL OR FORMATION (BE SPECIFIC)	TOTAL DEPTH FEET
2'	Brown top soil	2'
2'	Medium gravel & clay	4'
28'	Medium to coarse sand & gravel	32'
3	Yellow clay	35'
7	Blue clay	42'
10	Coarse sand & gravel	52'

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 18", Depth 52'
- (2) Casing, Type Steel Diameter 10" Thickness 0.365"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Stainless Steel, Diameter 10", Length 15'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 32'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials Sand & Gravel. Drillers Log attached.

Depth to top of water bearing material 28'

Depth to bottom of water bearing material 28' to 33' & 42' to 50'

Thickness of water bearing material 15'

Depth to water (ground surface to water level) 20'

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

On same owner's property -- 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.

NOTE: Well No. 4 shown hereon completed and placed into service January 1977.

George A. Larkin
Signature of Applicant

Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 22, 1977

Notice is hereby given that the City of Brandon whose
post office address is Brandon, South Dakota, has made an application
in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11,
46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, Future Use 46-5-38,
46-6-1, 46-6-10, 46-6-13, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, Future Use 52:01:01:21
thru 52:01:01:24, for a permit to appropriate for future use 4.0 cubic feet
of water per second of time from the ground water through
the Brandon Well Field, the area of diversion of which is
to be located in the section 34 of T102N, R48W and

in Section 34, Twp. 101N Range 48W. Said water to be used for the purpose
providing irrigation on portions of the following described land:
a municipal purposes.

This Application No. 4002-3 will be considered by the Water Rights Commission
at the Staurelite Inn, Brookings, SD on the 17th day of July, 1977, at 10 A.M. The
Commission is authorized to make a determination on this application at the hearing.
All interested persons may appear and be heard. Any person who may be affected by
a Commission decision who desires to present evidence or cross-examine witnesses
according to SDCL 1-26 may notify the Commission in writing prior to the hearing or
orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: City of Brandon, Brandon, SD 57005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnnehaha) ss.

I, Howard "Bud" Jones hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brandon Valley Reporter
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 Brandon
County of Minnnehaha and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

August 18, 1977

August 25, 1977

Escent Jones
(Signature)

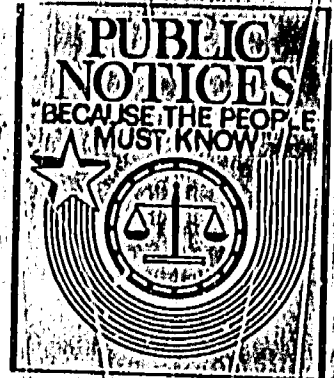
OWNER / PUBLISHER
(Title)

Sept. 8, 1977
(Date Signed)

Subscribed and sworn to before
me September 8, 1977.

K. Elizabeth Jones

K. ELIZABETH JONES Notary Public
My Commission Expires Jan 24, 1978



Publish first publication of or
before Sept. 22, 1977
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
City of Pierre, South Dakota 7501
Notice is hereby given that the
City of Brandon, whose post office
address is Brandon, South Dakota,
has made an application in accor-
dance with the provisions of SDCL
46-1-1 thru 46-1-8; 46-2-9 thru 46-2-
11; 46-5-13; 46-5-14 thru 46-5-8;
46-5-10 thru 46-5-22; 46-5-41; 46-5-38;
46-6-3; 46-6-5; 46-6-6; 46-6-10;
46-6-14 and Commission Rules
ARSD 52:01:01 thru 52:01:01;
13; 52:01:01; 21 thru 52:01:01; 24
for a permit (if appropriate) for
future beneficial use 4.0 cubic feet
of water per second of time from
ground water through the Brandon
Well Field, the area of diversion of
which is to be located in section 34
of T102N, R48W, and Section 3;
Twp 101 Range 48W. Said water
to be used for municipal purposes.
This Application No. 1002-3 will
be considered by the Water Rights
Commission at the Holiday Inn
Spearfish, S.D. upon the 6th day
of October, 1977 at 10 A.M. MST.
The Commission is authorized to
make a determination on this
application at the hearing. All
interested persons may appear
and be heard. Any person who
may be affected by a Commission
decision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 1-26
may notify the Commission in
writing prior to the hearing or
orally at the hearing.
WATER RIGHTS COMMISSION
JAMES WINTERSTON
Water Rights Specialist
City of Brandon
Brandon, SD 57005
Publish twice: August 18/25, 1977



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Jon Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

November 14, 1977

City of Brandon
Brandon, SD 57021

Dear Sirs:

Enclosed herewith is your Water Right Permit No. 4002-3 as approved by the Water Rights Commission, to withdraw 4.0 cubic feet of water per second, for future use.

Approval of this Permit does not in any way grant property rights to the land involved.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

enclosure

**South Dakota Department of
Water & Natural Resources**

The Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1984

NOTICE

To : Edwin Gruhot, Mayor, City of Brandon
From : *James Ventilation*
John Hatch, Chief Engineer, Water Rights Division

Subject : Review of Future Use Water Permit No. 4002-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 4002-3, City of Brandon will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, September 26, 1984 at 2:30 pm in the Civil Defense Room, Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 4002-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 4002-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 4002-3 was approved October 6, 1977 with a priority date of September 12, 1977, for 4.0 cubic feet per second (cfs) from the following area: Section 34, T102N, R48W and Section 3, T101N, R48W with the following qualifications:

1. At such time as definite plans are made, specific applications for all or part of the water granted under this withdrawal must be submitted prior to construction of facilities.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 4002-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 4002-3 with the following qualifications:
 - a) Permit No. 4002-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

b) This permit is approved for groundwater from the Big Sioux South Aquifer.

If continued, at the end of seven years, the permit will again be reviewed and if it is continued, you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 4002-3 in effect. The projected 10% fee in seven years based upon the existing permit CRS will be \$80.00.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: Eloise Stenslas, Finance Officer

SS15.wr



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

October 11, 1984

4002-3

Edwin Gruhot, Mayor
304 Main
Brandon SD 57005

Dear Mayor Gruhot:

This letter is in regard to the motion passed by the Water Management Board September 26, 1984 after review of the City of Brandon's Future Use Permit No. 4002-3. The Board continued Permit No. 4002-3 and amended the Permit to add the qualification on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 4002-3 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

cc: Eloise Stensaas, Finance Officer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 4002-3

FOR CITY OF BRANDON

Future Use Permit No. 4002-3 was continued by action of the Water Management Board September 26, 1984 and amended to add the following qualifications:

- a) Permit No. 4002-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater from the Big Sioux South Aquifer.

4002-3

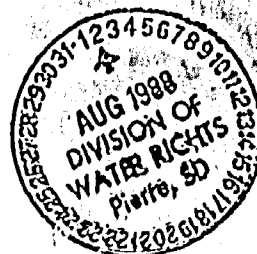


Stockwell Engineers

1621 South Minnesota Avenue • Sioux Falls, South Dakota 57105
Telephone (605) 338-6668

August 1, 1988

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



Re: Brandon Water Study
Project 1888

Dear Jim:

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

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

Very Truly Yours,

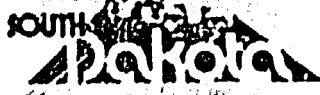
STOCKWELL ENGINEERS, INC.

Steve W. Brockmueller

Steve W. Brockmueller, P.E.

Enclosures

pk



Department of Water & Natural Resources

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

August 19, 1988

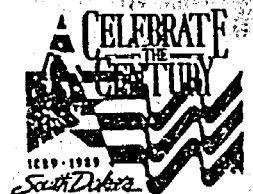
Steve W. Brockmueller, P.E.
Stockwell Engineers, Inc.
1621 S Minnesota Ave.
Sioux Falls SD 57105

Dear Mr. Brockmueller:

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

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

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



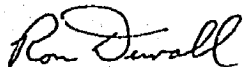
August 19, 1988
Steve W Brockmueller
Page 2

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

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

Please contact me if you have any questions.

Sincerely,

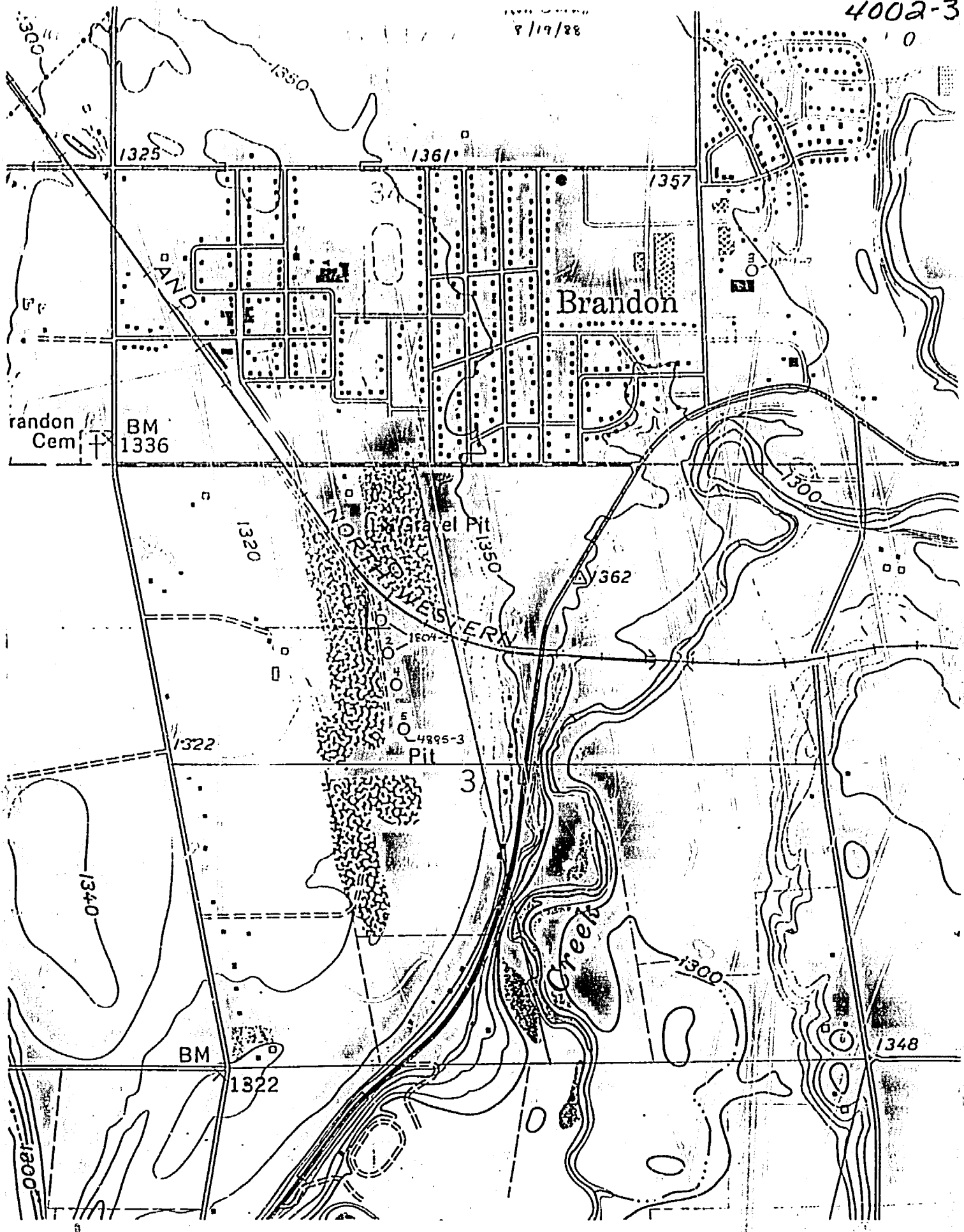


Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

4002-3

9/19/88





4002-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 22, 1992

City of Brandon
Dennis Kleinvachter, Mayor
PO Box 95
Brandon SD 57005-0095

Dear Mayor Kleinvachter:

I am writing in regard to the seven year review of Future Use Water Permit No. 4002-3 from groundwater (Big Sioux/South Aquifer) which is held by the City of Brandon. Currently, our records show that 4.00 cubic feet of water per second remain in reserve under this future use permit which was issued in 1977.

Permit No. 4002-3 will be scheduled for review by the Water Management Board on September 30, 1992 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 4002-3.

Please respond in writing by July 15, 1992, regarding the City of Brandon's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

KAREN SCHLAACK
Natural Resources Analyst
605/773-3352



4002-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 23, 1992

City of Brandon
Dennis Kleinvachter, Mayor
PO Box 95
Brandon SD 57005-0095

Dear Mayor Kleinvachter:

On May 22, 1992, we notified you that Future Use Water Permit No. 4002-3 held by the City of Brandon was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

As stated in the May 22, 1992 letter, if the City does plan to retain this future use permit, it will be necessary to outline a reasonable need for retaining the permit, submit annual pumping records for the past three years and give an estimate of the City's future needs.

Permit No. 4002-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352



Stockwell Engineers, Inc.

211 East 14th Street • Suite 200 • Pierre, South Dakota 57501-3181
Telephone (605) 795-1212



July 23, 1992

Ms. Karen Schlaak
Natural Resources Analyst
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Future Use Water Permit No. 4002-3
Brandon, South Dakota

Dear Ms. Schlaak:

On behalf of the City of Brandon, I am responding to your May 22, 1992 letter regarding future use water permit no. 4002-3. We have analyzed the water needs for the City of Brandon and provide the following:

1. Existing Water Permits. A summary of existing water permits issued to the City of Brandon is listed below:

<u>Permit No.</u>	<u>Well No.</u>	<u>Date of Issue</u>	<u>Water Claimed gpm/cfs</u>
1804-3	1, 2, & 3	1/25/71	539/1.2
4002-3 (1)	1, 2, 3, & 4	11/1/77	673/1.5
4385-3	5	6/23/82	125/0.28
5095-3	3	6/10/90	193/0.43

See attached map, Figure 120.1, for well locations.

(1) Also includes 4.0 cfs for future use.

Based upon the existing water permits, total water appropriation for City wells 1 through 5 is 3.41 cfs (1,530 gpm).

In addition to the above permits, the City of Brandon also has permit nos. 4434-3 (10/9/77) and 5507-3 (9/17/92) for irrigation and domestic use at the municipal golf course. Total permitted use is 0.48

Civil
Consulting
Municipal

2. Existing Well Data. Table 120-1 - Construction/Operation Data - Existing wells is included with this letter. As noted on the table, the current pumping rate of the existing wells is 60 to 400 gpm with a total pumping capacity of 908 gpm.
3. Population. Historically, the City of Brandon has experienced a continuous moderate growth with recent surges since 1989 of up to 4 percent. The City of Brandon continues to have good growth potential. The community is aggressive with substantial growth in residential housing and strong potential for industrial growth. It is therefore anticipated that future growth will be moderate (2.5) percent with a population projection of 6,270 for the year 2012.

Population records for the past 5 years are listed below. Historical and future growth patterns are shown graphically on Figure 2.3.1.

<u>Year</u>	<u>Population</u>
1987	3283
1988	3354
1989	3543
1990	3678
1991	3885

4. Existing Water Usage. The following water usage data was taken from records for the City of Brandon.

<u>Year</u>	<u>Annual Pumping (gal)</u>	<u>Peak Day Pumping (gal)</u>	<u>Peak Day Pumping (gpcd)</u>
1987	118,477,000	1,169,000	356
1988	140,888,200	987,000	294
1989	139,986,000	1,268,000	358
1990	146,920,000	1,112,000	302
1991	136,736,300	967,600	249

Average per capita water production for the City of Brandon during the past 5 years varies from 96 to 115 gpcd, while peak daily production varies from 249 to 358 gpcd.

Producing peak day demands in 24 hours requires total well capacity of 970 gpm. Producing the same amount in the recommended 20 hours requires well capacity of 1160 gpm.

Therefore, without available storage the City's existing wells are inadequate to meet peak demand conditions.

5. Future Water Use. Future water use will be estimated using the projected population for the year 2012 and average/peak day water use of 100/350 gpcd respectively. Based upon an estimated population of 6,370 for year 2012 average and peak daily water production are 637,000 gpd and 2,229,000 gpd (1,550 gpm/3.45 cfs) for a 24 hour pumping period. The peak daily water production for a 20 hour pumping period is 1,860 gpm or 4.14 cfs.

6. Summary.

a.	Existing Permit Appropriations	3.41 cfs
b.	Future Use Permit Appropriations	4.0 cfs
c.	Existing Total Well Capacity	908 gpm/2.02 cfs
d.	Current Population	3,885
e.	Current Avg. Daily Water Usage	374,520 gal.
f.	Current Peak Daily Water Usage	1,390,800 gal/2.58 cfs
g.	Population Projection (2012)	6,370
h.	Future Peak Daily Water Usage (2012)	2,280,500 gal/4.14 cfs

The existing City well capacity in conjunction with available storage of 750,000 gallons (1 MG) are barely adequate in total capacity to meet peak daily demand. Therefore, the City desires to construct a new well or wells to provide additional capacity of 600 gpm. This would provide reserve capacity should the City's existing well no. 3 be out of service during a peak demand period. The City is currently investigating the potential for drilling a production well into the Split Rock Aquifer.

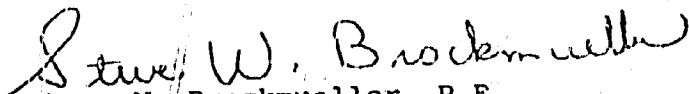
Page 4

Ms. Karen Schlaak
July 23, 1992

Based upon the data presented in this letter existing and future water permits in the Big Sioux Aquifer are adequate; however, the estimated water needs could change with significant industrial growth. The South Dakota Geological Survey is currently monitoring and studying the Split Rock Aquifer which appears to be a good source of future water for the City of Brandon. Therefore, the City may desire to exchange all or a portion of its future use permit in the Big Sioux Aquifer for the Split Rock Aquifer. A decision will be made pending results of the study by the South Dakota Geological Survey. Therefore, to assure a long term water supply, the City of Brandon desires to maintain the existing future use permit of 4.0 cfs from the Big Sioux Aquifer.

Very Truly Yours,

STOCKWELL ENGINEERS, INC.


Steve W. Brockmüller, P.E.

cc: Dennis Olson

4002-3



Table 120.1

Construction/Operation Data - Existing Wells

Brandon, South Dakota

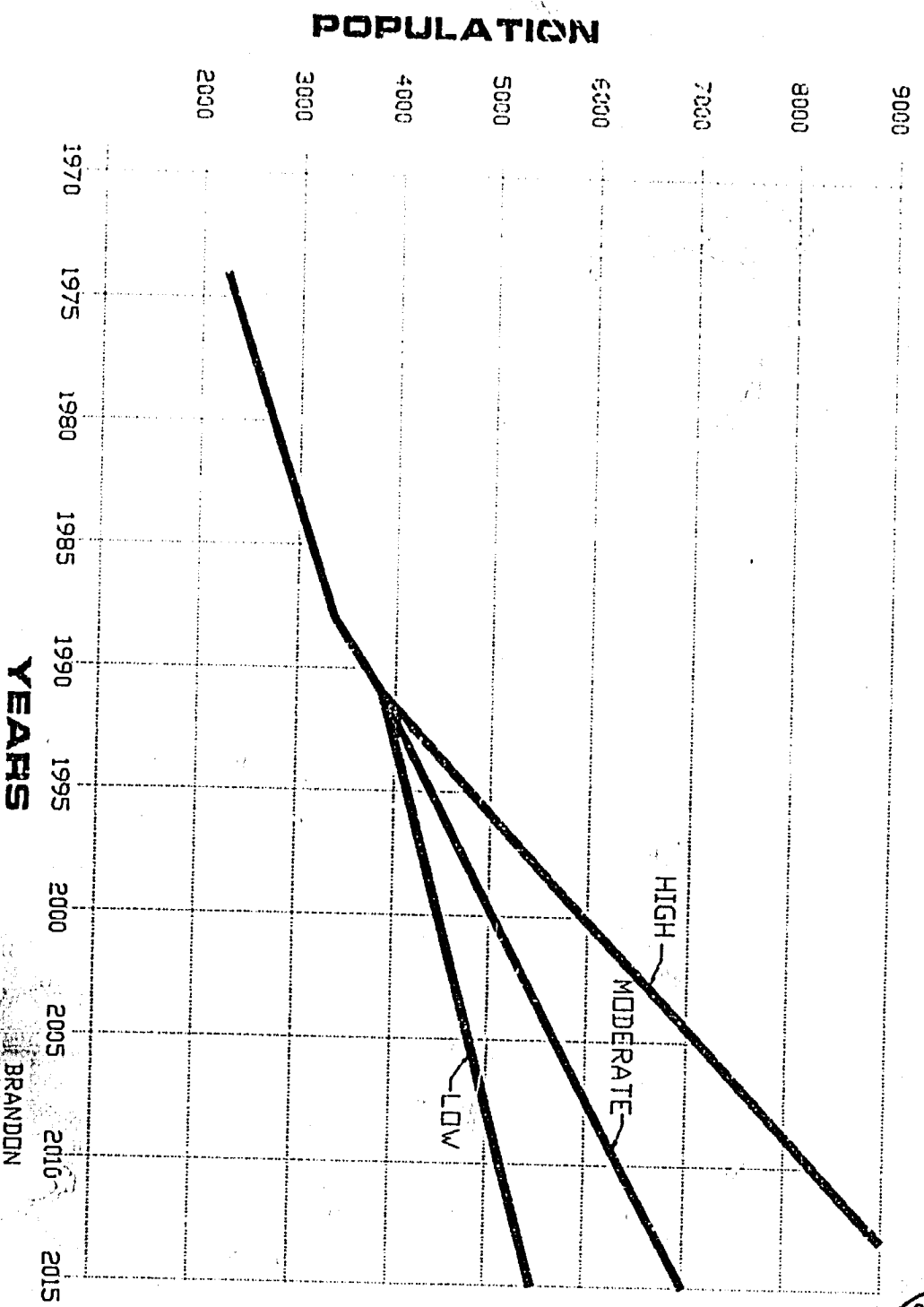
Well No	Well Location	Year Built	Type of Rotary	Depth (ft)	Diam. (in)	SS Screen Length	Screen Top	Static Pumping	Original Pumping			Current Pumping			Aquifer ID ⁴	
									DD ¹	Rate ²	Sp. Cap ³	Static Pumping	DD ¹	Rate ²	Sp. Cap ³	
1	south	1968	straight	48	10	16	26	16-45	29	210	7.2	20.5-39.5	19	183	10.1	BS
2	south	1971	straight	50	8	12.5	39	14-28	14	150	10.7	20.5-37.5	17	60	3.5	BS
3	park	1964	straight	222	12	40	180	49-58	9	400	44	53-68.5	15.5	400	25.8	SRC
4	south	1976	reverse	52	10	15	30	22-38	16	270	16.9	21-35	14	115	9.3	BS
5	south	1980	straight	50	10	15	28	20-36	16	255	15.9	22-39	17	150	7.4	BS

DD¹ - Drawdown in feet

Rate² - Pumping rate in gallons per minute

Sp Cap³ - Specific Capacity in gallons per minute/foot of drawdown

Aquifer ID⁴ - BS (Big Sioux) or SRC (Split Rock Creek)



WASTEWATER FACILITIES PLAN
POPULATION PROJECTIONS
FIGURE 2.3.1



B R A N D O N

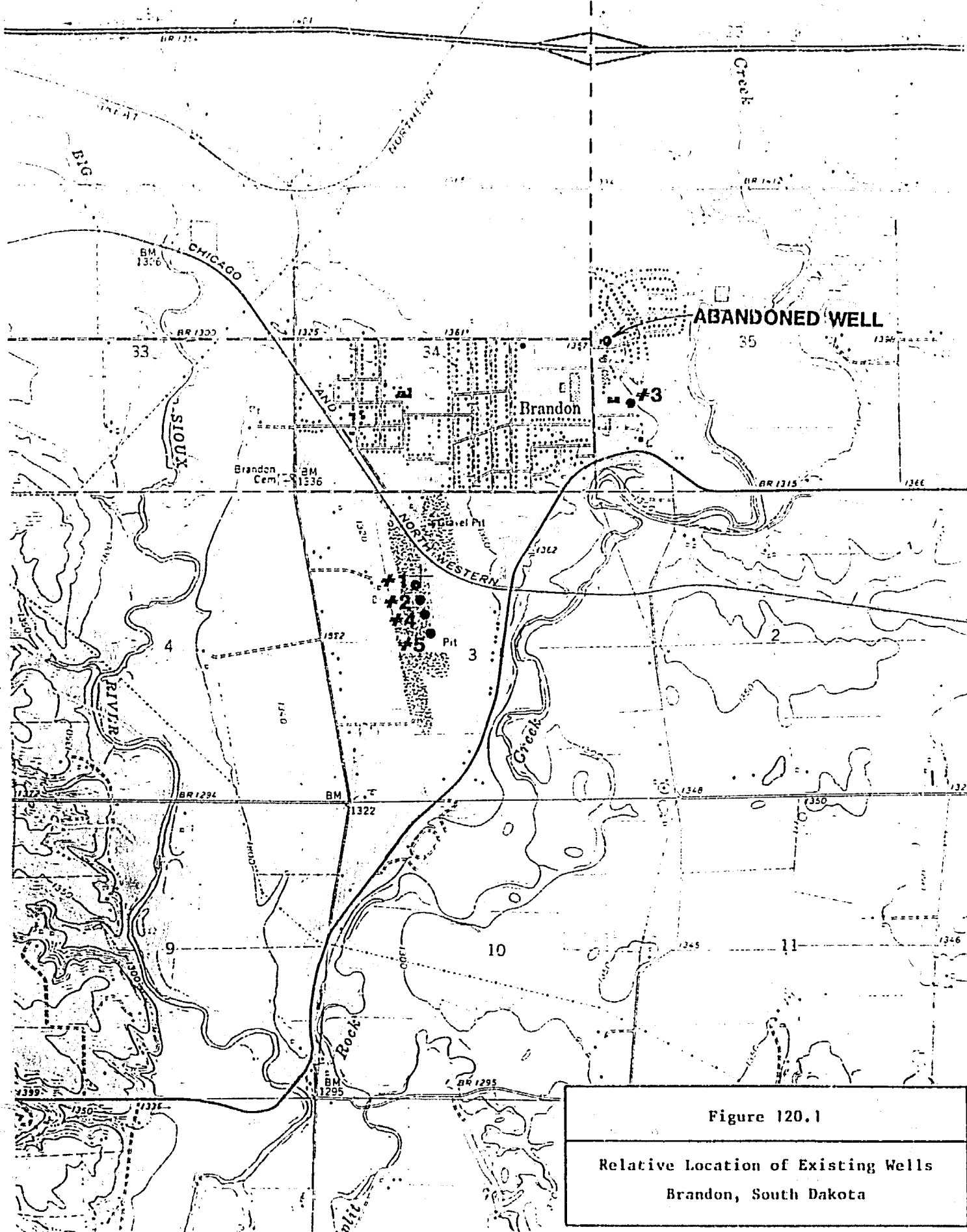


Figure 120.1

Relative Location of Existing Wells
Brandon, South Dakota

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

4002-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 29, 1992

City of Brandon
Dennis Kleinvachter, Mayor
PO Box 95
Brandon SD 57005-0095

Dear Mr. Kleinvachter:

I am writing in regard to the seven year review of Future Use Water Permit No. 4002-3 from groundwater which is held by the City of Brandon. We received the July 23, 1992 letter from Stockwell Engineers, Inc. requesting the retention of this permit. A copy of the draft recommendation is enclosed for your review.

As a part of review future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the city's flexibility when placing reserved water to beneficial use. We have used a 60% pumping rate in making this conversion from a diversion rate to acre-feet annually. In addition, in cases where the 60% converted figure is greater than double the maximum annual water usage submitted by the city, our recommendation reflects Administrative Rule of South Dakota 74:02:01:24.01. This rule states that future use permits may be limited to two times the amount actually put to beneficial use.

If you feel the recommended amount to remain in reserve does not adequately meet your communities future development needs, please provide this office with additional justification for a greater amount. It is our hope that by sending you this draft recommendation to provide you an opportunity to comment on the review of the city's future use permit prior to publishing the notice of hearing.

I would appreciate your comments regarding the draft recommendation at your earliest convenience. If we do not hear from you by August 14, 1992, we will schedule the publication of the notice of hearing with the recommendation as enclosed so that the review of this permit can take place at the September 30, 1992 Water Management Board meeting.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

cc: Stockwell Engineers, Inc.

L

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4002-3, CITY OF BRANDON

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4002-3, City of Brandon, PO Box 95, Brandon SD 57005-0095.

The Chief Engineer is recommending that Future Use Permit No. 4002-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4002-3, 2) the City of Brandon has demonstrated a reasonable need for the water reserved by Permit No. 4002-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 4002-3 reserve for future use a total of 902 acre-feet annually. The diversion rate of 4.0 cfs is deleted from Permit No. 4002-3.

And that maintaining the effectiveness of Future Use Permit No. 4002-3 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Brandon.



JOHN HATCH, Chief Engineer
August 14, 1992

NOTE:

The maximum annual acre-feet of full-time pumping represented by 4.0 cubic feet of water per second (cfs) reserved by No. 4002-3 is 2,896 acre-feet. Assuming that the total amount pumped annually would equal 60% of 2,896 acre-feet, then expected developed pumping of water reserved under Permit No. 4002-3 would be about 1,738 acre-feet per year.

The maximum annual water usage of record by the City in 1990 was 451 acre-feet. Doubling this annual use (902 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 4.0 cfs (1,738 acre-feet) under Permit No. 4002-3. Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 4002-3 should be allowed to remain in effect for 902 acre-feet as outlined in the above qualifications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 19, 1992

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

City of Brandon
Dennis Olson, Finance Officer
PO Box 95
Brandon SD 57005-0095

Dear Mr. Olson:

Future Use Permit No. 4002-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Argus Leader printed at Sioux Falls SD (Phone # 331-2200). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 19, 1992

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4002-3 to be published twice. Please publish the first notice on August 26, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Brandon, PO Box 95, Brandon SD 57005-0095.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
No. _____

CUT HERE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name _____

Newspaper _____

L

Instruction to Newspaper-Publish first publication of the following Notice on August 26, 1992 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, PO Box 95, Brandon SD 57005-0095 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved October 6, 1977 to reserve 4.0 cfs from Big Sioux South Aquifer located in Section 34-T102N-R48W and Section 3-T101N-R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4002-3 REMAIN in EFFECT for 902 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4002-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD On September 30, 1992 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 18, 1992. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4002-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by September 18, 1992. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 18, 1992. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
COUNTY OF MINNEHAHA

SS.

M. DEVISH

being duly sworn, says: That the Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota, by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 26 day of August, 19 92

Wednesday, the 2 day of September, 19 92

the day of 19

the day of 19

the day of 19

the day of 19

the day of 19

and that \$101.23 was charged for publishing the same including a \$2.00 affidavit fee.

M. Devish

Subscribed and sworn to before me September 2, 19 92

Nancy A. Buckley
Notary Public, South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE PERMIT NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, PO Box 95, Brandon SD 57005-0095 for projects made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved October 6, 1977 to reserve 40 cfs from Big Sioux South Aquifer located in Section 34-T102N R48W and Section 3-T101N R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4002-3 REMAIN IN EFFECT for 902 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4002-3 at Joe Foss Building Training Center, Pierre SD on September 30, 1992 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 18, 1992. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4002-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02.01:25.01 thru 74:02.01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by September 18, 1992. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 18, 1992.

Robert E. Roberts, Secretary
Department of Environment and Natural Resources
Aug 26; Sept. 2, 1992

25212826

399

25212826



October 2, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOTICE

Dennis Kleinvachter, Mayor
City of Brandon
PO Box 95
Brandon SD 57005-0095

Dear Mr. Kleinvachter:

I am writing in response to action taken by the Water Management Board at the hearing on September 30, 1992 to review Future Use Permit No. 4002-3. The Board allowed the permit to remain in effect and amended Permit No. 4002-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4002-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4002-3 is \$22.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosure

cc: Dennis Olson, Finance Officer

AMENDMENT TO FUTURE USE PERMIT NO. 4002-3

CITY OF BRANDON, SD

Pursuant to the September 30, 1992 Water Management Board hearing, Future Use Permit No. 4002-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 4002-3 reserve for future use a total of 902 acre-feet annually. The diversion rate of 4.0 cfs is deleted from Permit No. 4002-3.

CERTIFICATION

I hereby certify that on October 2, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated October 2, 1992, regarding Future Use reviews, September 30, 1992, Water Management Board meeting addressed to:

4054-3 - Merle Kolden, President, Town of Wallace, PO Box 65,
Wallace, SD 57272-0065

369-1 - Larry Little, City Engineer, City of Belle Fourche, 606
6th Ave, Belle Fourche, SD 57717-1496

4002-3 - Dennis Kleinvachter, Mayor, City of Brandon, PO Box 95,
Brandon, SD 57005-0095

cc: Dennis Olson, Finance Officer, City of Brandon

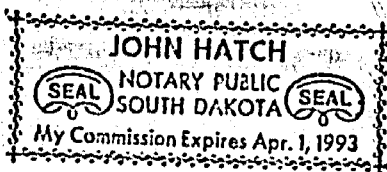
747-3 - William J. Heyer, City Engineer, City of Madison, PO Box
308, Madison, SD 57042-0308

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 5th day of October, 1992.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413459

Pierre, _____ October 8 _____, 19 92

RECEIVED OF ~~NEENAH~~ City of Brandon, PO Box 95, Brandon SD 57005-0095

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. 4002-3 _____ after period of seven years.	22	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	22 50

By

Chief Engineer

John Hatch

400.2-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5869-3

(1) The City of Brandon, PO Box 95, Brandon SD 57005 made Application No. 5869-3, June 8, 1995 for a water permit to appropriate 0.50 cubic feet of water per second from groundwater (two wells), Minnehaha County, South Dakota for municipal use purposes. Permit No. 5869-3, with a priority date of September 12, 1977 was approved September 5, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 4885-3 appropriates 0.28 cfs from the City of Brandon's Well No. 5. Water Permit No. 5869-3 authorizes an increase in the water appropriation for Well No. 5 from 0.28 cfs to 0.42 cfs. No. 5869-3 also authorizes an additional diversion point (known as Well No. 4) to appropriate 0.36 cfs. Well Nos. 4 and 5 (Big Sioux Aquifer) 52 and 56 feet deep are located in the SE 1/4 NW 1/4 Section 3-T101N-R48W and authorize a combined appropriation of 0.50 cfs (217 acre-feet of water annually). This water was appropriated and reserved by Future Use Permit No. 4002-3 (priority date of September 23, 1977).

The applicable portions of Water Right No. 4885-3 have been incorporated into Water License No. 5869-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.78 cubic feet of water per second for beneficial use. The location of the diversion points are Well #4 - 850 feet north and 600 feet west from the center of Section 3; Well #5 - 450 feet north and 600 feet west from the center of Section 3; all in T101N-R48W (SE 1/4 NW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Brandon, PO Box 38, Brandon SD 57005 the holder and/or owner of Incorporated Water Permit No. 5869-3 is issued a license to appropriate water, the right to use 0.78 cubic feet of water per second from groundwater (two wells) with a priority date of April 20, 1982 (0.28 cfs) and September 12, 1977 (0.50 cfs) from the location specified in (2) of this license. The water to be used for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5869-3 and subject to South Dakota State Law.


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

DEC 18 1995

date



1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

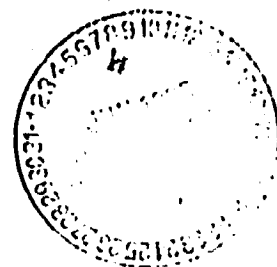
Agnes E. Meyer

Attachment to FORM 2: Application for uses other than irrigation

The City of Brandon's well no. 4 is not authorized under Brandon's current permits and license. This application is to authorize well no. 4 and to appropriate 0.36 cfs from this well.

The City of Brandon's well no. 5 is authorized under Permit No. 4885-3 for 0.28 cfs. This application is also for an additional appropriation of 0.14 cfs from well no. 5 bringing the maximum diversion rate from 0.28 cfs to 0.42 cfs.

This application is to place to beneficial use 0.50 cubic feet per second or 217 acre feet of water from Future Use Permit No. 4002-3.



**REPORT ON WATER PERMIT APPLICATION NO. 5869-3
for the City of Brandon
July 3, 1995**

Application No. 5869-3 proposes to appropriate 0.50 cfs (225 gpm) from two existing wells. Water Permit No. 4885-3 appropriates 0.28 cfs from City Well # 5. This application proposes to increase the water appropriation from Well # 5 from 0.28 cfs to 0.42 cfs. This application also requests an additional diversion point to appropriate 0.36 cfs from Well # 4. Well # 4 and # 5 are 52 and 56 feet respectively and are located in the SE 1/4 NW 1/4 of section 3, T101N R48W in Minnehaha County. The combined appropriation will total 217 acre feet annually for municipal purposes by the City of Brandon. This water was appropriated and reserved by Future Use Permit No. 4002-3.

AQUIFER - BIG SIOUX SOUTH (BS-S)

The aquifer is a mostly unconfined glacial outwash (sand and gravel) which is under water table conditions. According to the Minnehaha County Study the wells for this application are located in the Brandon aquifer which is hydraulically connected to the Beaver Creek, Four Mile Creek and Big Sioux aquifers. For purposes of this report all of the minor aquifers have been included in the Big Sioux South aquifer system. The aquifer underlies 17,200 acres (Hedges, 1982) and conservatively contains 50,000 acre feet of water in storage (Lindgren, 1992). The storage figure listed ignores the storage in the Big Sioux aquifer portion which is equivalent to the Big Sioux South.

The Water Rights Program monitors two observation wells, MA-75A and MA-75C, which are completed into the Big Sioux South aquifer and located within 1 mile of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

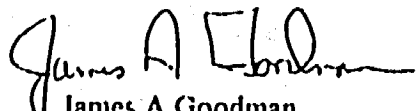
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other nearby permitted wells are for the City of Brandon. The two wells for this application are approximately 400 feet apart. Interference will occur. That is drawdown caused by pumping will extend to the other well. This is not expected to be adverse or cause any problems. The city has been using these wells for years with no apparent problems. This application was made to reflect the "as built" system for the City of Brandon.

CONCLUSIONS

1. Water is available from the Big Sioux South aquifer.
2. The aquifer is unconfined and under water table conditions in this area. Interference is not expected to be a concern. The City of Brandon has been using these wells with no apparent problems.

3. Information indicates that these wells were constructed in accordance with SD Well Construction Standards.
4. This application was made to reflect the actual system as built by the City of Brandon and approval of the application will allow licensing of Brandon's water system..


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

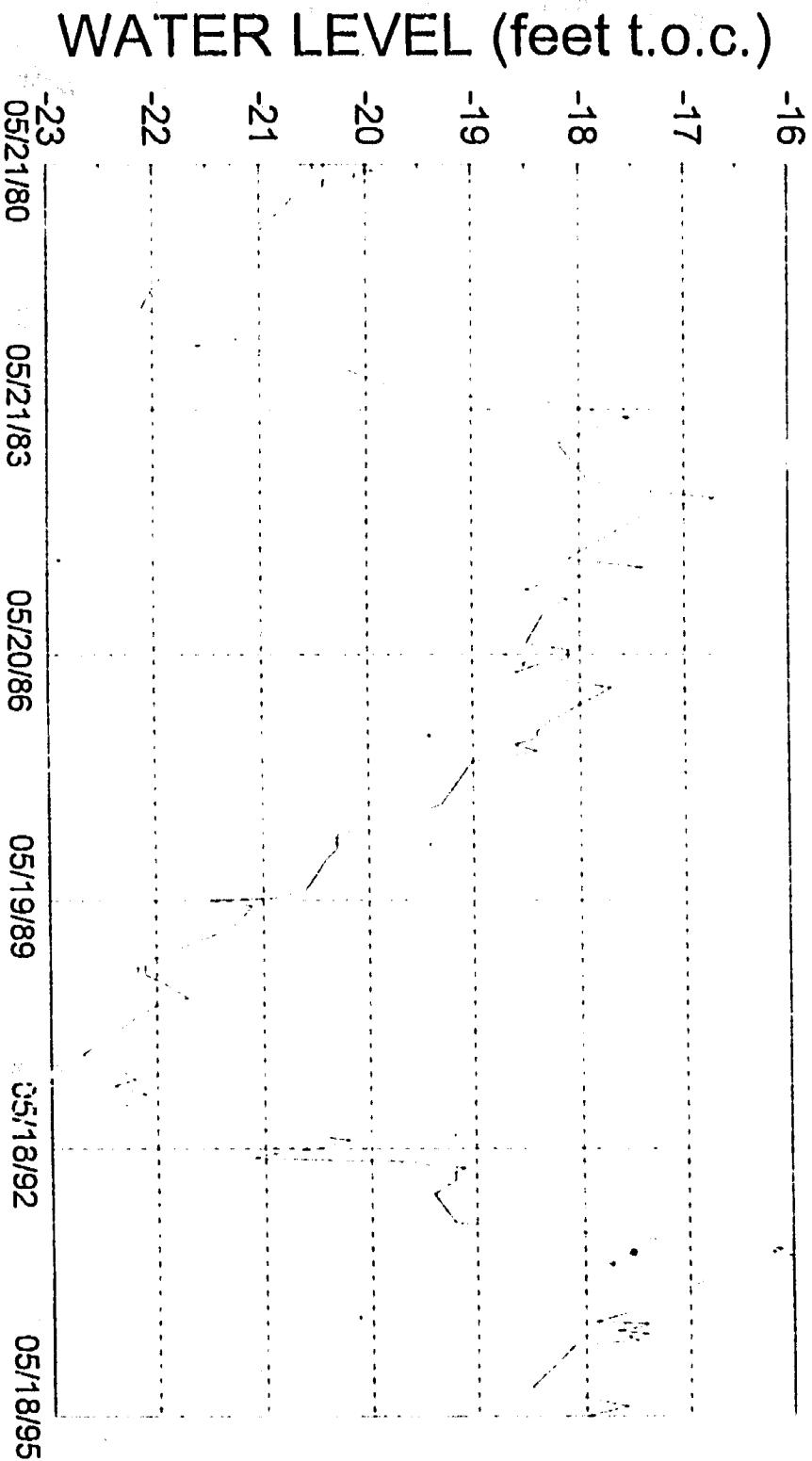
Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Indgren, R.L., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, USGS WRI 91-4101, USGS, Huron, SD, 57350.

Water Rights, 1995, Unpublished Observation Well Data for Minnehaha County, SD DENR, Environmental Services Division, Water Rights Program, Pierre, SD, 57501.

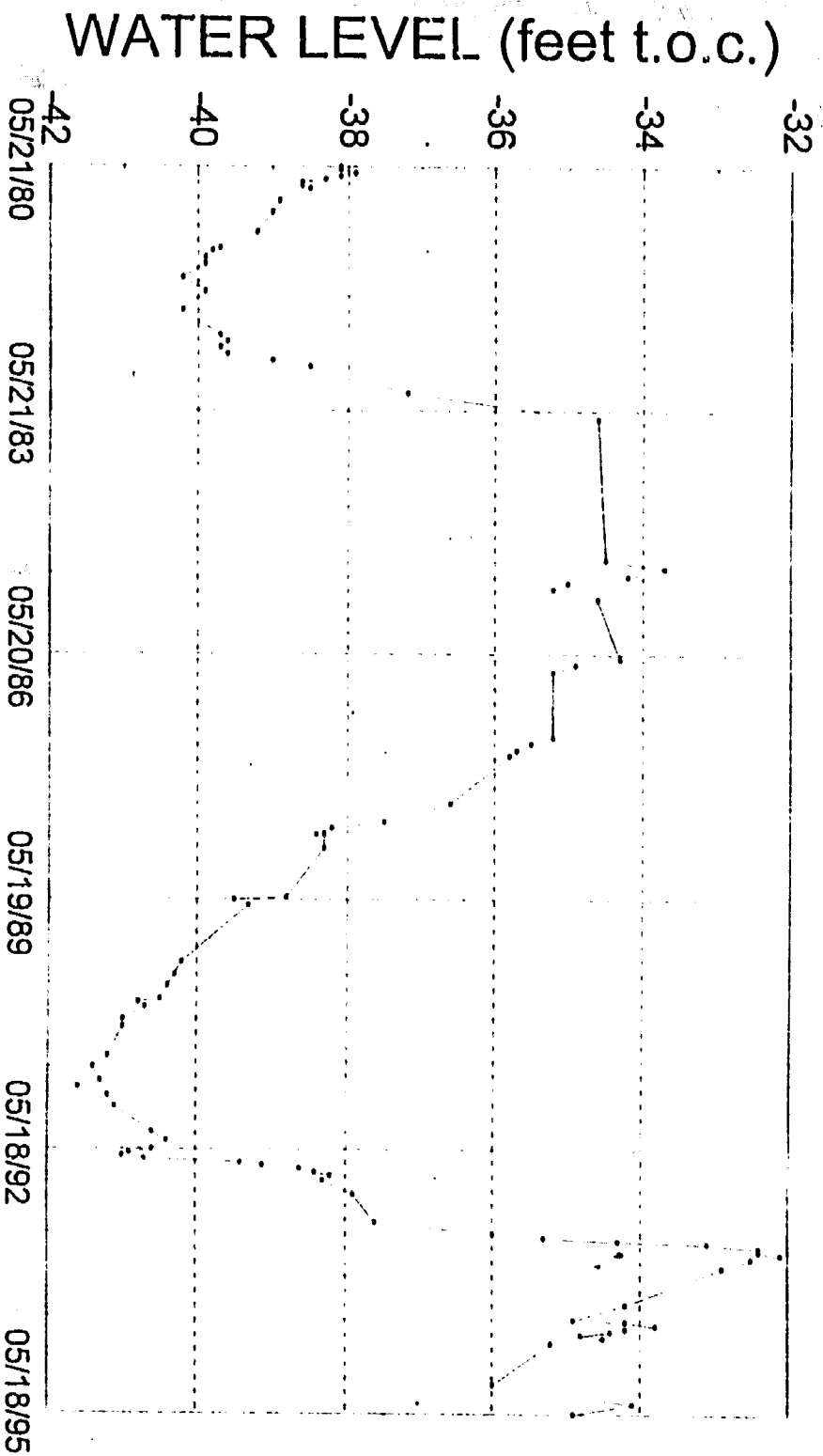
WATER RIGHTS OBSERVATION WELL

MA-75A



WATER RIGHTS OBSERVATION WELL

MA-75C



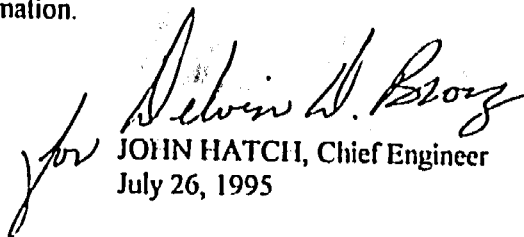
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5869-3, City of Brandon**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5869-3, City of Brandon, c/o Mayor Dennis Kleinvachter, PO Box 95, Brandon, SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 5869-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 26, 1995



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 10, 1995

Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5868-3 and 5869-3 to be published twice. Please publish the first notice on August 18, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is City of Brandon, c/o Mayor Dennis Kleinvachter, PO Box 95, Brandon, SD 57005 (Ph # 605-582-6515).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit applications until proof of publication has been received.

Sincerely,

Eric Gronlund/KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on August 18, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5868-3 and 5869-3 to Appropriate Water

Notice is given that the City of Brandon, PO Box 95, Brandon, SD 57005 has filed applications for two water permits.

Application No. 5868-3 proposes to appropriate 0.07 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 1804-3 and Water Permit Nos. 5296-3 and 5395-3. Water Right No. 1804-3 and Water Permit Nos. 5296-3 and 5395-3, combined, appropriate 1.32 cfs from the City of Brandon's Well No. 3 (Split Rock Creek Aquifer) 222 feet deep located in the NW 1/4 SW 1/4 Section 35-T102N-R48W. This application proposes to increase the water appropriation of Well No. 3 from 1.32 cfs to 1.39 cfs.

Application No. 5869-3 proposes to appropriate 0.50 cfs. Water Permit No. 4885-3 appropriates 0.28 cfs from the City of Brandon's Well No. 5. This application proposes to increase the water appropriation from Well No. 5 from 0.28 cfs to 0.42 cfs. This application also requests an additional diversion point to appropriate 0.36 cfs from Well No. 4. Well Nos. 4 and 5 (Big Sioux South Aquifer) 52 and 56 feet deep are located in the SE 1/4 NW 1/4 Section 3-T101N-R48W and propose a combined appropriation of 0.50 cfs (217 acre-feet of water annually). This water was appropriated and reserved by Future Use Permit No. 4002-3. This water will be used to supply the City of Brandon.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5868-3 and 5869-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 5, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Minnehaha) SS

I, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in Sioux Falls

County of Minnehaha and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

Friday, August 18, 1995

Friday, August 25, 1995

Cost of Printing: 103.37

D. Reicher

(Signature) MR

Assistant Controller

(Title)

8/25/95

(Date Signed)



NOTICE OF APPLICATION
for Water Rights
Notice is given that the City of
Brandon, SD 57003 has filed applications for two
water permits. Application No. 6868-3 proposes
to appropriate 0.07 cubic feet of
water per second (cfs) for
creating the diversion (see above)
used by Water Right No. 8904-3
and Water Right No. 8904-3 and
8904-3, Water Right No. 8904-3 and
Water Right No. 8904-3 and
8904-3, combined appropriate 0.28
cfs from the City of Brandon's Water
Right No. 8 (see Flood Creek Aquifer)
222 feet deep located in the NW 1/4
NW 1/4 Section, 26-1-02N R14W
T14S Application No. 6868-3 to in-
crease the water appropriation of
Water Right No. 8 from 1.32 cfs to 1.39 cfs.
Application No. 6868-3 proposes
to appropriate 0.80 cfs. Water
Right No. 8904-3 appropriates
0.28 cfs from the City of Brandon's
Water Right No. 8. This application pro-
poses to increase the water approp-
riation from Water Right No. 8 from 0.28
cfs to 0.48 cfs. This application also
requests an additional diversion
point to appropriate 0.34 cfs from
Water Right No. 4, Water Right No. 4 and 6 (Big
Blond South Aquifer) 62 and 64 feet
deep are located in the SE 1/4 NW
1/4 Section, 26-1-02N R14W
T14S and propose a combined appropriation
of 0.30 cfs (217 acres feet of water
annually). This water was appropri-
ated and reserved by Future Use
Permit No. 40023. This water will
be used to supply the City of
Brandon. Pursuant to SDCL 48-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No. 6868-3
and 6868-4 because 1) unappropri-
ated water is available; 2) ex-
isting rights will not be unduly
impaired; 3) it is a beneficial use of
water; and 4) it is in the public
interest. In accordance with SDCL
48-2A-23, the chief engineer will act
on the applications, if not recom-
mended, unless a petition is filed
opposing the applications. If the
applicant files a petition contesting
the chief engineer's recommenda-
tion, a petition opposing the
applications or contesting the re-
commendation is filed, a hearing
will be scheduled and the
Water Management Board will con-
sider the applications. Notice of the
hearing will be given to the ap-
plicant and all persons filing a peti-
tion. Any person interested in op-
posing or supporting these applica-
tions or recommendations must file
a written petition with BOTH the
applicant and chief engineer. The
applicant must file a petition
contesting the chief engineer's re-
commendations. The chief engi-
neer's address is: Water Rights
Program, Post Office Box 1821, E
Capitol Mall, SD 57001 (605)
773-8282. The applicant's
mailing address is given above. A
petition may be filed by either an interested
person or the applicant, must be
filed by September 8, 1995.
The petition may be informal, but
must include a statement de-
scribing the petitioner's interest in
the applications, the petitioner's
reasons for opposing or supporting
the applications, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel. If legal counsel is ob-
tained, contact Eric Gronlund at
the Water Rights Program
address to request copies of infor-
mation pertaining to these applica-
tions.
John H. Hark, Secretary
Department of Environment
and Natural Resources
6371 Aug 18, 25, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 1995

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

Dear Mr. Olson:

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

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

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

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

Very truly yours,

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

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 5869-3**

Date of first receipt of application June 8, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5869-3 to the City of Brandon, PO Box 95, Brandon SD 57005 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5869-3 appropriates 0.50 cubic feet of water per second (cfs). Water Permit No. 4885-3 appropriates 0.28 cfs from the City of Brandon's Well No. 5. This permit increases the water appropriation from Well No. 5 from 0.28 cfs to 0.42 cfs. This permit also authorizes an additional diversion point (known as Well No. 4) to appropriate 0.36 cfs. Well Nos. 4 and 5 (Big Sioux South Aquifer) 52 and 56 feet deep are located in the SE 1/4 NW 1/4 Section 3-T101N-R48W and authorize a combined appropriation of 0.50 cfs (217 acre-feet of water annually). This water was appropriated and reserved by Future Use Permit No. 4002-3.
2. The water appropriated shall be used for the purpose of supplying water to the City of Brandon and may not exceed the amount of water needed for beneficial use for municipal use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 5869-3 is September 5, 1995.
5. The date from which applicant may claim right is September 12, 1977 (established under Future Use Permit No. 4002-3).
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 17, 1995

Dennis Olson
Finance Officer
Brandon City Hall
P.O. Box 95
Brandon, SD 57005

Dear Mr. Olson:

This letter concerns the water permits held by the city of Brandon, the status of those permits, and information needed to license the permits. There are corrections and additions that require new applications. New applications are needed to get the city permitted for all of its water use.

Please find enclosed partially completed application forms, a map and instruction sheet. The application involves well number four with a diversion rate of 0.36 cubic feet per second (cfs), which is not authorized under any of the cities present permits. Also needing application is an additional diversion of 0.14 cfs from well number five. The waters applied for under this new application can come out of the future use permit 4002-3 and retain a priority date of September 12, 1977.

Future use permit 4002-3 reserves 902 acre feet of water in Section 34-T102N-R48W and Section 3-T101N-R48W. This new application would take 217 acre feet from the future use permit.

Application must also be made for an additional 0.07 cfs from city well number three. License 1804-3 and Permit Numbers 5296-3 and 5395-3 appropriate a combined 1.32 cfs (594 gpm) from well number three. The well has a maximum pumping rate of 1.39 cfs (625 gpm); an additional 0.07 cfs needs application. These waters come from the Split Rock Creek Aquifer and do not fall under Future Use Permit 4002-3.

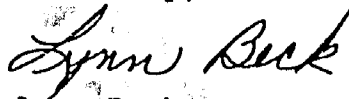
Below is a listing of the City of Brandon's water rights:

1. License 1804-3 appropriates 1.2 cubic feet of water per minute (cfs) from wells number 1, 2 and 3 with a priority date of January 25, 1971.
2. Future Use Permit No. 4002-3 reserves 902 acre feet of water from Section 34-T102N-R48W and Section 3-T101N-R48W with a priority date of September 12, 1977.
3. License 4434-3 appropriates 0.43 cfs (194 gpm) from two wells and 20.5 acre feet of storage used to irrigate the Municipal Golf Course.
4. Water Permit No. 4885-3 appropriates 0.28 cfs (126 gpm) from well number 5, with a priority date of April 20, 1982.
5. Water Permit No. 5296-3 appropriates an additional 0.33 cfs (150 gpm) for well number 3, with a priority date of March 22, 1989.
6. Water Permit No. 5395-3 appropriates an additional 0.43 cfs (194 gpm) from well number 3, with a priority date of March 8, 1990. A combined total of 1.32 cfs.
7. Water Permit No. 5507-3 appropriates 0.05 cfs (22.5 gpm) from a well at the Municipal Golf Course for the clubhouse with a priority date of January 28, 1991.

Once the Water Rights Division receives the applications, the licensing process can continue. If there is no opposition to the applications after they have been advertised, the permits can be licensed. After payment of the licensing and inspection fee, as per item number 7 on the instruction sheet, a Water License will be issued.

If you have any questions, please feel free to contact me.

Sincerely,



Lynn Beck
Natural Resources Engineer III
Water Rights Division, DENR
(605) 773-3352

encls

c Steve Brockmueller
Stockwell Engineers, Inc.
1621 S. Minnesota Ave.
Sioux Falls, SD 57105



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 27, 1999

Dennis Olson, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005-0095

Dear Mr. Olson:

I am writing in regard to the seven year review of Future Use Water Permit No. 4002-3 from groundwater (Big Sioux South Aquifer) which is held by city of Brandon. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the city. Currently, our records show that 685 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 1992.

Please respond in writing by August 15, 1999, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4002-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

c: Stockwell Engineers



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3131
www.state.sd.us/denr

October 28, 1999

Dennis Olson, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005-0095

Dear Mr. Olson:

On July 27, 1999, we notified you that Future Use Water Permit No. 4002-3 held by the City of Brandon was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

As stated in the July 27, 1999 letter (copy enclosed), if the city plans to retain this permit, it will be necessary to outline a reasonable need for retaining the permit and submit any annual pumping records for the past three years.

Permit No. 4002-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure



Stockwell Engineers, Inc.

211 East 14th Street • Suite 200 • Sioux Falls, South Dakota 57104-6913
Telephone (605) 338-6668 • Fax (605) 338-8750



November 8, 1999

Ms. Karen Schlaak
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501-3181

Re: City of Brandon
Future Use Permit No. 4002-3

Dear Ms. Schlaak:

This letter is in response to the future use water permit no. 4002-3 for the City of Brandon. The following information is provided for documentation of their future use permit:

	<u>Annual Pumpage (Gial)</u>		
	<u>1996</u>	<u>1997</u>	<u>1998</u>
Well No. 3 (SRC)	156,610.000	163,427,200	138,519,630
Well No. 1,2,4&5 (BS)	<u>13,726,000</u>	<u>11,925,000</u>	<u>51,079,600</u>
Total Pumpage (gal)	170,336,000	177,352,200	189,599,230
Per capita usage (gpcd)	94	90	90

The City of Brandon currently retains the following permits to appropriate water:

<u>Permit No.</u>	<u>Amount</u>
5868-3 (BS)	1.91 cfs
5869-3 (BS & SRC)	0.78 cfs
6027-3 (SRC)	2.23 cfs (968 acre-feet)

The City of Brandon has recently constructed a 2000 gpm water treatment facility and well in the Split Rock Creek Aquifer. The water treatment facility will treat water from the Split Rock Creek Aquifer or the nearby wells in the Big Sioux Aquifer. The City plans to reconstruct or rehabilitate their wells in the Big Sioux Aquifer to meet future growth needs. Future growth may also be met by constructing an additional well or wells in the Split Rock Aquifer.

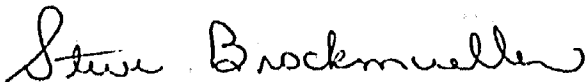
Page Two
Ms. Karen Schlaak
November 2, 1999

Population projections for the City of Brandon have recently been completed by the South Eastern Council of Governments. The 20 year population projection is estimated at 10,684. Assuming a per capita use of 100 gpd, the future annual use is estimated at 1200 acre-feet. Based upon this estimate, the City requests the remaining future use of 685 acre-feet be retained on permit no. 4002-3.

If you have questions or require additional information, please contact this office.

Very Truly Yours,

STOCKWELL ENGINEERS, INC.

A handwritten signature in cursive script, reading "Steve Brockmueller".

Steve W. Brockmueller, P.E.

cc: Dennis Olson

pk

**RECOMMENDATION OF CHIEF ENGINEER FOR
FUTURE USE WATER PERMIT NO. 4002-3, City of Brandon SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4002-3, City of Brandon, PO Box 95, Brandon SD 57005-0095.

The Chief Engineer is recommending that Future Use Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4002-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4002-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4002-3 is subject to payment of the \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.



Garland Erbele, Chief Engineer
January 19, 2000



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 21, 2000

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Dennis Olson, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005-0095

Dear Mr. Olson:

Future Use Permit No. 4002-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader (Phone #605 331-2200). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Steve Brockmueller
Stockwell Engineers, Inc.



January 21, 2000

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Dear Sir:

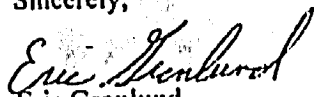
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4002-3 to be published twice. Please publish the first notice on January 28, 2000 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. Please **BILL** the **APPLICANT** for the cost of publication. The **APPLICANT** is the City of Brandon, PO Box 95, Brandon SD 57005-0095.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of January 21, 2000 enclosing Notice of Hearing to Review Future Use Water Permit No. 4002-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on January 28, 2000 with 2nd publication 7 days later. The City of Brandon is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, PO Box 95, Brandon SD 57005-0095 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved in 1977 and currently reserves 685 acre feet from the Big Sioux South Aquifer located in Section 34-T102N-R48W and Section 3-T101N-R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4002-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD on March 1, 2000 at 1:30 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 18, 2000. The Chief Engineer's address is Water Rights Program, Joe Foss Bldg., 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4002-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 18, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2000. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

CITY OF BRANDON

304 Main Avenue • P.O. Box 95 • Brandon, SD 57005
Telephone: (605) 582-6515 • Fax: (605) 582-6831



Dennis E. Olson
City Administrator

February 10, 2000

DENR
% Eric Gronlund
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Gronlund:

Enclosed are both certificates of affidavit of publication connected with our application for future water use permit #4002-3 as per your request. If there are any question, please call be at the Brandon City Hall.

Sincerely,

Dennis E. Olson
City Administrator

AFFIDAVIT OF PUBLICATION-

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA } ss

Mary Boyesen being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

FRI	, the	28	day of	JANUARY	2000,
FRI	, the	04	day of	FEBRUARY	2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,

and that \$115.68 was charged for publishing the same including
A \$5.00 affidavit fee.

Mary Boyesen

Subscribed and sworn to before me February 4, 2000,

JOAN STAHL
NOTARY PUBLIC
SOUTH DAKOTA
Joan Stahl
Notary Public, South Dakota

My Commission expires June 30, 2005

NOTICE OF REVIEW FUTURE USE PERMIT NO. 4002-3
Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, PO Box 95, Brandon, SD 57005-0095 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved in 1977 and currently reserves 185 acres left from the Big Sioux South Aquifer located in Section 34-T102N-R43W and Section 3-T101N-R43W.
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4002-3 REMAIN IN EFFECT 686 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use 4) it is in the public interest.
The Water Management Board will conduct the hearing in review Future Use Permit No. 4002-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre, SD on March 1, 2000 at 1:30 p.m.
The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 18, 2000. The Chief Engineer's address is Water Rights Program, Joe Foss Bldg, 523 E. Capitol Ave., Pierre, SD 57501 (605) 773-3352, and the permit holders mailing address is given above. The petition may be informal but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel. If legal counsel is obtained, the permit owner need not file a petition.

The hearing to review Future Use Permit No. 4002-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-6, 46-2-9, 46-2-11, 46-36-1) Board Rules ARSD 74:02:01:01:05, 01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.
This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.
Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352 by February 18, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2000.
Nettie H. Myers, Secretary,
Department of Environment and
Natural Resources
10329 Jan 25, Feb. 4, 2000





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101
www.state.sd.us/Jenr

March 2, 2000

NOTICE

Dennis Olson, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005-0095

Dear Mr. Olson:

I am writing in response to action taken by the Water Management Board at the hearing on March 1, 2000 to review Future Use Permit No. 4002-3. The Board allowed the permit to remain in effect for 685 acre-feet of water annually. Future Use Permit No. 4002-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4002-3 is \$32.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

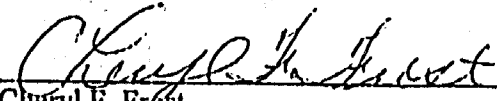
c: Steve Brockmueller
Stockwell Engineers, Inc.

CERTIFICATION

I hereby certify that on March 2, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 2, 2000, regarding response to action taken by the Water Management Board at the hearing on March 1, 2000, to review Future Use Permit No. 4002-3, addressed as stated below:

Dennis Olson, City Administrator, City of Brandon, P.O. Box 95, Brandon, SD 57005-0095.

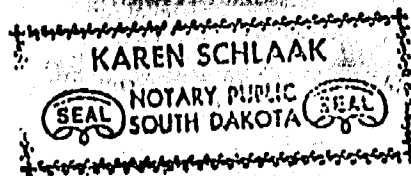
Steve Brockmueller, Stockwell Engineers, Inc., 211 E. 14th St., Suite 200, Sioux Falls, SD 57104-6913.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416438

Pierre, March 23, 2000

RECEIVED OF City of Brandon, P.O., Box 96, Brandon, SD 57005-0095
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	32	50
Fee for Application for Permit No. <u>4002-3</u> to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and Issuing Water License No. _____		
Fee for Filling Transfer Form _____		
Fee for Filling Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	32 50

By Harland Ebel
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 14, 2006

Dennis Olson, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Olson:

I am writing in regard to the seven year review of Future Use Water Permit No. 4002-3 from groundwater (Big Sioux:South Aquifer) which is held by the city of Brandon. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 685 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2000. The area included on this future use permit is Section 34-T102N-R48W and Section 3-T101N-R48W.

Please respond in writing by February 1, 2007, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit.

Permit No. 4002-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



Stockwell Engineers, Inc.

211 East 14th Street • Suite 200 • Sioux Falls, South Dakota 57104-6913
Telephone (605) 338-6668 • Fax (605) 338-8750

RECEIVED
JAN 22 2007
WATER RIGHTS
PROGRAM

January 16, 2007

Ms. Karen Schlaak
Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Re: Review of Future Use Water Permit No. 4002-3
Brandon, South Dakota
Project No. 0806

Dear Ms. Schlaak:

This letter is in response to the seven year review process by the Water Management Board pertaining to the Future Use Water Permit No. 4002-3 issued to the City of Brandon. The intention of this letter is to offer a reasonable need for the City of Brandon to retain the future use permit.

In recent years, the City of Brandon and the surrounding area has experienced rapid residential, commercial, and industrial growth. The future growth has been projected to continue at the same rate. It is vital to secure and maintain water appropriations in order to plan for and sustain this growth. With this growth in mind, a recent Water System Plan was provided to the City of Brandon to recommend future use needs.

The projected population and water usage is illustrated in this table from the Water System Plan. The method used to predict water usage was based on the type of development and water use based on acres of this development.

POPULATION AND WATER USAGE PROJECTIONS			
YEAR	POPULATION	AVERAGE DAILY WATER USE	PEAK DAILY WATER USE
2005	7,060	706,000 GALLONS	2,120,000 GALLONS
2010	9,110	911,000 GALLONS	2,730,000 GALLONS
2015	11,750	1,175,000 GALLONS	3,530,000 GALLONS
2020	15,160	1,516,000 GALLONS	4,550,000 GALLONS
2025	19,550	1,955,999 GALLONS	5,870,000 GALLONS
2030	25,220	2,522,000 GALLONS	7,570,000 GALLONS
2035	32,530	3,253,000 GALLONS	9,760,000 GALLONS

Civil
Consulting
Municipal

Based on these projections, Stockwell Engineers, Inc. believes that the reserved water provided by the Future Use Water Permit No. 4002-3 is in the best interest for the future growth of Brandon and is a necessary part of the vitality of the surrounding community.

Please contact our office if you have questions or require additional information. The City of Brandon and Stockwell Engineers, Inc. greatly appreciates your consideration in this matter.

Respectfully Yours,

STOCKWELL ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "P.D.S." followed by a horizontal flourish.

Paul D. Sanow, P.E.

Cc: Dennis Olson, City Administrator, Brandon
File



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4002-3, City of Brandon SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4002-3, City of Brandon, PO Box 95, Brandon SD 57005.

The Chief Engineer is recommending that Future Use Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4002-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4002-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4002-3 is subject to payment of the \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 25, 2007



January 25, 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

DENNIS OLSON, CITY ADMINISTRATOR
CITY OF BRANDON
PO BOX 95
BRANDON SD 57005

Dear Mr. Olson:

Future Use Permit No. 4002-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader printed at Sioux Falls (Phone #605 331-2200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Paul D Sanow, Stockwell Engineers, Inc.



January 25, 2007

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4002-3 to be published twice. Please publish the first notice on February 2, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Brandon, PO Box 95, Brandon SD 57005.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of January 25, 2007 enclosing Notice of Hearing to Review Future Use Water Permit No. 4002-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on February 2, 2007 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, PO Box 95, Brandon SD 57005 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved 1977 and currently reserves 685 acre feet from the Big Sioux South Aquifer located in Section 34-102N-R48W and Section 3-T101N-R48W. The water is for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4002-3 at 10:30 am on March 7, 2007 in the Matthews Training Center, Foss Building, 523 E Capital, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2007. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4002-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2007. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION-

Customer Number: **078340**
Invoice Number: **1000545**

Department of Environment & Natural Resources

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Friday, the 2 day of February 2007 ,
Friday, the 9 day of February 2007 ,
 , the day of 2007 ,
 , the day of 2007 ,
 , the day of 2007 ,
 , the day of 2007 ,
 , the day of 2007 ,

and that \$161.67 was charged for publishing the same

State Notices

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, PO Box 95, Brandon SD 57005 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved 1977 and currently reserves 685 acre-feet from the Big Sioux South Aquifer located in Section 34-102N-R48W and Section 3-T101N-R48W. The water is for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

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Any person wishing a copy of the Chief Engineer's recommendation on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2007. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 1000545, Feb. 2 & 9, 2007

Betty Jones
Subscribed and sworn to before me 2/9/2007
JACQUELINE ZIMMERMAN
 NOTARY PUBLIC  SOUTH DAKOTA
J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2009

RECEIVED
FEB 12 2007
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

Pierre SD 57501-3182

523 E Capitol Ave Joe Foss Bldg

PMB 2020

Department of Environment & Natural Resources

WATER RIGHTS
PROGRAM

FEB 12 2007

RECEIVED

CUSTOMER	NUMBER:	078340	Argus Leader P.O. Box 5034, Sioux Falls, S.D. 57117-5034	AMOUNT DUE: \$161.67	RUN DATES
INVOICE	NUMBER:	1000545			
2/2,2/9,2007					



March 8, 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTICE

Dennis Olson, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Olson:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2007 to review Future Use Permit No. 4002-3. The Board allowed the permit to remain in effect for 685 acre-feet of water annually. Future Use Permit No. 4002-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4002-3 is \$32.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

c: Paul D Sanow, Stockwell Engineers, Inc.

CERTIFICATION

I hereby certify that on March 8, 2007 I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2007 regarding Future Use Permit No. 4002-3 addressed as stated below:

Dennis Olson, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Paul D Sanow
Stockwell Engineers, Inc.
211 E 14th St, Suite 200
Sioux Falls SD 57104-6913



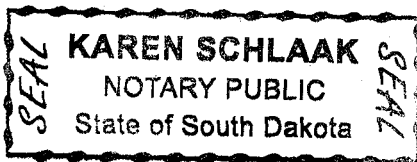
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 2007.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/23, 20 07

RECEIVED OF CITY OF BRANDON PO BOX 95 BRANDON SD 57005

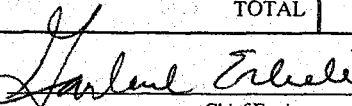
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use	32	50
Fee to retain Future Use Permit No. <u>4002-3</u> after period of seven years.	↓	↓
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	32	50

No.

03006

By


Chief Engineer



4002-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 15, 2013

Bryan H Read, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Read:

I am writing in regard to the seven year review of Future Use Water Permit No. 4002-3 from the Big Sioux:South Aquifer held by the City of Brandon. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 685 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2007.

Please respond in writing by January 1, 2014 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4002-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 685 acre-feet remain in reserve, the fee will be \$115.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



December 27, 2013

Karen Schlaak
SD DENR
Joe Foss Building
523 E Capitol
Pierre, SD 57501

RECEIVED
JAN - 2 2014
WATER RIGHTS
PROGRAM

Re: Big Sioux Future Water Use Permit
Brandon, SD

Dear Ms. Schlaak:

This letter is in response to the seven year review of the Future Water Use Permit No. 4002-3 from the Big Sioux: South Aquifer. Permit No. 4002-3 is for 685 acre-feet.

In recent years, the City of Brandon and the surrounding area has experienced rapid residential, commercial and industrial growth. We recently completed a Comprehensive Water System Plan for the City of Brandon. This plan recommended that new wells be constructed to provide adequate well capacity for current and future water demands. Two new wells are planned to be constructed in the summer of 2014 in the Big Sioux:South Aquifer. Historic pumping records from the Big Sioux:South Aquifer and future needs for the City of Brandon are shown in the following tables.

Big Sioux Historic Usage

Year	Annual Usage (gal)
2010	27,091,000
2011	29,547,000
2012	36,267,000

Projected City Usage

Year	Population Projection	Annual Usage (gal)
2017	10,734	407,462,640
2022	12,217	463,757,320
2027	13,700	520,052,000

The City of Brandon plans to retain this permit. Please call, if you have any questions or need additional information.

Sincerely,

STOCKWELL ENGINEERS, INC.

Gabriel Laber, P.E.
Project Engineer
glaber@stockwellengineers.com

cc: SEI Project File: 01_3613 / Correspondence

SIOUX FALLS
600 N. Main Ave. #100
Sioux Falls, SD 57104
(605) 338-6668



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4002-3, City of Brandon SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4002-3, City of Brandon, c/o Bryan Read, City of Administrator, PO Box 95, Brandon SD 57005.

The Chief Engineer is recommending that Future Use Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4002-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4002-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4002-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
January 13, 2014



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



January 14, 2014

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER RIGHT AWAY.

City of Brandon
Bryan H Read, City Administrator
PO Box 95
Brandon SD 57005

Dear Mr. Read

Future Use Permit No. 4002-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader (605 331-2200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on January 22, 2014. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUSTOMER NUMBER:	127014	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1433917		
	1/22, 2014		\$94.87

City of Brandon
% Bryan H Read
PO Box 95
Brandon, SD 57005

RECEIVED
JAN 24 2014
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127014

Invoice Number: 1433917

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday the 22 day of January 2014 ,
____ the ____ day of ____ 2014 ,
____, the ____ day of ____ 2014
____, the ____ day of ____ 2014 ,
____, the ____ day of ____ 2014 ,
____, the ____ day of ____ 2014 ,
____, the ____ day of ____ 2014 ,

and that \$94.87 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 1/22/2014

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2015

NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, c/o Bryan H Read, City Administrator, PO Box 95, Brandon SD 57005 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved in 1977 and currently reserves 685 acre feet from the Big Sioux South Aquifer located in Section 34-T102N-R48W and Section 3-T101N-R48W. The water is for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1)

the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4002-3 at 9:00 am on March 6, 2014 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 24, 2014. The Chief Engineer's address is "Water

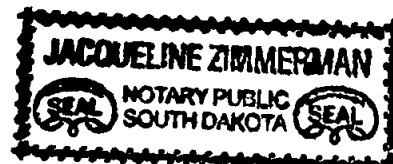
Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 24, 2014. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner, or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 24, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$94.87.
1433917 Jan. 22, 2014





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



January 14, 2014

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4002-3 to be published on January 22, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Brandon, c/o Bryan H Read, City Administrator, PO Box 95, Brandon SD 57005 (605 582-6515).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice on January 22, 2014. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4002-3

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Published once at the approximate cost of_____.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



March 7, 2014

NOTICE

City of Brandon
Bryan H Read, City Administrator
PO Box 95
Brandon SD 57005

Dear Mr. Read:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2014 to review Future Use Permit No. 4002-3. The Board allowed the permit to remain in effect for 685 acre-feet of water annually. Future Use Permit No. 4002-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4002-3 is \$115.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on March 7, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2014 regarding Future Use Permits addressed as stated below:

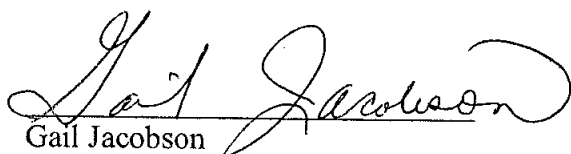
City of Spearfish, T Callaway, 625 N 5th St, Spearfish SD 57783 # **1872-1**

Southern Black Hills WS, Don Peterson, 26858 Hwy 385, Hot Springs SD 57747 # **2580-2**

Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201 # **5862-3**

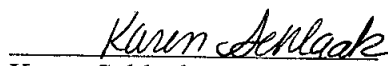
City of Brandon, B Read, PO Box 95, Brandon SD 57005 # **4002-3**

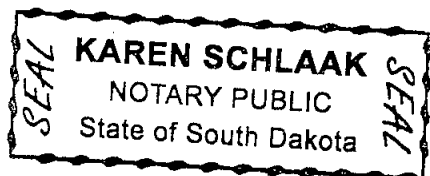
Minnehaha Community Water, S J Buss, 47381 248th St, Dell Rapids SD 57022
#s **4838A-3, 5063A-3 & 5716-3**


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2014.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/19, 20 14

RECEIVED OF City of Brandon PO Box 95 Brandon SD 57005

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	115	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4002-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	115 00

No. **06790**

By Jean L. [Signature]
Chief Engineer



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 6, 2021

Bryan Read, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Read:

I am writing in regard to the seven year review of Future Use Water Permit No. 4002-3 from the Big Sioux South Aquifer held by City of Brandon. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 685 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2014.

Please respond in writing by February 1, 2021 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4002-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 685 acre-feet remain in reserve, the fee will be \$115.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



RECEIVED

JAN 28 2021

WATER RIGHTS
PROGRAM

CITY OF BRANDON
304 S. Main Avenue, P.O. Box 95
Brandon, SD 57005
Telephone: (605) 582-6515

Monday, January 25, 2021

Karen Schlaak
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Re: Review of Future Use Water Permit 4002-3

Ms. Schlaak:

Your letter of January 6, 2021 requested a written response regarding the City of Brandon's Future Use Permit No. 4002-3.

In 2019, the City completed the City of Brandon Water Supply Evaluation that projected Brandon's population to increase by 60% of its current population in the next 25 years, and to more than double its current population in the next 50 years. This population growth is expected to exert a proportionately increased water demand, with an accompanying increased peak day water production, as summarized in the table below.

Year	Population	Average Day Production, MGD	Annual Production, Acre-Ft	Max Day Production, MGD	Maximum Day Production, cfs
2018	9,957	0.96	1,115	2.49	3.85
2045	16,000	1.52	1,703	3.80	5.88
2070	23,000	2.07	2,319	5.18	8.00

The City of Brandon Water Supply Evaluation included alternatives for additional wells that would obtain water from the Big Sioux South Aquifer and the Split Rock Creek Aquifer. These wells will likely consume water held in reserve by the existing future water use permits.

To provide water for anticipated future needs, the City of Brandon requests that the reserved water capacity of 685 acre-feet under Future Water Use Permit 4002-3 in the Big Sioux South Aquifer be retained by the City of Brandon.

Sincerely,

Tami Jansma, City Engineer
City of Brandon



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4002-3, City of Brandon**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4002-3, City of Brandon, PO Box 95, Brandon SD 57005

The Chief Engineer is recommending that Future Use Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4002-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4002-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4002-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
January 28, 2021



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 28, 2021

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER RIGHT AWAY.

City of Brandon
c/o Tami Jansma, City Engineer
PO Box 95
Brandon SD 57005

Dear Ms. Jansma:

Future Use Permit No. 4002-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Argus Leader (605 331-2200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on February 4, 2021. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 2:58 PM
To: 'legals@argusleader.com'
Subject: 4002-3, City of Brandon
Attachments: 4002-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

City of Brandon, c/o Tami Jansma, City Engineer, PO Box 95, Brandon SD 57005 (605 582-6515) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:36 PM
To: tjansma@cityofbrandon.org
Subject: Future Use Permit No 4002-3, City of Brandon
Attachments: 0470.pdf; 4579471.pdf

Attached is a copy of the chief engineer recommendation and information regarding the public notice for the city's future use permit. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

This second document is information received from the Argus Leader that may help when contacting the Argus Leader to authorize publication. The contact person is Brittany Grady, 844-254-5287.

Karen Schlaak
Water Rights Program
(605) 773-3352



Instruction to Newspaper - Publish the following Notice on February 4, 2021. The City of Brandon is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, c/o Tami Jansma, City Engineer, PO Box 95, Brandon SD 57005 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved 1977 and currently reserves 685 acre-feet from the Big Sioux South Aquifer located in Section 34-T102N-R48W and Section 3-T101N-R48W. The water is for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4002-3 at 10:00 am central time, March 3, 2021, in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 2021. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4002-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by February 22, 2021. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 22, 2021.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 15, 2021. Published once at the approximate cost of _____.

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No: SFA-127014

Ad No: 0004579471

PO #:

Lines : 158

Ad Total \$99.49

This is not an invoice

of Affidavits: 1

BRANDON, CITY OF
304 S MAIN AVE
BRANDON, SD 57005

Account No.: SFA-127014
Ad No.: 0004579471

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, February 4, 2021

Sworn to and subscribed before me this 17 day of February, 2021.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NO. 4002-3

Notice is given that the Water Management Board will review Future Use Permit No. 4002-3 held by the City of Brandon, c/o Tami Jansma, City Engineer, PO Box 95, Brandon SD 57005 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4002-3. This permit was approved 1977 and currently reserves 685 acre-feet from the Big Sioux South Aquifer located in Section 34-T102N-R48W and Section 3-T101N-R48W. The water is for municipal use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4002-3 REMAIN in EFFECT for 685 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4002-3 at 10:00 am central time, March 3, 2021, in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 2021. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the

petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4002-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by February 22, 2021. The time of the hearing will be automatically delayed for at least 30 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 22, 2021.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 15, 2021. Published once at the approximate cost of \$99.49

4579471

Feb 4, 2021



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 4, 2021

NOTICE OF ENTRY OF ORDER

Tami Jansma, City Engineer
City of Brandon
PO Box 95
Brandon SD 57005

Dear Ms. Jansma:

I am writing in response to action taken by the Water Management Board at the hearing on March 3, 2021 to review Future Use Permit No. 4002-3. The Board allowed the permit to remain in effect for 685 acre-feet of water annually. Future Use Permit No. 4002-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4002-3 is \$115.00 pursuant to SDCL 46-2-13(2). Please make checks payable to the Water Rights Program and remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 4, 2021, regarding Future Use Review addressed as stated below:

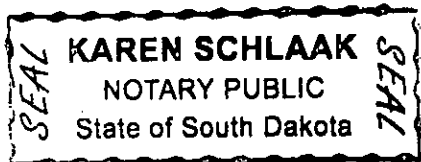
City of Spearfish, Brandy Kean, Public Works Director, 625 5th St., Spearfish SD 57783
Southern Black Hills Water System, C/O Don Peterson, 26858 Hwy 385, Hot Springs SD 57747
Matthew E Naasz, Gunderson Palmer Nelson & Ashmore, PO Box 8045, Rapid City SD 57709
Tami Jansma, City Engineer, City of Brandon, PO Box 95, Brandon SD 57005
Scott Buss, Manager, Minnehaha Community Water Corp., 47281 248th St., Dell Rapids SD 57022-5305


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of March, 20 21.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 19, 2021

RECEIVED OF City of Brandon PO Box 95 Brandon SD 57005

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. <u>4002-3</u> after period of seven years.	\$115.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$115.00

By Eric Gronlund
Chief Engineer

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