

Considered: _____

WATER PERMIT NO. 5242-3

MAP No. Same 339-7048

Name of Applicant City of Sioux Falls
Post Office Address 224 W. 9th Street Sioux Falls, SD 57102
Amount of Water Claimed 110 ac. Ft Total Acres -
Source of Water Supply dewatering gravel pit (Morrell's quarry)
Water to be pumped to the Sioux River County Minnehaha
North East side of Sioux Falls

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 3/2/89 Subject to _____

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

PRIORITY _____ Date Received Sept 19, 1988 Fee 150⁰⁰ Remarks This appl.
9/19/88 is for dewatering a gravel pit & discharging to the Sioux R.

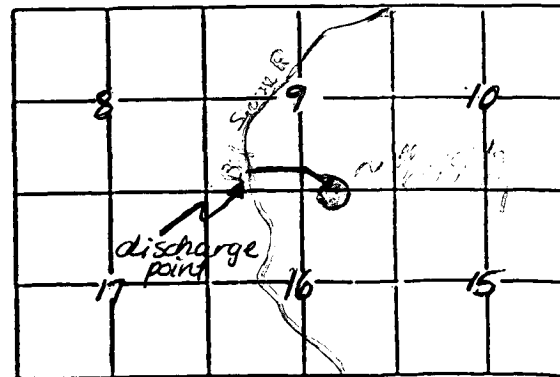
Corrected Application Received Nov. 10, 1988 Period of Annual Use _____

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

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

Diversion Point quarry: SW 1/4 SE 1/4 Sect. 9 T16N R49W
NW 1/4 NE 1/4 Sect. 16

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY Richard Sandy Reviewed and the Number
assigned on November 22, 1988 By Susan A. Bowser

10 AM
2012232425262728293031-12
SEP 1988
DIVISION OF
WATER RIGHTS
Pierre, SD
2012232425262728293031-12
NOV 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

No. 5242-3 Hydrologic Unit 10170203
Map No. same Basin Big Sioux R.
Newspaper Argus Leader Box 5034 Sioux Falls

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352
P.L. 6/20/88

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 retained
Change 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 City of Sioux Falls Phone No. 339-7048
Post Office Address 224 W. 9th St. Sioux Falls State SD 57102
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 1.56 cfs (700 gpm)
3. Source of water supply Unclaimed Gravel Pit - Morrell's Quarry
4. Location of point of diversion SW 1/4 SE 1/4 Section 9, T101N, R49W, and NW 1/4 NE 1/4
Section 16, T101N, R49W (Morrell's Quarry)
County Minnehaha
5. Counties where water will be used NA - water will be pumped into the Big Sioux River
6. Annual period during which water is to be used January 1 - December 31

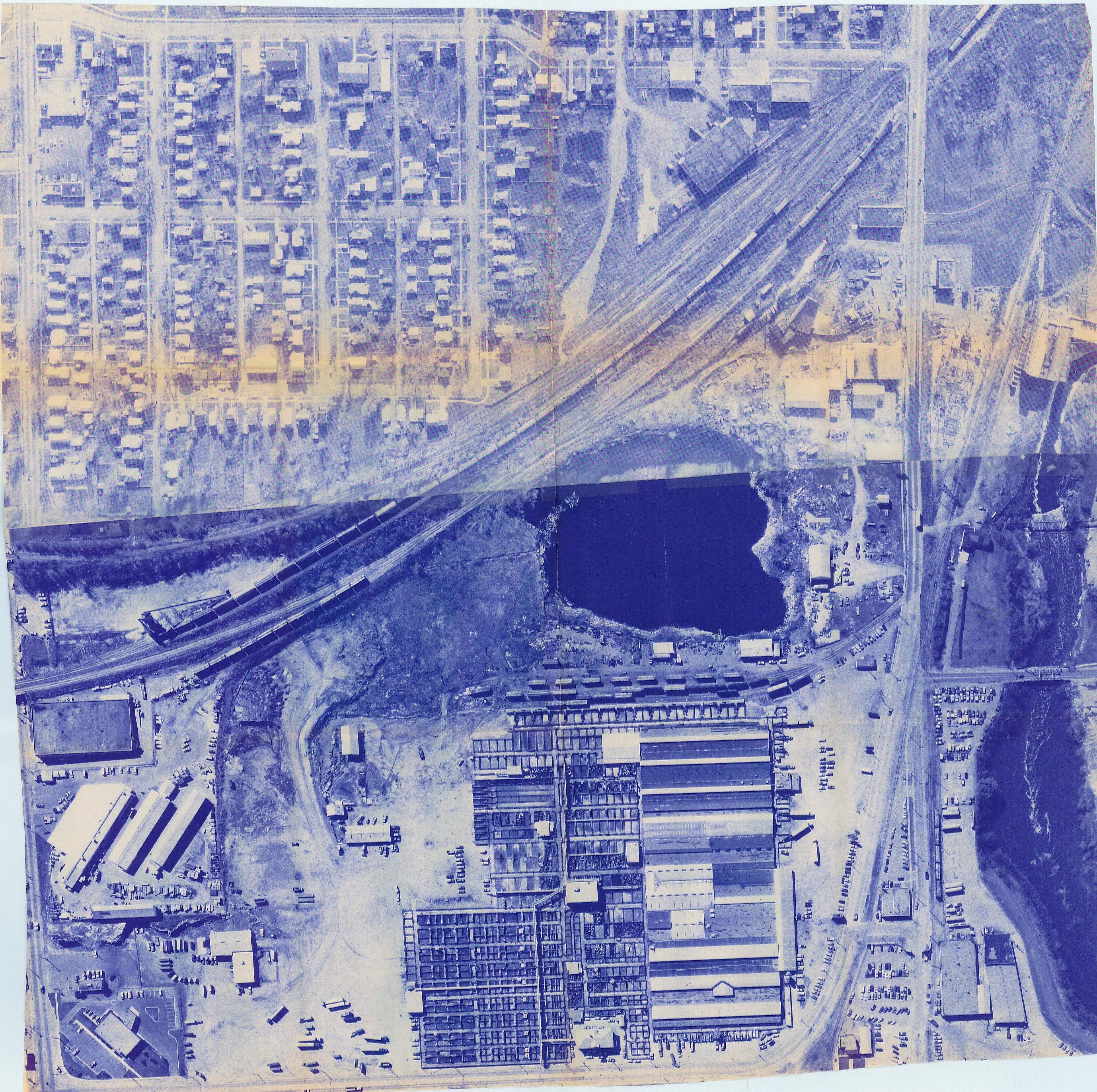
7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This reservoir exists in an unclaimed gravel pit. The City of Sioux Falls proposes to dewater the reservoir and reclaim the area - the intent is to use the area as a land fill for construction materials.

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 Minnehaha) ss

I, Richard W. Bandy the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Richard W. Bandy
Subscribed and sworn to before me this 16 day of Sept 1988
Marion K. Taylor
Notary Public
MARION K. TAYLOR, Notary Public
My Commission Expires Feb. 5, 1994



**SOUTH DAKOTA
WATER PERMIT No. 5242-3**

Date of first receipt of application September 19, 1988.

Date of return of applicant for correction, amendments or changes required October 13, 1988.

Date of receipt of corrected application November 15, 1988.

The Water Management Board approved Water Permit Application No. 5242-3 on March 2, 1989 for the City of Sioux Falls, 224 W. 9th Street, Sioux Falls, SD 57102 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. 5242-3 appropriates 1.56 cfs (up to 110 acre-feet annually) of water that infiltrates into an abandoned quarry located in the S1/2 SE1/4 Section 9 and the N1/2 NE1/4 Section 16; all in T101N-R49W. The water will be discharged into the Big Sioux River in the SW1/4 SE1/4 Section 9-T101N-R49W.
2. The water appropriated shall be used for the purpose of dewatering an abandoned quarry and may not exceed the amount of water needed for beneficial use for industrial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is September 19, 1988.
5. One-fifth of the construction is to be completed on or before September 2, 1991.
6. All construction is to be completed on or before March 2, 1994.
7. Water is to be put to beneficial use on or before March 2, 1998.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The gravel pit to be dewatered under this Permit may be located near domestic wells and other wells which may obtain water from the same aquifer. The City of Sioux Falls shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of this Permit authorizes withdrawals of up to 110 acre feet of water annually.

Approval of Permit No. 5242-3 is subject to compliance with the following then existing and applicable Water Management Board rules:

1. Chapter 74:03:15 Ground Water Quality Standards,
2. Chapter 74:03:16 Ground Water Discharge Permit,
3. Chapter 74:03:04 Uses Assigned to Streams,
4. Chapter 74:03:17 Surface Water Discharge Permit - General Provisions,

(continued)

SOUTH DAKOTA
WATER PERMIT No. 5242-3

5. Chapter 74:03:18 Surface Water Discharge Permit Application Requirements,
6. Chapter 74:03:19 Surface Water Discharge Permit Conditions,
7. Chapter 74:03:20 Transfer Modification, Revocation and Reissuance and Termination of Surface Water Discharge Permits,
8. Chapter 74:03:21 Procedure For Permit Processing,
9. Chapter 74:03:22 Secondary Treatment Standards,
10. Chapter 74:03:23 Criteria and Standards for Surface Water Discharge Permit,
11. Chapter 74:03:24 Toxic Pollutant Effluent Standards for Surface Water Discharge Permits,
12. Chapter 74:03:25 Effluent Guidelines and Standards for Surface Water Discharge Permits, and
13. Chapter 74:03:26 Pretreatment Regulations for Surface Water Discharge Permits.

And the following Board of Minerals and Environmental Rule:

1. Chapter 74:22:04 Permits (Solid Waste).

WATER MANAGEMENT BOARD

By:

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

JUN 13 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates Unclaimed gravel pit - Morrell's Quarry.

- a) Surface Dimensions 400' X 600' Depth 20' 110 acre - ft
- 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) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

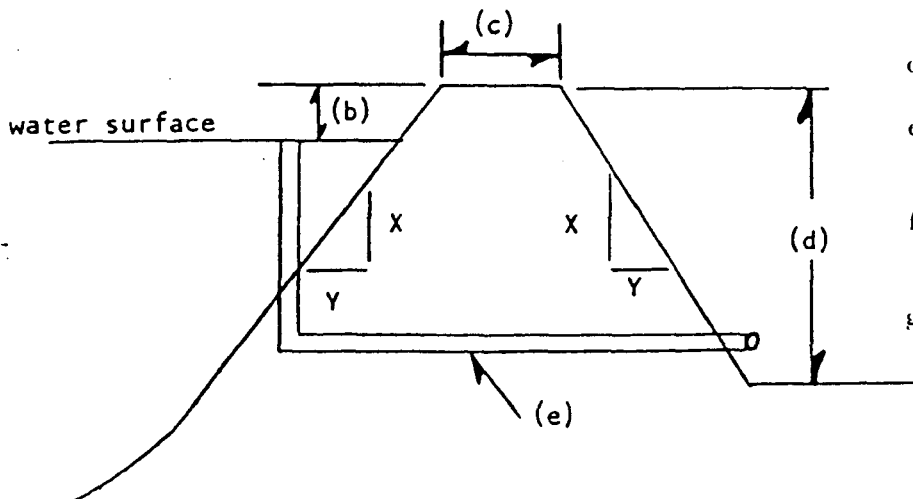
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



 Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411486

Pierre, November 15, 1988, 19

RECEIVED OF City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102

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

Fee for Application for Permit No. <u>5242-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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	150 00

By John Hatch
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

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

October 13, 1988

Richard W. Bandy
City of Sioux Falls
224 W. 9th Street
Sioux Falls, SD 57102

Dear Mr. Bandy:

This is in response to the water permit application received from you on September 19, 1988.

The permit application is incomplete for the following reason(s):

- (1) The pumping rate must be specified in question No. 2 on the enclosed application form.
- (2) The required application fee needs to be submitted. This fee is based upon the pumping rate (see enclosed instruction sheet).
- (3) The enclosed maps need to be signed (see enclosed instruction sheet). In addition, the point at which the water is to be pumped into the Sioux River should be indicated on these maps.

The Water Management Board cannot consider a water permit application until it is complete. Please return the enclosed application form with the pumping rate specified, the required application fee, and the maps with the additions specified above.

Should you have any questions, feel free to call.

Sincerely,

Susan A. Bowar

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures





Department of Water & Natural Resources

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

MEMORANDUM

October 21, 1988



TO : John Hatch, Director, Division of Water Rights

FROM: Steven M. Pirner, Director
Division of Land and Water Quality 

RE : City of Sioux Falls Water Right Application

The City of Sioux Falls proposes to dewater the Morrell Quarry and reclaim the area. The intent is to utilize the pit as a landfill for construction materials. We have contacted Rod Leasinger with the City Engineer's office about the project. This Division will be requiring an application for a NPDES permit for construction dewatering and the submittal of a ground-water discharge plan. We are very concerned with the placement of deleterious materials directly into the ground-water. All appropriate regulations have been mailed to the City of Sioux Falls.

Also, the Corps of Engineers has been notified of the proposed project as the fill activity may require a Section 404 permit. The quarry is abandoned and thus becomes waters of the United States.

At this time, the Division of Air Quality and Solid Waste has not made a determination on what permits are necessary for the fill activity.

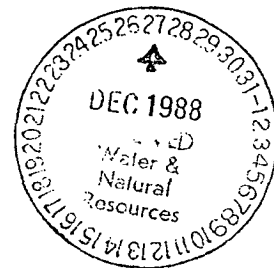
If you have any questions, please contact Joe Bowar or Jeanne Goodman of my staff.

cc: John Smith, Secretary
Clark Haberman, Director, Division of AQ/SW



~~Letter to Hon. J. Mark~~ ~~1/11/88~~ ~~1/11/88~~
Should I take the lead
in responding back & draft a
response for your review?
December 23, 1988

12/27/88



Mr. Steve Pirner, Division Chairman
DNWR Foss Building
Pierre, SD 57501

Dear Steve:

It was recently brought to my attention that the City of Sioux Falls had applied for a permit to appropriate water.

Specifically, the permit pertained to a reservoir known as the Morrell's Quarry here in Sioux Falls. The permit requested to use the reservoir as a landfill for construction materials. After discussing this permit with members of my staff, I have been informed that the intent was to eliminate stress upon our present landfills and to eliminate the problems which have resulted from this large, open abandoned quarry.

As you are possibly aware, an individual drowned in this quarry last year and we have had numerous other problems with it. My concern was that the information that I had received from other individuals led me to believe that it was the intent of the City to fill this pit with lime residue from our water treatment plant.

Please be advised that this is not our intention, and after further examination of the permit application, I would also wish to be more specific where it refers to construction materials.

It would be my intention and direction that the only construction material that would be permitted would be debris from concrete, rock, and possibly some metal materials mixed in with the concrete; such as, reinforcement materials. I would not, at this point, permit asphalt or any other materials unless I have assurances from DNWR and from my people that these could not in any way damage our aquifer or our groundwater.

I hope this meets with your approval and I would be interested in hearing back from you in this regard.

Sincerely,

Gary Hanson
Water Works and Sewerage Commissioner

lhh

cc Lyle Johnson
Richard Willer
Richard Bandy
John Smith, DNWR
Joe Bowar, DNWR

Report on Application 5242-3
City of Sioux Falls
January 4, 1989

Water Permit Application 5242-3 was submitted for the City of Sioux Falls to appropriate 1.56 cubic feet of water per second (up to 110 acre-feet annually) from water infiltrating into an abandoned quartzite quarry. The quarry (Morrell's Quarry) is located in the S1/2 SE1/4 of Section 9 and N1/2 NE1/4 of Section 16, all in T101N, R49W. Water is to be pumped from the abandoned pit and discharged into the Big Sioux River in the SW1/4 SE1/4 of Section 9, T101N, R49W. The dewatered pit is to be used as a landfill area.

Background

The purpose of this application is to dewater the abandoned quarry which has filled with water from runoff, infiltration through the fractured quartzite, and possibly from Big Sioux Aquifer gravels. According to a letter with the application, a number of problems have occurred concerning the abandoned pit (WRD Permit Application No. 5242-3). The city plans to dewater the pit, and reclaim the area by creating a landfill site for disposal of construction materials. Water removed from the pit will be pumped back to the Big Sioux River with no consumptive use made of the water.

Operational Feasibility

The application reports the depth of the pit to be 20 feet. The amount of water infiltrating the pit is unknown, but if a significant amount of water continues to drain into the abandoned pit, it will make permanent dewatering of the pit difficult. It is not known whether a diversion rate of 1.56 cfs as requested in this application will be sufficient to completely dewater the pit. The ability to do so will depend upon the seasonal climatic conditions and the length of time pumping can be sustained. If continual pumping is conducted at the requested diversion rate, the annual limitation of 110 acre-feet will be reached in approximately 36 days.

Existing Water Permits

The nearest existing permit, N0.12-3 (John Morrell Company), is less than 1/2 mile from the quarry, and diverts water directly from the Big Sioux River. A number of other permits are found from 3/4 to 2 miles from the applicant's diversion point and most of these are owned by the city of Sioux Falls. The majority of them are located in the Big Sioux Aquifer-Sioux Falls Management

Unit (WRD Permit Files, 1989). There should be no interference with other water permit holders by dewatering the quarry. Other domestic wells that obtain water from the quartzite wash or Big Sioux -South Aquifer may also be located in the area (WRD Drillers Logs, 1989).

Environmental Concerns

Permit Application No. 5242-3 proposes to dewater the abandoned quarry and create a landfill site for disposal of construction materials. The pit has been excavated below the groundwater table and placing a landfill in the area increases the risk of groundwater contamination. Discharging this water back into the Big Sioux River may also cause deleterious effects.

Other DWNR divisions, notably the Division of Land and Water Quality and Division of Air Quality and Solid Waste will require additional permits (WRD Permit Application No. 5242-3) prior to the commencement of any landfill activities in order to protect the ground and surface water quality in the area.

Conclusions

1. Permit Application No. 5242-3 proposes to dewater an abandoned Sioux Quartzite quarry in the City of Sioux Falls and pump the water back to the Big Sioux River. No consumptive use of the water is planned.
2. The Water Rights Division does not expect the application to adversely affect other existing water permit holders.
3. The applicant's diversion rate may not be sufficient to completely dewater the quarry.
4. Because the quartzite quarry intersects the water table, repeated dewatering of the pit will be necessary to keep it dry for the landfill application.
5. The proposed landfill at the pit site and the pumping of the excess water to the Big Sioux River may cause ground and surface water contamination.
6. This permit can be approved with the qualifications that no landfill activities be initiated prior to approval of other agency permits related to protection of the ground and surface waters.


Thomas M. Brandner
Natural Resources Engineer

References

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Hedges, L.S., J. Allen, and D.E. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, Task 7: Ground Water Recharge, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Water Rights Division, 1989, Drillers Logs, DWNR, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1989, Permit Files, DWNR, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1989, Water Permit Application No. 5242-3, DWNR, Joe Foss Bldg., Pierre, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5242-3, City of Sioux Falls

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. 5242-3, City of Sioux Falls, 224 West 9th St, Sioux Falls SD.

The Chief Engineer is recommending APPROVAL of Application No. 5242-3 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.

In approving Application No. 5242-3, the Water Management Board makes the finding that the proposed diversion will be a beneficial use to the City of Sioux Falls because the dewatering operation will allow use of the pit as a landfill site for disposal of construction materials and eliminate a safety hazard.

Approval of Permit No. 5242-3 is with the following qualifications:

1. The gravel pit to be dewatered under this Permit may be located near domestic wells and other wells which may obtain water from the same aquifer. The City of Sioux Falls shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of this Permit authorizes withdrawals of up to 110 acre feet of water annually.

Approval of Permit No. 5242-3 is subject to compliance with the following then existing and applicable Water Management Board rules:

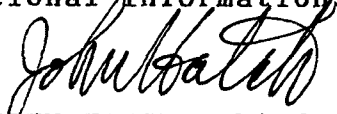
1. Chapter 74:03:15 Ground Water Quality Standards,
2. Chapter 74:03:16 Ground Water Discharge Permit,
3. Chapter 74:03:04 Uses Assigned to Streams,
4. Chapter 74:03:17 Surface Water Discharge Permit - General Provisions,
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6. Chapter 74:03:19 Surface Water Discharge Permit Conditions,
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8. Chapter 74:03:21 Procedure For Permit Processing,
9. Chapter 74:03:22 Secondary Treatment Standards,

10. Chapter 74:03:23 Criteria and Standards for Surface Water Discharge Permit,
11. Chapter 74:03:24 Toxic Pollutant Effluent Standards for Surface Water Discharge Permits,
12. Chapter 74:03:25 Effluent Guidelines and Standards for Surface Water Discharge Permits, and
13. Chapter 74:03:26 Pretreatment Regulations for Surface Water Discharge Permits.

And the following Board of Minerals and Environmental Rule:

1. Chapter 74:22:04 Permits (Solid Waste).

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 5, 1989



Department of Water & Natural Resources

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

January 24, 1989

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

Richard Bandy
City of Sioux Falls
224 W. 9th St.
Sioux Falls, SD 57102

Dear Mr. Bandy:

Your Application No. 5242-3 for a permit to appropriate water to dewater a pit 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 Argus Leader printed at Sioux Falls SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the 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 twenty 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
605 773-3352

enclosures





Department of Water & Natural Resources

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

January 24, 1989

Argus Leader
Box 5034
Sioux Falls, SD 57117

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5242-3 to be published twice. Please publish the first notice on or before February 1, 1989 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 Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102.

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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
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 or before February 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5242-3 to Appropriate Water

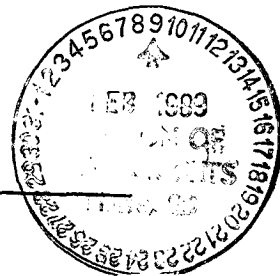
Notice is given that the City of Sioux Falls, 224 W. 9th St. Sioux Falls, SD 57102 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second (up to 110 acre-feet annually) that infiltrates into an abandoned quarry (Morrell's quarry). Water is to be pumped from the existing quarry pit located in the S 1/2 SE 1/4, Section 9 and the N 1/2 NE 1/4, Section 16, all in T101N-R49W. The water will be discharged into the Big Sioux River in the SW 1/4 SE 1/4, Section 9-T101N-R49W. The dewatered pit will be used as a landfill site for disposal of construction materials.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5242-3 with qualifications 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. This application will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 17, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

This application is made pursuant to 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; 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.



STATE OF SOUTH DAKOTA)
) ss.
County Minnehaha)

NOTICE OF HEARING
on Application No. 5242-3
to Appropriate Water

Notice is hereby given that the City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102, has filed an application for a water permit to appropriate 1.56 cubic feet of water per second (up to 110 acre-feet annually) that infiltrates into an abandoned quarry (Morrell's quarry). Water is to be pumped from the existing quarry pit located in the S 1/2 SE 1/4, Section 9 and the N 1/2 NE 1/4, Section 16, all in T101N-R49W. The water will be discharged into the Big Sioux River in the SW 1/4 SE 1/4, Section 9-T101N-R49W. The dewatered pit will be used as a landfill site for disposal of construction materials.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5242-3 with qualifications 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. This application will be considered by the Water Management Board at the Howard Johnson's Roosevelt Room, I-90 at LaCrosse, Rapid City, SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to: 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 17, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

This application is made pursuant to 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, 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.

Feb. 1, 8, 1989



Department of Water & Natural Resources

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

JUN 13 1989

Jack White, Mayor
City of Sioux Falls
224 W 9th Street
Sioux Falls SD 57102

Dear Mayor White:

Enclosed is Water Permit No. 5242-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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.





DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 7, 1991

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

Dear Mr. Johnson:

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

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

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

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

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

- 2) Permit No. 5202-3 for water impounded in Silver Creek by the Big Sioux diversion dam. Two units are used with a capacity of 700 gpm each.

- Type and model no. of the motor and pump with the horsepower.

- 3) Permit No. 5334-3 for the Big Sioux River pump facility.

- Brief description of the operation of the facility at peak operating capacity.

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

(continued)

February 7, 1991
Lyle D Johnson
Page 2 of 3

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

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

254-3, 255-3, 256-3, 257-3, ^{cancel RO 5/13/91} 258-3, 259-3, 260-3, 261-3, 262-3, 264-3, 266-3, 267-3, 269-3, 270-3, 272-3, 273-3, 275-3, 276-3, and 274-3 needs the same range correction plus should be T102N instead of T103N.

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

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

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

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

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

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

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

^{258-3 RO 5/13/91}

Water Right Nos. 254-3, 255-3, ²⁵⁸⁻³ 265-3, 268-3, 271-3, and 1579-3 will be scheduled for a hearing to allow the Water Management Board to consider cancellation of the water rights due to abandonment and/or forfeiture. Notice will be given of the time and place of hearing. If the Parks and Recreation Department is using of the well authorized by No. 1579-3, please inform me.

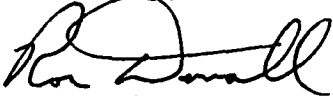
February 7, 1991
Lyle D Johnson
Page 3 of 3

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

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

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

cc: Glenn Dostal, HDR Engineering, Inc.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1992

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

Dear Mr. Johnson:

This letter is in reference to inspections of the city's water permits. On May 28, 1992, I met with Keith DeJong and Doug Holden to collect information to license Water Permit Nos. 5127-3, 5127A-3, 5115-3, 5235-3, and 5242-3.

Several discussions have occurred concerning the proper amount of water to place on the water licenses. The various pump rates discussed have been average pump rates, peak pump rates, design pump rates, and maximum sustainable pump rate under ideal operating conditions. Historically, the amount of water a permit is licensed for is the peak pump rate. Due to the unique nature of some of the city's wells (Bragstad and Ranney wells) licensing for the peak pump rate does not accurately reflect actual well production.

Aside from the Bragstad and Ranney wells, I believe the city's permits should be licensed considering both the peak pump rate (highest one day average) and design pump rate figures. Average pump rates over a year's time are not applicable. Enclosed is a copy of the 1991 pump records for well Nos. 48 thru 65. Well No. 48 produced a maximum flow of 400 gpm during 1991. If, for example, the design pump rate for the well was 425 gpm and you believe the well could produce this amount under more favorable aquifer conditions, then the well should be licensed for 425 gpm. If the design pump rate is 375 gpm and the well produces 400 gpm, then the well should be licensed for 400 gpm rather than the design rate. According to Jim Goodman, staff engineer, the water levels in your wells likely stabilize after a few hours of pumping without a substantial variance in the pump rate. Some informed estimating on your part may be needed to determine the proper pump rates. Keep in mind that the best time to determine what the wells produce is when the wells are relatively new and aquifer conditions are good.

I would appreciate your input before licensing Permit Nos. 5127-3, 5127A-3, 5115-3, 5235-3, and 5242-3. Please refer to the above narrative when commenting on the proposed pump rates for the licenses. Another important consideration is the annual volume of water diverted. Some of the following permits placed water to beneficial use that was originally reserved by a future use permit. Upon licensing, the portion of the annual volume not developed, if any, is reinstated to the future use permit. It is important to note that reinstatement of undeveloped water may only occur at the time of licensing. Reduced usage in the future may not be reinstated.

- 1) Water Permit Nos. 5127-3 and 5127A-3 place to beneficial use up to 2,160 acre-feet of water annually reserved by Future Use Permit No. 448-3 from as many as 8 wells with a maximum diversion rate of 8.0 cfs. The wells developed under these permits are well Nos. 53 thru 58. According to the 1991 pump records, the 6 developed wells produced a maximum of 2,315 gpm (5.16 cfs) and may be licensed 5.16 cfs with an annual volume of 2,160 acre-feet.
- 2) Water Permit No. 5115-3 places to beneficial use up to 2,244 acre-feet of water annually reserved by Future Use Permit No. 448-3 from as many as 5 wells with a maximum diversion rate of 6.70 cfs. The wells developed are well Nos. 48 thru 52. According to the 1991 pump records, the 5 developed wells produced a maximum of 1,850 gpm (4.12 cfs) and may be licensed for 4.12 cfs with an annual volume of 2,244 acre-feet.

June 17, 1992
Lyle D Johnson
Page 2 of 2

- 3) Water Permit No. 5235-3 authorizes construction of 6 wells to divert up to 6.45 cfs. The wells developed are well Nos. 60 thru 65. According to the 1991 pump records, the 6 developed wells produced a maximum of 3,670 gpm (8.17 cfs) which exceeds the permitted pump rate by 1.72 cfs. Any increase over the permitted amount will need to be covered by a new permit application. No future use permit is involved with this water permit.
- 4) Water Permit No. 5242-3 authorizes diversion of 1.56 cfs (700 gpm) from an abandoned quarry to be discharged to the Big Sioux River. I looked at the motor and pump but did not get the pump rate. Please confirm whether or not the pump rate is 700 gpm. No future use permit is involved with this water permit.

An inspection was also made of the one well developed in the Big Sioux:Southern Skunk Creek aquifer as authorized by Permit No. 5214-3. This permit will remain unlicensed since time is available until October 5, 1993, to complete construction of 2 additional wells. I was also informed that changes may be made to the pumping equipment used to recharge the Big Sioux Aquifer as authorized by Permit No. 5431-3. Licensing of this permit can also wait until the permanent equipment is in place.

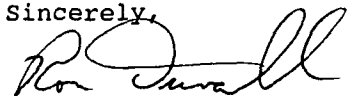
Mr. DeJong informed me that Nos. 1947-3 and 5202-3 can be cancelled. Water Right No. 1947-3 authorized the city to supply water to the EROS complex. According to Mr. DeJong, the complex has been supplied by the Minnehaha Rural Water System for the last couple of years. Permit No. 5202-3 appropriates 4.6 cfs from Silver Creek near the confluence with the Big Sioux River diversion canal. These pump stations provided an emergency water supply and are no longer needed due to well field expansions and construction of the Big Sioux River pump station.

The Bragstad and Ranney wells were licensed several years ago. Whether or not the licensed amount of water is currently accurate may be questionable. In the case of these types of wells, I believe the licensed amount of water should correspond with the maximum sustained pump rate under optimal operating conditions (i.e. wells rehabilitated and favorable aquifer conditions.) The initial peak pump rate would be artificially high for these types of wells due to the reservoir in the wells. The maximum sustained pump rate would occur after the reservoir level has stabilized. As noted on page 2 of my February 7, 1991 letter, the accuracy of the licenses can be reviewed as your well rehabilitation program allows. Well Nos. 30 thru 33 have been rehabilitated within the last few years.

Please comment on the amount of water you want placed on your water licenses. Several of the wells were constructed prior to 1991 and pump records from prior years may be more favorable for purposes of licensing. Especially important is your input on the annual water volume for those permits placing water to beneficial use reserved by Future Use Permit No. 448-3.

If you have any questions, please contact me.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Well No	GPM		PUMP	Motor	Horsepower
	Max.	1991 AVG.			
48	400	386	Aurora 8RL 1 stage	Franklin	15 Submersible
49	550	410	Aurora 8RL 1 stage	Franklin	15 Submersible
50	400	363	Aurora 6RM 1 stage	Franklin	10 Submersible
51	275	249	Aurora 8RXL 1 stage	Franklin	15 Submersible
52	225	142	Aurora 6RL 2 stage	Franklin	10 Submersible
53	480	434	Aurora 8RXL 1 stage	Franklin	15 Submersible
54	400	392	Aurora 6RH 2 stage	Franklin	10 Submersible
55	330	294	Aurora 6RM 2 stage	Franklin	7.5 Submersible
56	325	290	Aurora 6RH 2 stage	Franklin	10 Submersible
57	390	276	Aurora 6RH 2 stage	Franklin	10 Submersible
58	390	354	Aurora 6RH 2 stage	Franklin	10 Submersible
60	700	590	Grundfos 600S150-1		15 Submersible
61	500	311	Western Land Roller 8KKH		20 Submersible
62	600	501	Western Land Roller 8KKH		20 Submersible
63	550	349	Western Land Roller 8KKH		15 Submersible
64	620	569	Western Land Roller 8KKH		20 Submersible
65	700	675	Western Land Roller 8KKH		20 Submersible



CITY OF SIOUX FALLS UTILITIES

August 24, 1992



Mr. Ron Duvall
DENR - Water Rights
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

On the attached sheet, I have outlined the information concerning the three well permits that are addressed in your June 17, 1992 letter. This information shows the peak flow rate that we have seen for each well since the wells were put into use; the most water used from each well in any one year; and the percentage of the year that the wells were actually in use. The information also shows the peak flow rate and the maximum yearly flow rate for each permit.

I have also included our recommended peak flow and annual acre-foot limits on this sheet. I reviewed our records and found that in 1989, the wells in Permit #5127A-3 were used an average of 5565 hours each or 63.5 percent of the hours in the year. Based on this information, I projected a maximum well usage of 65 percent of the hours in the year. I then increased the acre-foot quantity for the highest usage year to reflect the wells running 65 percent of the time. This is the number that I have used for the recommended permit acre-foot quantity. The recommended permit cfs quantity is the rounded off sum of the peak rates from the individual wells.

Based on the above information, Permits #5115-3 and 5127A-3 will have a licensed cfs rate and acre-foot rate that is lower than what was requested in the permit application. It is our understanding that this reduced rate will go back into our future use permit and that there is a licensing fee, but no additional permit fee to reduce these quantities.

Utility Office
224 West Ninth Street
Sioux Falls, SD 57102
(605) 339-7031

Water Purification
2100 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7025

Fax
(605) 338-7801

Water Reclamation
4500 N. Sycamore Ave.
Sioux Falls, SD 57104
(605) 339-7088

AN EQUAL OPPORTUNITY EMPLOYER

Lights
2000 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7150

Hearing Impaired
(605) 339-7039

Maint./Svc. Division
668 Algonquin Avenue
Sioux Falls, SD 57104
(605) 339-7020

Permit #5235-3 would require an increase of 2.05 cfs to be licensed for the wells that were built. The quantity of 3220 acre-feet would also be on the license. However, we are requesting that only wells 60 through 63 be kept on Permit #5235-3, and that wells 64 and 65 be placed in a new permit. This will reduce the licensing quantities for Permit #5235-3 to 5.45 cfs and 2010 acre-feet. The new permit application for wells 64 and 65 would be for 3.02 cfs and 1210 acre-feet.

Your letter also questioned the flow rate for the pump used at the abandoned quarry. As we discussed in our phone conversation, 700 gpm is an appropriate quantity for licensing this permit.

We are currently in the process of rehabilitating Well #29. This is the last horizontal collector well slated for new laterals. The work should be completed by May 1993 and after we have had a chance to evaluate the well performance, we would like to meet with Water Rights staff to discuss the appropriate method of updating the licenses. If that schedule is not satisfactory, please let us know.

Also, we are preparing a new application for wells 64 and 65 and will be sending that to you in the near future. If you have any questions about any of these items, please contact me.

Sincerely,



Keith DeJong, P.E.
Water Superintendent

Enclosures

KD:seh

RECOMMENDED
PERMIT LICENSE
(cfs) (acre-ft/yr)

A circular stamp from the U.S. Navy, Division of Water Rights. The text "U.S. NAVY" is at the top, "DIVISION OF" is in the middle, and "WATER RIGHTS" is at the bottom. The date "AUG 1932" is stamped in the center. The outer ring of the stamp contains numbers 1 through 29.

243

Permit No. 5242-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, May 28, 1992, made a thorough examination of the water use system constructed by the City of Sioux Falls of Utilities Department, 224 W 9th Street, Sioux Falls SD 57102 holder of Permit No. 5242-3, bearing the priority of September 19, 1988 authorizing the diversion of 1.56 cu. ft. per second and up to 110 acre-feet of the waters of an abandoned quarry for dewatering purposes, in Minnehaha County.

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

A. Works used to divert the water:

Motor: **US Motor, Hollowshaft**
25 horsepower

Pump: **Western Land Roller**
(no plate) 700 gpm

B. Works used to transport/apply water to place of use:

Water is diverted from the quarry via pipeline for approximately 650 feet and then discharged into the Big Sioux River.

The system is in the following condition good. The point of diversion is located 2,450 feet S and 850 feet E of the center of section 9-T101N-R49W (SW¼SE¼). The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water and 110 acre-feet of water which is to be used for industrial purposes.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date report completed: April 12, 1996



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5242-3

DATE OF INVESTIGATION:	May 28, 1992
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Keith DeJong, Water Superintendent
NAME & ADDRESS OF PERMIT HOLDER	City of Sioux Falls Utilities Department 224 W 9th Street Sioux Falls SD 57102
DIVERSION POINT LEGAL LOCATION	2,450 feet S and 850 feet E of the center of section 9-T101N- R49W (SW$\frac{1}{4}$ SE$\frac{1}{4}$)

Other permit(s) associated with the project: **none**

Pump:

- 1) Make **Western Land Roller**
- 2) Model **no spec plate**
- 3) Capacity **700** GPM

Motor:

- 1) Make **US Motor, hollowshaft**
- 2) Horsepower rating **25** hp

DISTRIBUTION LINES OR CANALS:

- 1) Length **650** feet

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Y**
- 2) All structures, wells and lands on map **Y**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 1996

5115-3
5127A-3
5242-3

Keith DeJong, P.E.
Water Superintendent
City of Sioux Falls
Utilities Department
224 W. 9th Street
Sioux Falls, SD 57102

Dear Mr. DeJong:

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 Nos. 5115-3, 5127A-3 and 5242-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$150.00 fee from you, we will begin processing your Water Licenses.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

RECEIPT

414973

Division of Water Rights

South Dakota Department of Environment and Natural Resources

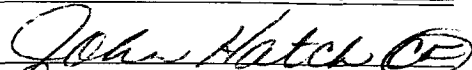
Pierre, _____ May 23, 19 96

RECEIVED OF City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102

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>5242-3</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 
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5242-3

(1) The City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57102 made Application No. 5242-3, September 19, 1988 for a water permit to divert 1.56 cubic feet of water per second (110 acre-feet annually) from an abandoned quarry, Minnehaha County, South Dakota for industrial purposes. Permit No. 5242-3, with a priority date of September 19, 1988 was approved March 2, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 2, 1994 and for the application to beneficial use of said water on or before March 2, 1998.

(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 1.56 cubic feet of water per second (110 acre-feet annually) for beneficial use. The location of the diversion point is 2,450 feet south and 850 feet east of the center of Section 9-T101N-R49W (SW 1/4 SE 1/4). Water is diverted from the quarry via pipeline for approximately 650 feet west and then discharged into the Big Sioux River (SW 1/4 SE 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 Sioux Falls, 224 W 9th St, Sioux Falls SD 57102 the holder and/or owner of Water Permit No. 5242-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second (110 acre-feet annually) from an abandoned quarry with a priority date of September 19, 1988 from the location specified in (2) of this license, for the purpose of industrial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5242-3 and subject to South Dakota State Law.



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

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5115-3
5127A-3
5242-3
5710-3

Lyle Johnson, Utility Manager
City of Sioux Falls
224 West 9th St.
Sioux Falls, SD 57102

Dear Mr. Johnson:

Enclosed are Water License Nos. 5115-3, 5127A-3, 5242-3 and 5710-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 413806, 414971, 414972 and 414973 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right Nos. 5115-3, 5127A-3, 5242-3 and 5710-3, constructs replacement wells and does not plan to use the old wells, the old wells are 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.

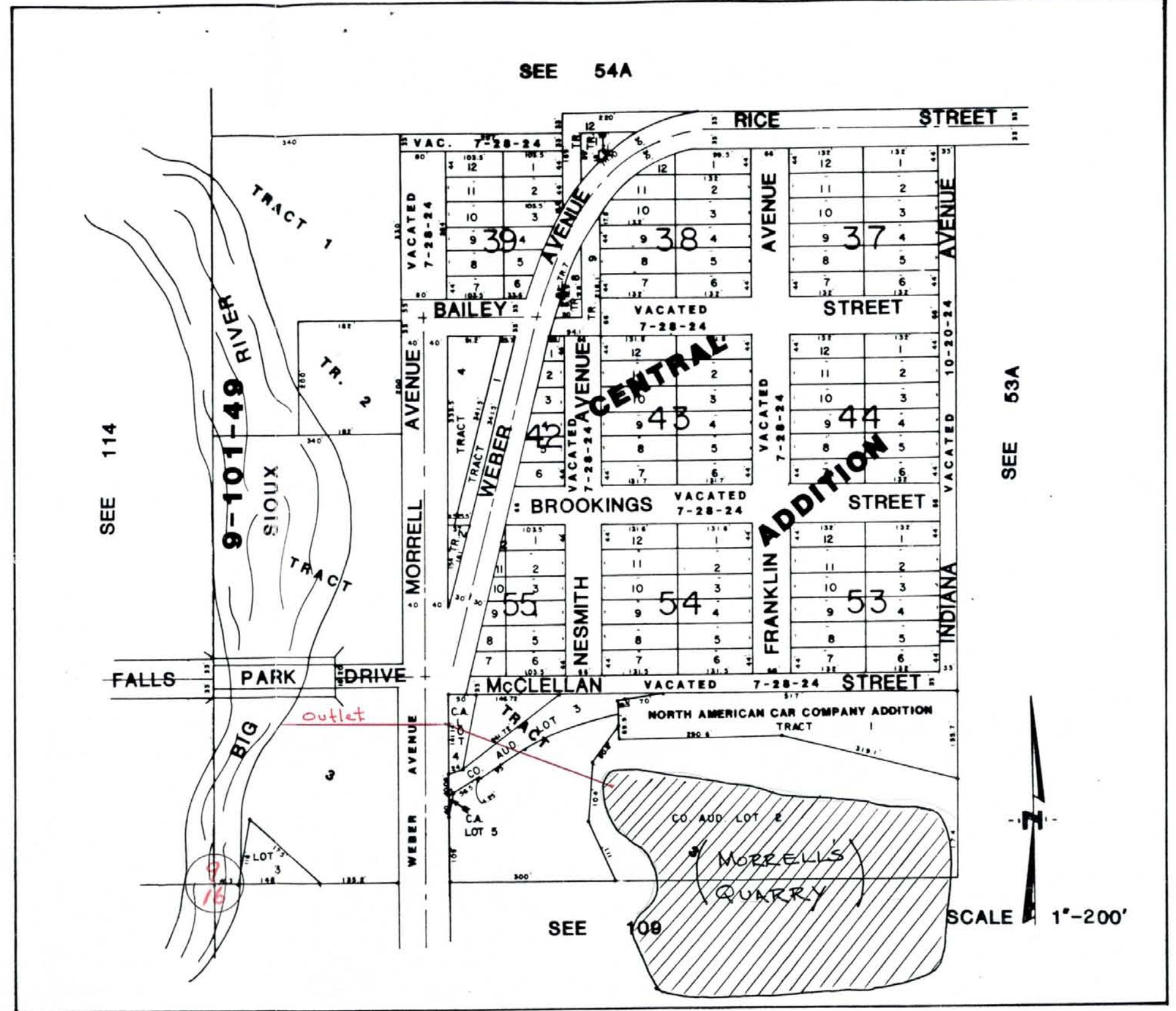
As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

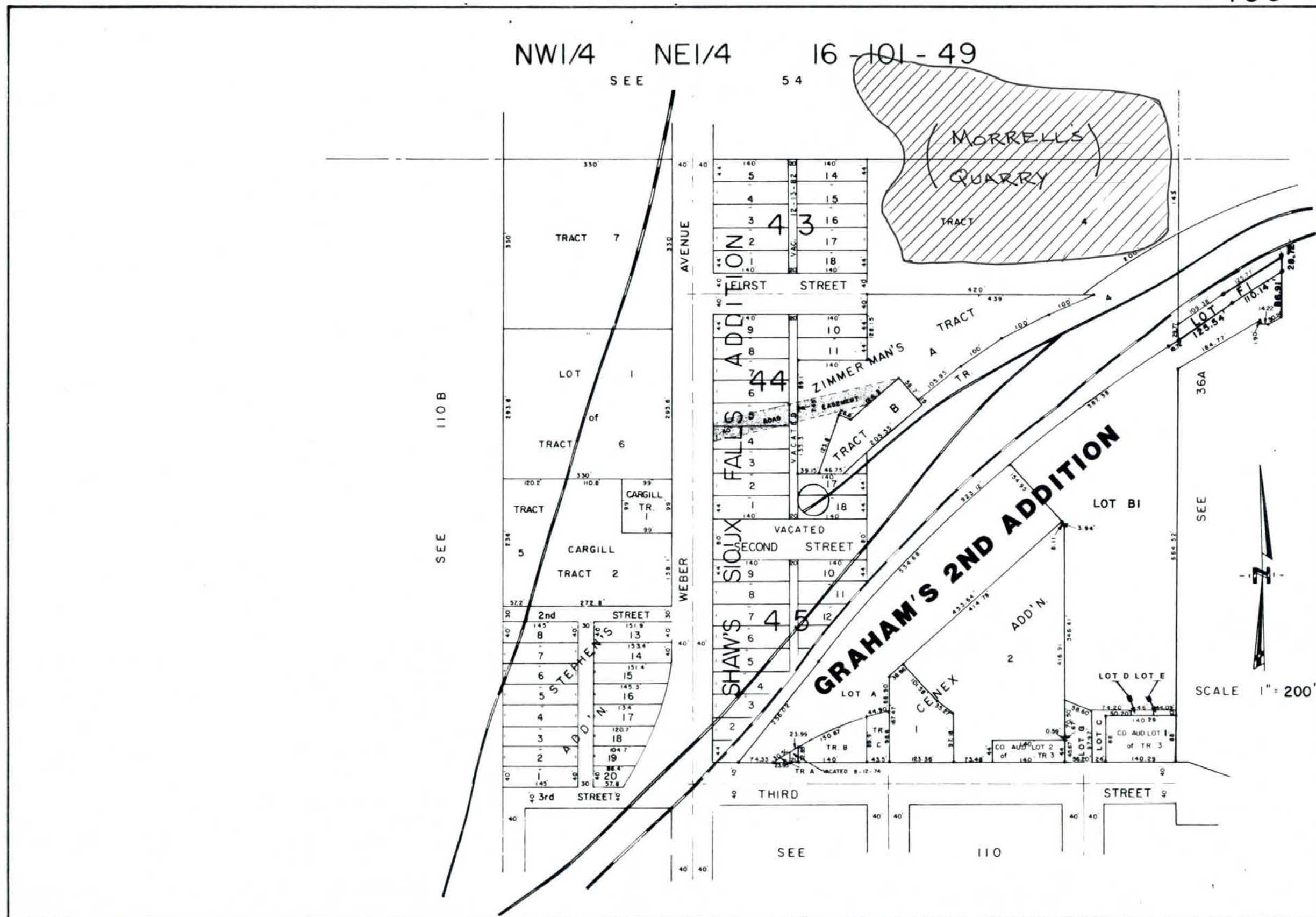
Very truly yours,

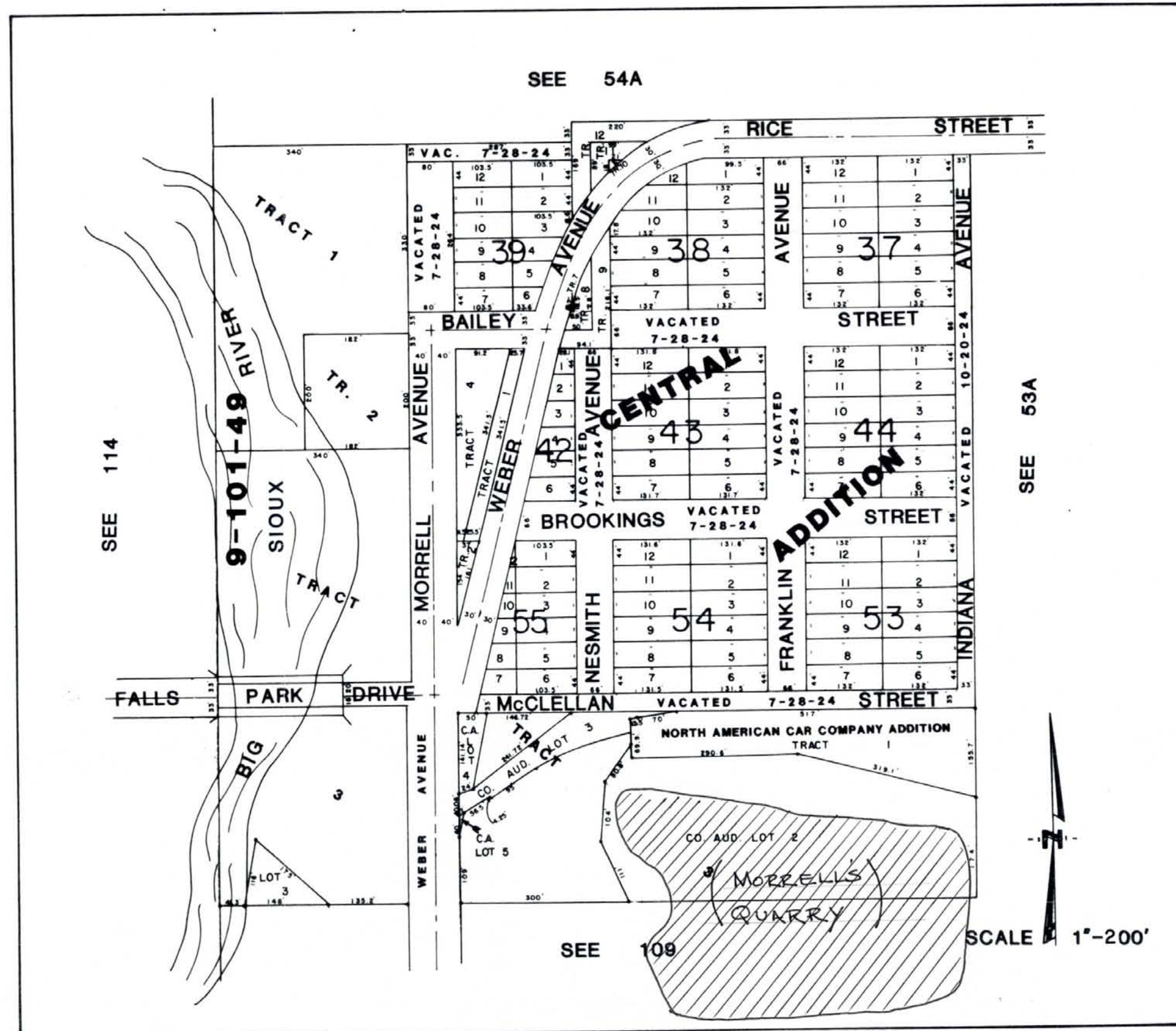
JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

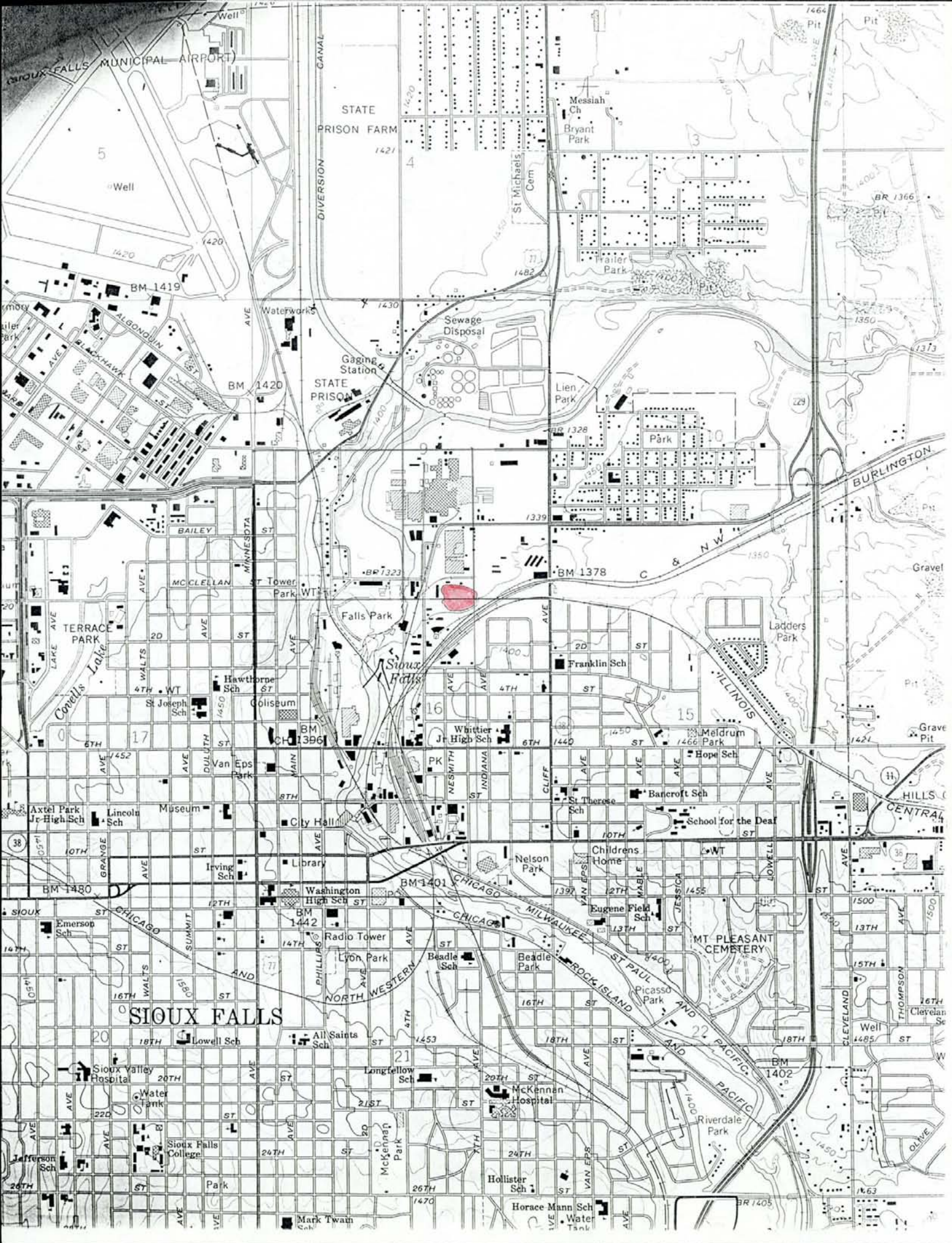
ks
enclosures

NOTE: The applicable portions of Water Permit No. 5127 have been incorporated into this Water License No. 5127A-3, and the applicable portions of Water Permit No. 5235-3 have been incorporated into this Water License No. 5710-3.











Ron Duvall
Natural Resources Engineer
4/12/96

1" = 1,200'

5242-3