

Considered: \_\_\_\_\_

WATER PERMIT NO. 5296-3

MAP No. same 582-6515

Name of Applicant City of Brandon

Post Office Address Box 38, Brandon SD 57005

Amount of Water Claimed 0.33 cfs Total Acres NA

Source of Water Supply 1 well (No.3) - Split Rock Creek Aquifer

Water to be used for municipal purposes County Minnehaha

About 1 miles 1 of in Brandon.

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F.& C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received Mar 22, 1989 Fee \$225<sup>00</sup> Remarks increase

in diversion rate from existing well

Corrected Application Received \_\_\_\_\_ 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 No. 3: NW 1/4 SW 1/4

section 35-T102N-R48W

Land to be Irrigated NA

[illegible]

Well Log: Driller Grimshaw Licensed YES NO

Depth of Well: 277 feet REMARKS \_\_\_\_\_

Type of Map Topo PREPARED BY Steve W. Brockmüller Reviewed and the Number 22

assigned on March 22, 1989 By Ron Duwall

FORM 2: Application for uses other than irrigation (type or print)

Mail to: Water Rights Div.  
DWNR, Foss Bldg.  
Pierre, SD 57501  
(605) 773-3352

|                                          |                                 |
|------------------------------------------|---------------------------------|
| No. <u>5296-3</u>                        | Hydrologic Unit <u>10170203</u> |
| Map No. <u>same</u>                      | Basin <u>Big Sioux River</u>    |
| Newspaper <u>Brandon Challenger</u>      | <u>Box 99, Dell Rapids</u>      |
| <u>Argus Leader Box 5034, 57117-5034</u> |                                 |

# 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

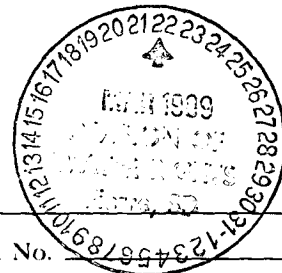
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ 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 Brandon Phone No. 582-6515

Post Office Address Box 38 Brandon, S.D. State 57005  
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 0.33 cfs (150 gpm) Increase ex. from 0.56 cfs (250 gpm) to 0.89 cfs (400 gpm).

3. Source of water supply Groundwater - Split Rock Creek Aquifer

4. Location of point of diversion Existing City well no. 3 located in Section 35, T102N, R48W.

NW 1/4 SW 1/4

County Minnehaha

5. Counties where water will be used Minnehaha

6. Annual period during which water is to be used continuous 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)

The City of Brandon is proposing to upgrade their existing well no. 3 by installing chemical feed equipment and automated controls. They also propose to install a new pump and motor sized for 400 gpm to provide needed reserve capacity to the City of Brandon water Supply. See the transmittal letter and enclosed water study.

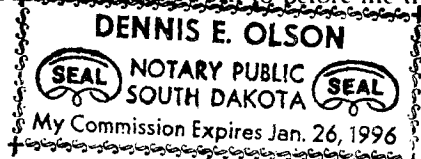
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA  
County of Minnehaha ) ss

I, Edmund F. Schubert 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 Edmund F. Schubert

Subscribed and sworn to before me this 20<sup>th</sup> day of March 1989



Dennis E. Olson  
Notary Public

**SOUTH DAKOTA  
WATER PERMIT No. 5296-3**

Date of first receipt of application March 22, 1989.

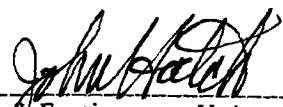
The Water Management Board approved Water Permit Application No. 5296-3 on May 10, 1989 for the City of Brandon, c/o Edwin Gruhot, Mayor, Box 38, Brandon, SD 57005 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5296-3 appropriates additional water from one existing well No. 3 (Split Rock Creek Aquifer) 222 feet deep located in the NW1/4 SW1/4 Section 35-T102N-R48W. Water Right No. 1804-3 authorizes an appropriation of 0.56 cubic feet of water per second (cfs) from well No. 3. This permit increases the water appropriation from 0.56 cfs to 0.89 cfs from well No. 3.
2. The water appropriated shall be used for the purpose of supplying the City of Brandon and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following described annual period: January 1 to December 31.
4. The date from which applicant may claim right is March 22, 1989.
5. One-fifth of the construction is to be completed on or before November 10, 1991.
6. All construction is to be completed on or before May 10, 1994.
7. Water is to be put to beneficial use on or before May 10, 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**

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.

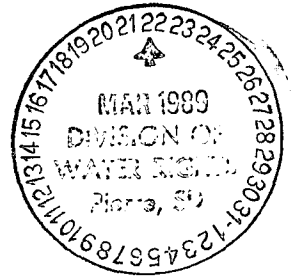
**WATER MANAGEMENT BOARD**

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

AUG 1 1989  
(date)

# Supplemental Information

(type or print in ink)



## 1. Well Information - ~~Proposed~~ Existing construction

- a) Drill Hole Diameter not available Depth 222'
- b) Casing Type Steel Diameter 12" Thickness not available
- c) Screen Type Stainless Steel Diameter 12" Thickness not available
- d) Gravel Pack Thickness not available Length of Gravel Pack 42'
- e) Depth to Top of Water Bearing Material 179'
- f) Depth to Water (ground surface to water level) 54.40'
- g) Distance to nearest existing domestic well:
- On applicants property 5000' On property owned by others \_\_\_\_\_

## 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) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width \_\_\_\_\_

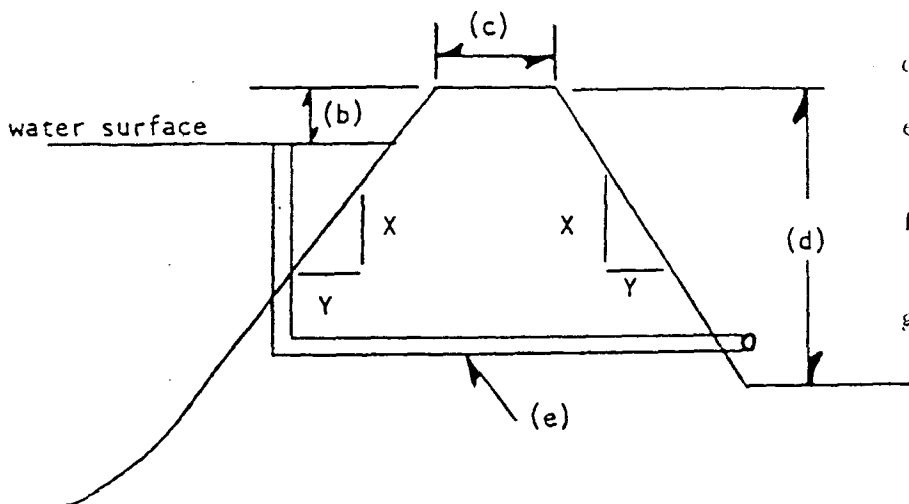
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_



# Department of Water & Natural Resources

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

August 19, 1988

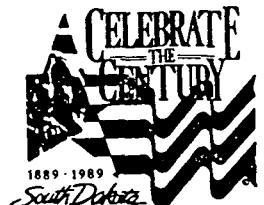
Steve W. Brockmueller, P.E.  
Stockwell Engineers, Inc.  
1621 S Minnesota Ave.  
Sioux Falls SD 57105

Dear Mr. Brockmueller:

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

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

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



August 19, 1988  
Steve W Brockmueller  
Page 2

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

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

Please contact me if you have any questions.

Sincerely,



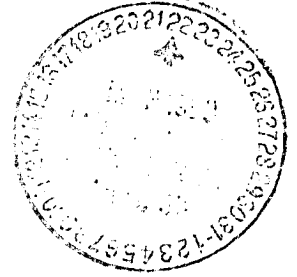
Ron Duvall  
Natural Resources Engineer  
605 773-3352

enc.



# Stockwell Engineers, Inc.

211 East 14th Street • Suite 200 • Sioux Falls, South Dakota 57102  
Telephone (605) 338-6668



March 14, 1989

Mr. John Hatch  
Chief Engineer  
Water Rights Division  
SD Department of Water & Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Re: Water Permit Application  
Brandon, South Dakota

Dear Mr. Hatch:

On the City's behalf, we are transmitting a copy of a water permit application to increase the amount of water claimed for the existing well no. 3 in Brandon, South Dakota. This well is currently permitted under permit no. 3246-3 along with three other city wells for a present usage of 1.5 cfs and a future use of 4.0 cfs.

According to your records, well no. 3 is permitted at 250 gpm. The enclosed permit application will increase the withdrawal rate to 400 gpm.

I have enclosed a copy of a water study completed in the fall of 1988 for the existing wells in the City of Brandon. The drought of 1988 severely stressed the capacity of the City's five existing wells. As the study indicates, peak useage in 1988 equaled the total capacity of all city wells with no reserve. Therefore, the City initiated a program to upgrade their existing well capacity. The City is currently redeveloping their Big Sioux Wells that have shown a significant reduction in capacity since their original construction. The city has also run a pump test on well no. 3 as covered by the permit application. During the pump test, the well was pumped at the maximum capacity of the existing pumping unit (290 gpm) for two hours. The specific capacity for this test was 15.1 gpm per foot drawdown.

The City of Brandon has met with the South Dakota Geological Survey and the City of Sioux Falls for discussion of the upcoming study on the Split Rock Creek Aquifer. Brandon has agreed to provide data from their Split Rock Creek well (well no. 3) for use in the study. It has been indicated assistance may be available as part of the study to run a 72 hour pump test on well no. 3. The City thereby requests permission to pump the well at an increased rate during the test. It is anticipated this pump test can be run in the near future.

Very Truly Yours,  
STOCKWELL ENGINEERS, INC.

*Steve W. Brockmueller*  
Steve W. Brockmueller, P.E.

Civil  
Consulting  
Municipal

# CITY OF BRANDON



FROM THE OFFICE OF:

Dennis E. Olson  
Municipal Finance Officer

5-31-89

Susan Bowar  
Water Rights Division  
523 E. Capitol Ave  
Pierre, SD 57501

Dear Ms. Bowar:

This letter is regarding a telephone conversation with Alderman Ellsworth Fleming of May 26, 1989.

The water permit numbers for Brandon, SD are: 1804-3, 4002-3 and 4885-3. Our future water rights are adequate for the present time. We have four wells in the Big Sioux Aquifer and one well in the Splitrock Aquifer. We were told the location of the wells made no difference, however, we have noted that Water Rights Division is considering granting rights for the Splitrock Aquifer and this is of concern to the City of Brandon.

Our wells on the Big Sioux Aquifer are approximately 60 feet in depth and the one well on the Splitrock Aquifer is 220 feet in depth. The one deep well has been in operation for approximately twenty-five years, and is our best producer for the City water supply. We are interested in maintaining our initial rights in the Splitrock Aquifer. We are asking the Department of Water & Natural Resources, Water Rights Division to grant the City of Brandon specific water rights usage for the one well in the Splitrock Aquifer from 250 to 400 gallons per minute as soon as possible in order to establish a date for users rights.

Sincerely,

Dennis E. Olson  
Municipal Finance Officer

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

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

June 9, 1989

Dennis E. Olson  
Municipal Finance Officer  
City of Brandon  
304 Main Avenue, P.O. Box 95  
Brandon, SD 57005

Dear Mr. Olson:

This is in response to your letter received June 2, 1989 requesting Water Rights for 400 gallons per minute (gpm) from one existing Split Rock Creek Aquifer well.

A water permit application (a copy of which is enclosed) was received from the City of Brandon on March 22, 1989 to change the rate of diversion from this well, located in the NW1/4 SW1/4 Section 35, T102N, R48W, to 400 gpm. This application was approved by the Water Management Board on May 10, 1989. The permit (Water Permit No. 5296-3) will be sent to you in several weeks and specifies the Split Rock Creek Aquifer.

Feel free to contact me if you have any further questions.

Sincerely,

*Susan A. Bowar*

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



# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 22, 19 89

RECEIVED OF City of Brandon, (Box 38, Brandon, SD 57005)

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

|                                                                                                                              |       |        |
|------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>5296-3</u> to Appropriate Water, to construct works and to put water to beneficial use | 225   | 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 | 225 00 |

By

John Hatch/mra  
Chief Engineer John Hatch/mra

W1/4 COR. 35-102-48

ODE TRACT 1

BRANDON VALLEY SCHOOL

TRACT 1

Location of existing Well No. 3 in Brandon, South Dakota is 910'+ south and 405'+ east of W1/4 Corner, Section 35, R48W, T102N

**WELL LOCATION  
EX. WELL NO. 3**

Appl. No. 5296-3

I hereby certify that this map was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of South Dakota.

*Steve W. Brockmueller*  
Steve W. Brockmueller, P.E.

Reg. No. 4170

Date: March 9, 1989

Location Existing Well No. 3  
Brandon, South Dakota  
in  
SW1/4 Section 35 R48W T102N



**Stockwell Engineers, Inc.**  
Sioux Falls, South Dakota



REPORT ON APPLICATION NO. 5296-3  
CITY OF BRANDON  
March 31, 1989

This application proposes to appropriate additional water from an existing well (No. 3) 222 feet deep located in the NW 1/4 SW 1/4 of Section 35, T102N, R48W. Water Right No. 1804-3 authorizes an appropriation of 0.56 cfs from well NO. 3 and this application increases the water appropriation from 0.56 to 0.89 cfs. The water is to be used by the City of Brandon for municipal purposes.

Aquifer - Split Rock Creek (KSRC)

The Split Rock Creek Aquifer consists of sandstones, claystones opaline sediments, cherts and sands with a total known thickness of at least 300 feet (Hedges, 1982). The formation thickness is variable and thins or pinches out against the Sioux Quartzite in the subsurface. The Split Rock Creek Formation underlies approximately 69 square miles and contains approximately 99,400 acre-feet of recoverable water in Minnehaha County (Hedges, 1982). These are very conservative estimates and recent drilling for the Minnehaha County Study evaluates the lateral extend and thickness of the aquifer in the Brandon area (Lindgren, unpublished, 1985). The Split Rock Creek is under artesian conditions and may be hydraulically connected to to a unnamed buried glacial aquifer, the Big Sioux South and to the Sioux Quartzite.

The Division of Water Rights is presently monitoring 11 observation wells from the Split Rock Creek Aquifer east of Sioux Falls. Records for these wells indicate water levels respond to climatic changes, that is, rising during wet years and declining during dry years (Water Rights, 1989).

Review of Existing Water Permits

There is a water permit application No. 5276-3 for 0.1 cfs which is approximately 3/4 miles north of this application. Interference should not be a problem. Historical data from the observation wells indicate that present pumping is not causing significant fluctuations. Actually, the City of Brandon is already using the well and will be increasing the pumping rate.

Conclusions

1. Water is available from the Split Rock Creek Aquifer.

2. The aquifer is confined and under artesian conditions in the area. Fluctuations due to pumping are likely. However, data supplied by the applicant indicates Well #3 has a high capacity and increasing the pumping rate is reasonable. This should be verified by testing.
3. The Water Management Board denied permit application No. 5084-3 (future use for East Dakota Water Development District) for water from the Split Rock Creek Aquifer in this area. The reason for denial was based upon an insufficient documentation of the need for the water.

  
JAMES A GOODMAN, P.E.  
Hydrologist

#### Bibliography

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

Lindgren, 1985, Unpublished Data in Permit File 5084-3, SD DWNR, Div. of Water Rights, Joe Foss Bldg, Pierre SD 57501.

Water Rights, 1989, Records of Observation Wells Completed Into the Split Rock Creek Aquifer in Minnehaha County, SD DWNR, Div of Water Rights, Joe Foss Bldg, Pierre SD 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5296-3, City of Brandon

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. 5296-3, City of Brandon, PO Box 38, Brandon SD.

The Chief Engineer is recommending APPROVAL of Application No. 5296-3 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 qualifications:

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.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
March 31, 1989

 **Department of  
Water & Natural Resources**

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

April 5, 1989

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

Edwin Gruhot, Mayor  
City of Brandon  
Box 38  
Brandon SD 57005

Dear Mayor Gruhot:

Water Permit Application No. 5296-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Brandon Co. Challenger printed at Dell Rapids SD and the Argus Leader printed at Sioux Falls. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have 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

April 5, 1989

Brandon Challenger  
Box 99  
Dell Rapids SD 57022

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5296-3 to be published twice. Please publish the first notice on or before April 12, 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 Brandon, Box 38, Brandon SD 57005.

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 \_\_\_\_\_





# Department of Water & Natural Resources

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

April 5, 1989

Argus Leader  
Box 5034  
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5296-3 to be published twice. Please publish the first notice on or before April 12, 1989 with the second publication 7 days later.

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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 April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application No. 5296-3 to Appropriate Water

Notice is given that the City of Brandon, Box 38, Brandon SD 57005 has filed an application for a water permit to appropriate additional water from one existing well No. 3 (Split Rock Creek Aquifer) 222 feet deep located in the NW 1/4 SW 1/4 Section 35-T102N-R48W. Water Right No. 1804-3 authorizes an appropriation of 0.56 cubic feet of water per second (cfs) from well No. 3. This application is to increase the water appropriation from 0.56 cfs to 0.89 cfs from well No. 3. Water is to be used by the City of Brandon for municipal purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5296-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 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 April 28, 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 April 28, 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.

No. 5296-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Minnehaha ) ss.

I, Marie Kruger hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Brandon Valley Challenger

A newspaper which during the whole time of publication of said notice  
herein after stated, has been and is printed and published in the \_\_\_\_\_

City of Jell Rapids

County of Minnehaha and State of South Dakota;  
that the said notice was published in said newspaper on the following  
two dates:

April 12, 1989

April 19 1989

Marie Kruger  
(Signature)

Legal Dept. Manager  
(Title)

4-19-89  
(Date Signed)

Cost of Printing: \$ 37.77

Notice/

NOTICE OF HEARING  
on Application No. 5296-3  
to Appropriate Water

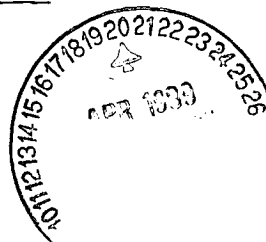
Notice is given that the City of Brandon, Box 95, Brandon, SD 57005 has filed an application for a water permit to appropriate additional water from one existing well No. 3 (Split Rock Creek Aquifer) 222 feet deep located in the NW1/4 SW1/4 Section, 38-T102N-R48W. Water Right No. 1804-3 authorizes an appropriation of 0.56 ~~feet~~ feet of water per second (cfs) from well No. 3. This application is to increase the water appropriation from 0.56 cfs to 0.89 cfs from well No. 3. Water is to be used by the City of Brandon for municipal purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5296-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on May 10, 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 April 28, 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 April 28, 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.  
T-April 12, 19



No. \_\_\_\_\_



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Minnehaha ) ss.

I, Mary J. Devish hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Argus Leader

A newspaper which during the whole time of publication of said notice  
herein after stated, has been and is printed and published in the \_\_\_\_\_

City of Sioux Falls

County of Minnehaha and State of South Dakota;  
that the said notice was published in said newspaper on the following  
two dates:

Wednesday, April 12, 1989

Wednesday, April 19, 1989

Mary J. Devish  
(Signature)

Controller

(Title)

4/19/89

(Date Signed)

Cost of Printing: \$ 77.08

NOTICE OF HEARING  
on Application No. 5296-3  
to Appropriate Water

Notice is hereby given that the City of Brandon, Box 95, Brandon, SD 57005 has filed an application for a water permit to appropriate additional water from one existing well No. 3 (Split Rock Creek Aquifer) 222 feet deep located in the NW 1/4 SW 1/4 Section 35-T102N-R48W. Water Right No. 1804-3 authorizes an appropriation of 0.56 cubic feet of water per second (cfs) from well No. 3. This application is to increase the water appropriation from 0.56 cfs to 0.89 cfs from well No. 3. Water is to be used by the City of Brandon for municipal purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5296-2 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 in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on May 26, 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 April 28, 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 April 28, 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.

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Apr. 12, 19, 1989



# Department of Water & Natural Resources

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

AUG 1 1989

Edwin Gruhot, Mayor  
City of Brandon  
Box 38  
Brandon, SD 57005-0038

Dear Mr. Gruhot:

Enclosed is Water Permit No. 5296-3 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 ENVIRONMENT  
and NATURAL RESOURCES**

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

DEC 18 1995

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

Dear Mr. Olson:

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

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

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

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

Very truly yours,

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

enclosures

## STATE OF SOUTH DAKOTA

### WATER LICENSE NO. 5868-3

(1) The City of Brandon, PO Box 95, Brandon SD 57005 made Application No. 5868-3, June 8, 1995 for a water permit to appropriate an additional 0.07 cubic feet of water per second (cfs) from groundwater (one well), Minnehaha County, South Dakota for municipal use purposes. Permit No. 5868-3, with a priority date of June 8, 1995 was approved September 5, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5868-3 increased the diversion rate of Well #3 authorized by Water Right No. 1804-3 and Water Permit Nos. 5296-3 and 5395-3 from 1.32 cfs to 1.39 cfs. Water Right No. 1804-3 and Water Permit Nos. 5296-3 and 5395-3, combined, appropriate 1.32 cfs from the City of Brandon's Well No. 3 (Split Rock Creek Aquifer) 22 feet deep located in the NW 1/4 SW 1/4 Section 35-T102N-R48W. Water Right No. 1804-3 also authorizes 0.64 cfs from Well Nos. 1 & 2 (Big Sioux -South Aquifer). The applicable portions of Water Right No. 1804-3 and Water Permit Nos. 5296-3 and 5395-3 have been incorporated into this license.

(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 1.39 cfs (Split Rock Creek Aquifer) and 0.52 cfs (Big Sioux South Aquifer) for beneficial use. The location of the diversion points are Well #1 - 1460 feet north and 600 feet west (NE 1/4 NW 1/4) and Well #2 - 1150 feet north and 600 feet west (SE 1/4 NW 1/4) both from the center of Section 3-T101N-R48W and Well #3 - 1750 feet north and 430 feet east (NW 1/4 SW 1/4) of the southwest corner of Section 35-T102N-R48W

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Brandon, PO Box 95, Brandon SD 57005 the holder and/or owner of Incorporated Water Permit No. 5868-3 issued a license to appropriate water, the right to use 1.91 cubic feet of water per second from groundwater (three wells) from the location specified in (2) of this license for municipal use purposes. The priority dates are as follows: Well Nos. #1 & #2 - 0.52 cfs (January 25, 1971); Well #3 - 0.56 cfs (January 1, 1971); 0.33 cfs (March 22, 1989); 0.43 cfs (March 8, 1990); and 0.07 cfs (June 8, 1995). This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5868-3 and subject to South Dakota State Law.



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

DEC 18 1995

date

