

Considered: _____

WATER PERMIT NO. 5108-3

MAP No. same

Name of Applicant Brookings - Deuel Rural Water System

Post Office Address Rt 2, Box 84, Toronto SD 57268

Amount of Water Claimed 1.0 cfs Total Acres NA

Source of Water Supply ground water

Water to be used for RWS County Brookings & Deuel

About 2 1/2 miles NE of Clear Lake.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/10/86 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received August 8, 1986 Fee 325⁰⁰/₀₀ Remarks _____
8/8/86

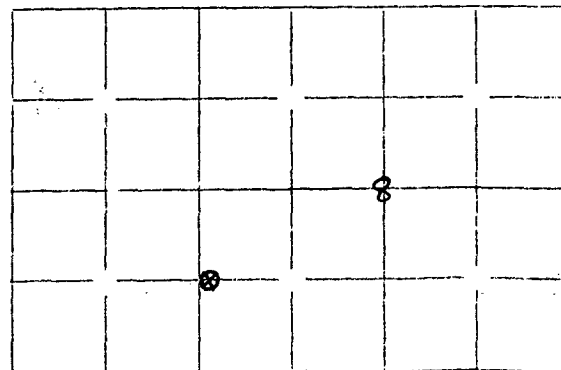
Corrected Application Received October 15, 1986 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well: 1320 ft N and 120 ft
E from SW corner of sec 8-T715N-R48W

Land to be Irrigated NA



Test Well Log: Driller LTP Enterprises Licensed YES ☒ NO ☐

Depth of Well 85 feet REMARKS _____

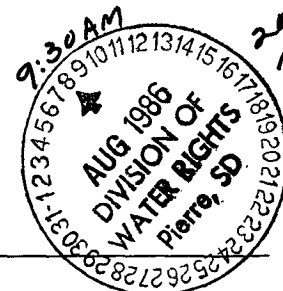
Type of Map Topo PREPARED BY Brookings - Deuel RWS
John Wiersma Reviewed and the Number
assigned on October 15, 1986 By Ron Dunsall

No. 5108-3 Hydrologic Unit 07020003
 Map No. same Basin MN-Whetstone
 Newspaper Clear Lake Courier, Box 277 (Thurs)
Brookings Daily Register, P.O. Drawer 177

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☒ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Brookings-Deuel Rural Water System Phone No. 794-4201Post Office Address Rt 2 Box 84 Toronto South Dakota State 57268
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 1.0 cfs3. Source of water supply well4. Location of point of diversion from the SW corner of sec 8-15-48 -
1320' north and 120' eastCounty Deuel5. Counties where water will be used Brookings and Deuel6. Annual period during which water is to be used All year Jan 1 - Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is an added well for the Brookings-Deuel
Rural water system. The water will be distributed to
consumers through an existing underground piping
system

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map
 (see instruction)

STATE OF SOUTH DAKOTA
 County of Brookings ss

I, John L. Luecke the applicant, certify that I have read
 the foregoing application, 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 John L. Luecke - SecretarySubscribed and sworn to before me this 7 day of August 19 86

Notary Public (or other qualified officer)

WATER PERMIT

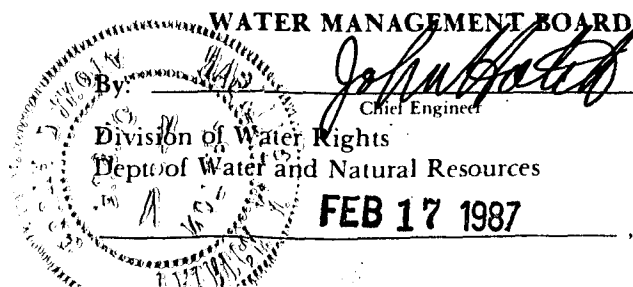
The Water Management Board hereby approves Water Permit Application No. 5108-3
Brookings - Deuel Rural Water System Rt 2, Box 84, Toronto
(Applicant) (Post Office Address)
SD 57268 With the following qualifications.
(State) (Zip Code)

The well 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.

Date of first receipt of application August 8, 1986.
 Date of return to applicant for correction, amendments or changes required September 12, 1986.
 Date of receipt of corrected application Oct 15, 1986. Approved December 10, 1986.

The Water Management Board hereby approves this Water Permit No. 5108-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is August 8, 1986.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before May 10, 1989.
3. The whole of said work is to be completed on or before December 10, 1991.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 10, 1995.
5. The water appropriated shall be used for the purpose of supplying the rural water system.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.00 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for rural water system use on or before December 10, 1995; said water to be used during the following described annual period: Jan 1 - Dec 31



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 12" Depth 85' 3-4 ft
- b) Casing Type Steel Diameter 10" Thickness 3/16"
stainless steel
- c) Screen Type 3/8" H.C.D. Diameter 10" Thickness 3/16" - 15' long
- d) Gravel Pack Thickness 1" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 54'
- f) Depth of Water (ground surface to water level) 54'
- g) Distance to nearest existing domestic well:
On applicants property 0.2 mile On property owned by others 0.655 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:

Pipe diameter _____

Spillway width _____

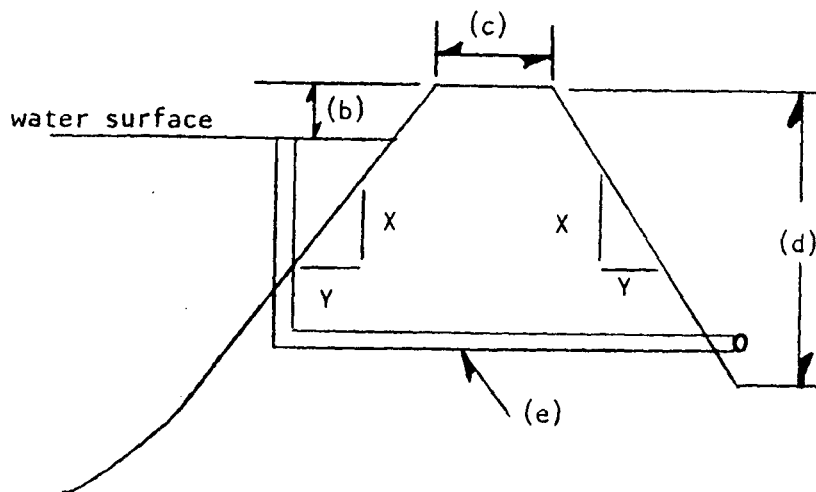
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Brooklyn-School Water Supply System
Signature of Applicant

John J. L. L. L.
Secretary

Brookings - Deer-1
Rural Water
System

R42 Box 84

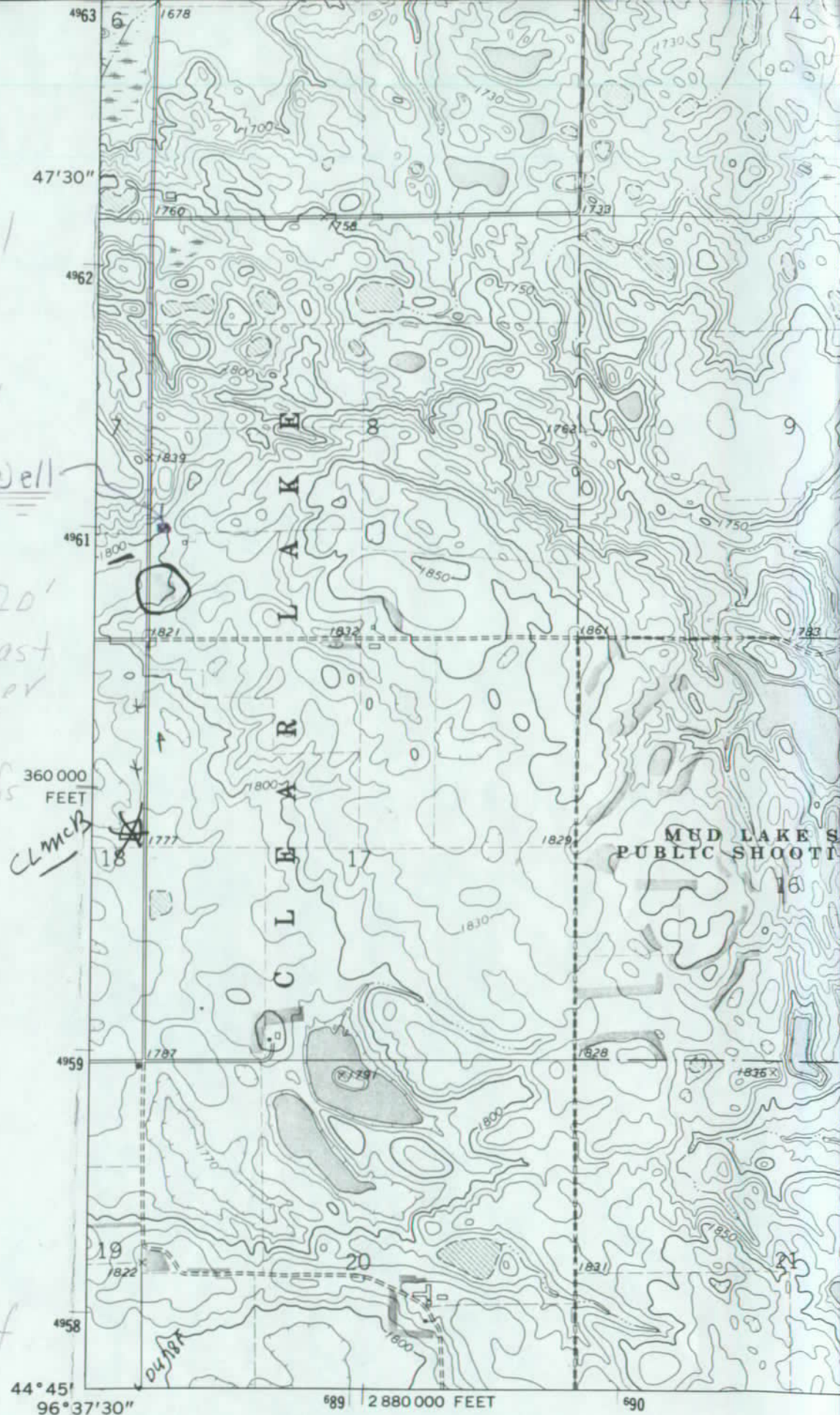
Toronto S.D. Well
57268

Well location - 1320'
North and 120' east
of the SW corner
of SEC 8 - 115 - 18

water claimed - 1.0 cfs

360 000
FEET
CLMB

Aug 7, 1986
Certified Correct
John L. Brown



AR LAKE SOUTH)
6673 II NW

Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography by photogrammetric methods from aerial
photographs taken 1972. Field checked 1973

Appl. No. 5108-3

GN

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410594

Pierre, October 15, 19 86

RECEIVED OF Brookings-Deuel Rural Water System, Route 2 Box 84, Toronto SD
the following amount in fees for services rendered as provided for by law: 57268

Fee for Application for Permit No. <u>5108-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	325	00
Fee for Application for Permit No. _____ 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 Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	325 00

By John Hatch
Chief Engineer JOHN HATCH



Water Rights Division DWR
Pierre S.D. 57501



Dear Mr Hatch:

Enclosed is an application for a water permit for Brookings-Powell Rural Water System. It seems reasonable that this should be part of previously held Satura Water Permit # ~~3446~~³⁹⁸³-3 even though it is in sec 8 rather than sec 18 or 17. Being that there is apparently some question about this I did not mark "Type of Application". Will you mark the proper "box" when you determine the "Type".

Please send the bill to the address marked on the application form.

If there are questions please contact me or Pat Gilligan.

Yours truly
John L. Williams

Rt 2

Brookings

57006

693-3780

DeWild Grant Reckert & Associates Co.

Architecture Engineering Planning

315 First Avenue
Rock Rapids, IA 51246
Telephone 712 472 2531

August 12, 1986

Department of Water and Natural Resources
Office of Drinking Water
Joe Foss Building
Pierre, South Dakota 57501-3181

Attn: Garland Erbele

Re: Brookings-Deuel Rural Water System
DGR File No. 32172

Dear Mr. Hatch:

Enclosed are two (2) copies of the specifications and the drawings for proposed Clear Lake Well No. 4 for Brookings Deuel Rural Water System. Please route one (1) copy to the Water Rights Division for their review, if appropriate.

Please call me as soon as possible if you have any questions or comments regarding the enclosed specifications. Brookings Deuel would like to proceed with well construction within the next few weeks.

Very truly yours,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY

Gary Patton, P.E.

GJP:hlb

cc: John Hatch

Pat Gilligan



WATER RIGHTS DIVISION
(605) 773-3352

September 12, 1986

John L. Weirsma
Brookings-Deuel Rural Water System
Route 2, Box 84
Toronto, South Dakota 57268

Dear Mr. Weirsma:

This letter is in response to your permit application received on August 8, 1986.

An application fee needs to be submitted to complete processing of the application. The fee is \$325.00 for a proposed use of 1 cfs. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc

REPORT ON APPLICATION NO. 5108-3
BROOKINGS DEUEL RURAL WATER SYSTEM
October 16, 1986

This application proposes to appropriate 1.0 cfs from one well 85 feet deep to be located in the W 1/2 SW 1/4 Section 8, T115N, R48W. The water is to be used to supply the Brookings Deuel Rural Water System.

Aquifer-Big Sioux-Brookings (BS:B)

Geology and Aquifer Characteristics

The Big Sioux-Brookings (BS:B) also called Clear Lake Aquifer (Barari, 1976) consists of Pliostocene collapsed outwash and outwash-alluvium. The aquifer is under water table conditions. An aquifer test (Barari, 1976) on one of the Rural Water System wells resulted in a specific capacity of 33.5 gal/ft of drawdown, transmissivity (T) of 85000 gpd/ft, storage coefficient (s) of 0.10 and a permeability (K) of 4250 gpd/ft². Drawdowns during the aquifer test (75 hours) period were minimal, in fact, 85 feet from the production well 2.0 feet of drawdown was measured.

The SDGS (Hedges, 1982) has estimated the BS:S contains 59,400 acre feet of recoverable water. This estimate is apparently very conservative because the area mapped as aquifer does not include the area where these wells are located. A saturated thickness map (Kume, 1985) indicates the aquifer thickness is quite variable. Test hole logs provided by the applicant indicate a saturated thickness of 26 feet at the site of this application. The Water Rights Division presently monitors one BS:B observation well in this area (DU-75A, 1986). Water levels for this well were at record highs this summer indicating recharge from the unusually wet year. The well records illustrate the effects of climatic conditions but the effects of aquifer withdrawals are not obvious.

Review of Existing Water Permits

There is a sketch map provided with this report listing the location of wells and other data. The licensed (L) irrigation permits are located accurately. The unlicensed (NL) are shown by the original application. There is one irrigation well (No. 2545-3) which obtains water from the BS:B. All the other wells are deeper and apparently not obviously connected to the surficial outwash (BS:B). This deeper outwash is termed (PS:U), pliestocene unknown. With the existing development of the rural water system in the BS:B and the irrigation wells into the deeper formation, it is unlikely interference would occur.

Conclusions

1. Water is available from the BS:B aquifer.
2. Interference should not be a problem. Test results indicate little drawdown occurred as a result of pumping by the rural water system.
3. Observation well data indicates the aquifer is being recharged, in fact, water levels have never been higher since the period of record began.
4. Existing irrigation wells (except for one) appear to be in a different aquifer.


JAMES A GOODMAN
Hydrologist

Bibliography

Barari, A., 1976, Ground Water Study For The Brookings-Deuel Rural Water System, UR-7, DWNr, SDGS, Vermillion SD 57069.

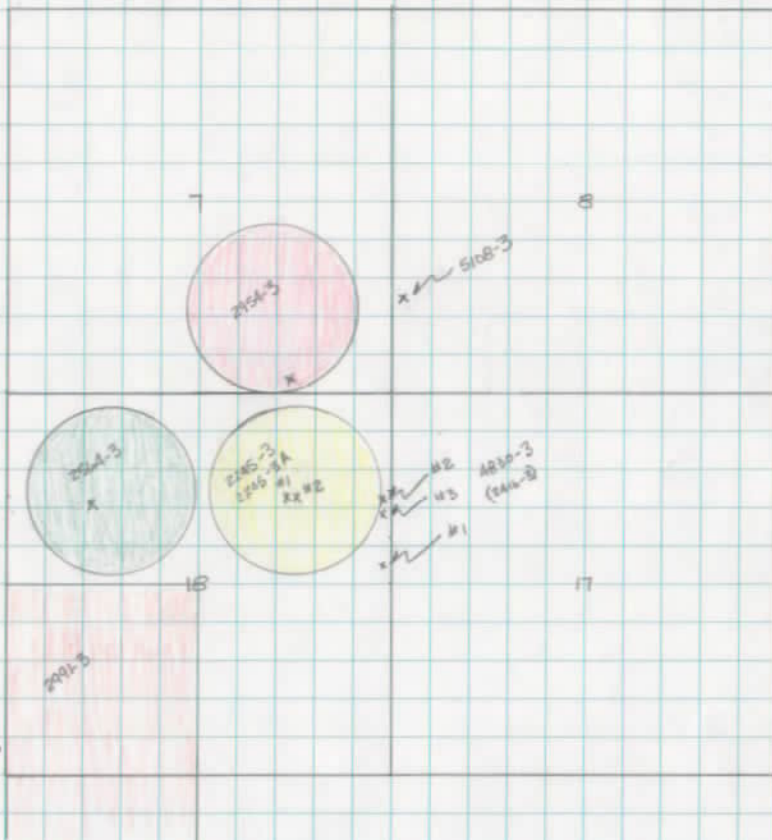
Hedges, L., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, DWNr, SDGS, Vermillion SD 57069.

Kume, Jack, 1985, Water Resources of Deuel and Hamlin Counties South Dakota, USGS Water Resources Investigations Report 84-4069, USGS, Huron SD.

DU-75A, 1986, Observation Well File For DU-75A, DWNr, Water Rights Division, Joe Foss Bldg, Pierre SD 57501

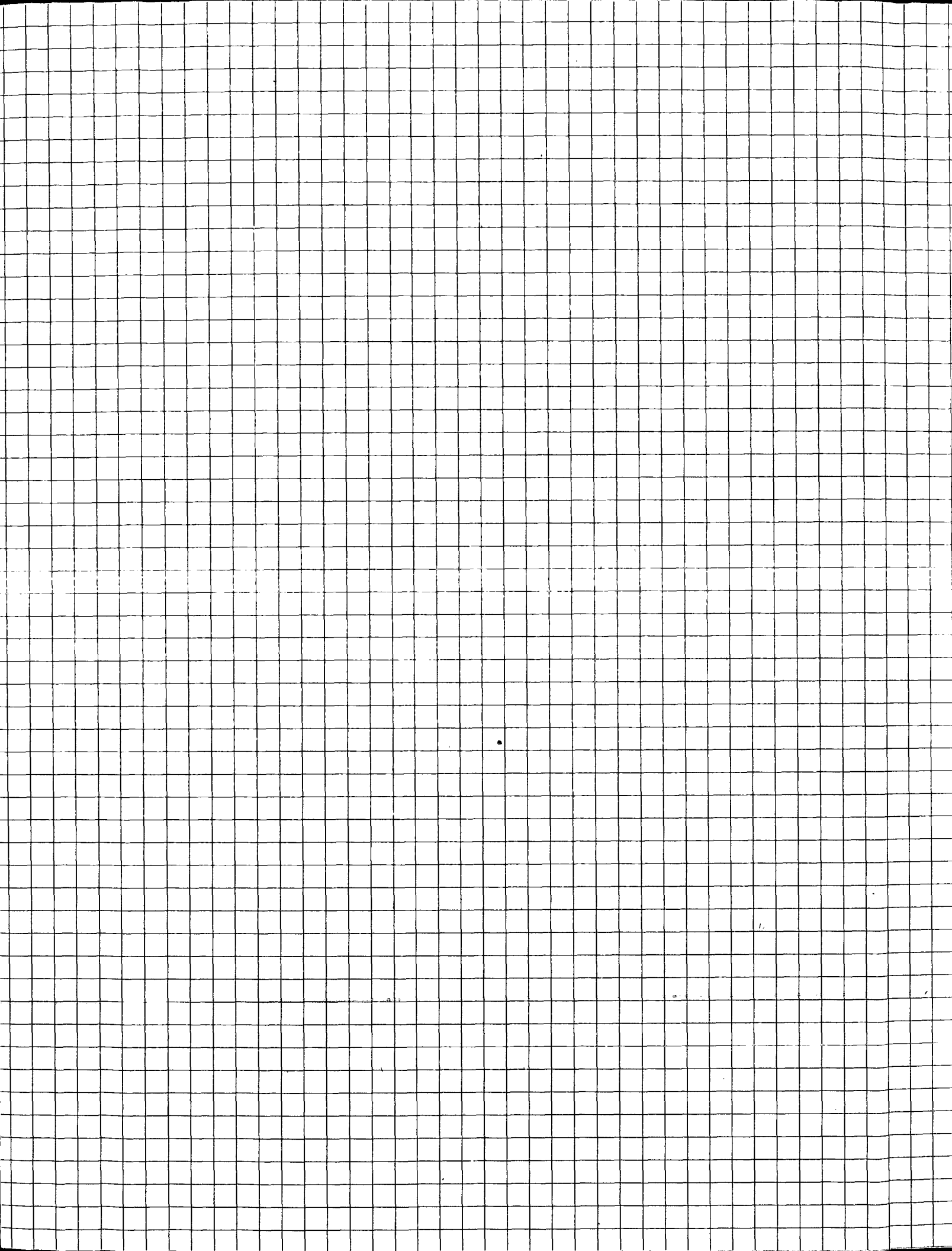
DEUEL COUNTY - LOCATION OF BROOKINGS DEUEL RWS WELLS AND IRRIGATION PERMITS

R 48 W



THIS APPLICATION ALSO
INCLUDES THE
NW 1/4 OF 19

2245-3	} ATYED BROS.	#1 WELL	54'	*	BS:B	22 CFS	NL
2245-3A		#2 WELL	106'		PS:U		
2564-3	GARY EIDE	1 WELL	158'		PS:U	1.57 CFS	L
2954-3	K/S RANCH	1 WELL	130'		PSU	1.00 CFS	L
2991-3	ATYED BROS	2 WELLS	128' 138'		PSU	3.90 CFS	NL
2416-3	} BD RWS	3 WELLS	55'	*	BS:B	20 CFS	L
4830-3			55' 61'				
3983-3	BD RWS	FUTURE USE		*	BS:B	1.0 CFS	
(ALL INCORPORATED INTO 4830-3)							
5108-3	BD RWS	1 WELL	85'	*	BS:B	1.0 CFS	



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5108-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5108-3, Brookings-Deuel RWS, Rt 2, Box 84, Toronto SD

The Chief Engineer is recommending APPROVAL of Application No. 5108-3 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:

1. The well 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 well having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 27, 1986



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

October 29, 1986

NOTE:

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

Brookings-Deuel Rural Water System
Route 2, Box 84
Toronto, South Dakota 57268

Dear Sir:

Your Application No. 5108-3 for a permit to appropriate water for

rural water system use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Clear Lake Courier

printed at Clear Lake

Brookings County Register

printed at Brookings

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are 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 to authorize publication of your notice
of intent to appropriate water and to arrange for payment. Early contact with
the paper can eliminate delays. The publisher has been instructed to publish
your notice once each week for two consecutive weeks with the last publication
to occur at least thirty days before the board meeting. We must receive
Proof of Publication before the application can be considered by the Water
Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures

No. 5108-3

Instruction to Newspaper - Publish first publication of the following Notice on or before November 6, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5108-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that the Brookings-Deuel Rural Water System whose mailing address is Route 2, Box 84, Toronto, South Dakota has made an application for a permit

to appropriate 1.0 cubic feet of water per second from one well (Big Sioux-Brookings Aquifer) 85 feet deep to be located in the $W\frac{1}{2}SW\frac{1}{4}$ Section 8-T115N-R48W. The water is to be used to supply the Brookings-Deuel Rural Water System.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5108-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10 1986 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) approve, 2) approve with qualifications, 3) defer, or 4) deny this application 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 applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ ~~46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA)~~ ~~46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use)~~ ~~74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant 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 the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

Affidavit of Publication

Exhibit "A"

State of South Dakota

County of Brookings

ss

Douglas Anstaett of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal #565

99 lines @ .425

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for two

successive week s., to-wit:

November 6, 1986, 19....
November 13, 1986, 19....
19...., 19....
19...., 19....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty two dollars and eight cents Dollars

Douglas Anstaett

Subscribed and sworn to before me this 13th day of

November, 1986.

John Strassburg Zwick

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires PATIL S. STRASSBURG, 19

Notary Public, Brookings County, SD
My Commission Expires June 14, 1990



Legal No. 565, 2x, Nov. 6, 13

DWNR 806-11/85
No. 5108-3

NOTICE OF HEARING
on Applicant No. 5108-3
to Appropriate Water

Notice is hereby given that the Brookings-Deuel Rural Water System whose mailing address is Route, 2 Box 84, Toronto, South Dakota has made an application for a permit to appropriate 1.0 cubic feet of water per second from one well (Big Sioux-Brookings Aquifer) 85 feet deep to be located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8-T115N-R48W. The water is to be used to supply the Brookings-Deuel Rural Water System.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5108-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest. This application will be considered

by the Water Management Board, room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 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) approve, 2) approve with qualifications, 3) defer, or 4) deny this application 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 applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, but it must include a statement describing the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal

counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-12, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant 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 foreited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this applica-

tion or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

Notice is hereby given that the Brookings-Deuel Rural Water System whose mailing address is Route 2, Box 84, Toronto, South Dakota has made an application for a permit to appropriate 1.0 cubic feet of water per second from one well (Big Sioux-Brookings Aquifer) 85' to deep to be located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8-T115N-R48W. The water is to be used to supply the Brookings-Deuel Rural Water System.

Pursuant to S.C.L. 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5108-3 because 1) inappropriate water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

The application will be considered by the Water Management Board at room 216 Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board, and the Board is authorized to 1) approve, 2) approve with qualifications, 3) deny, or 4) delay this application 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, must present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to the support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

The application was made pursuant to the provisions of 46-11-1 thru 46-13, 46-1-12 thru 46-1-15; 46-2-3, 46-2-7, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1, thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-14, 46-5-25, 46-5-30-2, 46-5-30-3, 46-5-33, 46-6-3, 46-6-3-1, 46-6-1, 46-6-10, 46-6-13, 46-6-14; and Board Rules AR 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant 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 the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605) 224-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least ten days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 22, 1986.

Nov. 6 & 13

Nov. 6, 1986

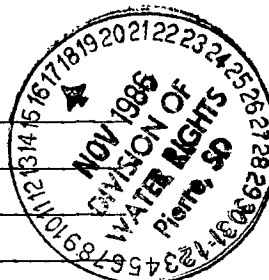
Nov. 13, 1986

Harry S. Jung
(Signature)

Publisher
(Title)

Nov 13, 1986
(Date Signed)

Cost of Printing: 41.73





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

FEB 17 1987

Brookings-Deuel Rural Water System
Rt 2, Box 84
Toronto SD 57268

Dear Sir:

Enclosed herewith is your Water Permit No. 5108-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5108-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

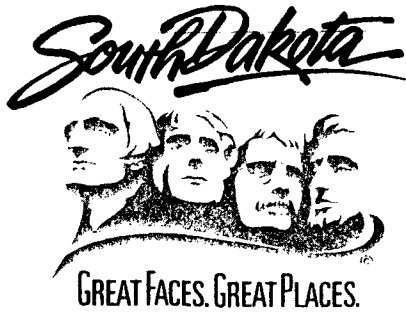
JH:ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 1991

2612A-3
5108-3
5185-3

Pat Gilligan
Brookings-Deuel RWS
RR 2 Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Enclosed are the Notice of Completion of Works forms for Water Permit Nos. 2612A-3 and 5108-3 that I spoke to you about. Please complete and return them to this office. I would also appreciate it if you could check to see if you have the as completed well logs for the well in the SW1/4 of Section 8 and the well in the NW1/4 of Section 16 , both in T115N-R48W.

Please address the envelope attn: Mark Rath. If you have any questions, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Division of Water Rights
(605) 773-3352

enclosures



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date September 6, 1991

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

FROM: Brookings-Deuel RWS RR 2 Box 84 Toronto, SD 57268
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5108-3.

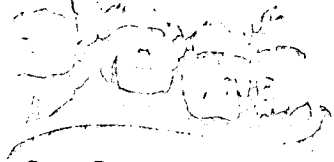
Water Permit No. 5108-3 states that the diversion system is to be constructed by _____, and that the water it put to beneficial use by July 1984.

The diversion system was completed on July 1986.
Applying the water to beneficial use was completed on _____.

You may schedule an inspection so that the Water License may be issued.

[Signature]
signature

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 1991

LTP Enterprises Inc.
Leonard T Pulkrabek
Box 9035
Fargo, ND 58106

Dear Mr. Pulkrabek:

Our records indicate that you may have drilled two wells for Brookings-Deuel Rural Water System of Toronto, SD. The wells are located in SW1/4 of Section 8 and NW1/4 of Section 16 both in T115N-R48W in Deuel County, I have not been able to find the as complete well log for either production well. I would appreciate it if you would check your files for the well logs and then send any information you have concerning this to me.

If you need any additional information, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352



From . . .

RANDY J. PULKRABEK

P.O. BOX 9035

Fargo, ND 58106

Phone: 701-232-8928

Toll Free: 1-800-347-0090

FAX: 701-232-8264

Mark,

We didn't drill the
well for Robert L. Carr or
the one in Sec. 8 for
Brookings Dwell. If you need
anything else please call.



Sincerely,
Randy Pulkrabek, Vice Pres.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 1992

5108-3

Pat Gilligan
Brookings-Deuel RWS
RR 2, Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5108-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 1992

SECOND NOTICE

PERMIT NO: 5108-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Pat Gilligan
Brookings-Deuel RWS
RR 2, Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

On June 23, 1992; you were notified the final inspection fee of \$50.00 is due before Water License No. 5108-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

5108-3

Pat Gilligan
Brookings-Deuel RWS
RR 2, Box 84
Toronto, SD 57268

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

5. Signature (Addressee)

6. Signature (Agent)

Laurie J. Santvoort

4a. Article Number

P 906 559 923

4b. Service Type

☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD
☐ Return Receipt for Merchandise

7. Date of Delivery

AUG 26 1992

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 U.S.G.P.O. : 1992-307-530
DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 1993

Pat Gilligan
Brookings-Deuel RWS
RR 2, Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

I am writing in regards to the rural water system's Water Permit No. 5108-3 (copy enclosed). This permit appropriated 1.0 cubic feet of water per second (cfs) from one well (Big Sioux:Brookings) 85 feet deep located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, T115N, R48W. An inspection of this permit was conducted in 1991 by Mark Rath of this office. The inspection found the well constructed to a depth of 130 feet and producing 0.13 cfs.

A well completion report was never formally submitted for this well but it appears that the well was constructed into a Pleistocene Unknown aquifer instead of the Big Sioux:Brookings aquifer as authorized by Permit No. 5108-3. This would constitute a different water source and require a new water permit. Our record indicated that LTP Enterprises drilled the test hole for the rural water system, however when we contacted them for the well completion report they stated that they did not drill the system's production well in Section 8.

I realize that this well produces much less than was originally anticipated and that the water quality from the well is less than desirable for use by the rural water system. However, prior to licensing Permit No. 5108-3, the issue of water source must be resolved. Enclosed is a copy of water permit application forms for you to apply for a new water permit from this Pleistocene Unknown aquifer as a water source. If you have additional information that documents that the well was constructed into the Big Sioux:Brookings aquifer, please provide it to me and a new water permit will not be necessary.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure



BROOKINGS-DEUEL

Rural Water System, Inc.

R.R. 2 Box 84

Toronto, South Dakota 57268

(605) 794-4201

August 2, 1993

Eric Gronlund
SD DENR
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Eric:

Responding to your letter concerning Brookings-Deuel RWS water permit #5108-3. The application was submitted on data known at the time. Specifically, Kume 1985 report classifying this outwash as being part of the Big Sioux aquifer.

Brookings-Deuel RWS retained LTP to drill two wells in Section 8, 115N 48W. The wells were 4" casing and installed at two different depths, one at approximately 90' and one at approximately 190'.

The test well was used as the production well to alleviate the nitrate problem occurring at the time. Subsequently a more satisfactory location and production well was installed (#5185-3) based on the South Dakota Geological Survey investigation by Iles and Dawson in 1987. (open file report 51 - UR).

Permit #5108-3 was used until #5185-3 was developed, and presently #5108-3 is a "stand-by" source, but may be fully developed as need or situation dictates. Permit #5108-3 is adjacent to, and in the same aquifer as ML-15 identified in the report by Iles and Dawson.

The Iles/Dawson report gathered a great deal of previously unknown data, but also pointed out that definitive aquifer boundaries could not be drawn.

Based on the lack of definitive conclusion, and that #5108-3 is not currently used as a production well, I would ask that a new permit not be required, until more definitive data is available. Obviously, Brookings-Deuel wished to retain the permit and be glad to follow your recommendation. I would ask that you review Report 51-UR and advise us of your decision.

For the Brookings-Deuel Rural Water System,

Patrick Gilligan, Manager

PG:lt

Permit No. 5108-3

Minnesota/Whestone Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by

Brookings-Deuel RWS of Toronto, SD holder of Permit No. 5108-3, bearing the priority of

August 8, 1986 authorizing the diversion of 1.00 cu. ft. per second ~~and/or the storage of~~

~~0 acre feet~~ of the waters of ground water for rural water system purposes, in Deuel

County.

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

A. Works used to divert the water:

A Grundfos submersible pump with a 60 gpm capacity

C. Works used to apply water to beneficial use:

Rural water system network

The system is in the following condition good. The point of diversion is located from the

SW corner of Section 8 T115N-R48W, 1320'N 120'E. The works are capable of diverting and

conveying to the place of use 0.13 cu. ft. per second of water ~~and/or storing 0 acre feet~~

~~of water~~ which is to be used for rural water system. Water has been put to beneficial use.

~~to the maximum extent as follows:~~

~~comprising a total of 0 acres of land and~~ the license should be issued for 0.13 cfs,

~~and/or 0 acre feet of storage.~~

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 8/7/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5108-3

1. Legal location of wells: From the SW corner of Section 8-T115N-R48W, 1320'N 120'E

2. Well Information: Well Drilling Firm LTP

Completion Report? Yes No ☒ No. of Wells 1 Depth(s) 130 feet

Casing a) diameter 4 inches Screen a) type stainless steel

b) length 120 feet b) length 10 feet

c) type steel Static Water Level feet

Pump a) make Submersible Motor a) make Johnson

b) model Grundfos b) model no.

c) size c) horsepower rating 7.5

d) capacity 60 GPM d) serial no.

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes No Check Items

NA 1. Soil and water permit lands agree with lands being irrigated
and lands listed on permit?

Y 2. Special qualifications to permit being abided by?

Y 3. All structures, wells and lands on map?

NA 4. Irrigation Questionnaires checked to determine if permit
owner started irrigation by end of construction period?

NA 5. Is chemigation used?

NA 6. If yes, does equipment comply with chemigation rules?

REMARKS:



Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 10/2/95



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 8 1995

5108-3

Patrick Gilligan, Manager
Brookings-Deuel Rural Water System
RR 2, Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Enclosed is Water License No. 5108-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413422 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5108-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged.

As long as you use the water beneficially, as stated in the Water License, 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

gm
enclosures

RECEIPT

413422

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 14, 19 92

RECEIVED OF Brookings - Deuel Rural Water System, RR 2 Box 84, Toronto SD 57268

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. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5108-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch/GMC
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5108-3

(1) Brookings - Deuel Rural Water System of RR #2 Box 84, Toronto, SD 57268 made Application No. 5108-3, August 8, 1986 for a water permit to appropriate 1.00 cubic feet of water per second from groundwater (one well), Deuel County, South Dakota for rural water system purposes. Permit No. 5108-3, with a priority date of August 8, 1986, was approved December 10, 1986 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 10, 1991 and for the application to beneficial use of said water on or before December 10, 1995.

On September 9, 1991, the permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*". The "*Notice*" stated the diversion system was completed in July, 1986.

(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 0.13 cubic feet of water per second for beneficial use. The location of the diversion point is 1320'N and 120'E of the SW corner of Section 8, T115N, R48W (W 1/2 SW 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 Brookings - Deuel Rural Water System of RR #2 Box 84, Toronto, SD 57268 the holder and/or owner of Water Permit No. 5108-3 is issued a license to appropriate water, the right to use 0.13 cubic feet of water per second from groundwater (one well) with a priority date of August 8, 1986 from the location specified in (2) of this license. The water is to be used for the purpose of rural water system use. This license is subject to any limitations or qualifications listed in Water Permit No. 5108-3 and subject to South Dakota State Law.



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

DEC 8 1995

date

